



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

May 21, 2009
Harpster

Present: Acting Chairperson Scott Harpster, Commissioners Dick Stratton, Karen Scott, and Jake Donoghue.

Excused: Commissioner Gordon Roberts

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green

Guests: Town Council members Carol Clemett and Mike Hillberg, Resident Paula Dix

Acting Chair Harpster called the meeting to order at 7:04pm.

Minutes: Acting Chair Harpster moved to approve the April 16, 2009 minutes as written. Commissioner Scott and Planner Green corrected some minor wording in their statements. Commissioner Stratton moved to approve the April 16, 2009 minutes as amended. Commissioner Donoghue seconded. Vote: 4 For, 0 Against. Motion carried.

OLD BUSINESS: Drafted ROW Use Ordinance

The Town Council is currently discussing the drafted ROW Use Ordinance recommended by the Planning Commission in January. The Council needed some clarification for the drafted ordinance so Council members Clemett and Hillberg came to explain the Council's concerns. The Commissioners reminded the Council members the recommendation sent forth in January was based upon the Council's requested outline last April. The group went through the drafted ordinance section by section, discussing and clarifying where needed. Concerns included whether new, coniferous trees should be planted in the ROW by residents or the Town, and how utilities would be impacted. Pavers and their permeability was a concern, but it was agreed this particular issue should be tied to the building code and discussed separately. Agreement was reached to include address signage, and allow for maintenance and repair of what currently exists in the ROW. There was also concern on the distance and location of landscaping rocks to the edge of the paved road and it was agreed guidance from other entities such as Bellevue or King County may be helpful.

Commissioner Stratton cautioned against legislating too many details, causing an ordinance so tight we have loopholes that work against the goals. He stated a need for this ordinance to be reasonable, using acceptable practices and common sense.

Council member Hillberg stated he saw the drafted ordinance as just a list of what could be allowed, so anything not stated directly would be implied to be prohibited. The Commissioners clarified the drafted ordinance includes what could be allowed, what could be allowed with a ROW use permit when Council permission is sought, and a list

of what could not be allowed at all. After some discussion, Planner Green reviewed the agreed upon modifications to incorporate into the drafted ordinance.

A new section 4.1.9 was added to allow for address identification signs within the right of way.

Section 5.1 was amended to include maintenance of a path ROW and to allow for the removal of noxious weeds and invasive plant species from a path ROW.

Section 6 was amended to include a prohibition against planting noxious weeds or invasive plant species within any ROW.

Other changes that were discussed at the meeting, but were not included in this update, include:

- Allowing the planting of trees in the ROW.
- Specifically calling out installation of landscape lighting.
- Changing the distance from the paved road for placement of landscape rocks. The Ordinance specifies five feet; Commissioner Clemett suggested three and a half feet.
- Defining a standard for "pervious materials." This will be deferred to a later discussion, as it affects other site development and building code issues.

She will amend the drafted ordinance, have the Planning Commissioners review it and then pass it onto the Council so they can continue their process with the ROW Use Ordinance.

OLD BUSINESS: Remodel/Rebuild Definitions

The Town Council had recently heard resident Paula Dix's concerns about zoning code limitations for remodels and came to express their concern. The Planning Commission had already heard from Ms. Dix in March, and Ms. Dix's variance was granted in April, so Council members Clemett and Hillberg thanked the Planning Commission for their time on this issue and mentioned they look forward to seeing the Commission's recommendation on the revised definitions being proposed to the zoning code.

Ms. Dix revealed she just had a survey done, revealing her residence is actually conforming, so the variance was not needed after all, and she is redesigning her addition. She also expressed an interest to hear what the Commission is proposing anyway, as she still shares the goal of retaining character in the village and seeing homes remodeled instead of replaced.

Planner Green shared Clyde Hill's remodel and rebuild definitions she found interesting, upon which the Commission agreed was worth taking a closer look. Clyde Hill chose a value they felt was reasonable for a remodel, and uses a sliding scale to adjust it annually. They also have a percentage of the assessed value tied to a rebuild clause. Commissioners Stratton and Donoghue agreed the sliding scale could be tied to a Marshall Swift reference or other agreeable equivalent.

Discussion ensued over what dollar amount would be considered reasonable for a large remodel in this neighborhood now, and what percentage would encourage a remodel, but not leave a loophole to allow a new structure to be built in a non-conforming location. Consensus was reached at retaining 50% of the structure's exterior, and caps the dollar value at \$500K for existing, non-conforming structures without a variance.

This consensus also allows for a variance application beyond these thresholds, but nonconformity must not be increased.

Planner Green agreed to incorporate this consensus into a draft of new definitions proposed for the zoning code. This draft will be reviewed thoroughly at the next meeting before scheduling a public hearing.

Adjourn: Acting Chair Harpster moved to adjourn the meeting and Commissioner Stratton seconded. Meeting adjourned at 9:12pm. Vote: 4 For, 0 Against. Motion carried.

Next Meeting: The next meeting is Thursday, June 18, 2009 at 7:00pm at Commissioner Scott's home.

Respectfully submitted,
Angela Kulp, Deputy Town Clerk