

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-9

DATE: December 10, 2009

SUBJECT: Amendment of SMC Chapter Highway Oriented Development (SMC 16.12.050) Zone and Economic Development Zone (SMC 16.12.060) to reduce the minimum lot size from one-acre minimum to ½ acre minimum.

CONTACT PERSON: Robert Martin, Community Development Director



ISSUE: Determine whether to hold a City Council public hearing on the proposed amendment as provided by SMC 16.134.050 (K).

PLANNING BOARD RECOMMENDATION:

The Planning Board as provided by SMC 16.134.050 (J) recommends that the proposed code amendment be adopted by the Council without additional public hearing as authorized by SMC 16.134.050 (K).

STAFF RECOMMENDATION:

Staff is in full concurrence with the Planning Board recommendation. Staff recommends that Council direct staff to undertake the procedures to bring the proposed code amendment to council for consideration without further public hearing as authorized by SMC 16.134.050 (K).

DISCUSSION:

This section is an excerpt of a staff report reviewed and discussed by the Planning Board as it considered the recommendation provided on this issue.

Title 16 contains a requirement of one-acre minimum for Manufacturing Facilities in the Highway Oriented Development (HOD) Zone and the Economic Development (ED) Zone.

Specified minimum lot sizes are necessary in many circumstances, chiefly to maintain desired maximum densities in residential areas, or to separate conflicting types of uses in conjunction with specified buffers along zone boundaries.

Industrial operations, particularly when modern technology is considered, can be highly productive and lucrative, and be located in very small facilities. Other industries require very large amounts of land for storage, staging of product, or vehicle maneuvering.

The way that lot size should be handled for industrial activity is through the site plan review process. The industrial property needs to be large enough to accommodate the building, parking, vehicle maneuvering, staging, storage, and any functions specific to the business.

The applicant for an Industrial Use is responsible for developing a site design that shows how the use and the property work together to achieve an operational industrial facility. City Staff is responsible for verifying that all development standards are accommodated, including

landscaping, fire code setbacks, etc. When that is achieved, the lot size needed for that industrial activity has been determined. It may be ½ acre, and it may be 15-acres. In either circumstance, a one-acre minimum lot size is not meaningful.

Smaller Lot Size:

At the April 7th meeting, the Board asked why a minimum lot of ½ acre is preferable to a 5,000 sq.ft. lot size. The answer is that the current code does not contain all provisions necessary to completely custom-size lots to industrial proposals with no minimum at all. If a 5,000 sq.ft. lot size were adopted now, an industrial land owner could file a short plat to create 4 lots from a ½ acre parcel without any industrial prospects that would make that a workable property layout for industrial development. Then when an industry needing most of the ½ acre came to town, the property would have to be “un-platted” before the development could begin.

Adequate Buffers:

Also at the April 7th meeting, citizen comment was offered on this topic. Mr. Jerry Gibson questioned how a smaller lot size in industrial would offer proper protections against noise, dust, and other potential effects of industrial development. The answer is that industrial development needs to adhere to a vast array of Federal, State, and local environmental performance standards. These standards require mitigation of any number of effects that are generated by the processes involved. Nuisance-type effects are necessarily kept to a minimum. Those effects that fall below the mitigation standards are not likely to be any different at the property perimeter whether they are on a 1-acre lot or a ½ acre lot.

The second issue is that there is no requirement in the current code that an industry locate itself in any particular portion of their site. If a 1-acre minimum is required, a small industry could legally locate their facility in one corner of the property and reserve the rest in expectation that they could use it or sell it at some time in the future. The lot size alone does not control spill-over effects unless the lot size is so large as to be completely impractical.

Short Term Fix:

The long term solution is called for in Goal 7 of Comprehensive Plan Section 2.5, which states that the community should consider adoption of a performance-based zoning standard. Performance-based zoning does not set any minimum lot size, and bases the decision on the minimum lot size for a short plat on the submittal of a site plan for a specific industrial development proposal. When all needs of that industrial function are met, the necessary lot size is determined and a short plat is submitted to accommodate that use. The companion provision of such a code is that no short plats are permitted until an industrial development proposal is submitted.

For performance-based industrial zoning to be implemented, the community needs to accept a prohibition on short plats in industrial zones until an industrial development “client” is in the review process. This is an option that the Board will need to consider and discuss with the community in the future.

RECOMMENDATION:

Staff recommends that Council direct staff to undertake the procedures to bring the proposed code amendment to council for consideration without further public hearing as authorized by SMC 16.134.050 (K).