

**Town of Eatonville
PLANNING COMMISSION MEETING
MONDAY 7:00 PM, FEBRUARY 20, 2007
COMMUNITY CENTER
305 CENTER STREET WEST**

MSC- Motion, Second and Carried.

Chairman Lind called the meeting to order at 7:00PM .

Commissioners Present: Lind, Valentine, Schaub, Frink, Harris, Harper, Beach excused absence.

Town Staff Present: Mayor Smallwood, Nick Bond, Mart Kask, Ed Hudson and Karen Bennett.

Approval of agenda: Change order of Public Hearings. 1)Down Town Revitalization Comprehensive Plan, 2)Development regulations amendments – Eatonville Airport, 3)Rezone – 201 Rainier Avenue North. With no objections agenda was approved.

Approval of minutes: Motion for approval by Ms. Harris. Second by Mr. Schaub. All in favor of approval. No objections minutes approved.

Communications and Announcements:

From Commissioners, Town Officials, other government bodies:

Lind introduced Mr. Harper as a new Planning Commissioner.

From the Public: There was none.

Public Hearings:

Lind opened Public Hearing on Down Town Revitalization Comprehensive Plan

Mark Spitzer, Arai Jackson, 2300 7th Avenue, Seattle, Washington

Review of the Down Town Revitalization Comprehensive Plan. We are hear tonight to recommend adoption of the plan.

Lind looking for a motion for approval of the Town Center and Corridor Study dated February 5, 2007.

Schaub made a motion so moved to that effect of the study that has been presented on a revitalization for the community dated 5, February 2007.

Lind we have a motion to approve the Town Center and Corridor Study dated February 5, 2007. Do we have a second?

Frink second.

Valentine has there been any determination on whether there is going to be one way streets on Mashell or is this going to come later on?

Mark Spitzer, Arai Jackson, 2300 7th Avenue, Seattle, WA

One way streets work better for traffic and not as well for pedestrian amenity. One way streets are meant to speed up traffic and make it flow smoother. We did not say that one way streets were a bad thing. We just need to design them correctly. The dilemma that we pointed out for Eatonville is that if you made one way streets now the Mashell/Washington trade off was the one that was suggested. You would be running major truck traffic down Mashell. This has two problems, one is that it is major truck traffic and it's your downtown main street so the character is a bit of a struggle. Second, Mashell's geometry, current pavement geometry, is not very good. The pavement is not very good, there is pretty severe side slope and inadequate curbs which are not a big issue is it comes to people driving cars and parking but once you get major vehicles on there it is more difficult. What we suggested and what was adopted in the plan was that you don't do one way streets now. But we would not recommend anything that would prevent doing them in the future. We suggested that the discussions that we heard about providing an alternate truck route around the downtown core. If that came into being then that would open the door for a re-discussion of one way streets. The position we took for now we didn't think it made sense but we left the door open for future study.

Harris is there still going to be on street parking? Also, are we looking at merchant having other parking available?

Spitzer yes. There are two other avenues for parking both of which require additional discussion. One is to do, what we call, alley parking which is to use the alley as a center drive way for parking on both sides. Obviously, that parking takes place on private property and we recommended that might be best as a operations thing that you don't ask the town to buy the property but you work with the merchants to get that to work smoothly because it benefits everybody. The second one was to provide a couple of off street supplemental parking areas, especially for the summer time. One obvious one is the Middle School parking lot which is not used very much in the summer and is already assessable by Carter. The other was to consider a piece of property over on the west side of Mashell that could either be leased or purchased and used for some off street parking so that you would have some additional capacity. It appears to us that there is actually a fair amount of on street parking. I don't think the town needs to invest a whole lot of money in providing off street parking yet.

Jeff Stephan, 147 Weyerhaeuser Road, Eatonville, WA

Would suggest that you spend an hour down here looking at how many trucks go down Washington Road there are way to many trucks to be dealt with you don't want them down Mashell. They would destroy the roads.

Lind all those in favor of the motion say "T". All in favor. Motion passed unanimously.

Lind open Public Hearing on Development Regulations Amendments – Eatonville Airport.

Mart Kask the issue before you is the revisions to the Airport Development Regulations. As currently in our development code in two sections. One is the aerospace zone and the other the overlay zone dealing with height and incompatible land uses. Reviewed the history of the Hearings Board invalidating of two chapters of our code and we have to now go back and replace them with material that is going to meet the satisfaction of the Hearing Board. Reviewed Airport Committee Recommended Revisions of the Development Regulations Memo dated February 15, 2007.

Brenden Pierce, 425 Jet Court East, Eatonville, WA

Participated in Airport Committee meetings and one thing that he understood from the first meeting and that has changed from what I understood is B) height and in the first meeting we talked about taking FAR77 in and applying for any obstructions that may cross through that FAR77 and then waiting for the reply of the FAA and if the FAA had no problem with it that would solve that issue or if the FAA had a remedy for that, which was either notification or lighting or painting a roof multi-color or checkerboard that the town would adopt that. Now I see that we are going to put that all through a variance on top of taking the FAA's information. Now we are going to run it through and make your lives even more miserable and everything that comes through there is going to have to come through here. It does not make sense to me. We just approved a plat that everyone of those house is going to have to go through this process and every house, before they can get a permit, is going to have to pay the \$250 fee to run it through a variance when they have already applied to the FAA and if they get FAA approval I don't know why we can't adopt that FAA approval. I doesn't seem fair to those people if they are willing to do what the FAA says that we should have to bring it here to a board of adjustment.

Kask the initial report that from the Airport Committee that Mr. Pierce referred to did propose that an application that in the view of the Planning Director is going to penetrate the height limits is to be submitted to the FAA on Form 7460-1. When the comments come back the planner will determine how to condition that particular application. That was in the first draft, however, our attorney, Mr. Ed Hudson reviews all of our regulation language as well as the comp plan language making sure that everything is proper and legal and the other is that we satisfy the Growth Management Hearings Board. His proposal was to avoid any continuation of confusion and what Hearings Board said inconsistency in our development regulations internally and externally that our best approach would be to deal with every application that proposes to penetrate the height regulations or height planes would have to be treated as a conditional use and that language was put in there after the Airport Committee reported that piece out and that is a legal amendment put on it by our Town Attorney. It is for the purpose of making sure that when these issues are submitted to the Hearings Board and he is the one who is going to be submitting it and he wants to make sure that when the Hearings Board takes it up that there will be a reasonable assurance that they will be adopted by the Hearings Board and will be judged to be no longer inconsistent as they have judged our current regulations to be.

Ed Hudson if we can get assurance from the FAA that they will give a thumbs up, thumbs down (with conditions) then any thumbs up ought to be able to be worked out so that you would not have to go through the variance process. In other words we could probably re-

draft this that if you got a thumbs up that would allow the permit to go but if you got a return from the FAA that had conditions then process would process through the variance procedure. We may be able to say something that if it is conclusive, without conditions that you can move forward without going through the variance process.

Lind when we make the motion to adopt this then we would take this up as an amendment and we could make some language to include language drafted by you and Mr. Kask to deal with positive acceptance.

Schaub are we going to charge each individual housing unit \$250. for a variance fee?

Bond yes, as our code is written today that is how we would apply the proposed language. If they penetrate.

Schaub wonder if an individual now living on the edge of the runway wishes to construct a small storage shed.

Bond same thing.

Lind asked for a motion to approve this to start with the report of Mr. Kask and then we will put amendments on it from there.

Schaub Mr. Chairman I would like to make a motion to adopt the amendments of the Eatonville Development Regulations relating to development at and adjacent to the airport as presented in a memorandum to the Planning Commission dated 15 February 2007. And including adopting the Findings of Fact.

Harper second.

Lind to adopted amendments to Eatonville Development Regulations relating to development at and adjacent to the airport as presented in a memorandum to the Planning Commission dated 15 February 2007 and including adopting the Finds of Fact. That is the motion and we could go to discussion but I think the next order of business is we need to do an amendment Mr. Kask for these two items. Is this correct?

Kask I would ask that the Planning Commission consider two amendments and these amendments are at the request of the Town Attorney having review our documents. The first amendment deals with height and it is labeled "B" in your hand out. That clarifies some language in the area that we do not repeat the variance procedure in two places in the Development Regulations. Any time you repeat something in two places there is a potential of running into a conflict but what we are particularly cognize of it is to remove any conflict or inconsistency within in the body of the regulations. The purpose of that first amendment, height amendment is to remove any further redundancy or duplication or some language that would cause the Hearing Board to say that there further exists an inconsistency statement in the regulations. The second amendment is also in the same mode and refers to non-conforming uses in our main body of the development code. So there is no confusion on any ones part that we have a section on non-conforming uses in the airport regulations and a duplicate statement about non-conforming uses in the regulations body as a whole. By

referring the non-conforming use discussion in the airport section to the main body again is for the purpose of eliminating potential of the Hearings Board finding that to be an inconsistency in our regulations. These are technical corrections in a sense that they do not change the substance but it does change the presentation of it so that with the purpose in mind that if they are adopted the regulations are more clear, concise and less prone to be judge to be internally inconsistent.

Lind if we were to adopt the item “G” in the memorandum from Mr. Hudson dated February 20, 2007 we could adopt that as an amendment in it’s entirety and finish with that then we could go on as a second amendment adopting the height and then we could make an amendment to that for the language that Mr. Hudson is currently drafting. Is that correct?

Kask that is correct.

Lind I am asking for amendment to the main motion to adopt paragraph “G” in the memorandum from Mr. Hudson to Mr. Kask dated February 20, 2007 dealing with chapter 18.04.187.G. Do I hear a motion?

Schaub motion.

Frink second.

Lind the motion is to adopt the context, the language “G” from chapter 18.04.187.G in Mr. Hudson memorandum of February 20, 2007 that Mr. Kask was courtesy copy to Nick Bond. Any discussion on this? Not seeing any from the Commissioners. Anything from the public? No hearing anything. All those in favor say “I”. All in favor. Opposed? That amendment has passed unanimously. I will then ask for an amendment from the document Mr. Hudson to Nick Bond date February the 20th 2007 at 2:21 pm. Dealing with height labeled sub-paragraph “B” Height. Do I hear a motion to that effect?

Harper so moved on the Height Amendment.

Schaub second.

Hudson I want you to interlineate into the memorandum that you have that has the word height in it and it says “all uses shall be subject to”. When you get down to the word you will see the words “Federal Aviation Administration” and then you will see the words “and having received”. After the word received write in “written unconditional approval of the applicants proposal or if approval is conditional, then upon the applicant having filed under” the rest of the text would be the same.

Bond it is my understanding that the FAA does not actually give approval but they make a determination as to whether or not the proposed obstacle is a hazard or is not a hazard and maybe Paul Good can clarify that. We may want to change the text from “un-conditional approval” to “determination of non-hazard” or something similar.

Hudson this is were it gets to be a little more difficult because we don't have anyone from the FAA here to say exactly what they are going to say.

Kask the Federal Aviation Administration has three categories of response. One is that they find the proposal to be a danger to aircraft operations. They suggest that that project not be granted. The second is that they find the construction proposal a moderate hazard and they do not recommend any specific action. The third is that they are saying they have reviewed and they have no real comment to make on it. Those are the three types of comments that the FAA makes on these kinds of applications.

Brenden Pierce, 425 Jet Court, Eatonville, WA

The FAA responds with some mitigation if it is in the middle category that Mr. Kask spoke of. He says that is true. If we are following FAR77 as the Federal Government applies it and they suggest mitigation are we ready to assume as a town the responsibility if it has to go through and you approve that and then something happens or do we want to follow the FAR77 like we talked about? If we are going to approve whatever the FAA says somebody might come along and say you could have required more. I suggest that if the FAA gives mitigating, something to mitigate the danger, to where they accept that is a reasonable building with those mitigations then we should allow Nick to accept that as FAA finds if the builder will implement those findings.

Paul Good, 295 Weyerhaeuser Road, Eatonville, WA

When a new structure is proposed and the FAA is notified via the appropriate form 7460 the FAA is obligated to acknowledge that form. They will acknowledge it in writing the receipt of each notice and the acknowledgement states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration: one of three things would not exceed any standard of sub-part "C" which is our height regulations and therefore is not a hazard to air navigation. Two, would exceed a standard of sub-part "C" but would not be a hazard to air navigation. Or three, would exceed a standard, therefore it is an obstruction, and further aeronautical study is necessary to determine whether it be a hazard to air navigation. The sponsor may request then 30 days at further study and that pending completion of any further study it is presumed that the construction or alteration would be a hazard to air navigation. That is what you are going to get back is one of those three things. In case of the first two they don't care. In the case of the third one then something has to be done. The last published copy that I saw that defined the FAR77 surfaces had some errors in it when compared to the actual regulation and I think that it would behoove us to make sure that they accurately reflect the FAR77 surfaces.

Hudson written statement that applicants proposal "would not be a hazard to air navigation", but if one or more hazards are identified. . .then the rest of the language would be the same.

Lind in line five at the end where it says received we would insert a written statement that the applicants proposal "would not be a hazard to air navigation", but if one or more hazards are identified then we would continue down to the written on it and that would be what you would like to have inserted in there?

Hudson yes.

Lind looking for a motion and a amendment to the amendment in regards to “B” that the language would be inserted after received in line five a written statement that applicants proposal “would not be a hazard to air navigation”, but if one or more hazards are identified. . .then the rest of the language would be the same.

Harper so moved on the amendment revision.

Schaub second.

Lind discussion.

Schaub in our last meeting we were saying that the contractor that is going to be building twenty three buildings would have to apply and fill out forms and submit it to FAA no he is still going to submit that form and the only reason he submits it is to make FAA aware of that height difference.

Hudson it is my understanding that if the Town of Eatonville did not exist and there was an airport here Federal Regulations would require that that form be filled out and submitted.

Schaub say that Mr. Harrison who has several hundred feet along the edge of the runway wishes to build some more hangers he will then have to submit this form to FAA, nothing more would be done about it, he’s just submitting the form to let the FAA know that there is a certain height there that can be published in their publications to make pilots aware of. There is nothing else that will interfere with the Town or with this builder. Who in that case would be Harrison Christian.

Hudson it is my understanding that the FAA is asking for the form to be submitted in conjunction with the request for a construction permit. That much would be going on. If the FAA came back and said that there was no hazard with the language that we are using the letter would be taken to the Town and the applicant would ask then for a building permit. If the letter is saying something different than no hazard and says that you should not build this without doing certain things then you would move over to the variance process.

Lind we will vote on the motion to amend the motion by putting in after receive on line five the written statement that applicants proposal “would not be a hazard to air navigation”, but if one or more hazards are identified. . .then the rest of the language would be the same. All those in favor say “I”. All in favor. Opposed? None. Now that brings us back to the amendment on height. Any discussion on that? Public? Not hearing any. All those in favor of the amend amendment say “I”. All in favor. Opposed? None. That motion has passed.

Kask I would like ask your permission to make any typographic or technical number corrections without having bringing those to your specific attention.

Lind so Mr. Kask if we had a motion that would say “Town Planner, Mart Kask will do final editing, including grammar, spelling and consistency of numbers and taking out Appendix

“B” and renumbering Appendix “C” as letter “B”. I am looking for a amendment to the motion to that effect.

Schaub I move to that effect as an amendment to the motion.

Harper second.

Valentine Mr. Kask, I noticed in here that you’re using FAR77 and then you are referring also CFR. Should it be consistent or should it not be?

Kask there is a difference. I think CFR is Code Federal Register or Regulations and FAR is Federal Aviation Regulations.

Valentine it refers to imaginary surfaces under both.

Kask the CFR is a proper reference because those words come out of the federal documents. I think that they mean different things. That is the way it is phrased in the Federal Regulations and that is the way I transferred it over to our document.

Lind we are to the motion with three amendments having been approved. All those in favor say “I”. All in favor. Opposed? None. It was an unanimous decision. We have moved this on to the Town Council.

Lind opened public hearing on Rezone Application for 201 Rainier Avenue North, Eatonville, WA

Bond reviewed Findings and Recommendation for Rezone Application for 201 Rainier Avenue North. Proposed Change from MF-1 to C-1. Applicant Ronald (Grins) Pierce.

Rowland Litzenberger, 43707 18th East, Eatonville, WA

Proponent. Gave a brief history of the property. Talked about the zoning map indicated that the property was zoned C-1 and Nick Bond confirmed that the map located in the Planning Commission office does show that the property is C-1. Our assumption for many many months that this property was zones C-1. In reality that zoning was never approved by the Council though that map hung there for several years because I have used it for reference many many times in my daily business dealing in town. I am here tonight to change something that I believe was in error not on our part but on someone else’s part. Commented on the Comp Plan and it’s desires for the town’s center. Entered four e-mails into the record for support.

Ronald Pierce, 109B Washington Avenue North, Eatonville, WA

Proponent. Shared feelings about this property.

Nancy Ellis, 107 Eagle Glen Court, Eatonville, WA

Proponent. Is in favor of this rezone. Made note that the part of the building that is historical is the staircase. Thinks that is would be a great asset to the town.

Dixie Walter, 140 Antonie Avenue North, Eatonville, WA

Not a proponent or an opponent because I don't understand the whole thing very well but I kind of take issue with everybody saying it's not an historic building because it's not on a register. I have talked to old timers around Eatonville for years and everybody says that they took the lumber from the last old wooden school building and incorporated it into the apartments. It was supposed to be built in about 1927 so that makes it about 80 years old. I don't know how guys come up with what is historical and what's not but it kinda bothers me to hear say it's not historic because I can't find it written down anywhere and it's old and it's a dump. We have lost so many charming buildings in this town and we keep saying we want to keep the small town charm and we turn around and say it's 80 years old to let's tear it down.

Gail Crawford, 244 Easton Avenue, Eatonville, WA

I agree on both sides. It's a good project but again if it is a historical building you can preserve wood and turn it into something else.

Lind public hearing is closed.

Schaub I move to recommend to the Town Council the approval of a rezone of tax parcel 3605000420 from MF-1 to C-1 and hereby adopt the staff report titled: Findings and Recommendations. Rezone Application for 201 Rainier Avenue North. Proposed Change from MF-1 to C-1. Applicant Ronald (Grins) Pierce.

Frink second

Lind I move to recommend to the Town Council the approval of a rezone of tax parcel 3605000420 from MF-1 to C-1 and hereby adopt the staff report titled: Findings and Recommendations. Rezone Application for 201 Rainier Avenue North. Proposed Change from MF-1 to C-1. Applicant Ronald (Grins) Pierce. All those in favor say "I". All in favor. Opposed? None. It is passed unanimously and we will move it on to the Town Council.

New Business: None

Old Business: None

Public Comments: No comments.

Commissioner Comments:

Harris didn't Mr. Bond ask that we have a motion to get two items synced up?

Bond Comp Plan amendment for 2008 if we wanted to approve a motion to make amendments to figure 10-2 of the Comprehensive Plan which would be taken up in 2008. The motion would be "to consider an amendment to the Comprehensive Plan to Figure 10-2". Move to initiate Comprehensive Plan Amendments to Figure 10-2. Showing the area along Rainier being changed from MF-1 to C-1.

Schaub I would like to make a motion to send to the Comprehensive Plan the change as mentioned tonight on Rainier from MF-1 to C-1 in the area on the East side of Rainier and North of Carter to school property.

Harris and Harper second.

Lind we have a motion to make an amendment to the Comprehensive Plan during the upcoming cycle to change MF-1 to C-1 on Rainier on the East side, North of Carter to the school grounds. All those in favor say "T". All in favor. Opposed? None. Motion is passed and will be put into the process.

Next Meeting: March 5, 2007

Harris motion to adjourn meeting.

Harper second.

MSC to Adjourn at 9:15 PM

PC Chairman, Steve Lind

PC Recorder, Karen T. Bennett

PC Secretary, Larry Frink