

**TOWN OF EATONVILLE
PLANNING COMMISSION AGENDA
Tuesday, February 21, 2017 – 7:00 P.M.
COMMUNITY CENTER
305 CENTER STREET WEST**

Call to Order

Roll Call: Bertoia ___ Justice ___ Lambert ___ Miller ___ Powell ___

Town Staff Present: Mayor Schaub, Abby Gribi, Scott Clark, and Kerri Murphy

Pledge of Allegiance

Approval of the Agenda:

Election of Officers: Chairman --
 Co-Chairperson --
 Secretary --

Approval of Minutes: December 19, 2016

Communications and Announcements:

 From Public:

 From Commissioners:

 Letter of Resignation from the planning commission from Phil Beach

New Business:

 Variance request from side yard setbacks @ 107 Cedar Ave S.

Public Comments:

Staff Comments:

Commissioner Comments:

Next Meeting: TBD

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, December 19, 2016
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

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

ROLL CALL

Present: **Commissioners Beach, Bertoia, Justice, and Miller.**
Commissioner Powell – excused.

STAFF PRESENT: Mayor Schaub, Abby Gribi, Kerri Murphy and Scott Clark.

OPENING CEREMONIES

Commissioner Beach led the Pledge of Allegiance.

Commissioner Beach asked that the meeting continue for discussion only. No action will be taken.
Abby Gribi, Town Administrator thanked the commissioners for their time that they put in reviewing the Comprehensive Plan. Then town has missed the entire cycle for 2017 for the town to be able to go out for any funds whatsoever because we do not have an accepted comp plan and we are getting dangerously close for missing out on 2018 as well. She explained that the Planning Commission needs to move forward with the Comprehensive Plan review and we need to get it approved.

APPROVAL OF AGENDA

Motion by **Commissioner Justice** to approve agenda, seconded by **Commissioner Miller.** AIF.

APPROVAL OF MINUTES

Motion by **Commissioner Beach** to approve the minutes of September 19th; Seconded by **Commissioner Justice.** AIF.

Motion by **Commissioner Beach** to approve the minutes of November 7th. Seconded by **Commissioner Justice.** AIF.

Motion by **Commissioner Beach** to approve the December 5th. Seconded by **Commissioner Justice.** AIF.

COMMUNICATIONS OR ANNOUNCEMENTS

Rick Adams, Airport Commission – Wanted to ask the Planning Commission what they may have decided with the submittal of their amendments to the Comprehensive Plan regarding the Swanson Field. Just wanted to see what the plans are as part of the public process. One of the reasons they want to be engaged in this round is because of safety concerns with the layout and the design of the airport. They would like to be made of aware of when this is going to come before the commissioners.

Commissioner Beach suggested notifying the airport committee when we address the airport in the Comprehensive Plan.

OLD BUSINESS

Review of Comprehensive Plan – 1st Round Review

Chapter 2 – State Requirements

Scott Clark, Consulting Planner for the town gave a brief summary of the State requirements. This portion covers the Growth Management requirements. Mr. Clark explained that there are 13 items listed and they are what they are.

Commissioner Beach commented that he did not see much sense in commenting on them if this is what the state requires.

Mr. Clark explained that on page 2 he made some changes which were basically house cleaning items. He proposed writing it in a more generic way so that it can live on without the need for editing and be so specific with dates.

Mr. Clark said that we should list off the years when the plan was amended. In 2011 it was mainly community amendments.

Chapter 5 – Planning Process

Mr. Clark explained that in the first paragraph there were dates that need to be revised and that this is the case throughout this chapter.

Chairman Lambert pointed out an error in the second paragraph that states 1900, possibly should be 1990.

Commissioner Beach said that in 2005 the planning commission spent a lot of time on the comprehensive plan with amendments. Maybe not in this particular chapter, but amendments were made and the plan was updated.

Mr. Clark suggested it read as June 30, 2015 and every eight years thereafter. That way the statement can move forward and does not really necessitate an amendment.

Commissioner Beach suggested that where there is substance, not procedure then it should go back to the comprehensive plan that was the last adopted.

Chairman Lambert explained that this is what the commission has now and presumably these are the most current.

Mr. Clark explained that these are from the 2011 adopted plan. The dates may not have been amended.

It is representative of all the changes that happened over the years so it is the most current plan. This is what we have to work with right now.

Chairman Lambertnot audible.

Mr. Clark explained that in 5.3.1 it reads as a history and should read as the role of the planning commission. Omit the ongoing repetitive history.

Chairman Lambert felt it should read as a road map as to how we get to this point of adopting the plan.

Commissioner Beach feels that the date in which the document was adopted is what is important.

Chapter 12 – Parks and Recreation (UW 5.15)

Mr. Clark gave a brief summary of Chapter 12 explaining that 12.1 Vision statement has been completely rewritten. There were several lakes named not in the close vicinity of Eatonville.

Planning Commissioners did discuss several parks not listed. Pioneer Farms, Upper Nisqually Sportman's Club. Northwest Trek is part of the Metropolitan Parks of Tacoma.

Chairman Lambert asked if this list isn't much further than the town wants to include.

Commissioner Beach suggested adding the new state park on Hwy 7.

Mr. Clark asked what area the planning commission would like to include.

Commissioner Miller suggested everything within a 5 mile radius. This would exclude Harts Lake, Alder Lake, Bald Hill Lake.....

Commissioner Miller said that on page 12-3, 8th paragraph, *"the town contains two areas designated as open space that were purchased by the Nisqually Land Trust. These can be used for passive recreational activities."* He asked how you would define *"passive recreational activities"*?

Mr. Clark said that *passive recreational activities* said you could have trails....

Commissioner Miller specifically asked if trapping, hunting and shooting would be allowed.

Abby Gribi, Town Administrator said no. As the name states, "passive", you can't build any permanent structures on it, you can move through it and leave it as it was.

Commissioner Miller said on page 12-5, also there is the water falls, and there has never been any safety improvements in that area and there have been lots of injuries and fatalities.

Chairman Lambert asked if the town really wants to encourage people to use the falls.

Mayor Schaub said that several agencies have already gotten together. Pack Forest has added signage letting people know they should not pass a certain point. Pierce County and Town of Eatonville are working with Pack Forest to make it safer.

Commissioner Miller is concerned that we are surrounding ourselves with property that can never be developed and that is a loss of tax dollars to the town.

Mayor Schaub did not think that the town would need to expand the open space east of the Mashell River.

There was general discussion on what areas were within the 5 miles of Eatonville. Mr. Clark will make necessary changes and bring it back before the planning commission.

Abby Gribi explained that the Community Center no longer has many of the activities listed in 12.3

Chairman Lambert suggested that it just be listed that there is a community center and not necessarily what the activities are.

Commissioner Miller suggested that the trails section in 12.3 be updated. We now have a lot of good trails.

Chairman Lambert asked Mr. Scott about the 12.2.3 saying that he does not think that the population will be 5,700 in 2032. His concern is that the town would have to plan and build for it.

Mr. Clark explained that's an incorrect number, explaining that Pierce County has adopted growth projections for all the communities in the county. This number (5,700) is not the number that they will require Eatonville to use. Mr. Clark has updated it and what they use is a 2008 baseline so it now reads that in 2008 the population in Eatonville was 2,375 and by 2035 the population is projected to be 3,289. These are the numbers that we need to use. Mr. Clark explained that he went through the table using the new population numbers and it greatly improved the projection of deficiency. The only short fall is neighborhood parks in 2035 the town is only about a ½ acre shy of what would be required and he feels it will easily be picked up in the next 20 years. He wanted to make everyone aware that in 2011 the town rescinded park impact fees and to date there is not collection of any fees for parks. Some jurisdictions do impact fees to generate funds for park improvements.

Abby Gribi, Town Administrator said at the time we did not have any capital improvements.

Commissioner Bertoia suggested working with the Eatonville School District to get the seniors that need to have so many community service hours. Someone get in touch with the superintendent, Kathy Kerr.

Chairman Lambert explained that it takes someone to run the program, manage it and the town needs to have the finances.

There was no further discussion on the comprehensive plan.

There were no comments from the commissioners.

Chairman Lambert closed the meeting at 9:15 p.m.

Chairman Lambert

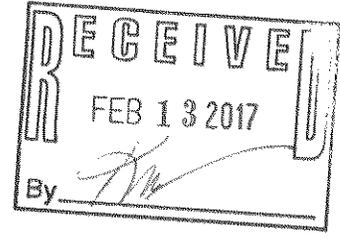
Marty Miller – Secretary

ATTEST:

Kerri Murphy, Recording Secretary

Kerri Murphy

From: Philip Beach <pfbeach@rainierconnect.com>
Sent: Friday, February 10, 2017 5:17 PM
To: Mayor of Eatonville
Cc: Kerri Murphy
Subject: Resignation

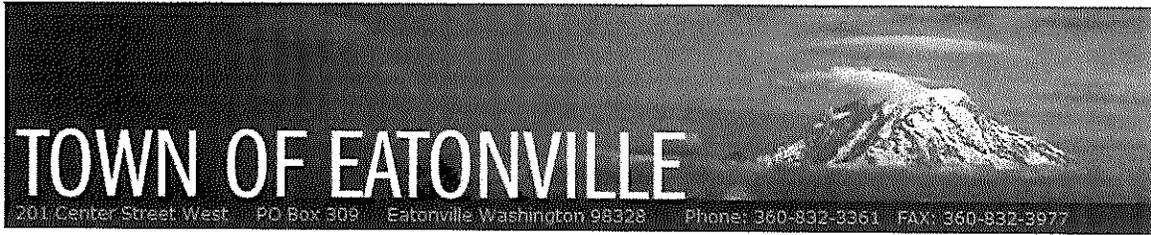


Dear Mayor Schaub:

I hereby tender my resignation from the Eatonville Planning Commission because I will be moving from the area February 17, 2017. My more than sixteen years on Commission have been a privilege. I hope that I have made a positive contribution to the Town. I thank the four mayors who nominated me to the Commission, all of the town staff, particularly Kerri Murphy and Nick Bond, and the many commissioners I have served with.

Sincerely,

Philip F. Beach



Staff Report

Scott Clark, Town Planner
Larson and Associates

Peters Variance

Board of Adjustment Hearing
February 21, 2017

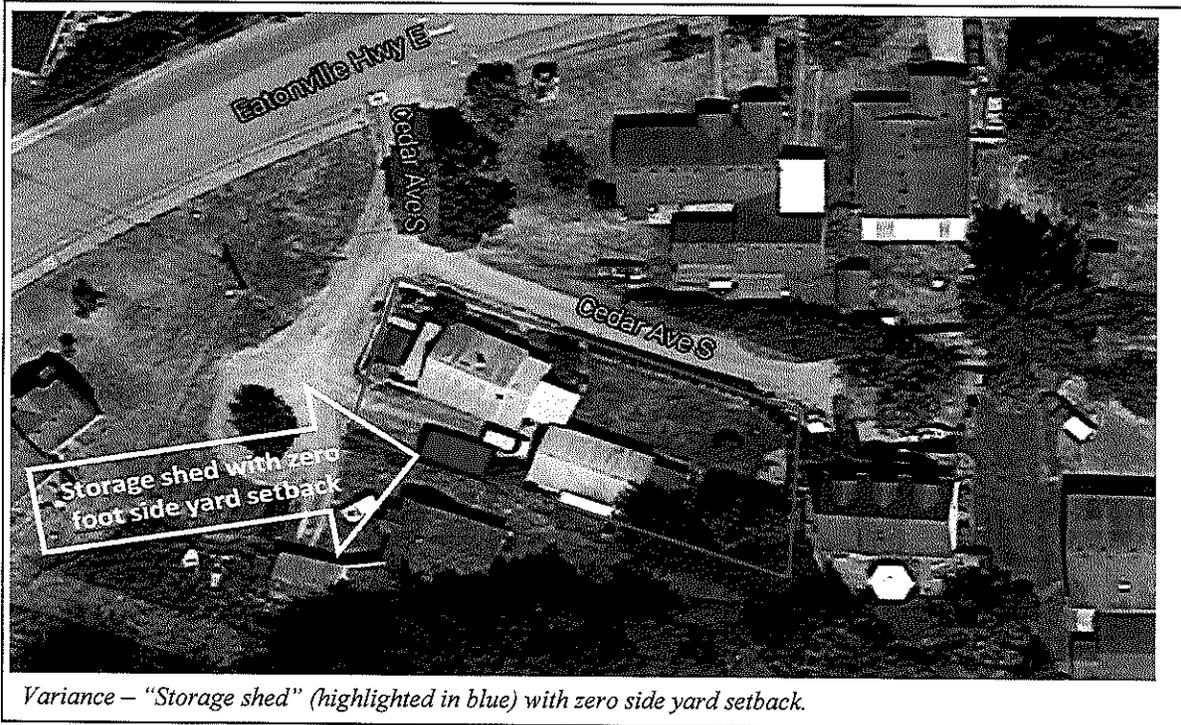
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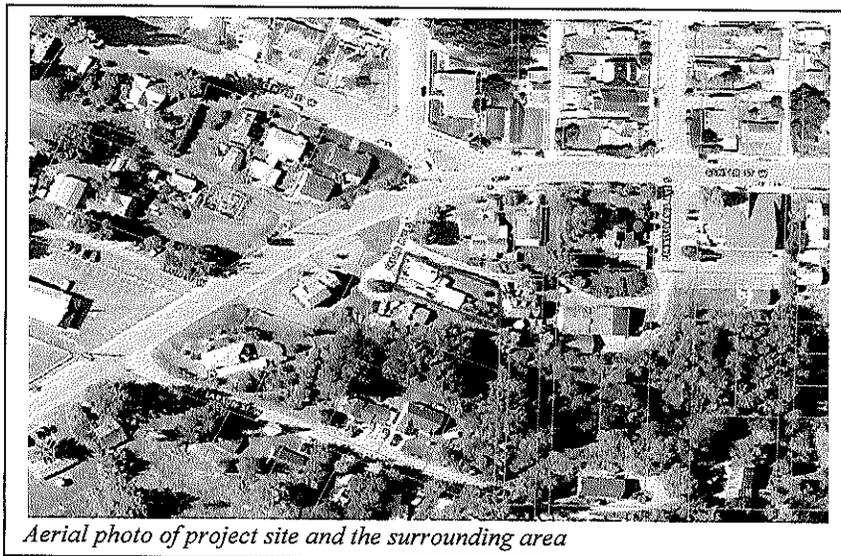
I. APPLICATION SCOPE:

The Applicant is requesting a Variance to the Code regarding the “Eight (8) Foot Side Yard Setback” required in the Single Family 3 Zone (*EMC 18.04.025.G.4.b.*). Specifically, the Applicant requests relief in order to place a storage shed at the edge of the southerly side property line, which would be a “Zero (0) foot Side Yard Setback”.



II. GENERAL SITE LOCATION:

The Peters property is centrally located in Town of Eatonville on Cedar Avenue South, just south of the intersection of Center Street West and Eatonville Highway West.



III. BACKGROUND:

Owner/Applicant: Rodney and Linda Peters
PO Box 1186, Eatonville WA 98328

Application Type: Variance

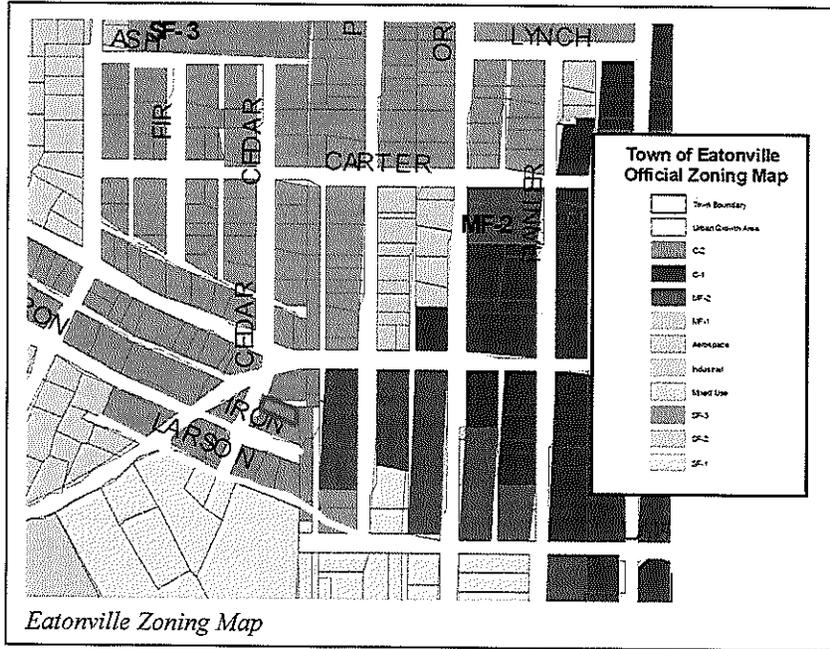
Variance Request: Relief from EMC 18.04.025.G.4.b. (Side Yard Setbacks)

Tax Parcel Number: 6715000412

Abbreviated Legal: PTN OF LOTS 1, 2, AND 3, IN BLOCK 14 OF MAP OF PARK ADDITION TO EATONVILLE

Current Zoning: Single-Family Residential District, High Density (SF-3)

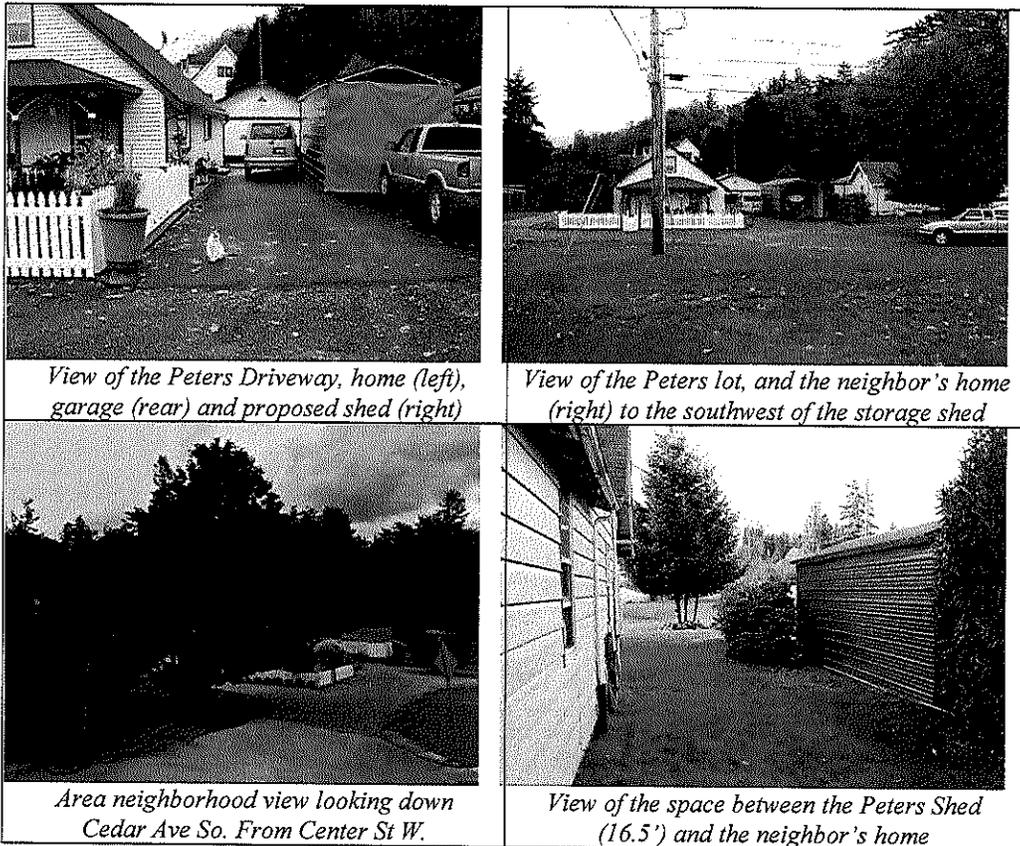
Area Zoning Map:



Abutting Area Zoning: North: SF-3
South: SF-3
East: SF-3
West: SF-3

Existing Conditions: The site is currently developed with a Single Family Residence and an accessory garage building.

Site and Neighborhood Views:



View of the Peters Driveway, home (left), garage (rear) and proposed shed (right)

View of the Peters lot, and the neighbor's home (right) to the southwest of the storage shed

Area neighborhood view looking down Cedar Ave So. From Center St W.

View of the space between the Peters Shed (16.5') and the neighbor's home

IV. REGULATIONS AND PROCEDURES:

For Board of Adjustment review and consideration, please find below some of the relevant Eatonville Municipal Codes (EMC) related to this proposal:

Chapter 18.09. Administration, including but not limited to:

18.09.040 Variances.

The planning commission acting as the board of adjustment shall have the authority to grant a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title might result from the strict application of certain provisions. A variance may not be granted to allow a use that is not in conformity with the uses specified by this title for the district in which the land is located.

A. Eligibility. No variance application may be filed until one calendar year after the completion, and approval by the town, of all work associated with any other development or improvement, or from the issue of any other town permit for the subject property. For example, no variance application may be filed until one year after issue of a final certificate of occupancy upon completion of building construction. Similarly, no variance application may be filed until one year after issue of a business license for use of an existing building. The only

exception to this restriction to eligibility shall be for variances sought for building setbacks (yard depths) due to bona fide construction stake-out errors.

B. Application. The owner or his agent may make application for a variance, which shall be on a form prescribed by the planning director and filed by the planning director. The application shall be submitted at least 30 days prior to the next regularly scheduled public hearing date, and shall be heard by the board of adjustment within 45 days of the date of the application; provided, however, that this period may be extended in any case for which an environmental impact statement is required.

C. Public Hearing. The board of adjustment shall hold a public hearing on any proposed variance, and shall give notice thereof in at least one publication in the local newspaper at least 10 days prior to the public hearing.

1. Notice shall be given to all property owners within a radius of at least 300 feet. Such notice is to be sent 10 days prior to the public hearing. The failure of any property owner to receive the notice of hearing will not invalidate the proceedings.

2. Public notices shall be posted in one conspicuous place on or adjacent to the property which is the subject of the applications at least 10 days prior to the date of the public hearing. Public notice shall be accomplished through use of a two-foot by two-foot plywood face generic notice board, to be issued by the town planning director, and as follows: the applicant shall apply to the town for issuance of the notice board, and shall deposit with the town planning director the amount of money as specified in the current rate and/or fee resolution. The applicant shall be responsible for placement of the notice board in one conspicuous place on or adjacent to the property which is the subject of the application at least 14 days prior to the date of the public hearing. Planning department staff shall post laminated notice sheets and vinyl information packets on the board no later than 10 days prior to the hearing. Upon return of the notice board in good condition to the planning director by the applicant, an amount of dollars of the initial notice board deposit shall be refunded to the applicant as specified in the current rate and/or fee resolution.

D. Conditions for Granting. Before any variance may be granted, it shall be shown and the board of adjustment shall find that:

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;

2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

E. Board of Adjustment Action. The decision of the board of adjustment shall be final and conclusive, unless within 10 days from the date of action the original applicant or an adverse party makes an appeal to the town council. This appeal should be in writing to the town council and filed with the town clerk.

1. The decision of the town council shall be final and conclusive unless within 10 days from the date of action the original applicant or an adverse party files application to the county superior court for a writ of certiorari, writ of prohibition or writ of mandamus.

F. Period of Validity. Any variance authorized by the board of adjustment shall remain effective only for one year, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one year, the variance shall become invalid.

G. The fee for the variance and an appeal shall be set by resolution.

Chapter 18.03, Districts Established – Zoning Map

Chapter 18.02 Definitions

18.02.580 Yard, side.

“Side yard” means an open space on the same lot with the building between the side wall line of the lot and extending from front yard to rear yard. No portion of a structure shall project into any side yard, except cornices, canopies, eaves or other architectural features, which may project two feet, zero inches. (Ord. 94-06 § 2, 1994).

Chapter 18.04 District Regulations

18.04.025 SF-3 – Single-family residential district, high density.

It is the purpose of the SF-3 single-family residential district to stabilize and preserve older established residential neighborhoods.

G. Development Standards.

1. Minimum lot area is 6,000 square feet.

2. Minimum lot width is 50 feet.

3. Maximum site coverage is 40 percent.

4. Minimum yard requirements:

a. Front Yard. Minimum front yard is 25 feet, except that the minimum front yard depth may be reduced to eight feet for lots with alley access if:

i. A covenant is recorded on the property prohibiting vehicular access to the front street; and

ii. Improved off-street parking and paved vehicular access from the alley is built; and

iii. *Front yard setback at any corner lot is no less than the required side yard setback.*

b. Side Yard. Minimum side yard is eight feet.

c. Rear Yard. Minimum rear yard is eight feet, provided that the minimum rear yard set back for property with a rear yard abutting on an alley shall be the greater of two feet, or 12 feet from the alley center line.

d. Side Yard on Flanking Street of Corner Lot. Minimum side yard on the flanking street of a corner lot is 15 feet.

V. COMPREHENSIVE PLAN

For Board of Adjustment reference, please find below some of the Eatonville Comprehensive Plan excerpts that may relate to this proposal:

10.7.1 General Land Use.

Goal LU-1

To support and improve a rural small town, residential community comprised largely of single-family neighborhoods together with a central commercial area and a broad range of other support services and businesses which occur in identified commercial areas.

Policies

- 1. Consider the following before decisions in land use are made:
 - b. Adequacy of and proximity to community facilities and utilities, roads, parks, recreation facilities and schools;*
 - c. Benefit to the neighborhood, Town or region;*
 - f. The effect of the proposed use on the small town image of Eatonville.**
- 2. Ensure compatibility with adjacent land uses. The following should be considered prior to land use decisions:
 - a. The type of land use and the design of new development should be compatible with existing developments and land uses and should preserve Eatonville's small town image;*
 - c. Land uses along highways and major streets should consider noise, air quality, visual and other unique environmental conditions which occur in these areas; and*
 - d. Development should be sensitive to the natural, historic, and archaeological features of the site.**
- 3. Provide for an appearance of openness by clustering building groups with well-designed open space separations.*
- 4. Orient buildings to enhance views and blend in with the natural topography.*
- 5. Create livability through provision of recreational facilities, protection of historic properties, attractive common areas, clear building accessibility, adequate parking, and public walkways.*

10.7.2 Residential Areas Land Use

Goal LU-2



To encourage residential neighborhoods within the Town to have convenient access (including pedestrian) to commercial facilities, parks, and other community services.

Policies

1. Encourage the efficient use of developable residential land through the application of zoning policies.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA):

A “SEPA Exemption” determination for this proposal was made on January 20, 2017. Pursuant to WAC 197-11-800(6)(e), Categorical Exemptions, an application for variance is exempt from SEPA review: *(6) Land use decisions. The following land use decisions shall be exempt: (e) Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.*

VII. STAFF ANALYSIS & RECOMMENDATIONS:

Pursuant to EMC 18.09.040, the Board of Adjustment is authorized to review and grant variances to the Eatonville code development standards where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title might result from the strict application of certain provisions of the code. In this case, Staff understands the land owner is seeking a variance to the 8’ Side Yard requirement in order to retain a 10½’ X 25’ storage building which was constructed on their existing driveway along the southwest property line.

The Applicant has presented a number of issues in support of the variance request. First, that the Peters replaced a weathered temporary tarp structure with a permanent solution for the storage of their boat; the Peters were unaware of the required Town’s Side Yard requirements for permanent structures. Second, the Peters selected this location for two reasons: A) Because the only other undeveloped area is in the back-yard, which is sloped such that there is not enough available space for the placement of a storage shed that will be adequate for the storage of their boat; and B) The Peters property is subject to seasonal flooding events, which inundates the rear yard and existing garage in the rear of their property. Due to these repeated events they believe any additional structures in the rear yard would also be inundated.

If after having reviewed the record and in consideration of the unique and individual circumstances in this case the Board approves a variance request, Staff offers the following for consideration. As currently configured, it appears the building roof design includes a small roof eave that will shed rainwater onto the neighbor’s property, which is not allowed. As such, Staff would recommend the installation of a rain gutter be minimally installed on the side of the building next to the neighbor (*the area of reduced setback*). Second, since the building is currently placed at the property line (*with a 0’ setback*), in order to ensure that no portion of the building, the roof eave, or the required rain gutter is located on or over the neighbor’s property, the storage shed will need to be moved. As such, Staff believes a reasonable compromise would be to require the shed be moved a minimum of 1’ northeast (*towards the Peters house*) to accommodate the eave overhang and the rain gutter. This shift would leave a 12’ driveway between the house

and storage shed for access to the rear garage.

VIII. DRAFT FINDINGS OF FACT:

1. The applicant has submitted an application for variance from the 8' "Side Yard" development standard in the SF-3 Zone. Specifically, the applicant is requesting the required 8' Side Yard requirement of EMC 18.04.025 .G.4.b. be reduced to zero (0) feet along the southwesterly side yard property line for the placement of a storage shed.
2. All fees associated with the application for variances have been paid.
3. Notice has been provided to all property owners within at least 300 feet of the proposed variance at least 10 days prior to the public hearing.
4. The required public notice regarding the proposed variance has been posted on site at least 10 days prior to the date of the public hearing.
5. Public notice has been published in a local newspaper at least 10 days prior to the public hearing.
6. Requests for variance may be considered pursuant to the requirements of Eatonville Municipal Code, including but not limited to, EMC 18.09.040.
7. On February 21, 2017, the Eatonville Board of Adjustment held a public hearing and received public comment regarding the applicant's requests for variance to Side Yard requirements.

Pursuant to Eatonville Municipal Code (EMC) 18.09.040(D), the Eatonville Board of Adjustment makes the following additional individual findings detailed below:

(please circle applicable selections: **bold and underlined** for approval – *italic* for denial)

8. The variance *will not* / **will** constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;
9. Such variance *is not* / **is** necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
10. The granting of such variance *will* / **will not** be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

IX. DRAFT BOARD OF ADJUSTMENT DECISION:

Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of _____ in favor and _____ apposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby *DENIES* / **APPROVES** the Peters variance request subject to the following conditions of approval:

X. DRAFT CONDITIONS OF APPROVAL:

1. The southwest wall of the storage building (*the reduced Side Yard*) shall be no closer than 1' from the property line; the roof eave (*as currently designed*) and rain gutter may extend closer to the property line than the southwest wall, but no portion of which shall be on or extend over the property line.
2. The Applicant shall minimally install a rain gutter along the southwest side of the storage building (*the area of reduced setback*) in order to control roof runoff from the shed on their own property. The building, the roof eave and said rain gutter shall all be located within the bounds of the Applicants property; no portion of the building, building eave, or the rain gutter shall be on or overhang the neighbor's property.
3. Pursuant to the 2015 IRC Building Code, the Applicant shall provide proof from a qualified technical professional that required portions of the storage shed meet or exceed the required one (1) hour fire rating requirement.
4. The variance authorized herein shall remain effective for one year, provided all conditions have been complied with herein, and construction (*minimally including the installation of the gutter system and front access door*) of the shed has been completed within one (1) year. If the conditions have not been complied with and/or construction has not been completed within one year, the variance shall become invalid. "Completion" shall be determined by the Town of Eatonville Building Official with an approved Final Inspection.

Board of Adjustment Chairman

Date

XI. ATTACHMENTS:

Attachment A: Peters Variance Application Materials (*Master Application; Variance Application; Exhibit Materials; parcel maps; department and public comments; area photos; copy of Staff code review materials; etc.*)

NOTICE: Pursuant to EMC 18.09.040, the decision of the Board of Adjustment shall be final and conclusive, unless within 10 days from the date of action the original applicant or an adverse party makes an appeal to the town council. This appeal should be in writing to the town council and filed with the town clerk.

