

**Town of Eatonville  
PLANNING COMMISSION MEETING  
Monday, June 16<sup>th</sup>, 2014  
COMMUNITY CENTER  
305 CENTER STREET WEST**

**CALL TO ORDER**

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

**ROLL CALL**

**Present:** Chairman Lambert, Commissioners Beach, Bertoia, Miller and Justice were present. Commissioner Craig is excused.

**STAFF PRESENT:** Mayor Schaub, Kerri Murphy and Doug Beagle.

**OPENING CEREMONIES – Commissioner Miller** led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Commissioner Beach** motion to approve the agenda. **Commissioner Justice** seconded. All in favor. (AIF)

**APPROVAL OF MINUTES**

Minutes of the June 2<sup>nd</sup>, 2014. **Commissioner Beach** motion to approve with corrections. **Commissioner Justice** seconded. AIF

**COMMUNICATIONS OR ANNOUCEMENTS**

**CITIZENS** – None

**COMMISSIONERS** – None

**PUBLIC HEARING – 227 Dow Ridge Dr N.- Variance from Design Guidelines– EMC 19.04 @ 227 Dow Ridge Dr N**

**Chairman Lambert** asked Commissioner Beach to give an explanation of Board of Adjustment and a Public Hearing. Commissioner Beach explained that the Planning Commission has public hearings on changes in ordinances and the general plan. These are basically policy matters; they are political in that sense. We have a much more relaxed situation in how we conduct those businesses. But here we have a Board of Adjustment hearing and they're called a Quasi-Judicial process. The difference is that Board of Adjustment hearings involve single applicants generally who want a variance or a conditional use permit. This affects basically a single applicant or a relatively limited number of people where the others are more general in nature. What that means is that the evidence that we hear, ideally comes from the hearing, the staff report and whatever we have talked to staff about. We have not talked to each other, haven't talked to the applicant or anyone who might have a vested interest. Anyone can give their opinions in the hearings; once the hearings are closed we can express opinions about the proposal, the application. During the hearing we should simply restrict ourselves to questions and not give any comments about this. Some years ago we drafted a set of procedures which Chairman Lambert is very familiar with and he will conduct this meeting the way it is supposed to be conducted.

Chairman Lambert opened the public hearing and asked Doug Beagle for a staff report.

**Town Administrator, Doug Beagle** gave a brief summary of the variance explaining that a building application was received for 227 Dow Ridge Dr. N. for the three issues identified in the staff report.

*227 Dow Ridge Road submitted a building application to the Town for a house structure. This application is requesting a variance from our design guidelines for three issues.*

1. *Access from Dow Ridge Road instead of Alley way.*
  2. *Garage distance from front of proposed house.*
  3. *Driveway width.*
1. *19-04.020 vii (3) "Where lots abut an alley, the garage or off-street parking shall take access from the alley, unless precluded by steep topography".*

2. The proposed garage distance from the front of the house is 22 feet. 19.04.020 A “Garage Placement and Design” 1 “Exceptions” a. “Garages may project up to 6 feet closer to the street than the front wall of the house or the front edge of an unenclosed porch provided it is set back at least 20 feet from the street .....” therefore the total distance from the set back from the front edge of the porch is 13 feet 10 inches.
3. The proposed driveway is 22 feet wide. 19.04.020 B (2) “Driveways for individual lots 50 feet or wider may be up to 20 feet in width”.

“Procedures from deviation for design guidelines”

19.01.090 “Planning Commission Departures” “An applicant may request a departure to the design standards and guidelines, as allowed in this title. The request must be submitted as part of the completed design application. The departure shall be processed as follows:

A. After the planning director issues a notice of application and determines whether the application is completed (see EMC 18.09A.060), the planning director shall determine whether or not the request for a departure is appropriate. If the request is appropriate, he/she shall schedule a date for meeting on the application. This date shall be the earliest available planning commission meeting after the notice of application has been published.

- Completed Application was made on May 6<sup>th</sup>, 2014.
- Board of Adjustment to hold a public hearing on June 16<sup>th</sup>, 2014.
- Publication in the Dispatch on June 4<sup>th</sup>, 2014.
- Certified notice to property owners within 300 feet radius of 227 Dow Ridge Drive N. mailed on June 3<sup>rd</sup>, 2014.
- Public notice posted on property May 23<sup>rd</sup>, 2014.

Recommendation:

1. Due to topography of the property the elevation from the alley to Dow Ridge Road is approximately 50 feet in elevation Town Staff recommends a motion to approve.
2. Due to the existing terrain and the inability to access from the alley Town Staff recommend a motion to approve.
3. Due to overall width of property Town Staff recommends a motion to approve.

**Mr. Beagle** explained that staff had spent numerous hours reviewing these documents as well as the code making sure what was presented tonight was true and accurate. We would like to see a little more leeway in the code to allow town staff to use their experience and their judgment in making these recommendations without having to go through the process of deviation from the Design Standards laid out in the EMC. We probably have 20-25 staff hours in this alone, where this process makes total sense to allow these folks to build based on the information that they provided and our due diligence.

**Chairman Lambert** asked if anyone in the audience was going to give testimony on the variance this evening.

**Dale Thompson-200 Dow Ridge Dr N** – was sworn in by Chairman Lambert. – Answered “I do”.

**Doug Beagle** was also retroactively sworn in. – Answered “I do”.

**Chairman Lambert** then addressed the Commissioners asking if they have had any exparte’ contact or whether they have any business or personal interest in the application.

**Commissioner Bertoia** – No.

**Commissioner Justice** – No.

**Chairman Lambert** – No.

**Commissioner Beach** explained that he knows the applicant. He lives within 300 feet of the property. They have in the past spoken ablut that lot but have not talked to the applicant about that particular proposal. He stated that he did not know what the plans were at the time they talked about it.

**Commissioner Miller** – No.

**Chairman Lambert** asked if anyone wised to challenge the impartiality of Commissioner Beach on this issue. There was no one.

**Chairman Lambert** asked if any of the Commissioners had visited the site.

**Commissioner Bertoia** – No.

**Commissioner Justice** – No.

**Chairman Lambert** – Yes.

**Commissioner Beach** – Yes.

**Commissioner Miller** – No.

**Chairman Lambert** asked Dale Thompson if he would like to speak.

**Dale Thompson** – 200 Conant Dr. – said that he knew the applicant just in speaking when they would walk by. He said he had no concerns unless someone had a strong, clear and convincing argument in opposition to their request for a variance he sees no reason not to grant the variance. He has no objection at all.

**Pam Griffith and Jim Callahan** arrived at the meeting. They had thought that the meeting was at the Visitors Center.

**Pam Griffith – Jim Callahan** – 179 Dow Ridge Dr N.

**Chairman Lambert** swore in the applicants. He asked if they would like to give their presentation.

**Mr. Beagle** reiterated the three issues to be addressed through the variance process; *Access from Dow Ridge Road instead of Alley way; Garage distance from front of proposed house and Driveway width.* He explained that the town is recommending approval of the variance for the three issues.

**Jim Callahan** stated that if there were any questions they would address any concerns.

**Chairman Lambert** closed the public hearing at 7:18 p.m. and asked the Commissioners if anyone had anything to discuss. There was no discussion. Chairman Lambert asked for a motion.

**Commissioner Justice** made motion to accept the presentation.

**Commissioner Bertoia** seconded the motion. All in favor.

#### **Old Business: Review of EMC 18.06 Sign Code Revised Ordinance**

**Chairman Lambert** asked Mr. Beagle for a staff report.

**Mr. Beagle** gave a brief staff report reviewing several changes and additions. What initially brought the sign ordinance to the Planning Commission for review was the Eatonville School District wanting to place a sign on town property at Nevitt Park.

#### **BASIC EXPLANATION:**

*The School District's request is to place a sign outside of the District's property, which is considered an "Off-Premises Sign" in the Town's code. It was initially thought that their request could be handled with an application for "Variance".*

*However, after careful review it has been determined that a variance to Town Code in this particular case is not a viable approach. As an alternative and in addition to the "Feather Sign Amendment Proposal", a code amendment is being proposed to deal with this type of situation; it is referred to as the "Off-Premises Signs for Public Agencies" amendment.*

*The reason a variance will not work is because, with only one exception, Off-Premises signs are prohibited throughout Town. And, unfortunately, the School District proposal does not fit the one exception. Based on the Towns Code and State Law, the granting of "variances" is limited to such things as variances to setbacks, parcel size and shape etc., which when granted will allow a land owner the ability to develop his/her property with same "uses" that other land owners with the same zone would be able to do.*

As an example, if a garage is allowed in the zoning district, but a landowner cannot fit it on the property due to a unique physical limitation (say setbacks) on his particular site, then he may apply for a setback variance so that if granted, he would have the ability to build a garage, just like the other landowners in the same zoning district.

*What variances cannot do is grant the ability for a landowner to construct a "use" (an Off-Premise sign in this case) that is not allowed by other landowners in the same zoning district. If a variance was used to grant a "use" that is prohibited in the zone, it would likely be considered a "grant of special privilege", which is not allowed.*

As an example, if a garage is NOT allowed in the zoning district, there are not any unique physical limitations that keep the landowner from developing a garage; simply put, a garage is just not allowed in the zoning district.

*Review of the addition of proposed "Feather Signs, Billboard Signs & Off-Premise Signs" to the current Sign Code EMC 18.06.*

Mr. Beagle reviewed "Attachment A" – the proposed ordinance for changes to the existing sign code. Changes are marked in red.

Page 3 – 18.06.040;

- I. Off-premises signs except as provided in section 18.06.120 (I).
- J. Feather signs except as provided in section 18.06.080 (M)
- K. Billboard signs

**Feather signs as previously discussed by the Planning Commission.**

Page 7 - 18.06.080

M. Feather Signs. Feather Signs shall require a sign permit within the Downtown and General Commercial Zoning Districts (C-1 and C-2). In addition to all other permitted signs, a maximum of two (2) on-site feather signs may be permitted for each business. Such signs may contain language, design(s) and/or pictures for advertisement, greeting or similar commercial messaging purposes. To preserve the aesthetic value of the town, feather signs shall be prepared in appearance or in fact by design professionals (e.g., graphic designers, professional sign shops). Feather signs shall be:

1. A maximum of fourteen (14) feet in height.
2. No more than thirty-seven and ½ (37.5) inches in width.
3. Located only on the business's private property.
4. A minimum of one (1) foot from driveways and sidewalks (or curb if no sidewalk is present).
5. A minimum of five (5) feet from the Side Yard Lot Line.
6. Placed no closer than ten (10) feet from all signs.
7. Designed and located in a way that does not create a safety hazard (including but not limited to vehicular and/or pedestrian traffic and movement).
8. Kept neat and orderly around the base.
9. Securely anchored in a temporary fashion.
10. Subject to inspection for compliance with all applicable regulations.
11. Businesses with an existing illegal sign shall be prohibited from using Feather Signs.

The "Off Premise" sign section was broken up into two sections.

Page 23. – 18.06.120 Other Permanent Signage I (2)

2. A public agency may erect an off-premises sign on town-owned property subject to compliance with the application procedures, sign regulations, design standards, and fees set forth in this chapter. Applications from public agencies to erect off-premises signs on town-owned property shall be reviewed and approved by the town council. The applicant shall have the burden of demonstrating:

- a. The sign meets applicable town sign regulations and design standards;
- b. The applicant's property is subject to site constraints and/or unique circumstances are present that warrant the placement of the off-premise sign on the town's property; and
- c. The sign location and design will: 1) be reasonably consistent with any existing or future development or utility plans; 2) not create vehicular or pedestrian safety hazards; and 3) not create an unreasonable impediment to the use of the town's property, or any right-of-way, access or utility easement.

The applicant shall execute a lease in a form satisfactory to the town attorney and approved by the town council. The town council may elect to forward the public agency's sign application to the planning commission for a recommendation, which shall be returned to council in no more than 60 days.

**Page 26 - 18.06.180 Definitions**

"Billboard sign" means an outdoor advertising sign or poster panel which advertises products, businesses, and/or services not connected with the site on which the sign is located and which are customarily leased for commercial purposes.

Page 27 – Definitions cont'd.

"Feather sign" means a sign made of cloth, plastic or similar material affixed to a pole that is located outdoors. Feather signs are "temporary signs", securely anchored for safety but not permanently anchored to the ground.

“Public agency” means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations and school districts; any agency of state government; any agency of the United States; and any Indian tribe recognized as such by the federal government.

**Mr. Beagle** finished by saying that “those are the edits to the sign ordinance”. He added that in the staff report there is additional proposed text as it relates to feather signs and does not feel he needs to read every single bullet. He wanted to let the Planning Commission know that there was a change from the original thought process at the last Planning Commission meeting. There have been some additions to the sign regulations which we feel is, in the sense of the “Billboard” signs is adequate and really needs to be talked about amongst the commission. The off premise signs is a tool for the agencies listed to have an opportunity to have their sign put up on town property.

**Chairman Lambert** asked if there were any questions or comments for staff members.

**Commissioner Beach** explained that he was surprised about having to add the billboard signs to the ordinance, stating that it was really an oversight when the sign ordinance was originally put into place. Feels this is an improvement.

**Chairman Lambert** asked about the definition for the billboard sign...the sign that the school proposes to put up, perhaps the sign at Bruno’s both are intended to advertise events that are not necessarily related to the business for which the sign is attached. Is it going to be a conflict if somebody...(not audible)

**Mr. Beagle** said that nobody thought the way he is thinking.

**Kerri Murphy** asked if he was questioning the advertising of community events.

**Chairman Lambert** said that his concern is that if you read the definition of the billboard sign, is this going to run afoul of the intention of the sign the school proposes to put up or the existing sign that Bruno’s has or the existing sign that the school district has. And potentially even the banners that they place over Washington Ave. N. You have these variable message signs that are advertising community events which really have nothing to do with the business where the sign is located. He not sure where you cross that line but he wants to make sure that if we are going to pass something it isn’t something that is going to create issues for us in the future.

**Mr. Beagle** agreed that this is a good point and one the needs to be reviewed and do some research on.

**Commissioner Beach** agreed that Chairman Lambert raised a good point. He is not sure there is a problem, but he does feel it needs to be addressed. Bruno’s sign is not an off premises sign, it’s a commercial sign for that business. The school district sign will be on public property which is different too. But somebody who has a sharp lawyer might say “well, if we advertise local events that we get around this thing about billboard signs. Maybe we ought to let the staff cogitate on this for a couple of weeks if they have any other definition of this.

**Chairman Miller** wanted clarification on any political messaging from the school. Would they be allowed to advertise their school levy? He felt that this could be a conflict.

**Mr. Beagle** said that there might have to be some do’s and don’ts in the lease agreement. This is a good point and the town is going to want to make this clear in the lease agreement.

Commissioner Beach said that if the town has a prohibition about any kind of political announcement on these billboards signs, and political would include both candidates and any kind of proposition that would be on a ballot would be political that they are simply prohibited. Bruno’s couldn’t advertise either, any kind of political issue on his sign. That the political signs have to fit where they are in the code regarding political signs.

**Mr. Beagle** said that the intent of the original conversation with the school district was to talk about school events, town activities like the Art Festival, Salmon Festival, 4<sup>th</sup> of July parade to help us give the public some education as to what was coming up. These are good points and they need to circle back and come back to the commission. The town is going to want to protect themselves in the lease agreement and have the right to remove that use if they violate those.

**Commissioner Miller** said that he drove to the site where they are proposing to place the sign at Nevitt Park. The proposal that they have with the rock looks nice but he would prefer to see a 6” straight piece of steel up to about 12’ that didn’t block any more of the view. There is a lot going on in that intersection, especially first thing in the morning. You try and make a left there and you have to deal with people in the cross walk, traffic coming up the hill and going down the hill he hates to see any additional distractions. For the sake of safety he would like to see that particular intersection stay as wide open as possible.

**Mr. Beagle** agreed. He added that the proposal that the school provided was just that, a proposal. It wasn't anything solid so we have the ability to change the design.

**Chairman Lambert** asked Mr. Beagle if there was going to be any proposed variance language.

**Mr. Beagle** explained that because of the earlier "explanation" earlier, no. We feel that this is a more practical way to protect ourselves than doing a variance. Wholly when it comes to parcel size and setbacks, so we are going to stick within the confines of the code as it is.

**Commissioner Justice** asked if the school will have to get a permit from WSDOT for the proposed sign.

**Mr. Beagle** – Yes. They will be required to get a permit from the state.

**Commissioner Bertoia** asked if the town has considered the proposed location of the school sign being placed more north on Mrs. Baublits side of the road as you are leaving town. He thought that the property just north is town property. In consideration of what Commissioner Miller was talking about regarding the intersection in the morning. If it were on the other side of the street, it could be seen by both north and south bound cars.

**Mr. Beagle** said that no, the other side of the road has not been considered. We have always only looked at the park. On Mrs. Baublits side of the road, where the right-of-way goes eventually at some point in time we have to maintain that right-of-way for future improvements so if she builds sidewalks it will be right up to her right-of-way and then therefore the sign would be on her property.

**Commissioner Beach** move to postpone this discussion of the sign code until the July 7<sup>th</sup> meeting.

**Commissioner Justice** seconded the motion. AIF

**CITIZENS COMMENTS:** None

**COMMISSIONER COMMENTS:**

**Commissioner Justice** asked if the packets could get out on a little earlier in the week. She did not get her packet until 4:00 p.m. It does not give a lot of time to look things over, maybe even just a day earlier.

**Mr. Beagle** said that we can work towards providing that early. Right now we are geared toward having the packets out by Friday so we would just have to make sure we can get them a day earlier. We should be able to accommodate it.

**Commissioner Beach** read the temporary sign ordinance where it is in there twice, which said "temporary signs shall be up only for 30 days. The Relay for Life put theirs up about 45 days before the event is going to be held. He felt that this should be drawn to their attention for the future. He also asked if they have gotten permission from everyone that they have put their purple lines all over. There is one particular business that they did not ask. They really should get permission.

**Chairman Lambert** asked to be excused from the July 7<sup>th</sup> meeting.

***The next meeting is set for July 7<sup>th</sup>, 2014. Public Hearing CUP for the ESD.***

**ADJOURNMENT**

Motion by **Commissioner Beach** to adjourn. **Commissioner Justice** seconded. AIF

**Chairman Lambert** adjourned the meeting at 7:48 p.m. AIF

\_\_\_\_\_  
Chairman Lambert

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Judy Justice –Co-Chairperson

ATTEST:

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Kerri Murphy, Recording Secretary