

Notes for 10 November meeting of the land use committee (LUC). 7:30-9PM, Town Hall

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

The committee approved the attached agenda, attachment 1.

The LUC reviewed the requests for information from Town staff or other sources.

Status of requests for information and other research:

Copies for all committee members of relevant pages of the Jakubiak report, in particular the 34' wall plane and 35% non-vegetative rule. Donna extracted copies of these pages for all committee members. Donna also advised that the diagrams could be reconstructed readily for use in any ordinance, executive regulation or educational materials that would be developed by the LUC for Town Council consideration.

Copies of all variance applications, approvals and records of decisions were not provided. Only a listing of all variances was provided. Linna advised that records of decisions will not be helpful. Linna advised that she will review the list and provide background material.

Linna advised that the staff did not compute the percent non-vegetative coverage was computed as part of the Town's study of FAR for the 200 or so homes. The only background material on this is from the Jakubiak report and a cursory review of calculations for new homes by the LUC: (no records of these calculations).

Linna and Bruce reported that they identified professional associations / that might be useful in identifying permitting and enforcement expertise to conduct a review of the Town's programs. The associations also provide course and professional development opportunities for our Town's staff.

Staff is providing one large scale map of the Town showing park land, and reduced copies (small scale for our committee).

Discussions:

Donna lead a discussion based on the Jakubiak report with respect to the 34' horizontal and vertical wall plane. Next steps are to draft a guidance document that could in turn be used to promulgate interpretative (executive regulations) and educational materials.

Bruce lead a discussion on the 35% non-vegetative rule focused on parameters for drafting a guidance document that could in turn be used to promulgate interpretative (executive regulations) and educational materials. Bruce will develop a framework and

workplan and submit this at the next monthly meeting. Staff also asked the LUC to consider proposing that the LUC request that the Town Council have the Town surveyed to determine the Town rights of way, established building line (EBL) and side setbacks for every residential property in Town; approximate costs \$250K. After some discussion the need to determine EBL and side setbacks was questioned. Joe Rubin is tracking a County Council proposal to change the EBL, which would appear to simplify the calculation. The consensus of the LUC was that only survey of rights of way would be of broad use to the Town. The simplification of survey requirements for variances that the LUC discussed in the September meeting should address most of staff's concerns for side setbacks.

Bruce and Donna lead a discussion of administrative variances. In addition to front yard issues, the LUC should also examine second storey additions with respect to setbacks and the 34' horizontal wall plan rules for non-conforming properties. Factors to consider include:

How large is the addition?

Additions (small?, how small?) for oddly shaped lots?

Can non-conforming properties be grandfathered to allow construction without a variance? (Of course subject to FAR) How would this impact notification?

Should the LUC look more to exceptions vs administrative variances? Likewise look at refining definitions of what requires a permit and what triggers the need for a variance.

The LUC also noted that the Town Council recently rescinded the use of administrative variances for walls as it was being abused. At the same time the Town Council approved administrative variances for replacement-in-kind for front yard improvements. The LUC should look to these for examples; in particular for the 35% non-vegetative rules.

The LUC discussed funding for committee work and our recommendations in general and the potential impact of the Town Rebate discussions. Bruce Russell agreed to present the committee's program area needs as a 'heads up to the Town Council. The following is the report.

"As we agreed, I spoke at last night's Town Council meeting and a) expressed concern about the budget process that is taking place in the local media, etc; presented a brief summary of our budget concerns broken down into two types (1. Our committee needs to perform our work (Near term); and 2. Impacts of our recommendations on the Town's future budget. (Long term) See below). I closed by stating that we needed to know sooner rather than later what the Town Council's intentions are and that if the Town Council pursued a rebate and was not going to have the funds for large capital expenditures (e.g., surveys of rights of way and land acquisition) then many of us were inclined not to spend our valuable volunteer time on these. Kathy Strom advised that the Council was going to develop a capital budget (working with the Town manager) and that the Council will solicit input from committees, likely in December.

Budget items presented:

- * Graphics support to develop education materials for new FAR related requirements. (Near term)
- * Layout and printing costs for to update and revise educational brochures and web postings (construction related requirements). (Near term)
- * Legal services (Modest \$\$) for minor ordinance changes / executive regulations related to variance streamlining and 35% non-vegetative surface ordinance and possibly 34' wall plane rule; (interpretive regulations and diagrams). (Near term)
- * Land Surveys for public rights of way (and possibly EBL and side setbacks) est \$250K. (Long term)
- * Consulting services for review of implementation processes for construction codes (Near term) with an eye on providing and providing staff professional development and training (Long term).
- * Land acquisition for parks related to Playful Cities initiative (est: "land ain't cheap in this Town"). (Long term).

The meeting adjourned at 9:30

Attachment 1

Proposed Agenda for 13 November meeting of Land Use Committee

We will promptly start at 7:00 in the Town Hall.

Review and approve the notes for the 13 October meeting. Clarify work item objectives as necessary.

1. Review requests for information from Town staff, and information provided to date.
Proposal by staff for Town wide survey for right of way and front yard setback.
2. Funding for committee work and our recommendations: Impact of Town Rebate discussion.
3. Review the Jakubiak report with respect to the 34' horizontal wall plane. Debate and discuss the parameters for drafting guidance
4. Review the Jakubiak report with respect to the 35% non-vegetative rule. Debate and discuss the parameters for drafting guidance

Update on other projects

Adjourn not later than 9:30PM