

**Town of Eatonville  
PLANNING COMMISSION MEETING  
Monday, March 30, 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 Lambert, Beach, Bertoia , Craig, Justice, Lambert and Miller.**  
**Commissioner Craig** was excused.

**STAFF PRESENT: Scott Clark w/ Larson and Associates – Consultants to the town.** Mayor Schaub and Kerri Murphy.

**OPENING CEREMONIES**

**Commissioner Bertoia** led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Commissioner Beach** move to approve the agenda with the following changes; *Revised DRAFT Shoreline Master Program should be listed as a Public Hearing.* Seconded by **Commissioner Justice.** All in favor. (AIF)

**APPROVAL OF MINUTES**

Approval of the February 17, 2015 Planning Commission minutes. **Commissioner Beach** motion to approve. Seconded by **Commissioner Justice.** AIF

**COMMUNICATIONS OR ANNOUCEMENTS**

There were no comments from the citizens or commissioners.

**PUBLIC HEARING**

**Revised DRAFT Shoreline Master Program**

**Scott Clark, Contract Planner** for the town - Several materials were provided to the commissioners of the proposed revisions of the Shoreline Master Program for the town of Eatonville. The first one you have is "Attachment B" with the Town of Eatonville in blue. These are the comments from the Department of Ecology for the November 2011 Draft Shoreline Master Program. These are their comments and the far right columns are comments from staff review and notes regarding their suggestions. The other material is the Draft Shoreline Master Program dated March, 2015. This one had incorporated the proposed amendments by DOE from the first document. They are segregated into two types. The comments in the red text / boxes are the comments that will be reviewed tonight. The comments and amendments that are in blue those are in effect agreed to, they are for the most part minor and required for consistency under the shoreline management act. These documents have been reviewed by staff. Mr. Beagle took them to council to have general discussions. The town council is bringing the Shoreline Master Program back before you for review and comment on the items in red which focus on the aquatic designation which is a new designation which is introduced into the plan. This is a new designation that was not in the original plan. It is a designation that is required by state law to be included in the plan in order to found compliant. When the council adopted the Ordinance 2012-HH, in that it was adopted but it had a caveat.

The caveat being that it was required to go to DOE for review and approval and upon their approval that it would be adopted and in effect for the Town of Eatonville. Instead of adoption they returned these comments which they hoped would just simply be incorporated and included in the plan. Council on the advice from staff correctly and rightly are returning this to the planning commission so that this new designation can be vetted out in a public forum in front of the planning commission having an opportunity to look at that language, the public can see and so there won't be any surprises when it's adopted. In addition to the aquatic designations there are also a couple of additions that will be covered that staff has recommended. They have minor edits for additions in need of clarity and they are all there for review and comment from commissioners and public. Mr. Scott continued with review of the items of Attachment B, starting with the March 2015 Draft Plan.

**Page 11 – 3.3.4 (1-3)** This is the actual addition of the body of the text for the environmental designations purpose criteria's and qualities. This is the body of the text for the aquatic designation. The only place that there was actually a reference to this designation was originally on page 15 which is actually the shoreline designation map. (This was a separate document and did not get inserted) there is a minor edit and it will get covered when page 15 is talked about).

**Page 13 – Table 1** – it inserts the aquatic designation along with how each of the uses will be treated in that designation. This is the table that identifies whether uses are permitted, conditionally permitted or prohibited.

**Page 14 – Table 2** – Development standards. Added is Aquatic which was actually a staff addition. It was overlooked but is something that needs to be in the plan to insure that it is crystal clear that that is in fact what the standards are and in this case there are none.

**Page 27 – Prohibited Modifications** – This isn't one that is directly related to aquatic designation but is one that warranted some discussion and direction and to be understood that it is being added.

**Page 33 – 6.1 (3) Boating Facilities** – this is an addition to the prohibited uses.

**Page 33 – 6.3 Aquaculture** – Another addition. Not directly related to aquatic designation but related to aquaculture as a use.

**Page 43 – 7.2.3 Exemptions Listed** – This is actually DOE comment and in addition to provide a little more latitude in how the code will be administered.

**Page 49 – 7.6 Ecology review** – (4) This is a staff comment. This is something that was missed in the first draft. Duplicate sentence, already noted under # 10.

**Page 56 – 8.2 Definitions** - # 15 Boating Facilities, this is a staff addition.

**Commissioner Beach** confirmed that #15 is something that came from staff. Mr. Clark confirmed that the document SMP, March 2015 includes staff and DOE comments.

**Page 57 – Definition of Dock**

**Page 61 – Definition of Pier.**

**Commissioner Miller** asked if the Mashell River, Little Mashell River, Lynch Creek and Ohop Creek is in the town's municipal boundary and has crossed out the urban growth area. He questioned as to whether there was any of the Little Mashell River in the town limits or is the town planning for the future.

**Mr. Clark** said that there according to the document there is a portion that is in the town limits. If this is a mistake, then it will need to be corrected. He will verify the information. (Page 4-1.10 Shoreline Jurisdiction)

**David Smith, 400 Center St W.** – Complained that there were no handouts for the citizens. How in the hell are the citizens to know what is being discussed. His property is personally affected by what is being discussed. 820 SR 161 just as you come into town.

**Commissioner Beach** asked what affects the Ohop Creek.

**Mr. Clark** explained that the aquatic environment that is the topic really being focused on tonight is the designation that deals with surfaces of the streams and rivers. So it is from the ordinary high water mark on one bank to the ordinary high water mark on the other. Then upland on each side you have the shoreline environments which are in the plant. This deals with activities within the streams or rivers themselves not on the banks, just the surfaces of the rivers themselves.

**Commissioner Beach** asked if it dealt with the floodplain.

**Mr. Clark** said yes within the confines of the high water mark because the floodplain is actually within the river itself and expands upwards. The floodplain is a separate issue but yes it's within that regime.

**Mark Kemper, 41518 Ski Park Rd** – asked if there was something that states who is supposed to take care of the shore banks explaining that they live along the Lynch Creek right at the bridge that goes over Lynch Creek. That is all concreted there and they did not put that in. He asked if this was a city or shoreline master function to do the upkeep on

the concrete wall. He explained that the bridge has changed the water way. Is there anything within this policy that addresses that?

**Mr. Clark** explained that yes the Shoreline Management Program does address maintenance of existing features. If that was installed at a time when it was ok to do so and maintenance is ok to do on that. In order to give a more definitive answer he would have to do more research but basically the SMP does deal with everything within the shoreline as well as anything within the river itself. If there are structures that are there that are legitimate, then their ok.

**Mr. Kemper** said that the reason he asked is because as the creek goes through its various flood stages, it starts cutting away from beneath the concrete barrier of the wall that exist there. He was just as soon get rid of the bridge, they can put it somewhere else.

**Dee Baublits, 333 Washington Ave N** – when she moved here 52 years ago or more, the storm drain was all open. Gradually the town enclosed the storm drainage. She has 25 acres and the open storm drainage cuts right through the middle of it. They stopped with the enclosed storm drainage less than a block from her property to the south. Is there a possibility that the area running through her property could be enclosed and covered to make the property usable?

**Mr. Clark** explained that there were two things going on. If this drainage that you are talking about is not Ohop or Lynch Creeks, Mashell or Little Mashell Rivers then it is not identified as a shoreline of the state and would not be covered by the SMP.

**Ms. Baublits** said it does drain directly into the Lynch Creek.

**Mr. Clark** said he understands but it is not considered a shoreline.

**Ms. Baublits** asked if she needed to worry about any of this that is being discussed this evening.

**Mr. Clark** explained that since it drains into Lynch Creek, then whatever the shoreline buffer is from Lynch Creek up that drainage it would be subject to that within that area, but he does not know how big this drainage is into that area or how far it extends away from Lynch Creek. We would have to do some research and look at the area and determine whether or not it would be possible. This plan would have limited effect, only the buffer area around Lynch Creek.

**Mr. Clark** invited Ms. Baublits to come by the office for further discussion and he would be able to give her a more definitive answer.

**Chuck McTee, 408 Ridge Rd E.** - explained to Mr. Clark that virtually all of the storm water from Eatonville flows into this ditch that Ms. Baublits is talking about.

**Mr. Clark** said that he did see the area that is being talked about.

**David Smith** read from the plan (pg. 19) that a standard buffer of 150 feet for Ohop Creek shall be maintained in all shoreline environments designations. So basically this is not all about the water, if you are talking about 150 foot buffer for the creeks. (Rivers are 200 feet). He said he uses his property near Ohop Creek, the area he uses is less than 200 but he is not sure about the 150 feet. He owns a storage lot for RV's and it has been that way for 25 years. He asked if the town can go back and retroactively tell him that he can no longer use that portion of his property now with this new policy.

**Mr. Clark** explained that the answer is similar to the answer given regarding the concrete barrier, uses that are established that are legitimate uses can continue. If they were to be abandoned, then there may be an issue because then there would be a change in use. He added that tonight's focus is on this addition of "aquatic environment". You are correct this SMP here is not implemented yet and so this buffer that you are referring to as well as the other designations is part of this plan and is not yet in effect. The Planning Commission started in 2008 – 2009 to this process that ended in 2012 with the Council adopting subject to DOE approval. So you are correct, that is something that is embodied in this document, but it is not in effect right now. Ultimately assuming that this is brought to a conclusion, then it is likely that it will.

**Mr. Smith** confirmed that the layout of this is what the Planning Commission changes and then it goes to the Council for approval again.

**Mr. Clark** explained that what is happening is that council adopted it in 2012. DOE instead of approving it, provided comments regarding issues that needed to be addressed and that is what is being done here tonight. Council sent it back to planning commission so it could have a forum like this, people could come ask questions and find out what is going on and address those changes. The Planning Commission makes a recommendation that goes to council. Council considers the recommendation and there will be an opportunity for public input there and then they will take action. Once that is complete, it will be sent to the Department of Ecology yet again for their review. When they approve that it will then become the regulations for Eatonville.

**Chairman Lambert** asked if at some point you wanted to build a small pier at one of the parks to allow fishing it would not be outright prohibited.

**Mr. Clark** –That's right. That is why he wanted to bring it to their attention. He toured the rivers and streams but he asked if there were any areas where that might be of interest? His inclination from what he has seen and this is just his

observation, with the ebbs and flows of the rivers and streams here having that kind of a structure seems unlikely but this is just his perception. He thinks that DOE put this in as a recommendation is because they did not think this was something that would happen either. This is why we are here is to bring it to you attention. If you wish to think about it and consider it we have to deal with that.

**Chairman Lambert** asked if the recommendation was from DOE not staff.

**Mr. Clark** said yes. If the town felt that his is something that they would want to entertain, there would be a fair amount of work that would need to take place to insert it into this document. He is not sure. In stream structures with the rivers and streams in Eatonville and the volumes of flow seem very difficult to engineer and have something actually be in stream, to accomplish that he thinks would be tough with annual flooding and the movement of water. Normally those kinds of structures are on bodies of water that are more pooled and not moving so swiftly. This is why he wanted to bring it to the commissioners' attention. You may have some other idea. Putting structures in streams definitely has ramifications on flood. There has to be studies done in order to determine what kind of change to a flood plain that that can cause. They put structures in there that actually causes a pressure to push back and can in some cases raise flood plains.

**Chairman Lambert** asked if something that is cantilevered out over the water meet your definition here.

**Mr. Clark** said yes, the way that it is proposed it would still be under the definition of pier, as you see that is how it is structured. Anything over the water like that would basically be a dock, i.e. a pier. Although, depending on the design you may be able to get that out of the flood or out of the water anyway. He was not sure about flood. That would be a site specific issue. Mr. Clark said that today he did not see any of these kinds of structures anywhere. There are some bridges, the new one just built over by Smallwood Park and these locations offer opportunities for fishing off the bridge similar to what a dock might. Most fishermen tend to move around when fishing a creek or stream.

**Chairman Lambert** – not audible.

**Commissioner Beach** moves to approve Draft "B" Eatonville Shoreline Master Program as presented.

**Commissioner Bertoia** seconded the motion. AIF.

**Mr. Clark** offered clarification for the public stating that if this is something that they are still interested in this recommendation is going to go to council. You will have another opportunity to take a look if you want to send more time looking at the proposal. It will probably be about a month before it goes to council.

## OLD BUSINESS

### Review of Draft Junk Vehicles Nuisance Ordinance

**Scott Clark** offered his apologies to the commission saying it appears he had missed something. We received communication from Commissioner Beach earlier in the day and he may not have had all of the information in front of him when he started doing some work on the proposal. He thinks that there is a good start on the ordinance and today was intended to bring something back to the commission for review and to continue the discussion. There are no decisions that staff is looking for this evening but just to continue the discussion and confirm that this is going in the direction that you are looking for. Mr. Clark explained the history of where he started and then move into Commissioner Beach's comments. Ordinance 2015-XXX noted in the lower left corner as Draft "B" has red highlighted text, red, brown and blue text and this is the document he will start with. The draft he was given and the understanding he had of the planning commission (he was not present at the meetings of earlier discussion) direction was to focus the code on public, health and safety issues as it relates to the junk vehicles and to provide specificity in the code to make it clear to the public, staff and administration as to what the rules are. After he completed the draft, he sent it to staff which was forward to the town's attorney and then the attorney reviewed it. This is the draft "B" before you and the attorney's comments are in the right hand column are the attorney's comments in effect shifting some things around and providing some commentary. Generally speaking he agreed with the attorney's suggestions. He asked commissioners if they wanted to go through the draft "B" or cover Commissioner Beach's comments first. There were ideas provided by the attorney that were not in the draft provided by Mr. Clark. If these are things that the commission is looking to include it would be helpful then in the discussion of draft "B".

**Chairman Lambert** suggested going through Commissioner Beach's comments.

**Commissioner Beach** explained that the sheet with only a few red marks on it.. "Junk Car Ordinance". He took what Mr. Clark had done and made a clean copy. Except for what is in red, it should be accurate and the only substantive change he made was down at #6 which added "*storage or any other*" to the definition of "Junk Vehicle".

Commissioner Beach read the following:

*Junk Car ordinance*

*From Consultant 3/30/15, Draft B, clean copy. Beach changes.*

*8.09.010 Purpose.*

*The purpose of this chapter is to provide for the abatement and removal of junk vehicles on private property as provided for in RCW 46.55.240. Abatement of junk vehicles is necessary to preserve and enhance the aesthetic character of the Town's neighborhoods, protect property values and rights and to reduce environmental health and safety problems associated with junk vehicles.*

*8.09020 Definitions.*

*For the purposes of this chapter, the following definitions apply:*

*A. "Junk Vehicle" shall mean a vehicle that substantially meets at least 3 of the following requirements;*

- 1. Is extensively damaged, such damage including but not limited to:
  - a. Any of the following: the vehicle has a broken window or windshield, or missing wheels, tires, frame, axle, motor or transmission;*
  - b. Is missing a minimum of 3 of the following parts or components: surface panels, doors, fender, bumper, headlight or front signal light, taillight, brake light, or rear signal light, steering wheel, radiator, battery, any other major mechanical or electrical equipment, or visible damage or a lack of any other similar component identified by the Enforcement Officer when observing the Vehicle;*
  - c. Has a rusted interior;*
  - d. Is leaking vehicle fluids;*
  - e. Is providing harborage for animals and/or insects; or*
  - f. Is painted or marked with graffiti not authorized by the owner.**
- 2. Is 3 years or older;*
- 3. Is apparently inoperable, meaning that:
  - a. ~~A vehicle~~ does not appear to comply with requirements for use on public streets or water with regard to such things as: required license plates, operable brakes, lights, tires, safety glass or other safety equipment;*
  - b. Is covered or partially covered by moss, leaves, needles or other vegetation; or has grass or other vegetation growing up around or in the vehicle; or other circumstances exist that support a reasonable belief that the vehicle has not been moved for 30 days or more; or*
  - c. Has expired license tabs.**
- 4. Has an approximate fair market value equal only to the approximate value of the scrap in it;*
- 5. Is stored or parked in non-compliance with the zoning district front or side yard requirements;*
- 6. Is utilized for storage or any other ~~an~~ activity or use not expressly authorized by the code; or*
- 7. Meets the definition of any "Unauthorized vehicle" as set forth in RCW 46.55.010(14).*

**Commissioner Beach** explained that these are the definitions and felt that the commission should discuss this. His memo to Mr. Clark said "For reasons I note below I think, it a modest improvement on the existing

ordinance. *If this is the best we can do I think we are all wasting our time and should not waste the time of the council.* Explaining that he had other things that he wanted to address that were not addressed because he did not have them, he should have had them but they were not sent to him to address.

**Chairman Lambert** asked for questions or thoughts on Mr. Beach's comments.

**Mr. Clark** said as a note with regard to the comments the attorney made in his review he shuffled some of these around a little. They still basically incorporated, he just reorganized it a little.

**Commissioner Beach** explained that left the "unauthorized vehicle" the way Mr. Clark had it which actually takes care of his because he has got it in two different places. So wherever he is objecting to it being in two different places would be in some of the rest of the text.

**Mr. Clark** added that 1.c. *has a rusted interior* should be *exterior*.

**Chairman Lambert** asked the commissioners if they wish to go in the direction of Commissioner Beach's comments or with the draft document provided by staff.

**Commissioner Beach** wanted to clarify that he did not feel that these two documents were in conflict. What Mr. Clark has done leads into what he has done and at this point is say that tentatively we accept his draft "B". We are not saying we've adopted it.

**Mr. Clark** suggested that if that is the direction that you're headed in that it would be a good idea to clarify that its draft "B" that is inclusive of the attorney's adjustments as well. He reiterated that he is in agreement with those adjustments as well.

**Commissioner Beach** move that the planning commission tentatively accept, not approve, accept the Draft "B" as presented by Mr. Clark.

**Commissioner Bertoia** seconded the motion.

**Chairman Lambert** repeated the motion; it has been tentatively accepted, NOT APPROVED, to accept Draft "B". There were no comments.

**Chairman Lambert** called for vote. **AIF.**

**Commissioner Beach** said in the memo he sent to Mr. Clark he sent a copy of the memo he had sent in the meeting before this one. (February 17<sup>th</sup>, 2015) which is what Mr. Clark did not have. (See attached)

It is essentially a series of statements that he looks upon as goal for this ordinance. As a planning commission we need to decide if these are goals we want to pursue or not so that Mr. Clark has guidance as to the further drafting of this ordinance or maybe two (2) ordinances to take care of everything that I have got here.

The following are the items written from Commissioner Beach for the last meeting. (February 17<sup>th</sup>, 2015)

*For example; This document clearly needs more work, but there were no serious objections to it as a start (see minutes of February 17, 2015). Among other things, I sought to do four things which draft B makes no attempt to do. First, to deal with problems that the existing ordinance seems unable to effectively treat. For example, 500 Center Street, please look at the lot, given the fact that the police have concluded that the truck is a legal vehicle, how does Draft B improve our ability to effectively treat that problem? (Kerri can show you photographs of other lots which present problems). Two, to deal with visual blight while giving residents a method to address the issue without losing their vehicles or having to pay storage charges--it takes the approach, that except for hazardous vehicles, "out of sight out of mind." Three, to deal with accumulated trash in addition to vehicles. And four, to make a distinction between junk and trash, on one hand, and hazards on the other--Draft B at least in theory would not touch vehicles which only had leaking fluids and/or harborage for animals and insects. Vehicles and accumulated trash which have either of these conditions ought to be dealt with immediately whether or not they fall into any other category.*

**Chairman Lambert** asked the commissioners if they wish to attack this all as a single unit or one at a time, accept them all, and decline them all? He asked for a motion.

**Commissioner Beach** moves that all of these goals be referred to the administration.

**Commissioner Bertoia** seconded the motion.

**David Smith, 400 Center St W.** – he owns the tow company in Eatonville. If you guys decide you are going to tow every car in town, obviously he is going to benefit. He has towed probably 10,000 cars. Junk cars from every possible place you could imagine. When he first came back to Eatonville he thought it was kind of odd that he did not have a choice of whether or not he wanted garbage service or not. He has dumpsters everywhere but yet he still had to pay to have garbage service at his house that he hardly ever uses but he had no other choice because of the rules adopted pertaining to garbage service. The reason he was given for it being a mandatory service is because they do not want people storing it in the back of their trucks until they feel like going to the dump. What he would say about junk vehicles is that about 80 % of cars that he goes onto property and pulls out of the weeds and sticks in people's back yards, probably 80% of those cars have rodents, animals, stuff living in them. That is the nature of the beast. If you put stuff in your backyard and let stuff grown up all over it, then that's what happens, the rats move in. That is a nice dry place for them to live and make homes. If you are saying it's ok to just put it in the backyard, and the issue is you are worried about animals and rodents then he will guarantee you that the car is never going to be fixed, there is no point in even having it and it makes the town look like crap. And if you are saying it's just ok to hide stuff in your backyards, he does not really understand that. Why can't he just hide garbage in his backyard and get rid of the garbage can. Then until the garbage gets seen over my fence, then I can just go then and take it all to the dump. There is no point in letting people just stack up junk cars in their backyards just to keep them out of the front yards when all they are is a giant attraction for everything. He has move d cars that have bees, possums, rats, who knows what all comes flying out of them. He does not understand you saying take your rusted piece of crap and put it behind the fence because that is when it is going to start rusting and the fluids are going to start leaking out of it and then add animals and critters in it. If it's a junk car, junk it! Get your \$150.00 or \$ 500.00 bucks or whatever it is that a wrecking yard is willing to pay you for it. People have weird attachments to junk cars, but their junk cars and that's the bottom line.

**Commissioner Beach** said he actually has to agree with him. We would try to deal with hazards like the animals or fluids. But there are practical problems associated with that. One of the issues that seems to him that has to be addressed is how to deal with exactly the kind of thing you are talking about.

**Mr. Smith** added that no one is going to let you in their backyard to let you see if their vehicle is leaking fluids or critters living in it. **Commissioner Beach** said if we can't find a way to deal with that we will have to find some other route. He agrees with Mr. Smith and he hoped he would come to the council meeting when they eventually take this ordinance up and say exactly what you just said. Even if it is essentially in some way opposed to what we send forward because he thinks he has addressed a real problem here. The only reason that he made this suggestion was to try to make it more palatable to people that have some vehicle that is a prize possession of theirs which is not a hazard, doesn't meet the rest of it and they could keep it and so on. But if it's not a practical thing to do then at this point he would like to explore the possibility of whether it is practical or not and the conclusion may be that you are exactly right, that it is not practical.

**Chairman Lambert** said at the same time he thinks it's important that people have a right to the use of their property. Just because you want to rebuild an old car doesn't mean I have the right to tell you no. If it is worded to strictly and technically if you are rebuilding your old car, now it doesn't have brakes, tires, windshield and it's not licensed therefore we are going to tow it. (Not audible).

**Chairman Lambert** reminded commissioners that there is a motion with a second to adopt Commissioner Beach's recommendation. Is this the direction that we want it to go? He asked for any more comments.

**Mr. Clark** asked if in addition to clarifying these issues through some kind of codification, are you looking to make adjustments or changes in the administration of it. In other words, what path and how ill that be implemented. For instance right now for these types of things that are maybe a requirement, a judge must render a judgement in order to have some kind of action which can be expensive and very slow to react to these matters and perhaps too expensive for everyone in involved, the town as well as the landowner. There may be an administrative way that may be more expeditious to try and deal with this. This is something I see that could be very much a part of this whatever direction you may go how that might be implemented.

**Commissioner Beach** said that he sees that as another bridge to cross. First we have got to decide what it is that we want to do, what we want to be, and then we need to talk about the implementation of it. Implementation of more than one way, one question is can the town staff actually implement it. Is it defined in such a way that they can see it and not get too many arguments about it whether somebody likes it or not? The other is this whole matter that is in the existing code which is a slow cumbersome process. He is hoping that the town attorney and maybe yourself (Mr. Clark) get a little creative about how we can make that a simpler process and it is not drug out so long and maybe less expensive to the town and the other people. It's a different issue at this point. It may be that once we get into the implementation we will have to come back and revisit some of the rest of this implementation problem. We ought to set our goals first and then see what we can do about actually implementing them.

**Chairman Lambert** reminded the commissioners that what they are voting for is whether or not they are going to ask the town to go in the direction that Mr. Beach has suggested. AIF.

**Chairman Lambert** asked if the Draft "B" ordinance addresses both private and public properties.

**Mr. Clark** explained that in the second paragraph it addresses both public and private property.

**Chairman Lambert** said that on page 1 under 8.09.010 under Purpose it only references private property.

**Mr. Clark** will make necessary correction.

**Chairman Lambert** said that under 8.09.020, # 6...what is expressly authorized by the code?

**Mr. Clark** said it is in the code but thinks that it does not say it can be used for anything other than a motorized vehicle. That was to make sure that it was not in an all-inclusive statement like "I put it to use as X" despite the fact that it's a vehicle. It's intended to be a vehicle not a storage unit.

**Commissioner Beach** said he also had concerns about #5 and #7 he looked up the RCW and it was not very enlightening.

**Mr. Clark** said that the unauthorized vehicle is also a question that he had. He retained it in the draft because the preliminary draft that he was given as kind of a direction. There was actually quite a lot that he removed and changed direction on. For instance there was a separate definition for a commercial vehicle and recreational vehicle. He took all of that out because it is better dealt with singularly and just inclusive in one definition. With regard to this he was not sure of the planning commission's direction and didn't understand where it was coming from, if there was a concern or something specific. The attorney had a similar comment, mentioned what do you want this for and this was the same question that he had. His general belief is that you don't need to find things if they aren't in the code, it's not in there. He inserted it under the definition of vehicle to actually give it a spot so that it meant something. This is basically an excerpt right out of the RCW. He doesn't know that it is needed, but he didn't understand why it was in there and he does not think it is necessary.

**Commissioner Beach** said it did come from staff.

**Mr. Clark** said it can be removed as well as that portion where he provided the definition. Basically he had to weave it and connect it back in to have some kind of meaning. Too many definitions in there that don't connect to the text don't provide any guidance at all.

**Chairman Lambert** said he is not sure he is really opposed to it being there because if somebody parks in his driveway he wouldn't want it there. In three or four hours he could have it towed.

**David Smith** said if it is blocking the driveway you can have it towed right then.

**Mr. Clark** said he still did not think it was necessary.

**Commissioner Beach** said he suspects that the town can rely on the people if someone parks in their driveway or something of that kind. It's what the residents or the owners of the property have that we have to deal with not the people that just show up one day.

**Chairman Lambert** asked if there were any more questions or comments from the audience or commissioners.

There were none. He did confirm with Mr. Clark that the planning commission would be seeing something from him for the Junk Vehicles ordinance shortly.

**Mr. Clark** confirmed that that is his understanding from their direction today. That you would have staff clean this up so that there are not so many different colors on it and so on. It will come back to you as a strike out underline because it needs to indicate where those changes are and then it will be brought back to you formally for hearing and a formal recommendation to move that on to council.

**Commissioner Beach** said he realized that you have got to have everything struck out and so on for the existing ordinance, but it would be useful to have a clean copy, it just incorporates what you are proposing also. It may not have any legal standing it does make it easier for people to read through it.

**Mr. Clark** agreed and felt it would be easier to understand that way.

**Chairman Lambert** said if you look at the definition currently set up, his company vehicle is over three years old, if he had not put new tabs on it today they would be expired and there are a couple of dings in the window, therefore he it could be a junk vehicle under the current definition. He feels that the planning commission needs to be very careful about these things and we do have a lot of people in this town that are of limited means. Yes, maybe your tail light got broken, the windshield broken and you weren't quite as aggressive as you should have been at keeping your vehicle licensed, he just thinks commissioners need to be very aware of this.

**Commissioner Beach** said that what he wrote at the last meeting struck out the three year thing and also the business about the value of the vehicle. The average vehicle in the United States is 11 years old and the whole business of what the value of it is, yes you get out the Blue Book and look at that. A lot of that is subjective in terms of what people want

and he thinks it needs to be revisited. His view in earlier discussions was that these two criteria were sort of in search of junk vehicles rather than defining junk vehicles.

**Chairman Lambert** said if you drive much in this area you will have some damage therefore you have ticked off two of the three.

**Mayor Schaub** said that what was included is what was presented in the RCW. We can't go stricter than the RCW to two years. You do have vehicles that have been wrecked, bought back that could sit there and are only one or two years old too. You are covering it but you are using judgement before you go out and impound. It's not going to be something with two letters to it coming up to that point. There is a process to go through to get to the point of where you are actually have to take enforcement if the owner hasn't taken care of it. It is a process. We are not going out to be on the lookout for it.

**Chairman Lambert** said that his concern is not with the present administration. In his professional life he needs to be aware of "this is what we say today" but what happens when we get a different group of people in place.

**David Smith** said that the way it works in Eatonville now, is they put a sticker on your windshield and it says your tabs are in violation, they don't tow your car. Give people a warning and give them 72 hours to correct the violation or your car will be towed. The intent is to get rid of the actual junk vehicles.

**Commissioner Justice** Draft "B" # 4 – Has an approximate fair market value equal only to the approximate value of the scrap in it, who determines that?

**David Smith** said the price of metal. The price of metal fluctuates, your junk car now is worth \$100.00, 3 months ago a junk car was \$500.00. So the price of metal is what determines that. Metal is way down now.

**Commissioner Beach** said there is also the issue of the changing value. The value of the car to the owner is also subjective and he is leery of this one himself.

**David Smith** said the wording takes it out of the towns' control.

**Commissioner Beach** thinks that this is just asking for litigation.

**Mr. Clark** said that it is taken from the RCW and is pretty much applied throughout the State of Washington. He does not think you need to worry about litigation, it is everywhere. He does not disagree and it does raise some questions but it is something used all over the state.

**There were no comments from the public, staff or commissioners.**

**Mr. Clark will speak to Mr. Beagle and hopefully have something back to the commissioners by April 20<sup>th</sup>, 2014.**

**Next meeting: April 20<sup>th</sup>, 2015.**

## **ADJOURNMENT**

**Chairman Lambert** adjourned the meeting at 8:40 p.m.

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Chairman Chris Lambert

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Co-Chair Judy Justice

ATTEST:

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Kerri Murphy-Recording Secretary