



Planning Commission

Zoning Code Text Amendments Related to Reasonable Use Exceptions - Deliberations

Agenda Date: 2/6/2023
Agenda Item Number: 6.A
File Number: 23-0136

Type: recommendation **Version:** 1 **Status:** Filed

Title

Zoning Code Text Amendments Related to Reasonable Use Exceptions - Deliberations

Recommended Action

Deliberate on recommended code changes and formulate a recommendation to the City Council.

Report

Issue:

The Planning Commission is being asked to recommend that City Council adopt the proposed amendments proposed, however minor modifications of the draft were requested by the Commission to be discussed at the Briefing. The primary purpose of amendments is to remove ambiguity of code language and to modify code applicability related to review authority and criteria applicability.

Staff Contact / Presenter:

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Background and Analysis:

Some of the criteria for approval of a Reasonable Use Exception (RUE) are difficult to decipher because they are poorly worded, particularly in relationship to groups of parcels in single ownership. The primary purpose of these amendments is to re-word the language related to consolidated ownership as it has proven difficult to understand by applicants and staff alike. Similarly, there is added language to better differentiate when a variance or RUE would be required.

Following the Public Hearing, the Commission asked for further analysis and revision to the draft related to the following:

Alternative “bright line” between administrative and Hearing Examiner review for variances and Reasonable Use Exceptions. Staff has modified the draft to reflect the discussion by the Commission. The primary purpose of the revision is to allow minor RUE exceptions to be processed administratively. The “bright-line” for RUE proposed is based on the buffer reduction requested. Greater than a 75% reduction would require a Hearing Examiner Decision. The bright line between administrative and Hearing Examiner review for RUE does not rely on the unit type (single or multi-family) but in practicality a single-family residence is all the exception would allow. Other code criteria and past case law on the topic establish that the exception would be granted only for the most

minimally impactful use which is usually a single-family residence.

Variances are broader in nature and can be used for a variety of housing types and commercial projects. The amendments aim to allow variances associated with a RUE to be processed administratively. The initial draft used the term single family residence as the bright line between administrative or Hearing Examiner review. An alternative has been drafted to indicate that only a variance that would result in avoidance of an RUE, or a variance accompanying an RUE would be processed administratively. This is a narrower scope than initially drafted but is more directly applicable to RUE revisions.

Limits to impervious surfaces. The draft has been modified to indicate the minimum amount of impervious surface is required and that projects “should” propose less than 2,500sf. The language regarding 6% has been removed.

Defining Adjacent. A definition of adjacent has been added to the proposed code language that is intended to help address issues related to this topic specifically. For this reason, the definition has been added to this topic rather than the general definition section.

Lot Consolidation: The draft has been modified to include the requirement for a lot consolidation if the exception is approved. This will ensure clarity for future property owners regarding the limits of the development potential.

Neighborhood/Community Interests (if known):

None known. A handful of property owners within the City are interested in this project as it would affect their approach to development of their property.

Climate Analysis:

The project is unlikely to appreciably affect greenhouse gas emissions as revisions would continue to allow development as well as critical area protections as contemplated in the Comprehensive Plan.

Equity Analysis:

This proposal primarily affects those community members who typically own multiple properties. Demographically these are relatively affluent white middle-aged people. The proposed amendments are unlikely to have meaningful impact on issues related to equity. Costs associated with development of these properties will often be cost prohibitive.

Options:

1. Recommend adoption of the draft amendments to City Council as proposed.
2. Recommend adoption of the draft amendments to City Council with revisions.
3. Recommend denial of the draft amendments to City Council.

Financial Impact:

None, processing of these amendments is covered by the departments annual budget.

Attachments:

Draft Code Amendments

