

**Town of Eatonville  
PLANNING COMMISSION MEETING  
MONDAY 7:00 PM, JUNE 4, 2007  
COMMUNITY CENTER  
305 CENTER STREET WEST**

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

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

**Town Staff Present:** Mayor Smallwood, Nick Bond and Karen Bennett.

**Approval of agenda:** Unanimously accepted w/correction.  
Amended to put Comprehensive Plan Amendments under old business.

**Approval of minutes:** Beach moved to approve the minutes of May 7, 2007. Frink and Harris seconded the motion. Unanimously adopted.

**Communications and Announcements:**

**From Commissioners, Town Officials, other government bodies:**

**Nick Bond** at the request of Chairman Lind I have passed out copies of the disk of the Water Comp Plan. Water issues are likely are going to be an issue that is going to be discussed at the Mashell Meadows hearing next week. Also passed out a copy of the memorandum of agreement that was not approved at the last Council meeting. There is a memorandum of agreement on number one and two in the packet. Number two has not been discussed at all and will be coming before the Planning Commission. Number one, many of the elements are likely to come up at the Planning Commission. If any of you are interested in doing any background review to prepare yourselves for the hearing next week you can look over those conditions now and a final version of this will come out with the next packet. The other thing that I would like to discuss was the issue of needing some extra Planning Commission meetings this month. On June 18<sup>th</sup> we are going to be having a hearing on the Mashell Meadows project and I anticipate that is going to take the entire evening. I also suggested that we schedule that hearing to open at 6:00 pm instead of 7:00 pm so that we have adequate time to get through all of it. On June 20<sup>th</sup> but possibly June 19<sup>th</sup> I would like to have a second Planning Commission meeting to discuss the school conditional use permit and also continue any unfinished elements of Mashell Meadows that we may need to get back to. If everyone is available on the 20<sup>th</sup> that is the date that the School District has requested for a hearing on that Conditional Use Permit.

**Lind** Planning Commission members is their anybody that can't make the 20<sup>th</sup>?

**Bond** the schools attorney had requested the 20<sup>th</sup> as the night that everybody is definitely available. They said they could reschedule for the 19<sup>th</sup> is necessary but right now everyone is available on the 20<sup>th</sup>.

**Lind** could I have a motion to set the meeting for June the 20<sup>th</sup> at 7:00 pm for the School Conditional Use and if need Mashell Meadows afterwards.

**Harper** motioned.

**Schaub** second.

**Lind** any discussion? Not hearing any discussion. All those in favor of setting the meeting for the School CUP and Mashell Meadows if we need extra time on June the 20<sup>th</sup> at 7:00 pm. All those in favor say “aye”. Let the record show that it was passed with one “naye”.

**Bond** the Mashell Meadows Project will have an open community meeting to present their project to the public. I have advertised this as a Planning Commission and Council open meeting. No decisions will be taken at this meeting but there will be a presentation where there may be a quorum present and they are going to be leading the presentation just presenting to the public what their project is and what it is about and if anyone has questions there is going to be some question and answer and it will give them a better opportunity to prepare for the hearing on the 18<sup>th</sup> and it will also give the public time to formulate any other questions or concerns that they have.

**Bond** the projects that we have going right now. SEPA has closed on the Mashell Meadows Project. We received quite a few comments on that one. I have forwarded those to the developer. SEPA has also closed on the town homes project where the old mobile home park was located. That project we are moving forward with the engineering review and their hoping to be under construction within 30 days. The concrete batch plant on the east side of town, SEPA will close on that on Thursday. When SEPA closes we will be issuing all the final permits for operation of that facility pending any comments or things that need to be changed. The hilltop project up here all the infrastructure, aside from the road improvements, have been completed. The Baker plat out by the Baptist Church they have approved engineering plans and they are going to start construction on their infrastructure very shortly. Aviator Heights, we have approved the engineering plans for the sewer system out there. They are installing sewer pipe. We are awaiting storm water plans and water system plans to come in. Also, the final engineering on the streets and sidewalks.

**Harper** these projects that are pending how ERU's are thinking we will be using for the town homes, Aviator Heights?

**Bond** Aviator Heights project is 23 lots and they may be consolidating one of those lots to make a double lot so 22 units. The town homes there are 20 existing units there and their replacing them with an additional 8 units so the numbers that I presented at Council last week reflected the town homes still being present that 17 were still there when that count was taken, but I'd have to double check but totally we going to have a total of 28 units on that site. The water usage on the concert batch plant. They actually already have a two inch connection on that site. We are still evaluating if they need to buy additional water connection or if what they have is sufficient in what their projected usage will be. The eight lot plat in front of the Baptist Church is just eight residential connections.

**Mayor Smallwood** reported on a productive retreat on Saturday even though it was poorly attended. We went over the vision and goals, the values and the mission and we also went over the goals and added some goals and removed some goals. Second thing is the Carter

Street project is ahead of schedule and below budget and the Rainier Street project is ahead of schedule and is at or below budget. We also received a grant, not confirmed and we have not seen the money yet or the allocation for the money to do Center Street. And that Center Street basically from Arrow Lumber to Aarons Ark and from the bank to Pennsylvania Avenue. That's a overlay grant. They will be grinding down some of the black top they have now and doing an overlay so it looks nice. That's about a \$165,000 grant. Hopefully that will be done by the end of the summer.

**Schaub** the water fountain in front of the Town Hall. Is there anyway that we can get that thing to work again?

**Mayor Smallwood** will have Bill look into that.

**Lind** on the Sign Ordinance I have talked in the past with the businesses and I have told them that they should work on an electronic copy off of Mr. Bond's document and if they have some items on that they would like something different on they should use insert and delete mode with comments on a electronic version and get that into Town Hall by 4:00 pm on the Wednesday before the hearings so that it can get into our packets and we will have time to look at it in regards to what's there and what Mr. Bond has done on that. I would ask Mr. Bond if you would make those people aware that is the situation and I would ask that we have that packet put together and out to the Planning Commission members on Thursday before that hearing so we will have sufficient time to look through it. Mashell Meadows, Mr. Bond has indicated that he and I have had some discussions on that. He agreed to get transcripts of the two times that it was in front of the Council and I have spoken on that matter in front of the Council both times and expressed, as the Chair, my thoughts on the procedures and precedence of taken place on it. There is a letter that you will see that will come out that I had sent into the Planning Commission.

**Public Hearing** – Conditional Use Permits for Eatonville School District – Postponed-discuss new dates.

**Bond** we have already discussed the new dates for this hearing. The reason that we are postponing. The school had anticipated having SEPA published by the end of May and that would have been perfect timing because we would have been able to see what conditions they had included in their SEPA for mitigation. SEPA needs to be done before you give any other kind of permit. They still have not posted SEPA, they are trying to get it out this week, although, their transportation engineer's are working out a few details and we wanted to postpone this hearing until SEPA was posted so that we could simply adopt SEPA conditions as Conditional Use Permits Conditions. Until SEPA is posted we did not want to go forward with the hearing and they have requested the 20<sup>th</sup> for the date to move forward on this.

**Lind** so you would like a motion to continue this til the June the 20<sup>th</sup> meeting. Is there a Planning Commission member that is willing to make that motion?

**Schaub** so moved.

**Frink** second.

**Lind** is there any discussion on this.

**Mayor Smallwood** spoke away from microphone.

**Lind** Mr. Bond would you explain their SEPA process and maybe why their doing it and we're not doing it.

**Bond** the school has a governmental body that is able to either request that the town acts as lead agent or they can act as their own lead agent in the SEPA process. The lead agency is who is responsible for reviewing all of the application and determining where there impacts and what mitigation is required for impacts if there are any. In the case of the school there are several things that, especially in regards to the town's existing infrastructure that need to be addressed in terms of mitigation and they have chosen to be the lead agency which puts the liability on them for following all of the state laws applicable with SEPA and they have hired a land use attorney who is actually preparing all of these documents for them. They will release it and advertise it in accordance with their own rules and regulations as opposed to the town's. The town then has the opportunity once their determination is posted to issue comments. Based on those comments the school can amend their determination or ignore the comments and then any sort of appeals of SEPA would go to Superior Court as opposed to being, I think they get dealt with at the Town Council. I haven't had a SEPA appeal before. They are the lead agency and their handling the determination.

**Lind** Mr. Heinz told me that as a matter of procedure that the Town had been working well in the communications where very good between the School District and the Town and there had been agreement bifurcate or separate the Conditional Use for the houses from the main school campus. Could you expand a little bit on that.

**Bond** the schools dilemma was that the bond that they had passed was for the high school improvement only and didn't have any relation to the six or seven houses that they are using that are off site from the main school campus that are either on Orchard Avenue, Rainier Avenue or Mashell Avenue. All of those buildings that they are using down there require Conditional Use Permits and for whatever reason they haven't been required to get them even though it has been code requirement since they began using those buildings except for the bus garage which is located at the corner of Lynch and Orchard. The school and the town in previous discussions have said that we would hold off on requiring Conditional Use Permits for those units until they went through the Conditional Use process for the new school. However, because their funding is not connected they are now wishing to address these separately. One of the recommendations that I plan on making is that one of the conditions of the high school would be that they go and get the Conditional Use Permits for the individual houses adjacent to the school within a specified time frame. That still is a requirement of the town, however, we can go forward with them in separate hearings.

**Lind** we are ready to vote on the motion to continue the Public Hearing for the Conditional Use Permit for the Eatonville School District to June the 20<sup>th</sup> at 7:00 pm. All those in favor say "aye". Motion passed with one negative vote.

**Old Business:** Comprehensive Plan Amendments

**Beach** I would like Mr. Bond to explain how we are in the situation that we are in.

**Bond** the Comp Plan Amendment cycle begins at the end of the year when Comp Plan Amendments are proposed by the 31<sup>st</sup> of December at the end of any given year. Those proposed amendments are to be taken up in accordance with the schedule as specified in the Comp Plan. Our Comprehensive Plan has very specific requirements for how amendments are made and there are certain provisions where by in an emergency the Town can approve emergency Comprehensive Plan Amendments as we took up two emergency Comp Plan Amendments this year which can clearly be identified as emergency Comprehensive Plan Amendments and that is the Growth Management Hearings Board order of amending our Development Regulations in the Comp Plan at the Airport and also, the dead line for funding associated with the Downtown Corridors Grant. Those were exempt amendments that didn't have to go through the regular time frame and cycle. There was a third amendment that was made that was brought forward and we had requested that Mart Kask prepare a Capital Facilities Plan because we had a dead line with Pierce County in order to get proposed Comprehensive Plan Amendments in our application to amend the Pierce County Comprehensive Plan for Urban Growth Area surrounding Eatonville, including bring in the Quarry into the Town limits. We amended this in April and it was at the recommendation of the Planning Commission and it was approved by the Town Council to make this amendment, however, at the time it was thought that particular instance would constitute an emergency, however, after having our Growth Management Hearings Board case dismissed and after further evaluation and discussion with the Town Attorney we feel that this Pierce County amendment for the Capital Facilities Plan probably constitutes our one annual amendment and that we did not take up the few requested amendments that are suggested amendments that had been submitted by December 31<sup>st</sup> and it was a question of whether or not we could legally make another amendment having already made two emergency and one which, most likely, constitutes just a regular Comprehensive Plan Amendment. We are put into a difficult position of either making an additional unauthorized Comprehensive Plan Amendment which maybe challenged or withholding off on the proposed amendments from 2006 until the spring of 2008 in doing it in accordance with the normal Comp Plan schedule. Our attorney, Ed Hudson, requested that we do not go forward with those Comp Plan Amendments at this time. The litigation that the town has been involved in we have finally settle everything at this point in time and the prefer alternative was to postpone those other amendments for a year rather than making an additional Comprehensive Plan Amendment this year.

**Beach** this is rather sad story. This was a major slip up. The Comprehensive Plan is very clear about that we are to have these amendments in by the 31<sup>st</sup> of December to the Town Clerk and there were four parties that turned in amendments. There was Mr. Cox's, Mr. William's, Mr. Lind and myself. And none of these have been dealt with because the Town just simply screwed up. I drew up this resolution because essentially I wanted to do the best we could do to avoid a subsequent screw up on these things. Because there may be additional amendments that come in by the 31<sup>st</sup> of this year also and we could go through this same scenario next spring and end up not dealing with it. This is why I drew up this motion about how to handle the Comprehensive Plan. See amendment attached at end of minutes. I so move the resolution if someone will second it.

**Lind** Mr. Beach has moved a resolution that is labeled Comprehensive Plan Amendment Eatonville Planning Commission dated June 4, 2007. Do we have a second so we can continue discussion?

**Schaub** second.

**Beach** the whereas is state the facts of the matter that there were amendments filed with the Town Clerk prior to December 31, 2006. The Comprehensive Plan does require that such a amendments shall be heard and considered by the Planning Commission in the spring of 2007 and whereas the amendments where not brought to the commission in the spring of 2007 by the town staff which they should have brought. I don't think it is the responsibility of the commission to oversee this but on the other hand I brought this subject up and we had the Comprehensive Plans in that tentative schedule that we worked on in January or February that the Chair had us do. The last time I got an amendment approved that we would take it up at this meeting and the town attorney has advised us otherwise which I am willing to accept his advise in this regard. The resolution part of this is that the Planning Commission will not hear or consider any non-emergency amendments to the Comprehensive Plan prior to the hearing and considering the amendments filed prior to December 31, 2006. In other words it puts them first in line to be considered and it further goes on to resolve that the Planning Commission shall consider an amendment to the Comprehensive Plan to be an emergency amendment only if it is certified in writing by the town attorney that immediate action is required by law. And then presumably that doesn't use up our one opportunity to engage in Comprehensive Plan Amendments which is essentially what happened this time.

**Bond** I can certainly sympathize with the complaint that these issues were not taken up because they should have been taken up. Part of the responsibility is on me because I was not familiar with the Comprehensive Plan Amendment process and this is the first year I was kind of shadowing Mark as we went through it and I think that there was just a communication breakdown between the attorney and Mart and myself as far as whether or not we would be able to get the Capital Facilities Plan amended and go back to those other amendment issues. The opinions of all parties involved changed as we went along and also I think that the Growth Managements Hearings Board case just the discussions of the Comp Plan amendments in that process kind of changed peoples opinion of how we could and couldn't do things. I don't have a problem with this resolution. The attorney has not reviewed it but there is nothing in here that I see that problematic. These Comp Plan Amendments will certainly be taken up at the first opportunity in 2008 along with any additional amendments that we receive by the 31<sup>st</sup> of this year.

**Lind** are we ready for a vote on the motion that Mr. Beach has presented on the Comprehensive Plan Amendment Eatonville Planning Commission on June 4, 2007. Not seeing any objections all those in favor of the motion say "aye". Four in favor, two opposed. The motion passed.

**Lind** do I hear a motion for adjournment.

**Beach** so moved

**Harper** second.

**Lind** unanimous vote for adjournment.

**Next Meeting:** June 18, 2007

**MSC to Adjourn at 7:40 PM**

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PC Chairman, Steve Lind

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PC Recorder, Karen T. Bennett

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PC Secretary, Larry Frink

COMPREHENSIVE PLAN AMENDMENTS  
EATONVILLE PLANNING COMMISSION  
June 4, 2007

Whereas: Certain comprehensive plan amendments were filed with the Town Clerk prior to December 31, 2006:

Whereas: the comprehensive plan requires that such amendments shall be heard and considered by the planning commission in the Spring of 2007; and

Whereas: the amendments were not brought to the commission in the Spring of 2007 by the town staff; therefore

Be it resolved: that the planning commission will not hear nor consider any non-emergency amends to the comprehensive plan prior to hearing and considering the amendments filed prior to December 31, 2006; and

Be it further resolved: that the planning commission shall consider an amendment to the comprehensive plan to be an emergency amendment only if it is certified in writing by the Town Attorney that immediate action is required by law.