

PLANNING COMMISSION STAFF REPORT



Agenda Date: 6/1/2022

Subject: "Code Clean-Up" Code Amendment Introduction (LUA2022-0082)

Contact Person/Department: Nico Faz, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

This is an informational briefing and no action is requested at this time. Staff will introduce a city-initiated land use code amendment that aims to fix inconsistencies and ambiguous language throughout Title 14 that staff has identified over the last several years. Commissioners are asked to listen to staff's presentation and provide general feedback on the project scope and approach.

SUMMARY/BACKGROUND:

The purpose of this briefing is to introduce potential updates to inconsistent, ambiguous, or outdated language within LSMC Title 14. It has been several years since the city has undertaken a "clean-up" or "housekeeping" code amendment for code sections that may not have warranted a standalone code amendment, but which still need to be updated. Although the list of code updates is not finalized, it will focus on sections of code previously identified by staff as creating unclear or conflicting code language that have been difficult to interpret and administer, or which have been unintentionally modified by previous code amendments.

This project is not intended to change city policy or code intent, but instead provide additional clarity or address inconsistencies. Examples include:

- Removing [LSMC 14.16C.070](#) (Home Occupations), which was inadvertently left in place when Home Occupations were moved to [LSMC 14.44.015](#) as part

of Ordinance 1124 and has resulted in conflicting code sections for the same topic area.

- Amending [LSMC 14.48.035](#) and [Table 14.48-I](#) to more clearly reference and illustrate “street side setbacks” and the applicable setback distance of 10 feet.
- Amending [LSMC 14.48.045](#) to reinstate an exemption for small accessory structures (those exempt from needing a building permit) to be located within five feet of rear and side yard property lines, which was unintentionally removed by Ordinance 1080 when trying to provide more clarity on another topic.
- Harmonizing and clarifying the language in [LSMC 14.56](#) and Section 2-106 of the [Engineering Design and Development Standards](#) (EDDS) as it relates to access tracts and access easements, which can result in projects being required to make improvements that approach public street standards.
- Resolving discrepancies in landscape screening requirements that exist between [LSMC Table 14.76-I](#) and [Table 14.48-II](#), Footnote 3.
- Clarifying what constitutes “native species” in [LSMC 14.76](#) (Screening and Trees) and [LSMC 14.08](#) (Definitions)
- Updating [LSMC 14.50.125](#)(d) to be consistent with the city’s SEPA categorical exemption thresholds for grading, which exempts up to 1,000 cubic yards (instead of 100) from SEPA review.
- Addressing a procedural discrepancy between [LSMC 14.16C.025](#) (Administrative Modifications) and [LSMC 14.18.060](#) (Alterations of Subdivisions), for which a Code Interpretation was issued in May 2021 but the clarification of which needs to be codified.
- Providing additional clarity in [LSMC 14.68](#) (Signs) for certain types of permitted signs, such as temporary subdivision signs (which may exceed the 4 sf maximum in residential zones)

Staff intends to hold at least one additional work session with Planning Commission to review the entirety of the proposed code amendment before moving on to public hearings. Staff welcomes any feedback on the scope and intent of the project as well as any code sections that commissioners believe should be included and which fall within the parameters of a “code clean-up”, as opposed to a change in city policy.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

None