

## January 20, 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 7:03 PM

**Pledge of Allegiance:**

**Roll Call:** See Above

### **Changes to the Agenda:**

Martin: Requests Items H-2 and A-2 be removed from tonight's Agenda to allow notice period for Shoreline Master Plan amendments to run their course.

### **Planning Board Member Comments:**

Members welcome the new Planning Board Member Jerry Knox. Mr. Knox introduces himself and looks forward to being a member of the board and participating in this process.

### **WELCOME NEW PLANNING BOARD MEMBER**

At the January 8, 2009 City Council Meeting the Mayor appointed Mr. Jerry Knox to the Planning Board that appointment was confirmed by City Council. Mr. Knox fills the vacancy left by Mr. Paul McBride. Mr. Knox will fill the term which ends June, 2009 and will be available for reappointment at that time.

### **Approval of Minutes:**

Shaw moves to accept the Minutes of January 6, 2009 Planning Board Meeting, 2<sup>nd</sup> by Harris, all in favor, all ayes.

### **Hearing and Action Items:**

#### **H-1 Public Hearing on Amendments to Sultan Municipal Code Chapter 17.08, Flood Damage Prevention:**

Martin: Explains to PB Members the Public Hearing must be held in compliance with statute and policy to take public comment on proposed updates to the Sultan Municipal Code (SMC) Chapter 17.08, Flood Damage Prevention to accommodate recommendations from the recent Community Assistance Visit (CAV) by Washington Department of Ecology (DOE) and the Federal Emergency Management Agency (FEMA), then chose to close or continue the Hearing as appropriate. Action will be taken on the proposed Amendment following the Hearing. This date was set at the January 6, 2009 meeting. The City is heavily involved in the National Flood Insurance Program (NFIP) due to the extensive portion of the City that is in the Skykomish/Sultan River Floodplain. The Community Rating System (CRS) assigns value to various activities by the community in pursuit of effective flood loss management and prevention. Pages 1, 2, & 3, of the July 9, 2008 letter from the

Department of Ecology indicate several changes that need to be made to SMC Chapter 17.08, Flood Damage Prevention. Staff and a Consultant have prepared a draft of the changes called for in the July 9th letter.

Attachment A show staff changes in legislative mark-up needed to accomplish the recommendations to SMC Chapter 17.08 requested in the July 9th letter. The letter pointed out 3 areas; (1) Floodplain Regulations, (2) Procedures, (3) Field Inspection Report Cases.

**Public Comments on Hearing:**

No Public Comments

Harris: Motion to close the public hearing; 2<sup>nd</sup> by Shaw, all ayes.

**Comments from Planning Board Members:**

Linth: Requested explanation on the basement standards, ground elevation, grade-line etc., floodplains v. floodways and in item 26 when you file your claim w/ FEMA, clarification on the standards that must be met, that pared with definition of substantial improvement, brings in 50 % issue.

Martin: Clarifies and answers to Linth's questions on the formulas and definitions used to create these standards.

Arndt: Would like to know if moving the most critical inspection point to another phase could reduce the need for so many inspections. Why are different inspections worded so differently, can't they clean up the language so it is concise? Instead of worded so differently?

Martin: States it's necessary, it may seem like overkill however it is easier to go back and repair smaller segments of a job done incorrectly than to go back and removed concrete and/or the finished product after it is completed.

Arndt: Inquires to the previous outdated language for feasibility to current standards and has it been corrected so no conflicts exist? Who sets the reasonability standard as written?

Martin: Will review the outdated language and make corrections as necessary. FEMA sets the standards in question.

Linth: Questions the recreational vehicles on site for 180 days and the language they be fully licensed for highway use, believes that should be taken out.

Arndt: Asks Deborah Knight, (City Administrator) if these changes do what you need them to do? Do they satisfy the current requirement for flexibility in interpreting the Base Flood Elevation?

Ms. Knight: These changes address short-term issues of the July 9, 2208 letter to retain Level 7 Rating. They indicate that the long term course is for more regulation and fewer options at the local level.

Linth: Wants to bring this back at the next meeting with changes identified, before sending it to council.

Arndt: Recommends moves to send the document forward with amendments as discussed to City Council on Amendment of Sultan Municipal Code Chapter 17.08 Flood Damage Prevention for approval, Planning Board Members can examine the document with changes suggested prior to the next city council meeting. If members agree not to accept it the council will need to be notified. 2<sup>nd</sup> by Linth, all ayes.

**H-2 Public Hearing on Amendment of Shoreline Master Program, Chapter 7, Administrative Procedures:** DEFERRED / REMOVED FROM AGENDA

**A-2 Recommendation to City Council on Amendments to Shoreline Master Program, Chapter 7, “Administrative Procedures”:** DEFERRED / REMOVED FROM AGENDA

**STAFF PRESENTATIONS AND DISCUSSION BY BOARD:**

**P-1 Presentation and discussion of proposed Amendment to Sultan Municipal Code, adding Section 16.12.070, Public and Institutional Zone:**

Martin: Explains tonight’s presentation and discussion of proposed Amendments to Sultan

Municipal Code, adding Section 16.12.070, Public and Institutional Zone, Amendment of the Comprehensive Plan Future Land Use Map, and Amendment of the Official Zoning Map, (SMC 16.08.020) to Zone “Unzoned” properties owned by the City. The City needs to establish a Public & Institutional Zone in the Unified Development Code, and amend the Comprehensive Plan Future Land Use Map and the Official Zoning Map to place the newly-created zone on two parcels of “Unzoned” property owned by the City.

The Zoning Codes and UDC typically contain a separate zone that is applied to public lands such as parks, public works yards, schools, hospitals, and other public and institutional properties and facilities. The Sultan UDC Title 16, does not provide for this Zone, due to the absence that Zone type in Chapter 16.12, there are two major properties owned by the City that are shown on the Comprehensive Plan Future Land Use Map and on the Official Zoning Map as “Unzoned”. It is not appropriate to have a Comprehensive Plan developed under the Growth Management Act that explicitly designates properties as “unzoned”.

Three steps are required: (1) The text of a Public and Institutional Zone must be developed and amended into the Unified Development Code. The location for this Zone would be a new Section 16.12.070. (2) The “Comprehensive Plan Future Land Use Map” is amended to remove the “Unzoned” designation from a portion of Randolph Reese Park and the Water Treatment Plant property. (3) The “Official Zoning Map” as established by SMC 16.08.020, is amended to conform with the new land use designation of these properties as provided in the newly-amended Comprehensive Plan Future Land Use Map.

Staff is recommending that the Board undertake development of the text of a Zone that provides for Public and Institutional Uses as a separate use from the Residential, Commercial, and Industrial categories that are provided for in the Comprehensive Plan and the UDC. This Zone can be amended into the UDC so that it will be available when the Comprehensive Plan docket can include amendment of the Future Land Use Map. Once the Comprehensive Plan map designates the subject properties as Public, the Official Zoning Map can be amended to remove the "Unzoned" label and Zone them as Public and Institutional.

There are other properties in the community that would also be appropriately zoned Public and Institutional. This includes other major city-owned sites such as the Public Works yard and related properties, and the several school sites.

Staff will bring the proposed Zone text back to the Board at its next regular Meeting with any requested changes, if satisfied with the language a Public Hearing date could be set to gather public input on the proposal.

Any actions this evening do not affect the maps until the comp plan opens we need zone text written in Title 16.

PB Members: Much discussion among the group on understanding the concept and the intent behind the requirement.

Martin: Discussed with members his experience and why these procedures are necessary and the logic behind the process.

Arndt: What is the intent to protect the residential areas and the government also? You need to be careful, to manage the potential growth and unwanted structures sneaking through a loop hole. Wants the uses included based on function, not just public ownership.

A more filled out purpose statement / permitted agencies public offices b-1 and b-2 and go from there, then start bringing in development standards.

Shaw: Sect C and B state what existing zoning regulations already exist, why the overlap and why redo it if it already exists? city hall could fit into the commercial zoning or its unique to its own specific zone.

Knox: Allow for the greatest flexibility with fewest legal arguments down the road.

#### **Public Comments on Agenda Items:**

Bob Knuckey: I hear about the city's interest on zoning what about the public interest. Lives across from the VOA but now they have a school. Do I have to worry about it becoming a school? Be concerned how zoning will affect the existing residents.

Harris: Agrees with Knuckey.

Knox: Did zoning allow it how did it happen?

Martin: They are applying for a CUP /Quasi public uses would be allowable on that property.

Knuckey: medium / moderate density school w/ CUP be respectful of current citizens property. So zoning changes don't affect those properties unduly. Protection of the public is important.

Arndt: Moves to postpone the education and slideshow to the next meeting on February 3, 2009, 2<sup>ND</sup> by Harris, all ayes.

Arndt: Apologizes for his tardiness, welcomes Jerry Knox, it will be great working with him, Acknowledges Bob Knuckey explaining that if it was apparent its Mr. Knuckey's perspective exactly where he's coming from. Specifically if the private sector is required a certain function why should the city get the special treatment.

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY:**

None.

Arndt: Moves to adjourn the meeting, 2<sup>nd</sup> by Knox meeting adjourned at 10:00 PM