

**SULTAN PLANNING BOARD  
AGENDA ITEM COVER SHEET**

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**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 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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