

COMMUNITY DEVELOPMENT STAFF REPORT

DATE: March 12, 2009

STAFF REPORT: Design Review Board (Sultan Municipal Code 2.20)
Receive Recommendation from Planning Board

CONTACT PERSON: Robert Martin, Community Development Director

SUBJECT:

Receive Planning Board Recommendation to Mayor for appointment of Design Review Board Members.

STAFF RECOMMENDATION:

Staff recommends that the Planning Board's Recommendation be acted upon by the Mayor and Council. The Mayor would appoint one Planning Board member, one City Council Member, and one representative from the Chamber of Commerce. The City Council would confirm those appointments.

SUMMARY:

Sultan Municipal Code (SMC) Chapter 2.20 provides for Design Review Board (DRB) membership and process. The DRB is called upon at several locations throughout the Development Code, the Industrial Park Master Plan, and other code provisions, to review various applications and development proposals.

These codes and plans are written such that an application subject to DRB review cannot be approved by City Staff or the Hearing Examiner (where appropriate) without DRB recommendations being considered. The absence of DRB recommendations prevents completion of these application processes.

Discussion:

The DRB has been appointed and active in the past. Over the last two years, activity and membership of the DRB has slowly faded away. At this time, there are no active members of the Board.

We are anticipating submittal of permit applications that require DRB review and recommendation before final action on the application can be taken. It is important that these projects not be jeopardized by failure of the City to provide the required review processes.

At their meeting of February 3, 2009, the Planning Board received an Agenda Item Cover Sheet on this issue (**Attachment A**), and discussed the issue. The Planning Board made a Recommendation to the Mayor to City Staff the DRB with one member of the Planning Board, one member of the City Council, and one representative of the

Sultan Chamber of Commerce (See **Attachment B**, excerpt of Planning Board Minutes for February 3, 2009).

The Recommended staffing of the DRB is not in strict conformance with SMC 2.20.010 (**Attachment C**), but the representative of the Chamber of Commerce is a required position and is provided in the Planning Board's Recommendation. As with the Planning Board, DRB Members are appointed by the Mayor with confirmation by the City Council.

If the Mayor proceeds with this Recommendation, the DRB will be staffed for the immediate future to act on any applications with short time lines.

For the mid and long range, the Planning Board and City Council may want to address modification of Chapter 2.20 and other code locations to adjust DRB membership requirements and/or review standards.

FISCAL IMPACT:

There is no fiscal impact related to appointment of Design Review Board Members. Negative fiscal impacts could be experienced if applications are delayed or cancelled because DRB review cannot be provided in a timely fashion.

ATTACHMENTS:

Attachment A: February 3, 2009 Planning Board Agenda Cover Sheet

Attachment B: Excerpt of February 3, 2009 Planning Board Minutes

Attachment C: Sultan Municipal Code Chapter 2.20

SULTAN PLANNING BOARD AGENDA ITEM COVER SHEET

ITEM NO: D-2

DATE: February 3, 2009

SUBJECT: Design Review Board
Sultan Municipal Code Chapter 2.20

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Vacancy of Design Review Board positions. Discussion of Planning Board's potential role in Design Review Board Function.

RECOMMENDATION:

Staff recommends that the Planning Board consider the above options and any others that arise, and direct Staff concerning future Planning Board involvement in the Design Review Board functions.

DISCUSSION:

The Sultan Municipal Code (SMC) at Chapter 2.20 provides for a Design Review Board to review development in the Urban Center Zone, the Highway-Oriented Development Zone, and the Economic Development Zone.

The purpose of the Design Review Board is provided by SMC Section 2.20.050 (See Attachment A for full text of SMC 2.20). In summary the function is to assure that development within the zones listed above meets the standards of the City of Sultan Urban Design Standards.

Members are appointed by the Mayor in similar fashion to the appointment process for Planning Board Members. The Code at 2.20.010 calls for one member of the Design Review Board to be a downtown business owner. Desired qualifications include expertise in fields such as architecture, landscape architecture, graphic design, history, and similar areas of interest.

The Design Review Board has been infrequently assembled due to low levels of activity in the zones where the process is applied. For this and other reasons, the Design Review Board is inactive, and all members have resigned.

The current inactive status of the Board could potentially hinder timely and appropriate action on an application for development in one of the applicable zones. If the Design Review Board function is continued, it is crucial that it be in a configuration that allows for prompt assembly of the Board and completion of reviews and recommendations within appropriate time lines.

ALTERNATIVES:

1. Make a concerted effort to fill vacancies on the Design Review Board and attempt to keep the Board involved whether or not there are development applications that are under its jurisdiction.
2. Amend the SMC at Chapter 2.20 and other locations as appropriate to abolish the Design Review Board. This would be a relatively easy Code Amendment procedure from a technical standpoint. Community perception may be that the City no longer cares about the design and aesthetic issues of Community Development. Design Standards can be addressed by Staff as a normal part of the development application, but the lack of citizen involvement can be seen as an issue when the Community's appearance is involved.
3. Vest responsibilities of the Design Review Board in a group partially or wholly made up of Planning Board Members. Staff believes that this option would work best if two or three members of the Planning Board would also be appointed to the Design Review Board function. One additional person from the Community with architectural or similar background could be appointed to provide that perspective.

ATTACHMENTS:

Attachment A: Sultan Municipal Code Chapter 2.20, Design Review Board and Process

February 3, 2009 PLANNING BOARD MEETING MINUTES

PLANNING BOARD MEMBERS PRESENT:

Frank Linth
Steve Harris
Keith Arndt
Robin Shaw
Jerry Knox

CITY STAFF:

Bob Martin, DCD
Carole Feldmann, Secretary

CALL TO ORDER: Meeting called to Order at 7:00 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda: None

Planning Board Member Comments:

Arndt: A.B.A.T.E Motorcycle Club is considering the City of Sultan to hold their annual motorcycle event in Sultan and would like to see the Community support the club moving their event here instead of Snohomish. This event brings upward of 12,000 people to the event.

Approval of Minutes:

Knox moves to accept the Minutes of January 20, 2009 Planning Board Meeting, 2nd by Harris, all in favor, all Ayes.

STAFF PRESENTATIONS AND DISCUSSION BY BOARD

D-2: Presentation and discussion on Design Review Board, Sultan Municipal Code Chapter 2.20:

Martin: Discussed with Planning Board members the Vacancy of Design Review Board positions and the Planning Board's potential role in Design Review Board Functions. The purpose of the Design Review Board is provided by SMC Section 2.20.0 in summary the function is to assure development within commercial and industrial zones meets the City of Sultan Urban Design Standards.

Members are appointed by the Mayor in similar fashion to the appointment process for Planning Board Members. The Code at 2.20.010 calls for one member of the Design Review Board to be a downtown business owner. Desired qualifications include expertise in fields such as architecture, landscape architecture, graphic design, history, and similar areas of interest. The current inactive status of the Board could potentially hinder timely and appropriate action on an application for development in one of the applicable zones. Staff has provided the following options.

1. Make a concerted effort to fill vacancies on the Design Review Board and attempt to keep the Board involved whether or not there are developments applications that are under its jurisdiction.

2. Amend the SMC at Chapter 2.20 and other locations as appropriate to abolish the Design Review Board. This would be a relatively easy Code Amendment procedure from a technical standpoint. Community perception may be that the City no longer cares about the design and aesthetic issues of Community Development. Design Standards can be addressed by Staff as a normal part of the development application, but the lack of citizen involvement can be seen as an issue when the Community's appearance is involved.

3. Vest responsibilities of the Design Review Board in a group partially or wholly made up of Planning Board Members. Staff believes that this option would work best if two or three members of the Planning Board would also be appointed to the Design Review Board function. One additional person from the Community with architectural or similar background could be appointed to provide that perspective.

Linth: Recommends the Design Board be a member of PB and alternate, member of the Council and alternate, member of business community and alternate, 2 community members at least, Chamber member and an alternate. Any PB member would do just fine in the position.

Arndt: It's written in the code, the Mayor must appoint individuals to specific positions, and she can't appoint a group of people who will assemble in various combinations to hold Planning Board Meetings or Design Review Boards.

Arndt: I move we reconstitute the Board and ask the Mayor to appoint a 3 member Design Review Board consisting of a planning board member, a chamber member, and a community member. 2nd by Knox, Linth, and Shaw, opposed by Harris.

ADJOURNMENT:

Shaw: Moves to adjourn the meeting, 2nd by Knox, all Ayes.

Meeting adjourned at 10:15 PM

Chapter 2.20

DESIGN REVIEW BOARD AND PROCESS*

Sections:

[2.20.010](#) Design review board members and qualifications.

[2.20.020](#) Terms and compensation.

[2.20.030](#) Rules, regulations and records.

[2.20.040](#) Removal.

[2.20.050](#) Purpose.

[2.20.060](#) Applicability.

[2.20.070](#) Approval required.

[2.20.080](#) Optional preapplication.

[2.20.090](#) Review process.

[2.20.100](#) Appeals.

[2.20.110](#) Lapse of approval.

*Prior legislation: Ord. 686-98.

2.20.010 Design review board members and qualifications.

There is created a design review board for the city that shall have the powers, duties, and functions as provided in this chapter. The design review board shall consist of a minimum of three and a maximum of five members. All members shall be appointed by the mayor with confirmation of the city council. In making appointments to the board, the appointing authority shall appoint persons who are knowledgeable in matters of design and aesthetic judgment by virtue of training, education, and/or experience, who possess qualities of impartiality and broad judgment, and an ability to review two-dimensional plans. One board member shall be a downtown business owner as a Chamber of Commerce representative on the board. Desired qualifications for board members, excluding the downtown business representative, include an expertise in the fields of architecture, art, history, landscape architecture, engineering and graphic, interior, and industrial design. The membership of the board should include at least one architect. (Ord. 895-05 § 1; Ord. 727-00)

2.20.020 Terms and compensation.

The initial appointment of members to the board shall be for the following respective terms: one for two years, one for three years, and remaining member(s) for four years. Thereafter, all appointments shall be for a term of four years. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

Members shall serve without compensation. (Ord. 727-00)

2.20.030 Rules, regulations and records.

The board shall adopt rules and regulations for the conduct of its business, subject to the approval of the city council. A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the board shall be by majority vote, provided no action may be taken without affirmative vote of at least two members. A tie vote on a motion to approve shall constitute failure of the motion.

The design review board shall elect a chairperson and such other officers, as it may deem necessary. Such officers shall occupy their respective offices for a period of one year.

The city planner, or his/her duly authorized representative, shall staff the board, and shall be responsible for all records. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings and such minutes and a copy of its rules shall be kept on file in the office of

the city clerk and open to inspection by the public. The city shall provide the board with necessary administrative support and expense budget as needed to perform the function described by this chapter. Board-related authorized expenses are reimbursable.

No member of the design review board (DRB) shall participate in discussion or vote on any matter involving any client he or she is serving or any business for which he or she is owner, corporate officer, or employee. Each member shall be responsible to disclose personal and/or financial relationships that may be perceived to influence decisions on any issue before the board. Where necessary, an alternate member may be selected to fill in for a regular board member that needs to excuse himself or herself. (Ord. 727-00)

2.20.040 Removal.

After a public hearing (or waiver thereof), any member of the design review board may be removed by the mayor with the approval of the city council for neglect of duty or malfeasance in office. Prior to any such action, however, written notice shall be given to the member involved at least 10 working days in advance of the anticipated hearing date. The notice shall state that removal is being contemplated, indicate the grounds for which such action is based, and advise the member that a public hearing has been set before the city council. No member shall be removed until such hearing (or waiver thereof by member) has been held. (Ord. 727-00)

2.20.050 Purpose.

In addition to the general purposes of the comprehensive plan and the unified development code, this chapter is included for the following purposes:

A. To assure that developments within the residential districts, commercial districts, the downtown core and projects within the economic development and highway-oriented zones are consistent with the city of Sultan urban design standards (UDS).

B. To make suggestions on design alternatives which meet the needs of the property or business owner which are consistent with and meet the intent of the city's UDS.

C. To make recommendations to the planning commission and city council on policies and ordinances that may affect the city's design and visual character.

D. To make recommendations of approval with conditions or disapproval for proposed designs of development projects within the residential districts, commercial district, downtown core and commercial projects within the economic development and highway oriented zones.

E. To make recommendations to the hearing examiner, city staff, city council and other approving body on other design matters, as may be referred to the design review board by the city council, pertaining to the appearance of the city. (Ord. 727-00)

2.20.060 Applicability.

The design review board shall review all development and signs in the urban center (UC) zone, all development excluding signs in the highway-oriented development (HOD) and economic development (ED) zoning districts and multifamily developments and neighborhood commercial developments in residential zones. For the purposes of this chapter, "development" means any improvement to real property open to exterior view, including but not limited to buildings, structures, fixtures, landscaping, site screening, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks, junk yards, riding academies, kennels, and recreational facilities), mobile homes and trailer parks, whether all or any are publicly or privately sponsored. Development does not include underground utilities. (Ord. 895-05 § 2; Ord. 806-03 § 2)

2.20.070 Approval required.A. Development. No person shall start any development, or substantially change any development, until the design review board (DRB) or the hearing examiner has approved the proposed development or change, except where this code expressly delegates such approval to the staff.

Unless staff demonstrates that the project creates a significant change in the design characteristics of the development, the following development projects are exempt for design review board and council review and subject to approval of staff using the criteria of this chapter:

1. Remodels of buildings that do not result in a changing of the building footprint and that involve materials, forms, and repetition of elements consistent with the existing building design.

2. Re-striping and other minor changes to parking lots that do not result in changes to landscaping, a reconfiguration of the lot or the creation of five or more new parking spaces.

3. Fences that do not require a separate development permit.

B. Permits. No city permit or approval shall be issued for any development until the design review board or the council has approved the proposed development, except where this code expressly delegates such approval to the staff. (Ord. 727-00)

2.20.080 Optional preapplication.

The applicant may submit the plans required in Chapter [16.120](#) SMC in preliminary or sketch form, so that comments and advice of the design review board may be incorporated into the final plans submitted for application. This shall be done through the regular preapplication process or if it is a minor permit (such as a sign permit) it shall be submitted to the permit technician who will route it for a preliminary review to the design review board. (Ord. 727-00)

2.20.090 Review process.

A. Review. The city staff shall review the application as provided in Chapter [16.120](#) SMC and the planning department or permit assistant shall schedule the item for a meeting of the design review board. The role of the design review board shall be dependent on the nature of the application and the approval process required. The design review board shall review a proposed application at a public meeting and make a recommendation to the hearing examiner, city staff or other applicable approving body to approve, or deny, the proposal. The design review board shall meet twice each month as necessary to a time established by the design review board. The meetings shall be held in city council chambers or other place as announced. The decisions shall be final.

1. For applications, such as sign permits, the design review board shall serve as the sole decision-making authority.

2. For applications requiring a public hearing and council approval, the design review board shall make a recommendation to the hearing examiner to approve, conditionally approve or deny the proposal for projects subject to project consolidation.

3. Notwithstanding the requirements of this section to the contrary, the action of the design review board under this section and the hearing examiner on a development in which the city serves as the applicant shall be a recommendation to the city council.

B. Findings.

1. Comprehensive Plan. That the proposal is consistent with the comprehensive plan and other adopted city policies.

2. Sultan Municipal Code (SMC). That the staff has found that the proposal meets the requirements of the SMC, or the city has approved a variance or a modification under the SMC.

3. Criteria. That the proposal as approved or conditionally approved satisfies the criteria and purposes of intent for the city of Sultan's urban design standards.

Findings will be drafted and sent to the applicant within five working days following the design review board meeting. (Ord. 727-00)

2.20.100 Appeals.

A. All design review decisions of the design review board are appealable to the city council as provided in Chapter [16.120](#) SMC.

B. Persons entitled to appeal are:

1. The applicant;
2. Anyone who has submitted a written document to the city of Sultan concerning the application prior to or at the hearing; or
3. Anyone testifying on the application at the design review board meeting or hearing. (Ord. 727-00)

2.20.110 Lapse of approval.

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or if no building permit application is required, substantially commences the uses allowed within 18 months from the date of approval, design review board or council approval shall expire and be null and void. For the purposes of this section, the date of approval shall be the date on which the design review board or hearing examiner's minutes or other method of conveying the final written decision of the design review board or council as adopted are mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction. (Ord. 727-00).