

Planning Commission
June 20, 2005

Chairperson Schneider called the regularly scheduled meeting to order at 7:06 PM

The following members were present: Sandy Ramsey, James Montgomery, Ken Smith, Lisa Cramer, Cindy Maas and Cristi Boyle-Barrett were absent. Also in attendance was Planning Director Dan Staley.

Montgomery moved to approve the minutes of the June 6, 2005 Commission meeting. Cramer seconded the motion and the motion carried. Ramsey moved to approve the minutes of the June 13, 2005 Commission public hearing. Boyle-Barrett seconded the motion and the motion carried.

Neilson Meadows Preliminary Plat Public Hearing Continuation:

Administrator Schmidt stated he would like to enter five new items into the record. They are as follows: Item 46 was the preliminary staff advisory report, facts, findings and recommendations that were handed out at the last meeting; Item 47 is an e-mail from Sitts and Hill Engineer to our City Engineer; Item 48 is a revised preliminary plat map with a conceptual utility plan; Item 49 is the third revised preliminary storm water drainage report and Item 50 is an amended staff advisory report, facts, findings and recommendations. Administrator Schmidt gave a brief summary report of the changes. The City staff and developers had a meeting last week and discussed several issues which resulted in a revised preliminary plat and advisory staff report. The major changes are the proposed flag lots have been eliminated and these lots will now be accessed from the cul-de-sac. Also Tract B which will be deeded the property owners of lot 48 has been enlarged and Tract D which is a property dispute will be deeded to the Skogens as a separate tract. Administrator Schmidt then went over the changes in the staff report with the Commission.

Boyle-Barrett asked on the plat map regarding Tract D in the area it talks about the square footage to be deeded, it states to the owner of lot 48, shouldn't that be lot 50. Administrator Schmidt stated yes it does and he will get that changed.

Montgomery asked how long will the monitoring of the ground water be. Administrator Schmidt stated they talked about one season. Through our City regulations and the MDNS they are required to meet the storm water requirements of the Puget Sound Manual.

Boyle-Barrett asked under the section regarding drinking water and fire protection, why was the required fire flow section deleted. Administrator Schmidt stated they have discovered through the fire department that they meet the fire flow requirements.

Schneider asked about the setback situation again. Administrator Schmidt stated lot 5 and lot 10 are considered corner lots and are two of the lots we are recommending that these two be single story homes. In our zoning code, there basically is no reduction for

corner yards on setbacks, so they basically have 25 foot setbacks on three sides of the building footprint. They are asking that the 25 foot setback on the sides is reduced to 20 feet and that in the rear part of the lot where we say 25 feet that we grant the waiver to go to 8 foot and 12 foot the same as all interior lots.

Maas asked is this map wrong. Administrator Schmidt stated the map show as if the 20' waiver is granted but not the 12 foot waiver. Maas asked if the land is lower than the road, and by how much. Administrator Schmidt stated actually a portion of it is the same height as the center of roadway. Staley stated there is not much fall for this piece of property.

Montgomery stated regarding the heights of lots 5, 6, 8, 10 and 11 does that also include lot 1. Administrator Schmidt stated that was not included based on the public comment from the last meeting. Because of the large area from the retention pond and how far away lot 1 is from Collins Road it should not impact the view.

Jeri Dever, 1574 Collins Road, They just purchased the house directly across from lot 8 and they paid considerably more than the house was worth because of the view. She appreciates that fact that they are making the houses along there single story, however what happens if the owner of the lot across the street from her decide to plant a row of poplar trees there and will then restrict her view, is there anything that can be done with the landscaping. Administrator Schmidt stated there is nothing in the city codes that limit vegetation height. Planning Director Staley stated it is very hard for municipalities to enforce vegetation height on private property; however there can be restrictions within the homeowner's association.

Mike Hargreaves, 610 No. 1st Street, Tacoma. He e-mailed Eric Skogen with the proposal and he is not sure he has been able to read this but there was a verbal agreement that Mr. Skogen would keep these at a certain height for being able to keep them. Mr. Hargreaves also stated that he thinks this builder also wants to protect the view corridor.

Maas stated she was not at the last meeting, she would like to know if it was the commission's recommendation for the city and the developer to get together to work out all these issues. Administrator Schmidt stated at the last meeting there were some questions that the planning commission had regarding some issues and it was their recommendation to continue the public hearing and have a meeting to work some of these issues out and come back with a new amended plat map. Maas asked if this is setting precedence for the City to preserve everyone's views in the growth areas. Administrator Schmidt stated that is up to the Planning Commission. Within the Comprehensive plan it discusses limiting physical barriers. Schneider stated there is going to come a point where views are going to be blocked, however when you have a developer that is willing to work with the existing property owners to protect their views, that is great. Maas had some questions regarding the live storage of the retention pond. Administrator Schmidt explained how the live storage works.

Jan Burley, 182 So. Sergeant Street. She read through the document that was at the last meeting and she didn't read anything regarding the utilities and whether or not they will be underground. Administrator Schmidt stated during staff recommendation it is stated that they have to meet the current design standards which is underground utilities.

Ike Bazzar, 1554 Collins Road. He has been there since 1969. He agrees with Ms. Maas there will be problems with views but not there, they can get around that. The city is recommending single story homes, but that doesn't mean they have to. Administrator Schmidt stated this is the only public hearing. The planning commission will take all the information and make a recommendation to the Council. Mr. Bazzar stated he was hoping that developer and engineer would give more information because at the last meeting they had just received the staff report that day. Mr. Bazzar asked about the water line, will it be replaced, if not why because it will be disturbed. Administrator Schmidt stated that conditions was a part of SEPA review. Mr. Bazzar asked about the services that currently run along Collins, will they be tapped into the new water line. Administrator Schmidt stated yes they will. Mr. Bazzar stated he hopes that the commission makes recommendations for the people.

Mike Hargreaves, they have absolutely agreed that lots 5, 6, 8, 10 and 11 will be single story homes. That is why they have asked for some variances on the setbacks. The goal is to have all the development be single story. Smith asked about the CCR's and putting limitations for the height of the vegetation. Mr. Hargreaves cannot speak for the builder, however he knows the builder would like to have the view corridor protected.

Maas asked if they would be bringing in any fill. Mr. Hargreaves stated they won't be bringing in any fill but the development will fill a little when they dig the holes for the foundations. Also when they dig out for the utility trenches can't be put back in; it all has to be imported fill.

Boyle-Barrett asked during the original public hearing there was talk about cutting back Collins Road by one foot and also has the radius of the cul-de-sac changed at all. Mr. Hargreaves stated the radius of the cul-de-sac has not changed.

Bob Skogen, 520-A Ryan Road. stated Mike the developer has been working very well with Eric and himself regarding all the issues. What he sees on the map is good right now. They have been real good.

Schneider stated regarding the variance on the setbacks since the need for this is brought about by their willingness to accommodate the neighbors by putting in single story homes, he feels we should recommend approval on the variance of the setbacks.

Ramsey asked about the trees on the map, there is a section with slashed lines does that whole section to the property owners of lot 50 or just half of that. Mr. Hargreaves stated the agreement they came up with the Skogens was that they were going to deed the 16 feet where it is on lot 9, the sixteen feet on the side of lot 13 will be a working maintenance easement. It is an easement that allows Mr. Skogen to keep the trees and he

will agree to maintain them but the reality is the lot line stays the same where as on lot 9 the lot line moves. Maas asked what if someone from lot 13 would want to put a fence up. Mr. Hargreaves stated on lot 9 they could put it on the property line, on lot 13 they could put it right inside the easement line.

Smith had several questions regarding the SEPA checklist and forms that may or may have not been filled out completely. Larry Heires, Sitts and Hill Engineers, Inc. answered the questions he could and stated they are already past the SEPA determination process. Administrator Schmidt stated when we go through the SEPA checklist, the applicant prepares the checklist and then the city as the SEPA official reviews that information and issues a determination based on the requirements of the State Environmental Protection Act. Even if they don't provide full detailed information doesn't mean we missed those different items in there. There are three different things that could be issued for the threshold determination. You could issue a determination of non-significance which means there are no impacts related with their project. You can issue a determination of mitigated non-significance, which means there will be some impacts, however there impacts will be mitigated. And lastly you could issue a full environmental impact statement which you would do if there is a major environmental impact. In this case we issued a determination of mitigated non-significance, which states the applicant shall comply with all regulations of the city.

Bob Skogen, 520-A Ryan Road. The trees will be maintained by his son Eric and they will stay the same height as they are now which is about 10 feet. He also stated there are more than songbirds there. They had a buck in their yard the other night, they also have a small family of bunnies and there has also been a cougar sighting there a few weeks ago.

Maas stated when Schneider made the comment about recommending approval on the setback variance, she wanted to clarify that it was his on personal opinion, not a consensus of the planning commission. Schneider stated it was his own personal opinion.

Ramsey asked on the bottom of lot two, what are the rounded lines? Larry Heires, Sitts and Hill Engineers, Inc. when their surveyors are doing survey, they denote any activity that is going on and what they are noting is there mowed grass past the property line.

Maas asked about the existing wood frame building that is going to be deeded to lot 48, who does that belong to? Mike Hargreaves stated it belongs to Shirley Chandler. Maas had a question on lot 5; it seems these lots are being punished with having the large setbacks. Administrator Schmidt stated that is why they are requesting the variance.

Mike Hargreaves stated the question was asked why all the changes had been made. They submitted the plot plan that followed all the codes and regulations; at the last meeting they could have stated they appreciated all the comments but because they followed all the rules and regulations we want this passed the way it is. But instead because we want this to be something the City will be proud of, they went back with the help of city staff and tried to come up with compromises so the neighbors felt like it will

have the least amount of impacts on them. Smith stated he likes the new plan because the lots are larger and he applauds them for that.

Boyle-Barrett asked in the first meeting it was talked about the storm water facility being deeded to the City or having the homeowners association be responsible. Administrator Schmidt stated in the staff recommendation, it will be deeded to the homeowners' association and will need to be changed on the plat map if the commission recommends approval based on staff recommendations. The responsibility of the storm water facility is a very controversial issue and probably always will be. There was a discussion as to whether or not the city could step in if there was a problem with the maintenance of the storm water facility.

Cramer stated it was mentioned that they would like to do the entire development in single story homes. If there were going to be two story homes is there any idea which lots would have two story homes. Mike Hargreaves stated as he said previously the builder would like to have only single story homes so that is what he is looking at.

Maas asked Administrator Schmidt if he is absolutely positive that this development will not cause water back up problems for any of the surrounding neighbors. Administrator Schmidt stated we are absolutely positive that the applicant has to meet the storm water requirements of the Puget Sound Stormwater Management Manual and they cannot create anymore run off from the site other than pre-development conditions. Maas asked if the cities capacity to drain all these as well as the surrounding lots is adequate. Administrator Schmidt stated no it is not, the major storm water line they are draining into has already been identified as being inadequate and is on the cities capital facilities plan to upgrade that. This is not the developer's problem, it is already an inadequate pipe but they are not allowed to generate any more flow than they are already generating. That is why the pond has been designed the way it has to control the flow so it doesn't exceed pre-development conditions. Her concern for asking that is the ongoing water problem in Buckley.

Maas asked how much of Sergeant Street will need to be paved. Administrator Schmidt stated they have to do half street improvements on their side of the development.

Smith stated would like to congratulate Mike and Larry for openly admitting that the city has a water problem and he feels they are being very fair.

The public hearing was closed at 8:36 PM.

Boyle-Barrett stated she feels the developer has done pretty much everything the commission and neighbors have asked and she would like to recommend approval. Schneider stated as the developer pointed out, he didn't really have to come up with a compromise and yet his willingness to work with the planning commission and staff should be duly noted. Cramer stated when we were working on the zoning map one of the issues that came up was the view corridors and having this developer be willing to preserve those is great. Montgomery stated to add to Schneider's comments, for Mr.

Skogen to get up and state the developer has been working well with him and Mr. Bazzar to state if they do what they say he will not have any problems says a lot for this developer. Maas stated she would like to say it was very commendable that he is doing the ramblers, however she is concerned that there are a lot of citizens in this town that don't want change. They feel that if there is a vacant piece of property next to them that it will stay forever, but there is not guarantee that it will stay vacant forever. By folding into wishes of the citizens, are we setting precedence for every one that lives in the middle of a piece of land blocking the views. Administrator Schmidt stated as a planning commission, you don't need to respond to public comment, you are required to review this and make a recommendation based on law and if you interpret the comprehensive plan policy as a physical barrier being a barrier to view then you are not really responding to the citizens so much as you are requiring that limitation because of the comprehensive plan policy. Discussion ensued. Administrator Schmidt stated if you are going to make a motion to approve and it is based on the conditions here, the motion should state that.

Boyle-Barrett moved to recommend to the City Council approving the Nielson Meadows Subdivision with the conditions listed by staff the amended staff report dated 6/20/05. Montgomery seconded the motion and the motion carried.

Deliberations on the Zoning Code:

Planning Director Staley stated he received a letter last week from a property owner on Highway #410 who would like their property to be zoned GC rather than NMU. What we originally intended to do, we could not do because of public testimony, however now we have a property owner who does want to do what we originally wanted to do. They would like their property zoned General Commercial. Another issue he needs to talk about is there is a member in the audience who lives on Sheets Road who was originally zoned at R-8000 and due to public testimony because of critical areas, has been down zoned to R-20000. She was approached by a developer to develop if it was at R-8000. If we were to reconsider this parcel, there would be a little island of R-8000 amongst R-20000 zone with possible critical areas. Boyle-Barrett updated the commission regarding the deliberations of how we changed the R-8000 zoning to R-20000. She was not in agreement with all of this to be rezoned to R-20000 because she knew the east side of Sheets Road does not have steep slopes. Maas stated we didn't base this as much on critical areas as we did not getting services out there for a long time. She thought the decision was because why zone it higher when it will be years before sewer gets out there, leave the higher density closer to the services. Administrator Schmidt stated it doesn't mean it can't happen. If a developer wants to pay enough, they could run the sewer out there. Boyle-Barrett asked can the justification for it being zoned R-20000 be because there won't be sewer out there. Staley stated no. There was discussion as to what the zone was prior to Mr. Sundstrom coming and talking to the commission. Discussion ensued. Montgomery asked the City Attorney for her opinion. Attorney Sampson stated she is expecting a decision for the City of Normandy Park tomorrow on the justification of the density. Normandy Park has submitted theirs with R-20000, R-15000 and R-12000 lots. The only thing she can suggest right now is to follow the legal guidelines of the Growth Management Act. Staley stated the legal guidelines are 4 units

per acre unless justified otherwise and a lack of utilities is not a reason to zone at a lower density than 4 units per acre. Attorney Sampson stated the 4 dwelling unit per acre is one that is going to be challenged. It was the commission's decision to mull this over for the next week and come back with a decision at the next meeting.

Montgomery asked if we could get updated numbers of our projected numbers for the next meeting. Staley stated yes he would.

The next meeting will be June 27, 2005 at 7:00 PM.

Administrator Schmidt stated he would like to have a Planning Commission member accompany him to the City Council on the recommendation of Neilson Meadows.

With nothing further the meeting was adjourned at 9:30 PM.

Wolfe Schneider, Chairperson