

TOWN OF GARFIELD
PLANNING COMMISSION PUBLIC HEARING AND MEETING MINUTES
March 8, 2010

CALL TO ORDER: Phil Weagraff called the Planning Commission Public Hearing to order at 7:00 PM.

ROLL CALL: Paul Hendrickson, Tammy Howard, Kevin Pickron, Tami Southern, Damon Vassar, Phil Weagraff, and Planning Commission Secretary Annie Pillers. Absent: Andrew Flodin. Guests: Peter Volk (7:04).

BOARD QUALIFICATION:

Phil Weagraff asked each member of the Planning Commission the following questions.

- a. "Does any member of this Board have a personal or financial interest in this matter or its outcome? Paul Hendrickson, on one issue.
- b. "Does any member of this Board live or own property within 300 feet of the area which is the subject of this proceeding?" Yes, Phil Weagraff and Paul Hendrickson.
- c. "Is there a member of this Board who believes that he or she cannot sit and hear this matter fairly and objectively?" No.
- d. "Is there a member of this Board whose employer has a personal or financial interest in this matter or its outcome? No.
- e. "Is there any member of this audience who feels a member of this board cannot judge this issue fairly? No audience present at time.

Phil Weagraff then read:

The laws of the State of Washington provide that, "During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding."

Phil Weagraff indicated the public hearing could be handled one of two ways, in order of Stephen Bishop's comments or tackle Agricultural zoning first. With Peter Volk present, the commission decided to start with comment on the Agricultural Zone considerations.

Phil explained originally the town council proposed one Ag Zone with the smallest lot size being 1 acre. The town discovered in the last week that the current Ag 2 Zone lot size is not a problem. However, they still want the planning commission to consider either one Ag Zone or a couple Ag Zones. It was noted the current minimum lot sizes for the Ag Zones are 20,000 square feet for Ag 1, 40,000 square feet for Ag 2 and 2 acres for Ag 3. Phil indicated he was in favor of more of a transition in lot sizes from the Ag Zone. It was noted this meeting was about brainstorming findings of fact to see if the commission sees a need to make a change or if they don't see a significant need to make a change.

AG ZONES – lots sizes/number of zones

Council consensus was to send the following recommendations to the Planning Commission: change the lot size in Ag 3 from 2 acres to 1 acre and to consider consolidating all three Ag Zones into one Ag Zone carrying forward all the outright and conditional uses.

Paul Hendrickson did not believe there was a problem with the existing Ag Zoning. He said the mayor thought the property was in Ag 3, but then discovered it was Ag 2. Phil Weagraff confirmed the Planning Commission was asked to consider a one acre minimum lot size.

Damon Vassar asked if there was a disadvantage to having a 1 acre lot size. Pete Volk talked about the current market condition in Pullman and 5 acres parcels closing at \$120,000. He said the parcels in Garfield have not been designed yet. Just last week the property was flown for it to be designed. He thinks they could sell them for \$50,000 a piece and have a profit margin. Paul Hendrickson said he had a similar finding. He noted his property was already engineered. Peter Volk said in talking with the Mayor, they had talked about a little heavier residential look near the tower, but that he just doesn't see people traveling to Garfield to buy a residential lot, hence the larger parcels. He said if it was zoned appropriate, you could buy 5 and sell off 3 acres near the water tower. Pete said he did not see a disadvantage as long as they could have septic. Infrastructure costs would hammer them if sewer was required.

Paul Hendrickson said if the entire property was zoned for 1 acre lots and the developer sells 5 acres then the buyer becomes a competitor. It would become a hodge podge development. He also said to remember there are no street lights up there and there are no roads, no fire system to support that kind of development. Phil Weagraff said he assumed they didn't want to change anything. Peter Volk said he didn't want to build a road for that type of 1 acre lot density, noting 1 acre lots would require asphalted roads. Paul Hendrickson said that would require different fire hydrant requirements. Phil Weagraff commented on splitting 5 acres once into 2 acres as opposed to 3 or 4 splits on 5 acres. Paul Hendrickson again noted no street lights in the area and that Avista would put farm lights on private property, providing a rural feel.

Phil Weagraff asked about the number of potential lots. Peter Volk said some of the lots are unusable, and some are larger than 5 acres. He thought there were 17 to 18 parcels. Paul Hendrickson said he had 15 more lots himself, 3 to 6 acres. Peter Volk said he did not want the unintended consequence of thinking you were giving greater flexibility with smaller lots, but then have more infrastructure required. He said there would be a potential for 35 families. Paul said, if after the lots were sold, then someone could come in about talk about a rezone. Those right in the perfect spot.

Kevin Pickron recommended, even if engineering large lots, the planning commission would still have to plan roads with the intent that they could go to smaller rezones later. The commission discussed the garbage truck getting around in the area. Kevin expressed concern that the roads be built to provide for safety of kids, school buses, etc. There was concern with the current condition of the road going past the Southern's as well as the county road to the proposed development. It was further noted, right now there is no road access from the North end of the property, only from the county road at the lower end.

Paul Hendrickson recommended 3 to 5 acres to control the situation. Peter Volk said the magnet to get out of Pullman is the rural lifestyle. Paul Hendrickson agreed with Pete's assessment, that the appeal to moving to Garfield was having land. Tammy Howard indicated she did not see any advantage to changing the current Ag Zone requirements and recommended leaving it alone. Kevin Pickron said he would like to look into extending the road into the town. He said the town would be able to control it. His concern was maintenance of the road when more traffic starts using the road. As a stop gap, he recommended at least paving it part way out and putting speed bumps close to

town. Everyone agreed with additional housing, there would be a larger tax base to help with maintenance.

In summary, Phil Weagraff said he was hearing that if smaller lots were purchased there would be more traffic (but that smaller lots would not sell); the road was not made for excessive traffic; there would be increased town expenses; there would be problems for access by the garbage truck; there were no planned street lights; and the smaller lots were not appealing to the commuter buyer. Larger lots would have less town involvement and less expense; less congestion, more appealing to buyers; and more revenue to the town because the lots would actually be purchased.

Peter Volk asked about not dedicating roads to the town, even when finished. Pete expressed the need for a road to the school as he would prefer to see traffic go through the school and through downtown. There was some discussion of having a road that could simply be closed off for the winter, but it was agreed that was not a real solution.

Peter Volk said, as he understood it, the town would just leave it the same for now. Peter left the meeting at 7:44 PM.

With no public now in attendance, Phil Weagraff closed the public hearing at 7:45 pm and opened the Planning Commission Meeting.

The commission briefly discussed the Ag Zones further. Kevin Pickron said he would consider rezoning if the town had the infrastructure but it doesn't. Phil Weagraff said even with that, he was not sure he would consider a change. He felt the developers knew the market and the goal is to have more people living here. Tammy Howard said there was plenty of room in the Ag Zone 1 with the smaller lots. Paul Hendrickson said if these sell, there are others that will step up and do something. If the town needs half acre lots then, the planning commission can do that. He said the town will only have the demand if have more people here.

PROPOSED ZONING CHANGES

The commission then discussed the following proposed zoning changes.

24.04.060 – DEFINITIONS

Change –

ACCESSORY BUILDINGS. Currently reads - Any structure incidental, appropriate, and subordinate to the main use of the property, and located on the same lot, or in the same building as the main use. Change to add "attached to" the same building and strike "in" the same building. Proposed – "Any structure incidental, appropriate, and subordinate to the main use of the property, and located on the same lot, or **attached to** the same building as the main use."

Attorney Review Comment: ACCESSORY MEANS SOMETHING SEPARATE. A STRUCTURE THAT IS NOT ATTACHED TO THE BUILDING. THE ADDITION OF "ATTACHED TO" NEGATES THE DEFINITION OF ACCESSORY BUILDINGS.

Based upon attorney review, it was decided not to consider a change to this definition.

COTTAGE INDUSTRY. Currently reads - A business conducted from an accessory building of a residence, provided that no more than two outside individuals are employed at any given time. The business must be owned and operated by the person or persons living in the residence. Replace "business" with "commercial activity". Proposed - A **commercial activity** conducted from an accessory building of a residence, provided that no more than two outside individuals are employed

at any given time. The business must be owned and operated by the person or persons living in the residence.

Attorney Review Comment: COTTAGE INDUSTRY MEANS OUTSIDE OF THE HOME BUT LOCATED ON THE SAME PROPERTY. THAT IS WHY THERE IS A HOME OCCUPATION DEFINITION, WHICH ALLOWS EMPLOYEES. I SEE NO PROBLEM USING "COMMERCIAL" IN PLACE OF BUSINESS – A COURT WOULD MAKE NO DISTINCTION BETWEEN THE TWO WORDS IN THE CONTEXT OF THE ZONING ORDINANCE.

It was decided to go ahead and consider this proposed change.

HOME OCCUPATION. Currently reads - An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwellings use for living purposes and does not change the dwelling's character. Change to add "with no more than 2 outside employees."

Proposed - "An accessory use of a service character conducted within a dwelling by the residents thereof, **with no more than 2 outside employees**, which is clearly secondary to the dwellings use for living purposes and does not change the dwelling's character."

Attorney Review Comment: NO COMMENT.

It was decided to go ahead and consider this proposed change.

MOBILE, MANUFACTURED, OR MODULAR HOME. Proposed – change as needed to meet current state statutes. Annie Pillers will follow up with Stephen Bishop.

Attorney Review Comment: STATE LAW HAS GOOD DEFINITION (RCW 46.04.302) – DOES NOT INCLUDE MODULAR HOMES. MODULAR ARE A DIFFERENT KIND OF CREATURE – THAT IS TECHNICALLY A MODULAR HOME . WALLS BUILT IN A FACTORY AND HAULED ON A TRUCK BACK.

It was decided to consider striking the word modular and have a separate definition for modular home.

Add –

MULTIPLE FAMILY DWELLING: A dwelling unit containing 3 or more units or containing 3 or more families.

Attorney Review Comment: NO COMMENT.

It was decided to go ahead and consider this proposed change, adding a multiple family dwelling definition.

WIND TURBINES: Phil Weagraff read from Whitman County's definition of wind turbines and setback requirements and fencing. The commission talked about if wind turbines were allowed in town, what would be the best zones. There was discussion of either in AG-2 or AG-3 as a conditional use. Phil suggested a minimum area of 5 acres. It was noted the turbine base requirement would vary if it was for commercial use versus personal use. Setbacks discussed included 50 feet or at least 20 feet from the fence line. The commission agreed further research was needed on wind turbines, setback requirements from the base, footprint and height restrictions, etc.

Attorney Review Comment: NO NEED SEEN FOR THIS ADDITION WITH WINDS NOT SUSTAINED IN THE AREA AND COSTS.

Phil Weagraff said with technology changes the chance for wind turbines would be more likely and you won't need to have sustained winds. Kevin Pickron suggested the planning commission leave things as they are and if a person wants to place a wind turbine, they do so as a variance. This gives people within a 300 foot radius notice. Tammy Howard didn't see any problem, except maybe for noise. Phil Weagraff suggested a 5 acre minimum piece of land for a wind turbine.

It was decided not to consider a change by adding this to the zoning definitions.

Outright Uses

C – Currently reads - Raising and/or of animals with restrictions – Refer to Animal Ordinance. Strike “and/or”. Proposed – **“Raising of animals with restrictions – Refer to Animal Ordinance.”**

Attorney Review Comment: NO COMMENT.

D – Currently reads - Accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property. Strike “structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property” and add buildings. Proposed – **“Accessory buildings”**

Attorney Review Comment: NO LEGAL REASON TO CHANGE. THE CHANGE, AS PROPOSED, WOULD BE MORE CONFUSION TO LAY PERSON.

It was decided not to consider a change.

E – Currently reads - 1 or 2 family dwellings. Strike “or 2 family dwelling”. Proposed - **“1 family dwelling or duplex.”** Consider allowing E outright use in all three residential zones.

Q – Currently reads - Industrial uses, etc. Strike “etc.” Proposed – **“Industrial uses.”** Phil Weagraff suggested leaving industrial uses in both lists of outright uses and conditional uses and let the zone define the use.

Conditional Uses

a. Currently reads - Home occupation in home with no more than two outside employees. Strike “in home with no more than two outside employees.” Proposed – **“Home occupation”**

Attorney Review Comment: NO COMMENT.

n. Currently reads - Industrial uses not permitted outright. Strike “not permitted outright.” Proposed – **“Industrial uses.”** Phil Weagraff suggested leaving industrial uses in both lists of outright uses and conditional uses and let the zone define the use.

Attorney Review Comment: NO COMMENT.

ZONES

Tammy Howard noted there were a variety of lettering/formatting problems within the zone descriptions. It was agreed these would be cleaned up with the changes to be made. Tammy noted the following: F1-2 Q and R in Outright Uses are mismarked, R-1 S and T in Conditional Uses are in the wrong order and R-2 G Animals for profit should read Animals for sale.

Kevin Pickron asked about the existing mobile home park as it relates to zoning. The only zone that currently allows for mobile home parks as a Conditional Use (i) is R-3 but the existing mobile home park is in R-1. The question raised was if the existing mobile home park was currently grandfathered in the zoning code. Clarification would be sought on this matter.

FI-2 Setback Requirements – Add “**15 ft. setback from adjacent property lines for commercial and residential uses.**”

Attorney Review Comment: NO COMMENT.

R-2 Conditional Uses – Currently reads - “g. Animals for profit”. Replace profit with “sale”.
Proposed – “g. **Animals for sale**”

Attorney Review Comment: THERE IS A MISUNDERSTANDING WITH THE TERM “FOR PROFIT” IT DOES NOT JUST MEAN FOR SALE. AN EXAMPLE WOULD BE SHEEP (OR LLAMAS) RAISED FOR CUTTING OF THEIR WOOL TO BE SOLD.

It was decided to correct the zones to read “Animals for profit”, not for sale.

NEXT MEETING: Monday, March 15, 2010, 7:00 PM, Garfield Town Hall. A draft copy of Findings of Fact would be available for review, correction and consideration for adoption at the March 15th meeting.

ADJOURNMENT: Kevin Pickron **MOVED** to adjourn the meeting at 8:10 PM. Paul Hendrickson seconded the motion and the motion carried unanimously.

APPROVED: _____
PHIL WEAGRAFF, Chairman

ATTEST: _____
ANNIE PILLERS, Clerk/Treasurer