

## **Notes for 18 September meeting of the land use committee. 7:30-9PM, Leland Center conference room.**

Members present included, Donna Kirk, Bruce Russell, Dedun Ingram, Joe Rubin, Lees Hartman, Jim Roy and Sue Blacklow. Jon Hiatt and Kathy Flaxman were not present. Linna Barnes, Council liaison was also present.

The committee approved the attached agenda, attachment 1.  
Members introduced themselves.

The Committee reviewed the Town's "*Standing Committees Operating Procedures and Roles and Responsibilities*," attachment 2.

- The committee agreed that we would hold our monthly meetings the second Monday of each month at 7PM in the Town Hall.
- Guests (non-committee Town residents) will be provided an opportunity to speak at the beginning of the meeting and at some later point to ask questions or provide input. The chair can impose a 3 minute limit.
- The land use committee will be submitting all requests to Town staff through our Council staff.
- Committee members should bring a copy of e-mailed documents to be discussed at the meeting to the meeting, unless the chairs indicate that copies will be provided at the meeting.
- Food and snacks will be provided on request. The chairs will survey committee members prior to the meeting.
- Attachment 3 is an approach presented by the chairs that will be used in conducting our committee's activities.

Linna Barnes presented and discussed the Town Council's the two highest priorities for the land use committee.

- Review and recommend a strategy to simplify, revise the variance processes, in for example by increasing the use of administrative variances. Another means discussed is to examine definitions of for example a fence.
- Review and make recommendations to improve the enforcement of the Town construction code.
- Review and improve communication of the construction code requirements to Town residents.

Donna Kirk and Bruce Russell. Co-chairs reviewed their expectations. The basis for a topical work plan was presented. This was based in part on input received from committee members and our Council liaison, attachment 4. The committee received no input from Town staff. Following a discussion and explanation of each item in the draft workplan, the committee agreed to the workplan. Other points:

- Attachments 4 will be retained as a reference document.
- Donna will revise our mission statement (for comment and approval) on the basis of the workplan.

- Committee members are asked to identify which activities they intend to work on and or lead. Either Donna or Bruce will participate in each activity, but will not necessarily lead each activity, so the chairs are looking for help in heading up activity working groups.
- To clarify, working groups will be expected to organize their own work, and report progress. At some point, the work will be presented to the whole committee for evaluation. We would expect that one or more entire committee meetings may be dedicated to discussing, amending and finalizing one of our committee projects.
- As there are multiple small projects, the chairs will be focused on producing well thought out proposals and recommendations.

Workplan (Committee members working on projects are noted)

1. Review, simplify and streamline all variance processes. Maximize the use of administrative variances.  
(Bruce Russell, Jim Roy)
  
2. Develop guidance for implementing key aspects (work with staff and the Mayor to identify) of the new FAR ordinance. Diagrams describing certain aspects of the ordinance may be proposed as amendments to the ordinance.  
(Donna Kirk, Dedun Ingram)
  
3. Examine and make appropriate recommendations with respect to administering the following ordinances:
  - Review 35% non-vegetative front yard ordinance and develop guidance. Diagrams describing certain aspects of the ordinance may be proposed as amendments to the ordinance. This review will also examine other sections of Chapter 4 (e.g., sections 4-50) for consistency, intent, terminology and accuracy. In addition a review of the Town Charter with respect to public rights of way and the relationship with front yards will also be examined.  
(Jim Roy, Bruce Russell, Donna Kirk, Dedun Ingram)
  
  - the Pre-Pac ordinance (review, recommend improvements as appropriate, develop education materials)  
(Bruce Russell)
  
4. Review existing and develop new education brochures, etc. to describe and explain the construction permitting processes. Coordinate with the Environment Committee to address the Tree and Water drainage ordinances.  
(Donna Kirk)
  
5. Conduct a comprehensive review of the administration of construction related approval processes, in collaboration with the Environment Committee. Make appropriate recommendations to improve the processes.  
(Bruce Russell)

6. Conduct a comprehensive review of the enforcement (compliance assurance /verification, inspection, education, remedial and corrective actions, record keeping) of Town code with respect to construction, tree protection and water drainage plans), in collaboration with the Environment Committee. Develop and propose a special targeting program to address recurring and high priority concerns, e.g., sidewalk safety, parking).

(Bruce Russell, Dedun Ingram)

7. Develop a master strategy / plan for the acquisition of land for Town parks. (Inventory existing parks, identify possible long term acquisitions based on suitability (develop criteria) and for example proximity to existing parks).

(Donna Kirk)

The committee adjourned at 8:55PM.

Attachment 1

**Proposed Agenda for 18 September meeting of Land Use Committee**

We will promptly start at 7:30.

Introductions

Review and approve agenda

Committee procedures and rules

Our approach

Town Council expectations

Chairs expectations

Develop and approve workplan (see attached), mission statement

Committee work group assignments

Adjourn 845-9PM

Open: Work group discussions

## **Land Use Committee: General Approach to Conducting Our Work.**

First, we identify broad topical areas, similar to what I did in organizing input on our work plan, with committee members picking which areas they would like to work/ focus. Each work group would in turn go off on their own and report back periodically and at the monthly meeting. Donna and / or I would be members of each work group, but not necessarily be the team leader. (Minutes are not necessary for deliberations and meetings of work groups, (whew!)...but reports at the monthly meetings would capture the essence of work group workings).

Second, for any policy related proposals that we might develop, and as we examine our Town code and regulations, we use the following hierarchy as a guide in how we frame any proposals, from simplest "fix" to the most complex. I would think that much of what is on our work list thus far is at the simpler end.

Checklist (staff and Town Council)

Standard Operating Procedures

Guidance document for staff and Council

Policy statement from Mayor to staff

Executive regulations (Mayoral approval after public comment) (used to clarify ordinances or add detail)

Policy statement from Town Council (I believe this is what a resolution does, but I need to look at this tool more closely)

Ordinance

Third: we frame any proposal we have as a concept paper to be presented to the Town Council. The Paper describes the issue being addressed, pros, cons, etc., describes the proposed fix(es) or range of options to fix, again with pros and cons or other views, examines implementation concerns--administration (the process itself and potential burdens on staff and residents, builders, etc.) and enforcement, and finally oversight and monitoring--what the Council should look for to gauge effectiveness and fairness. In the end it is Donna and I who will formally submit proposals, studies, etc. to the Town Council. But it is up to each of us to articulate in writing different views than those that are being presented or recommended, for Donna and me to include in our written transmittal to the Council. If we are asked to a work session, each of us is free to express our views as well. This is the framework we are expected to operate as committee members. If we ever get to a public comment period, then we as a committee can comment, and each of us as individuals are free to comment. I have found that this approach works well

Fourth: We do not negotiate among ourselves. Over the year's, I watched in disgust and amazement how a couple of town committees horse traded among themselves and did a job on the Town or worked diligently to no end. We are an appointed committee, NOT elected. We do not make rules...we are tasked to study and make recommendations.

PERIOD. The Town Council is paid well to make the political decisions and is free to take or leave or modify or whatever with any of our work products. I currently chair an industry technical / advisory committee and I often get pretty frustrated with the fighting among business competitors on my committee. Rather than negotiate with any, I have sought a middle ground. They like this as it allows them to work together, and avoid public confrontations, and we are delivering sound work products.

## **Land Use Committee: input on work plan**

1..

- a) Develop interpretive guidelines or policies or executive regulations, as appropriate for construction related code administration and enforcement.
  - We hit a snag earlier this summer over the front wall plane requirement. The builder maintained that a front porch constituted a break in the plane. The land use committee should make sure that the 36 foot wall height restriction is implemented as intended.
  - Writing some expanded explanations of some of the trickier parts of the FAR regulations. For example, a clear explanation of the 36' wall plane height restriction, with a diagram to show how it is to be measured and emphasizing that it is measured from the pre-construction or post-construction ground level, whichever is lowest. There are others that the town staff has already misinterpreted and will need explanations written. The committee anticipated this need but didn't have time to write them.
- b) I also see potential problems with the front yard, 35% non-vegetative surfaces limitation--which includes no exception for existing driveways, walkways, etc.
- c) Also, how should the town treat construction in its rights of way for purposes of calculating surface area. Many walkways, drives, etc. pass through these rights of way. No doubt other issues will arise over time. Note that existing driveways are grandfathered in for purposes of the width restriction.

Examine the driveway regulation that allows only 1 driveway (shared or solo) per property by "abandoning" the shared driveway so that they can build a second driveway.

2. Outreach and education

- a) Develop an illustrated, frequently asked question booklet and/or on-line publication.
- b) Create a FAQ page for the FAR regs.

3. Administrative procedures for construction related processes. Think about where procedures can be streamlined--especially for residents simply trying to make repairs or small upgrades to their houses. Before the LUC became deeply engrossed in the FAR legislation, we had embarked on an effort to streamline the variance process as applied to repairs/replacement of existing retaining walls.

3. Enforcement

- a) Track enforcement. This is always a concern.
- b) Push once again for a checklist approach to site management and a tracking system for violations. I'm pretty sure they are not keeping track, because I had to call repeatedly about the sidewalk problems with the 4311 and the 4507 Elm

- properties. If they'd been doing things by the book, the builders would have been served written warning and or cited.
- c) We should also probably take a look at staffing adequacy. Unless they've hired someone recently, Dave Walton is doing Larry Plumber's job plus his old job. Judging by the number of violations I've noted on various sites around town that stay there day after day, he's not getting out and about very often and may have no clue what he is supposed to be looking at when he is out. It also seems like they are not staying on top of other things either.
  - d) Develop a targeting protocol for enforcement

#### 5. Pre-pac

- a) Make sure the PREPAC process is being implemented as intended.
- b) Revise the Pre-pac part of the building regs to ensure that people are holding that meeting EARLY in the process, not after they have already obtained their county building permit which is what is happening now.
- c) Revisit when to initiate a Pre-Pac and better align the Pre Pac with the County approval processes.

#### 6. Variances

- a) Require that all permits/variances be posted on the town's website and in the Forecast. The town used to do this. It helps to foster an awareness of what's going on and hold the council accountable for its decisions.
- b) In looking through the variance code, I didn't see a requirement that variance requests be posted on the web as the Pre-PAC and site management meetings are required to be. Maybe I missed it, but if not, I think this should be added. .

#### 7. Oversight the administration of construction related approval processes.

- a) I suggest that the Land Use committee be shown each building permit application that involves the FAR regs before the Town issues the building permits. We could come up with a checklist of things that need to be checked to see if the plan is in compliance, and the town staff could complete that and present it to us with the plans. That way, the committee can check (before it is too late) to see if the staff are implementing the new FAR (and old regs too) regs correctly. Kathy caught an error on the Virgilia property -- town staff had approved the permit but the 34' wall plane length reg was not met by the plan so they should not have approved it. Obviously this would have to be set up carefully so as not to offend town staff or hold up the process.
- b) Examine the possibility of a construction related permitting/ approval / variance process that could both review a specific application and or approval as directed by the Mayor, or randomly review other approvals to ensure adequacy and consistent interpretation. Reports would be provided to the mayor. Such reviews would be either on a short time fuse prior to approval, or would be based on new information post approval that indicates non-conformance with Town requirements, or would be solely for program management and would not jeopardize a previously approved activity.

#### 8) Land acquisition for Town parks