

To the Stevenson City Council for inclusion in the comments section of the 8/20/2020 City Council meeting:

Mr. Mayor and City Council Members,

These are the key issues that have been dragged out of the moratoriums against “new” single -family detached dwellings (SFDD) in the C1 Zone.

A key element is the definition of “new” as apposed to rebuilding of SFDD currently or previously built, but torn down or otherwise destroyed, SFDD on C1 Zoned lots. After the moratorium, a home could not be rebuilt should a catastrophe of some sort befall it. Instead some form of multi-family, mixed use or business structure has to be constructed. This is in fact a “Forced Phase Out: A zoning law that calls for properties that are being used in a manner that violates the law at the time that the law is passed, to gradually phase out their existing usages of the property which do not conform to the new zoning law”.

These measures were initiated without consultation or inclusion of the stakeholders (property owners) most affected. However, stakeholders and the public slowly became aware of this “taking” of inherent property rights. In the face of overwhelming public comment against renewal of the moratorium the City Council initiated a new 1year moratorium without addressing the concerns of the public. Now, at last, the time has come to refine the terms of this as the Council moves towards ratifying a new C1 Zoning Ordinance. I urge the Mayor and City Council to redress the aforementioned issues by adopting the following proposed changes to the draft C1 Zoning measure.

From The Planning Department letter to council 8/20/2020:

“Policy Questions

In the process of making their recommendation, the Planning Commission considered the following policy questions. Their answer to the questions are in bold.

- 1) Should Townhomes be allowed in the R2 Two-Family Residential and C1 Commercial District? **Yes.**
- 2) Should new Single-Family Detached Dwellings, Manufactured Homes, and Modular Homes be prohibited in the C1 District? **Yes.**

Comment: The term “new” is once again problematic since it includes rebuilding of an existing SFDD as well as new construction on existing lots.

a. If new Single-Family Detached Dwellings are prohibited, should existing single-family usage of detached dwellings be allowed to continue? **Yes.**

Comment: Are you kidding?! Did someone suggest the City drive out existing tenants? Or, does this address the ability of existing SFDD be able to be rebuilt as such?

b. If new Single-Family Detached Dwellings are prohibited, should buildings constructed as singlefamily detached dwellings—but currently occupied as mixed-use/home-based businesses—be allowed to resume single-family occupancy? **Yes.**

c. If new Single-Family Detached Dwellings are prohibited, should buildings constructed as single-family detached dwellings—but currently devoted entirely to commercial uses—be allowed to resume single-family occupancy? **Tie vote, defer to City Council.**

Comment: This commercial/residential “switch-ability” is an important inherent property right which purchasers of downtown single-family dwellings (SFDD) considered in the financial viability, property valuation and re-salability of their property. This right has benefited both business and residential tenants and should be allowed to continue. Currently, there are a limited number of constructed properties in the C1 Zone and “best use” of said property should be dictated by the marketplace. Without continuation of “switch-ability” C1 Zone SFDD owners are not likely to accept a business tenant in the future. Stevenson businesses have a high turnover rate and empty business spaces tend to sit unrented for longer periods. Residential tenants prefer living in SFDD over condo’s and apartments resulting in higher demand. The cost to remove a SFDD in order to construct business space, mixed use or multi-family dwellings are already prohibitive, even as building costs rapidly rise.

B. Include More Exemptions in the Draft Description of “Legacy Home”. Consider adding the ability to willfully change use of Legacy Homes to/from commercial uses.

1. ...a Legacy Home shall not be considered a nonconforming use and may be renovated, rebuilt, and/or expanded, and/or reestablished after a change of use without consideration of SMC 17.44 – 23 Page 3 of 3 Nonconforming Uses, provided, however, that SMC 17.44.030 – Effect of Nonconforming Use Abandonment shall apply. [No limitation]

Comment: This was an inherent property right at the time of purchase and should be reinstated.

Policy Question 2.c—Discussion of Alternatives The Planning Commission was unable to come to a recommendation on policy question 2c and forwarded this to the City Council for its own review/decision. If the conversion of single-family detached dwellings back and forth between business uses is something the City Council would like to allow, the following changes to the draft in Attachment 1 would accommodate the change. The text presented below includes optional text based on staff’s discussions with active stakeholders.

A. Expand the Time Period providing Protections for a “Legacy Home”. Instead of freezing consideration of existing buildings to their use on January 1st, 2020, consider the following range of options:

1. Any building occupied as a single-family detached dwelling since it was constructed [No limitation].

Comment: This observes the inherent property rights of owners at time of purchase and should be restored. That is the “Legacy” that should have never been taken from people who invested in downtown Stevenson.

I implore the Mayor and City Council to embrace the just concerns of C1 SFDD owners and public, who have submitted numerous comments against the moratoriums and forced phase out of SFDD in the C1 Zone to the City Council and Planning Commission. The inherent property rights of owners who invested in mixed commercial/residential property in downtown Stevenson should be restored as they existed before the moratoriums were initiated.

Sincerely,

Brian McNamara

Stevenson resident and C1 SFDD property owner