

**Oak Creek Planning Commission Meeting**  
**Wednesday, May 21, 2008, 7:00 p.m.**

**Land Use Code Discussion Notes**

The \$1,000 fee for major land use change submittals can be a problem for relatively small changes. For example, does one office building need to come in and pay the \$1,000 every time there's a new tenant. This needs to be reviewed. There was discussion on having staff keep track of hours and refunding funds not used for reviewing the project but this may be too cumbersome for staff. Possibly break down the types of land use changes with different fees. Or vary fee based on if it's a pre-app, concept plan, etc. For example an annexation pays the same amount as a new business.

Need to reference Planning Commission bylaws in code. Should also reference Land Use Checklist in code.

Use by right for commercial/industrial uses was discussed. Possibly make S. Arthur/Diagonal area an industrial district as proposed in the last plan.

Code is not always enforced: eg. the code was not enforced well on Main Street when they approved a trailer, residence, and car wash.

The code could be streamlined and better organized. Commissioners currently have to page thru many different sections for a particular project because there are relevant items spread out throughout the document. A complete Table of Contents and a cross reference would help. It could also be written so it's easier to read. For example, the criteria for cottage industries are located in the definitions, not the section on approving cottage industries. Another example is there are definitions within the environmental section as well as at the end.

Administration of certain things is confusing, such as water taps. For example, a live/work unit would be two water tap fees. We should look at Hayden to see how they do it. More metering would help. Should try and encourage existing structures to get meters.

The offstreet parking requirements (17.03.140) need to be reviewed.

Fire district's standards for fire access can conflict with the code, in which case they supercede the code. Maybe just reference those standards and take conflicting ones out of the code.

There are no road grade standards for new development.

Need to review businesses every few years or so to see if they are complying with the code. There is a lack of code enforcement in general. People need to be charged the fee if they don't comply, but this isn't done very often.

There are no sunset provisions or vesting rules in code.

Need clearer definition of "density" in the definitions section.

In new subdivisions should allow "payment in lieu of" for water rights to fund water system improvements.

Should consider lot coverage limits in addition to setbacks to prevent huge homes built setback-to-setback. This may vary by lot size with small lots allowing larger coverage.

Discussed lot aggregation as an issue. Concern about people aggregating lots and building giant homes.

Would like more flexibility in dealing with nonconforming uses. The code currently seems to prohibit approving variances, although it was mentioned that there are criteria in there for allowing variances.

Sierra View: they got away with no curb and gutter, grid layout, and paving because they were promising affordable housing. Need deed restrictions. Unhappy with the speculation that occurred, especially people sitting on lots waiting for prices to go up and not providing any housing.

The apartments by Calamity Jane's were not required to put in sidewalks specified in the code – the code is not being enforced.

At public meeting we should ask people to note on a map where their preferred future growth areas are.

Some of the environmentally constrained areas may actually not be constrained due to pixel size of the maps, etc. New subdivisions should have to do studies to show if there are constraints or not.

Parking needs to be revisited – only new construction should be required. There needs to be some wiggle room, although PC tends to waive the requirement.

The downtown district is required to build lot line to lot line, and a variance is required to do something different. Should there be more flexibility for projects like the coffee shop to have some outdoor space in front of it? As long as they don't have too much flexibility and end up like the Old Town Square in Steamboat (7<sup>th</sup> and Lincoln).

Non-revenue-generating businesses should be prohibited on Main Street.

There's an enforcement issue with cottage industries – people not coming in for permits. Should review the criteria for approving these.

New annexations should be required to have a certain percentage of homes deed restricted for lower income.

Maybe the town should offer developers incentives for deed restricted affordable housing, such as waiving fees.

Large homes, 2,500 sf and larger, are not compatible with the town's character. How do we limit that? Limiting lot sizes and lot aggregations, combined with maximum lot coverages would help.

Question 5a (small-scale character of the town based on old 25-foot lots, which are currently not allowed) : Minimum lot sizes should not be reduced to the original 25', but maybe allow more variances. The 25' lots are too small for snow storage and fire access. Maybe a lot and a half could work better.

Coal should not be allowed for commercial or residential heating any more. Should require conversion to pellet stoves, or something that can pass the gasification standards, giving a deadline for existing ones to convert. Lake Tahoe is an example. The problem is that so many are grandfathered in – the old miners get a life-time supply of coal from the coal mines.

Landscaping – not that important to the town, but maybe some language on xeriscaping.

### **Suggested Additions to Survey**

- Add more references to historic preservation (possibly in first or last questions)
- Would you like to see a separate industrial district designated in the South Arthur/Diagonal Street area?
- Should the town limit the percentage of a lot that can be occupied by a house, in addition to the setback requirements?
- Mobile homes are currently allowed outside mobile home parks. Do you agree with this?
- Should land uses that do not contribute to sales tax revenue be allowed in the downtown?
- How important is it to you that the town enforces nuisance codes?