



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

November 18, 2010

Roberts

Present: Acting Chairperson Gordon Roberts, Commissioners Wade Morlock, Scott Harpster, Karen Scott and Dick Stratton.

Excused: none

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

Guests: Tom Stowe, Councilmember

Acting Chair Roberts called the meeting to order at 7: 02pm.

Minutes: Commissioner Harpster moved to approve the October 21, 2010 minutes as written. Commissioner Morlock seconded. Vote: 5 For, 0 Against. Motion carried.

OLD BUSINESS: Hearing Examiner

Deputy Clerk Kulp noted the Town Council has asked the Planning Commission to hold a public hearing about whether or not the current Board of Adjustment should be replaced with an independent Hearing Examiner. For review at tonight's hearing is a proposed ordinance, replacing current Ordinance 264 , which reflects language changing *Board of Adjustment* to *Hearing Examiner*. The Council wishes for feedback from the Planning Commission and the commission's recommendation on this issue.

Public Hearing: Opened at 7:03pm.

Planner Green explained why potentially replacing the Board of Adjustment was a concern at this time. The reasons included:

- Many variance hearings have been contentious for both the Board of Adjustment members and the applicants, affecting neighbor relations long after the decision
- Frequent resignations have failed to retain Board members for their full terms of six years set by the state
- There has been much difficulty of finding new volunteers wanting to serve, despite personal Mayoral requests, and newsletter postings of vacancies
- Infrequent variance requests have caused repeated trainings for green Board members

Planner Green noted these issues have forced the Council to consider a Hearing Examiner as an option to the Board of Adjustment as variance hearings are a required service for any jurisdiction. She noted other jurisdictions such as Hunts Point, Yarrow Point and Medina all have found a Hearing Examiner to be a workable solution. She also thought an Examiner's experience, consistency and smooth transitions for appeals to higher courts could be assets in hearing variance cases. Councilmember Stowe

noted Clyde Hill still uses a Board of Adjustment, but Planner Green pointed out they have a much larger pool of residents to work with than most of these other jurisdictions.

Deputy Clerk Kulp read a letter received into the record from previous Board of Adjustment member Gail D'Alessio, supporting the change to a Hearing Examiner. Councilmember Stowe and Deputy Clerk Kulp both noted the current Board of Adjustment members to which they have talked, do support a switch to a Hearing Examiner.

Commissioner Morlock inquired about the time differences and expected costs of a Hearing Examiner versus a Board of Adjustment. Planner Green shared a Hearing Examiner may take information under advisement before writing findings of facts within ten days of the variance hearing, whereas a Board of Adjustment usually makes a decision the night of the hearing. She thought a Hearing Examiner would probably be twice the cost to the applicant for processing the variance request. Planner Green noted she supports a switch to a Hearing Examiner. Commissioner Stratton stated he believed there would be no cost to the Town in either solution since all variance costs are passed onto the applicant.

Public Hearing: Closed at 7:33pm.

Commissioner Scott, whose term is expiring, pointed out as the codes have been changed, residents that did not like the code changes were told they could always apply for a variance. She noted she felt the Planning Commission had made good, strong changes to the code that help maximize square footage while she's served. She shared that her concern is the variance process may not always be a good solution, and its process can be difficult. In the future, she suggests the Planning Commission focus on what more could be done administratively for variance requests. She suggested an administrative variance could be added as an option for applicants. She added she would otherwise support a switch to a Hearing Examiner, and she supports an applicant needing a pre-variance meeting with Planner Green to see if a variance really is necessary.

Commissioner Stratton inquired if the Planning Commission could replace the Board of Adjustment and handle both purposes in the same meeting. He clarified he would not want an additional meeting, but would be amenable to having the Planning Commission hear a variance request during a meeting, and following the appropriate guidelines as needed for the quasi-judicial requirements. When polled, none of the commissioners objected, if it were possible.

Commissioner Harpster inquired if there was a way on the Zoning code to note most of the variance criteria are set by the state, since applicants assume they are all set by the town. He also wondered if we could use a lottery system to get volunteers, but Planner Green noted the RCW stipulates the Board of Adjustment terms. Mr. Harpster inquired about the necessity of the experience for the Board members, and Planner Green

explained how personal experience and training goes a long way to understanding and executing the variance process.

Commissioner Stratton moved to recommend to the Council:

- 1) Consolidate the Board of Adjustment into the Planning Commission as discussed, if possible.
- 2) If not possible, the Commission approves the amendments to Ordinance 264, replacing the Board of Adjustment with a Hearing Examiner.

Commissioner Scott seconded. Vote 5 For, 0 Against. Motion carried. Deputy Clerk Kulp will advise the Council of this recommendation from the Planning Commission.

OLD BUSINESS: Shoreline Management Update

As Commissioner Harpster suggested at the October meeting, all commissioners made a list of their suggested preferred allowed uses for the Shoreline to include in the regulation discussion.

Commissioner Stratton had a drawing with many future projects he envisioned, which he explained would enhance the livability of the community waterfront, around picnic areas, boat docks and ramps among others, including adding covered boat storage. He reasoned if we think big, we can make sure all future potential dreams could be included in the regulations.

Planner Green reminded the commissioners the purpose of this exercise is not for specific projects, but to make sure the uses now and in the future are defined broadly enough in general terms to include what is needed with no net loss, keeping the state guidelines in mind.

Commissioner Morlock had a very comprehensive list of the widest possible uses and general categories, as did Commissioner Harpster, who added even a few more to his list, both too numerous to mention. He noted though he would not support covered boat storage, and Commissioner Scott said she would not support it either. She liked Commissioner Harpster's suggestion of an additional sport court, and said she would like to see more sailing docks, and dock security.

Commissioner Roberts shared he would love to see gravel and rocks added in front of all bulkheads he thought should be retained, as they exist now. He reasoned that would be easier than WABA's plan for restoring the shoreline, and reasoned it should still work for the fish. Commissioner Stratton concurred.

Planner Green stated the next step on the Shoreline regulations is that she will compile a master list of preferred uses for January's meeting since we are on track for the grant and have met the required nine meetings for 2010. She continued that much of 2011's meetings would focus on drafting the master shoreline regulations.

NEW BUSINESS: Vacancy

Tonight's meeting was determined to be Commissioner Scott's last since her term expires 12/31/10 and there will not be a December meeting. Deputy Clerk Kulp stated she would put a notice in the next Town bulletin of this vacant position. Councilmember Stowe also encouraged all the commissioners to think about neighbors they would recommend for her replacement. Once someone has accepted the Mayor's offer, confirmation by the Council is required prior to joining the Commission.

Adjourn: Acting Chairperson Roberts moved to adjourn the meeting and Commissioner Scott seconded. Meeting adjourned at 8:10pm. Vote: 5 For, 0 Against. Motion carried.

Next Meeting: The next meeting will be on Thursday, January 20, 2011, 7:00pm at Commissioner Harpster's home.

Respectfully submitted,
Angela Kulp, Deputy Town Clerk