

## February 3, 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 7:00 PM

**Pledge of Allegiance:**

**Roll Call:** See Above

**Changes to the Agenda:** None

### Planning Board Member Comments:

Arndt: A.B.A.T.E Motorcycle Club is considering the City of Sultan to hold their annual motorcycle event in Sultan and would like to see the Community support the club moving their event here instead of Snohomish. This event brings upward of 12,000 people to the event.

### Approval of Minutes:

Knox moves to accept the Minutes of January 20, 2009 Planning Board Meeting, 2<sup>nd</sup> by Harris, all in favor, all Ayes.

## HEARING AND ACTION ITEMS

### H-1: Public Hearing on Amendment of Shoreline Master Program, Chapter 7, Administrative Procedures:

Martin: We are here to hold a Public Hearing on the proposed Amendment of the Shoreline Master Program Chapter 7, Administrative Procedures and take public comment, and close or continue the Hearing as appropriate. The purpose of the hearing is to take public comment on removing the City Council from responsibility for quasi-judicial process in the Shoreline Master Program and transfer that responsibility to the Hearing Examiner. Adjust other procedures in Chapter 7 to clarify and streamline administration of the Shoreline Master Program. Action will be taken on the proposal following the hearing as listed in Agenda Item A-1.

The reason for the amendment pertains to the Shoreline Master Program (SMP) having been adopted and approved by the State as required by RCW 90.58 and WAC 173-26. It became effective on October 29, 2008, after expiration of the statutory 60-day appeal period. The newly adopted document is being published at this time.

The SMP was constructed using the Council as the final quasi-judicial decision maker. The Council has provided direction that all quasi-judicial procedures are to be vested in the Hearing Examiner.

Despite the recent adoption of the SMP, it is necessary to amend the Administrative Procedures (Chapter 7) to remove the Council from responsibility for quasi-judicial process and transfer that responsibility to the Hearing Examiner.

This is a procedural amendment only. It does not enact any changes in the substantive provisions of the Program, and will not result in any changes in implementation of policy or affects on the environment that are not contemplated by the language of the existing document.

While writing the language to remove the Council from quasi-judicial activities, Staff also took the opportunity to organize Chapter 7 to more effectively describe the procedures. In particular, the proposed draft clarifies that a Shoreline Substantial Development Permit is reviewed and decided at the Staff level (administrative review) with appeal to the Hearing Examiner. This was the intent of the newly-adopted document, but was not clearly stated. Other quasi-judicial functions (Variances and Conditional Uses) are addressed by the Staff constructing a report based on the Applicant's submittal with a Public Hearing by the Hearing Examiner. The Hearing Examiner's decision is appealable to the Shoreline Management Hearing Board or other appropriate appellate body.

**Planning Board Comments on the Public Hearing:**

Knox: Notes on page A-13 under appeals paragraph d, questions the reference to the remand back to the Hearing Examiner, should be corrected. Other minor language errors to be reviewed and corrected were noted.

Shaw: Notes on page 3 under Exemptions the dollar amount of \$5718.00 conflict with the dollar amount in the foot note of \$5178.00 and wants to know if that is a error, and be corrected.

Additional discussion between Bob Martin and Planning Board members on language and possible conflicts and clarifications issues is discussed.

Arndt moves to recommend the Amendment of Shoreline Master Program, Chapter 7, Administrative Procedures with corrections as indicated in their discussions to City Council for approval, 2<sup>nd</sup> by Knox, all Ayes.

**Public Comments on Hearing:** None

Linth moves to close the Public Hearing, so moved by Arndt, 2<sup>nd</sup> by Knox, all Ayes.

**Planning Board Member Comments:**

Harris: Would like to know if this is a generic format compared to the other cities.

Martin: It is fairly streamlined not necessarily generic.

**Action Item 1-Public Hearing on Amendment of Shoreline Master Program, Chapter 7, Administrative Procedures:**

Motion previously made after Public Hearing.

Linth: Would like coffee at the planning board meetings, maybe shortbread cookies and vegetables.

**STAFF PRESENTATIONS AND DISCUSSION BY BOARD**

**D-1: Culmback Dam & Repetitive Flood Loss Tour:**

Knight: The city had organized a tour in an effort to encourage Snohomish County PUD and FEMA to work together to establish a standard for flood storage at Spada Lake that can be accepted by FEMA. The current re-study does not include flood storage, however Spada Lake has reduced high flood flows on the Sultan River. The FEMA restudy cannot include flood storage because it is considered incidental to the dam's operations. Specific operating agreements with dam managers like PUD are required for storage capacity in hydrology models. FEMA presented the requirements necessary to incorporate storage capacity into the dam's operating license with FERC which reflects on FEMA's flood mapping system.

Much discussion among planning board members and staff on the probability of obtaining this type of an agreement in an effort to maintain the City of Sultans flood rating of 7 and/or increase it as the requirements will only become more restrictive in future years

**D-2: Presentation and discussion on Design Review Board, Sultan Municipal Code Chapter 2.20:**

Martin: Discussed with Planning Board members the Vacancy of Design Review Board positions and the Planning Board's potential role in Design Review Board Functions. The purpose of the Design Review Board is provided by SMC Section 2.20.0 in summary the function is to assure development within commercial and industrial zones meets the City of Sultan Urban Design Standards.

Members are appointed by the Mayor in similar fashion to the appointment process for Planning Board Members. The Code at 2.20.010 calls for one member of the Design Review Board to be a downtown business owner. Desired qualifications include expertise in fields such as architecture, landscape architecture, graphic design, history, and similar areas of interest. The current inactive status of the Board could potentially hinder timely and appropriate action on an application for development in one of the applicable zones. Staff has provided the following options.

1. Make a concerted effort to fill vacancies on the Design Review Board and attempt to keep the Board involved whether or not there are developments applications that are under its jurisdiction.

2. Amend the SMC at Chapter 2.20 and other locations as appropriate to abolish the Design Review Board. This would be a relatively easy Code Amendment procedure from a technical standpoint. Community perception may be that the City no longer cares about the design and aesthetic issues of Community Development. Design Standards can be addressed by Staff as a normal part of the development application, but the lack of citizen involvement can be seen as an issue when the Community's appearance is involved.

3. Vest responsibilities of the Design Review Board in a group partially or wholly made up of Planning Board Members. Staff believes that this option would work best if two or three members of the Planning Board would also be appointed to the Design Review Board function. One additional person from the Community with architectural or similar background could be appointed to provide that perspective.

Linth: Recommends the Design Board be a member of PB and alternate, member of the Council and alternate, member of business community and alternate, 2 community members at least, Chamber member and an alternate. Any PB member would do just fine in the position.

Arndt: It's written in the code, the Mayor must appoint individuals to specific positions, and she can't appoint a group of people who will assemble in various combinations to hold Planning Board Meetings or Design Review Boards.

Arndt: I move we reconstitute the Board and ask the Mayor to appoint a 3 member Design Review Board consisting of a planning board member, a chamber member, and a community member. 2<sup>nd</sup> by Knox, Linth, and Shaw, opposed by Harris.

### **D-3: Continuation of discussion of proposed Amendment to Sultan Municipal Code adding Section 16.12.070, Public and Institutional Zone:**

Martin: Opens discussion on Public and Institutional Zone in the Unified Development Code and what uses the Board wants to include in a P/I Zone? Requests PB direct Staff to return with follow-up information as appropriate. Zoning Codes and Unified Development Codes 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 Unified Development Code, Title 16, does not provide for this Zone. The January 20, 2009 meeting Planning Board discussed this concept and a list of uses that could be included in such a Zone. At that time, based on subsequent conversations, it is appropriate to provide additional discussion regarding the purpose and function of a Public/Institutional (P/I) Zone. A set of discussion topics is provided in Attachment A discussion of topics and Attachment B typical uses in PI zone as discussed at the last meeting.

If the Planning Board wishes to proceed with development of a P/I Zone, the main Land Use issue at this point concerns the range of uses that are covered in the P/I Zone. Public and Institutional uses that are not included in the P/I Zone need to be included in other Zones as outright or Conditional Uses. Does the Board want to include Private Schools, Non-Profit Community Centers, and similar quasi-public functions in a P/I Zone, or include them as outright or Conditional Uses in the various Residential and Commercial Zones?

If they are included in the P/I Zone, listed public uses will typically have to go through a Zoning Map Amendment to establish a new facility site. If they are not in the P/I Zone, they typically would not have to go through a Zone Map Amendment, but would be subject to a Conditional Use Hearing. The P/I Zones put more burdens on the agency proposing the use to prove that the proposal complies with the Comprehensive Plan. The alternative of inclusion in each zone puts more burdens on neighbors objecting to the proposal to prove that the use does not meet the established Development Standards. The question of how this aspect of the Zoning Code is organized is completely a policy preference of the local jurisdiction.

Once the Planning Board has resolved recommendations on the first two policies questions, the next step is to discuss changes of use from Public Use to Private Use. This was a primary discussion during the Planning Board meeting on January 20, 2009. Should the City allow outright or discourage outright changes in use? The example used at the January 20th meeting was changing City Hall into an office building still owned by the City, but leased to private occupants, i.e. competing with the private sector for the office space market. This can be addressed in the text of the zone. If Staff is directed to proceed with a P/I Zone, we will address this question at the next Planning Board Meeting on February 17, 2009. Spot zoning is permissible in typical city formats. Do you want a PI Zone? What should be included in the zone?

Arndt: Requests to suspend the clock: for 10 minutes.

Knight: PB is not held to the clock suspension like City Council is.

Much discussion among planning board members and staff on scenarios encountered with proposed zones and how that would be controlled. Two tiers are required in the implementation of the zoning uses, which is creating the zones, and 2<sup>nd</sup> the standards required if the use is enacted in such a zone.

Linth: Staff is asking us to make as judgment on attachment B.

Martin: More discussion is needed in order for staff to move forward on this issue, which can be resumed at our next meeting due to the late hour.

## **PLANNING BOARD EDUCATION & DEVELOPMENT**

### **E-1 American Planning Association (APA) slide show: "Updating the Zoning Code":**

Deferred to next meeting.

**Public Comments on Agenda Items Only:**

Knuckey: He thinks parks and institutional zoning is good. The school across the street hasn't applied for a CUP, if you do go to a PI what's to stop the school from doing what they did over there. There is an issue there that I don't like. They bother my life in my home, I can hear them screaming, and stating all sorts of dirty words, and call him every name, it is bothersome to him, the city was unaware the school was even there. Site plan calls for handicap parking on the side of the building, but there is no handicap building. Someone is going to get killed on that street if something isn't done about the parking on the street. It is a terrible situation, I have taken pictures and showed them to the Mayor and council members, but the VOA does not provide any parking. He believes the zoning being asked for is a good idea.

**Planning Board Comments:**

None

**ADJOURNMENT:**

Shaw: Moves to adjourn the meeting, 2<sup>nd</sup> by Knox, all Ayes.

Meeting adjourned at 10:15 PM