

**APPROVED**  
CITY OF BLAINE  
PLANNING COMMISSION MEETING MINUTES  
October 13, 2020

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, October 13, 2020. Chair Ouellette called the meeting to order at 7:00 PM Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in person.

Members Present: Commission Members: Goracke, Halpern, Homan, Olson, Villella, and Chair Ouellette. Also present was Adjunct Member Drew Brown.

Members Absent: Commission Members: Deonauth.

Staff Present: Lori Johnson, City Planner  
Elizabeth Showalter, Planning/Economic Development Technician  
Chris Nelson, City Attorney

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**APPROVAL OF MINUTES**

Motion by Commissioner Halpern to approve the minutes of September 8, 2020, as presented. Motion seconded by Commissioner Homan. A roll call vote was taken. The motion passed 6-0.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Item 4.1 – Case File No. 20-0032 – Public Hearing – The city is proposing a code amendment to the R1-B (Single Family) zoning district to allow accessory buildings up to 120 square feet with various locational and design criteria.  
CITY OF BLAINE.

The report to the Planning Commission was presented by Lori Johnson, City Planner. The public hearing for Case File 20-0032 was opened at 7:15 PM

Chair Ouellette noted a comment the Commission received from the public noting the resident was indifferent, but did not appreciate the fact a non-response defaulted to a yes vote.

City Planner, Lori Johnson reported this language had been clarified within the survey.

Katrina Sayler, 2830 108th Lane, stated she was one of the homeowners that pursued the petition. She reported she had a shed that was under 120 square feet. She indicated she spoke to

her neighbors regarding the placement of her shed. She explained she was not aware of the fact she could not have a shed. She reported she worked closely with City Planner Johnson on the petition. She discussed why the no response was originally considered a yes within the survey. She described her efforts to get all neighbors to respond to the survey. She commented that over 50% of the responses were supportive of the petition. She reported her goal would be to allow her neighbors to have a shed that matched their house, increased property values and offered additional storage space.

Becky Anderson, 2690 105th Avenue NE, explained she has lived within the Sanctuary for the past 15 years. She noted there were three ponds within her neighborhood and her property backed up to a pond. She did not believe there was room to have sheds in rear yards, nor did they belong. She encouraged the Commission to uphold the original zoning requirements because this was keeping in line with the covenants that were in place.

Andrea Welch, 2781 103rd Court, commented she received a letter from the city regarding her shed. She reported she was not made aware of the covenants from her builder. She explained her shed matched her home and was located under her deck. She indicated her shed had been in place since 2014. She stated she had worked really hard this summer on the petition. She discussed the timeline on when she began receiving letters from the City of Blaine. She reported the first letter was sent to her neighbors around the 4th of July. She noted her goal had been to receive as many responses as possible from the neighbors. She read a “no” response she received from a neighbor that explained there were a large number of homes that were violation with the covenants.

Todd Grugal, 2814 108th Lane NE, stated he has lived in the Sanctuary for the past 10 years. He noted he did not vote. He explained his neighbor has a shed and he has worked with them on this issue. He commented he would have voted “no” because he did not want to see the rear yards changed. He understood the covenants were not being enforced but indicated without an HOA it would be difficult to pursue. He encouraged the city to grandfather in the four sheds, but to not allow future sheds.

Jake Roe, 2825 108th Lane, indicated he moved into the Sanctuary neighborhood a year ago. He stated this was a very nice neighborhood where the residents take pride in their property. He explained over the past year he has had several trees die and had to be removed. He reported he did not have a shed at this time, but may require one in the future. He supported the city allowing sheds in the rear yards of the homes within the Sanctuary.

Margaret Jones, 2726 104th Lane, stated she built her home in 2014 and she understood the covenants would not allow sheds. She commented she had wetlands behind her home and she did not want to see a dozen different sheds. She explained the homes in the neighborhood have three and four car garages. She indicated if people needed more space than this, they probably had too much stuff. She reported she had enough space within her three car garages for her things and two cars. She expressed frustration with how the survey was conducted, along with the misleading information that was sent to the neighbors.

Doug Pederson, 2690 105th Avenue NE, stated he purchased his lot in 2005 and was told that no sheds were allowed through the covenants. He explained he voted no. He did not want to see sheds across the pond and encouraged the city to support the existing covenants.

Tim Blank, 10502 Yancy Court, reported he built his home in 2006 when he built a custom house for his wife who lives in a wheelchair. He commented in 2006 this was the height of the housing market which meant he paid a premium for his home. He stated in 2008 his home was devalued due to the economy. He explained he regarded his neighbors highly however he would like to see the covenants upheld. He indicated ignorance of an ordinance or covenants was not an excuse for violating them. He did not believe it was right for residents to be able to violate the law and then request a change in the future. He stated this was not a good precedent for the city to follow. He believed there was value in the covenants because they assisted in maintaining property value. He expressed his disappointment with staff for delegating their duties back to the residents who have a self-interest in the outcome of this matter. He stated he could only support this code amendment if a variance were pursued by each resident requesting a shed.

Dave Putnam, 10483 Xylite Street, explained he appreciated the comments from his neighbors. He stated the homes in his neighborhood have three and four car garages. He indicated the people that require additional storage beyond this may have too much stuff. He agreed that if neighbors have already built a shed, they should not just be grandfathered in.

Dana Putnam, 10483 Xylite Street, reported there was a storage facility located 1.3 miles from the Sanctuary neighborhood. She commented neighbors with too much stuff could store their extra items at this facility.

Chris Hildrum, 10507 Alamo Street NE, stated he has one of the four properties with a shed. However, he clarified he received approval from the city twelve years ago to build a playhouse. He explained he was fully aware of the covenants and went through the proper channels in order to build his playhouse. He indicated his playhouse was well maintained and should not be considered a shed. He stated he understood both sides of this issue. He encouraged the city to go with the majority of the neighborhood and allow sheds going forward.

The public hearing was closed at 7:47 PM

Commissioner Goracke requested further information from staff regarding the differences between covenants and city ordinances.

City Planner, Lori Johnson explained ordinances are approved by the city council and guided development in the city. She reported staff does not have the ability to do anything other than what is written in city ordinance. She stated covenants were set up by a homeowners' association and may differ from city ordinance. She suspected in the Sanctuary there were differences in the types of homes that are built or landscaping requirements because of what covenants have previously allowed, compared to what city ordinance requires.

Commissioner Goracke asked why the city did not complete the survey.

City Planner, Lori Johnson reported this was a neighborhood issue and was not a city issue. She knew that there were people both for and against this proposal, which is why staff did not automatically present the code amendment without further support of the neighborhood. She explained it was staff's job to bring recommendations to the Planning Commission.

Commissioner Homan questioned who established the no shed ordinance.

City Planner, Lori Johnson stated this was recommended by the builder.

Commissioner Homan inquired who was meant to enforce the no shed ordinance.

City Planner, Lori Johnson reported the city was meant to enforce the no shed ordinance. She commented this development began over 25 years ago and over the years people have had to remove their sheds.

Commissioner Homan asked if there were instances where the city council had changed an ordinance for a neighborhood.

City Planner, Lori Johnson indicated she was not aware of this taking place.

Commissioner Homan questioned who was responsible for making property owners aware of the covenants.

City Planner, Lori Johnson reported the property owners are responsible for knowing what is allowed on their lot.

Commissioner Villella stated he lived in this neighborhood and would be abstaining from voting on the matter.

Commissioner Olson explained she came from a real estate background and she understood covenants were not at all uncommon. She reported a title search identifies if covenants are attached to a property. She suggested this matter be handled through a variance request or conditional use permit amendment and that the existing code remain in place.

City Planner, Lori Johnson commented the ordinance was not set up for a conditional use permit amendment. She noted the ordinance would have to be amended. She provided further comment on the process that has to be followed in order to approve a variance. She explained there was nothing special about these lots, nor are there any hardships for the homeowners that would allow staff to recommend approval of any variance for a shed. She did not recommend the Commission proceed in this manner. She stated the only way to address this matter would be to amend the ordinance. She reported she made it very clear to the neighbors that an ordinance amendment was not guaranteed.

Communications Manager, Ben Hayle reported there was one additional person that wished to speak to this matter.

Dan Savaloja, 10762 Coral Sea Street NE, explained he lived in the Sanctuary neighborhood. He commented when the sheds that were built, these property owners did not request a building permit from the city. He indicated the city did not have the resources to go around and dictate what does and does not “match” a home. He stated there were 190 homes within the Sanctuary and these homeowners did not sign up to have sheds in the rear yards. He commented the vote that occurred was very close to 50/50 because several properties were counted twice. He reported this was a family neighborhood and he did not want to see critters living under these sheds. He reiterated that these sheds were built in violation of city ordinance and the vote to the neighbors was not properly presented.

City Planner, Lori Johnson clarified the people who voted yes or no were not counted twice if they had multiple properties within the Sanctuary. She reported there was a denotation within the survey regarding this matter.

Chair Ouellette commented that people who wish to build a shed that was less than 120 square feet do not have to have a building permit from the City of Blaine.

City Planner, Lori Johnson reported this was the case noting building permits were not required for sheds less than 200 square feet.

Chair Ouellette stated the Planning Commission had very little latitude regarding this matter.

Commissioner Halpern appreciated the efforts of the neighborhood. He explained the matter that was before the Commission was a city code change and not just a neighborhood change. He stated he did not want to persuade votes one way or the other, but noted covenant information was available through title searches prior to purchasing a home. He agreed that ignorance should not be an excuse to ignore the rules that were in place. He asked if the Sanctuary was the only R-1B neighborhood in the City of Blaine.

City Planner, Lori Johnson reported the Sanctuary and one other small cul-de-sac development were zoned R-1B in Blaine.

Motion by Commissioner Olson to recommend the city council deny a code amendment to the R1-B (Single Family) zoning district to allow accessory buildings up to 120 square feet in Planning Case 20-0032, recommending the city code remain as is. Motion seconded by Commissioner Homan. A roll call vote was taken. The motion passed 3-2-1 (Commissioner Halpern and Chair Ouellette opposed) (Commissioner Villella abstained).

Chair Ouellette noted this would be on the agenda of the November 2, 2020 city council meeting.