

SEQUIM PLANNING COMMISSION
Regular Meeting
Sequim, WA 98382

Tuesday, February 19, 2013
6:00 P.M.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:

Commissioners present: Connelly, Protze, Sanford, Sterhan, Thompson and Wendt. Peterson was not present at the start of the meeting.

Staff present: DCD Director Chris Hugo.

II. APPROVAL OF MINUTES: January 8, 2013

MOTION by Sanford to approve the minutes of January 8, 2013; second by Peterson.
Unanimously approved.

III. ITEMS FROM THE PUBLIC NOT ALREADY ON THE AGENDA

Bob Young, 832 E. Willow Street, said in a previous community he lived in had a code that indicated if you sold your house, the streets, curbs and gutters would be brought up to code. He stated this City is a mess. He complained about holes in the streets. He feels the City could easily pass a rule that when you buy or sell a house, out of escrow it will fix the street. It would be safer for everyone later on. When he bought on Willow Street between Brown and Haller theoretically he reimbursed the developer for costs of curbs, sidewalks and gutters.

VI. OLD BUSINESS:

- A. New code section for Accessory Uses and Structures: Garages, Sheds, and similar detached structures (Public Meeting)

Public Meeting opened at 6:06 p.m.

Hugo said this item is carried over from the last meeting. Staff presented the subject matter of accessory structures and whether we have adequate standards to insure what is constructed on a residential property in the rear yard is appropriate for what is expected for the neighborhood and quality of life.

Hugo presented an updated PowerPoint presentation including photos of the legal structure that neighbors find offensive. There are very few homes or structures within the City up to the residential 35' height limit. He described lot coverage of 65% as allowable.

Typical lots in the Carrie Blake neighborhood are 75'x150' or 11,250sf. The 35' height limit measures height to the mid-point of the roof gable. The R-II zone allows accessory buildings on a "normal" lot that can be 2-4 times larger than the residence and 2-3 times higher than the residence. That allows a garage to be 4-12 times larger in bulk than the residence.

None of the structures in the neighborhood is over 25'; there are fewer than 5 homes that exceed 25' actual observed height. The largest accessory structure is 2,160 sf and fewer than six structures exceed 1,000 sf. There are less than 10 accessory structures over 15' high and only maybe 5 higher than the house.

Public Comment:

Richard Petit, 922 E. Oak Street, said the area in question is the Oak Tree Subdivision. Each subdivision has its own covenants. By review of the covenants it is clear that large structures should not be allowed and that is what the covenants indicate, regardless of the code. The City could revise the code to not allow large structures. Code revision is needed now and is the only protection for having quality residential areas. A code change is necessary to prevent structures like on Fir and the alley to be in residential areas or businesses like child care, hair salons, etc., as they don't belong there. It results in decreased value of the homes that exist and decreases the ability to sell the home by the owner or realtors. Covenants show 99% of the homeowners don't want value-reducing structures. People don't know about the City's decline to enforce covenants. There needs to be a disclaimer put on approved plats. When he was on this Planning Commission he asked that the plats approved and signed by the mayor include some kind of a disclaimer so that when people bought a lot they knew the City wouldn't enforce the covenants. There is a fix that needs to be done along with the revision of the code. A code that protects the value and provides for quality development of residential areas in the City is the best protection for homeowners. Effective homeowners associations are reasonable but some of them are not too good. It is clear to me and the Planning Commission as they follow the Council's policies that current code, as written, is broken, so let's fix it.

Sanford advised the City is not allowed to enforce covenants, but with no homeowners association, who does enforce the covenants in those three areas?

Petit said it is the homeowners association's responsibility; it usually will occur if there is an active homeowners association. There is none that he is aware of in the Oak Tree area. He feels strongly the City should add the disclaimer so people understand when they purchase a house that it is pointed out to them by the realtor.

Robert Mullen, 941 E. Willow Street, stated while it might be okay to have a 35' height in a downtown shopping district, it is not acceptable in a residential area such as the 6x3 block area known as Oak Tree Development where the questionable rv garage is located. This garage and new building on the next lot do not conform to the idea of the development where every house has a view of the Olympic Mountains – I repeat – every house has a view of the Olympic Mountains. This is no longer the truth. No large or detached garages were in this area before these buildings. A height equal to or smaller than the existing house would be a reasonable alternative. When people look to buy a house, they look at the view. With these outbuildings, tens of thousands of dollars are lost in the resale of these properties. Even though it is a legal building, it is not the neighborly thing to do.

Forest Faulkner, 832 E. Fir, is here to question the position the City appears to have taken on recent building activities in our area, specifically the 900 block of East Fir. It is his understanding that at the time the area where he resides was platted for approval, a CCR was required. The CCR was accepted

and agreed to by the City at that time. Now I am told that the CCR has no standing and is not enforceable by the City. He doesn't know if this is correct. If it is not enforceable it explains why the current owner of the property was issued a building permit to erect the most recent structure on his small property, a residential lot. He cannot imagine the purpose for which this structure was built in the residential neighborhood as it obstructs any view neighbors would have. Is this to be a garage for the rv now parked on the City right-of-way? This use he would question as he doesn't know how the owner could maneuver the rv inside or out of the available space. If the owner intends to use this as a facility in which he can rebuild vehicles for further sale or profit or even as a hobby activity to sell to others, this would not be a legal activity in this residential zone. In addition, it is probably the most unattractive and inappropriate addition to the neighborhood that he can recall, and he has been here 15 years. As a former member of the Planning Commission, he would suggest consideration be directed to enacting an ordinance to insure that this will not happen again. He would also recommend further verification of the intended and future use of this structure by someone from the City.

Bob Young, 832 E. Willow Street, built his home 10-1/2 years ago. CCRs were 22' and he thinks any building in the backyard of any place shouldn't be higher than the average height of garages. He is from California and is concerned about a limit of how many people can live in a house with how many bathrooms. He told of a house in California with 4 families living in it that caused sewage problems. Too many back buildings with apartments can be a problem. When he built his house he was not under the impression he would have a neighbor build in the back yard with an unlimited amount of people move in. We don't want to see Sequim go down. He is concerned about house values in the neighborhood.

Mike McAleer, Realtor, 560 N. 5th Avenue, said in the last 20 years he has represented a lot of buyers. He estimates close to half, when looking for land or a home, said they don't want restrictions or CCRs. When Oak Tree Village was developed in 1991 a decision was made by the developer that they would put CCRs on half of that. The first 32 lots do not have height restrictions, and lots 33-59 do have height restrictions of 22'. A lot of the people who come to Sequim are retirees who have hobbies, motorhomes and 5th wheels that they want to take care of. Some have hobbies of cars. Perhaps a 1,600-1,700 sf home is fine as long as they have a place to maintain and polish the 5 cars that are replicas of what they had in high school. It is understandable you will have some good sized dwellings for car collections and the like. In the case of the offending building, it is on lot 11 which has no restrictions. We have restrictions in the City. We have CCRs on 22 different developments in the City. We need some areas that do not have restrictions. He would like to propose that you consider responding to the folks concerned that they form a homeowners association. He lives with one and it controls what homeowners do. He provided CCRs for Oak Tree Village and definition and benefits of homeowners association.

Bill Sterhan asked when a property is sold, if CCRs are part of the plat, is that brought to the buyer's attention? McAleer said it is in two ways: the transmittal on improved property reflects that information, and within 10 days of the acceptance they will get a title report with 5 days to review it. He believes real estate agents know the CCRs in the various developments but recommend the buyer review the title report because it is important.

Sanford agrees with McAleer and asked what he feels we should do with the code. He doesn't feel it is a responsibility of the City. If you are going to reduce height restrictions to 22' on new development,

what do you do about the older properties. That becomes an insurance issue when you change a residential zone to a commercial zone because if you have an rv garage and have a fire and more than 50% is destroyed, insurance is not going to rebuild it. You are out if it is a non-conforming use. He feels the code is workable for him. If a community wants CCRs they should be able to adopt them and form a homeowners association to enforce them.

Commissioner Peterson joined the meeting at 6:50 p.m.

Diann Dickey, 611 Stratford, is a real estate broker, and she agrees with Mike McAleer and strongly suggests that the homeowners go back and read the title report. The only people that can enforce the CCRs are the homeowners, the City can't enforce them for you. You probably need to form an association and work toward what you want. She has never seen a 35' height rv and doesn't know why you need 35' garage. She feels 22-25' height limit would be more appropriate. It impacts the view corridors. It would have been a nice addition for the original subdivision if they had put view easements in the CCRs. You can create a homeowners association and enforce whatever CCRs you have. You can change or rewrite them with agreement.

Rene Toft, 931 E. Willow, bought his property as a second home, living in Eden Valley west of PA where they built a 4,000 sf house with a 35x50' shop because he likes his toys. We looked for a pleasant neighborhood in Sequim where everyone had much the same size house. He gave history of the changes in California when people started building large homes close to the property lines. The law was changed so it couldn't happen. All of us don't want government intervention in what they do, but if people can't govern themselves like the gentleman who built this who has no idea of ethics, what appears to your neighbor, what is the alternative. You have to step in. It will look like a slum if you let people build like this. It is not right to fellow man – it is wrong. We bought this house and his wife wants to move after 6 months.

Susan Toft, 931 E. Willow, is disappointed to ask a realtor if the code works for him. He is a person who lives in a place that has CCRs. If it works for him as a way to make money, yes – the bigger the place, the more money I make, but he doesn't live in a place without limits, but one with CCRs. We bought that house and signed the paper. People should live in a community, a place where people live together. We look out for each other and we have consideration for each other. You don't build a mammoth thing that takes away everybody's view, light, air – you don't do that as a citizen in a community. If you are going to tell people, I got a permit, you live with it, then I don't want to live in this neighborhood.

Terry Selby, owns KC Construction, said he has built homes for about 12 people in town and he built the giant garage. His feelings as a builder and resident are exactly the same as Mr. McAleer's. He is spot on. When you buy a house, you get the paperwork that tells you what your neighbor can build. When we got our permit to build we came to the City. His wife did the research and said you can build it 22', no more, even though we don't have CCRs on that lot. We built it 21'6" to the top. I don't believe we should build 35' buildings in residential neighborhoods, but as far as what we are doing now, there is nothing to change and it won't affect anything else.

Kenny Burke, 922 E. Fir, built the garage being discussed. People don't understand that this would not have been an issue but somebody sent me an anonymous nasty-gram in the mail. They had all of the

codes underlined and put it in the mail with no return address. Fine that guy! This would not have taken place then. I moved all of the sheds to the back of the property and put my motorhome there. They called and complained. I don't have a clue to this day who sent it, but it would have never taken place if there was communication.

Rex Bates, resides in Sunland but owns a couple of lots in the Oak Tree subdivision on Fir street between Blake and Haller. He is not familiar with what goes on here. He lived in Chicago for 50 years and for 25 years from 1953 to 1970 was involved in an organization called the Metropolitan Housing and Planning Council. Its primary objective was to try to mitigate the deterioration that was occurring on the south side of Chicago. As he read what was in the paper today, his objective would be to issue a plea to tighten whatever restrictions you have because our experience was there were illegal conversions, over-crowding in structures. You need the power of government someplace along the way. We wound up by getting planning commissions in all six of the urban counties together. His plea is to strengthen to try to prevent this sort of thing.

Hugo read a letter received from Kathleen Smith: I ask the planners to reverse the 35' poor planning decision. Please do not allow tall, architecturally-challenged structures to proliferate in the town of Sequim. Any garage should not be taller than the average home in any neighborhood. The reasons to reverse the 35' height are many. The structures are unsightly and do not fit in the surrounding residential neighborhoods, they reduce the value of neighbors' property, they reduce the quality of living environment for neighbors, reduce access to light in green space, reduce the available solar heating opportunities efficient solar heating, victimize neighbors, and benefits only one. All residents reserve the right to light, to solar access, to a natural light view that they purchased at extra cost. A fine example of residents suffering property devaluation is the development of residences at Sequim-Dungeness Way and Old Olympic Highway intersection. First the residents purchased a fine home from the developer, then they were treated to a mall with block buildings with light pollution with no prior warning and no opportunity to be compensated for their loss of home value. Imagine those folks were not happy about that revolting development. Is there any good reason for having a small town like Sequim at this time in history have any too tall buildings at all? With the decision to allow this benefit residence. With people living in Sunland or Bell Hill favor their views being at 35' block buildings. If not, then why foist it on town residents. It is very sad when long-established neighborhoods become victims of arrogance and poor vision by the local planners. Yikes! I am imagining those on the Planning Commission who believe this type of pathetic structure is acceptable do not live next to them. The neighbors who are affected by this should be compensated for diminished value of their property and the City should buy them out so that they can locate someplace where they will not have to suffer the poor planning consequences. Hopefully the decision-makers will picture how they would feel if their residence had such an atrocity blocking their views, sunlight and green space. Thank you for reconsidering this 35' bad planning decision.

Wendt thanked the public for attending and providing comments. Public Meeting closed at 7:04 p.m.

Hugo responded to comments. He felt Mike McAleer did a fine job in explaining that CCRs are not a City responsibility. They are a contract amongst the parties that sign the CCRs, which are the homeowners. As sympathetic as staff may be on these types of things, there is nothing we have the power to do. The best remedy for anyone looking at buying a house, the best safeguard, is to read the title report. It is part of the professional responsibility of realtors to make sure buyers know there are

CCRs. CCRs probably work best when there is a strong, defined neighborhood that has fences around it or defined by geography. In Sunland and Bell Hill it works well. In a normal urban neighborhood that is part of the city grid, I don't think homeowners associations survive very well. They don't have the same kind of cohesiveness because they don't have the same kind of distinct identity that you get if you have a gated community. Sun Meadows is geographically isolated defined by their entrances and is a good place for CCRs and a homeowners association.

Protecting neighborhoods and the quality of life in it is a local governmental duty. It is not to be left to CCRs. The primary purpose of the zoning code is to promote the public health, safety and welfare, and that means at the neighborhood level. That means things like what you do on your property, even as a homeowner. I think my duty is to nurture healthy neighborhood developments. This is absolutely something the City should be engaged in.

He said the garage in question was built legally. Per the zoning code, it couldn't be built over 35' measured to the mid-point of the roof. It could have been more than 13' higher by City code. We would have signed off on it. Whether it was built would have been up to the homeowners association to challenge it, although there is no homeowners association. That is the heart of the issue. It is the zoning that should be protecting the neighborhood, not CCRs.

He isn't concerned about a business being in the garage or a primary use like a welding shop working on cars as a side business, because if it came known to us we would jump on it with a code compliance investigation.

Concerning accessory dwelling unit (ADU) topic, there may be issues with our ADU ordinance but we can get to that in the future.

One comment in testimony that we have a lot of restrictions in the City, we have restrictions here, too, but they mean nothing because you can build something 6 or 8 times bigger than this within our current restrictions. Restrictions are meaningless. The evidence bears that out. Of 343 homes, less than 1-2% raise an issue. That also brings me to the point of what is the market issue here? Is there a huge demand for people to come in? If there is other evidence, it might be helpful to the discussion.

Concerning the comment that the height should be 22-25', this building is 21' as built. It is hard to imagine that 22-25' as a limit would affect any structures we have looked at. It would still allow this unit.

This agenda item wasn't generated by this particular structure. By coincidence, the City Council and Planning Commission had been discussing another height issue, an accessory structure rooftop gazebo allowed on top of the new Holiday Inn Express in 2008 by a variance. The fact that the Holiday Inn Express and residential is governed by the same 35' height limit was a concern. Then the garage issue came up in the neighborhood.

No accessory structure can be more than 1,000 sf unless you have acreage. There is some R-II zoning in the City primarily on the east end by Purple Haze and overlooking Sequim Bay. Some are platted and occupied and not going to change. I think you can write a rule easily that says if you have acreage you can have a bigger structure but it would need to be set back from side property lines. Other than that,

nothing over 1,000 sf, which would mean that only 2-3 structures that have been built in a neighborhood would be non-conforming, and everything else that exists would be conforming. The total accessory structure limit means that no matter how many other structures you build, they can't be over 1,200 sf, maybe 1,400 sf if it includes a ground level ADU, but that will be a separate discussion item.

The proposal is maximum height would be the lesser of house height, or 18'. The maximum dimension across the rear yards is 40% of the lot width. Today we allow about 80%. There are not more than 1-2 properties in the area today that go over 40%. We have a setback in the rear against the alley where we push the garage deeper into the lot which takes out usability of the back yard. I don't think it is a good idea to push garages toward the house and have more vacant space on the alley side of the garage. To get better utilization of the backyard for the homeowner I would also suggest we allow rear yard setbacks of 5' and tie it to the height of the garage.

Wendt reminded the audience the Planning Commission is advisory to City Council and any recommendation we may make tonight will have a public hearing at the City Council level.

Thompson feels it depends on the lot, lot size and location and looking with the exception for acreage it could be a workable adjustment. Since all circumstances can't be considered when studying a written rule and since we cannot take every factor into consideration tonight, she feels it is important when writing this ordinance to set a standard that is applicable to all of Sequim City limits and communities. She believes in having freedom and rights, but in this case we need to set some guidelines in our City limits. She is grateful so many members of the community are here tonight and to those comments made on-line. It helps formulate where she stands as well. She feels she represents the community as a whole and that is where we should be basing our decisions. We live in a community where others are very considerate of each other's rights and values, however, since we cannot predict other's actions, she regrets to say that she supports the regulations.

Connelly thanked the persons who came and spoke because all of the issues are difficult; they affect everyone who lives here whether you believe there should be ordinance or not. It is tough for any commission, board or council to make these decisions in a vacuum, and that is exactly what happens when folks don't come out and share thoughts with us. Hopefully the outcome will show the Planning Commission and Council did their due diligence after listening to come up with a mechanism by which we all can end up with a community we want to live in. He feels one critical issue is why is it that we have the accessory structures in the first place. It could be for hobbies, shops, working on cars, rv storage, and those are all things if we have outside interests we'd like to have a separate place to do those things. He drove the community and came to the conclusion of how much space do I need vertical to be able to do all of those things. The tallest thing he can think of is an rv. If it isn't an accessory dwelling unit, how tall does that need to be to function. There was an attempt to add some interest to the tall building, not just a plain wall. He showed a photo of an rv parked in a side yard covered in canvas. It gave a sense of the scale needed to see how tall you would need to make structure to afford that level of storage space. He supports the recommendations to an extent but still believes that if someone wants to build an accessory structure they should be able to do that; he believes it should be in scale to the neighborhood. He feels the structure discussed tonight is far too tall and can't imagine the purpose something of that height would serve. There needs to be some limitation and common sense to the scale of such a storage or parking facility. Whether it is house height or 18', I don't know what that means and would like to see the graphics. In response to Mike McAleer's comment, not all of us are aware of all of

the zoning impacts of the neighboring properties of what can and cannot happen. Not all of us are given photoshop pictures of what neighbors could do next to our property. The more information they have that is easy to understand, the better off they are to make informed decisions. In Mr. Burke's neighborhood, I don't think I would have understood what you could do without paying an architect investigate the property. We need to have something that limits those surprises.

Protze said it is gratifying to see the public here. It is important for you to participate in this issue. He walks the Oak Tree neighborhood almost daily when he walks downtown. It is a nicely planned, beautiful community that unfortunately has a few structures that don't fit in the community look. If a person wants to build a large structure, they should be more on the outskirts of town with more acreage to have the building fit more into the environment. He supports Hugo's recommendations as they fit in the downtown neighborhood area.

Sterhan asked if the audience was aware of the project before it actually started.

Donald Wright, 921 E. Willow, lives behind the house with the garage. He didn't know anything. Once Burke started clearing his yard of sheds he asked and was told he was building a garage because he has 3 vehicles. Once building started and he saw a 20' post, Burke said he was making one for his rv.

Sterhan said before he came to Sequim he lived in an association community subject to CCRs. Not too long after he was asked to be on the architectural committee. It was enlightening because there were 350 homes. It was a very strong homeowners association. They didn't go out of their way to discourage, limit or prevent something from being built, but they made sure the CCRs were enforced. During his tenure on the committee they never had a lawyer attend the meetings or a homeowner come back and say they didn't agree with any decisions. The other part is as far as that city was concerned, they wouldn't look at a project in the community until the architectural committee had signed off on it. Basically our signature said we agree that they meet the spirit of the CCRs. Then the city planning department would begin review of the drawings. If you look at Sequim city website you can click on a box called "Frequently Asked Questions" and one link is all of the permits that are currently in process for homeowners. His community is in a similar situation since they do not yet have a homeowners association. They won't get notification of someone building something unless they see activity. Back to the 350 subdivision he lived in, when someone wanted to do a project, the city planning department posted a sign in the yard of the home where the work would be done. You would be able to comment on the plans by contacting the city. He wonders if something like that would work here. Even if a sign were posted that someone was going to have a project on the property, it would give concerned citizens time to review the plan in advance and comment on it. That in combination with recommendations would do something toward preventing something like this from happening again. He said every resident within 500' of the home would get notice in the mail, too.

Rene Toft, 931 Willow, said he is familiar with this concept when he lived in Redondo Beach. He considered purchasing a home and went to city planning and was told if you are thinking about building up, don't buy it. They would put up a silhouette to the height of where you intended to build and put multi-colored flags on it so neighbors would see it. If anyone had an objection to this it would not be permitted. It would be nice if we wouldn't need to do these things, but if people can't govern themselves and have respect of others, then we need to do something. Los Angeles had some good ideas and good

areas are still good. The prices keep going up. Here you can do anything you please and no one can say anything about because no one will listen to you.

Sterhan, in addition to the recommendations, would like to see would be a way of notifying homeowners that something is occurring and not leaving it up to a chance of going to a website to find it out. You don't want to have to keep checking the computer often to see if something is happening.

Hugo said he has responded to Sterhan before about this but believes nationally it would be illegal because it is unconstitutional. Zoning can't be based on an arbitrary vote of the people. If one person shows up and says he doesn't like it so the owner doesn't get to use his property as he wanted. The US Supreme Court says you cannot do that. We are duty-bound to follow the rules adopted by the Council and nothing else. These are not discretionary decisions but property rights decisions. General building permits never involve public comment.

Sterhan wished the city attorney was present. The point he was trying to make was not superseding the building code, what it simply does is notify people in areas that do have CCRs but do not have strong homeowners associations that something is happening. If the CCRs are applicable to the project, then it gives those people a chance to act. We have had this discussion and city government is not obligated and can't consider the CCRs. It is left up to the property owner. It needs to be equitable on both sides. If things are happening homeowners need to have a mechanism to find this out.

Hugo said this is a different subject because it relates to CCRs, not zoning that we are trying to consider city-wide. You can make the proposal to the Council and it would change the workload of the DCD which is already over-tasked. You could say you want to set up some way to notify every neighborhood with homeowners association where a project may come up.

Sterhan feels this would give people an opportunity to voice their opinion if CCRs apply.

Petersen apologized for his tardiness and was disappointed he missed the public input. It does affect everyone and we want as much input as we could get. He has empathy for anyone who woke up in the morning and found that kind of building there. He grew up in Agnew with an unobstructed view of the mountains. When his father sold the 5 acres across the street from their house he had the ability to control the view and unfortunately he didn't. Out of 990' of frontage on a road, the house was built exactly in front of his view. He continues to live there but wishes his father had more foresight. He has empathy for people who value views, an aesthetic that they purchased in good faith and then for whatever reason it is taken from them. It is hard to put a value on that. There are two types of people looking for a home and lifestyle in Sequim. There are those who ask and seek out homes in developments or subdivisions where there are protective covenants. Protective covenants value the investment that is made and want some assurance that once they have made the investment it will be protected by a diligent adherence to the standards through their lifetime and projected on from there. Then there are those who come in to my office and want nothing to do with CCRs because they don't want other people telling them what to do. They want freedom on their property. He recognizes we probably need to tighten up our code. He cannot see the need for a 35' accessory building. At the same time, he is apprehensive of the proposal from the standpoint of does the lesser of the house height or 18' accommodate an rv; does it accommodate a person's desire to have storage for their vehicles and an ADU above, because one of the emphases that we have is allowing for provisions of ADU usage within

the City. We are trying to get more people within a walking distance to downtown. He is not sure if you built a building with the intent of housing your vehicles and having an ADU, rental or mother-in-law apartment above it, it is going to fit within the guidelines brought forth. Hugo said it would not. Petersen is in favor of the idea, but he is not in favor of the specifics. He feels they need to be more generous. When we get to the point where we are making it impossible for someone in good faith who has bought a property within Sequim with some intentions at some point in their ownership, they don't want to park it 2 miles away. They already have a house and attached garage, they want to build a building to protect it. He feels any move we make that would prohibit that is going beyond what we should be doing.

Hugo said the standard was designed to accommodate an rv, not necessarily an rv storage area with an ADU on top of it. It is a separate item as to what are the appropriate conditions to have an ADU that doesn't skew the scale of the neighborhood, block views and affect the privacy of neighbors.

Peterson said as he reads it no accessory dwelling can be higher than the house regardless. He feels that is too restrictive.

Sanford is philosophically in favor of as few restrictions as possible, but she agrees with Thompson and the Tofts. She is also from Southern California and knows as human beings it is nice to think we would all respect each other's needs and wants, but light, air, view and privacy – people have different interpretations for what is ok for their neighbors. She understands we need restrictions. As long as we keep the downtown core and acreage out of this, then much of this is ok. She struggles when the builder told us that the structure in controversy was only 21-1/2' tall, she was shocked. This proposes to take that potential building down 3-1/2'. If that building were 3-1/2' shorter than it is it would still really irritate most of you. Then what do we do? We have a different code that is more restrictive and we are still not making our neighbors happy. Hugo said to make it clear, it would be about 6-1/2' because it is the lesser of 18' or the house, which is about 15'. She said if you had an 18' house, you could have an 18' garage. She doesn't want to try to anticipate every egregious act that a neighbor could make in boxing us into such restrictions that we can't enjoy things. She is a former horse owner and her whole family is car crazy. She plans to get a big rv someday, and we have boats. I want them on my property and I want you to be able to have them, too. I want you to be happy with what your neighbors have, and I don't know if this would achieve that. It takes her back to Mr. McAleer's comments and some of my fellow commissioners' that self-policing is probably a way better idea than restricting all of us to the point where none of us can pursue our happiness. She said the City cannot enforce CCRs, but since CCRs can be recorded and be a legal instrument for residences, can the City take those and be considerate of them when granting permits? Hugo indicated we could not. They are a private contract, an agreement amongst property owners totally outside the domain of City regulations. We can't write them into regulations. Sanford said the onus is back on us that when we buy, we buy where the neighborhood and the association is tight and we have CCRs that we want to live with so that we choose our neighborhood according to the governing laws of that neighborhood. Those of us who live in unregulated areas, maybe we need to form groups to make quiet enjoyment of our own property possible and that includes the light, air, view and privacy. This seems too restrictive to me. She doesn't want to make tighter laws just to prevent something that probably is going to happen and irritate you anyway.

Wendt said this boils down to the relationship between the primary structure and the secondary structure and lot. If you ask the average man on the street which is bigger, the primary structure or secondary

structure, virtually everyone would say the primary structure is bigger. Therefore he would support something like what Hugo has suggested that relates the size and height of the secondary structure to the primary structure. That way when you see the primary structure on your neighbor's lot, you know that any other structure that follows cannot be any bigger than that. If you are happy with the view you have around, over, under or through the primary structure, the secondary structure should not be that much of an issue. The second point is people decide to live in cities and towns because they like paved streets and sidewalks, water and sewer and streets instead of septic tanks and wells; they like ready access to goods and services. The opposite side of that coin is when you agree to take the amenities and benefits of living in towns or cities you implicitly are agreeing to live in harmony with your neighbors. That means certain regulations have to be in place because the density of the settlement pattern in cities and towns is much tighter. There has to be more regulations to encourage neighbors to live in harmony with the neighbors. If you want to build a big barn, you should buy in the country. His position is that he would support a motion based on something like what Hugo presented, however, we can fine tune it to meet the needs of any Commissioners who want to make a recommendation.

MOTION by Thompson to recommend staff prepare an ordinance for accessory structure limits of no structure > 1,000 sf (w/ exception for acreage); total accessory structure limit = 1,200 sf (1,400 sf if including ground-level ADU); maximum height to be the lessor of house height or 18'; maximum dimension across rear yard = 40% of lot width; reduce maximum large-lot coverage to 40%; and reduce 16' wide alley setback to 5'; second by Protze.

Sterhan said the maximum dimension across the rear yard is 40% of the lot width. With the garage we have been discussing, would that have made any difference or would it have been possible to have the long dimension of the garage parallel to the long dimension of the lot? Hugo said it could have been done but it may have been harder to get an rv into the structure that way due to the turning radius. The corollary issue is that now you have a long wall that might be shading sunrises or sunsets in the rear yard, depending on which way the lot is platted. It is not the perfect rule but it is probably the one that addresses what is least typical of the way garages are sited on lots.

Peterson said in keeping with the sentiments that the accessory use should be subordinate to the primary use, he would be much more in favor of square footage restrictions based on a percentage of the primary rather than an arbitrary square footage. He feels 1,000 sf or 1,200 sf maximums regardless of the square footage of the primary residence is arbitrary. If you have a 2,500 sf home, there is a different perspective and scale for 1,000 sf accessory use than there is with a 1,500 sf or 1,800 sf building. I would not be in favor of any motion based on a square footage as opposed to a percentage. What that percentage would be would be a matter of opinion, is it 60%, 80% or 75%, but I support the idea it should be subordinate. I can't support the maximum height the way it is stated now. I think that is far too restrictive. I don't know what effect the 40% has in the real world. Does it allow a normal rv building to be situated on the lot with the normal lot sizes we are looking at in Sequim or are you forcing them to put something in that isn't workable. It is good common sense to reduce your setback.

Hugo said the setback depends on the alley. One thing that alludes me in the comments is that everything that has been built to date in that neighborhood, these rules would only affect 1-2% of what has been done so far. I'm not sure what the issue is when you say that these rules would only make a couple buildings non-conforming for lot coverage out of 343 lots. He is trying to understand what the problem is. It only affects a couple of existing structures.

Sanford said the converse of that is her argument – then leave things the way they are if only 1% is causing a problem. She is good for adjustment, just not this much.

Hugo said if there were no large units and today the first worst case was built, public would go ballistic. Now that we have 6 structures spread out over 20 years, you are saying that the next one wouldn't matter to anyone because we have 6 in a neighborhood of 343 lots.

Sanford said she doesn't want numbers of square footage. She would like proportion of lot size to the 40% mentioned by Peterson.

Hugo said if we used percentages as mentioned by Peterson the buildings in the neighborhood wouldn't have been permitted.

MOTION by Peterson to amend the motion to change item 1 to 75% of the primary structure square footage; item 2 to 80% of the square footage; maximum height to be the greater of the house height or 21'; and the rest is fine. Motion dies for lack of second.

Vote on original motion: Aye by Connelly, Protze, Sterhan, Thompson and Wendt; nay by Peterson and Sanford. **Motion carries 5-2.**

VII. ITEMS FROM COMMISSIONERS/COMMITTEE REPORTS

None.

VIII. DIRECTOR'S REPORT

A. Council action on recent Planning Commission code recommendations.

City Council did act on your recommendation on changes of definitions that went through without comment and adding incidental food service as an accessory use to big box retail.

The restructuring of temporary activities and special events ordinance was passed after questions and debates. All of your recommendations were accepted.

B. Council retreat

The Council retreat started today and continues tomorrow. The Leadership Team has a session with Council on Wednesday and on their own on Thursday. On Friday the Leadership Team and Managers will have a retreat. As requested in the past, there will be a joint meeting with Council in the near future.

The next meetings are about the functional comprehensive plans, the Transportation Master Plan, Water Master Plan and the Wastewater Master Plan. We will try to stay focused on the growth development kind of things so that you are dealing with how we are using our service capacities to foster appropriate growth for our community. Level of service is the biggest determinate of quality of life that bodies like

yours and the City Council can frame. Hugo talked about levels of service in different areas of city government.

There is a part of the GMA that says that cities shall budget and spend consistent with their capital programs which means whatever you say in your capital programs which are level of service dependent. Once you set the capital programs in place the city is duty-bound by the GMA to not make spending decisions inconsistent with those.

There was discussion concerning master plans, levels of service and cost of same.

IX. GOOD OF THE ORDER

Sanford said in regard to Hugo's comment about jointly meeting with City Council, she feels we should also meet with our County personnel re level of service discussions and how much we are impacted by County transportation. It has never been a successful in the past. It seems like a logical step.

Hugo said there could be some benefit to that. We may be not expanding the UGA but doing some horse-trading on UGA boundaries to accomplish bigger ends. It would be nice if the County understood that at some level. Maybe your meeting with the County Planning Commission would at least get people in the Courthouse talking.

Peterson asked if it would be possible to have a reciprocal agreement with the County to have a non-voting attendee from the power group attend their meetings and one of us attend their meetings to get a feel for what is going on.

Hugo said he has never seen that done before but didn't feel it was not a good idea. You could invite them and anyone can attend their meetings at any time to learn what they are doing. He feels that is a matter of the Commission rather than the staff.

Peterson believes it would be good to have someone in step with the majority of the thinking most of the time. The value would be having a voice that is speaking for the group. He sometimes is out of step and doesn't feel he should be talking to the County on behalf of the Commission.

Hugo said since he doesn't know what the County Commission is doing these days, maybe the first thing is to have a joint meeting to share with each other what you are doing. You might find out you don't care what each other is doing.

Sanford stated that is the result the last time it was tried. It was a good result because then we didn't worry about it anymore. She feels it is time again to satisfy the curiosity and shake hands on our shared space.

Connelly said if we are unsuccessful in that endeavor, perhaps we could ask Hugo to extend the invitation to his counterpart at the County to give us a heads up as to what their commission is working on and what are the big hot topics the County is working on at the staff level. Sometimes it is easier to ask the appointed official as a courtesy to come out. The more we are aware of what is going on on the

edges of our boundary and what the County is up to, the better we will be able to respond to the issues related to update our Comp Plan.

Hugo said it would probably be Steve Grey, the deputy director. He spoke to him last week and they get along fine. It probably wouldn't hurt. The UGA has been the same since 1996. Hugo will contact Grey to see about a joint meeting.

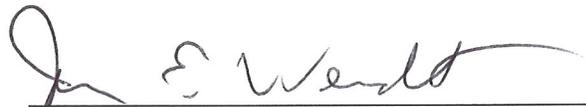
X. ADJOURNMENT

MOTION to adjourn by Protze at 8:27 p.m.; second by Connelly. **Unanimous.**

Respectfully submitted,



Bobbie Usselman, MMC
Deputy City Clerk



Jon Wendt
Chair

Minutes transcribed via recording