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Meeting Minutes
City of Duvall Planning Commission Meeting

Date: September 29, 2021

Time: 7:00 PM

Place: Via Zoom <https://us06web.zoom.us/j/81448425157>

Commissioners Present: Laura Bradley, William Chappell, Ronn Mercer, Mike Supple, Elaine Sawyer (Absent: John Isaacson, Eric Preston).

Staff Present: Troy Davis, Senior Planner; Asela Chavez, Assistant Planner/Permit Specialist.

Call to Order – Flag Salute

The Planning Commission meeting was called to order by Commissioner Sawyer at 7:01 PM.

1. Approval of the Agenda

It was moved and seconded (*Supple/Chappell*) to approve the agenda for the September 29, 2021 Planning Commission meeting. The motion passed 5-0.

2. Announcements

Troy Davis, Senior Planner, gave the following announcements:

- a. The City appointed a new City Administrator last night; he served in the Navy for several years and he will begin employment mid-October.
- b. We are postponing the PC walking tour due to COVID restrictions; we anticipate rescheduling for spring.
- c. The City Clerk is moving on to a new job opportunity with another City, so we are recruiting for that position.
- d. We are beginning the mid biennium budget process with City Council next week.
- e. Planning is applying for a Department of Commerce grant to complete a Housing Needs Assessment and Action Plan. This would be an 18-month project.
- f. We will restart the final phase of the SMP update late November or early December. The project has been reviewed by Commerce and is now ready for a final workshop and public hearing.
- g. The City entered into a moratorium last Tuesday. More information is available online and through the email sent by the Community Development Director.

3. Adoption of Minutes

It was moved and seconded (*Mercer/Chappell*) to approve the August 25, 2021 Planning Commission meeting minutes. The motion passed 5-0.

4. Comments from Audience

Councilmember Rick Shaffer is in attendance of tonight's meeting.

5. Unfinished Business

None.

6. Workshop

None.

7. Public Hearing

A. Proposed 2021 Comprehensive Plan Amendments

Commissioner Sawyer opened the public hearing for the Proposed 2021 Comprehensive Plan Amendments at 7:09 P.M. Commissioner Bradley disclosed that she is a resident of the area but has no other connection to the properties subject of the hearing.

Troy Davis, Senior Planner, gave a PowerPoint presentation introducing the Proposed 2021 Comprehensive Plan Amendments. Mr. Davis entered into the record exhibits 1 through 54. Mr. Davis discussed the proposed amendments, the properties' current situation, and the difference between the current and proposed zoning designations.

Public Comment:

Nazeer Uddin, owner of the 26649 NE 143rd Pl property, testified in opposition due to concerns over the rezone making his property lose develop potential and the fairness of the process to determine rezoning the property from R20 to R12. Mr. Uddin expressed interest in finding other ways to preserve the trees on his property.

Marc Boettcher, owner of the 26669 NE 143rd Pl property, testified in opposition due to concerns over the frequency to which codes can change that makes unpredictable preparing plans and the potential losses that can incur from the rezoning. Mr. Boettcher expressed interest in working with the City to develop a solution where the property exceeds code requirements.

Mr. Davis responded by stating that the main issue with these properties is meeting the minimum density required for development. The City cannot require property owners to set up an easement or a protected area. Mr. Davis noted that the goal of the Tree Protection Ordinance is protecting trees more than replacing trees and the intent of the rezoning is to provide room for development while conserving tree canopy. Mr. Davis also noted that the proposed rezoning is consistent with the density in the vicinity.

Councilmember Rick Shaffer asked whether exceptional trees can be removed to make room for residential housing. Mr. Davis responded that this is correct and that to meet minimum density, many trees would need to come out. Mr. Davis noted that the attempt of the rezoning is to provide for multifamily development and preserve as many exceptional trees as possible.

Planning Commission asked questions and provided comments. The following points were made:

- The City making rules that impact property owners is problematic.
- Do minimum densities refer to the minimum number of dwelling units that can be built?
- Can the zoning designation R20 be maintained while meeting minimum density and protecting the trees for the Uddin property?

Mr. Davis responded, stating that the intent of the rezoning is to reduce the amount of land that needs to be consumed to meet minimum densities so that we can retain the greatest number of exceptional trees possible; otherwise the exceptional trees would need to come out. The City cannot say with 100% certainty whether the Uddin property can meet all requirements because development plans for that property have not been submitted to the City for review.

Mr. Boettcher again testified in opposition due to concerns that the rezone would mean a great loss in value for his property and making it infeasible to do business.

Mr. Uddin again testified in opposition by stating that the due diligence of this case is not convincing and that the current zoning could be preserved while meeting code requirements.

There were no clarifying questions from the audience.

The Public Testimony was closed at 8:29 P.M. Chairperson Sawyer experienced technical difficulties, Vicechair Chappell assumed charge of the meeting.

Planning Commissioners asked additional questions regarding the Comprehensive Plan Amendments. The following points were made:

- The City developed the tree protection ordinance over a number of years and taking into consideration community feedback. There were also many opportunities for the public to provide comments on the proposed ordinance.
- The City and the Planning Commission have a responsibility to modify codes considering what is best for the community.
- There is little evidence of whether both property owners will struggle to meet density requirements and the Tree Protection Ordinance with the current zoning designation.
- It is difficult to make a decision without seeing proposed site plans in the properties.
- There are mechanisms for properties to “grandfather in” or vest a property, like development agreements.
- The intent of the Municipal Code and the Tree Ordinance was to apply to existing property owners as well as new and not only to impact developers.
- Property owners are more suited than Planning Commission and City Council to determine the highest and best use for their properties.

Mr. Davis noted that Planning Commission is not required to make a decision tonight. Planning Commission moved to wait to make a recommendation.

The Public Hearing was concluded at 8:46 P.M.

8. Good of the Order

None.

11. Adjournment

The meeting was adjourned at 8:46 PM.