

Randy Diehl gave the staff report:

RE: LA-2024-045

Applicant: Jackson County Public Works

Request: Requesting an amendment to Chapter 240 of the Jackson County Code relating to the definition of a dwelling.

24002.2.a.56

Dwelling. A building or a portion of a building arranged, intended, or designed for occupancy by not more than one family, [**with a minimum of 600 square feet, excluding porch, patio and garage. Prohibited as a principal or secondary (accessory) residence: motor homes, travel trailers, or any vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use or portable facilities on skids, wheels, or other movable devices.**]

Recommendation:

Staff recommends APPROVAL of LA-2024-045

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Me. Diehl: We are hoping to bolster the development code to match the recently updated building code, which contains the minimum square footage requirements. It also assists in areas zoned as Single Family where we are experiencing individuals utilizing structures that are not designed to be used as a permanent dwelling. The Courts also suggested we amend the Code so that the definition is clear.

Mr. Lake: Can you give an example?

Mr. Diehl: Someone wanting to just live in an RV or a tent. Those are not permanent structures. Some developments have covenants and restrictions, imposed by the owner or developer, that places restrictions regarding structures. Some examples are minimum square footage requirements, outbuildings matching the house and colors you can paint your house. The County does enforce private restrictions.

Mr. Antey: So, what if a person wants to live in something temporarily if they are building a house?

Mr. Diehl: We allow that if they have a valid building permit, they are making progress and calling for proper inspections. Once they are cleared for occupancy, that temporary use ceases.

Ms. Ryerkerk: How would that relate to tiny homes?

Mr. Diehl: If they can meet code, we would more than likely approve it. We had some people take a container or a shed and make the necessary adjustments to occupy it. Sheds for example don't have more than one form of egress. Small windows don't meet code. Some of the tiny homes that were being marketed had the breaker box inside the bathroom.

Mr. Lake: What if they added a garage to the shed?

Mr. Antey: That's not living space.

Mr. Lake: What about people wanting to live in a barndominium?

Mr. Diehl: We allow those. There are a couple scenarios. There isn't a limit on square footage if this is going to serve as the main dwelling. If there are plans for a larger "house" to be built in the future, then the barn living space is limited to a 1,000 square foot. However, they cannot share the same septic system. If need to know up front what their future plan is.

Mr. Crawford: Where did you come up with 1,000 square feet?

Mr. Diehl: That is from the UDC which states that an accessory dwelling is limited to 1,000 square feet of living area.

Mr. Crawford: And the 600 square feet?

Mr. Diehl: That's the minimum.

Ms. Ryerkerk: Where did that number come from?

Mr. Diehl: That's in the 2018 International Building Code. We are wanting to mirror that number in the UDC. The development code prior to 1995 had the 600 square foot but for some reason was never included in the definitions of the current development code.

Mr. Smead: Will this grandfather any of the existing problem areas?

Mr. Diehl: No. The areas zoned as Single Family stipulate that houses must be permanently attached to the ground. We are just enhancing the language.

Mr. Smead: Are you taking steps to enforce those areas?

Mr. Diehl: We've had the Sheriff motivate some people to move along.

Mr. Lake: Are these people the property owners?

Mr. Diehl: Yes and no. One of the incidents was that someone just squatted on a vacant piece of ground and the owner asked the Sheriff to help remove them from the property.

Mr. Lake: How does this language help?

Mr. Diehl: It helps us once we have issued a citation and gives us more bite once they make an appearance in court.

Mr. Crawford: What about not being attached to a septic system?

Mr. Diehl: The Code stipulates that a dwelling must be attached to some sort of approved wastewater system, whether it's a septic system or public sanitary sewer. Who knows what they are doing in that regard, so this also helps for any type of nuisance violation.

Mr. Crawford: How would this affect a place where mobile homes or campers are placed?

Mr. Diehl: Mobile home communities or RV parks would be subject to approval by either a Planned Zoning or a Conditional Use Permit.

Ms. Ryerkerk: What is the cycle of the building codes?

Mr. Diehl: We recently adopted the 2018 International Building Code. It's a 3 or 4 year cycle. We are at the same level with regional jurisdictions.

Mr. Farrar: Accessory is in parentheses. What is an accessory residence?

Mr. Diehl: That would be a residence secondary to the principal residence. Sometimes they are referred to as mother-in-law quarters.

Mr. Monaco: I'm with the word accessory. Does it need to be defined?

Mr. Farrar: It could be a sticking point.

Mr. Antey: One could argue about having a tertiary dwelling, since principal or secondary are not allowed. I would strike secondary and just say any accessory.

Mr. Monaco: Now we have residence vs dwelling. I think we should use the word dwelling.

Mr. Lake: So, if a person brings in a double wide and sets it a concrete?

Mr. Diehl: Those are manufactured to be a dwelling. They are typically anchored to the ground as per manufacturers' recommendations.

Mr. Lake: I'm talking about tiny homes.

Mr. Diehl: You can't go to Lowes or Home Depot, buy a 10 x 10 shed, put it on property and call it a house.

Ms. Ryerkerk: I think tiny homes are a sticking point.

Mr. Diehl: Tiny homes are seen more in urban areas. They are clustered together and have the benefit of being on a centralized sanitary sewer system. In the rural areas, where there isn't a public sewer, it's subject to the 3 acres per dwelling rule.

Mr. Horn: What is the reason for this?

Mr. Diehl: There are some areas where there are people living in tents, campers or the like. These areas are zoned for single family residences. It helps us when we have tickets in Court, and they said our definition is a bit gray. The suggestion was to clarify the definition of a dwelling. It would help those properties that have squatters and not have a proper dwelling on it, like a vacant lot.

Mr. Lake: I would imagine this problem is more in the urban area.

Mr. Diehl: Yes.

Mr. Farrar: What's the process after we send this recommendation on?

Mr. Diehl: This is forwarded on to the Land Use Committee, a sub committee of the County Legislature. They hold a second public hearing. Typically, they take it to the full Legistuarre for consideration that same day. The full Legistuarre would approve or deny the request.

Mr. Antey: I would suggest we recommend the following:

Dwelling. A building or a portion of a building arranged, intended, or designed for occupancy by not more than one family, **[with a minimum of 600 square feet, excluding porch, patio and garage. Prohibited as a principal or accessory dwelling: motor homes, travel trailers, or any vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, or portable facilities on skids, wheels, or other movable devices.]**

Motion to take under advisement.

Mr. Monaco moved to take under advisement. Mr. Smead seconded.

Discussion under advisement

Mr. Farrar moved to approve as amended. Mr. Monaco seconded.

Mr. Lake	Approve
Mr. Farrar	Approve
Mr. Smead	Approve
Mr. Monaco	Approve
Mr. Horn	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 8 – 0