

April 7, 2009 PLANNING BOARD MEETING MINUTES

PLANNING BOARD MEMBERS PRESENT:

Frank Linth - Chairman
Steve Harris
Keith Arndt
Robin Shaw-Absent
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:

Public Comments:

Jerry Gibson: Would like to comment on the Agenda Item referencing Industrial Lot Size Minimum and how it became a topic, someone had to initiate it and he wants to know who and why and if someone potentially stands to gain from it. What exactly does it mean specifically? There have been problems in the past with businesses that just popped up and noise complaints were created. I think you need to think of those types of impacts when making these decisions. I looked at Chapter 16 the purpose and scope of the city code for the Industrial Development Code the purpose is to implement the Comprehensive Plan by; # 7 dividing the city into zoning districts defining certain terms designing the uses and intensities thereof, that are permitted in the different districts and providing lot size and other dimensional and density requirements. I think there is more involved than just changing the code, you have to go in and change other plans. I still have the question who brought this up and if anyone here has something to gain by this. Changes like this can impact neighbors and their families and everyone close by.

Planning Board Member Comments:

Linth: This initially came up with a company here in town currently renting a 20' x 40' space. They had questions regarding fees etc., and they want to expand. They wanted to understand the minimum lot requirement on a 5000SF building and why a one acre lot was mandatory. That is how the issue came up.

Arndt: I have no direct interest in this issue. I look at it as a piece of text in the code that speaks to a one-size fits all requirement if you are manufacturing something you must have a 1 acre lot in which to do so. It seems there could be better suited lot-size requirements depending on what is being manufactured, this approach would define the earlier codes that appear to have been slapped together.

Knox: I think what the city does needs to be carefully thought out, especially where it could impact neighbors. He gives an example of a business that omitted a very bad odor and that had not

considered when the business was approved for the area. We need to consider the impacts the type of manufacturing will have on the people who live in the surrounding area.

Harris: Acknowledges he owns property in Sultan and with the upcoming FEMA revisions the City will have to move somewhere. The City must take into consideration what would be needed to do that. If you restrict the size of property you would find it difficult. He reiterates if a decision will affect a single piece of property he owns, he will recues himself. If it affects city property has a whole then he will make a decision. Believes the Planning Board has been doing a good job and taking the necessary time to make good decisions weighing the pros and cons.

Linth: I am a real estate broker and the argument could be made I could stand to gain from any change the Planning Board makes, however he feels he is a better Planning Board member because of the fact he is a real estate broker and vice versa. I don't believe this creates a conflict of interest on the issue, because we don't make decisions here we make recommendations and forward it on to City Council to make the decision. I don't believe anyone on the board would not stand up and recues themselves in the event they stood to gain independently from any decision that is made.

Linth: Would like to mention the Mayor brought up an issue with regard to the Homeless situation in town, please get a hold of Mayor if you would like to be a part of addressing this issue.

Approval of Minutes:

Knox moves to accept the minutes of the March 17, 2009 Planning Board Meeting, 2nd by LInth, all ayes.

Public Hearing(s):

None

Action Item(s):

A-1 Set Public Hearing on Amendments to Titles 2, 16, and 21 Sultan Municipal Code (SMC) to remove City Council and Planning Board from Quasi-Judicial Land Use Process and vest all such responsibilities in the Hearing Examiner, and to clarify titles of Responsible Officials

Martin: Informed Planning Board members why the amendments are necessary. Briefly goes through attachments and the changes that have been done (Attachments B-J), and requests Planning Board Members to direct staff to make changes they believe necessary. Then set a Public Hearing on the recommended Amendments under Level III process in Public Participation and Notice Procedures, as adopted by Ordinance 1015-09. Full applications must be submitted to staff at the time of application or the applicant and packet will be rejected in full prior to review. The Council has requested they be removed from the Quasi-Judicial Procedures deferring solely to the Hearing Examiner.

Arndt: The level of detail in this document is significant, does this get it all does it address all quasi-judicial references with regard to removing the city council from the process?

Martin: Probably not, we are setting a public hearing but I would also ask you review this document and look for any places in which that may become an issue.

Arndt: I think you hit it, I don't see anything overlooked.

Harris: Joe Developer submits an application with the guidelines Latimore is incorporating and DCD gives it the stamp of approval then the Hearing Examiner gets it, where he had previously mentioned ambiguity in the code, he will make its decision based on the current code?

Martin: Yes he must rule with the legally adopted code.

Linth: Referencing Attachment E 4 of 26, SMC 16.28.060 "Short-Plats" defining of land in short subdivisions, my question is how many 80 acres parcels are within the city limits? I can't see that anything here defines anything within the city.

Martin: It is directly out of the State Statutes and must be included.

Arndt: Will the chair entertain a motion?

Linth: Absolutely, 2nd by Harris.

Arndt: I move that we hold a Public Hearing to take public comment on proposed Amendments to Sultan Municipal Code Titles 2, 16, 21; Amendments will remove the City Council and the Planning Board/Planning Commission from Quasi-Judicial process, and to clarify titles of Responsible Official(s) and set the date of April 21, 2009 for a Public Hearing. 2nd by Harris, all ayes.

Martin: Notice will need to be given to Community Trade Economic Development (CTED) than can be concurrent running notice.

DISCUSSION ITEMS

D-1 Industrial Lot Size Minimum

Discussion of minimum lot size standard for Industrial Development in Sultan Municipal Code Chapters 16.12.050 Highway Oriented Development Zone and 16.12.060 Economic Development Zone, to remove minimum lot size from Manufacturing Uses/Facilities.

Martin: The issue is whether to remove the one-acre minimum lot size requirement for Industrial and Manufacturing Uses in Highway Oriented Development Zone (HOD) (SMC 16.12.050) and Economic Development Zone (ED) (SMC 16.12.060), the HOD and ED Zone provide for manufacturing uses. The HOD requires a conditional use permit, which requires the Public Hearing Process for the Hearing Examiner, with a minimum 1 acre lot size. ED Zone manufacturing is an outright permitted use, required to have a minimum 1 acre lot size. Which is what we are here to discuss, amending the 1 acre standard and direct Staff as appropriate.

What was missed is the imposition of development standards in Mr. Gibson's questions which relate to development standards that need to go on at the site to make it work, buffer plants, noise reduction, lighting etc. those things are not addressed by a minimum lot size in any way. A one acre minimum lot size for a manufacturing plant will not diminish a noise issue or other disturbances which may occur. 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. That is what wasn't being addressed in Mr. Gibson's questions is the mitigating situations.

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.

Arndt: HOD Zone Tattoo Parlors and Churches require the same amount of square footage. What you have brought up is a more encompassing way of addressing all the zoning inconsistencies. But we have focused on one thing the 1 acre minimum, why? I don't want to piece meal this document.

Linth: I think there are many disparities in this document that need to be addressed and addressing the one issue is not necessarily the way to go.

Harris: I agree, we want to be careful with how we address zoning now; giving reference to the fact a lot of the downtown area may have to move eventually because of the flood zones.

Martin: The current fix is to address an immediate concern, and that is why we would focus on the minimum lot size portion only. The amount of time involved in re-writing the entire section is why the band-aid would be appropriate for this issue. This is a discussion item which is what we are doing in dealing with the issue that has come up and re-writing the entire section.

Much discussion between DCD Martin and Planning Board Members in focusing on the 1 acre minimum and the entire zoning regulations.

Martin: If there wasn't a good reason to deal with the issue, the fact that we were approached on the topic would not have mattered.

Knox: Why don't we know the specifics of this situation?

Martin: There is a good reason, which is, you are a policy making body. An applicant should not enter into the process, if you don't believe it is a good policy then you should not recommend it go forward.

Linth: It doesn't make sense to have a 1 acre minimum, maybe a ½ acre minimum isn't the best but it makes the code easier to work with. And unless we re-write a huge portion of the code we need to agree on a minimum size.

Martin: If you reduce the size excessively small you can have someone come in and do no utility, have no purpose, and we would have nothing to stop that. You could not make proper policy with breaking up the ½ acre lot with the way the code stands, that is why reducing the 1 acre to ½ acre with how the code is currently written is the most reasonable.

Harris: If someone requests plat on the 1/2 acre minimum we are proposing now, and the developer uses only 1/4 acre and the zone changes in the future can the developer use the other 1/4 acre to build on?

Arndt: The lot doesn't create the function the function creates the lot.

Linth: I make a motion we set a Public Hearing for April 21, 2009 to discuss changing Highway Oriented Development (HOD) and Economic Development (ED) regarding manufacturing facilities from a minimum 1 acre lot size to a 1/2 acre minimum, 2nd by Arndt, all ayes.

STAFF PRESENTATIONS and DISCUSSION BY BOARD

None

PLANNING BOARD EDUCATION & DEVELOPMENT

E-1 Discussion on Unified Land Development Code vs. separate Zoning and Subdivision Codes

Martin: Gives an overview of having one all inclusive code versus 2 separate codes and the reasoning behind both.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

Planning Board Member Comments:

Harris: Would like to commend the City for letting the public speak up and say what they want to say. Especially Bob (Martin) taking the time to answer Mr. Gibson's questions from earlier.

Arndt: Requests the 1 acre to 1/2 acre can it be committed to our work list.

Linth: It is a point of order responding to Public Comments but we need to be cautious when doing so.

ADJOURNMENT

Arndt moves to adjourn, 2nd by Knox, all ayes, meeting adjourned at 9:35 PM