



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

Special Council Meeting
October 12, 2008
Leider

Mayor Rose called the meeting to order at 5:30 pm.

PRESENT: Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Richard Leider, Aaron Sharp and Bruce Young.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Town Planner Mona Green.

GUESTS: Jake and Pam Donoghue, Sylvia Hobbs, Jeff Jochums, Scott Harpster, and Anita Carroll.

JOCHUM REQUEST TO INCREASE THE ALLOWED ENCROACHMENT INTO THE UNUSED STREET ROW: Mayor Rose reopened the discussion and directed the Council to proceed to the site of the Jochums new home. During the site visit, the Council walked the entire length of the unused street ROW, viewed the new storm drains, and viewed the SW property marker that Jochums share with Sylvia Hobbs. During this visit, Mr. Jochums backed one of his vehicles out of the underground garage to show how tight the space is without use of the ROW. The Council then returned to Councilmember Leider's home to complete their discussion.

Town Planner Green reread portions of the Building Officials lists of violations to the Council and explained that other jurisdictions require that submitted plans show all proposed uses of the adjacent ROW. She commented that the Building Official has issued a Temporary Certificate of Occupancy to the Jochums, which allowed them to move in to the home while they address the remaining violations. She added that a Final CO will be issued when all remaining violations are corrected or resolved and that the deadline for this resolution is November 10, 2008.

The Council then discussed options for ingress/egress from the property, the change in grade attributable to the use of pavers instead of gravel, and whether the irrigation system should remain for some period of time to ensure the survival of plantings on the ROW.

Mayor Rose then asked for comments from the public.

Anita Carroll read an item from the most recent newsletter that reminds residents of our rules for temporary parking on Town ROWs and commented that she is concerned that the Council is talking tonight about allowing permanent parking on one ROW in Town.

Sylvia Hobbs reiterated her concerns as expressed at the meeting last Tuesday (October 7, 2008), particularly with regard to stormwater runoff issues.

Jeff Jochums commented that the pavers he used are engineered to distribute water better than gravel does. He then stated that failed to obtain advance approval for these improvements because he didn't understand the requirement.

Scott Harpster commented that the Planning Commission is discussing ROW-use issues and in considering allowing one parking space per household in the ROW. Jake Donoghue added that the Planning Commission will need to deal with the ROW as both a street presence and a trail/green space presence.

Mayor Rose summarized that there is a motion before the Council that addresses the parking and paver issue but no motion dealing with the landscaping and irrigation issue. He directed the Council's attention to the standing motion, which Clerk-Treasurer Spens read for the record:

MOTION: Councilmember Leider moved to allow conditional approval of the pavers as follows:

- 1. That portion of the driveway that is needed for safe ingress/egress would get full approval.*
- 2. That portion of the driveway / parking area that is outside the area described in #1 will be removed at the owner's expense immediately if so requested by the Town.*

Councilmember Sharp seconded.

On discussion, Councilmember Eulau asked what the perceived concern is about developing this ROW. Town Planner Green answered that the concern is that the property does not belong to the Jochums and therefore is not theirs to develop without the Council's permission.

Councilmember Clemett commented that many residents have parking on the ROW in front of their homes and that the Town hasn't always been clear about what is and isn't allowed in this area. She added that this particular ROW has a history of use as a green space and maintained path and that other owners had to remove encroachments from it in recent years. She remarked that she is having difficulty balancing the lack of clarity with the desire to protect this particular ROW.

Councilmember Young stated that it seems to him that there is more than enough room to back out of the garage safely with an additional six feet of width and asked what portion of the surface is and isn't need for safe ingress/egress. He then asked if the Town was going to require immediate removal of any pavers that are not approved.

Mayor Rose answered that it is likely that all the pavers could remain in place until the Town requested their removal.

Councilmember Sharp asked if the pavers as constructed would have been allowed if the Jochums had placed their garage on the other side of their lot. Town Planner Green

answered that any reconstruction project presents an opportunity to bring the property involved into compliance with the existing designs rules for the community and to reduce the impact of the property on its neighbors. She added that it is difficult to answer such questions with specificity other than to say that the property owner would have to meet the rules and regulations of the Town's zoning and building codes.

Councilmember Leider stated that the situation here is unique because of the way the property is sited relative to the "normal" ROW, because of use of the 104th ROW by prior owners, and because the Council needs to protect the Town property throughout the process.

Mayor Rose pointed out that if this parking is developed on public property, it is necessarily open to any member of the public for parking.

It was the consensus of the Council to amend the earlier motion for clarity now that all Councilmembers have visited the site and viewed the locations of the property corners, the driveway pavers, and the landscaping.

AMENDED MOTION: Councilmember Leider moved to allow approval of the pavers as follows:

1. That portion of the driveway that is needed for safe ingress/egress would get full approval. Safe ingress/egress to be determined by a competent professional hired by the applicant and acceptable to the Town.
2. That portion of the driveway / parking area that is outside the area described in #1 would get conditional approval such that this portion will be removed at the owner's expense within thirty (30) days if so requested by the Town.
3. Upon completion of the determination in #1, a plan clearly illustrating the areas of approval and conditional approval will be recorded with King County by the applicant. The applicant will also file a copy of the recorded document with the Town.

Councilmember Sharp seconded.

On discussion Councilmember Eulau reported that he has been contacted by a number of constituents who oppose approval of this encroachment. He added that he has struggled with his role in this action and has concluded that he cannot support the request. He expressed concern about the ongoing impact of approving such a request where the applicant has built first and asked permission afterward and wondered if the Council will continue to proceed in this fashion.

Vote: 4 For, 1 Against (Eulau), 0 Abstain. Motion carried.

Councilmember Clemett then asked the Council to focus for a moment on the proposed landscaping and irrigation improvements.

MOTION: Councilmember Clemett moved that:

1. Rocks along the path and the address sign for the house be removed from the ROW.

2. The applicant prepare a planting plan for restoring the ROW and submit that plan to a subcommittee of the Council for review and approval. The plan must include at least 75% native species and must restore the areas affected by installation of the storm drains.
3. The irrigation be allowed to remain for two years to allow the landscaping to flourish. After that time, the property owner must remove the irrigation at his/her expense.

Councilmember Leider seconded.

On discussion, Councilmember Sharp pointed out that the intent for this landscaping is to restore the path to the feeling of density that existed before this house was built but with native plants. Mayor Rose suggested that Councilmembers Clemett and Eulau form the subcommittee to review the Jochums proposal.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

ADJOURN: Councilmember Eulau moved to adjourn the meeting at 6:30 pm.
Councilmember Clemett seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer