

TOWN OF EATONVILLE
PLANNING COMMISSION AGENDA
Monday, December 7th, 2015 – 7:00 P.M.
COMMUNITY CENTER
305 CENTER STREET WEST

Call to Order

Roll Call: Beach ___ Bertoia ___ Justice ___ Lambert ___ Miller _____

Town Staff Present: Mayor Schaub and Kerri Murphy

Pledge of Allegiance

Approval of the Agenda:

Approval of Minutes: November 2nd, 2015

Election of Officers for 2016.

Communications and Announcements:

From Public:

From Commissioners:

Public Hearing:

3 Hour Parking – Ordinance 2009-18

Old Business:

DRAFT ATV/ORV Ordinance 2015- ~~XX~~
Discussion of Draft Guidelines

Public Comments:

Staff Comments:

Commissioner Comments:

Next Meeting: **TBD**

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, November 2, 2015
COMMUNITY CENTER
305 CENTER STREET WEST**

DRAFT

CALL TO ORDER

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

ROLL CALL

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

STAFF PRESENT: Mayor Schaub, Doug Beagle and Kerri murphy

OPENING CEREMONIES

Commissioner Beach led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Approval of the **September 21, 2015** minutes. **Commissioner Beach** motion to approve with corrections. Seconded by **Commissioner Craig.** AIF

Commissioner Beach move to add the following to the agenda:

- Discuss a public hearing on the three hour parking restrictions within the town.
- Commissioner Craig's term ended in December, 2014. Planning Commission should review to make sure all votes were legitimate.

Chairman Lambert reaffirmed that what Commissioner Beach is saying is that Commissioner Craig's term on the planning commission expired December 31, 2015 and he has been participating in voting in 2015. **Commissioner Beach** made a motion that as far as the Planning Commission is concerned they feel that the actions and the votes made in 2015 by Commissioner Craig were all legitimate. Seconded by **Commissioner Justice.** AIF

Commissioner Craig thanked the Mayor and the commissioners for the opportunity to serve on the commission. He added that at this time this would be his last meeting. It has been a great honor and learning experience.

COMMUNICATIONS OR ANNOUCEMENTS

There were no communications or announcements.

Old Business:

Allow licensed Recreational and All-Terrain Vehicles on public streets.

EMC Chapter 10.30 Wheeled All-Terrain Vehicles and proposed Ordinance 2015 - *****

Doug Beagle, Town Administrator explained that through the Public Safety Committee there was a request from a few citizens in the town wanting to be able to drive their All-Terrain Vehicles (ATV) on town streets. After it went through their process it was brought back to the planning commission for review. There are some things that need to be discussed, codes changes highlighted in yellow on page 3 of 4 of Exhibit A "Wheeled All-Terrain Vehicles". Does the town what to exclude any streets or not? After the

planning commission this will go back to Public Safety Committee for review and then on to council for their review with planning commission recommendation.

Mayor Schaub said he has had one citizen say something about riding their quad in town and there are certain requirements as you go through the RCW and the code that do require that they have to be able to be safety strapped in, a license plate, turn signals, brake lights. Must be able to reach a speed of 35 mph. and follow the rules of the road. This is mainly for discussion, more because it's new.

Commissioner Beach suggested a specific provision regarding parks and school properties stating that these ATV's are not allowed on school grounds or in parks.

Mr. Beagle explained the road in Smallwood Park is public access. He suggested that he would make the recommendation to the council.

Commissioner Beach said maybe he should say non-paved areas of the school grounds.

Commissioner Craig explained that at the Lion's Art Festival they use golf carts all the time. You may run into a problem there. If the ATV's are taken onto the grounds, that would be vandalism.

Commissioner Justice asked about golf carts, because it does not address them in this ordinance.

Mayor Schaub said that as long as they can go up to 35 mph. and have all the safety and licensing features of a vehicle operating on the streets.

Chairman Lambert explained that in the RCW's the ATV and golf carts are addressed separately with different regulations. He said he does not see anything in Exhibit A that says the vehicle must be able to do 35 mph.

Mayor Schaub said they have to be able to go the posted speed limit up to 35 mph.

Mr. Beagle said *pg. 3, 10.30.050 Street Designation – A.1. All Eatonville public streets and roads are open to WATV's use unless posted closed or unless designated as closed in the subsection below.*

Chairman Lambert said that the town does not have any jurisdiction as to what the color of the license tabs can be and should be removed from proposed code. 10.30.040 A – saying that this is not clear.

Mayor Schaub said that his understanding is that you may not cross a road with a speed limit greater than 35 mph. This is to keep people from crossing the highway. We need to read the RCW to see what the intent is.

Chairman Lambert suggested removing 10.30.050 B. – stating that he felt it was redundant. Pg. 4, is drunk driving a misdemeanor or a felony?

Commissioner Beach asked if this has been read by the Chief of Police.

Mayor Schaub said yes and the by the Public Safety Committee. He said he will take it to the Public Safety Committee meeting Tuesday evening.

Mr. Beagle said that they would get a response to their comments and bring them back to the next meeting.

Discussion of Design Standards regulations for possible amendments.

Mayor Schaub said that this discussion has been brought up before during planning commission meetings. General discussion was that it should be directed to large developments. We found this last year when the property owners at 227 Dow Ridge had to go through the variance process to have the 45 degree garage more than 6 feet in front of the house with access from the front instead of the alley. During the discussion it was decided that certain things should be handled administratively. Dealing with single lots that are of low to medium density nature where all the setbacks are met, we should be able to work within the code without having to make the homeowners go through the variance process. When reviewing the Design Code it was determined that with residential homes there is no "Departure" language. This is something that we would like to bring forward, at least the language to allow "departure" within the residential design code also. The Design Code is really for someone working within a development. It is really tying the hands of town staff trying to work with landowners outside of developments. If we work on changing the code to add that language, it would go hand in hand with what the planning commission has already mentioned giving the administration and staff in the building department the ability to work with those landowners as

long as it is not a land use issue or goes against code. Our hands are tied and the only process is the variance process to request something outside of the single family residence without the "departure" language.

Chairman Lambert said that he does not have an issue with the idea of the residential design standard as they are applied to homes in the new developments. He can see it on a scattered site but in rural development it doesn't make sense.

Mr. Beagle said that as an example, there is Aviator Heights; each lot is 21,000 sq. ft. You can clearly meet the setbacks but right now the way the code reads they can only build their garage 6 feet in front of their house. We need to provide for some creativity as long as they are within the setbacks required for that zone. Our intent is to look at the subdivision as a whole to make sure it meets the similarity to the other homes in that area. The town is hearing that we need to have a little more flexibility when the building is well within the setbacks. Mr. Beagle added that when they came to the planning commission before and asked for some leeway in the Design Standards and then we realized there wasn't any departure language. If anything we need to get this departure language in this section of the code like the other sections that do have it. You did not give us leeway to go away from something that is not there. We have an issue where we have flag lots and have to determine which side of the lot is the front. The language says that the front of the house is closest to the street...so then either way, the front of your house is looking into the back of somebody else's house. We have had an individual who interpreted it another way and was upset when he found out that the front would not be on the access of the lot that it would face the neighbors back yard.

Mayor Schaub said that the commercial, multi-family and the other sections of the design code, all except for Single Family Residence has departure language in it that allows us to work within the code to a specific project. With the residential, it is in the design code or it's nothing.

Chairman Lambert asked for some suggested language that would fix it and be brought forward to the planning commission to have an objection to the principal of what the objective is here.

Mr. Beagle explained that it was staff's intent that a discussion with the planning commissioners about this and then bring it forward to the council as a public hearing on November 23rd to amend the code. The next planning commission meeting is December 7th that would allow for enough time to advertise for the public hearing.

Mayor Schaub said that he meant to bring the design code to be able to talk about the two or three sentences...

Chairman Lambert said he would agree that there are some flaws in the design code. (Not audible) The original agenda sent out showed the next meeting to be December 7th and the one on the table says "To be determined".

Mayor Schaub found the language that he was looking for... ***"Departure" the first sentence reads Departures will be considered by the town provided the design meets the intent of the Design Standards.*** There are certain pieces that he does not ..the width of the driveway, the garage being 6, 10 or 12 from the furthest point of the house, does that change the intent of what the Design Standards for ...

Chairman Lambert said that depends on who you ask. He does not like laws that are very subjective and to him these are things that can be subjective pretty quickly. He would rather see only the Design Standards apply to these items and they don't apply to these and I don't know if that would fix it or not. He gets uncomfortable if there is language in there that says it is up to the Planning Director or something along that line. It is something that makes him uncomfortable really.

Commissioner Beach said he did not think that the Design Standards have anything to say about the design compatibility of the design of the house to the rest of the houses. It has always been the assumption that this applies to the developments of many houses, if it fits to what is there.

Mayor Schaub felt that if he is meeting all the setbacks and everything...

Commissioner Beach said he knew..... He was just suggesting that somehow or other there would be a statement in there that in a broad sense that whatever they are going to do is compatible, it fits in with the surrounding area homes or reasonably close so that somebody does not just come in there and say "I'll put in my wild creation".

Mayor Schaub said that his statement on the development, that's where, it was intended to , was for the development to be similar in nature, following in design schemes. There are a lot of ways that it has just tied your hands when you are trying to deal with individual lots.

Chairman Lambert said that he felt it should have whatever the set of rules are that encourages people to ..(not audible) He thinks that certainly economic activity is good for the community; it's good for all of us and we want to encourage it. What the limits need to be he does not know but there needs to be a more rational middle ground.

Mayor Schaub said he thinks the development piece works but we also want to make sure that people are keeping to the atheistic piece of the design standards that it does outline. In dealing with the individual cases is just to try and get some kind of language in there that allows us to do that without trying to rewrite the whole ordinance.

Chairman Lambert said that there are only so many infill lots left. It's a small number unless you have a large development.

Commissioner Beach suggested just adding something in the existing standards saying less than 5 houses being built in the area, that the applicant may make other proposals as long as it is generally within the intent of the code. Something compatible but within the specifics of the code, in other words put that exception in the Design Standards. They would need to justify their request. You give the Administration more leeway but they want to come to the planning commission and discuss it anyway. He added that in the beginning he said we give you leeway but you report to the planning commission where and what was done. Not for our approval, simply that we are kept informed. If we don't like what you are doing, we can say next time don't do that.

Mr. Beagle explained that this is why we need the departure language. He explained that they would like to present to council on November 23rd modification to that code that includes that departure language.

Commissioner Beach said that you could just simply say on fewer than 5 lots(not audible)

Chairman Lambert added to limit the Design Code to developments of 5 or more lots.

Commissioner Beach added that 4 or less lots they can submit a design compatible to the surrounding houses.

Mr. Beagle confirmed that what Mr. Beach is saying is to add the departure language to Single Family residences, fewer than 5 lots with reports to the planning commission of any and all departures. Not require them to have a variance.

Chairman Lambert made a motion to give the planning director the authority to waive portions of the design guidelines for developments of less than 5 single family residential homes with a monthly report to the planning commission of any departures.

Commissioner Beach seconded the motion. AIF.

New Business

3 Hour Parking

Commissioner Beach said that there are signs out there but the town does not enforce it. Business people park their vehicles on the streets for over three hours. People become aware and it becomes kind of cynical on their part that we are not enforcing it. There is another reason for getting rid of ordinances of this kind of restriction is that they are very visible and there is a possibility of selective enforcement. He suggested that the planning commission have a public hearing on the issue of whether the three hour parking restriction in downtown should be maintained.

Mr. Beagle said he has been here 5 years and have yet to see a citation written for three hour parking that he is aware of. The original intent of the three hour parking was because of the school during their remodel people were complaining that the students were parking in front of the businesses all day. He suggested that one challenge that the commissioners should think about is that in the business district should there be some designation of hours of parking to save the businesses from going out and policing their own frontage of somebody that lives a block away, that there is not more parking so they decide to park there.

Chairman Lambert said that he assumes that this is the reason for the public hearing is to find out if anyone cares. Commissioner Beach is correct and we should have a public hearing and give people the opportunity to voice an opinion.

Commissioner Beach suggested having the public hearing on 3 hour parking at the next meeting that allows for sufficient time for notice to be given. December 7th, 2015. Seconded by **Commissioner Craig**. AIF.

Comments from Commissioners

Mr. Beagle thanked Commissioner Craig for his dedication to the Planning Commission.

Next meeting: December 7th, 2015.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 8:47 p.m.

Chairman Lambert

David Craig - Secretary

ATTEST:

Kerri Murphy – Recording Secretary

**NOTICE OF PUBLIC HEARING BY
EATONVILLE PLANNING COMMISSION
Monday, December 7, 2015**

NOTICE IS GIVEN that the Eatonville Planning Commission shall hold a Public Hearing to consider an amendment to Ordinance 2009-18 regarding the time restricted parking zones in town. The public is encouraged to give their input. A copy of Ordinance 2009-18 is on file at the Town Hall Planning Department. The meeting will be held at the Eatonville Community Center, 305 Center Street West, Eatonville, Washington, at 7:00 PM on Monday, December 7, 2015. Written comments must be received by 5:00 p.m. December 4, 2015 at the Town Hall. Mailing address is Town of Eatonville, PO Box 309, Eatonville, WA 98328.

*Kerri Murphy
Building /Planning Dept.*

ORDINANCE 2013-8

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, RELATING TO PARKING; CREATING A NEW SECTION UNDER CHAPTER 13.04 EMC; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Town's Public Safety Committee has determined that parking of commercial vehicles on the westside of Washington Avenue between Lynch Creek Road and Carter Street is detrimental to the health, safety, and welfare of the citizens, and

WHEREAS, the Town Council agrees with said determination;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville as follows:

Section 1. Section 2 of Ordinance 2009-18, codified as EMC 10.16.015, is amended to read as follows:

10.16.015 Parking Zones Established

A. ~~Commercial~~ Restrictions. It shall be unlawful to park vehicles on the following streets within the town for more than 3 hours between the hours of 7:30am and 5:00pm Monday through Friday:

1. The west side of Washington Ave between Lynch Creek Road and a point 300 feet south of Carter Street.
2. Mashell Avenue between Center Street and a point 300 feet south of Lynch Street (as measured from the intersection of Lynch Street and Mashell Ave on the west side of Mashell).
3. Carter Street between Washington Ave and Rainier Ave.
4. Center Street between Washington Ave and Rainier Ave.
5. The south side of Center Street between Rainier and Orchard.
6. All parking stalls located within the Eatonville Town Square at 132 Mashel Ave N.

B. School Loading and Unloading Zones. The following streets shall be designated for 30 minute loading and unloading only between the hours of (7:30am and 9:30am and 2:00pm and 3:00pm) Monday through Friday when school is in session.

1. The west side of Mashel Ave between Lynch Creek Road and Lynch Street.
2. The north side of Lynch Street between Mashell Ave and Rainier Ave.

C. Parking of Commercial Vehicles. It shall be unlawful to park a commercial vehicle at any time on the following streets within the town:

1. The west side of Washington Avenue between Lynch Creek Road and a point 300 feet south of Carter Street.

For purposes of this subsection, the term "commercial vehicle" shall mean any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. The term includes, but is not limited to, any vehicle over 10,000 pounds gross weight, exceeding 20 feet in length and/or 7.5 feet in width.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 05/28/2013
2ND READING: ___/___/2013 / 2ND READING WAIVED (EMC 2.04.009(C))

Passed by the Council of the Town of Eatonville at a regular meeting held this 28th day of May, 2013.

Ray Harper, Mayor

ATTEST:

Kathy Linnemeyer, Town Clerk

APPROVED AS TO FORM:

Daniel G. Lloyd, Town Attorney

Ordinance 2007-10

AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL ADDING A NEW SECTION TO CHAPTER 10.16 EATONVILLE MUNICIPAL CODE (EMC) ESTABLISHING THREE HOUR PARKING WITHIN THE DOWNTOWN CORE.

Whereas, Eatonville School District construction projects are planned and stand to create a significant reduction in the availability of on street parking; and,

Whereas, Businesses in the Downtown core are not required to provide off street parking; and,

Whereas, the establishment of three hour parking zones will ensure that downtown businesses have adequate customer parking; and,

Whereas, A provision allowing for residential parking permits will ensure that residents of the downtown core will have access to adequate on street parking.

NOW, THEREFORE, The Town Council hereby ordained as follows:

Section 1: The following section is added to chapter 10.16 of the EMC:

10.16.015 Three (3) hour parking zones established.

A. It shall be unlawful to park vehicles on the following streets within the Town for more than three (3) hours between the hours of 6:00 AM to 5:00 PM, Monday through Friday, except with a residential parking permit as provided for in Section B herein.

1. Washington Avenue, between Center Street E and Lynch Creek Road; and
2. Mashell Avenue, between Lynch Street E and Center Street E; and
3. Rainier Avenue between Center Street W and Lynch Street W; and
4. Orchard Avenue between Center Street W and Ridge Road, except that the west side of Orchard between Lynch and Ridge Road shall have no time restriction; and
5. Carter Street, between Orchard Avenue and Washington Avenue.
6. Center Street, between Washington Avenue and Orchard Avenue.

B. Residential Parking Permits.

1. Eligible parties may apply to the Eatonville Police Department for a residential parking permit which shall permit a vehicle upon which said permit is affixed to be parked within a specified three (3) hour parking zone for durations exceeding three (3) hours provided that permit is valid and that the parked vehicle is in compliance with all other state and municipal laws.

2. Any residential property owner who occupies or leases property which is located within zones subject to a three hour parking time limit shall be entitled to one (1) residential parking permit per twenty (20) feet of property frontage or one (1) residential parking permit per multifamily housing unit, which ever is greater except that there shall

ORDINANCE 2009-18

AN ORDINANCE OF THE TOWN COUNCIL OF EATONVILLE REPEALING ORDINANCE 2007-10 CONCERNING PARKING IN THE DOWNTOWN AND ADDING A NEW CHAPTER TO EATONVILLE MUNICIPAL CODE 10.16 ESTABLISHING TIME RESTRICTED PARKING ZONES IN THE TOWN CENTER

Whereas, businesses in the downtown core are not required to provide onsite parking; and,

Whereas, the establishment of permanent 3-hour parking zones will ensure that there is plenty of available customer and visitor parking in the downtown;

NOW, THEREFORE, The Council of Eatonville hereby ordains as follows:

Section 1: Ordinance 2007-10 is repealed.

Section 2: The following section is added to the Eatonville Municipal Code:

10.16.015 Parking Zones Established

A. Commercial Restrictions. It shall be unlawful to park vehicles on the following streets within the town for more than 3 hours between the hours of 7:30am and 5:00pm Monday through Friday:

1. The west side of Washington Ave between Lynch Creek Road and a point 300 feet south of Carter Street.
2. Mashell Avenue between Center Street and a point 300 feet south of Lynch Street (as measured from the intersection of Lynch Street and Mashell Ave on the west side of Mashell).
3. Carter Street between Washington Ave and Rainier Ave.
4. Center Street between Washington Ave and Rainier Ave.
5. The south side of Center Street between Rainier and Orchard.
6. All parking stalls located within the Eatonville Town Square at 132 Mashel Ave N.

B. School Loading and Unloading Zones. The following streets shall be designated for 30 minute loading and unloading only between the hours of (7:30am and 9:30am and 2:00pm and 3:00pm) Monday through Friday when school is in session.

1. The west side of Mashel Ave between Lynch Creek Road and Lynch Street.
2. The north side of Lynch Street between Mashell Ave and Rainier Ave.

Passed by the Council of the Town of Eatonville at a regular meeting this 23rd day of November, 2009.

ATTEST:

Chrystal McGlone, Town Clerk

Tom Smallwood, Mayor

APPROVED AS TO FORM:

ORDINANCE NO. 2015-

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING THE EATONVILLE MUNICIPAL CODE BY ESTABLISHING A NEW CHAPTER 10.30 AUTHORIZING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES WITHIN THE TOWN LIMITS AND WITHIN CERTAIN DESIGNATED AREAS, PROHIBITING CERTAIN CONDUCT THEREON, AND PROVIDING PENALTIES FOR VIOLATION

WHEREAS, the Town of Eatonville recognizes the expanding popularity of wheeled all-terrain vehicles (WATVs) may provide opportunities for a wide variety of uses and outdoor recreation activities and the commerce that is derived therefrom; and

WHEREAS, RCW 46.09.360 authorizes a city or town to adopt regulations pertaining to the operation of WATVs on highways within its boundaries provided such regulations are not less stringent than state law; and

WHEREAS, allowing the use of WATVs on certain Town streets has been considered by the Town Council's public safety committee and by the Eatonville planning commission, both of which support the adoption of appropriate regulations; and

WHEREAS, the Town desires to define areas of use and establish appropriate rules to regulate the operation of WATVs to promote and facilitate responsible WATV activities and recreation with the Town's boundaries; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The Eatonville Municipal Code is amended by adding a new Chapter 10.30 "Wheeled All-Terrain Vehicles" in the form attached hereto as Exhibit A and incorporated by this reference.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary,

EXHIBIT A

Chapter 10.30

Wheeled All-Terrain Vehicles

Sections:

- 10.30.010 Definitions.
- 10.30.020 WATV registration.
- 10.30.030 License requirement.
- 10.30.040 Authorized uses for WATVs – highways.
- 10.30.050 Street designation.
- 10.30.060 Towing.
- 10.30.070 Public noise nuisances
- 10.30.080 Unlawful activities.
- 10.30.090 Exemptions.
- 10.30.100 Violations – Penalty.

10.30.010 Definitions.

- A. “Designated Street” means those public roadways within the Town’s boundaries that the Town Council has designated for WATV travel.
- B. “Highway” or “Public Roadway” means the entire width between the boundary lines of every roadway within the Town boundaries that is publicly maintained with funding from the motor vehicle fund and open to the use of the public for the purpose of vehicular travel.
- C. “Nonhighway road” has the meaning set forth in RCW 46.09.310(7), as now or hereafter amended: any road owned or managed by a public agency, a primitive road, or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.
- D. “Operator” means each person who operates, or is in physical control of, any wheeled all-terrain vehicle.
- E. “Owner” means the person, other than the lien holder, having an interest in the wheeled all-terrain vehicle, and entitled to the use of possession thereof.
- F. “WATV license” means a license issued by the Department of Licensing for operation of a wheeled all-terrain vehicle.
- G. “Wheeled all-terrain vehicle” (WATV) means (a) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or (b) a utility-type vehicle designed for and capable of travel over

designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches.

10.30.020 WATV registration.

- A. A person who operates a wheeled all-terrain vehicle upon a nonhighway road must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the initial and renewal vehicle license fee as determined by the department of licensing.
- B. A person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, which must be of a bright color that can be seen from a reasonable distance, and pay the initial and renewal vehicle license fee, as determined by the department of licensing.
- C. The WATV registration requirements set forth above shall not apply to:
 - 1. WATVs owned and operated by the United States, another state, or political subdivision thereof;
 - 2. WATVs owned and operated by this state, a municipality, or a political subdivision of this state or the municipality;
 - 3. WATVs owned by a resident of another state that have a valid WATV use permit or vehicle registration issued in accordance with the laws of the other state. This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state; or
 - 4. WATVs while being used for emergency management purposes under the authority or direction of an appropriate agency that engages in emergency management or search and rescue or a law enforcement agency.

10.30.030 License requirement.

No person under the age of sixteen (16) years shall operate a WATV upon public rights of way within the town limits. All WATV operators must carry on their person a valid driver's license issued by the state of the operator's residence when driving on public rights of way.

10.30.040 Authorized uses for WATVs – highways.

A person may operate a WATV upon any public roadway as specifically designated in EMC 10.30.050, below, subject to the following requirements:

- A. A person operating a WATV may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of thirty-five

miles per hour, unless the crossing begins and ends on a public roadway, not including nonhighway roads and trails, with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a WATV may not cross at an uncontrolled intersection of a public highway listed under chapter 47.17 RCW; and

- B. A person operating a WATV on a public roadway must comply with the equipment and documentation requirements set forth in RCW 46.09.457, as now or hereafter amended.

10.30.050 Street designation.

- A. The following public roadways within the corporate limits of the Town of Eatonville, having a speed limit of thirty-five miles per hour or less, are designated for WATV traffic:
 - 1. All Eatonville public streets and roads are open to WATV use unless posted closed or unless designated as closed in the subsection below.
- B. A list of the public roadways designated for use by WATVs shall be publicly available and shall be accessible from the main page of the Town's website.
- C. The following public roadways within the corporate limits of the Town of Eatonville are designated as closed for WATV traffic:
 - 1. [INSERT ANY STREETS OR SECTIONS OF STREETS WHERE WATVS ARE NOT ALLOWED]

10.30.060 Towing.

WATV operators shall abide by the manufacturer's guidelines or specifications when towing approved devices. It shall be unlawful for any WATV to pull a sled, toboggan, trainer or any other device except by means of a rigid tow bar connecting the WATV to such device. Except as otherwise allowed in this section, no person shall be pulled in any fashion by a WATV.

10.30.070 Public noise nuisances.

The operation of a WATV is subject to the requirements and restrictions set forth in Chapter 8.11 EMC, "Public Noise Nuisances."

10.30.080 Unlawful activities.

It shall be unlawful for a person to operate a WATV:

- A. In such a manner as to endanger the property of another;
- B. At a rate of speed greater than the posted town limit;
- C. On lands not owned by the operator or owner of the WATV without a lighted headlight and taillight between the hours of dusk and dawn;
- D. Without an adequate braking device;

- E. Without a spark arrester approved by the department of natural resources;
- F. Without an adequate and operating muffling device that complies with RCW 46.09.070, as now or hereafter amended;
- G. On lands not owned by the operator or owner of the WATV upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
- H. On lands not owned by the operator or owner of the WATV in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition or to injure, damage, or destroy trees, growing crops, or other vegetation;
- I. On lands not owned by the operator or owner of the WATV on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;
- J. On any public lands in violation of the rules and regulations of the agency administering such lands;
- K. On a private nonhighway road if the road owner has not authorized the use of WATVs;
- L. Except for a WATV equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride a WATV on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530, as now or hereafter amended. This requirement shall not apply to a WATV operator operating on his or her own land;
- M. While under the influence of intoxicating liquor or a controlled substance, which shall be a misdemeanor; and
- N. In violation of any state law or other town regulations.

10.30.090 Exemptions.

A person may operate a WATV upon any public roadway, trail, nonhighway road, or highway within the town while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

10.30.100 Violations – Penalty.

Failure to perform any act required, or the performance of any act prohibited, in this Chapter shall be designated as a traffic infraction, unless otherwise provided herein or in state law, and any person found to have committed such traffic infraction shall be subject to the penalties governed by state law, including but not limited to RCW 46.09.485 and .490, as now or hereafter amended.

consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 10/12/2015
2ND READING: / /2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk
in authentication of such passage this _____ day of _____, 2015.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

Town of Eatonville

WATV Ordinance

<u>EMC</u>	<u>RCW</u>
10.30.010	46.09.310
10.30.020	46.09.420 46.09.442
10.30.030	46.09.444 46.09.460
10.30.040	46.09.455 46.09.457
10.30.050	46.09.360 46.09.455
10.30.060	
10.30.070	
10.30.080	46.09.470
10.30.090	46.09.455(3)
10.30.100	46.09.485 46.09.490

19.01.090 Planning commission departures.

An applicant may request a departure to the design standards and guidelines, as allowed in this title. The request must be submitted as part of the completed design application. The departure shall be processed as follows:

After the planning director issues a notice of application and determines whether the application is complete (see EMC 18.09A.060), the planning director shall determine whether or not the request for a departure is appropriate. If the request is appropriate, he/she shall schedule a date for meeting on the application. This date shall be the earliest available planning commission meeting after the notice of application has been published.

A. The planning director shall issue his/her recommendation on the portion of the application that does not involve a departure, under the procedures set forth in EMC 19.01.080. The director's recommendation must issue at least five days prior to the planning commission's meeting on the departure and be included in the staff report.

B. The planning commission shall hold a public meeting on the departure and the planning director's recommendation.

1. If the design application is stand-alone (does not relate to an underlying permit application), the planning commission shall issue the final written decision on the application so that the final decision is issued within 120 days from the issuance of the notice of complete application. The planning commission may only amend or alter the planning director's decision if it would be inconsistent with the commission's decision on the departure. An appeal of the design decision may be filed with the town council.

2. If the design application is not stand-alone, the planning commission shall issue its decision at least five days prior to the open record public hearing on the underlying permit application. An appeal may be filed with the town council.

C. Criteria for Departure Approval. The planning commission may approve a design application with a departure, only if all of the following are satisfied:

1. The applicant must demonstrate that the criteria for approval as identified in this title as applicable to the specific departure are satisfied.

2. The departure proposed by the applicant represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying the design standards and guidelines.

3. Where an application does not relate to a preliminary plat, the planning commission shall typically not consider any deviation from any dimensional or numeric standards stated within the text of the design standards and guidelines,

or zoning standards in EMC Title 18, unless an allowance for deviation to a dimensional or numeric standard is identified within the text of the code.

Approval to vary from these standards must otherwise be obtained through the variance process in EMC 18.09.040.

E. Planning Commission Meeting. The planning commission shall hold a public meeting on the design application as follows:

1. Notice.

a. Not less than 14 days prior to the meeting date, the planning director shall cause notice of the public meeting to be sent to property owners within 300 feet of the subject property and to others who have submitted comments and/or requested notice.

b. Notice of the public meeting shall be posted on the subject property not less than seven days prior to the meeting date.

c. Notice of the public meeting shall be published in the town's official newspaper not less than seven days prior to the meeting date.

d. The notice shall include the date of the meeting, the subject of the meeting, the property address, a map showing the location of the property, the applicant, a brief description of the application submitted to the town, and a statement informing the public that they may attend the meeting to provide input.

2. Applicant's Presentation. The applicant shall have an opportunity to make a presentation at the public meeting.

3. The staff shall have an opportunity to make a presentation at the public meeting.

4. The public shall be allowed to comment and provide input at the public meeting.

5. The planning commission shall deliberate on the application and presentations and comments, and shall make findings and conclusions on the application.

6. After the meeting, the staff shall draft the commission's findings and conclusions on the application, and present the same to the commission at their next regularly scheduled meeting for approval.

7. For all applications involving an underlying development permit, the commission's decision shall be presented to the hearing body on the underlying development permit with the staff report. The hearing body on the underlying development permit may make minor adjustments to the planning director's decision or the planning commission's decision if all of the following criteria are satisfied:

a. The minor adjustment does not sub-

**Chapter 19.04
DESIGN STANDARDS FOR
DETACHED SINGLE-FAMILY USES
AND DUPLEXES**

- 19.04.010 Purpose and applicability.
- 19.04.020 Detached single-family uses.
- 19.04.030 Duplexes.

19.4.10 Purpose and applicability.

A. Purpose.

1. To ensure that developments are compact, pedestrian friendly, and contribute to the character of the town and surrounding neighborhood.
2. To create variety and interest in residential streets.
3. To integrate open space and natural features into developments.
4. To minimize impacts to the natural environment.

B. Applicability. The standards in this chapter shall apply to detached single-family uses, accessory dwelling units, and duplexes in any zone they are built within.

B-C. Requests for Exceptions within Chapter 19.04 shall not exceed three (3).

19.4.20 Detached single-family uses.

A. Garage Placement and Design.

1. Where lots front on a public street and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the front wall of the house or front edge of an unenclosed porch. On corner lots, this standard shall only apply to the designated front yard. Lots within a designated low impact subdivision (see EMC 19.06.030) are exempt from this standard.

Exceptions:

a. Garages may project up to six feet closer to the street than the front wall of the house or front edge of an unenclosed porch provided it is set back at least 20 feet from the street and incorporates at least two of the design/detail features below. Garages placed flush with the front wall of the house shall incorporate at least one of the design/detail features below:

- i. A decorative *trellis* over the entire garage.
- ii. A *balcony* that extends out over the garage and includes columns.
- iii. Two separate doors for two car garages instead of one large door.
- iv. Decorative windows on the garage door.

v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

vi. A garage door color (other than white) that matches or complements the color of the house.

vii. Other design techniques that effectively deemphasize the garage, as determined by the planning director.

b. Garages may be placed closer to the street than the front wall of the house or front edge of an unenclosed porch provided it faces towards the side yard and features a window facing the street so that it appears to be habitable.

2. The garage face shall occupy no more than 50 percent of the ground-level facade facing the street.

3. Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography.

Exceptions:

a. Garages proposed on lots greater than ½ acre in size, or lots less than ½ acre that are located in a subdivision in existence prior to 2010 that originally contained less than five (5) lots, or a lot determined by the Director to have a unique configuration or attribute that warrants consideration of an exception, may request an exception to the Garage Placement and Design standards (including but not limited to the dimensional or numeric standards herein). It shall be the applicant's responsibility to successfully demonstrate:

i. The unique and individual circumstances that justify an exception; and,

ii. If granted, how the resulting development will meet the intent of the design standards and be compatible with the existing and/or future development of the neighborhood.

Eatonville Municipal Code

B. Vehicular Access and Driveway Standards.

All lots with alleys shall take vehicular access from the alley. Standards for all other lots without alleys:

1. No more than one driveway per dwelling unit.
2. Driveways for individual lots 50 feet or wider may be up to 20 feet in width.
3. Driveways for individual lots less than 50 feet wide may be up to 12 feet in width. Tandem parking configurations may be used to accommodate two-car garages.

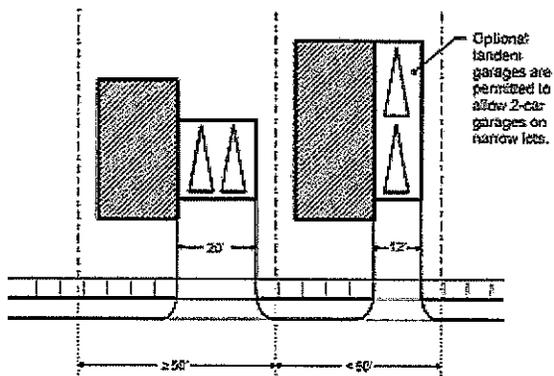


Figure 3. Driveway standards.

Exceptions:

a. Vehicular access and driveways proposed on lots greater than 1/2 acre in size, or lots less than 1/2 acre that are located in a subdivision in existence prior to 2010 that originally contained less than five (5) lots, or a lot determined by the Director to have a unique configuration or attribute that warrants consideration of an exception, may request an exception to the Vehicular Access and Driveway Standards (including but not limited to the dimensional or numeric standards herein). It shall be the applicant's responsibility to successfully demonstrate:

- i) The unique and individual circumstances that justify an exception; and,
- ii) If granted, how the resulting development will meet the intent of the design standards and be compatible with the existing and/or future development of the neighborhood.

C. Building Design.

1. Covered Entry. All houses shall provide a covered entry with a minimum dimension of four feet by six feet. Porches up to 200 square feet may project into the required front yard by up to six feet. See Figure 1 for an example.

2. Windows and Transparency.

a. Transparent windows and/or doors facing the street are required. To meet this requirement, at least 10 percent of the facade must be

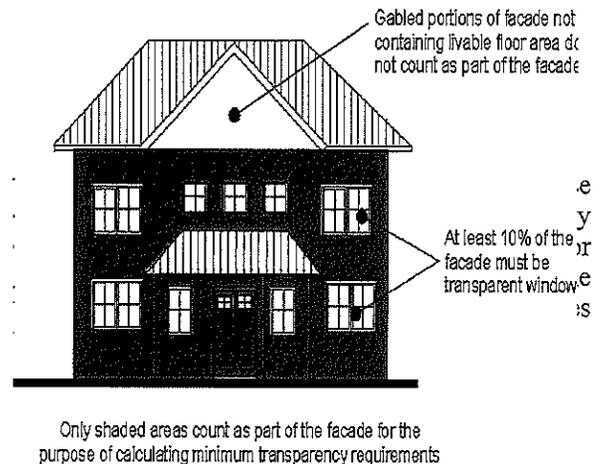


Figure 4. Facade transparency.

b. Building facades visible from a public street shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered where buildings employ other distinctive window or facade treatment that adds depth and visual interest to the building.

4. Architectural Variety. Developments shall achieve architectural variety by accommodating a variety of architectural styles, variations of the same architectural style, and through the use of multiple design elements. Specifically:

a. Duplicative house designs adjacent to each other are prohibited. Simple reverse configurations of the same house design on adjacent lots are not sufficient to meet architectural variety goals. Exceptions may be granted by the planning director in special circumstances where similar architectural consistency provides a distinct character for a cluster of homes surrounding an open space or on a particular street (cottage homes around a common open space are an example).

b. Generally, the more houses in a subdivision, the greater the number of different facade elevations will be required. Specifically:

i. Ten to 19 homes, a minimum of four different facade elevations shall be used.

ii. Twenty to 39 homes, a minimum of five different facade elevations shall be used.

iii. Forty to 69 homes, a minimum of six different facade elevations shall be used.

iv. Seventy or more homes, a minimum of seven different facade elevations shall be used.



Figure 7. Examples of homes featuring different facade elevations. Notice the different rooflines, entry features, window designs/locations, exterior materials, and colors.

c. In order to qualify as a different facade elevation, dwellings shall have different roofline configurations, different color palettes, and different porch/entry design. In addition, a minimum of two of the following alternatives shall be utilized:

i. Different window openings (location and design).

ii. One and two story houses.

iii. Different exterior materials and finishes.

iv. Different garage location, configuration, and design.

v. Exceptions: Other different design element that helps to distinguish one facade elevation from another as determined by the planning director.

5. Exterior Materials.

a. Traditional materials consistent with local and regional architectural styles are encouraged (horizontal wood siding and brick).

b. Stucco and other troweled finishes should be trimmed in masonry or wood.

c. Mirrored glass and exposed concrete block (except for foundation/crawl space walls where not visible from the street) are not in keeping with the historic character of Eatonville and are prohibited.

d. T-111 siding and other plywood types of siding (board and batten is an exception) shall not be used for facades adjacent to or directly viewable from a street.

6. Roof Design. Provide pitched or articulated roof line, or other roof element such as eyebrow roof forms or dormers that emphasize building form and help it to fit in with neighboring structures with prominent roofs. Pitched roofs shall utilize a minimum slope of 4:12. Encourage rooflines along the side yard that maximize solar access to adjacent homes and/or private open space.