

## Interlaken Town Planning Commission Meeting Minutes

**Entity:** Interlaken Town

**Body:** Interlaken Planning Commission

**Subject:** Business

**Notice Title:** Interlaken Town Planning Commission Meeting

**Notice Type:** Meeting

**Event Start Date & Time:** June 16, 2020 @ 6:07 PM

**Event End Date & Time:** June 16, 2020 @ 6:27 PM

**Location:** PC Members to meet at Pump House, but will conduct Meeting via Zoom, with an anchor location for public attendance at the Smith Residence, 347 Luzern. Zoom Video Conferencing Software can be accessed at: <https://us02web.zoom.us/j/5163379977?pwd=QIJNT3loV3J4Nm83TFJOdGV5SUE1ldz09>

Meeting ID: 516 337 9977 Password: 84049

### Description/Agenda:

- 1. Call To Order.** Susanna Littell (S. Littell) Called the Planning Commission (PC) meeting to order at 6:07PM.
- 2. Roll Call.** S. Littell, PC Chair present, Steve Wilson, PC Member, present.
- 3. Presentations.** None.
- 4. Consent Agenda:** None.
- 5. Approval of 6/16/20 Agenda or Changes.** S. Wilson motions to approve the 6/16/2020 Agenda, S. Littell Second this motion, with all members approving the motion unanimously.
- 6. Approval of 5/18/20 Planning Commission Meeting Minutes.** Item Tabled for next PC meeting, due to time constraints.
- 7. Public Comment:** Comments taken on land use topics not scheduled for a Public Hearing. Speakers please limit your comments to a few minutes. The Commission cannot act on items not listed on the agenda, so it may not be able to respond. Total time for public comments will be 10 minutes unless Commission agrees to extend. None.
- 8. Other Business.** None.
- 9. Discussion and Planning Commission Action regarding the 6/16/2020 Public Hearing Meeting.**

Discussion and Actions regarding proposed Draft Code Revision Language for:

1. Accessory Buildings –
  - a) definition clarification (for accessory buildings): should be all inclusive.
  - b) building height limitations and thresholds that trigger the need for a Building Permit or Town Engineer review/approval: should be retained as proposed.
  - c) suggested limitation regarding not blocking the primary view of an existing primary residence: Since the proposed code language is a “recommendation” and not a requirement, it is not legally defensible and should be removed.
  - d) area limitations: The proposed limitation for the accessory building not exceed 50% of the area of the primary residence is not needed, because there is already a limitation on the area of accessory buildings, and this should be adequate.
  - e) area calculation clarification (for structures  $\leq$  200 sq-ft). Retain draft code language as proposed, to capture structures constructed without walls.
  - f) roof overhang thresholds that trigger the need for a Building Permit or Town Engineer review/approval: Streamline the proposed language for both roof overhangs and cantilevered roof overhangs.

- g) the establishment of plumbing prohibitions. Ensure code language proposed for accessory building plumbing does not limit appropriate plumbing uses in accessory buildings, that are not intended to use the accessory structure as a residence (i.e., gardening, art studio, bathroom, etc.).
- h) Building Height: Remove the proposed code language establishing a separate height limitation for accessory buildings/structures, and the limitation that the accessory building cannot exceed the height of the primary residence, and retain the current height limitation for all buildings. However, the PC recommends retaining the proposed code language in Title 9 (building Permit Exemptions) requiring a building permit for accessory building structures < 200 square feet in area with a proposed height > 16 feet. This recommendation is made to ensure small structures < 200 square feet with a height > 16 feet are reviewed by the Town Engineer for public safety/wind load concerns, and will not limit the maximum height of these structures, which can be 35 feet, per the current town code.

The final proposed changes to Title 9 and Title 11 were then prepared by the PC, presented in Attachments A and B, respectively (Attached).

- 2. Landscaping disturbance area threshold (to trigger the need for a permit or Landscaping Plan Submission increase) is proposed to change from 100 sq-ft to 500 sq-ft); Retain the proposed code language for Title 9, as proposed.
- 3. New “Timeline limitations and requirements for Construction Permits” are being proposed to support the forward progress of construction projects. Retain the proposed code language for Title 9, as proposed.
- 4. The final proposed changes to Title 9 and Title 11 (incorporating the revisions discussed in Items 1-3 above) were then prepared by the PC, presented in Attachments A and B, respectively (attached here).
- 5. S. Littell motioned to recommend Town Council Approval of the code revisions to Titles 9 & 11 (presented in Attachments A and B) at their next scheduled Town Council Meeting on 6/16/2020, immediately following this PC meeting. S. Wilson Second this motion, with all members approving the motion unanimously.

**10. Adjournment.** Wilson motions to adjourn the 6/16/2020 meeting at 6:27PM. S. Littell Second this motion, with all members approving the motion unanimously.

**ATTACHMENT A**  
**The Specific Title 9 Code Changes Recommended by the Planning Commission for  
Town Council Approval During the 6/16/2020 PC Meeting**

# PROPOSED CHANGES TO TOWN OF INTERLAKEN MUNICIPAL CODE

## TITLE 09 BUILDING AND CONSTRUCTION

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### CHAPTER 9.05 SITE DISTURBANCE PERMIT

#### Section 9.05.020 When Required

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A. Permit Required. A Town of Interlaken Site Disturbance Permit is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape or increase impervious surfaces upon any parcel of property located in the Town. No excavating shall be done further than is necessary to place the lot on grade or for building a dwelling and /or garage.

B. Exemptions. The following activities are exempt from the permit requirements of this Chapter:

1. Actions by a public utility, the Town, or any other governmental entity to remove or alleviate an emergency condition, including the restoration of utility service or the reopening of a public thoroughfare to traffic;
2. Actions by any other person when the Town determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition;

3. Construction activities (which includes the construction of accessory use buildings or accessory use structures) disturbing less than 200 square feet of land and surface area. The square footage area calculation for accessory use buildings and accessory use structures shall include the areas of the associated roof, excluding roof overhangs that extend 3 feet or less from the edge of the building wall or frame. This exemption does not apply to the following conditions (which does require obtaining a Building Permit or Town Engineer review and approval):

a) The construction of an accessory use building or accessory use structure with a proposed roof area that will exceed 175 percent of the associated building's or structure's footprint.

b)-The construction of an accessory use building or an accessory use structure with a proposed roof overhang (with or without support) or a cantilevered overhang that exceeds 3 feet from the exterior frame or wall.

c) the proposed construction of an accessory use building or accessory use structure with a height that exceeds 16 feet;

4. Residential landscaping and gardening activities disturbing less 500100 square feet of land surface area and does not conflict with Section A of 09.05.020;

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#### Section 9.05.060 Site Disturbance Permit – Revocation or Suspension

A. Revocation or Suspension. A Site Disturbance Permit may be revoked or suspended by the Town upon the occurrence of any one of the following events:

1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
2. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to site disturbance; or
3. A determination by the Town that the site disturbance measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, dust, debris or other pollutants from the construction site by storm water or wind; or;

4. Failure of project progression within any contiguous six (6) month period.

Any project that has not received an inspection for a six (6) month period will be determined to have not progressed within that period.

The permittee may submit a written request for a permit extension. This extension must be received by the Town Clerk within thirty (30) days of first notification of term violation.

Permit extension requests must contain a proposed project construction schedule for the following (6) six month period. Construction activities must progress sufficiently to result in a minimum of one (1) inspection within that six (6) month period. Inspection need not be passed.

The Town Council must approve permit extension requests.

If approval is not given by Town Council, then the permit will be revoked and all applicable, outstanding deposits will be remitted to permittee.

For the project to resume, a new permit application and all applicable fees must be submitted by the permittee and approved by the Town Council pursuant to all applicable procedures described in Title 9.

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**ATTACHMENT B**  
**The Specific Title 11 Code Changes Recommended by the Planning Commission**  
**for Town Council Approval During the 6/16/2020 PC Meeting**

# PROPOSED CHANGES TO TOWN OF INTERLAKEN MUNICIPAL CODE

## TITLE 11 LAND USE

### CHAPTER 11.02 DEFINITIONS

For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

1. Building. Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.
  - a. Main building. The principal building upon a lot.
  - b. Setback line requirement. A line requirement designating the minimum distance which buildings must be set back from a street or lot line.
  - c. Building, accessory. A subordinate building or structure, the use of which is incidental to that of the main building. Accessory building and structure uses may include but are not limited to garages, carports, covered patios, greenhouses, gazebos, sheds and other uses.

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### ~~CHAPTER 11.06 SUPPLEMENTARY REQUIREMENTS IN ZONES~~

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#### **Section 11.06.030 Area of Accessory Buildings**

Accessory buildings in any residential zone shall not cover more than 25 percent of the rear yard.

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#### **Section 11.06.070 Maximum Height Provisions for all Buildings**

The height of any building shall not exceed 35 feet.

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