

PLANNING BOARD MEETING MINUTES

September 15, 2009

PLANNING BOARD MEMBERS PRESENT:

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

CITY STAFF:

Bob Martin, DCD
Carole Feldmann, Secretary

CALL TO ORDER: Linth calls the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda:

Remove Approval of Minutes deferred to next meeting.
Add Action Item A-1 Schedule of dates for future workshops.
Add Discussion Item D-1 Vision Planning.
Discussion Item D-1 PUD's amended to D-2.

Public Comments: None

Planning Board Member Comments:

Knuckey: Would like a copy of the minutes emailed to planning members prior to the meeting.
Linth: Would like to have coffee made available in the community room for planning board meetings.

Approval of Minutes:

Approval of the September 1, 2009 minutes deferred to October 6, 2009 meeting.

HEARING and ACTION ITEMS (Audio File 5)

A-1 Schedule of Workshops

Planning Board members discuss dates for future workshops such as the one they held on September 8, 2009 as they all felt they were beneficial. Members agree to have a ½ to 1 hour block of time on continuing education at each meeting, the next meeting will be October 6, 2009, and hold additional meetings if time available at regular meetings is not adequate. Business will be conducted from 7-9 PM and Education from 9-10 PM. Planning Board Members request Staff give them advance notice of the meetings topics so they can prepare ahead of time.

STAFF PRESENTATIONS AND DISCUSSION BY BOARD

D-1 Comprehensive Plan Vision Planning (Audio File 7/3:00)

Linth: Vision statement found in Comprehensive Plan believes it's adequate. The joint meeting between Planning Board and Council in June 2009 resulted in keeping the current vision statement.

Knuckey: Questioned how many people responded to the community feedback assessment that created the current vision.

Martin: Does not have the exact number but believes it's in the 100's. Informs planning board members of the current community wide statistically valid survey of which the results will be received on Thursday. The one previously done was not a statistically valid survey, but a self sampling questionnaire was used and only self selected segments of the community responded which can give a skewed result to the overall response of community members.

Knox: Would like an explanation on how the vision statement from the comp plan will carry over to how the PUD plan will be developed.

Martin: Advised that will be explained in the next discussion for PUD's.

Linth: Believes the headings of Setting, Economy, and Housing as outlined in the current vision statement will be a good and sets a basic foundation for planning board members to build the PUD from.

D-2 Updating the Planned Unit Development Provisions (SMC Chapter 16.10) (Audio File 9)

Martin: At its September 1, 2009 Meeting, the Board reviewed and discussed PUD Codes from several cities and gave direction to create a draft. The Board indicated that a draft PUD Zone should be developed for review that addresses PUD's as Mixed-Use Developments that are conditioned to be innovative large-scale projects providing higher amenity and quality-of-life opportunities to residents and the Community at large. The Board requested a PUD Chapter to replace existing Chapter 16.10. Construct a Lot Averaging Chapter to provide for the type of development that has been constructed in the Community under the current PUD provisions. Review existing Zones and Development Standards to determine if changes need to be made to accommodate PUD as a type of use rather than a zone. Revise Zones and Development Standards as needed. Members were provided a rough draft of a PUD program and advised it is a work in progress. The portions of specific interest for this meeting are the Purpose Statement, the Concepts Section, and Permitted Modifications & Limits on Modifications. Staff seeks input on the policy direction represented by these Sections of the attached rough draft. If these Sections accomplish what the Board intends, then the remainder of the Code construction is essentially procedural. Emphasis in the first three Sections of the rough draft is to the point of producing a large scale Mixed-Use Project that uses Innovative and Unconventional Land Use Concepts to produce a development that is of higher quality than is available through conventional mechanisms. It specifically prohibits using PUD as a way to produce the same lot-by-lot development that can be achieved through Standard Subdivision Processes. Staff recommends that the Board review and discuss the rough draft to determine if the concepts presented are in keeping with the Board's intent for PUD's and give direction on further Code construction. Cautions members if there is not framework for the PUD it creates a scenario so a developer can come in and create a development as they wish. Staff then proceeds briefly through the draft PUD with board members. (Audio File 11)

Planning Board Members ask questions of Staff (Martin) to better understand the Draft PUD as presented.

Martin: PUD's are designed to create a sense of community within a PUD. The challenge of planners in general is creating a sense of community to a entire community. Suggests creating a education section on the topic of community planning and how PUD's play a role in that. In responding to Knoxs' earlier question regarding how the Vision Plan and PUD work together. In creating a properly

constructed PUD, you would establish the criteria set forth in the Vision Plan under the headings of Setting, Economy, and Housing. A true PUD by definition will accomplish these goals. Suggests members keep this vision plan in front of their notebooks and make sure they are staying focused to these goals when creating policy.

Linth: Requests the Comprehensive Plan Vision Statement be created poster size and put on the wall in the Community Room. (Audio File 16)

Knox: Requests further explanation on several sections of the draft PUD.

Martin: Goes over the sections identified by Knox explaining them in more detail and there will be graphics attached to the PUD also. The PUD incorporates universal concepts. With regard to language that reads “without regard to normal setback’s” it is standard terminology for PUD’s. A future problem can result regardless of how well written a policy is, if the person hired is not qualified to administer the application for a PUD. Revising 16.10.040 B. “allowing flexibility to normal setbacks” instead of “without regard to normal setbacks” is acceptable to him.

Linth: What is increased quality development, how is that concept defined?

Martin: It will be defined by the staff report submitted from the planner reviewing the PUD. Is open for input on clarifying it.

Linth: In the Application section, it looks like good policy, 16.10.050 Item B, clarify language “All additional costs shall be paid within 30 days of notice by the city. Would like that language cleaned up. It should not appear as if the city is paying the fees. #3 appears subjective, is there a way to clean it up?

Martin: Taken from the models submitted and found in our current code also. It is intended to make sure there is something for staff and hearings examiner that the applicant has done a global job of understanding everything required of a PUD. So there thoroughly understand a PUD. But will review and see what changes should be made.

Linth: In section 16.10.050 C. 9 is there not a term that is all inclusive instead of itemizing each one? Requests 9 be removed in it’s entirety. (Audio File 26)

Knuckey: What establishes the 5 acres has the minimum for a PUD? That seems small. Does a 5 acre PUD allow us to keep our small town feel? Does it stay on course with our vision statement. Should we review the current PUD’s and their problems so we understand the potential problems?

Martin: It just works as the standard with minimum lot sizes and mixed uses. Commercial PUDs will be different. He will bring in some examples and provide graphics. Advises members of the Industrial Park Master Plan Area meeting tomorrow and encourages them to attend if possible, as it is one of the docketed items.

Planning Board Member Comments on Agenda Items: None

Public Comments on Agenda Items: None

Planning Board Member Break at 9:15 PM-

Meeting Resumed at 9:25 PM

CONTINUING EDUCATION (Audio File 30)

CE-1 Continuing Education on Comprehensive Planning for Utilities and Utility Allocation Regulations to implement the Comprehensive Plan Policies on Utility Allocation.

Martin: The Planning Board has asked to have utility planning as a specific continuing education topic. Staff recommended the Board review the handout materials and engage in a discussion/question & answer session on the topic of Utility Allocation. Staff submitted several scenarios to planning board members to use as a study tool and requested they apply the appropriate RCW's and WAC's to each scenario and come up with a determination. A way for Board members to focus their study time would be to address each scenario's and determine the outcome as directed by the RCW, the WAC, and the Sultan Comprehensive Plan Policies. The situations represent potential variations on development proposals that could come to the City. Staff would like to use this exercise as a way to start work on the Utility Allocation Policy. A policy statement needs to be established first, then a document is developed from that.

Knuckey: motions to adjourn, 2nd by Knox, all ayes.

Adjournment: 9:35 PM

PLANNING BOARD MEETING MINUTES

October 6, 2009

PLANNING BOARD MEMBERS PRESENT:

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

CITY STAFF:

Bob Martin, DCD
Carole Feldmann, Secretary

CALL TO ORDER: Linth calls the meeting to order at 7:02 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda:

Defer the approval of minutes from September 15, 2009 from the agenda to next meeting.

Public Comments: None

Planning Board Member Comments:

Linth: Advises that Keith Arndt has officially resigned from the Planning Board.

Approval of Minutes:

Knuckey: Moves to accept the Minutes of the September 1, 2009 Meeting, 2nd by Knox; all ayes.

HEARING and ACTION ITEMS

Linth: The city vision was in the comp plan but it was in the 1994 Comp Plan and not the new one. Would like to know how to have the vision statement incorporated into the current comp plan.

Martin: The comp plan docket is currently proceeding, there will be a discussion item on the agenda of the 2nd October 2009 council meeting. He will review procedures and see if it can be added to the docket.

STAFF PRESENTATIONS AND DISCUSSION BY BOARD

D-1 Updating the Planned Unit Development provisions (SMC Chapter 16.10)

Martin: At the 091509 meeting, board members reviewed the first draft of the PUD. The Board indicated that a Draft PUD Zone should be developed for review that addresses PUD's as Mixed-Use Developments that are conditioned to be innovative large-scale projects providing higher amenity and quality-of-life opportunities to residents and the Community at large. The Board requested the project include a PUD Chapter replacing the existing Chapter 16.10. Construct a Lot Averaging Chapter to provide for the type of development that has been constructed in the Community under the current PUD provisions. Review existing Zones and Development Standards to determine if changes need to be made to accommodate PUD as a use rather than a zone and revise Zones and Development Standards as needed. (Audio File 05)

The 2nd Rough Draft was reviewed. The portions of specific interests are the Permitted Modifications & Limits on Modifications. It is in the Community's interest to encourage creative quality development while maintaining minimum standards so quality development is defined and required as a project goes through the review process. The Board needs to formulate a recommendation on how this balance is to be framed for the Sultan Community. By examination of the current code language and some of the development that was allowed under the provisions of this Code, the Board has agreed with Staff that the standards and implementation were not specific enough to result in consistent quality development. Staff is of the perspective that the Permitted Modifications and Limitations on Modifications need to be much more clearly stated so they can be tied to specific findings showing how the proposed project has resulted in development that is of a more unique character and demonstrably higher quality than what results from standard subdivision development. The 2nd Draft PUD Chapter contains a more specific structure for the Permitted Modifications and Limitations on Modifications than the current code. Once acceptable to the Board, the Procedures Section will be completed and brought back for a review of a Staff Draft

Knox: Requested further clarification on 16.10.040 E Roadway Design Standards, to which Martin drew examples to answer his questions. Believes profit motives control what developers do, so in modifying the standard what could be the negative impact in the future. Martin drew additional examples how modifying the standard can reduce environmental impacts and how modifying certain elements can be beneficial.

Martin: These standards evolve and change over time and right now the perception is these are the best practices. 25 years from now all these standards may change and new policies will evolve. He further explains these standards will apply only to PUD's not standard sub-divisions. (Audio File 10)

Linth: Questions then how the narrow road by the High School is not adequate for school access and this concerns him with the PUD code.

Martin: It simply should never have been approved it was not the PUD code by itself, it was an administrative issue.

Knuckey: What if the board does not want to allow for a 24 foot road?

Martin: You establish it cannot be modified to that width.

Staff and Board Members discuss in depth minimum road widths and problems that may arise and how that should be addressed in the PUD to minimize negative effects.

D-2 Comprehensive Plan 2011 Update Process

Martin: The current Comprehensive Plan was adopted in 2004. Extensive revision of the Plan was required by the Growth Management Hearing Board and the final adoption was completed in September of 2008. The legal adoption date for this version of the Plan is 2004. The Growth Management Act requires that plans be Updated on a 7-year cycle, so we are due to adopt an Updated Plan in 2011. The first step is to organize Community involvement in the process. Community involvement along with local government is the base and framework for the planning process and is required under the Growth Management Act. The City is conducting a statistically valid Community Survey of interests and perceptions of services, policies, and opportunities. The survey instrument is nearly in final form and a randomly selected sample of the Community will be surveyed by phone by professional survey pollsters in the next three weeks. The analyzed information will be available in early November 2009. The City conducted a "Kick-Off" of the public involvement process on September

30, 2009. This meeting included presentation of the proposed task list and schedule of the Update Process through adoption in June of 2011. The design of the Public Involvement Program for this Update is based in Plan Element Work Groups. Three groups will be asked to address three plan elements each. Board members are asked to participate in one or more of these Plan Element Work Groups which will use the Community Survey data and other materials to formulate a recommendation on policy updates to the Planning Board in early 2010. The City will hire Consultant(s) to assemble the input from the public process and produce a Draft Comprehensive Plan that will be brought to the public for review and comment through 2010 and early 2011, leading to adoption in mid-2011. Staff recommends the Board review and discuss the "Comprehensive Plan Approach and Schedule" and provide input. Board members are requested to consider which Plan Element Work Group they are interested in serving on through April, 2010.

D-3 Community Services Officer Update

Martin: A Community Services Officer (CSO) was hired to address Animal Control and General Code Enforcement. The Board previously discussed the distinction between the existence of code language and the reality of code implementation/enforcement. The CSO is managed within the Community Development Department. Other aspects of the position is enforcement of junk, litter, debris, various nuisance, and appearance problems. The CSO has sent out many letters concerning upkeep and maintenance of property to the extent that existing code language allows. Compliance with these notices has been achieved in a great majority of cases without going beyond initial contact. The Board has expressed concern about the general appearance and impression that Community upkeep, or lack of, represents to citizens and visitors. SMC Title 8, Health and Safety includes a minimalist Nuisance Code at Section 8.4. Title 12, Streets, Sidewalks, and Public Places contains Standards regarding maintenance of vegetation overhanging the public right-of-way or otherwise endangering the public. Title 16, the Unified Development Code contains many Development Standards that apply to new development. Neither Title 8 nor Title 16 contain what could be properly called an organized Code Enforcement Policy or Process. The SMC does not contain a Structure/Property Maintenance Code at all. This means that buildings and property can only be noticed for violation if the owner is applying for a building permit so that the provisions of the Building Code apply to the new structure, or if the condition of the property has gotten so bad that it can be cited as a Nuisance. As the appointed representatives of the Community for issues of policy in areas related to Land Use, the Board has a role in Code Development and Enforcement. While the Board has informally discussed upgrading Code Standards for Property Maintenance, it is important to keep in mind related issues. First is the budget. The Community is not in agreement on the extent to which the City should be mandating activities on private property if it is not required to do so by State or Federal law. The Land Use Enforcement Codes are at a bare minimum and can only be brought to bear on particularly bad conditions. The Board needs to move cautiously if and when it takes up the issue of upgrading Property Maintenance Codes so as to take into account all perspectives of the Community.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

CONTINUING EDUCATION

CE-1: Case Law Update

Staff and Board Members review Statutory Law and Administrative Law and how it applies to the Planning Board and the function it serves.

Moves to adjourn, 2nd by , all ayes.

Adjournment: 10:00 PM