

**TOWN OF EATONVILLE
PLANNING COMMISSION AGENDA
Monday 7:00 PM, May 4th, 2009
COMMUNITY CENTER
305 CENTER STREET WEST**

Vice -Chairman Lambert called the meeting to order at 7:00 p.m.

Commissioners present: Schmit, Lambert, Schaub and Treyz. And Harris.
Chairman Schaub was excused.

Town Staff Present: Nick Bond, Mayor Smallwood and Kerri Murphy

Commissioner Harris led the pledge of allegiance.

Approval of the Agenda:

Motion by Schmit. Seconded by Harris. Carried.

Approval of the Minutes:

March 30th, 2009 - Motion by Treyz. Seconded by Schmit. Carried.

There were no communications or announcements from the public or the commissioners.

Vice -Chairman Lambert closed the regular meeting at 7:03 p.m. and opened the Public Hearing.

Public Hearing – Ordinance 2009-9 Shed Setback reduction ordinance.

Nick Bond gave a summary of the “Shed setback reduction Ordinance 2009-9. Town Council asked that the Planning Commission review the issue of setback requirements for outbuildings 120 square feet or less. Recently the Planning department sent out notices to a couple of homeowners that have a couple of sheds that are within the required setback. The homeowners that received the notices went to council and requested that the council consider an ordinance that reduces setbacks for accessory buildings to the IBC stay minimum which is three (3) feet on the property line and six (6) feet between any adjacent structures. The ordinance has been drafted to what the council has requested the Planning Commission to consider. They are asking that the Planning Commission conduct a public hearing on the proposed ordinance and forward a recommendation to the town council. The proposal is to make it so that any building that is one hundred and twenty (120) square feet or less could be built to within 3 feet of the side yard and any other accessory buildings would still have to meet the existing setbacks. Any building one hundred and twenty square feet or less does not require a building permit and could be built within three (3) feet of the side or rear yard setback except on a corner lot. As far as staff’s position on this they are neither in favor or opposed to this. There are a number of sheds in town that are in violation of the setback code. This is enforced on a complaint basis, so when we received a complaint on this we responded and found that there were two sheds within the setback in that vicinity, but there are probably still 20 to 30 more that are in violation to our setback code. This ordinance would bring most of those sheds into compliance with the code.

Commissioner Treyz was concerned that the town was becoming a community of congested lots as we get closer to our neighbors property. He feels that the sheds should be clearly defined as temporary sheds and not set into the soil itself, without electricity and plumbing and height restrictions. He added that no shed should be used to house flammable liquids and the 3 feet should not start at the wall of the shed, eavesshould not be allowed to encroach on the 3 foot setback.

Nick explained that how the setbacks are measured is specified in the (2006 International Building Code) IBC. As far as flammable liquids the town has no ability to enforce that.

Commissioner Treyz said that when you start moving closer to property lines there will be more problems with gas tanks and propane tanks creating a real fire hazard.

Nick said that the setback is three feet and the IBC takes into account what people are storing in any building within that proximity to a property line. The issue tonight is not how sheds are utilized, what is the proximity of the shed to the property line and this is what the council has asked us to consider.

Commissioner Treyz asked if anyone in the audience had a request to move their shed into the three foot limit. There was one person in the audience requesting to speak and to move their shed.

Commissioner Schmit asked if the people making the complaints were aware of the setbacks.

Nick explained that they were not. They called to inquire as to what the setbacks were and said that their neighbor had a shed that was adjacent to the property line that is well within that and when the town staff responded they found that there were two sheds next door to each other in violation of the current setbacks. The town sent a notice to comply. The residents came to a council meeting asking that this code be changed, council asked that the planning commission review it and give the council a recommendation.

Commissioner Treyz confirmed that each shed must be 3 feet from the property line and asked if there was a limit as to the number of sheds that you could have on your property.

Nick explained that all structures have to be six feet apart and that there is no limit to the number of sheds on a piece of property. You are not allowed to exceed a certain amount of site coverage which in most cases is you cannot cover 40% of the lot; they have to meet the setback requirements and separation requirements.

Mark Quirie-225 Easton S.- he and some of his neighbors would like to see the code changed to the Pierce County code requiring 3 feet instead of the eight feet. The other neighbors were unable to attend this evening. The eight foot setback puts the shed in the middle of the yard creating unusable space surrounding the shed. The side yard issue, if it is located behind a fence, why can't the shed be 3 feet off the property line for a corner lot.

Nick explained that on corner lots the side yard setback is greater (15 foot setback) on the side that is flanking the street.

Mark Quirie said he would like to see the setbacks changed in the back yard because there is not a visibility problem with a six foot tall fence already there.

Commissioner Treyz asked Mark how much space is between the house and the shed at this time?

Mark said approximately 16 feet under the current code. As his shed stands now, it is approximately 22 feet. He feels that cosmetically it would look better with a 3 foot setback.

Commissioner Harris asked what the reason was behind the original zoning code setback of 8 feet as opposed to 3 feet.

Nick explained that he was not here when the ordinance was made (1994) and they may have had greater setbacks in the building code at that time. It may have just been the intent of the planning commission at that time. Today lots are smaller. Regarding Mr. Quirie's concern about the corner lot, because the sheds are allowed in the rear half of the lot he does have a problem with striking the last two sentences in Section A, in the case of corner lots, "underlying zoning shall apply", he suggested striking the end of both of those sentences so that it simply states that the sheds can come within 3 feet of side yards. He is not opposed but is also not advocating it.

Nick explained that the planning commission could either take action making recommendations or continue until the next meeting.

Mayor Smallwood said that he just built a shed 120 sq. ft. because he did not have to get a permit, but he did have to get permits for the plumbing and the power. If you drive around town there are numerous sheds that do not meet the setbacks. The town has adopted the IBC except for a few exceptions; one being the size of the shed allowed without a permit is 120 sq ft. He also stated that he does disagree with Commissioner Treyz in that he feels that flammable liquid does belong in the shed. He feels this is a good ordinance and thanked Mr. Quirie for bringing this to the council in a professional way.

Commissioner Treyz said that he absolutely agrees with Mayor Smallwood but that the flammable liquid should be kept back from the property lines for both a safety factor and ecological factor.

Bill Fitzer-10809-428th St E - said that he felt that the planning commission should take a look as to what is a shed. Some of these doll houses that kids have are larger than sheds and some of them are pushed up against the house or the fence.

Mark Quirie said that in the Pierce County ordinance it says that it includes play ground equipment that is covered, play houses and dog houses.

There were no further comments, **Co-Chair Lambert** asked for a motion from the Planning Commission.

Commission Harris moved to adopt Ordinance 2009-9 as written. Seconded by Schmit.

Commissioner Schmit move to approve with amendments. (Summarized by Nick) In the second sentence under **Section A** *put a period after main building and then strike in the case of corner lots in which case the side yard setback requirement of the underlying zoning shall apply for the side yard adjacent to a street.* In the third sentence you would put *a period after rear lot line and strike except in the case of corner lots in which case the side yard setback requirement to the underlying zoning shall apply for the side yard adjacent to the street.*

Vice -Chair Lambert confirmed the motion on the floor striking language pertaining to corner lots and called for a vote. Schmit –Yes. Harris and Treyz-No. Motion failed.

Vice-Chair Lambert called for a vote on the original motion. Harris, Schmit and Treyz were against. Motion failed.

Unfinished Business: Recommendation action of 2009 Comprehensive Plan Amendments.

Nick Bond gave a brief summary of the amendments. There was a public hearing March 30th, 2009 and we received testimony both in writing and at the meeting. He prepared a report which talks about the three amendments that are being considered for recommendation to the town council for approval. If the planning commission makes the recommendation to approve these amendments they will be forwarded to the town council this July. If they are not approved, they will simply die here and will not be forwarded on and then if you wanted to forward one or two of the recommendations on and kill some, you can also choose to do that. A suggested motion has been provided based on approving all three of these amendments or if you have your own motion that want to make to single out specific amendments you could also do that. They will only consider what is forwarded to them.

Commissioner Treyz asked if the Comprehensive Plan is turned down by the town council, do they have a certain amount of time to submit an alternative plan.

Nick said that they only consider the recommendation from the planning commission and it is an up or down vote. If they do not vote for it, the amendment simply goes away and the applicant can reapply next year.

Commissioner Schmit asked if on the West Eatonville sub area plan adoption, is it the actual map that is before the planning commission.

Nick said that yes it is the map and the guidelines that would go to the council. He would still have to put it into a format that could be inserted into the comprehensive plan. The plan on the map is only conceptual. The property owner participated in the creation of the sub area plan along with several other surrounding property owners. One of the requirements is that the development be consistent with the comprehensive plan.

Vice-Chair Lambert asked that since the maps have no reference to reality is there a reason you would include them with the amendment.

Nick said the map would show up in the land use section of the code and it is something that when the development of that area is referenced in the comprehensive plan, it makes your case stronger if you are going after grants to make your case stronger. He feels the drawing is more important because it visually illustrates how the subdivision is to occur to encourage this open space and this continuity of open space and all the things contained in the guidelines.

Vice-Chair Lambert asked about reduced setbacks and building separation but there are no specific numbers. He asked if there was any guidance on that.

Nick said that when the comp plan is amended you include a sub area plan and create development regulations that are consistent with the comp plan. If the council were to adopt this sub area plan is to create a development regulation for a specific zone that applies to West Eatonville and write regulations that do identify those setbacks and figure out what area in a West Eatonville it applies to. This would be his recommendation if this were approved by the council is to create development regulations which reflect the changes to the comp plan.

Vice-Chair Lambert said that this West Eatonville plan has been referred to as optional several times. Does this mean the option is whether you develop or not, not whether or not you adhere to these guidelines should you develop, correct?

Nick said he thinks it is to what degree we actually codify the guidelines that are actually in here. If you are reviewing a development for their consistencies with the comp plan that is different than reviewing it for consistency with the code. We need to consider adopting development regulations which reflect what's in the comp plan. These can be really tight regulations or they can be more general design guidelines.

Vice-Chair Lambert asked if the Comprehensive plan was to pass with this as part of it, these are only guidelines they don't have any substantial effect.

Nick said that if a development were to come in after this was adopted but before we have done anything with the regulations the development has to be consistent with the comp plan and it's up to the planning commission to determine what that consistency is. Including the text that we have including the design guidelines, its not something that is totally unusual to have in a comp plan, but generally when you do a sub area plan its mostly the map amendment that gets included and then the text would follow in the form of development regulations. This is more specific than other sub area plans are. The amendment as it was filed by the applicant is to include the guidelines and the map as a sub area chapter of the land use part of the comp plan. Staff recommendation has been to adopt all three of the amendments as they were proposed and as they are in the report. You could make a motion to take the text out and leave the map and the plan then you are only dealing with the map as opposed to the text and the map when you are trying to create future regulations or adopt guidelines in the code and maybe the text can be what goes into the code as a guideline as opposed to a specific regulation.

There were no further questions or comments from the commissioners.

Vice-Chair Lambert called for motion.

Commissioner Treyz motion to continue this action item to the next meeting on May 18th. There was no second.

Commissioner Schmit move to adopt the findings, conclusions and recommendations on the 2009 comprehensive plan amendments contained in the staff report dated March 13, 2009 as attached and recommend that the Town Council approve the proposed amendments to the Comprehensive Plan as adopted by the Planning Commission. **Commissioner Treyz** seconded the motion. Carried.

There were no public or commissioner comments.

Motion to adjourn by Treyz. Seconded by Schmit. Meeting was adjourned at 7:47 p.m.

PC Vice-Chairman, Chris Lambert

PC Recorder, Kerri Murphy

PC Secretary, Abby Schmit