

PLANNING BOARD MEETING MINUTES

April 21, 2009

PLANNING BOARD MEMBERS PRESENT:

Frank Linth - Chairman
Steve Harris-Absent
Keith Arndt
Robin Shaw
Jerry Knox

CITY STAFF:

Bob Martin, DCD
Carole Feldmann, Secretary

CALL TO ORDER: Linth calls the meeting to Order at 7:00 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda: Planning Board Education Short Course.

Public Comments: None

Planning Board Member Comments: None

Approval of Minutes:

Arndt moves to accept the minutes of the April 7, 2009 Planning Board Meeting, 2nd by Knox, all ayes.

PH-1 PUBLIC HEARING

Amendments to Sultan Municipal Code Titles 2, 16, and 21

Conduct a Public Hearing on Amendments to Sultan Municipal Code Titles 2, 16, and 21 to remove Planning Board/Commission and the City Council from Quasi-Judicial Land Use Process and to vest those processes in the Hearing Examiner and to clarify titles of certain Responsible Official(s).

Linth: Opens and closes the Public Hearing (no public in attendance), so moved by Arndt, 2nd by Knox, all ayes.

Action Item(s):

A-1 Recommendation to City Council

Make a recommendation to the City Council on Amendments to Sultan Municipal Code Titles 2, 16, and 21 to remove Planning Board/Commission and the City Council from Quasi-Judicial Land Use Process and to vest those processes in the Hearing Examiner and to clarify titles of certain Responsible Official(s).

Martin: Advises Planning Board Community Trade & Economic Development (CTED) has accepted the Document as a minimal procedural change. Board needs to consider and discuss Staff Recommendation(s) and related materials, included in attachments B-J and make a recommendation to the City Council. According to Level III process in Public Participation and Notice Procedures (as adopted by Ordinance 1015-09). The Council has expressed interest in vesting all of the Quasi-Judicial Procedures in the Hearing Examiner. Quasi-Judicial processes are Land Use Actions that affect a specific property based on an application for a particular decision (e.g. Conditional Use, Variance, or

Zone Map Change). This is only intended to remove the Council from Quasi Judicial processes. There is extensive work required to revise the Code to bring it up to current standards. That full-scale work will follow this single-topic project.

Arndt: Reviewed the attachments B-J and noted several discrepancies, spelling and punctuation errors, requested clarification on specific sections. Noted that in SMC Sections 2.26.110 and 2.26.120 there is a conflict between a 7 day(s) and 10 day(s) 2.26.110 2.26.120, should "Hearing" be placed before all examiner references for clarity. In SMC Section 2.26.180 should references to city council v. hearing examiner be left in?

Martin: Council needs to stay in 26.180 because the authority to tax or change taxes can only be exercised by the City Council.

Arndt: Pointed out SMC 16.10.090 spelling error, SMC 16.18.100 D appears out of context, would like clarification. SMC 16.28.030 Exempting Subdivisions appears a "big" exemption, SMC 16.28.050 C, notes City Administrator is referenced and appears to be replaced by the Planning Commissions role, would like explanation. The only reason for the tie-in would appear the City Administrator probably still is the high level of determination. SMC 16.28.300 Does the section match the current public participation process?

Martin: Yes to SMC 16.28.300.

Arndt: SMC 16.28.380 with reference to 30 days, what kind of days does that refer too? Calendar, Work Day(s)? SMC 16.28.400 Final Plat approval does City Council have the final decision or Hearing Examiner?

Martin: It must be the City Council.

Linth: SMC 16.120.050, is there anything in the table that is not specifically defined elsewhere.

Martin: I cannot find where 120.050 is referred to in any other section, and I believe that all 120.050 topics are handled elsewhere in the code.

Arndt: SMC 21.06.040 H; the reference to "planner" should be changed to the Community Development Director, 21.06.080 A; the word "city" should be changed to Community Development Director.

Martin: : No, retain phrase "the city".

Arndt: That's all I have, what is the time line on this?

Martin: Long term high priority, I am talking with consulting assistants.

Linth: Thanks Arndt for due diligence on reviewing the document in detail and recommends the board drop the table referenced in SMC 16.120.050 all together, as long as the topics are covered in other sections of the code.

Consensus of all Planning Board Members to remove 16.120.050 if all items are handled elsewhere in the code.

Arndt: Moves to table this until we get another pass at it with the correct storm water references, 2nd by Knox, all ayes.

PH-2 PUBLIC HEARING

Minimum Lot Size Standard for Industrial Development

Conduct a Public Hearing on Minimum Lot Requirements for Industrial and Manufactured 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(s).

Linth: Opens the Public Hearing referenced above. States he is a real estate broker and has no financial interest in this proposal but his clients may and asks if anyone has an issue with his participation. All No.

Public Comments:

James Durett: Docu-Feed Technologies, Sultan WA has had his company here for 5 years, is considered Light Industrial and has no pollution of any to speak of. He would like to see the Board move this amendment forward as he is looking to move his company to a larger facility and doesn't believe the minimum 1 acre lot size for his type of industrial use is reasonable.

Arndt: Moves to close the public hearing portion of the meeting; 2nd by Knox, all ayes.

Martin: Performance based zoning should be adopted by the commission. Meaning there is no listed minimum lot size, i.e. the size of the lot is based on all things applicable to the specific use. Specified minimum lot sizes are necessary in many circumstances, 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 for industrial activities. 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 and handled through the site plan review process. 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. The potential negative for some owners is that no loud diversion would be allowed in industrial zoning unless a development plan is approved for the site first.

Planning Board Comments on Public Hearing:

Linth: Any questions for clarification?

Arndt: Does not like a band-aid approach to making amendments but will go forth on this occasion with recommending the amendment.

Arndt: I recommend we move this forward to City Council on proposed Amendments to change the minimum lot size standard from 1-acre to ½ acre for Industrial Development in Sultan Municipal Code

Chapters 16.12.050 Highway Oriented Development Zone (HOD) and 16.12.060 Economic Development Zone (EO) to remove minimum lot size from Manufacturing Uses/Facilities. 2nd by Knox, all ayes.

Martin: This requires a 2nd action with Level 4 public participation review. Planning Board needs to recommend to City Council for whatever reason whether another level of participation is needed in the form of a Public Hearing at the Council Level. 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.

Arndt: I move that the recommendation as stated be moved forward to city council without an additional public hearing at the council and it be adopted under level 4. I will add the only reason he see's we perhaps hold another public hearing is because it wasn't heard by any of the public here tonight.

Linth: I move that we recommend that the Council does not need to hold another public hearing, 2nd by Knox, all ayes.

STAFF PRESENTATIONS and DISCUSSION BY BOARD

None

PLANNING BOARD EDUCATION & DEVELOPMENT

E-1 Implementation of the Comprehensive Plan

Martin: Hands out the updated prioritized work list. Items 2 and 3 mid-term/high-priority have been added and will be completed shortly. Gave Planning Board members a copy of the CTED Policy and what is submitted to CTED for notice of code amendments. Distributed copies of the Short Course on Local Planning, Short Plat Development Review, Ogden, Murphy, & Wallace: Planning and the Law.

Arndt: Requested information/status of projects in terms of completion.

Martin: Went over the list and updated members on where the projects stand and what they have accomplished so far. Joint meeting Tuesday June 30, 2009 will be held; either Planning Board or City Council has a meeting that week. We are assembling an organization notebook, Customer Service Satisfaction Level RFP for a consultant to do that survey.

Arndt: Requesting input on limiting the Planning Board Meetings to 1 a month over the next few months, maybe adding that as a discussion item next meeting.

Linth: Commends Mr. Arndt again on his due diligence of tonight's Public Hearing materials.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

ADJOURNMENT:

Motion to adjourn by Arndt, 2nd by Shaw, all ayes.