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**Meeting Minutes**  
**City of Duvall Planning Commission Meeting**

**Date:** October 13, 2021

**Time:** 7:00 PM

**Place:** Via Zoom <https://us06web.zoom.us/j/82145207587>

**Commissioners Present:** William Chappell, John Isaacson, Ronn Mercer, Elaine Sawyer, Mike Supple. Commissioners Laura Bradley and Eric Preston joined late.

**Staff Present:** Lara Thomas, Community Development Director; 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 (*Chappell/Isaacson*) to approve the agenda for the October 13, 2021 Planning Commission meeting. The motion passed 6-0.

**2. Announcements**

Lara Thomas, Community Development Director, gave the following announcements:

- a. The new City administrator is starting next week. He will be attending one Planning Commission meeting later this year.
- b. The City is looking for a new hire for the city clerk position, applications are now open.
- c. City staff have started the bi-annual budget amendment process. All sectors are doing better than last year which reflects in the local sales tax. The City is evaluating implementing a one-time construction tax.
- d. The City is also working on a financial analysis and our legislative priority updates. Various bills at the state level will impact land use regulations.
- e. Planning applied for a grant for a Housing Needs Assessment. Results will be announced by the end of the month.
- f. The City is looking to start a transportation plan update next year.
- g. City Council is holding a Public Hearing regarding the sewer moratorium the first week of November.

Commissioners asked for a status update on the King County growth targets. City staff reported that the county is currently on the adoption process. Ms. Thomas also offered more information on the sewer moratorium.

### **3. Adoption of Minutes**

It was moved and seconded (*Supple/Mercer*) to approve the September 29, 2021 Planning Commission meeting minutes. The motion passed 7-0.

### **4. Comments from Audience**

Marc Boettcher, property owner, inquired about the expected timeline for the sewer moratorium and the planned wastewater plant expansion. Ms. Thomas responded the City doesn't have enough information to provide a definitive timeline.

### **5. Unfinished Business**

#### **A. Planning Commission Recommendation – Proposed 2021 Comprehensive Plan Amendments**

Lara Thomas, Community Development Director, provided an update on the proposed 2021 Comprehensive Plan amendments process. Both Planning Commission and City Council will be holding a second public hearing. The packet for these procedures will now include a future land use map with the proposed zone changes. Planning Commission will not be making a recommendation at today's meeting. The new packet will show two maps for the proposed rezones, R12 and R8.

Planning Commissioners made the following questions and comments:

- a. Proposal that the City holds the rezone of the properties on amendments CPA21-002 through CPA21-005 for five years.
- b. The properties could lose value if the rezone happens from R20 to R12 or R8.
- c. Are cities allowed to rezone properties in this manner?
- d. The role of the Planning Commission is to represent the broader community.
- e. These properties could change hands, and current representation could be different at the time of development.
- f. It is not clear when the property owners intend to develop.
- g. The City of Duvall and its citizens take tree protection seriously. They spent years researching and planning the Tree Protection amendment to the city code.
- h. Could there be a legal challenge for treating the properties differently?
- i. Would not support the properties being treated differently when neither of them has submitted a formal proposal.
- j. Would not support a development agreement without a protection proposal.
- k. There are various ways to protect trees and the Commission is not in a position to determine the best use of the properties.
- l. Where is the evidence that it would be challenging to develop these properties with the existing zoning?
- m. Why is the City not recommending R8? Is it possible for the city to eliminate minimum density requirements?
- n. What happens if Planning Commission denies the rezoning? Can the City deny any application that does not comply with tree retention and grant variances?

Staff Response:

- a. Cities are allowed to zone and rezone, it is within state statute, and it happens often for various reasons and most typically during a periodic update to the comprehensive plan.
- b. The City went through a pre-application process with one of the properties before.

- c. It is not clear whether the City could legally do a grandfathering and leave the properties in stasis. Concomitant rezones are possible, they are a development agreement process and would be another way to approach this situation.
- d. Developing properties zoned R20 is a challenge with or without trees. City staff could potentially revise this zoning designation to make it easier for development to comply and the city to have more housing options.
- e. R8 takes more space. Minimum density is needed to model and plan.
- f. Variances are generally not used for tree protection; they involve a Hearing Examiner's decision and have a heavy burden of proof. The City would exhaust site planning before allowing tree removal. (less town homes and more condo/apartments).

**6. New Business**

Ms. Thomas noted that Planning Commission will continue holding meetings remotely for the rest of the year.

**7. Good of the Order**

None.

**11. Adjournment**

The meeting was adjourned at 8:16 PM.