

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: A-1

DATE: March 25, 2010

SUBJECT: Proposed amendments to Sultan Municipal Code (SMC) Title 16; Reduction of Minimum Lot Size for Industrial and Manufacturing Uses in Highway Oriented Development and Economic Development Zones

CONTACT PERSON: Robert Martin, Community Development Director 

ISSUE: First Reading of Ordinance 1075-10

STAFF RECOMMENDATION:

Staff recommends that Council conduct First Reading of Ordinance 1075-10; an Ordinance amending SMC Title 16, the Unified Development Code at Section 16.12.050 the Highway Oriented Development Zone (HOD) and at Section 16.12.060, the Economic Development Zone (ED) to remove the one-acre minimum lot size for Industrial and Manufacturing uses and replace the one-acre requirement with a one-half acre minimum lot size requirement.

BACKGROUND:

At its regular meeting of December 10, 2009, the Council adopted a motion to accept the Planning Board's recommendation that the Council should adopt the proposed amendment of the minimum lot size from one acre to one-half acre for manufacturing uses in the HOD and ED Zones, and that the Council should proceed with adoption of the appropriate Ordinance without further Public Hearing as provided for by SMC 16.134.050 J.

At that meeting, Council directed Staff to prepare an Ordinance for consideration by the Council to amend SMC 16.12.050 and SMC 16.12.060 without further Public Hearing on the part of the City Council. Ordinance 1075-10 (**Attachment A**) is provided for Council consideration.

Attachment B presents the Planning Board Meeting Minutes for April 21, 2009.

The April 21st Planning Board Agenda Cover (**Attachment C**) also presents the Comprehensive Plan Policy Analysis that shows how the Plan supports streamlining of land use restrictions and promotes the most efficient use of industrial land.

DISCUSSION:

By way of summary, there is no reason for a one-acre minimum for industrial uses as each use needs to accommodate a different range of functions in differing amounts. Under the current standards, a small-scale but highly productive use could fit well on a one-half acre site, but it would be encumbered by needing to purchase one full acre for its operation. This is not in keeping with streamlining codes to provide the greatest opportunity for business investment in the Community.

A one-half acre minimum is appropriate as a replacement because of the most basic requirements for parking of employee vehicles, vehicle maneuvering room, deliveries, operations, and storage, screening, and other functions. Since all industrial and manufacturing uses need to develop a site plan showing how their operations are to be accommodated, any size beyond the one-half acre minimum is based on design of the particular business. Implementation of this approach will result in the necessary amount of land being developed for each use, but no more than is necessary. This helps to save the scarce industrial land base for future development.

RECOMMENDATION:

Staff recommends that Council conduct First Reading of Ordinance 1075-10; an Ordinance amending SMC Title 16, the Unified Development Code at Section 16.12.050 the Highway Oriented Development Zone (HOD) and at Section 16.12.060, the Economic Development Zone (ED) to remove the one-acre minimum lot size for Industrial and Manufacturing uses and replace the one-acre requirement with a one-half acre minimum lot size requirement.

ATTACHMENTS:

Attachment A: Draft Ordinance 1075-10

Attachment B: Planning Board Minutes from April 21, 2009 meeting

Attachment C: Planning Board Agenda Cover April 21, 2009

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1075-10**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, ADOPTING
AMENDMENTS TO SULTAN MUNICIPAL CODE TITLE 16, UNIFIED
DEVELOPMENT CODE, REDUCING THE MINIMUM LOT SIZE FOR
MANUFACTURING USES FROM ONE ACRE TO ONE-HALF ACRE IN SECTION
16.12.050, HIGHWAY ORIENTED DEVELOPMENT ZONE AND IN SECTION 16.12.060
ECONOMIC DEVELOPMENT ZONE AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan has adopted Sultan Municipal Code Title 16, Unified Development Code, and periodically adopts Amendments to said Title in response to changing conditions; and

WHEREAS, Title 16 contains zoning provisions in Section 16.12.050 Highway Oriented Development Zone, and in Section 16.12.060 Economic Development Zone, that set minimum lot sizes for Manufacturing Uses; and

WHEREAS, said Zones establish one acre as the minimum lot size that can be created by land division processes for location of a manufacturing use; and

WHEREAS, The Planning Board, on its own initiative, proposed that one acre was an unnecessarily large lot size for certain industrial uses and proposed that one-half acre would be a more appropriate minimum lot size; and

WHEREAS, The Planning Board, at its regular meeting of April 21, 2009, conducted a duly advertized Public Hearing on the proposal to amend Section 16.12.050 Highway Oriented Development Zone and in Section 16.12.060 Economic Development Zone to provide for a minimum lot size of one-half acre for manufacturing uses; and

WHEREAS, The Planning Board received testimony supportive of the proposal and received no testimony in opposition to the proposal; and

WHEREAS, The Planning Board finds that manufacturing uses must be properly designed and buffered to accommodate the proposed lot and adjacent uses; and

WHEREAS, The Planning Board, at its regular meeting of April 21, 2009, unanimously adopted a motion to forward the proposal to reduce the minimum lot size for manufacturing uses in said Zones and that the City Council, as provided in SMC 16.134.050 J., need not hold an additional Public Hearing on the proposed Amendment; and

WHEREAS, The City provided notice to the Washington Department of Community, Trade and Economic Development for review under provisions of RCW 36.70A.106 (3)(b), and other notices as required by law; and

WHEREAS, The City received clearance on the required notice process from the State by letter on April 13, 2009, which clearance authorizes final action on the proposed Amendment; and

WHEREAS, The City Council has received and accepted the recommendation of the Planning Board and finds that the proposed reduction in minimum lot size is supportive of certain industries, and will assist Comprehensive Plan Policies regarding economic development and that any industrial placements will continue to be required to conform to all applicable development and environmental standards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Sultan Municipal Code Title 16, UNIFIED DEVELOPMENT CODE, is hereby AMENDED AS FOLLOWS:

EXHIBIT A: Tables of Dimensional and Density Requirements for Section 16.12.050 Highway Oriented Development Zone, and Section 16.12.060 Economic Development Zone, with changes indicated to reduce the minimum lot size for Manufacturing Uses from one acre to one-half acre.

Section 2. Severability. Should any Section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or Federal Law or Regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the Date of Publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2010.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

EXHIBIT A
ORDINANCE 1075-10

16.12.050 Highway-oriented development (HOD) zone.

A. General Description of Character and Intent of the Zone. This zone includes areas that have the potential to accommodate moderate to dense highway-oriented development along Route 2. Commercial and office uses as part of a planned retail center are envisioned for this zoning district.

Highway-Oriented Development (HOD) Zone

Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Caretaker Residence	-	4,500 sq. ft.	50	90	25	10	25	30	25
Guest Houses	12 rooms	0.5 acres	100	100	25	10	25	30	35
Hotels/Apartment Hotels	30 rooms	0.5 acres	100	100	25	10	25	30	35
Motels	30 rooms	1 acre	100	200	25	10	25	30	25
Bed and Breakfast Inns/Guest Houses	16 rooms	0.5 acres	100	100	25	25	25	30	25
Retail Trade Establishments ¹	-	10,000 sq. ft.	70	80	25	10	25	30	25 ⁶
Agricultural Produce Stands/Plant Nurseries ⁵	-	10,000 sq. ft.	70	80	25	10	10	30	50
Home Building Supply Stores	-	1 acre	100	200	50	25	50	30	35 ⁶
Flea Markets ³	-	1 acre	100	200	25	25	25	30	25
New and Used Car Sales and Service Facilities	-	1 acre	100	200	25	25	25	30	25 ⁶
Automobile Service Stations/Car Washes	-	0.5 acres	100	100	25	25	25	30	25
Automobile Rental Agencies	-	10,000 sq. ft.	70	80	25	10	25	30	20
Shopping Centers	-	2 acres	200	300	25	25	50	30	25 ⁶
Wholesale/Storage/Distribution Facilities	-	1 acre	100	200	25	25	25	30	40 ⁶
Personal Services Establishments ¹	-	10,000 sq. ft.	70	80	10	10	25	30	35 ⁶

Veterinarians/Animal Kennels and Shelters	-	0.5 acres	100	100	100	25	25	50	30	40
Public Transit Terminal Facilities	-	2 acres	200	200	200	50	25	50	30	20
Parking Structures ⁴	-	0.5 acres	100	100	100	10	10	10	30	60
Automobile Repair and Service Facilities	-	0.5 acres	100	100	100	25	25	50	30	25
Business/Professional Services Establishments ¹	-	10,000 sq. ft.	70	80/p>	80/p>	10	10	25	30	35 ⁶
Libraries	-	0.5 acres	100	100	100	25	20	25	30	40 ⁶
Government Offices	-	10,000 sq. ft.	70	80	80	10	10	25	30	35 ⁶
Post Offices	-	1 acre	100	200	200	25	20	60	30	25 ⁶
Health Care Facilities	-	0.5 acres	100	100	100	25	25	25	30	25 ⁶
Public Safety (Police/Fire) Stations	-	0.5 acres	100	100	100	25	25	40	30	35 ⁶
Sewage Lift Station/Water Pump Station ³	-	0.5 acres	100	100	100	25	30	30	30	40
Electrical Substations ³	-	10,000 sq. ft.	70	80	80	25	15	25	30	40
Transmission Lines ³	-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tattoo Parlors ⁷	-	1 acre	100	200	200	25	25	35	30	25
Houses of Worship ³	-	1 acre	100	200	200	25	25	25	30	30 ⁶
Recreation Facilities	-	2	2	2	2	2	2	2	30	10
Game/Video Arcades ¹	-	10,000 sq. ft.	70	80	80	25	25	25	30	25
Night Clubs	-	1 acre	100	200	200	25	30	50	30	25
Adult Entertainment Facilities ^{3,7}	-	1 acre	100	200	200	25	25	35	30	25
Recreational Vehicle Parks	20 vehicles	2 acres	200	200	200	50	25	25	30	10
Seasonal Parking Facility ³	-	2,500 sq. ft.	50	50	50	10	5	5	N/A	N/A
Limited Food/Beverage Processing Facilities	-	1 acre	100	200	200	25	25	25	30	30 ⁶
Manufacturing Uses ³	-	1/2 acre	100	200	200	25	25	25	30	30 ⁶

16.12.060 Economic development (ED) zone.

A. General Description of Character and Intent of the Zone. This zoning district includes the industrial, warehousing, and major office development areas of the city, as well as the major utility areas.

Economic Development (ED) Zone

Table of Dimensional and Density Requirements

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft)			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%) ⁵
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Manufacturing Plants/Facilities ²	-	1/2 acre	100	200	25	25	35	50	65
Wholesale Operations ²	-	1 acre	100	200	25	25	35	50	40
Warehousing Operations ²	-	1 acre	100	200	25	25	35	50	40
Freight Distribution Centers ²	-	2 acres	200	200	25	25	35	50	30
Mini-Warehouse/Storage Facilities ²	-	1 acre	100	200	25	25	25	30	65
Public Transit Storage and Maintenance Facilities	-	2 acres	200	200	25	25	25	50	25
Public Transit Stations	-	10,000 sq. ft.	70	80	25	10	25	30	40
Moving Van and Storage Facilities ²	-	1 acre	100	200	25	25	35	50	40
Airports, Landing Fields and Heliports	-	25 acres	500	500	100	100	100	50	20
Auto Repair Establishments	-	20,000 sq. ft.	100	100	25	25	35	30	25
Towing and Wrecking Services	-	20,000 sq. ft.	100	100	25	25	35	30	25
Janitorial Services	-	20,000 sq. ft.	100	100	25	25	25	30	25
Laundry Plants ²	-	1 acre	100	200	25	25	35	50	25
Electrical Substations	-	20,000 sq. ft.	100	100	25	30	25	30	25
Electrical Generating Plants	-	25 acres	500	500	100	100	100	100	25

Sewage Treatment Plants	-	2 acres	200	200	50	50	50	30	35
Solid Waste Disposal/Recycling Centers	-	2 acres	100	200	25	50	50	30	25
Petroleum Products Storage and Distribution	-	5 acres	200	300	50	50	50	50	50
Business or Professional Service Establishments	-	10,000 sq. ft.	70	80	10	10	25	30	25
Personal Services	-	10,000 sq. ft.	70	80	10	10	25	30	35
Libraries	-	0.5 acres	100	100	25	20	30	40	35
Government Offices	-	10,000 sq. ft.	70	80	10	10	25	30	35
Post Offices	-	1 acre	100	200	25	20	60	30	25
Public Safety Police/Fire	-	0.5 acres	100	100	25	25	40	30	35
Recreational Facilities ⁶	-	6	6	6	6	6	6	30	10
Caretaker Residences ⁴	-	4,500 sq. ft.	50	90	25	10	25	30	25
Guest Houses ³	-	3	3	3	3	3	3	30	25
Hotel/Apartment Hotels ³	30 rooms	0.5 acres	100	100	25	10	25	30	35
Bed and Breakfast ³	16 rooms	0.5 acres	100	100	25	25	25	50	25
Auto Service Station ³	-	0.5 acres	100	100	25	25	25	30	25
Auto Rental ³	-	10,000 sq. ft.	70	80	25	10	25	30	20
Bars/Taverns/Cocktail Lounges ³	-	10,000 sq. ft.	70	80	10	10	25	30	35
House of Worship ³	-	1 acre	100	200	25	25	25	30	30
Parking Structure ⁴	-	0.5 acre	100	100	10	10	10	30	60
Retail Food Establishments	-	20,000 sq. ft.	100	100	25	10	25	30	25
Health Care Facilities	-	20,000 sq. ft.	100	100	25	10	25	30	25
Correctional Institutions	-	50 acres	1,000	1,000	200	200	200	50	20
Adult Entertainment Facilities ¹	-	1 acre	100	200	25	25	35	30	25
Tattoo Parlors ¹	-	1 acre	100	200	25	25	35	30	25
Seasonal Parking Facility ³	-	2,500 sq. ft.	50	50	10	5	5	N/A	N/A
Secure Community Transitional Facilities ³	3 rooms	12,000 sq. ft.	100	100	25	25	25	30	25

PLANNING BOARD MEETING MINUTES

April 21, 2009

PLANNING BOARD MEMBERS PRESENT:

Frank Linth - Chairman
Steve Harris-Absent
Keith Arndt
Robin Shaw
Jerry Knox

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: Planning Board Education Short Course.

Public Comments: None

Planning Board Member Comments: None

Approval of Minutes:

Arndt moves to accept the minutes of the April 7, 2009 Planning Board Meeting, 2nd by Knox, all ayes.

PH-1 PUBLIC HEARING

Amendments to Sultan Municipal Code Titles 2, 16, and 21

Conduct a Public Hearing on Amendments to Sultan Municipal Code Titles 2, 16, and 21 to remove Planning Board/Commission and the City Council from Quasi-Judicial Land Use Process and to vest those processes in the Hearing Examiner and to clarify titles of certain Responsible Official(s).

Linth: Opens and closes the Public Hearing (no public in attendance), so moved by Arndt, 2nd by Knox, all ayes.

Action Item(s):

A-1 Recommendation to City Council

Make a recommendation to the City Council on Amendments to Sultan Municipal Code Titles 2, 16, and 21 to remove Planning Board/Commission and the City Council from Quasi-Judicial Land Use Process and to vest those processes in the Hearing Examiner and to clarify titles of certain Responsible Official(s).

Martin: Advises Planning Board Community Trade & Economic Development (CTED) has accepted the Document as a minimal procedural change. Board needs to consider and discuss Staff Recommendation(s) and related materials, included in attachments B-J and make a recommendation to the City Council. According to Level III process in Public Participation and Notice Procedures (as adopted by Ordinance 1015-09). The Council has expressed interest in vesting all of the Quasi-Judicial Procedures in the Hearing Examiner. Quasi-Judicial processes are Land Use Actions that affect a specific property based on an application for a particular decision (e.g. Conditional Use, Variance, or

Zone Map Change). This is only intended to remove the Council from Quasi Judicial processes. There is extensive work required to revise the Code to bring it up to current standards. That full-scale work will follow this single-topic project.

Arndt: Reviewed the attachments B-J and noted several discrepancies, spelling and punctuation errors, requested clarification on specific sections. Noted that in SMC Sections 2.26.110 and 2.26.120 there is a conflict between a 7 day(s) and 10 day(s) 2.26.110 2.26.120, should "Hearing" be placed before all examiner references for clarity. In SMC Section 2.26.180 should references to city council v. hearing examiner be left in?

Martin: Council needs to stay in 26.180 because the authority to tax or change taxes can only be exercised by the City Council.

Arndt: Pointed out SMC 16.10.090 spelling error, SMC 16.18.100 D appears out of context, would like clarification. SMC 16.28.030 Exempting Subdivisions appears a "big" exemption, SMC 16.28.050 C, notes City Administrator is referenced and appears to be replaced by the Planning Commissions role, would like explanation. The only reason for the tie-in would appear the City Administrator probably still is the high level of determination. SMC 16.28.300 Does the section match the current public participation process?

Martin: Yes to SMC 16.28.300.

Arndt: SMC 16.28.380 with reference to 30 days, what kind of days does that refer too? Calendar, Work Day(s)? SMC 16.28.400 Final Plat approval does City Council have the final decision or Hearing Examiner?

Martin: It must be the City Council.

Linth: SMC 16.120.050, is there anything in the table that is not specifically defined elsewhere.

Martin: I cannot find where 120.050 is referred to in any other section, and I believe that all 120.050 topics are handled elsewhere in the code.

Arndt: SMC 21.06.040 H; the reference to "planner" should be changed to the Community Development Director, 21.06.080 A; the word "city" should be changed to Community Development Director.

Martin: : No, retain phrase "the city".

Arndt: That's all I have, what is the time line on this?

Martin: Long term high priority, I am talking with consulting assistants.

Linth: Thanks Arndt for due diligence on reviewing the document in detail and recommends the board drop the table referenced in SMC 16.120.050 all together, as long as the topics are covered in other sections of the code.

Consensus of all Planning Board Members to remove 16.120.050 if all items are handled elsewhere in the code.

Arndt: Moves to table this until we get another pass at it with the correct storm water references, 2nd by Knox, all ayes.

PH-2 PUBLIC HEARING

Minimum Lot Size Standard for Industrial Development

Conduct a Public Hearing on Minimum Lot Requirements for Industrial and Manufactured Uses in Highway Oriented Development (SMC 16.12.050) Zone and Economic Development Zone (SMC 16.12.060); proposing to replace existing 1-acre Minimum Lot Size with ½-acre Minimum Lot Size(s).

Linth: Opens the Public Hearing referenced above. States he is a real estate broker and has no financial interest in this proposal but his clients may and asks if anyone has an issue with his participation. All No.

Public Comments:

James Durett: Docu-Feed Technologies, Sultan WA has had his company here for 5 years, is considered Light Industrial and has no pollution of any to speak of. He would like to see the Board move this amendment forward as he is looking to move his company to a larger facility and doesn't believe the minimum 1 acre lot size for his type of industrial use is reasonable.

Arndt: Moves to close the public hearing portion of the meeting; 2nd by Knox, all ayes.

Martin: Performance based zoning should be adopted by the commission. Meaning there is no listed minimum lot size, i.e. the size of the lot is based on all things applicable to the specific use. Specified minimum lot sizes are necessary in many circumstances, to maintain desired maximum densities in residential areas, or to separate conflicting types of uses in conjunction with specified buffers along zone boundaries. Minimum lot sizes are not necessary or even helpful when it comes to industrial activity. 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. There is no need for a minimum lot size for industrial activities. 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 and handled through the site plan review process. 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. The potential negative for some owners is that no loud diversion would be allowed in industrial zoning unless a development plan is approved for the site first.

Planning Board Comments on Public Hearing:

Linth: Any questions for clarification?

Arndt: Does not like a band-aid approach to making amendments but will go forth on this occasion with recommending the amendment.

Arndt: I recommend we move this forward to City Council on proposed Amendments to change the minimum lot size standard from 1-acre to ½ acre for Industrial Development in Sultan Municipal Code

Chapters 16.12.050 Highway Oriented Development Zone (HOD) and 16.12.060 Economic Development Zone (EO) to remove minimum lot size from Manufacturing Uses/Facilities. 2nd by Knox, all ayes.

Martin: This requires a 2nd action with Level 4 public participation review. Planning Board needs to recommend to City Council for whatever reason whether another level of participation is needed in the form of a Public Hearing at the Council Level. The Comprehensive Plan should be reviewed in instances of code amendments that make substantive changes in the way that the plan and its implementing codes are implemented on the ground. This proposed change is minimal in its effects on the natural or built environment, but it is worthy of review to verify that it does not conflict with the Comprehensive Plan.

Arndt: I move that the recommendation as stated be moved forward to city council without an additional public hearing at the council and it be adopted under level 4. I will add the only reason he see's we perhaps hold another public hearing is because it wasn't heard by any of the public here tonight.

Linth: I move that we recommend that the Council does not need to hold another public hearing, 2nd by Knox, all ayes.

STAFF PRESENTATIONS and DISCUSSION BY BOARD

None

PLANNING BOARD EDUCATION & DEVELOPMENT

E-1 Implementation of the Comprehensive Plan

Martin: Hands out the updated prioritized work list. Items 2 and 3 mid-term/high-priority have been added and will be completed shortly. Gave Planning Board members a copy of the CTED Policy and what is submitted to CTED for notice of code amendments. Distributed copies of the Short Course on Local Planning, Short Plat Development Review, Ogden, Murphy, & Wallace: Planning and the Law.

Arndt: Requested information/status of projects in terms of completion.

Martin: Went over the list and updated members on where the projects stand and what they have accomplished so far. Joint meeting Tuesday June 30, 2009 will be held; either Planning Board or City Council has a meeting that week. We are assembling an organization notebook, Customer Service Satisfaction Level RFP for a consultant to do that survey.

Arndt: Requesting input on limiting the Planning Board Meetings to 1 a month over the next few months, maybe adding that as a discussion item next meeting.

Linth: Commends Mr. Arndt again on his due diligence of tonight's Public Hearing materials.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

ADJOURNMENT:

Motion to adjourn by Arndt, 2nd by Shaw, all ayes.

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: PH-2

DATE: April 21, 2009

SUBJECT: Public Hearing on Minimum Lot Requirements for Industrial and Manufacturing Uses in Highway Oriented Development (SMC 16.12.050) Zone and Economic Development Zone (SMC 16.12.060); proposing to replace existing 1-acre Minimum Lot Size with ½-acre Minimum Lot Size.

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Hold Public Hearing on proposed Code Amendments to change Minimum Lot Size for Industrial and Manufacturing Uses in Highway Oriented Development (SMC 16.12.050) Zone and Economic Development (SMC 16.12.060) Zone from 1-acre Minimum Lot Size to ½-acre Minimum Lot Size.

STAFF RECOMMENDATION:

Conduct Public Hearing on proposed Amendments.

DISCUSSION:

Through Economic Development contacts, it has come to the attention of Staff and some Planning Board Members that 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 1-acre minimum lot size is not meaningful.

Smaller Lot Size:

At the April 7th Meeting, the Planning 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.

Until the Code is revised to include all of the standards for a fully site-specific lot size (no minimum) it is not advisable to go less than ½-acre in industrial zones.

Adequate Buffers:

Also at the April 7th Meeting, citizen comment was offered on this topic. Mr. Gerry 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 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:

At the April 7th Meeting, the question of long-term vs. short-term fix was discussed. This proposal is acknowledged as a short term solution to the issue of making best use of the limited amount of industrial land.

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 Planning Board will need to consider and discuss with the community in the future.

RECOMMENDATION:

Conduct a Public Hearing on this proposed Amendment according to Level IV Procedure in the Public Participation and Notice Procedures (Adopted by Ordinance 1015-09).

ATTACHMENTS:

Attachment A: Table of Dimensional and Density Requirements as presented in Chapter 16.12.050 and Chapter 16.12.060, indicating ½-acre minimum in HOD and ED Zones