

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, June 27, 2016
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

Co-Chairperson Justice called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners Bertoia, Justice, Miller, Powell and Beach.**
Chairman Lambert - Excused.

STAFF PRESENT: Kerri Murphy and Scott Clark, consulting Planner with Larson and Assoc.

OPENING CEREMONIES

Commissioner Bertoia led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Bertoia** . AIF

APPROVAL OF MINUTES

Approval of **June 6, 2016** minutes. **Commissioner Beach** motion to approve the minutes. Seconded by **Commissioner Powell**. AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no communications or announcements from the commissioners or the public.

PUBLIC HEARING

CONDITIONAL USE PERMIT

**The Planning Commission acting as the Board of Adjustment
Eatonville Family Resource Center - Conditional Use Permit**

Scott Clark, Planner with Larson and Associates – reminded the commissioners that this is a quasi-judicial proceeding. This is one that ends up in a decision of the Board of Adjustment. It does not go any further; the decision resides with this group and is subject to appeal.

Mr. Clark gave a brief summary of the staff report explaining that this is Conditional Use Permit (CUP) for the Eatonville Family Resource Center. Under the Eatonville Municipal Code (EMC) public facilities require a CUP. This application is being processed concurrently with a rezone application. The rezone application will be reviewed when the Board of Adjustment is finished with the CUP. Because this project is concurrent with the rezone, it has been processed as though this is in the location of C-1 zone. Everything in here is subject to that and those were the rules and regulations by which it was measured. The facility is 1,344 square feet. The one addition to the approval is that in this particular case there is a request for an exception to a sidewalk requirement that is part of this project description and is allowed pursuant to EMC 18.90.030 for some minor relief in design. We can discuss this further when we get to the site plan. Page 2 gives an idea of what the building will look like; a site plan showing the existing parking stalls and shed that exist today along with proposed landscaping; aerial photo of the project site; tax parcel # 3605002322. Processing the rezone as a C-1. The map is to make it crystal clear as to where the project site is located.

The project site is currently zoned MF-2 as we review it. We have looked at abutting zoning; abutting development and existing conditions and they are all listed. Photos of surrounding properties have been provided; a topography depiction showing a good size hill to the south of the site. The regulations for this rezone are in Chapter 18.04. District Regulations in C-1; the general supplementary provision of 18.08 where the CUP resides for public facilities; 18.09 Administration provides the frame work and the processing procedures; the administration of the process and coming to the Board of Adjustment ultimately for a decision. In that provides the standards and criteria for granting approval. Those are the minimum standards and have been inserted into the report so that you can make decisions on each one of them individually. Chapter 18.08 is just the general and supplementary provisions, Conditional Use Permit standards and it also identifies the specific public facilities that are allowed. EMC 18.04 is district regulations for C-1 and this list out the uses that are relevant and some of the development standards that go along with it. EMC 12.04.180 are construction. EMC 15.04 Environmental Review which is the SEPA. EMC 15.16 Critical Areas code. EMC 18.03 District established (Zoning Map). 18.05 Off street parking and loading requirements; 19.03 Design Standards for commercial and multi-family zones; Some excerpts have been inserted that staff felt was relevant to the proposal for the Comprehensive Plan which are mainly in there for reference. There is not a standard in this particular one requiring it to be compliant with the Comprehensive Plan they are just here to give context. If it is compliant with the code requirement then it is understood it is to be compliant with the comprehensive plan. Critical areas have been reviewed and there are no critical areas involved in the location siting of this new building. SEPA was issued. DNS, the town received no comments from agencies or the public. There were no comments from the public on the application or on SEPA. Included is a staff analysis covering the minimum criteria of approval is where focus on staff's thoughts were provided. Having reviewed everything it is staffs recommendation that this Conditional Use Permit be approved subject to the conditions that have been provided. IX. Draft Findings of Fact; detail has been provided in making the decision and these are subject to planning commissioners review and approval. Numbers 12 through 21 are the ones that you will want to make decisions on. If it is an approval you will want to circle or underline the bold and underlined text and italic option is for denials. Draft Board of Adjustment decision. We will record your vote and decision. XII is the Draft Conditions of Approval, there are six provided for consideration. Included is a larger plot plan; Letter of Completeness and the SEPA determination that was issued on May 23, 2016.

Co-Chair Justice confirmed that if this property does not become a C-1, then this whole thing is void.

Mr. Clark confirmed that yes and that there is a condition that was included that states that this is the case because it is processed under the C-1. This one should the Board approve it, in order to do that development it requires that rezone. That is a second step that needs to happen. Running them concurrently is perfectly fine it is not uncommon to run them parallel. Mr. Clark added that for the record, the applicant is the Town of Eatonville. Staff is here doing the report and also here representing the town's interest.

Commissioner Miller asked who owns the property to the east.

Mr. Clark - Audrey Baardson is the owner.

Commissioner Miller asked if she made any comment.

Mr. Clark said that Mrs. Baardson has not made any comment on this. There are comments to discuss in the following application for the rezone. There were no comments received regarding this proposal.

Commissioner Miller asked if the property to the south, Babcock property.

Mr. Clark confirmed that these are the two pieces of property that run up the hill parallel to Pennsylvania Avenue S. and the alleyway.

Commissioner Miller asked Mr. Clark if he feels that this is unbuildable.

Mr. Clark said "No" he is not saying that but he does believe there are serious challenges on the hillside. He thinks it may need to access off the top and that there may be some possibilities up there.

Commissioner Miller said he would like for the Town of Eatonville to put in writing that if Mr. Babcock did find a way to develop that property that he would not be on hook for the sidewalk on Pennsylvania Ave. S. that runs across the front of this property.

Mr. Clark explained that that is a good point and that staff agreed. This has already been inserted as a condition of approval. #3 on page 15. "In the event the Pennsylvania Avenue South right-of-way is developed with either sidewalks or travel-way up the hill to the south from this site, a sidewalk along the frontage of this parcel will be required to be completed and paid for by the land owner". It is written for whoever owns the property and should the property ever be developed that is why it is there.

Commissioner Beach made motion to approve the Condition Use Permit including the bold statements in items 12 through 21 and the conditions in XII. Seconded by **Commissioner Bertoia**. AIF. 0 – Opposed.

Commissioner Beach commented on the order in which the items were on the agenda. It did not seem logical that the Conditional Use Permit was depended on the Zoning being changed. It seems to him that the zoning would have been taken up first.

Mr. Clark said that it could have been done that way...

Commissioner Beach said that he did not object at the time so he is not objecting now. The logic of it defies him.

Mr. Clark said he appreciates that and if he had said something upfront(not audible both talking at the same time)

Commissioner Beach said if there had been any audience he would have said something, but since it is only the commissioners and staff.....

REZONE

Scott Clark explained that they would now shift from the Board of Adjustment to the Planning Commission. The Planning Commission will now act as a recommending body and this particular application is a rezone and as a rezone it goes to the planning commission first for review and recommendation, then your recommendation will then be forwarded to council and then council makes the decision. Their decision is appealable.

Mr. Clark explained that this is a different area than the last application. This is a larger area than the last application that was dealt with. This includes four (4) parcels. It is a rezone from multi-family residential district, MF-2 to Downtown Commercial, C-1. Along with the parcel that was discussed earlier it includes the two parcels to the north of it which is a good part of the parking lot and the Community Center and the parcel to the east, Mrs. Baardson's property. This rezone includes parcels 3605002280; 2300; 2310 and 2322 for the record. The Town of Eatonville owns three of these properties and the other owner is Audrey Baardson. Mrs. Baardson has spoken to the town and she is in favor of the rezone and offers no opposition. Mr. Clark wanted the planning commission to understand that this contact had been made with Mrs. Baardson and she is happy to move forward with it.

Commissioner Beach asked if we had anything in writing from her.

Mr. Clark explained that she did not provide any comment. We also have no comments from any agencies, the public, any other concerned citizens or Mrs. Baardson. We did however have a woman (Rosemarie Van Cleve) come in earlier, she is a neighbor here. She is supportive of it but she would not be here for the hearing.

Mr. Clark explained the parcel map provided and the current and proposed zoning. Checkered boxes indicate the area of interest. There are pictures and descriptions of the abutting zoning. Page 6 are pictures of abutting development in the area and who the neighbors are in this area. EMC 18.09.050 the amendments are the regulations and procedures for a rezone and the standards for granting the rezone. The Comprehensive Plan is inserted into this summary and this one is a standard of criteria for approval. This one is in here as a substantive not just an informative. Staff has included a number of comprehensive plan goals and policies that we felt were relative to the request. VII. State Environmental Policy Act, Determination of Non-significance (DNS) was issued on May 23, 2016. No comments were received from agencies or the public. VIII – Staff Analysis and Recommendations – this addresses criteria of approval from staff's perspective and again staff recommends approval. In this particular case the rezone seems to remedy what was already an oversight when you look at the general nature of the primary or the majority of this in a commercial enterprise not really residential. Obviously Mrs. Baardson's property is but her

home is an allowed use in the C-1 zone so it is a conforming use, an allowed use. It makes sense that that block be changed and it's contiguous to C-1 zoning on two sides. IX – Draft Findings of Fact - beginning with 14 through 18, the required findings. Again, the bold and underlined are for approval and italics are offered for a denial decision. X – Draft Planning Commission Recommendation. Attachments are the Rezone Letter of Completeness and the May 23rd, 2016 SEPA determination.

Commissioner Miller asked if the Town of Eatonville has any plans for the Beardson property.

Mr. Clark – No, that is an individual landowner decision.

Commissioner Miller asked how this will affect her taxes.

Mr. Clark explained that his understanding is that it has no affect at all. He is not an assessor so he cannot speak with authority, only by experience and his experience is that they base it off use. As long as it is residential property, it will be taxed residentially and should it change in the future then they will change it.

Commissioner Beach said that assuming the town grows she has the possibility that this property is going to appreciate.

Mr. Clark added that it could change to some other use because it could be zoned with more options.

Commissioner Miller said if it was his property he would want the zoning change.

Mr. Clark agreed and felt that this would be a good thing for Mrs. Beardson being the landowner, which is his opinion. They agreed and that is why the planning commission is here tonight. We had that discussion before it was brought forward. We didn't want to bring forward something that one of the landowners was going to be opposed to.

Co-Chair Justice agreed that if it was her property she also would want it to be commercial too.

Mr. Clark said it makes sense, she is basically sandwiched between two commercial operations. They are not commercial - commercial but they are commercial in nature.

There were no further comments.

Commissioner Beach motion to recommend to the council to accept the rezone as proposed and that we accept the bold underlined type in 14 through 18 of the findings of fact. Seconded by **Commissioner Bertoia**. AIF. 0-Opposed.

COMMENTS FROM COMMISSIONERS

Commissioner Beach said the town now has air blower signs, one at the Cruiser Café and one at the Pawn Shop. "Noodle Man" signs. When we first went through the sign ordinance we were not thinking about these types of attention signs. Need to revisit the sign code.

Commissioner Miller asked if the flashing light on the tow truck has been addressed. He said that there is an ordinance against that. That is a distraction.

Mr. Clark felt that this might be the key to dealing with it is that it is a distraction. Maybe this is an issue to be addressed by the police.

Commissioner Miller said it has the name of the company on the door and it's go the flashing light which is clearly against the sign ordinance. It is a distraction. People use these yellow lights when they work alongside the road. He added that if everyone who had a business had a flashing yellow light it would be an unsafe condition for the people who actually had to work on the roads in his opinion.

Commissioner Beach added that there is still the issue of the truck with the billboard sign that we need to deal with.

Mr. Clark agreed that that is a sign, a directional sign.

Commissioner Beach suggested that the sign ordinance be put on the agenda. Make a list of the questionable ones and find out if the ordinance deals with that. Noodle signs; vehicles with billboard directional signs and flashing lights. Deal with those that the ordinance doesn't deal with now and enforce the ordinance regarding the ones it does deal with. Is it possible to write into the ordinance that the only signs are allowable are those specifically allowable in the ordinance. At that stage we could go onto conditional use permits. The people that sell signs are always thinking about ways of selling them. If we can say in the ordinance "if your sign or attraction or whatever (define it in some way that covers this matter) is not specifically allowed in this ordinance it is not allowed".

Mr. Clark that that this is possible.

Commissioner Beach thought that we need to think about language like that. If they think that they have a legitimate case they can always ask to have the ordinance amended. Which it can be amended by saying that particular thing is allowable or by conditional use permit. Trying to anticipate what everybody is going to come up with is difficult.

Mr. Clark thinks that it is doable but there is some question in his mind about free speech rights. Sign ordinances can be difficult. You can't control the message but you can control the way it is delivered. The key to being successful with that approach would be to have a very detailed and or clear explanation of what it is that is allowed. It introduces another level of effort to try to make sure it is crystal clear what is allowed and that can be difficult. Codes are often easier to write to not go into such detail because when you do that sometimes there are things that are missed. There is generally an element of interpretation that is necessary to implement in that gray area that work. When you try to make it too prescriptive it can become very awkward. And people get very upset, potentially.

Commissioner Beach asked staff to take a look at the sign ordinance. Thinking about these blowing things is simply an example of something that we didn't anticipate. How do we deal with that kind of situation and if that is something that we don't want, given the fact that we have two of them in town now, we might have to put in some provision to allow them for a certain length of time.

Mr. Clark said yes he had recently; he was part of the feather sign addition. So you want to have the planning commissioners go home and think about it and come back with a list of concerns.

Commissioner Beach added that we need to deal with that "truck" again. (Meaning the Landmark Restaurant Truck with the billboard sign).

Commissioner Beach made a motion to adjourn. Commissioner Miller seconded the motion. AIF.

Next meeting: July 18, 2016

ADJOURNMENT

Co-Chairperson Justice adjourned the meeting at 7:55 p.m.

Co-Chairperson Justice

Martin Miller - Secretary

ATTEST:

Kerri Murphy – Recording Secretary