

**SULTAN PLANNING BOARD  
AGENDA ITEM COVER SHEET**

---

**ITEM NO:** A-2

**DATE:** April 21, 2009

**SUBJECT:** Recommendation to City Council on proposed Amendments to Sultan Municipal Code (SMC): Remove 1-acre Minimum Lot Requirement for Industrial and Manufacturing Uses in Highway Oriented Development (SMC 16.12.050) Zone and Economic Development Zone (SMC 16.12.060) and replace with ½-acre Minimum Lot Size.

**CONTACT PERSON:** Robert Martin, Community Development Director

**ISSUE:**

Consider input received at the Public Hearing on this topic, the Staff Report, and related materials, and 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 to remove 1-acre Minimum Lot Size.

**STAFF RECOMMENDATION:**

Discuss topic of minimum lot size for Industrial Uses in light of public input received and direct Staff to make any changes to the proposed Amendments deemed appropriate.

Move to recommend adoption of the proposed Amendments by the City Council as a substantive text amendment based on the finding provided below (as modified by the Planning Board) subject to Level IV Process as provided by the Public Involvement and Notice Procedures adopted by Ordinance 1015-09.

Note: Level IV Process requires that the Planning Board make one of the following recommendations to the City Council along with its recommendation on the Amendment itself:

1. The Planning Board feels that an additional Public Hearing should be conducted by the City Council prior to consideration of the Amendment, or
2. The Planning Board feels that the City Council is well advised to proceed with consideration of the Amendment without an additional Public Hearing at the City Council level.

**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 1-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.

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 (one size fits all) for industrial activities. 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.

#### **APPLICABLE COMPREHENSIVE PLAN POLICIES AND PROPOSED FINDINGS:**

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.

Applicable policies will be listed and findings will be supplied for each as follows:

#### **Plan Section 2.2 - Population and Economic Development:**

##### **Goal 1: Job Creation:**

Help create employment opportunities within the Sultan economy, particularly for residents who now commute to other distant employment areas within Snohomish and King Counties.

**Finding Goal 1:** Reduction of the minimum lot size will increase the opportunity for small-scale, high-technology, and start-up industries to locate in the community.

##### **Goal 3: Site Efficiencies:**

Work with property owners to determine the effective development Capacity of sites having employment center possibilities. Determine the costs involved with providing sewer, fire and police protection, access roads, recreational areas, and other Sultan services and amenities versus the public benefits that may be realized by the creation of local jobs and tax potentials.

**Finding Goal 3:** The costs of providing services are reduced if industrial development is permitted on smaller lots. Sewer and water mains that pass in front of minimally-developed industrial land are expensive and provide reduced return on the public investment used to install them. Requiring a 1-acre minimum if the development only needs ½ acre results in inefficient use of utility services. This concept only operates to the level that the industrial development meets all required environmental and development performance standards. The lot size beyond the ½ acre minimum that is required for any particular industrial development depends on the size of the facility, its needs for parking, vehicle maneuvering, product staging and storage, buffering, landscaping, and any other specific environmental and performance requirements.

**Goal 5: Small Business Development:**

Encourage local business development opportunities, particularly for small start-up business concerns that may be owned or employ Sultan residents.

**Finding Goal 5:** Reduction of the arbitrary 1-acre minimum lot size is one step that can be taken to reduce the cost of starting an industrial business in Sultan. Start-up businesses will be more able to afford initial investment costs if their land costs are substantially reduced. Again, this lot size is only going to be available for use by very small industrial facilities. Reduction of the minimum lot size does not mean that industries of any size can now locate on ½ acre. As stated in Finding for Goal 3 above, the site and the facility must work together to result in a facility that meets all environmental and development standards.

**Goal 9: Base Employment Land Allocations:**

Provide as suitable supply of commercial, retail, business, office, and industrial lands that will provide for all Sultan area sustenance requirements and reduce commuting requirements to outside areas for base related employment opportunities.

**Finding Goal 9:** Reduction of the minimum lot size provides the opportunity to accommodate more small-scale businesses in the existing HOD and ED zoned areas. This can become a meaningful contribution to increased employment for area residents and reduction of commute trips for outside employment.

**Plan Section 2.5 - Land Use:**

**Goal 7: Performance Based Zoning Ordinance:**

Consider amending the zoning ordinance to utilize performance rather than dimensional standards. Define density based on the land's capable or environmentally suitable acreage rather than on the land's gross size or unqualified characteristics.

**Finding Goal 7:** This goal relates to the proposed amendments to the extent that it validates the concepts of lot size being tied to the proposal and its specific requirements. Sultan is not prepared to adopt a fully performance-based zoning code, therefore it is not appropriate to eliminate the minimum lot size completely. A ½ acre minimum is a reasonable mid-ground between an arbitrary 1-acre minimum and a completely performance-based program.

**RECOMMENDATION:**

1. Review and discuss the attached draft (**Attachment A**).
2. Review and discuss the draft findings provided above, and make changes deemed appropriate in view of the public testimony received.
3. Move to recommend adoption of the proposed Amendments to the City Council.
4. Implement Level IV Process by recommending whether the City Council should hold an additional Public Hearing prior to Council consideration of the proposed Amendments.

**ATTACHMENTS:**

Attachment A: Table of Dimensional and Density Requirements as presented in Chapter 16.12.050 and Chapter 16.12.060