



MINUTES OF THE  
PLANNING COMMISSION

JULY 20, 2016

*Council Chambers, City Hall  
833 S. Spruce Street, Burlington, WA*

MEMBERS: Marianne Manville-Ailles-Chair, Jana Vater, Rock White, Jeff Anderson and Sally Straathof.  
Brian Hanson and Ken Frye are excused.

STAFF: Brad Johnson, Senior Planner; Kim O'Hara, Permit Center Manager

Motion by **Vater/Straathof** to approve the minutes of the June 15, 2016 Planning Commission as written. Motion carried.

**TEMPORARY USE PERMIT  
TOP THAT COOKIE TRUCK  
VARIOUS LOCATIONS  
KELLI HACKETT, APPLICANT**

Request for a one year temporary use permit to operate a mobile cookie truck at various locations throughout the city with the permission of the property owner. All products are made off premises and packaged/assembled on the truck when ordered. After review by the Technical Review Committee, there were no concerns and they concur with the proposed conditions of approval.

**White** questioned if they had to comply with conditions of the business establishment. **Johnson** stated they will need permission from the establishment and she will need to comply with the permit conditions as well as any supplemental conditions by the business. The cookie truck will have the same conditions as other food vendors.

**Straathof** asked if she had locations lined up. **Kelli Hackett, 1207 Crystal Lane, Burlington** – stated currently she has permission to operate at the gas station at Old 99/Cook Road and one in Anacortes. **Vater** asked if she had all required licensing in place (health department, business license, etc.). **Ms. Hackett** noted they are all scheduled.

Motion by **White/Vater** to approve a one year temporary use permit subject to the following conditions of approval:

1. Mobile food truck shall not locate in the public right of way or block the pedestrian way or sidewalks.
2. Written permission of the business(es) the truck is located at and letter shall be kept on site with the cart.
3. Mobile food truck shall not operate within 100 feet of the entrance of another food establishment.
4. Mobile food truck shall be equipped with fire extinguishers (size & type) as required by the Fire Marshal.
5. Mobile food truck shall leave the site vacant at the end of each business day.
6. Wastewater will be dumped at a waste station.
7. Comply with the Burlington Municipal Code 5.30, Mobile Food Vendors.
8. If any substantiated complaints are received, the permit may be canceled.

Motion carried.

**SHORT PLAT #1-16  
FAIRHAVEN COURT  
1600 BLOCK OF E. FAIRHAVEN AVENUE (P62475)  
GRANDVIEW NORTH, APPLICANT; REPRESENTED BY RAVNIK & ASSOCIATES**

**Manville-Ailles** explained that the Planning Commission received new information from the applicant tonight that was received yesterday by the Planning Department. The Planning Commission will hear the presentation and comments, but will defer making a decision until they have enough time to review the new materials presented. The meeting will be continued to the next Planning Commission meeting in August.

**Johnson** stated this is a 6-lot short plat in the R-1-8.4 Single Family zoning district which permits lots 8,400 square feet in size. Staff has reviewed the proposal and it is consistent with zoning regulations for size and dimensions. Two written public comments were received and another one that was submitted tonight.

**Johnson** stated from staff's perspective we support the request with the sidewalk ending in the middle of Lot 2. However, staff does not support reducing the required street width to two lanes and no on-street parking. The other request has to do with the fencing and landscaping plans. Typically landscaping is required around all sites including subdivisions. The applicant is requesting to use and clean up the existing chain link fence along the east property line and add slats; staff recommends a new solid wood fence as more appropriate for a residential area.

There was a dispute on adverse property line and a hedge along the west line of Lot 1. One of our recommendations is that the hedge be maintained in perpetuity. **Manville-Ailles** asked if a homeowners association could enforce.

**Johnson** stated it will be listed as a plat condition so it will be a city requirement. Purchasers of Lot 1 and Lot 2 will be responsible for maintenance on their side of the property. It appears the hedge runs down the center line.

**Manville-Ailles** is concerned that innocent purchasers may not read through their paperwork and maintain the landscaping; and the enforcement is unlikely.

**John Ravnik, Ravnik & Associates, P.O. Box 361, Burlington** – explained the handouts given to the Planning Commission tonight are requested modifications to the 11 recommendations in the Staff Report. The application is requesting the following modifications: **#1-3** no change. **#4** requesting change to not have a parking lane on Betty Court. Each lot will contain a two-car garage and have two parking spaces on its concrete apron fronting the residence. The fronting portion of Fairhaven Avenue can accommodate 4 to 5 parking spaces. Even though Betty Court is contained in a 40-foot wide easement, the city only requires a 30 foot wide easement for Betty Court, which would be too narrow for two travel lanes, sidewalk and a parking lane. Sufficient resident and overflow parking is made available by the parking proposed for each lot and that fronting Fairhaven Avenue. **#5** no change. **#6** A five foot sidewalk is proposed along the north fronting side of Fairhaven Avenue. A minor deviation is proposed adjacent to an existing utility pole where the sidewalk width will be 4-foot-6 1/2 inches. **#7a-7d** no changes. **#8** no change. **#9** requested change to not have a new 6-foot tall solid board fence along the entire east property line, but rather improve the existing fence conditions with slatted chain link. Presently there are varying fence types and heights. We will replace the lattice fence with a 6 foot chain link fence and re-stretch the remaining 4 foot chain link fence and add black slats. **#10-11** no change.

**Ravnik** noted the following in reference to the 19 Findings listed in the Staff Report: **Finding #1-10** no change. **Finding #11a** requesting the 20 foot building setback is measured from the back of the sidewalk rather than the edge of easement. There will be 8 ½ feet of easement from the back edge of the sidewalk. **Finding #11b** no change. **Finding #11c** requested change per Recommendation #4. **Finding #11d-11f** no change. **Finding #12-14** no change. **Finding #15** requested change per Recommendation #9. **Finding #16** no change. **Finding #17** requested change to provide sidewalk only abutting edge of Betty Court as proposed, and not extended further north across Lot 2 to Lot 1. The occupants of Lot 1 and 2 can walk down their own private driveway to access the sidewalk proposed along the edge of Betty Court.

**Ravnik** stated the plans show landscaping proposed on the north property line of Lot 1 to be planted with trees at the time of development. The adjacent neighbor to the north (P62474) Jim & Gina Upham, 1702 E Hazel Avenue, have asked that a fence be installed on the north property line, and we will accommodate their request.

**Manville-Ailles** asked how on-street parking would be accommodated. **Ravnik** stated the constructed width of the road would need to be 8 feet wider.

**Vater** asked if there would be something in writing that would be clear to new purchasers so they cannot rip out the hedge. **Ravnik** stated the root base of the trunks are on the adjoining property line and is willing to work with staff to add a maintenance agreement or a recorded landscape easement; but there will be language on the face of the plat.

Discussion ensued about the access easement included in the lot size, particularly on Lots 3 and 4. **Ravnik** explained the access easement is included in the square footage of each lot and it is common practice on small plats to include the easement in the lot size. **Manville-Ailles** concurred.

**Kelly Moss, 1735 E Fairhaven Avenue** – abuts the short plat to the east and asked the Planning Commission to approve a chain link fence that matches the existing fence on the east side as wood fences require additional maintenance. Ms. Moss is concerned with allowing parking on Fairhaven Avenue east of Gages Slough as drivers have to move into the other lane to pass a parked car.

**Mike Brawley, 1420 E Victoria** – has concerns about the access easement and size of lots.

**Lisa Nielsen (daughter of the property owner Betty Nielsen) 19112 Landing Road, Mount Vernon** – thinks it is a good idea to have a wood fence along the north property owner. Lisa noted that the roots on the hedge are on the Day's property, but the hedge tends to get large and would hate to trade away the property rights of Lot 1 and Lot 2 in order to maintain the hedge. Discussion ensued about the possibility of a landscape easement.

**Manville-Ailles** asked if staff has talked to owners of the hedge. **Johnson** said he talked with Maria Day and his recommendation was notice to the developer not to remove the hedge during construction. Staff is apprehensive about establishing a landscaping easement; the authority we have is to impose a perimeter landscaping requirement. Note on the face of the plat means to the person developing, it does not give the owner of the adjoining property rights to enter the property of Lot 1; it imposes the burden of subsequent owner of Lot 1 to maintain their side of the landscaping. **Manville-Ailles** suggested we could say nothing about the hedge and leave it to the property owners to figure out.

**Ravnik's** response to comments: the applicant, Grandview North, will meet with the property owners and work out the issues on the hedge, fence and access to allow Ms. Moss access to the west side of her house. **Ravnik** noted that Fairhaven is paved to 36 feet.

**Gina Upham, 1702 E. Hazel Avenue** – is the property owner on the north side of Lot 1 and is requesting a solid wood fence in lieu of landscaping.

**Maria Day, 1500 E Victoria Avenue** – property abuts on Lots 1, 2 and 3 where their hedge is located. **Manville-Ailles** explained there will be trees on the other side of the hedge. Lots 1, 2 and 3 will maintain their side and the top of the landscaping.

**Manville-Ailles** stated the Planning Commission will not be making a decision tonight; it will be held over until the August meeting to give the Planning Commission time to review the new materials.

**TEMPORARY USE PERMIT  
RAINBOW MEXICAN FOOD  
157 S. BURLINGTON BOULEVARD  
YOLIVE CRUZ, APPLICANT**

Request for a one year temporary use permit to operate a mobile snocone/hotdog cart on the north side of the convenience store at 157 S. Burlington Boulevard. **O'Hara** noted that the mobile food cart has been at this location on and off the last three years without any complaints.

Motion by **Vater/Anderson** to approve a one year temporary use permit subject to the following conditions of approval:

1. Mobile food cart shall not locate in the public right of way or block the pedestrian way or sidewalks.
2. Mobile food cart shall be equipped with fire extinguishers (size & type) as required by the Fire Marshal.
3. Mobile food cart shall leave the site vacant at the end of each business day.
4. Wastewater will be dumped at a waste station.
5. Comply with the Burlington Municipal Code 5.30, Mobile Food Vendors.
6. If any substantiated complaints are received, the permit may be canceled.

Motion carried.

**DISCUSSION – COMPREHENSIVE PLAN UPDATE  
PUBLIC PARTICIPATION PLAN & PRELIMINARY SCHEDULE**

**Johnson** stated the purpose of this plan is to provide formal notice of opportunities to participate in the City of Burlington's comprehensive plan update. Washington State law requires local governments to periodically review, and if necessary, update their comprehensive plans. State law also requires that local governments provide opportunities for the public to participate in this process. This document outlines a schedule for the completion of the comprehensive plan update and describes how the City will ensure early and continuous public participation as required by RCW 36.70A. We are looking for Planning Commission comments and it will also be circulated to other city departments for comments as well.

Conclusion & Request

The Planning Department is seeking guidance on the draft Public Participation Plan and Preliminary Schedule. Specifically, the department is seeking guidance on the following questions:

- Does the Planning Commission believe the public participation measures identified in the draft plan are reasonable?
- Should the Planning Department begin work on the comprehensive plan update by establishing a public participation plan and scope of work?

**Manville-Ailles** likes the two phased approach. Planning Commission concurred. **Johnson** stated the comprehensive plan update will be completed in 2017.

Meeting adjourned.