

**TOWN OF EATONVILLE  
PLANNING COMMISSION AGENDA  
Monday 7:00 PM, May 18<sup>th</sup>, 2009  
COMMUNITY CENTER  
305 CENTER STREET WEST**

**Chairman Schaub** called the meeting to order at 7:00 p.m.

The following commissioners were present: Schmit, Lambert, Treyz, Schaub, Harris and Craig.

**Commissioner Schmit** led the flag salute.

**Chairman Schaub** introduced the newest member to the planning commission, David Craig.

Town Staff Present: **Nick Bond, and Kerri Murphy.**

**Commissioner Harris** moved to approve the agenda. Commissioner Lambert seconded the motion. Carried.

**Commissioner Harris** motion to approve the minutes. Seconded by Lambert . Carried.

There were no communications or announcements from the public.

**Commissioner Schmit** asked for someone to look into the semi truck parked at the corner of Lynch Street and Washington Ave N. When entering Washington Ave from Lynch Street you have to get out into oncoming traffic to see beyond this truck.

**Old Business: Ordinance 2009-9 Accessory Building Setbacks  
(Commissioner Harris plans to reverse her previous vote on the issue)**

**Commissioner Harris** asked that this be brought back to the planning commission and put back on the agenda. She stated she should have made a motion to table instead of a motion to pass. She has reviewed Roberts Rules of Order because there have people in the past who have tried to get what they want. With Roberts Rules of Order is you can't just keep bringing up something if you did not like the outcome of a vote. There are 2 motions that can be made under Roberts Rules of Order. (1) Is a motion to reconsider where you just feel that you have voted incorrectly and you would like the group to reconsider. That motion in and of itself has to be passed before the original motion can even be reconsidered, that can be when a motion has either been passed or defeated. (2) The other is a motion to renew, which in essence is considered an entirely new motion because you feel that the language of the original motion has changed so much it no longer reflects the original motion. She explained that she would like to make a motion to reconsider and agree to amended language. At this time this is her reasoning behind this and she did not want to leave the impression with anyone that she did not like the outcome because actually she voted for the outcome. This is not an effort to get around Roberts Rules of Order or try to supersede the way we are running the meetings.

**Commissioner Harris** motion to put on the floor Ordinance 2009-9 Accessory Building Setbacks.

**Seconded by Lambert** – Carried.

**Chairman Schaub** announced that the motion carried and Ordinance 2009-9 is now open for reconsideration. The regular meeting was closed at 7:09 p.m. and opened for Public Hearing.

**Nick Bond** gave an overview of what was discussed at the last planning commission meeting. He confirmed that this does not change the setbacks for single family dwellings just the accessory buildings. Allowing them in the rear portion of the yard to go to within 3 feet of the property line except on corner lots where there is also a side setback, in which case the side setback would still be in effect. Commissioner Harris suggested some changes to the ordinance and Nick agrees with all of the changes to the ordinance which are highlighted in red and are in underline and strike through mode.

**Commissioner Harris** felt that the language needed to be clarified further. She wanted it defined what an accessory building actually is to make sure that is clear in the ordinance. In the three foot setback, add that any protuberances that extend beyond the frame of the structures for instance if it has a one or two foot eave over hang that this is the point where measuring would begin, not the actual face of the building. She added that if they are going to be placed that close to the property line, that there does need to be consideration for the neighbor so that an accessory building could not be built that would block a scenic view. Part of living here in Eatonville is the very scenic land and the view of Mount Rainier which adds to the property value.

There will have to be some phrases that if we are going to place the buildings that close to the property line that there has to be some consideration of the impact. The one thing that she asked Nick was adding in some language in terms of an accessory building and putting some height restrictions on them. She asked if he knew what would be allowed.

**Bond** explained that the buildings being discussed here are 120 square feet and less and the height restriction should be 10 feet and it does need to be specified.

**Commissioner Lambert** said that at 10 feet you would be a little low because you have to have a pitched roof on most structures. He felt that 14 feet would be a more realistic height.

**Commissioner Treyz** said he disagrees. He built play houses and added a gambrel roof to get the height. With a three foot limit, there would be more of a fire hazard and would create a light and air restriction. He suggested it be limited to at the most 10 feet and let the designer of the building take care of the rest. He added that in Section C it talks about guest house accessory buildings and it still limits it to one but does not limit the number of sheds in the back of their property that could effectively put up a fence across the rear of the lot.

**Bond** explained that you are required to separate all buildings by a 6 foot minimum separation. You also have a maximum of site coverage that is allowed. SF1 is 30 or 35% coverage.

**Commissioner Treyz** said a property owner could place sheds next to the property line blocking views.

**Bond** said he is not real concerned and did not feel that anybody would do something like that, additionally there are a lot of different accessory buildings and it would be very hard to come up with a limit.

**Commissioner Treyz** said they could put one of each type. He added that he could show Nick where it is being done where there are four sheds along a fenced in area plus another area that is fenced in. This is taking up a significant amount of space in sheds.

**Bond** said that if they looked at the definition that has been provided for accessory building, even if the limits were introduced, with one green house, play house, shed, garage and dog house you will still have the same effect of having five sheds.

**Mark Quirie-225 Easton Ave.** said he likes the changes but does want changes for the corner lots. If you are in the rear half of the lot you are really not a site limitation. You have the sidewalk that is a 5 foot sidewalk. 12 feet for the height should be about right. Fire load will not be much different.

**Dee Baublits - 333 Wash N.** said that with the snow loads we have had this year how steep should it be. She is imploring the commissioners to let people have some rights on their land.

**Commissioner Schmit** said that if you are only allowing one dog house (inaudible)

**Sherry Fredrickson** – 213 Adams Ave S added that she agrees with Dee. The town is going overboard and in other areas, for instance at 103 Adams Ave S there is a fire hazard. People get to the point where you feel as though if you've got money or you're one of the old goats in town you can do what you want, you can let your fire hazard sit there vacant surrounded by tall grass that gets dry in the summer, the garage is caving in. The house has been vacant for a long time, why is this allowed? Yet we are going to tell John Doe he can't have a third shed. A lot of people in town, including her are losing faith in the town as a whole because someone is limiting the growth as far as businesses coming into town. There are 50 to 100 houses come into town where are these people supposed to work? They have to drive to Tacoma or Seattle. What's wrong with a Wal-Mart or a Safeway, or something that obviously someone doesn't want that Eatonville needs. We could grow and have more business taxes if someone, some group would expand their area of thinking into the people that have to actually work for a living and don't have money coming out their ears.

**Commissioner Lambert** said that Section D with the height restrictions, this ordinance pertains not just to storage sheds, but also to garages, guest houses and basically any structure other than your principal structure. He thinks that any of the height restrictions that have been discussed is unreasonable. If you are going to build a garage to put your motor home in a 14 foot height limit is not going to cut it. He felt that the whole height limit should be thought of more than just as storage buildings but also as garages, guest houses and other structures you may be putting on your lot. Perhaps we should also define what point we are measuring to and what point we are measuring from.

**Commissioner Treyz** suggested limiting the height restriction to single story.

**Bond** said that we do allow for taller garages when somebody builds a garage that they keep their RV in it does have to be taller. He would not expect anybody to build a 10 X 12 foot shed that is taller than is reasonable to accommodate a pitched roof that is attractive. If you think that somebody is going to build a 2

story 120 sq ft shed he feels that this is totally unrealistic it's not going to happen. He did not feel there needed to be a height limit other than what is established for the zoning district unless it only applies to buildings which don't meet the 8 foot setback. If a building wants to come within 3 feet of the property line then maybe you'd restrict the height but if it meets the 8 foot setback you'd let it go the full 28 feet that is allowed under the zoning whether it's a garage or a garage with a second floor.

**Chairman Schaub** asked what do you do with the existing 30 different buildings that are all around town?

**Bond** said that if we do not change the ordinance that is what you are suppose to do because that is what the code says. If we change the code, and its under 120 sq ft it is exempt from getting a building permit, there's no issue.

**Chairman Schaub** asked how you would deal with existing sheds and doll houses. I know that we do things for some people and not for others.

**Bond** explained that anytime we get a complaint about a specific property the town deals with it. That is how this whole issue came to the surface, we got a complaint about a shed, we went out and investigated and found the shed along with one on the neighbors property in violation. We don't go out looking for problems, we only deal with problems when they are brought to our attention. We do not have a code enforcement officer.

**Chairman Schaub** asked how you would deal with the 30 different buildings in town right now that are against the property line?

**Bond** said that any accessory building that is within 3 feet, if we don't change the ordinance we will eventually have to start enforcing them as complaints come in or we could choose to go through the town and send everybody a letter.

**Chairman Schaub** confirmed that in order to help the town and the people we can't really go with our existing municipal code. We have to change our code to accommodate these structures that are already in existence and for future sheds that people would like to build.

**Jenny Smith, 112 Washington Ave N** – Asked how it would affect her property?

**Bond** explained that it would not affect C1 zoning because there are not setbacks in the C-1 zone. This would only affect properties where there are established setbacks.

**Chairman Schaub** closed the Public Hearing portion of the meeting at 7:36 pm

**Commissioner Harris** says if we make a motion it has to be on the original language that was submitted two weeks ago and if we want to amend that language we amend it.

**Commissioner Harris** moved to adopt Ordinance 2009-9 Accessory Building Setbacks using the language that was originally proposed in the meeting of May 4<sup>th</sup>, 2009.

**Commissioner Lambert** seconded. Carried.

**Commissioner Harris** move to amend the language to have a definition as defined with paragraph A. Defining an accessory building. Paragraph B. To define where the measurement for the 3 feet begins with any protuberances and paragraph D with the accessory buildings. In light of all the discussion on the heights just eliminate the last sentence and paragraph D would read: **All accessory buildings shall be constructed in a manner to avoid any impact to adjoining properties such as blocking scenic site lines, shading existing gardens or landscape area, or potentially causing damage from excessive water runoff from accessory building roofs.**

**Commissioner Treyz** agreed and added that “ in no case shall any accessory building be over one story in height. Without any definition of that.

**Chairman Schaub** put the second amendment by Commissioner Treyz for a vote. Failed for lack of a second.

**Chairman Schaub** put the original amendment from Commissioner Harris up for a vote.

**Lambert seconded.** Carried.

**Chairman Schaub** went back to the motion that was made and read back.

**Commissioner Lambert** asked if this only applies to certain zones should it be noted?

**Bond** said no.

**Chairman Schaub** asked for a vote on the motion as amended. Motion passed.

**Bond** introduced Mart Kask. He is the town's consultant who is working on the grant to prepare a sub area plan for the Lynch Creek Quarry area located northeast of town. Mart is here tonight because one of the bench mark items in the scope of the grant is to have a public information meeting before we discuss this at the planning commission and make a recommendation for approval to the town council.

**Mart Kask** gave a summary of the Draft EIS for the Lynch Creek Quarry. This area was originally in the Comprehensive Plan. This has been brought to the county council twice to argue to have this area put back in our urban growth area so we could eventually annex this area and zones it for industrial development. After the third try, we were successful and the county council did approve the expansion of our UGA by including the quarry area. We have applied for a study grant from the Dept. of Community Trade and Economic Development at the state level to provide us some money so we could study that area and prepare a specific plan for action. This is required prior to annexing the area. The Comprehensive Plan is before you tonight along with an Environmental Impact Statement. It was done in a way that it takes into consideration the worst case scenario in terms of environmental impact on a community. When a development takes place, we do not have to go back each time an applicant comes in and wants to build a structure or activity, industrial in nature that we have to go back and do an environmental impact time and time again. A draft of a sub area plan and an environmental impact statement, once adopted by the planning commission then goes to the town council. Town Council will have to amend the Comprehensive Plan by taking this into consideration. Once this is done, the town is empowered to move to have that area annexed. Once it is annexed the next step is to zone it for industrial development and declare the land open for industrial development. There are several areas open for development and one area that has not been mined yet. In order to be able to develop this area for industrial use we have to make sure that there opportunities for roads to come in and that water, sewer and electricity is available. The town has done the environmental review and we find that there are some impacts but not significant impacts that require drastic measures to be taken. This issue is before you for informational purposes.

**Commissioner Treyz** questioned where the road will be?

**Mart** explained that the two existing roads are Weyerhaeuser Way and Berggren Rd. The new road runs between B and C and D and E connecting to area F. This would constructed by the developer, not the municipality. This would be a truck route. Berggren Road would be limited to car traffic not trucks. All the truck traffic would be carried on Weyerhaeuser Rd.

**Commissioner Lambert** asked about the discrepancy of 500 jobs and 120 peak p.m. vehicles trip.

**Mart** said that 500 employees will generated about 1500 trips per day and 10% usually occurs during the p.m. peak hour.

**Chairman Schaub** asked about the road that will be built out Lynch Creek Road toward the gun club, has this been dropped?

**Mart** said that the applicant was expecting government to pay for that road, but the government does not have that money. The county is not interested in that. It is outside the corporate boundary of the municipality.

**Commissioner Lambert** said prior to the public hearing they need legible copies.

**Bond** explained that as far as the EIS goes beginning on page 35, essentially there are three different development alternatives. They differ in what uses are allowed in each of the areas.

**Commissioner Schmit** asked if there has been any interest in the industrial area.

**Kask** said that yes there has been some interest and the Port of Tacoma has indicated that the Frederickson area is built out and they are looking for fresh new land for industrial development. They are very interested in us succeeding in our planning efforts so that they can take our land and advertise that for their clients.

**Commission Schmit** asked about the passenger train to Ashford.

**Kask** said that this was on and off. Currently the railroad is used to haul rock and lumber from Lewis County to the Port facilities.

**Nick** said that the bridge over the Nisqually washed out so there is no more timber or gravel mostly just passenger trains occasionally that are owned by Tacoma Rail.

**Commissioner Harris** asked about page 35 with allowed uses and definitions for light manufacturing, what is number 17 "Adult Uses".

**Nick** said that state court history on zoning or excluding all adult uses from a town entirely, towns are required to provide in their zoning at least place where those types of uses can go and this is the best place we can think of to have that if we were going to have someone come to Eatonville.

**Commissioner Harris** asked if #12 under heavy manufacturing, “Kennel, commercial/breeding” why is this under heavy manufacturing?

**Nick** said that this is because of noise with so many dogs.

**Commissioner Lambert** - #6 – Medium low security prison, can we discuss this a little bit.

**Bond** said that for a rural community like ours having an employer like this where it is low securities issue this would provide decent jobs and we would want to consider this if they found that our site was suitable.

**Lambert** said that this would be something that he would like to see allowed by a special permit.

**Kask** said that the prisons are run by the state, some are county run. Prisons are a essential public facility in our comprehensive plan which means that the state can come in and put in the prison even if we object to it.

There were no public comments.

**Commissioner Comments:**

**Commissioner Lambert** said that the last EIS that we saw was for the West Eatonville which he had a lot of questions about, and this one he felt was a lot better.

**Nick** explained that the West Eatonville plan was not actually an EIS it was just a sub area plan.

The next meeting will be June 1<sup>st</sup>, 2009.

**Commissioner Harris** motion to adjourn. **Lambert** Seconded. Unanimous. Meeting adjourned at 8:05 p.m.

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PC Chairman, Bob Schaub

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PC Recorder, Kerri Murphy

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PC Secretary, Abby Schmit