



MEMORANDUM

MEETING TYPE: Work Session
MEETING DATE: 8/24/2023
ITEM NAME: Land Use Code Process Updates
SUBMITTED BY: Sky Tallman
SUMMARY:

Since the Planning Commission reviewed and sent recommended code changes to the BOCC for review, the BOCC has held several work sessions and made a number of revisions of the code. Below is a summary of some of the changes that have been made by the BOCC.

Before making a resolution to adopt changes, the BOCC would like the Planning Commission to have one more chance to review proposed changes and offer comments and recommendations prior to sending back to the BOCC for a public hearing.

Review notes

- Keep 600 sf minimum dwelling size with allowance for variance requests.

Issue: criteria for variance don't clearly cover requests for a variance to minimum square footage requirement.

Solution:

- Modify 9.02.02(4) to allow variances to be granted for reasons that are not related to conditions of the parcel.
- Add a section 9.02.04.1 to clarify criteria for granting a variance.
 - It would be the responsibility of the applicant to make a case that no harm is done, but it would be on the Board to justify a claim that an adverse impact is both likely and significant.
 - If someone wanted a variance to build a 500 sf house, I can't imagine any objective and valid rationale for denial. If it is about aesthetics, we must remember that we have no architectural guidance; in AA, someone can drop a conex with little ado, but not a 500 sf house.
 - It is not clear whether a person's income or financial means could be a 'peculiar and exceptional practical difficulty to or exceptional and undue hardship'. If a person is seeking to provide themselves with shelter and the cost of shelter is prohibitive due to

minimum dwelling size, can a hardship be deemed exceptional relative to a person's means?

- If affordability of establishing housing that meets min square footage on a parcel is cited as a hardship, is it a greater detriment to public good to permit a smaller house due to neighbor opposition based on property values or to deny someone the ability to get housing at a price they can afford? As it is written, variance should consider hardship to property owner.
- 8.06 (currently 1.18.02) requires that all letters in a public notice sign be 2" high. I would like to purchase signs for public noticing that are easier to transport and post than our current signs. The design I would like is something like the images below which contain in large, permanent print that it is a notice of public hearing, and on a protected sheet of paper attached to the sign would be the details specific to the hearing. Attaching a legal-size sheet to a sign would be a cost-effective way of reusing signs.
 - The signs we are using now weigh about 40 pounds and are difficult to move and mount. Code says that the applicant will post the sign, but the current signs do not fit in most people's cars and they take some time for us to prepare and set up, so we wind up posting them on properties.
 - Signs that are light-weight and quick to prepare could be given to applicants at the window and we could have them post their own signs.
- **Fee Schedule:** Add sign deposit and public hearing noticing costs.

