

Planning Commission
June 7, 2004

Chairperson Schneider called the regularly scheduled meeting to order at 7:05 PM.

The following members were present: Lisa Cramer, Jay Johnson, Cristi Boyle-Barrett, Sandy Ramsey and Cindy Maas. Terry Wade was absent.

There were some typographical errors that were changed in the minutes. Cramer moved to approve the minutes of the May 17, 2004 commission meeting as corrected. Boyle Barrett seconded the motion and the motion carried.

Schneider stated there has been a request for a change to the agenda. Administrator Schmidt stated he has an issue with interpretation of a use within a business district. Lemco Motors is moving out of their business and a new owner is looking at buying the business. The new owner wants to put in an auto body shop however, the IP zone does not allow for this type of use. Dave Worley stated he used to work with Lee Lynch at this same location when he had his body shop. He would like to use this as a body shop again. There is already the halon system in there and he has already talked to the Fire Department regarding this. This had been used as a body shop in the past for thirteen years. Administrator Schmidt stated the reason this is being brought to the Planning Commission is because the current IP zone allows for heavy machine and equipment repair but does not allow for body shops. He needs an interpretation from the Commission as to whether or not this would be an allowed use. The use has not actually been completely abandoned. The body shop has been, however, the car sales have not been. There is a sixteen year history as body shop/auto sales. Johnson stated if it was once a body shop, it won't take much to bringing it back into compliance. **Johnson moved to approve the use of the body shop. Boyle-Barrett seconded the motion and the motion carried.**

Public Hearing – Meadow Mountain Circle – Phase III

Administrator Schmidt stated the purpose of tonight's public hearing is to take comment on Meadow Mountain Circle Phase III subdivision. The applicant is John Blanus and the contact person is Engineer Andy Rykels of Rykels Engineering. The applicant is proposing to complete Phase III of a 36 lot subdivision. Phase I was completed and received final approval from the City on 4/21/99, phase II was completed and received approval from the City on 4/24/01. This phase III application proposes to create 6 additional residential building lots. All required improvements have already been installed during previous phases of construction. Those improvements already installed consist of sidewalks, new roadways, curb and gutter, storm water detention and drainage, street lighting, signage and all utilities. On-site activities will consist of minor grading/excavation. The site is located north of 4th Avenue and along Norma Street in the recently constructed Meadow Mountain Circle Subdivision. A SEPA determination of non-significance was issued on April 29, 2004. The comment letters received during the SEPA comment period have been included in the packet and will be included in the record. Based upon review of the facts, findings, submitted application, professional studies and reports and preliminary plat map plan, staff has determined that "as conditioned" this proposed project complies with adopted City standards and therefore

recommends approval based on satisfactory compliance with the recommended conditions listed in Section III below. There are 21 standard conditions listed in the staff report. Based on the comment letter that will be entered, there are some items that need to be addressed by the owner, prior to moving forward with construction.

Chairperson Schneider asked if any of the Planning Commission members have any interest in the property or the application or own property within a certain distance of the property subject to the application and/or stand to gain or lose any financial benefit as a result of the outcome of the hearing. Johnson stated he is currently the president of the Mountain Circle homeowner's association. He feels he can remain on this with an unbiased vote. He has nothing financially to gain from it. Schneider asked if anyone had a concern about Johnson remaining on this board. No one had a concern. Schneider asked if any members had any ex-parte communication with either proponents or opponents of the application.

The Public Hearing was opened at 7:24 PM.

Administrator Schmidt stated he would like to enter into the record the full submittal application, items #1-31 that are listed on the exhibit sheet of the staff report. As an additional item, he would like to enter item #32 which is a comment letter from Jim and Karin Wytko who reside at 412 No. Fulton. There is also one more issue that needs to be added to the conditions that Administrator Schmidt will talk about later.

Andy Rykels, Engineer and representative for the owner Mr. Blanuska. As most of the planning commission members are aware, this is phase III of a proposed 36 lot subdivision. All of the improvements for all 36 lots have been designed, approved and installed. As sewer connections have become available, the applicant had to go through another phase of this subdivision. There are no changes in the project from the original application. The work that is left to be done is basically the construction of the homes and the landscaping. They have reviewed the conditions that the city has put on the project and accept the conditions and are asking for approval as recommended by city staff.

Karin Wytko, 412 No. Fulton. She has property adjoining Phase III. She has no problem with homes going in next door. Her basement drain runs to the ditch which runs through lot 5, if lot 5 has to have a fence as she has been told, then the fence would go over her drain field and then they would not have access to it. There is a barn currently on lot 4 which has underground power to their swimming pool and outside electrical outlets. Administrator Schmidt stated for the Planning Commission's benefit, in the staff report and recommendation, there is a condition about the applicant providing the homeowner with an easement for the storm line. They have also agreed to relocate the power in an adequate manner. This is one of the conditions that he was going to have changed in the staff report. It may be a moot point because they have already agreed to do this. Andy Rykels stated the barn will be removed and then the power would have to be relocated. As far as the drainage, this is an unusual situation, what they have proposed is to extend a private drainage easement across the back of lot 5 that would allow maintenance of that drain line. It would still be fenced but the fencing would not preclude access to this. Boyle-Barrett asked if there would be a gate

to provide access. Rykels stated that is possible or the fence would have to be relocated. Administrator Schmidt stated the Planning Commission could circumvent the covenants of the home owners association that the storm drainage easement area could not be fenced.

Karin Wytko was asked by Schneider what they had to do when the storm line was plugged before. She stated they had to have a service company come out and router it all the way back to the house. Schneider stated that wouldn't require them access into the fence. Ms. Wytko stated the last time they were out, there were some cracks in the line already and at some point, the entire line may need to be replaced. Administrator Schmidt stated it would be very difficult to condition an approval of putting a gate there. The City has the obligation to require the easement which grants the adjacent homeowner to that easement and then it is up to the two homeowners to respect and acknowledge that right. Schneider stated it does seem that it would be a good time to have a new pipe put in while construction is being done. Ms. Wytko stated she has no idea exactly where the pipe is located. Administrator Schmidt stated in order to provide the easement, it would have to be located. Ms. Wytko asked how high the fence would be. Johnson stated the covenants state six foot fences are required in the back yards and require the perimeter to be fenced. Ms. Wytko asked if it was legal to put 6-foot fences along highway 410. Maas asked if this meets our fence ordinance. Administrator Schmidt stated yes it does as long as it is not on a corner or does not obstruct visibility. Maas asked if there was any type of an ordinance that it cannot fence a front of a house. Administrator Schmidt stated this is not the front of either yard. Johnson asked if the covenants should be entered into the record. Administrator Schmidt stated yes they should be entered as exhibit #33. Maas asked if Ms. Wytko has a problem with the fence being put up in the front/back yard. Ms. Wytko stated yes she does, it would block her view. She sees nothing attractive about it at all. Boyle-Barrett asked if this pie shape would be buildable. The setbacks would have to be met to build anything there. Ramsey asked if Ms. Wytko ever talked to the property owner about buying this piece of property. Ms. Wytko stated they did have the property surveyed that cost them \$2,000. When they originally bought the home from the Blanusas, Mr. Blanusa stated the development would not be done in his life time so she didn't think she had anything to worry about. Schneider stated he is not sure there is anything the Planning Commission can do about this. There is however the option of a lot line adjustment. Maas asked why wouldn't it have anything to do with the Planning Commission if she is bringing up a valid concern, why wouldn't we address her concern. Administrator Schmidt stated it what is within your legal rights to address and what is not. To require them to maintain a lower fence height when the homeowners association requires it and our codes allow it, he is not sure that is in the legal boundaries of what the Planning Commission can do. Randy Raymond, the City Engineer, agreed with Administrator Schmidt. Discussion ensued. Maas asked after this plat is accepted, would it be too late to have the Wytko's and Mr. Blanusa come up with some type of agreement to have the lot line changed. Administrator Schmidt stated it can be done at any time. One thing the Planning Commission needs to remember is that this is not creating a new lot. If at anytime, Mr. Blanusa wanted to put up a fence there or build a shed on this property, he could. Administrator Schmidt stated he believes there have been some discussions with the property owner over this property.

Administrator Schmidt stated there is another condition that staff would like to have added as G7 and that is the applicant shall be required to disconnect and relocate the power from the barn in a manner that provides the dwelling at 412 No. Fulton in a safe and legal manner. The applicant has already agreed to this but is still needs to be addressed as a condition.

Cramer asked if the CCR's that Johnson had were the same ones that were in the packet listed as exhibit #13. Johnson stated yes they are. Administrator Schmidt stated then we need to delete exhibit #33.

Cramer asked about the archaeology survey and how it is connected to this. Administrator Schmidt stated during the SEPA process the city received a comment letter from the Office of Archaeology and Historic Preservation. They want to have a professional archaeological survey done on all areas proposed for excavation because it is within $\frac{3}{4}$ of a mile of two documented sites. Administrator Schmidt contacted them and asked why now when there have already been two phases with all improvements completed. Ms. Kramer stated they were never notified the first two times and just because work has already been done it doesn't matter; they still have to have the survey done with this phase.

The Public Hearing closed at 8:08 PM.

Maas stated she thinks it looks fine and we should approve it. **Johnson moved to approve Meadow Mountain Circle Subdivision Phase III preliminary plat based on the facts and findings and conclusion in the staff report with the addition of condition G7. Maas seconded the motion and the motion carried.**

Administrator Schmidt stated this recommendation will go before the Council on June 22, 2004.

Discussion on the Development Permit Processing Regulations will be tabled until the next meeting.

Administrator Schmidt reminded the Planning Commission about the special meeting on Wednesday at 7:00 PM. The U of W students will be here to present a very preliminary draft copy of the Comprehensive Plan.

The meeting was adjourned at 8:15 PM.