

# **TITLE 21 COMMITTEE MEETING NOTES**

10-4-07

Chapter 21.05

The Committee came to order at 9:35 a.m. Two of the three committee members were present as well as staff and members of the public.

Tom Nelson brought up the topic of the role of the committee. The chair stated that this topic will be discussed in the last 15 minutes of this meeting.

The Committee started with the Public Institution Use at page 31, in Chapter 5 of the public hearing draft.

Mr. Coffey asked about the assisted living and nursing home section which is a carry over from existing code.

Mr. Coffey then asked about the snow storage requirements on page 32 lines 10 through 21. This was discussed by the committee in terms of the total requirements imposed for parking, landscaping and snow storage, then costs associated with these impositions and the basis for choosing the percentage numbers.

Ms. Selkregg joined the committee at 9:45.

The committee then discussed the Child Care provisions on pages 33 through 36. Ms. Ossiander believes that we are making it more and more difficult to provide child care. Mr. Coffey concurs that this seems to be the result and added that once the Assembly spends literally days on a subject, the regulators come along later and add more and more requirements which increases costs.

Ms. Ossiander asked about the provision on page 35, lines 4 which states that child care is not a home occupation. Staff responded that the home occupation regulations require “no visible sign of the business”, which doesn’t work for child care.

The committee then discussed the level at which land use regulations are imposed on child care. The discussion centered on the license versus unlicensed and the idea that someone might avoid land use regulations by failing to get a required license.

The committee discussed the cemetery definition and asked that the use specific standards on page 35 and 36 be sent to the cemetery board for review and comment.

Ms. Ossiander asked if the committee would support a veterinary crematorium by conditional use. The committee agreed.

Mr. Coffey asked about the L3 landscaping requirement for churches and community centers. This is an expansion of the landscaping requirements for these uses. Although a failure to meet a landscaping requirement does not result in a nonconformity, this will require more land use and increase costs. Also, few if any existing churches and community centers meet these requirements. So the question is what is gained by this new requirement.

The committee discussed the religious assembly use on page 38 beginning at line 6. Ms. Ossiander asked about the use specific standards. It was noted that schools associated with religious assemblies are not an accessory use.

Next, the committee discussed the educational facility use on page 39.

Ms. Ossiander discussed the pre-school as being treated like schools as opposed to child care. The line is being blurred between pre-school and child care.

The committee discussed the requirements imposed by the use specific standards such as the size of the grounds conflict with school district standards. How do you accommodate the various sizes and demands and not conflict with ASD standards which may or may not recognize what we are trying to accomplish.

The committee moved on to other use districts, but asked the staff to look at the concept of urban schools and the standards which we are seeking to impose on all schools, both ASD schools and private and church schools.

The committee then discussed the parks and open areas use definitions. Ms. Selkregg suggested that we add the words "active and passive" prior to the word "recreational" in line 3 on page 43 or "recreational and open space needs" instead of just "recreational needs" as it currently reads.

Tom Nelson then began the discussion about the role of the committee in the title 21 review process. Mr. Coffey stated again that the "public hearing draft" is the draft that will go through the ENTIRE PUBLIC

PROCESS WITHOUT AMENDMENT. Planning and Zoning will consider this draft with public and staff input. We will get an issue/response report from staff and PNZ.

Ms. Selkregg then insisted again that there be some new public process to make sure that the “public” knows what this code provides. Tom listed the number of ways in which we give the public notice of the code provisions. Tom also stated that the 2020 Comp Plan established goals and objectives. The title 21 re-write involves a level of detail which requires a long term time commitment to grasp what the new law will do and the consequences of the new code.

It was stated in a public forum by Ms. Selkregg and others that decisions were being made by this committee on Thursday. This is simply not true. The committee is not making any decisions. It is listening to staff and each others’ comments, with input from those members of the public that choose to show up so that the members of the committee can become informed and understand the provisions so that they can do their job as elected officials charged with the duty of establishing the new land use code for the City.

Tom Nelson pointed out that we have published 4 drafts and solicited the publics’ involvement.