

Land Use Chair Networking Group May 12, 2022 Meeting Minutes

1. Welcome Land Use Chairs- any introductions? None - However, “Katherine” came late and is a new representative for Larkspur NA.
2. Shelter Code Questions and Answers with Pauline and Colin
 - a) Will NA get notice of the proposed shelter?
 - i) Temporary shelter - No. However the operator will be required to provide “evidence of outreach and communication” with Good Neighbor guidelines.
 - ii) Permanent shelter - No for type I (expansion of shelter of less than 50% up to 5,000 sf whichever is less or if change of use required additional parking spaces). Yes for type II (expansion exceeds expansion bench mark listed about or shelter is a new shelter.) Good Neighbor guidelines still apply.
 - b) Will neighbors get notice?
 - i) Temporary shelter - Same as above.
 - ii) Permanent shelter - Same as above.
 - c) Will there be liability if notice requirements are not met?
 - i) Colin stated: If notice deficiency is found before application is finalized, applicant will need to provide notice before application is approved. If notice deficiency is not found until after application is approved, the neighbor may have the ability to appeal to have the application process repeated.
 - ii) Ken’s concern was not understood or answered. Ken is worried that if an act occurs causing some harm (physical or mental) to a third party, would a harmed individual have the ability to include anyone including the NA, neighbor or city in a lawsuit? Should the operator provide all parties a guarantee against any legal claims?
 - d) How do neighbors make comments/objections?
 - i) Use the process outlined in BDC 4.1
 - e) Are there any guidelines on what is to be included in the “good neighbor guidelines”?
 - i) Proposed code states must include as a minimum, items addressing rules for shelter use, facility operations and maintenance, safety, and security provisions. *[Code included an example, but can the operator write it on the back of a napkin?]*
3. Open Microphone
 - a) **Ken (SEBNA):** The gas station still has “thorny” issues to resolve. He noted this application is a Conditional Use Permit (CUP) which goes to a hearing officer with a public hearing. The criteria for the approval is less precise than a type I, II, or III application.
 - b) **Carol (MVNA):** 61 unit townhouses project. The neighborhood meeting had good attendance and their issues were: a) add local park and remedy impact of heavy traffic load. Grant Blackmore, project representative, suggested NA ask agencies controlling the project’s SDC fees (system development charges: [link](#)) to be spent locally. The

council (street, water, sewer SDCs) and Parks and Recreation (parks SDC) are very reluctant to do so. These agencies have processes to establish priorities.

- c) **Jeff (ABNA):** Where do the SDC fees go? The city staff makes recommendations to the council on what the priorities should be and Council adopts a Construction Improvement Projects (CIP) plan to provide direction to staff to implement. I think this is the current adopted budget [\(link\)](#). Staff provides quarterly update reports. This is the link to the most current report [\(Link\)](#).
- d) **Karen J. (OFDNA):** Stevens tract has three scenarios under consideration including parks, trails and lots of housing. Brian Rankin (Growth Management Department director) made a NLA presentation on May 10th [\(link\)](#). Also working in response to the gas station project with Ken. A land use attorney has been hired.
- e) **David (SWNA):** Thanks for meeting notes and powerpoint. Board had concerns about code to comply with SB 458 (land partitioning of middle housing). Ken also had strong negative feelings about the concept. How do you get all the owners to agree on common area maintenance and/or improvements. Who has rights to the under-supplied parking? First come, first serve?

[SB 458 is intended to enable residents to buy these smaller units which should be less expensive than a typical single family residence. However, a prudent developer will need to prepare adequate Homeowner CCRs to ensure there is a process to follow to address any action or problem that arises. Buyer beware.

Also, please note that the SB 458 is a highly “prescriptive” legislation. It generally dictates the required code text versus “outcome” based legislation which leaves it up to the cities to decide how to achieve the legislations desired outcome.]

- f) **Ashlie (BANA):** Focused on finding new board members. She may soon be the only board member for this NA. Mentioned an application for Costco? SB 458 could be good if it does enable more buyers to afford to become homeowners.
- g) **Danielle (ODNA):** Mentioned a 9 home / 9 ADU project proposed by Haitus. Neighbor concerns were aesthetics, traffic impact, under-supplied parking, tree loss and construction practice with filling the basement of existing house instead of removing. The neighborhood meeting had strong opposition voiced.
 - ii) 24 townhouses on Sheppard road.

[Lisa: Has anyone had any success in saving trees? No. Karon J. expressed frustration with the lack of action on her proposed code amendments. Colin expects to go to Council this summer to get direction on how to proceed.]

- h) **Robbie (SCNA-subbing for Deby):** Several projects were recently approved. Continue

to work on the COID project. A survey is underway to identify how neighbors use property for hiking.

- i) **Judy (SWNA):** Please take the COID survey. TThanks to all that worked on the shelter code town hall. Small infill projects underway with little or no objections
- j) **Katherine (LNA):** Concerned about projects impact on Pettigrew Road. Preparing to send out a survey. She has a book which can be used for “visual aids”. Does anyone else have similar “books” or online sources? Interested in shelter code and SB 458 code

[There is a summary on shelter code on the Bendaforums.org, but it needs updating. Here is a [link](#) to the staff presentation to City Council on May4th. The staff memo to the planning commissions is a good place to start for the SB 458 code. ([link](#))]

- k) **Lisa (CWNA):** Wonderful presentation on Stevens Tract at the NLA meeting (provided a link in item 3d.) Asked for more information to be sent to the NLA on SB 458 (Pauline is making a presentation to the NLA on Monday?.)

Not in attendance: Gina (RWNA), **Karen** or Mark (OBNA)

3. Old Business:

- a) CFEC rules are going to be discussed and adopted at the LCDC meeting on May 19th and 20th. There was another hastily scheduled Q & A with the DLCDC for Friday, May 13. I forwarded the notice to Danielle per her request.
- b) STRs - As of our meeting date, neither Russ or Lorelei responded to our 2-½ page [letter](#). They did however respond on May 18, then Mike and Lisa had a chance to talk with Anthony Broadman. The short version is that the council is looking primarily at “whole house” rentals, and they may not see enough of an impact to housing supply affected by whole house STRs. This may or may not be accurate as many people do room-shares, so even partial STRs may be impacting housing. There is not any support for full elimination of STRs, as this amounts to government taking in this council’s view. There does seem to be some support for increasing the 250’ distance to 500’, and there is support around increasing compliance. The LUCNG suggested both of these items as potential actions. Council asked staff to come back with more information.
 - i) Lisa noted that Oahu recently banned STRS.
 - ii) Danielle asked if we knew the average number of days that STR’s are rented. Here are several documents I was able to locate quickly; March City Council [presentation](#), City [Survey](#). Mike will ask Lorelei if she has the specific data Danielle is seeking.
- c) Town Hall Re-cap by Jeff
 - i) Town halls take time, effort and funding. This time the work was split between

Lisa/Hans/Jeff and a few neighbors who started BendCares. A group of 8 NA's chipped in to help cover costs. It's difficult to hold these in the spring as many NA's will have exhausted their budgets.

- ii) Jeff's key take away: This was a great platform for "education and awareness" which are major components of the role of Neighborhood Associations.
- iii) Great panelists (Patty, Megan and Sheriff Krantz)
- iv) (Not mentioned but still huge - Jennifer Eichorn's summary on the legalities)
- v) Alan's great story and practical experience.
- vi) Great stepping stone to making an informed presentation to Council
- vii) Lisa pulled together all the questions and forwarded to the Council
- viii) Success in getting people to show up for Council meeting on May 5 and 19

Notes:

- a. Karon Johnson said Shelter Code was discussed later with Melanie K. in her NA board meeting. She is forwarding the recording.
- b. Judy passed on the comment: Councilors like to hear solutions.
- c. We need to spread out the work on these events beyond just 2-3 NA people.

4. Unfinished Business

- a) Overview of Land Use Chair Resources - To be rescheduled for another day. Mike also offered to provide a tutorial to anyone who is interested.
- b) New Business - In the City Council Work Session on April 20th. Staff made a 32 page presentation of a first look at an update to this Council's "goals". There are a number of items that this group should be aware of to "get ahead of the issues". Council will be finalizing amendments to their goals in May and June. Mike will try to provide a summary and a few thoughts on why we may want to be concerned about some of the amendments in a later email.
- c) Reflection needed - Over the last 18 months, there have been a number of code amendments proposed. Some of us feel the community was not successful or minimally successful with "influencing the land planning" governing our community. A suggested future task is take a moment to reflect on how we can be more effective and efficient in empowering the community to influence the land planning in their city which is Statewide Goal #1.