

PLANNING BOARD MEETING MINUTES

August 18, 2009

PLANNING BOARD MEMBERS PRESENT:

Frank Linth - Chairman
Steve Harris
Keith Arndt
Jerry Knox
Bob Knuckey

CITY STAFF:

Bob Martin, DCD
Carole Feldmann, Secretary

CALL TO ORDER: Linth calls the meeting to order at 7:03 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda: None.

Public Comments: None

Planning Board Member Comments:

Knox: Welcomes Bob Knuckey to the Planning Board.

Arndt: Commends Bob Martin on preparation of the Planned Unit Development document as he did an outstanding job.

Knuckey: Thanks all members for the opportunity to serve on this board.

COMMUNICATION

Appointment of Bob Knuckey to fill Robin Shaw's unexpired term.

Approval of Minutes:

Arndt: Moves to accept the Minutes of the August 4, 2009 Meeting, 2nd by Knox; all ayes.

HEARING and ACTION ITEMS

A-1 2009 Comprehensive Plan Docket Item #6 Terra X Land Group, Comprehensive Plan Map and Text Amendment, Unified Development Code Amendment SR 2 and Sultan Basin Rd. Set Public Hearing

Harris: Requests Chairman Linth allow him to recuse himself from this portion of the meeting due to potential conflict of interest.

Martin: Planning Board needs to decide whether to set a Public Hearing to undertake Comprehensive Plan Amendment Procedures for Docket Item #6, leading to Amendment of the Future Land Use Map changing the Plan Designation from Economic Development (ED) Zone to Highway Oriented Development (HOD) Zone.

Terra-Ex has submitted a Boundary Line Adjustment (BLA) Application to reconfigure several existing lots that comprise their ownership and is designing a development proposal that will accommodate several commercial businesses in a commercial park setting with joint parking and access.

The existing plan designations and zoning are Moderate Density Residential (MD) and Economic Development (ED). The MD Zone is a typical residential zone based on 7,200 square foot for a single family dwelling. The ED Zone is the City's industrial zone largely dedicated to manufacturing uses with several commercial uses in the Conditional Use category.

The Board is reminded that the presence of an Item on the Adopted Docket does not mean that the proposal is expected to be approved by the Board or the City Council. It means that the proposal has been selected by the Council for further study and recommendations by the Board.

Staff agrees with the proposal that the best plan designation and zone for the property is HOD. There is little benefit to the community or the property owner from expecting this site will or should be used for industrial development. The signalization of the intersection, the position and elevation looking out to the river and mountains to the south and the position relative to downtown all indicate a desirable site for a new category of quality commercial development in the community. The proponent will need to expand the information provided to support the proposal before it is able to be fully considered by the Board. Applicant can provide the information necessary to support the map changes proposed. This should be approached from the perspective of expanding the general support for the project as a concept and providing facts, findings, and conclusions, the Board could use to support the requested change. It is undecided as to whether a text change is intended or appropriate in the current application. At this time Staff is not recommending Action to set a Public Hearing on the Text Amendment portion of the application.

Staff recommends setting a Public Hearing for September 1, 2009 on the proposed Amendment of the Future Land Use Map to change the Land Use Designation of the subject property from MD and ED to the HOD Zone.

Arndt: Questions the need to split the application for the Public Hearing. If it was submitted as a whole it should be heard as a whole and if it isn't complete then the Public isn't ready to hear it and therefore we are not ready to set a public hearing.

Knuckey: Agrees with Arndt in reference to the Housing Aspect of the project and that could cloud the issue for the public if not heard as a whole.

Linth: Disagrees doesn't see this as a single issue but believes this is 2 separate issues, and is in favor of separating the application. The senior housing issue will be the challenge but to allow for the rezoning is in the city's best interest.

Knuckey: Wanted to know why staff has recommended this?

Martin: The zone change on the comprehensive plan map and zoning map can be done whether there is a change to text or not. The zone as currently written is an appropriate zone to be on the properties compared to medium density residential or economic development industrial. So whether we approach the zone text issue, it's valid to address the designation of the property. We are holding a public

hearing on comprehensive plan docket items September 1, 2009 and we could handle this portion of the application at that time. If the consultants advise the other issue is removed from the application and we have not set the public hearing for September 1, 2009, we then need to come back at the next Planning Board meeting to set a public hearing on this component. Staff is not recommending the text issue portion at this time because the necessary analytical presentation is currently unknown for what changing the text allowing residential development in the HOD zone does to the overall residential component and all other support structures in the comprehensive plan in allocating population, public services, etc..

Arndt: Moves to table the recommendation to set a Public Hearing on Terra-X Land Group Comprehensive Plan Docket Process until the next meeting on September 1, 2009 after receiving the recommendation from the consultant on the text portion then set the public hearing, 2nd by Linth, Knox; aye, Knuckey opposes.

STAFF PRESENTATIONS and DISCUSSION BY BOARD

Harris rejoins planning board meeting. (Audio 11)

D-1 Revision of SMC Chapter 16.10, Planned Unit Development District

Martin: Updating the Planned Unit Development provisions (SMC Chapter 16.10).

The Planned Unit Development (PUD) Chapter of the Unified Development Code UDC has been the source of large-scale procedural and substantive confusion and conflict in the last several years. The Council, Planning Board, Hearing Examiner, Staff, Developers, and the Community have all dealt with the difficulties presented by overlapping procedures and unclear Development Standards of this Chapter. PUD's are presented in this Code as Overlay Zones. The name of the Chapter is "Planned Unit Development District/Zone".

There are two perspectives in the planning profession on this issue. One holds that PUD's need to be handled as a separate Zoning District to allow flexibility in implementation of road standards, setbacks, and mixed uses. This is the model used to construct the Sultan Code. The Code actually provides for four (4) PUD Districts or Zones: These Development Models each have their own extensive location criteria and Development Standards. As provided in 16.10.020 and 030, each of the four PUD models above is to be implemented as an Overlay Zone. The density bonuses, variable Development Standards, and additional uses permitted are different and reside within each of the four various PUD Zone descriptions. This is appropriate for large communities with complex Zoning Codes. The other planning approach to the PUD concept is that PUD is a type of Land Development, like Subdivisions, Short Plats, and Shopping Malls, that is allowed in the various Land Use Zones such as MD, HOD, and ED. If a residential developer wants to develop a Mixed Use project using the flexibility offered in the PUD approach and wants to undertake the additional Development Standards that are required in trade for that flexibility, he then applies for a PUD type of development as provided for in the Zone that applies to the property. This is appropriate in communities where simplified development processes are desired and less complex Zoning Codes can accomplish what is needed for development interests, community interests, and environmental protection.

There are many problems, including the extensive extra and unnecessary process of doing an Amendment of the Official Zoning Map before working on the development. The most obvious problem is exhibited by the fact that there is one PUD Overlay Zone in place that is not shown on the Sultan Zoning Map. The PUD program has been implemented as if it were a use allowed within the various zones, which is exactly the format which Staff proposes. Construct the PUD Code and the Zones in Title 16 so that PUD is a use allowed within the Zones as a development type like Subdivisions and Commercial Plats. The individual zones would provide for uses and latitudes allowed under the PUD format in the particular zone. (Note that the Residential Zones in the Sultan Code currently allow a significant range of commercial uses without reference to the PUD program.) The PUD Chapter under this approach would specify the type and degree of flexibility that is permitted within the various residential and commercial PUD formats and the additional Development Standards that projects will have to include to qualify for PUD format. PUD's have not been properly applied in Sultan due both to Administrative Issues and due to the type of development that has been allowed to apply for PUD processing. PUD systems are set up to enable flexibility resulting in Mixed-Use Developments that provide the opportunity for "large scale projects that do not fit the typical zoning prototype." (Quoted from *21st Century Land Development Code*). This means that PUD's are supposed to be a community within a community where commercial services, significant amenities, and various residential styles are provided in an overall planned approach that would not otherwise be permitted in the base zone. None of the developments approved through the Sultan PUD process accomplish this level of development. PUD has been used to provide uniform standard housing on small lots with lot averaging due to large percentages of the property that is in wetlands and other critical areas.

Lot averaging is necessary in Sultan because we have so many wetlands scattered throughout otherwise developable land. The concept of averaging looks at the number of lots that would be allowed on the property if it were all developable at the minimum lot size required in the zone. It then credits the Developer for some (not all) of those lots that cannot be created due to the Critical Area Standards. That credit is realized through reductions in the minimum lot size. This is a mechanism that can be provided with much less procedural engagement than is involved in a true PUD Development. Include a lot averaging provision when reconstructing Title 16 in cases where the Developer can demonstrate that their property is encumbered by Critical Areas in excess of a specified % of the total area. A well constructed and implemented lot averaging provision would have resulted in the same type of developments that Sultan has recently approved without all of the confusion generated by processing these standard subdivisions as if they were PUD's.

The PUD Chapter contains language that incorrectly relies on the Comprehensive Plan Map for guidance in implementation of the PUD Overlay Zoning process. Construction as a Zone, as discussed above, is expanded into the Comprehensive Plan Map. An example of this is in the PUD Single Family Zone at 16.10.110 B. 2. h. This extremely complex language allows multi-family dwellings in single-family PUD's in areas "identified for "scattered multifamily within a single-family" on the Comprehensive Plan map..." This phrase and the entirety of Item h have no correlation to anything in the Unified Development Code outside of the PUD Chapter and have no connection to anything discussed or mapped in the Comprehensive Plan. There is simply no meaning to this provision and many others like it throughout the PUD Chapter

The entire text of the PUD Chapter needs to be reconstructed to become an operational part of the Sultan Planning Program. It is unlikely that Sultan will receive an Application for a Development that actually qualifies for or needs to be processed under PUD provisions. Quoting again from the 21st Century Land Development Code: *“A planned development releases the landowner from many of the restrictions of the underlying zoning districts as a trade-off for better design amenities, infrastructure provision, and mixed use. It also encourages more creative development patterns.”* The subdivisions resulting from the PUD process look and act the same as any other subdivision that has gone through the Standard Subdivision Process. PUD has generally been a mechanism to reduce certain Development Standards (lot size and road width). In certain cases, expanded park provisions have been meaningful, but the overall implementation of the PUD has resulted in no benefit to the Community or the Development that could not have been achieved with a much less involved process

The Board needs to become conversant with the distinctions between PUD, subdivision, lot averaging, and related concepts, at which point the Board can determine if the Sultan Code needs a PUD program or if other systems can be put in place to meet the real needs of the Community, Developers, and the unique landscape upon which the Community is based.

Density Increase is provided for in the Sultan PUD program. Density increase, or bonus, is a provision that gives the Developer credit for providing extra amenities that are specified in the Code. Density increase means that the number of units allowed by the Code for the property is increased by a specified percentage. SMC 16.10.120 A. provides up to a 20% density increase for Play Areas, Open Space, Pedestrian facilities in excess of the minimum required by the underlying Zone. Density Bonus is a meaningful provision if it truly results in services and amenities “in excess of the minimum required”. Due to ineffective Administration, a small playfield or some other minimal amenity, often under the minimum requirement, can be accepted by the City as the basis for a Density Bonus. This is a problem that can be assisted by clear language and precise definitions of what is expected, but ultimate effectiveness still rests with the Staff. This is not a reason to eliminate PUD provisions, but it is a reason to be very cautious about how the language is constructed and ever vigilant about how it is administered.

The second problem presented by Density Bonus is specific to Sultan’s landscape. The main reason that PUD has played such an inordinately important role in recent subdivision applications is the high incidence of Wetlands, Steep Slopes, and related Critical Areas. In a landscape where it is difficult, to achieve even the base density provided for in the applicable Zone, what role is played by the Density Bonus program? Most valid density increases are granted for devoting additional percentages of the available land to Open Space, Recreational and other uses. Land put to those uses is not available for residential or commercial development, so the available units need to be placed on ever smaller percentages of the total property. At some point a threshold is crossed where the system simply breaks down. Density Bonus is a meaningful concept if constructed to fit the local conditions and it is administered effectively. There are probably some properties in the Sultan UGA that could be developed in a way the base density is met, minimum required amenities are provided, Critical Areas and buffers are avoided, lot averaging is properly employed, and there is still land available for additional amenities that qualify for a Density Bonus.

Planning Board takes a 10 minute break. (Audio 26)

Martin: Resumes PUD discussion:

Preliminary PUD approval expires in one (1) year, with a one-time available one (1) year extension (SMC 16.10.150). Preliminary Subdivision Plat Approval expires in 5 (5) years with a one-time available one (1) year extension (SMC 16.28.350). The City needs to address the issue of what happens when a PUD approval lapses while its underlying subdivision approval continues. We are experiencing that very situation with five (5) developments at this time. The best that can be concluded is that the Developer has an ongoing right to a subdivision on the property, but the design is not vested. If the PUD expires, the Developer will likely contend that the subdivision design is the same as the PUD design, so nothing needs to change even though he needs to re-apply and go through the PUD process again. The City will contend that the PUD is granting variations from the normal Development Standards that were approved for a specific period and may no longer be appropriate, therefore the PUD must start anew with whatever standards and perspectives are appropriate. Staff recommends the Board review and discuss this report as the basis for undertaking revision of the PUD Code, Chapter 16.10.

Board Members agree to review the PUD issue.

PLANNING BOARD - EDUCATION

E-1 Basic Zoning Concepts: Zoning Districts, Spot Zoning, Overlay Zones, and Planned Unit Developments

Martin: Presents Planning Board Members with and education segment for the meeting tonight.

Public Comments on Agenda Items Only

None

Planning Board Member Comments

None

Arndt: Moves to adjourn, 2nd by Knox, all ayes.

MEETING ADJOURNMENT 10:00 PM