

MINUTES  
PLANNING COMMISSION MEETING  
Monday, April 8, 2019  
6:00 PM

**Planning Commission Members Present:** Valerie Hoy-Rhodehamel, Karen Ashley, Auguste Zettler, Shawn Van Pelt

**Excused Absence:** Jeff Breckel

**Staff Present:** Community Development Director Ben Shumaker

**Community Members Present:** Matthew Knudsen, Thomas McCloskey, Johanna Roe

**Call to Order: 6:00 p.m.**

**Preliminary Matters**

1. **Chair Selects Public Comment Option**

2. **Minutes** February 19th & March 11th Meeting Minutes

MOTION to approve the February and March meeting minutes made by ASHLEY, seconded by ZETTLER. All in favor. Motion carried.

3. **Public Comment Period** None

**New Business**

4. **None**

**Old Business**

5. **Zoning Changes** ZON2019-01 Accessory Dwelling Units & Use Category Clean-up

Commission discussed having a conversation with the applicant around the placement of their ADU on their property and the proximity to the main residence. This explanation will support the prevention of splitting lots if the ADU does not sit in the appropriate spot within the lot. Shumaker noted at the last meeting in regards to public input that it's an educational component for the applicant to make the best decision for their property and their interests at that time. The Commission discussed not wanting to tell landowners what they can and can't do with their property.

Commission also discussed minimum and maximum lot size requirements and the value to setting the standard by zoning code as the lot size could change over time. Shumaker confirmed that ADUs are currently allowed in zones R1 and SR where lot sizes depend on connection to city water/well and sewer/septic. The Commission reached consensus on doubling the lot size.

In considering connection rate and standards for ADUs, the Commission discussed whether the connection fees. City staff confirmed that duplexes, similar to attached ADUs, have a discount within the current rate structure. Shumaker explained the Equivalent Residential Units (ERU) but stated that more information will be needed on how that works in specific situation before determining the outcome. He explained that as of the most recent census, there were 2.1-2.21 people per household so the ERU is how much water is consumed and/or how much waste is produced by 2.1-2.21 people living in a house. When scaling up connection fees, the city would likely base fees on the ERU. The Commission agreed that the applicant should pay for the system

development charge (SDC) and were not ready to determine the percentage. The way the Commission would like to address this is with a letter to City Council. The Commission reached consensus for the chair to work with staff in drafting the letter with the main point that the applicant should be charged and the charge should be fair and equitable based on the City Council's determination.

The Commission reached consensus to approve parking as drafted.

The Commission majority voted to remove the ADA statement from the draft, as this exception is already available and known given other standards and documents.

The Commission discussed the current draft, which is that detached ADUs cannot be used as a vacation rental. The Commission discussion previously highlighted that if there is a city concern around the housing crisis, then vacation rentals do not support this goal of additional available housing. Further, the Commission discussed allowing landowners to do what they want with their land and their building. The discussion at the last meeting also brought up the availability to open up to vacation rentals down the line as opposed to trying to close it from being available from the start. There was also a conflict amongst the Commission regarding attached ADUs allowing vacation rentals as well as the principal house but not with detached. The Commission discussed this as too restrictive. Shumaker noted the community feedback from the recent survey where 4 out of 32 respondents said they had concerns with vacation rentals. The city does have a current licensing program for vacation rentals and, as currently written, it is to begin with an assumption of trust. The Commission discussed the neighborhood feel versus the temporary impact of a weekend rental rather than a full time permanent rental. The Commission discussed the purpose of the ADUs by allowing financial gain as the purpose or helping the housing crisis as the purpose. Shumaker added perspective of individual owner and the requirement that the landowner dwell in one of the properties. The Commission reached a majority to not add the restriction regarding vacation rentals.

The Commission then discussed the proximity requirement of a detached ADU to the primary unit and possible neighboring unit. It was reviewed again that property owners should be able to do what they want with their property but they need to be considerate of whether the land can be subdivided at a later date. The Commission shared interest in forcing subdividing if the proximity is not met to avoid subdividing at later dates as well as owners being able to access discounts it needs to be near the primary residence. Shumaker noted the value of some supervision to housing on property. The Commission then discussed that a feet requirement could do the opposite of what is intended by preventing subdivision. The Commission suggested an exception, a staff member override or to have it written in that the detached ADU not prevent subdivision if possible. The discussion also highlighted ADUs changing single family neighborhoods and effecting the zoning without changing the zoning. Shumaker questioned whether the proximity standard truly supports and is enough for the subdivision avoidance. The Commission agreed wanting to have the proximity as a tool to maintain supervision over tenants of detached ADU. There was Commission consensus for a variance with language "as close as possible not to exceed \_\_\_ feet". The Commission majority voted to set hard number at 40 feet, as it gives flexibility and opportunity to subdivide within zoning setback standards, and if further than that then the applicant would have to apply for a variance. There was consensus to include additional qualifier which states "to ensure adequate supervision of ADU and other purposes" and the Commission gave Shumaker license to create language.

The Commission discussed maximum unit size and whether to have a hard number, such as 800 square feet or some other percentage option based on primary unit. The discussion questioned whether the ADU could end up being bigger than the primary residence and swapping the percentage standard so the original structure is now the ADU and the new structure is the primary larger unit. The Commission discussed that percentage can be very open ended whereas a hard number could end up looking like construction that in design looks like duplexes. The Commission reached consensus to specify different standards for attached, detached and basement conversions and majority on focusing on a hard number at 800 square feet, which is the same as the county's standard on detached ADUs. Further consensus was reached to remove configuration requirement/restriction (2 of section C on page 10 of 11).

The Commission also reached consensus to keep the amnesty clause and language as drafted. They had discussion around fees and the fairness of having landowners retroactively pay fees. Shumaker confirmed that it is not a Planning Commission decision and fees would be further discussed with City Council.

Shumaker highlighted the use categories on page 2 of 2 of the staff report as well as throughout ordinance. He asked the Commission to consider nesting manufactured and modular homes under single family dwellings, consider townhomes as a separate category and consider removing the two family definition as it is similar to multi family already defined and then rely on the density standards of the zoning district. The Commission and staff agreed to finish discussion at a later date. Shumaker to take this out for the time being.

The use categories for sales and arts were included as previously discussed. Shumaker asked the Commission to consider nesting veterinarian under professional office as drafted. Consensus to move forward. Shumaker then asked to consider creating a category for commercial wedding venue in suburban-residential district based on a previous interpretation. Consensus to move forward.

Shumaker verified the following expectations of what was to be removed/ changed from the draft ordinance: remove Section 1 related to definitions, remove a portion of section 2 related to Residence or Accommodation uses (except ADU), section 3 and 4 stay the same, section 5 and 6 change remove dwelling unit section at the top, section 7 stays the same, section 8 modified as discussed at tonight's meeting. The Commission asked to see the final document at the next meeting before making a motion to recommend the ordinance for City Council approval.

## **Discussion**

### **6. Staff & Commission Reports Downtown Planning**

Shumaker noted that the moratorium will expire around August given the current guidelines. A consultant is on board and was chosen partially because of their short timeline for delivery. There is a future plan to bring the consultant to a Commission meeting and start planning in earnest and would be suggestions for recommendations and changes. Shumaker is hopeful that the Commission will have a detailed discussion regarding ordinance-changes based on the plan within 2019.

Shumaker also noted that Commission email addresses are in process.

### **7. Thought of the Month None**

**Adjournment** at 8:08 p.m.

Approved \_\_\_\_\_; Approved with revisions \_\_\_\_\_

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Name

Date

Minutes by Claire Baylor

DRAFT