



**MINUTES**  
**Planning Commission Meeting**  
**Monday, March 28, 2022 Hybrid - 39250**  
**Pioneer Blvd. and Zoom 6:30 PM**

**COMMISSIONERS PRESENT:** Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, Chris Mayton, Commissioner, Jan Lee, Commissioner, Breezy Poulin, Commissioner, and Darren Wegener, Commissioner

**COMMISSIONERS ABSENT:** Steven Hook, Commissioner

**STAFF PRESENT:** Kelly O'Neill Jr., Development Services Director, Emily Meharg, Senior Planner, and Chris Crean, City Attorney

**COUNCIL LIAISON PRESENT:** Rich Sheldon, Councilor

**1. MEETING FORMAT NOTICE**

Instructions for electronic meetings.

**2. ROLL CALL**

Chairman Crosby called the meeting to order at 6:37 p.m.

**3. APPROVAL OF MINUTES**

**3.1. Approval of Minutes - January 24, 2022**

Chairman Crosby said there was some duplication in the chair and vice chair section of the minutes and the second paragraph is more accurate. The Commission agreed to strike the first paragraph. Chairman Crosby asked for any additional corrections or changes. After hearing no additional corrections or changes the minutes were approved as presented with the one modification as noted by Chairman Crosby.

**4. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON-AGENDA ITEMS**

None

**5. DIRECTOR'S REPORT**

Development Services Director O'Neill summarized the report that was included in the Planning Commission agenda packet and included additional information on upcoming meetings.

**6. PLANNING COMMISSION DISCUSSION**

Commissioner Lee asked if the meeting on April 25 will be available via Zoom. Director O'Neill said that moving forward all Planning Commission meetings will be offered via Zoom and in-person. Commissioners Mayton and Maclean-Wenzel will both be unavailable on May 23. Chairman Crosby will be unavailable on June 27.

**7. OLD BUSINESS**

**7.1. Planning Commission Bylaws**

Chairman Crosby explained the additional modifications that were made to the bylaws, including specific modifications that were made in Section 2.16.060 of the bylaws. Commissioner Mayton asked if adoption of the bylaws would remove Chairman Crosby as chair. Director O'Neill suggested using the ordinance to explain that the existing chair may remain through 2022. Attorney Crean said that the staff report before City Council can explain that adoption of the bylaws will not affect current chair and vice chair appointments.

**Motion:** To move to recommend approval of the bylaws and forward to City Council.

Moved By: Commissioner Lee

Seconded By: Commissioner Mayton

Yes votes: Wegener, Poulin, Maclean-Wenzel, Lee, Mayton, and Crosby

No votes: None

Abstentions: None

The motion passed.

**8. NEW BUSINESS**

**8.1. Senate Bill 458 Code Amendments (File No. 21-059 DCA)**

Vice Chair Maclean-Wenzel opened the public hearing on File No. 21-059 DCA at 6:58 p.m. Maclean-Wenzel called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

**Staff Report:**

Senior Planner Meharg completed a presentation outlining the senate bill requirements, summarizing the joint work session with the City Council on March 7, and explaining the staff recommendation.

**Public Testimony:**

None

**Motion:** Motion to close the public hearing at 7:11 p.m.

Moved By: Commissioner Crosby

Seconded By: Commissioner Wegener

Yes votes: All Ayes

No votes: None

Abstentions: None

**Discussion:**

Vice Chair Maclean Wenzel summarized the agenda item and asked the commissioners for concerns and proposed modifications. Chair Crosby said that he was unsure what middle housing was, so he did some research on what middle housing is and discovered it was all housing between single family homes and large, high-rise, multi-family housing. Crosby asked if we should replace 'must' with 'shall.' Attorney Crean said that sometimes the word 'must' is preferred now, but whatever is defined in the code shall be used. Chair Crosby asked why Section 17.36.00 has a sentence in regard to the village comprehensive plan designation. Senior Planner Meharg and Director O'Neill stated that staff was just trying to make the existing sentence more clear and objective. Attorney Crean stated that intent sections are not used in quasi-judicial housing applications.

Chair Crosby asked a clarifying question about Section 17.100.40 (D) and if all partitions will need to meet the requirements of the BVO or other Specific Area Plan as stated in Section 17.100.40(D.2) of the proposed code amendments. Director O'Neill stated that the code should include an "if applicable" clause related to BVO and Specific Area Plan. Chair Crosby asked if we should have a middle housing definition added to the code in addition to the middle housing land division definition. Staff agreed that adding a middle housing definition would be a good idea.

Commissioner Mayton said that he noticed some grammatical errors in the proposed code edits and could forward some of the issues to staff.

Chair Crosby thanked staff for all of the hard work on the code modifications.

Vice Chair Maclean-Wenzel asked for clarification on parking standards related to duplexes and middle housing land division. Senior Planner Meharg stated that the City cannot require more off-street parking spaces for a duplex than for a single family home, and she elaborated on additional parking standards related to middle housing land divisions.

Commissioner Lee said that Section 17.100.130 in regard to easements should include the word 'recorded' in the first sentence.

Director O'Neill asked the Commission their thoughts regarding detached and attached duplexes. Commissioner Lee stated she is in favor of both detached and attached duplexes to provide flexibility. Commissioner Wegener said he wants to allow both detached and attached duplexes, but that he would like to explore setbacks in the future. Commissioner Mayton said that he is in favor of allowing both detached and attached duplexes. Chair Crosby said that he is in favor of allowing both detached and attached duplexes. Director O'Neill explained the confusion in regard to single family homes, duplexes, and townhouses, and how Senate Bill 458 is changing all of the traditional definitions. Senior Planner Meharg provided some additional information on parent and child lots. Chair Crosby asked a clarification on setbacks in regard to a replacement dwelling.

Commissioner Mayton asked a question about parent lots and how many duplexes can be placed on one parent lot. Senior Planner Meharg stated that only one duplex may be placed on a parent lot with one of the new lots created through a middle housing land division having one of the duplex units. Director O'Neill provided some additional information in regard to how plat recording will work with Senate Bill 458.

Commissioner Maclean-Wenzel asked a question about fees and if the City shall verify the fees on an annual basis. Senior Planner Meharg stated that Senate Bill 458 states that within one year the City has to revise the fees if the City determines the fees are too high or too low. Senior Planner Meharg then explained that the Senate Bill does have some allowance for extend the timelines related to middle housing land divisions. Attorney Crean confirmed that the City could potentially extend the 63-day clock if there is adequate reason.

**Motion:** Forward a recommendation of approval for File No. 21-059 DCA to the City Council with the modifications as noted by the Planning Commission.  
Moved By: Commissioner Crosby

Seconded By: Commissioner Mayton

Yes votes: Wegener, Poulin, Maclean-Wenzel, Lee, Mayton, and Crosby

No votes: None

Abstentions: None

The motion passed at 7:59 p.m.

**9. ADJOURNMENT**

Vice Chair Maclean-Wenzel adjourned the meeting at 8:00 p.m.



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Chair, Jerry Crosby



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Planning Director, Kelly O'Neill Jr