

**Town of Eatonville  
PLANNING COMMISSION MEETING  
MONDAY 6:00 PM, JUNE 18, 2007  
COMMUNITY CENTER  
305 CENTER STREET WEST**

**Chairman Lind** called the meeting to order at 6:00PM .

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

**Town Staff Present:** Mayor Smallwood, Nick Bond, Ed Hudson, Gary Armstrong and Karen Bennett.

**Approval of agenda:** Harper moves for approval. Valentine seconds. Approved by unanimous vote.

**Approval of minutes for May 4, 2007:** Harper moves for approval. Schaub seconds. All in favor w/corrections. Approved by unanimous vote.

**Communications and Announcements:**

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

**Nick Bond** would like to announce that June 19, 2007 the Mayor and I, also Gary Armstrong and Laura Wigel from Aria Jackson will be presenting for the Puget Sound Regional Council grant for some improvements associated with the downtown plan. There are eight applicants and there is 2 million dollars available and there's 2.4 million dollars in requests and I think our chances look pretty good.

**From the Public:** There was none.

**Public Hearings: Mashell Meadows**

**Chairman Lind** qualified and swore in individuals whom wished to speak.

**Ed Hudson, Town Attorney**

Has asked Mr. Bond to give a full over view of the staff report not just an introduction.

**Lind** asked the commission if anyone had anything they would like to disclose.

**Phil Beach** I think that this particular hearing is kind of unique in terms of the amount of things that you just pick up in the environment on the particular application. We have had the Town Council involved in it. We have had a public presentation of this. We have had the newspaper writing about it. I just think that needs to be entered into the record that there has been really extensive publicity about this and I would suggest that no member of the Commission that is reasonably alert, at all, hasn't picked up something somewhere along the way about this. I think this is much more so than any other hearing that we have ever

had, at least in the four and a half years that I have been on the commission. I don't personally have any reasons to think that I have been biased by what I have heard.

**James Valentine** I have visited the site several times and that I attended the Council meetings and I was at the community meeting as well. Outside of that I have nothing else to disclose.

**Beach** I am troubled by the fact that at least three members of the Planning Commission did go to the Town Council meeting. Now whether their were any others I don't know. I can identify three that did. I asked for a transcript of the Town Council meetings as far as they dealt with this particular matter so that the rest of us would have some idea what occurred at that Town Council meeting. At this point I would suggest that there are three members of the Planning Commission, and I am not casting exertions on them, they were exercising their legitimate citizen rights in doing that. Perhaps have a set of information that the rest of us do not have.

**Ed Hudson**, Town Attorney

My general view on a request of a board like this if there is information that is desired by the members of the board or any one member of the board prior to rendering findings and conclusions they are entitle to have that.

**Bond** minutes from the council have not been approved. I have circulated a draft of the minutes but they have not been adopted by council.

**Beach** I asked for transcript I did not ask for the minutes. The minutes are totally uninformative. If you read the minutes it appears that maybe five minutes was spent on this particular issue. I have reason to believe more time was spent on the issue. And so the minutes are totally useless.

**Lind** so the request is for transcripts of those two. I think we have heard a ruling by the Town Attorney on this so I would expect that we would have those forth coming.

**Bond** went over the handouts that where passed out to the Commission. Reviewed changes that are in Recommendations Exhibit II, Revised Recommendations V1, June 18. Two changes, #44 and #49 have been changed. Reviewed memo sent out by Mart Kask. Mr. Kask wanted us to go on record saying that the house in the development are going to be subject to traffic impact fees once adopted by the Town Council. The amount of money that the developer pays for offsite improvements can be subtracted from the onsite development by given credit by lowering the impact fees. Also, he would like to take a look at adding left turn pockets at Madison and Weyerhaeuser Road intersections with Center Street just so vehicles can make a left hand turn as they exit those streets. That is a condition which I think should be added to this to make sure that this intersection is designed to handle the likely turning movements for vehicles leaving the project area. I would like to add those conditions to the staff report.

**Lind** where did you want to add those conditions to the staff report.

**Bond** I don't have exact language for them. They would have to be added as conditions. One of them is going to be a revision to an existing condition. We need to elaborate further

by including the traffic impact fees are still due at time of building permit. However, credit will be given for the amount of money paid for offsite improvements. The next item that was handed out is a map that was provided by the applicant just showing the parcels involved in this project. The applicant rightly identified that there are actually five parcels, and I had only listed four. Two parcels are owned by the town. In the developer agreement which was also submitted there is some land trading going on and these two parcels are involved in that land trading that will be discussed later on in the report. But the application or the proposal has not changed in any sense since it was original submitted. The next item that I passed out where the minutes from the meetings of May 29<sup>th</sup> and May 15<sup>th</sup>. I will make the full transcripts of those meetings available. The last item is applicant comments to the proposed staff report. There are a number of suggested changes in here. Many I agree with but there are few I have a disagreement on and we will address these as we go through the staff report. So in addition to the items which I have just mentioned which are added to the record there is also a Table of Contents which identifies all of the attachments to the staff report. These items are listed A-GG, except that I have submitted two additional items which were in the first bunch of things that I had mentioned. All of the items on the Table of Contents are here by entered into the record.

**Bond** going to the Staff Report which is titled Findings of Fact, Conclusions and Recommendations, Mashell Meadows Plat and PUD, Section 04, Township 16N, Range 4E, Town of Eatonville. I don't want to go through this verbatim, I think it would take all night but I want to touch on a number of points which I think are controversial. I know the Planning Commission has had these packets and have had sufficient time to review the Findings of Fact, Conclusions and Recommendations. The first point that I want to go to and this is something that is also touched on in the memo which the applicant submitted to you this afternoon and it has to do with the density of the project. Page two of the Staff Report, Section E. The code requirement says the minimum density is 6 housing units per net acre with a maximum density of 15 housing units per acre. Up to 23 housing units per net acres are permitted within developments that incorporate commercial and or office uses on the ground floor. To qualify for the density bonus in mixed use projects are the equivalent of thirty (30) percent of the ground floor area (building footprint/gross area) of those structures fronting an arterial or a collector street shall be developed with retail or commercial uses. The applicant has indicated that the proposed development that the net density for the proposed development is 6.04 units per acre or 6.99 units per acre depending on which option they go with as far as developing the . . .stepped away from microphone. But they are indicating that the net density will be 6.04 to 6.99. This was information that they submitted to me. After further review and after looking at the definition which was provided in their memo, which is marked as exhibit HH, they put an excerpt from our code 18.02.080 net acreage. Net acreage means the buildable area after the area of street rights of ways and easements has been subtracted. After conferring with the Town Attorney, Mr. Ed Hudson we have determined that the net density for the project is more likely 6 to 11 units per acres based on the buildable area after the area of street rights of ways and easement have been subtracted. The total site as indicated is about 52.23 acres, including the town owned property. This a very unique site and it is a unique project and there is a lot of interesting things that are going on with the project. For one, the applicant has proposed a large charitable donation of property along the river, basically extending the whole length of the Mashell River where this property fronts the Mashell River. On the average a 200 foot buffer dedication, except the Mill Pond area is much larger and there is a 100 foot buffer

along the north side of the Mill Pond. The donation does include good amounts of open space and public parks contained within the development. It includes pocket parks, areas of open space within the individual units of housing and is also in close proximity to our own Mill Pond Park which is going to be a nice amenity for this development and for the town. This donation of land is facilitating a IAC Grant that I received within the last year which is going to be the match. We are required to match fifty (50) percent of a 1.6 million dollar grant to acquire river habitat on both sides of the river. In addition to the property on the north side from Smallwood Park all the way out to Center Street or the Alder Cut Off we will be able to use this charitable donation as our match to acquire that additional property. The applicant has pointed out that he has the right to develop to within fifty (50) feet of the river if he was to choose to do so. Our code requires substantial environmental documentation and also would trigger a different review under the State Environmental Policy Act. The proposed PUD also provides a variety of housing types. We have between single family detached houses, attached town homes and some attached duplexes. We have three different types of housing. Within the single family housing type you also have an area along the river here along Van Eaton Street which has frontage onto the open space. There is a neighborhood convenience district in which there are to be located a urgent care facility and another building which is proposed for some type of commercial use. In reviewing the application we just assumed that the most intense possible use for the type of building proposed, however, no business has been specified as this time. There will be substantial landscaping in terms of street trees and landscaping buffers along all of the roads. Street lighting, we have suggested as a condition that the town adopted Downtown Revitalization Plan the street lighting specified within that plan also be used in this development as it will match the lighting throughout our own Mill Park and along Madison Avenue where we have received a grant to do improvements to at least one side of that street we are planning on doing the matching lighting for the park. Next, the street widths for this property. The existing public right of ways for Weyerhaeuser and Madison Avenue are going to be built to a full street standard which is thirty four (34) feet which is identified in our public works standard. Other streets within the development are being developed at narrower street width. In planning and design today narrower streets are on the leading edge as far as what people are doing to make their developments have higher population density and be more pedestrian friendly. The standard street where there is going to be thirty (30) feet in width from curb to curb which will allow for two parking lanes and two travel lanes. The fire chief is fine with going to thirty (30) feet on width. The Public Works Director and HDR Engineering also feel that thirty (30) feet is sufficient to serve the development. There are a few alleys in the development which are going to be of varying widths. The alley within the center is proposed twenty-four (24) feet curb to curb with parking on one side only. The alley bi-sec this, I believe is quite a bit smaller, I think fourteen (14) feet. Moving on, SEPA has been issued. It was issued late in May and the appeal period ended this past Friday. We did not receive any appeals of SEPA and all the comments that we received under SEPA have been included in the packet, including comments from the Nisqually Indian Tribe, WSDOT and some others. You have been provided with all the public notices and all public notices were mailed, advertised and posted in accordance with the code requirements. Moving on, on page 10 there is Review Criteria for Planned Unit Developments. The first of these criteria is that the proposed PUD project shall have a beneficial effect on the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan. This project can

have a beneficial effect on the community. One thing that needs to be kept in mind is that given the number of homes that are in Eatonville currently I think that we have about 800 existing residences in the Town of Eatonville and 2,400 people. Adding another 300 residences to this 52 acre development in the total area that they own at this point in time will end up with twenty (20) percent of the population in a relatively small area. We want to make sure that this thing is done right and I think the conditions which we have put in this report as conditions for approval are going to help us accomplish that. I passed out a new recommendations page which has a few extra conditions which have been added to this section. On page ten (10), letter d, the proposed PUD project shall promote variety and innovation in site and building design. Buildings in groups shall be related by common materials, architectural detailing, building scale and orientation. We have covered most of this point they submitted their own proposed architectural standards which I have attached as exhibit B. We have imposed pretty stringent architectural guidelines due to the density of this site to insure this site holds up over time and is an attractive place to live given the high density. The site design, I had a discussion with the applicant this afternoon and I did submit a preferred alternative to the proposed design as it is now. I suggested a few changes which could be made which I think would help better meet both this condition and condition one as I previously reviewed. I think the development as it is proposed now meets all of the specific technical objectives and requirements of the PUD and zoning code that we have in place here, however, some of these conditions under section F would better met by the suggested preferred alternative design which I submitted and I have interested in the Planning Commission thoughts are on this particular issue. With the conditions that we have imposed this development can succeed and be a wonderful place to live as it is. Sub-division criteria for review because this is both a planned unit development which is essentially a zoning overlay and an application for sub-division of the land into 259 or 300 parcels I have determined that the application does meet all of the specific sub-division criteria as it pertains to this underlying zoning. The town planner concludes that the application for preliminary approval of the Mashell Meadows Preliminary Plat and Planned Unit Development in conjunction with the conditions as recommended below meets the requirements of chapter 17.20 and 18.04 of the Eatonville Municipal Code. I have 57 conditions for approval plus the three changes that Mart had recommended that I also agree with. I would like to go through a couple of the issues that were on the memo from Azure/Green which I have marked exhibit HH. The first issue that is brought up in this memo is the issue of the tax parcels listed on the report. There are four tax parcels listed on the front page of the Findings of Fact, Conclusions and Recommendations. The memo dated June 18, 2007 from Azure/Green states that under Description of Proposal we would like to clarify that the proposal also includes a portion of Tax Parcel 0416231021. The second issue regarding density. I think that is important for the Town Planning Commission determine what is being considered when calculating the net acreage and we need to have a conclusion on this issue tonight. After conferring with the Town Attorney we both agree the net acreage includes all of the buildable area excluding street right of ways and easements and excluding areas which we have determined are not buildable including the shorelines areas and the Mill Pond area which are not buildable area. This brings the density of the development, the portion of the development which is being improved closer to nine to eleven units per acre. Item F refers to maximum lot coverage and this goes from page one and continues on to page two. We request that the lot coverage be applied to the project wide and not to the individual lots. This is something that I agree with. Currently the code requires that lot coverage should not exceed forty (40) percent per lot. I think this is

somewhat of an over site given the Planned Unit Development Code and also the mixed use zoning code which has specific requirements for a variety in housing. This does not take into account attached units which in order to get forty (40) percent lot coverage you have to extend the lot quit a bit in the front and the rear of the property to have sixty (60) percent of the lot as open space. The applicant has proposed that, it's actually a condition that they identify all of the building envelopes for the lots prior to final approval. My suggestion is that these building envelopes, which are identified, should not exceed forty (40) percent of the total site coverage being developed. This will insure that the site is being developed under a forty (40) percent lot coverage. It does allow for fifty (50) percent lot coverage in the area where there is proposed a neighborhood convenience district. That is the medical clinic and the other commercial building. That specific area would be allowed to be developed up to fifty (50) percent lot coverage. The next point, item H, I and J I have required eighteen (18) foot setback for the house from the back of the sidewalk. They have pointed out that the eighteen (18) foot setback only needs to apply to the garage door that the house actually project within the fully allowed setbacks. The reason we had required a eighteen (18) foot setback for the garage is to make sure that any driveway spaces could be counted as a parking space and they would not obstruct any sidewalks. On condition 36 they have proposed another sentence be added on which Ed Hudson and I agree can be added and that says The ultimate approval of said design and review shall be made independently and unilaterally by the Town after consideration of any comments offered by the Nisqually Indian Tribe. That clarification is warranted. They also had a question regarding condition 47 on page 23 of my report. They are not sure what the compliance with C-2 landscaping requirements means with respect to the project. In our code the C-2 zone has specific landscaping requirements for parking lots and buffers between different types of uses. The mixed use zone for the PUD specifically states that C-2 landscaping requirements shall be adhered to. We have imposed conditions on this development which are greater than C-2 requirements to insure, given the density and the types of uses that are being incorporated into this design are sufficiently landscaped. Azure/Green also had several comments regarding Exhibit Z. Exhibit Z is the design guidelines which they had originally suggested and I sent and discussed with Mark Spitzer of Aria Jackson and got his recommendation on these architectural standards. They wanted to revert back to some of their original proposal for the architectural standards on a lot of these. After discussing this with both the attorney and the town administrator before the meeting I don't think that the changes that are proposed here are something that the town wants to get into. It is very important that given the density of the development and the number of units and types of housing that we have very high architectural standards to make sure that this thing remains an attractive area to live over time.

**Paul Green**, 409 East Pioneer, Puyallup, WA

I am representing the applicant. The proposed change on condition 44 to construct a 120 foot diameter cul-de-sac. We object to 120 foot diameter cul-de-sac. The standard cul-de-sac requirements that exist in Pierce County vary from thirty-two (32) foot radius which is a sixty (60) foot diameter to a eighty (80) foot diameter which is a forty (40) foot radius in Pierce County. I don't know of anyone in any jurisdiction that has a 120 foot outside diameter. I have heard of it asked for by fire folks but I don't know if any project or jurisdiction has ever adopted such a large radius. The lighting in condition 14, page 21. I don't think that we object to that but I'm not sure what the spacing on those fixtures is and what they cost. As long as it is similar in cost to the street lights that are required normally

by ordinance and they are attractive then we going to be cooperative with that but I would like to know a little bit more about those fixtures.

**Gary Armstrong**, Town Administrator/Public Works Director

These fixtures run ten (10) percent to twenty (20) percent over.

**Paul Green** it is our contention the entire site is build able with the exception of fifty (50) foot area setback from the river. I don't believe that it is an appropriate interpretation of the regulations or the law to say that the 200 foot area along the area along the river is not buildable or that the Mill Pond is not buildable. We own the Mill Pond it's not a wet land and we can fill that in if we wanted to.

**Beach** I'm trying to understand why this is an issue.

**Paul Green** only because the alternative recommendation that staff has made to take 20 lots out of the project. We don't believe that it meets minimum required density if we take out those lots and we do make the urgent care project work.

**Terry Brink**, 1201 Pacific Avenue, Ste., 1200, Tacoma, WA

I think that it is important to consider from a pure legal standpoint that when these different regulations are adopted they are adopted by the City Council and that is a legislative process. In this case what they adopted is language that is pretty clear about what was intended. It's say that net acreage means the buildable area after the area of a street right of ways and easements have been subtracted. There has been discussion here tonight about what does that mean and Mr. Bond is suggesting that he wants to add some other things as exclusions in addition to those two things that the legislative body has selected to put into the regulation. I want to point out if you think about the buildable area issue you start going past the legislative intent. Say we were going to deduct for all set backs through the whole project. You would have setbacks, side yards, front yards, rear yards. Pretty soon you have nothing left except the footprint of the house. That is the reason why the Town Council did not do that and that's the reason why other jurisdictions don't do that. They pick out, usually it's what you picked out here. I you do choose as a Planning Commission to vary from that I don't know that that lawful. For the record I would like to have everyone know that we received the staff report one business day before this meeting and it's been changing up to the very start of this meeting. So it has been difficult for Mr. Green and I to know what to prepare for this hearing. It's unusual, we are used to having staff reports several days before hearings.

**Ed Hudson** states that there is a difference of opinion. The legislative body here clearly included in the word easements the area that, you can either subtract that one of two ways. Either treat it as an easement, which is often the case for parks. The better way to look at this project is it came in pretty open as it is here tonight with the charitable deduction which by definition is excluded from the buildable site.

**Paul Green** if you choose to remove a bunch of lots and do some things like that to get approval then it's relatively likely that we would end up withdrawing the application and re-apply or maybe someone else would if we did not go ahead and purchase the property. We would probably put lots along the river with building setbacks to fifty (50) feet. The river

front lots are very much in demand and would substantially help the value of the project. Reviewed the rest of Exhibit HH.

**Bond** concern on building orientation, the lack of street frontage on units in the center and traffic circulation.

**Paul Green** addressed Mr. Bonds concerns.

**Terry Brink** discussed CC&R's.

**Beach** what is the minimum width allowable for an true alley.

**Bond** the land area that needs to be dedicated is twenty (20) feet in width. The paved area, if it is paved at all, is less.

**Schaub** to Mr. Bond. Was there any consideration given to the Community Action Plan and Vision Statement that was conducted in the year 2000?

**Bond** the Community Vision and Action Plan was adopted by the town, however, nothing contained within that plan, aside from the vision, which is included in our Comp Plan has ever been made any type of requirement. The document was available on-line and I believe the information was given to the applicant early on. They are free to adopt or design in accordance with the regulations.

**Lind** announced that we would be on a ten minute break.

**Hearing resumed at 8:15 pm**

**Schaub** explain the three different units, like the size of the lot.

**Paul Green** explained about the different units and the sizes of the units and lot sizes.

**Lind** stated we were going to have the public hearing next and then we are going to ask the Planning Commissioners what they would like to see as amendments. We will make a list of those items so that staff can take until we continue the hearing over to prepare and I will, as the chair, ask for a motion to move the document of Findings of Fact, Conclusions and Recommendations excluding number fifty-eight (58). Once that is moved we will then continue the hearing on July 2, 2007. At that point we will finish out the other items on our agenda and adjourn until the meeting on the 20<sup>th</sup> which is Wednesday where the school hearing will take place.

**Lind** swore in individuals for testimony.

**Nancy Ellis**, 107 Eagle Glen Court, Eatonville, WA

Wanted clarification on garage entries and front entries. Liked garages on the back because it makes it a more pedestrian friendly community. Made comments on lot sizes.

**Dixie Walter**, 140 Antonie Avenue North, Eatonville, WA

I want to thank you continuing this because I have been sitting here. I've gone to so many meetings and I have been sitting here hearing a lot of I don't knows from the applicants and the town. I don't know, I'm not sure, I got the stuff to late. And Mr. Green said haphazard. That's a really good word, it has hazard in it. So I am happy you are going to continue it. My main concern, at the moment, is still the water situation. I know we have been told and we have been told this for years every time the water situation gets a little low that they are going to fix it by getting the leaks. They did that and then we are told that we'll start reclaiming water with the purple pipes. That takes along time and I worry about people in town that want to put up small developments. I wonder if there going to have water and their citizens, been here forever. I want to be on record that I am still not happy about the water situation.

**Charles McTee**, 408 Ridge Road, Eatonville, WA

Concerned about the buildings being built on river frontage at fifty (50) foot. Will there be room to park a car in front of the garage door at the townhouses? Who is expected to live in these houses? Doesn't think that people with small children are going to want to climb those stairs. I don't think that retired people are going to want to pack groceries up those stairs. He wonders if we really need the townhouses.

**Beach** we have in town a number of absentee landlords and you can almost go down the street and you can tell which houses have the absentee landlords. Is there anyway to make sure that I won't buy twelve units of these townhouses and become an absentee landlord? Is there anyway of ensuring, at least, that on the initial sale that all of these smaller units are, in fact, bought by independent people and not some firm or partnership or something of that kind with the object of renting them rather than people living in them.

**Ed Hudson** developers, I think, have an aversion to having that situation occur because it can poison pill the project by somebody coming in to live and finding out that someone else bought the next ten units and they don't know when they are going to start to see their neighbors or under what circumstances or if they are going to get leased. I think that the appropriate document to work with that, at least in the marketing stage, is the Home Owners Association. Goes on to explain the process of the developers is usually in control up to eighty (80) percent occupancy.

**Terry Brink** there are some developers today, I don't think Paul's group is one of them, who develop properties and they keep a certain percentage for themselves when they develop lots. They build on them and they rent them and then they rent them on a lease to purchase type of program. It is very comment now in the market place even though these folks haven't done it to my knowledge. I have other clients that do it routinely and I don't think that you can restrict people from doing that. I don't think that you can tell someone that you can't buy a certain type of real property unless you have a senior housing project, then you can. You can say that can't buy in here unless you 55 years or older.

**Lind** wants to take proposals first then move the document 1-57. No problems with that procedure from the commission. The public hearing portion of has concluded itself. We are not going to close it as far as this hearing goes it will be continued with the rest of it over to the next meeting. We have arrived at the point where staff would like to have ideas from

individual members of the commission might think of as an amendment that might be added to that document.

**Valentine** had none at the moment with what they have discussed. Wondered if there was going to be any discussions on ground water or surface water flow and how that is going to be treated.

**Bond** if there are any questions regarding specific elements of the attachments or the environmental review of this project now is the time to ask them before we get into dealing with the recommendation.

**Valentine** I understand a aqua swirl method of treatment will be placed onto the property and that water will be discharged into the Mill Pond where it will be controlled into the river. Will the surface water from the roofs be in part of that. Will it come down the down spouts?

**Bond** the roof drains will infiltrate on-site. Our code allows for roof drains to infiltrated on-site and that is our preferred method for dealing with storm water. That is the method that we are going to emphasize as long as the soils are going to work for us.

**Valentine** have collection ponds been discussed and are they considered or dismissed?

**Bond** we evaluated concerns regarding storm water that came in. We have adopted the 2005 Pierce County Manual and this design already goes above and beyond that. We did not see the need for any additional ponds.

**Valentine** questions on the oil and fuel stains that have been imbedded or impregnated in those soils over the years. Are these is the excavation or site diggings that these went down eight feet and where part of the surface water that was currently going into the pond and eventually into the river.

**Paul Green** one element of the site had some bunker oil that has to be removed and then it has to be tested until it is found to comply with the regulations. There is one other spot on the site that there is some bricks or masonry elements that have a coating on them that is determined to be hazardous to some nature that has to be removed.

**Bond** it will be added as a condition that the applicant will adhere to all regulations regarding environmental site clean up with the issues identified in various studies.

**Valentine** will core sampling be done in Mill Pond?

**Paul Green** that has not been identified as an issue that came up in the level one or level two environmental work and we were not planning on doing any of that. There is a proposed condition in the staff report that deals with the biological elements of the pond. Right now our live storage in the pond is only going to be 8 to 12 inches in depth from the normal flow. We are not doing that much live storage in the pond. Most of the pond level is going to be like it is now. We are not going to have a bunch of circulation of water there.

**Valentine** so are you telling me that your not concerned about what's down there?

**Paul Green** I don't know what's there and I think as long as we don't disturb it it isn't going to matter.

**Valentine** I disagree.

**Valentine** addressed several questions to Mr. Bond.

**Bond** asked Commissioner Valentine to put the questions in writing and he would have answers at the next meeting.

**Schaub** stated his concerns for the Mill Pond.

**Lind** what I am hearing is concern that there maybe some contaminants within the Mill Pond and you want to make sure that there has been do diligence taken place in looking after that so that once it become the property of the Town of Eatonville that sometime later we don't end up finding out that we've got an expensive thing to clean up.

**Valentine** I think that is part of it. I want to be assured in my mind that we have paid attention to the letters that we have received from the various agencies with concerns about impairment in the area. And when I see reports that these go down to eight feet and may have impacted already I think I need more answers in that area.

**Lind** so if staff and Mr. Green would be mindful of what I have said and what Mr. Valentine and Mr. Schaub said and at the next meeting give us written documents and brief during it that would be helpful.

**Paul Green** explained what a level two environmental study would take.

**Schaub** has any communication gone to the school district to talk about the possible number of children that are going to be in this development?

**Bond** when the school started designing their new facility they came to the town and asked us specifically what projects where in the works and what was the estimated number of units. At that time this development was 312 units and that is the numbers that they based their current designs for the school off of.

**Valentine** had no items for staff to work on.

**Schaub** had no items for staff to work on.

**Frink** had no items for staff to work on.

**Beach** had a proposal that all the attached units shall face the street with their garage off an alley at the rear.

**Harper** I just concur with the Mill Pond. If the town is going to take ownership of that Mill Pond I think as good stewards we need to know what's down there. We don't need the town to be paying for some big clean up.

**Schaub** requested of the applicant some pictures/examples of some of the units that are being planned for this area.

**Lind** we have reached a point that once we move and second the acceptance of the document titled Findings of Fact, conclusions and Recommendations, Mashell Meadows Plat and PUD, Section 04, Township 16N, Range 4E, Town of Eatonville, with recommendations 1 – 57 that we will continue this meeting to the first meeting of July.

**Beach** why is 58 eliminated.

**Terry Brink** is concerned about 58 because of a couple issues. It creates an uncertainty that goes beyond the jurisdiction of your commission when you say that whatever you decide is still conditioned on yet another act and I think that is inappropriate. The other issue is that some of the history that's known by some folks who have been at some of the other meetings there was an attempt to have the Town Council approve memorandum #1 and memorandum of agreement #1. Originally when Mr. Green and I began talking to staff about this project it occurred to everyone that it would make sense to have some kind of developer agreement to deal with a number of the issues that are included in those documents. I drafted one and it was inclusive of all of the issues that you now see in both agreements and at some point during the process staff had requested that we not do it that way that we change direction and that we approach it as follows. That memorandum agreement #1 would deal with issues that are preliminary to the process of coming before you as a Planning Commission. The memorandum of agreement #2 where issues that were right exactly in your responsibility with your recommendations. We did what staff suggested and we agree to and had no objections to that and we went to the Town Council and we tried to come up with an agreement from the council to accept memorandum of agreement #1. Part of that agreement was a very liberal agreement on the part of the applicant in this case to pay a whole bunch of money in advance for water shares. The Town Council refused to approve it, not with standing, that offer that would have paid water shares way earlier than they would otherwise be paid under your code and your requirements here in the town. In the mean time the partners of Mr. Green are unwilling to do that. They are unwilling to advance all that money since the Town Council refused to accept their generosity. They didn't want to do it to begin with, they were doing it because the staff had done a good job of persuading Mr. Green to convince them and they no longer are willing to do that. Included in Memorandum of Agreement #1 is still that water provision with the advance payments. So that is the second reason why it was objected to. To summarize, there are two reasons. One, it creates too much uncertainty about what you are up to as a Planning Commission and number two that water issue is no longer on the table because the Council turned it down.

**Lind** the chair would entertain a motion accepting Finding of Fact, Conclusions and Recommendations, Mashell Meadow Plat and PUD, Section 04, Township 16N, Range 4E, Town of Eatonville, with recommendations of 1 – 57.

**Bond** regarding the developer agreement it think it may be wise before we move on this that we discuss some issues that are remaining in the developer agreement excluding water and the late comers agreement portion so that if there are any questions or problem with any of the elements within the late comer agreement we can work that out before the next meeting. These issues will still come before the Planning Commission whether they are contingent on approval or the approval is contingent upon the developer agreement or not. So if anyone has any specific concerns regarding what is in the developers agreement or if they need further explanation I think we should proceed with that.

**Lind** again, I would entertain a motion accepting Finding of Fact, Conclusions and Recommendations, Mashell Meadow Plat and PUD, Section 04, Township 16N, Range 4E, Town of Eatonville, with recommendations of 1 – 57.

**Beach** moved.

**Harper** second.

**Lind** we have a motion and a second to accepting Finding of Fact, Conclusions and Recommendations, Mashell Meadow Plat and PUD, Section 04, Township 16N, Range 4E, Town of Eatonville, with recommendations of 1 – 57. Per our agreement we will leave this until we get to the next one. The next order of business is a motion to continue this hearing until the first meeting of July. Do I have a motion?

**Beach** I move to continue the hearing and also to postpone on acting on what we just moved and seconded.

**Lind** we have a motion to continue the hearing and postpone action on the motion that we just passed. Do we have a second.

**Valentine** second.

**Lind** does anyone have any problem with that particular motion that we have two separate items in.

**Beach** my intention was that the hearing be continued to the 2<sup>nd</sup> and also we are postponing further action on the Findings of Fact, Conclusions and Recommendations until the 2<sup>nd</sup> of July also.

**Lind** any other questions? Public? Applicant? Staff? Not hearing any I think we are ready for the vote. All those in favor say “aye”. All in favor. Motion is passed.

**New Business:**

**Old Business:** None

**Public Comments:** No comments.

**Commissioner Comments:**

**Next Meeting:** June 20, 2007

**Lind** motion to adjourn.

**Frink** second.

**Lind** all in favor of adjournment.

**MSC to Adjourn at 7:00 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