

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, November 2, 2015
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, 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, 2014*** 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