

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, August 17, 2015
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

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

ROLL CALL

Present: **Commissioners Beach, Bertoia, Miller and Lambert.**
Commissioner Craig was absent; Commissioner Justice was excused.

STAFF PRESENT: Mayor Schaub, Doug Beagle and Kerri Murphy

OPENING CEREMONIES

Commissioner Bertoia led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Miller.** AIF

APPROVAL OF MINUTES

Approval of the **July 20th, 2015** minutes. **Commissioner Beach** motion to approve with corrections. Seconded by **Commissioner Bertoia** AIF
Correction is on page 2, at the bottom of the page. Lorraine Van Eaton asked about "lack of crosswalks, not sidewalks".

COMMUNICATIONS OR ANNOUNCEMENTS

Doug Beagle, Town Administrator referred the commissions to a packet provided by the citizen who recently purchased the Ceccanti property located adjacent and behind the Assembly of God church. They asked the town for the direction and location of the houses for placement on the lots. He explained that the second sheet in the packet is exactly what the code reads addressing the direction and the frontage of where the home should be placed. He added that Mr. Anglemeyer is here to discuss their proposal of how they would like to see the house fronts face and the reasons why.

Devin Anglemeyer, 10515 – 59th Ave E., Puyallup, WA. – said that mainly just because of the alleyway. Otherwise you have homes that are looking at each other's backyards. If you enter off of Iron Street you will be trying to enter off of a street that is not even built. He would like to see the houses front on the one alley that comes in by the church and face their homes to that alley.

Chairman Lambert said that in other words, exercise common sense.

Mr. Anglemeyer said exactly.

Commissioner Beach confirmed that the green line indicated on the map provided is what he wants for the houses to front on which is now an alley.

Mr. Anglemeyer – Yes.

Commissioner Beach asked if this would be a paved alley and will it be improved?

Mr. Anglemeyer – Yes.

Chairman Lambert asked if there would be sidewalks?

Mr. Beagle explained that it is a paved alley. He said that part of the challenge is that our code, based on our interpretation is how the second map shows, and clearly he would agree with the applicant that it doesn't make sense for somebody to face the rear property of another property when this Board here is the one that would be approving the variance. What Mr. Anglemeyer is here to do is get a temperament of the commission before they go through the process of applying for a variance?

Chairman Lambert asked what the actual depths of the lots are.

Mr. Anglemeyer estimated 110' depth X 75' wide.

Chairman Lambert asked if the homes he is proposing, would there still be adequate room to meet setbacks.

Mr. Beagle answered yes, they would have that.

Commissioner Beach addressed the matter of procedure here. Explaining that if he is going to come and ask for a variance, then that is a quasi-judicial function, we are going to have a hearing and we shouldn't be expressing our opinions as to whether this is good or bad on this. He added that actually, he should get his sense of the commission at the hearing of the variance. He understands why he is here and if he were in his position he would probably try the same thing.

Mr. Anglemeyer said that it do say in the code that if you abut or face an alley that the garage shall face the alley and enter through the alley.

Commissioner Beach said that the question is that if you need to have a variance, a variance is what we call a quasi-judicial function. So the commissioners sit as a Board of Adjustment, not as a planning commission to deal with a variance and the conditional use permit is the same thing and that has to be advertised and we have to swear you in, so it's quasi-judicial. We hear your testimony and anybody else that may want to make testimony regarding it and once there seems to be no one else that is going to give testimony then we close the hearing. The Board of Adjustment then talks about this among them and eventually it gets voted on. He was concerned that they were getting the cart before the horse.

Mr. Beagle explained that as Mr. Anglemeyer and his partners were expressed what the process was before they came to you tonight knowing that it had to go in front of that body. These gentlemen have built 10 homes in our community and are consistently pursuing other lots within our community. We are not trying to give them any leg up on anybody else; it was more to get a sense of what that was before they incurred the cost of coming in because they have other options. If this doesn't work for them they want to know now before they invest too much money because they are just going to sell the lots.

Commissioner Beach said that that makes perfectly good sense to him, it makes perfectly good sense as to why he would like to get this kind of thing but he is just wondering if there happen to be some real opposition to this they could say well the deck was stacked to begin with because he came here and talked to the commission about it prior to the actual public hearing. The public hearing is supposed to have all the things in it that the Board of Adjustment will consider not these other things. What he wants to do is perfectly rational and he does not have any problem with that and he is not making any judgement as to whether this ought to be granted or not granted. He is just saying he wondered if the town attorney would look upon this as something that the commissioners ought to be doing.

Mr. Beagle said that as far as he was concerned this was information only.

Chairman Lambert said that as far as the public hearing goes, if anybody were to make an appearance that was opposed to it, whatever their position was would be considered.

Commissioner Beach said yes. He thought that whatever was said from the very beginning to however much further it goes should be put into the record of the public hearing. It should be announced to the people that come to the public hearing that there was this discussion. Prior and this is what was said and so on. He felt that that was the only way of dealing with this that might not get us into trouble and I am sure it won't get us into trouble. If there is no opposition then of course this thing is going to fly along just fine.

Mr. Beagle said, as a body, then don't respond.

Commissioner Beach said that he felt Mr. Beagle was right in that regards. We can just hear it, then he doesn't get what he's after which is a sense of the body.

Mr. Beagle said that he knew before coming in here that it may not be approved based on the way the code reads.

Commissioner Beach said that he is just being the devil's advocate.

Commissioner Miller said as long as none of the neighbors or anybody had any objections to any zoning changes he does not see how this board would have the right to deny ...

Commissioner Beach said that he does not entirely agree with that because anything that they agree to do sets a precedent. So somebody else could come in here and say well you did this for Joe Blow.....then you should do it for me.

Commissioner Miller said he was not talking about Joe Blow, I'm talking about anybody.

Commissioner Beach said no...he is not talking about the neighbors. Somebody who reads about this and says well I fit in that category too.

Commissioner Miller said that his opinion on the matter would probably be pretty consistent.

Commissioner Beach said, again, because it's the quasi-judicial, this is not a hearing on public policy, this is a hearing that affects a designated set of people who are going to benefit by it if we approve it and so on so it's different than us dealing with a matter of policy. We become the judge and jury on variances.

Chairman Lambert said that at the same time there is common sense and what's written in law don't necessary jive.

Commissioner Beach agreed.

Mr. Anglemeyer said that if you look at the way it is set up the back yard will face other back yards.

Chairman Lambert explained that as far as where it was going with this discussion, the planning commission really needed to move on. The commission understands why you are here but should not be discussing it at this time.

Commissioner Beach said that he felt obligated to raise the issue, it was not that he was prejudging or is against anything that he may be requesting. He explained that he had been on the planning commission for many years. He added that they used to have lots of these kinds of things, we had short courses on planning commission and so on, a lawyer came in and they probably spent 75% of their time on this whole matter of quasi-judicial functions which is basically the variances and the conditional use permits rather than the issues of public policy. So, that is why he brought this up but the Chairman is absolutely right that sometimes common sense and the law don't necessarily mesh together very well. He suggested that they describe their situation but the planning commission should not respond.

Mr. Anglemeyer said that this is what they are here for and added that these homeowners would rather have a backyard in their backyard rather than a driveway adding that he felt that the houses would be easier to sell.

NEW BUSINESS

Accessory Dwelling Units -

Mayor Schaub gave a summary of what he would like for the planning commissioners to look at and think about regarding accessory dwelling units aka mother-in-law apartments. From the size and purpose stand point as the town deals with affordable housing and different housing options? (Information was provided in the planning commissioners packets regarding ADU in other municipalities).

Commissioner Miller thought that this was a great concept.

Mayor Schaub said that he can only think of one place where the detached garage was made into a dwelling (without permits) and caught fire which brought it to light. He feels that there are opportunities for it and if it's done correctly then this is something to consider. We may not have anybody that wants to pursue it but it would allow the option to look at a way of bringing away the attached piece. Again, adding the detached piece or the attached piece would give an option because we do allow them in our code. With the wrong piece of property you are not going to fit it in with setback requirements. He does not see a change in setbacks to allow them on a smaller piece of property; it would have to be within the guidelines of a lot today.

Chairman Lambert asked what the goal is. The owner of the property has to occupy one of the units, what do we want the town to look like? Not audible....

Commissioner Beach said that there was a second building put on Center St W. and the restrictions on that was that there could not be any running water because it was being used for storage; in effect we went the other direction on that one. (Wicks/Dudley property at 655 Center St W.) After reviewing the application for the 655 Center St W garage, was because the code states maximum size for a garage is 1,000 sq. ft. and theirs would have exceeded that. The decided to withdrawl their variance request and build the garage under 1,000 sq ft. (klm)

Chuck McTee asked how far the ADU could be from the other house?

Chairman Lambert asked if this should be something that should have separate utilities. Or is this for mother-in-law dwelling only.

Mayor Schaub explained that according to our code as it is today, they would have to share utilities.

Chairman Lambert said that this is something that needs to be discussed. Are we going to make it for parents or for affordable housing. Is the goal to make a rental base or just a mother-in-law apt.

Mayor Schaub said that the property owner would have to live in the main house. Or maybe we change the code that we currently have and the buy a separate utility buy-in for water, sewer and power.

Commissioner Miller suggested considering the separate meter option.

Mayor Schaub said he understood if someone only wanted to have one bill if there was a mother-in-law in the house. There are things to be considered.

Commissioner Beach moved to have the Accessory Dwelling Unit matter advertised as a public hearing and scheduled to come before the planning commission at some appropriate date.

Commissioner Miller seconded the motion. AIF

There were no comments from the staff or the public.

Next meeting: September 21st, 2015.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 7:40 p.m.

Chairman Lambert

Richard Bertoia - Commission

ATTEST:

Kerri Murphy – Recording Secretary