

**Town of Eatonville
PLANNING COMMISSION MEETING
MONDAY 7:00 PM, January 5, 2009
COMMUNITY CENTER
305 CENTER STREET WEST**

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

Commissioners Present: Schmit, Fitzer, Schaub, Treyz, Lambert and Harris.

Town Staff Present: Nick Bond and Kerri Murphy

Commissioner Schmit led the pledge of allegiance.

Approval of agenda:

Motion by Treyz. Seconded by Lambert. Carried.

Approval of minutes: December 1st, 2008 minutes. Motion by Lambert to approve the minutes with corrections. **Seconded by Harris. Carried.**

Page 1; Under Public Hearing –add that Chairman Schaub recused himself from the public hearing of Lynch Creek Heights. Exhibit Z was missing from the minutes – this is the letter submitted from Jim Mettler.

There were no communications and announcements from the public or the commissioners. **Chairman Schaub** thanked the audience for taking the time to attend the meeting.

New Business:

Aviator Heights – 1-year extension request. – Nybo Construction

Bond gave a summary of the request by Nybo Construction for a 1 year extension for Aviator Heights Plat. Expiration is to expire in February, 2009. The EMC does not have sufficient detail as to how to get an extension on a plat. It states that the Planning Commission can recommend to the Public Works Director a one year extension and the owner of this plat has submitted in writing a request to do just that and hopefully wait out the current housing market. Bond explained that he had no objection to extending it. There is a council committee that has been put together and they will be discussing changing the EMC Section 17.20.110 (D) as to how plats are extended and also the duration of a plat because two years is not a lot of time, especially the larger plats. Most of the improvements are done it is just a matter of paving and a few last touches.

Commissioner Lambert asked if there is a good reason that it has not been completed yet?

Bond explained that it is just the housing market at this time. They have not found anyone to buy any of the lots out there and once the plat is recorded you have to pay taxes on the lots. It is just a matter of waiting for there to be a demand for lots again.

Lambert said that his understanding is that council has turned down someone else for an extension, is that correct?

Bond said that not since he has been the planner in Eatonville. The planning department actually tried to go to council to change the code because Pierce County allows five years for all plats regardless of size. Bond has brought two ordinances to council and both of them have been defeated. There was a study session, council defeated it and requested that he do one thing, it was brought back to council and it was defeated again. Now there is a council committee that is considering how they want to proceed with future plats but because this one is expiring he doesn't want it to expire. There was a plat that has expired out by the Baptist Church but they have never come and requested an extension. There have been numerous attempts to contact the developers. He added that Mr. Nybo is present if you have any questions of the developer.

Treyz asked what is left to be completed on the plat.

Bond explained that all the utilities are in the ground (electric, water, sewer and storm) Curbs and sidewalks are installed. Pavement, landscaping, fencing still needs to be completed. Bond referred to Jerry Nybo who said that some extensions of electrical needs to be done along with some improvements along Weyerhaeuser Road.

Chairman Schaub said that with an extension does this interfere with any payments to the town or does that town on receiving any additional payments from the developer.

Bond said he did not think there were any further payments due to the town other than property taxes for having the lots recorded. It has not been reviewed as to whether there may still be some fees owed the town. There is a pocket park in the plat that needs some work done to it, but Bond did not think that any fees we due.

Lambert commented that he is a little concerned that the credit issues and the housing market hasn't really been a major issue until this summer and he was curious as to why the plat was not completed prior to that because two years should be adequate.

Bond explained that the housing market has deteriorated a lot since summer but if you look at the number of building permits that were being issued they really started to decline in 2006. This last year the building department only issued eleven or twelve building permits.

Chairman Schaub asked if the one developer that was mentioned, did he filed for an extension.

Bond explained that he did not file for any type of request. Depending on how the council acts on changing the ordinance that establishes how long plats are valid and how they are extended that one may be resurrected but he thinks that he should talk to the developer and see where they are at and if they intend to complete the plat. He does not know the status of the project.

Fitzer asked what kind of hardship as far as starting over again monetarily and administratively.

Bond said that Chairman Schaub was the only one on the commission at the time that Aviator Heights went before the planning commission. It took almost two or three months of public hearings ever two weeks trying to get this thing done because it's the airport there is a lot of controversy. There are still a lot of people that were not totally pleased with the way that this turned out. It would take three to four months to get through the process.

Chairman Schaub said that he seemed to remember a town council meeting when this was discussed with the gentleman out by the Baptist Church. And it was not voted on by the council for an extension. It died for lack of a motion. But Bruce Rath made a comment saying that he didn't have any extensions on his development and he couldn't see why anyone else should have them on theirs.

Bond said that when Hamner Springs was built it was a totally different market. There was so much demand for those lots that he wanted to get them done as quickly as possible. It is

just a different time. Actually, if you look at what Pierce County has done, from what Bond understands, Pierce County has approved a change to their code to allow plats to be developed over nine years now instead of five. They have already acted and a lot of other jurisdictions have acted. The town has also received letters from the Master Builders Association asking that towns take action to try and help developers and builders get through his by extending existing building permits.

Chairman Schaub said that he can respect what Mr. Nybo is requesting. The only concern that he has is that request like this should come before the planning commission whether it is Mr. Nybo's or anyone else's. They are discussed here and a decision is made here for a recommendation that goes on to the town council.

Bond said that the recommendation goes to the Public Works Director.

Chairman Schaub said that however it is voted on tonight it is going back to you but you will take it back to the town council and report.

Bond said that he plans on reporting to the council committee who is looking at changing this ordinance. If you look at the EMC Section 17.20.110 (D) it states that "upon planning commission recommendation for a approval to the director of public works of the request for renewal, the director of public works shall extend the life of the preliminary plat an additional calendar year beyond the date of council approval for the extension. It does not say anything about going to council; it says that appeals would go to council. Your recommendation to the public works director is final. He will follow through with whatever recommendation is made. This is a very strange provision and he has not seen any other provisions like this in any other municipalities. Generally the planning commission is the recommending body and it is final. If this were to be denied, Mr. Nybo could appeal this to the town council. Because there are not criteria, you can't issue it for one person and not the other. They would have a lot of standing if they tried to challenge this and took it beyond the town council if there was an appeal.

Chairman Schaub said that he hears his statement, but that is where Bruce Rath came in with his statement at the town council meeting. The only problem that Chairman Schaub has now is that he would like to see procedures carried out before the planning commission. If you have one subject that you are working on, he does not want to see Bond just bypass the planning commission and then come back two or three months with something else that he wants them to work on.

Bond said that there was a study session on that issue of plat extensions and he said that the council could have the planning commission take it up, tell them what type of ordinance they wanted and he could take it straight to them. They told him to prepare an ordinance and take it to them. They did not follow through and pass it. It was their direction to him to work on amending that ordinance. Right now they are figuring out what direction the council wants to go with this on this committee. It is a code change not and actual development it is regulations. They can seek that planning commission recommendation on that or they can deal with it directly, there is no requirement.

Chairman Schaub said that what he is saying is that he wants to see the planning commission used as the planning commission and it's advisory to you and the town council. Information for request on a decision comes to us, we discuss it, we weigh the factors on it, we make a recommendation to you and or the town council. He does not want to see the town bypassing that policy and he would prefer that he did not say that it's what the town council wants to do in discussion. It's what Nick Bond wants to do in following the procedures and bringing something before the planning commission.

Bond said that the issue is whether is to extend Jerry Nybo's plat or not.

Commissioner Treyz said that he did not feel that two years is not sufficient for some projects. Would this set some kind of precedence where other developers or builders would want an extension?

Bond said that whatever reasons you use here tonight to approve or deny this he feels would set precedence where for future decisions of the same type where you are extending plats.

Commissioner Treyz said in that case he would have no objection to bringing the motion to extend this particular project under the circumstances that we are now experiencing, which is a housing slump and tough economic times. Is there a way of granting this within a restricted length of time? Maybe only consider applications through July 2009, making a cutoff date.

Bond explained that the language in the EMC says that the director shall extend the life of the preliminary plat an additional calendar year beyond the date of council approval for the extension. The date of council approval was February 11th, 2006 and this would be an additional year to February 11th, 2010.

Chairman Schaub asked if Commissioner Treyz wanted to make an amendment to the motion.

Commissioner Treyz said that if they added “with this recommendation” that we put a caveat there that any other motions up to a certain date due to the economic situation at hand. Six or eight months from now we are not going to be issuing amendments based on this particular application.

Bond said that they need to site the reason they are granting the extension in their motion.

Commissioner Treyz suggested it read that “within three months of our recommendation “ or three months of the February date, that other applications will be considered based on our approval on this one”...

Bond said that we do not have any plats that would expire until July of next year.

Commissioner Treyz explained that this would be fine because that would eliminate any other applications and it wouldn't show any tendency toward issuing any new approvals if we put that in.

Commissioner Fitzer thought that the Planning Commission would have to do any of that. Whether the Planning Commission approves this one or disapproves the next one it is open to be able to do that. You have to leave it open because some contractors may come in and not develop it, then you have a problem. In this case the work has been done to a certain point. You can make a judgment on each request rather than attempting to build in a lot of yes, no's, maybe's and time consumptions. This was left open for us to make the decision and on any project. We would get the information on the project from the applicant, Mr. Bond and any other information that we are able to compile.

Commissioner Lambert said that based on the vagueness of the law that we are dealing with it gives us no criteria to approve or disapprove. He was not sure that the Planning Commission has the option of saying no without a good reason. At this point and time he felt that the Planning Commission should go ahead and extend it. He would like to see more direction from the council and the planning commission as far as criteria goes. Currently there are no criteria to work with. He recommended that the extension be approved.

Chairman Schaub asked Commissioner Treyz if he wanted to move ahead with his amendment.

Commissioner Treyz said that the planning commission would only be recommending to the public works director to go ahead and extend this plat. He still thought the planning commissioner should have a basis for their approval and at least mention the fact that based

on the current economic situation or words to that effect...that this is why we are making this recommendation.

Chairman Schaub read the motion with a caveat attached. The recommendation to Mr. Bond is to approve the plat extension for Aviator Height. Decision is being made on the current economic conditions that are facing builders and or developers in our community. **Kerri Murphy** read the motion. Carried.

There were no commissioner comments or public comments.

Chairman Schaub announced that the next meeting for January 19th has been cancelled. The next meeting will be February 2nd, 2009.

Motion to adjourn by **Lambert**. Seconded by **Schmit**. **Carried. Adjourn at 7:29 p.m.**

PC Chairman, Bob Schaub

PC Recorder, Kerri Murphy

PC Secretary, Abby Schmit