

PLANNING BOARD MEETING MINUTES

MAY 5, 2009 (Revised/Approved June 2, 2009)

PLANNING BOARD MEMBERS PRESENT:

Frank Linth - Chairman
Steve Harris
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: None

Planning Board Member Comments:

Harris: Apologizes for missing the last meeting of the Planning Board on April 21, 2009.

Linth: 3 of the 5 members attended the Master Builders Association Webinar. They discussed the bottom of the economic trough and the projected slow and steady increase in the next coming year. One analyst stated real estate prices peaked in 2006 and his projection was prices would not recoup until 2018 and Linth believes that conservative he believes it will be more in line with 2014 or 2015.

Approval of Minutes:

Shaw moves to accept the minutes of the April 21, 2009 Planning Board Meeting, 2nd by Arndt, all ayes.

HEARING and ACTION ITEMS

A-1 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 Officials.

Linth: This action item was tabled at the last meeting to be brought back with corrections as noted at the last meeting.

Arndt: Calls attention to Attachment F 2, 16.92.030, the building and zoning official is still listed as the decision maker, it is listed multiple times in Item(s) A, A-3 (twice), and B-5 (twice), additional spacing and grammar errors were pointed out. Was reading through the Storm water Management again with a sub-division / short-plat or other type of application are you required to get a separate storm water permit?

Martin: If you mean a proposed development something that is not there now but coming through the process, yes you will. It will be all handled as part of the package but yes.

Arndt: Doesn't a 2nd permit requirement become more costly when it's already a part of something else?

Martin: It doesn't slow it, because the plat is going through a series of steps and the storm water is one of those steps and as far as costs there is a fee for processing the storm water component.

Arndt; But there is a separate hearing examiner, and separate, and separate appeals period, and all the other separate stuff that goes with it.

Martin: At the last meeting a question was posed related to new stormwater management code, and were we reviewing the correct version of Chapter 16.92 since there was an amendment to stormwater management in 2008. The answer is that the amendments were to Title 14, creating a Stormwater Utility and rate structure, not new development standards. The proposed amendments to AMC 16.92 are valid.

Regarding the procedures table located at Chapter 16.120.050, it is still unclear where the table came from. The permits addressed in that table, don't correlate well with the text of the code and the Board's advise to go ahead and delete it that was a good decision and has been done. It will show as a strike-out version when submitted to City Council so they understand what was deleted.

Arndt: Moves to recommend the City Council amend Sultan Municipal Code Titles 2, 16, and 21; Amendments to remove the City Council and the Planning Board/Planning Commission from Quasi-Judicial process, and to clarify titles of Responsible Official(s) as presented in Attachments B-J with changes as requested in Attachment F, according to Level III Process with a Public Participation and Notice Procedures. 2nd by Knox. All ayes. (Audio File 5-6)

STAFF PRESENTATIONS and DISCUSSION BY BOARD

D-1 Public and Institutional Zone Text and Map

Martin: We are here to revisit the P/I Zone concept as discussed at prior meetings of January 20, February 3, February 17, and March 3, 2009. At its February 17th Meeting, the Board made the following policy determinations. 1. Designation as P/I is mandatory for properties owned and/or managed for public use by Governments, Districts, and Quasi-Public Service Agencies. 2. The function of land owned by governments, districts, and quasi-public service agencies is to be considered when placing the P/I Zone. Land that is undeveloped but is owned by the public or quasi-public entity with the intent of developing the site for public use at some point in the future is to be placed in the P/I Zone. Land that is owned by the public or quasi-public entity on a short-term basis that is not considered part of the development plan for the entity and is intended to be sold out of public or quasi-public ownership within one year of acquisition is not to be placed in the P/I Zone. 3. Quasi-public service agencies such as Volunteers of America are to be included in the P/I zone. 4. Governments, Districts, and Quasi-Public Service Agencies that acquire land or facilities for long-term ownership and/or management (greater than one year) shall notify the City of the ownership/acquisition, and request the City to undertake the Zone Map Amendment to include the property in the P/I zone. This shall be done at no expense to the requesting entity. 5. Governments, Districts, and Quasi-Public Service Agencies who determine that a facility or property in their ownership is no longer included in their future plans and determine to sell the property to the private sector must apply for a Zone Map Amendment to remove the P/I Zone and revert the site to the appropriate Zone as called for by the Comprehensive Plan Map. This Zone Map Amendment shall be at the expense of the owning agency.

At its March 3, 2009 Meeting, the Board determined that it wanted to see the Zoning Map as it would look with the P/I Zone in place. The following issues were raised at that time: 1. The Board wanted itself and the public to see the map during the public input process on development of the Zone. 2. Concern was expressed that property owners in the vicinity of a property that is to be zoned P/I need to have the opportunity to input on the decision after seeing the map, not just to have input on the text of the Zone and then find out that their property is in the vicinity of a P/I site. 3. It was understood that the text of the Zone controls which properties are zoned P/I, and that a property that meets the standards of the zoning text recommended by the Board would have to be zoned P/I. Stated another way; the only way to add properties or remove properties from the P/I Zone is to adjust the text of the Zone. A property meeting the standards of the Zone could not be removed from the Zone because a property owner in the area wanted to remove a particular property.

The map presented at the meeting is a close representation of the affected properties based on research into properties owned by Public and Institutional entities in the City. Additional research, Board input, and public involvement may indicate additional properties that meet the standards of the P/I Zone text for inclusion on the Zoning Map. The map was presented to Planning Board Members at the meeting displayed on the wall.

Previously the use of Fire District Office was omitted in the section it is now included at B 1, c. as an outright permitted use, in Version 3.

PUBLIC COMMENTS:

D-1 PUBLIC AND INSTITUTIONAL ZONE TEXT AND MAP (Audio File 9)

Merlin Halverson Fire District 5: Previous discussion about a fire station being purchased and zoned applicable to the intended use and now a rezone is occurring in which a conditional use permit would be required. We are working with an Architect to have a “shovel ready” project as a ¼ billion dollars has been set aside by the federal government for these types of projects and Fire District 5 would like a part of that. The architect they are working with stated it will cost the district \$30,000.00 to if they have to do a conditional use permit. The fire commissioners would like to see the current zone grandfathered in and avoid the Conditional Use process the rezone would mandate. Would like to know what the mechanism is in order to obtain that status; “grandfathered”. The Fire District will be making the same pitch to the city council. He has been told the city has no hesitation to let them build their fire station there. The board is not against a public and institutional zone, but they want to build the fire station and not have to go through the Conditional Use Process. They are requesting this request be mitigated for that specific piece of property under the current zoning regulations and not the intended rezone regulations and a CUP.

Harris: When did you buy the property?

Halverson: 4 years ago and paid \$4.00 a square foot with the intention of building a Fire Station.

Harris: That was a permitted use when they bought it?

Halverson: Absolutely, as well as today it is still a permitted use.

Bob Knuckey: I am arguing a losing battle; everybody wants the Education Career Alternative Program (ECAP) School, I across the street from him. Under item 8 he is still confused public schools or quasi public schools fewer than 15 students, I don't know what that means and asked the questions in the past and would like to know exactly what that means. Currently 15 are registered to go in the morning and another 15 in the afternoon which equates to a total of 30 students registered there currently. I think it is a mute problem, in the letter from Mr. Martin the ECAP School has been grandfathered into that location. That is just his comment at this point. (Audio File 10)

Arndt: Who operates the school?

Martin: ECAP is operated by Volunteers of America (VOA) through State and Federal Grants.

Arndt: If the high school goes away is it so the other side of the school can increase the enrollment?

Martin: No. The High School cannot provide the correct facilities in order to continue holding high school classes at that location.

Arndt: Chief Halverson please clarify the rights you want to maintain on the current piece of property.

Halverson: We want the right to build a fire station and not go through a conditional use permit which will require we go through a lengthy process and there is no guarantee we could still build there.

Arndt: Permitted Uses v. Allowed Use it has to do with impact on the local neighborhood.

Halverson: It's not in a residential neighborhood, and we bought there because it was not in a residential neighborhood we are across from a dump, across the highway from Barmon Lumber and not a residential neighborhood.

Linth: The fact it has gone from a permitted use to conditional use, means it goes from a permitted used to a permitted use with conditions. The conditions are put in place to mitigate potential effects on the local area.

Halverson: That is a huge concern, when we don't even know what the conditions are going to be and that's part of the concern the Fire District has. We have been through a long struggle with the property. It's out of the floodplain, 500 year, good soil quality; the city needs a fire station. A process is required with a conditional use application if we knew this was going to change we may have reconsidered our purchase. Our architect has stated anytime you put conditions on a piece of property there is a lengthy process involved in getting approval for the conditional use.

Harris: Who is on the Fire Commission Board?

Halverson: Roger Knowlton, Mike Ingalls, and Steve Fox, this board represents 72 square miles in East County.

Martin: There is an expanded process and there are costs, I don't know the architects history or the size of communities in which he has built. I don't agree with the cost estimate he has projected. I can't see in my experience with the process proposed were we would get anywhere near a \$30,000.00 cost for CUP's.

An alternative could be currently only 1 Fire Station in the City of Sultan, and somewhat rural. Fire Station is under c fire district office is under b, under the assumption, if there is likely in the lifetime of only 1 fire station in the city of sultan, in a rural setting, the board could without harming any local occupancies move fire station from C to B-1.c, Fire District Office and Fire Station as outright permitted uses. We know where the Fire Station will go and does not disrupt neighbors; it will still be required to meet the state access highway mandates. The Board re-visits this in 3 years and sees if it needs to be changed at that time.

Halverson: Our concern is we run sleepers out of there at night, my concern is if we change this we could have to cease working as a fire station and we couldn't have a manned station at night with the station on Alder. We are concerned we would be thrown off the property for an illegal use.

Martin: What is ever there at this time is grandfathered and is a legal non-conforming use, what exists right now is a legal use. Given the current proposed location we could safely say that the fire station would not be significantly different or need to meet different standards if it was not subject to a conditional use procedure.

Halverson: Heliport should not be an issue

Harris: Who will establish the conditional uses per use in specific locations?

Martin: The Hearing Examiner. Conditional Use means there are development standards and criteria that need to be shown and met as a condition of the permit, you meet the criteria you get the permit. They are listed in the SMC 21.04 and are currently very general 21.04.050 as listed. We submit a Staff Report to the Hearing Examiner with the intent of an approvable application.

Harris: Are there R.C.W's involved?

Martin: No, other than the ones that they have to meet to build a fire station regardless of our local permit review procedure.

Halverson: I think the Board would be satisfied if it was put into an outright use v. conditional use, we are not asking for any special privileges here. We are the only apparent government agency who has bought a piece of property that was properly zoned and now that is potentially being changed. In making this change it would appear we should be made whole by the City.

Knox: No matter where the Fire Station is placed on this list, conditions will have to be met, correct?

Martin: The procedures will be different, there is a Public Participation Policy required with a Conditional Use. Other than that you are looking at performance standards that have to be met whether or not there is public participation.

Arndt: Have you held any public hearings and taken any input?

Halvorsen: All our meetings are public, but none have been specific to this issue. We can't have a shovel ready project if we have to go through public participation process and a conditional use process and still not knowing what those conditions may or may not be.

Arndt: I think it is important to have participation from all of those who live in the local area that may potentially be affected by the Fire Station. There has been no Public Participation to date for establishing a Fire Station in that location. I support the CUP concept for Fire Station(s).

Halverson: Our position is that when you purchase a piece of property and we checked the zoning which is / was an allowed use, we did our due diligence. It has always been zoned for a Fire Station show the surrounding residents should not be surprised that a Fire Station will be built in an area that is currently zoned for the construction of Fire Stations.

Linth: Directs Staff build 2 scenarios for this project going forth as a permitted use and how would it move forward as a conditional use, with a rough dollar figure and timeline and let us review it. I think a rule should be established to accommodate the majority. I am leaning in the direction of the CUP. If the change creates costs become extreme we will address it to make it happen. (Audio File 18)

Martin: I would like to meet with the Fire Departments architect to go over some of these perceptions and concerns and see what we can resolve.

Halverson: I will get that to you, I think that you and I should meet with the Board of Directors and the Architect.

Arndt: The school thing is unique in a non-profit organization changes to another non-profit organization like a church is there a way to eliminate that label and stream line it?

Martin: If you don't want it to show up on a zoning map then you remove it from the zoning text. The purpose of the map is to inform citizens of what is going on in the community. The board will need to direct how to respond to the non-profit organizations and similar and quasi public service entities.

Harris: I think it should be removed.

Linth: I am uncomfortable with it as well but don't know what the solution would be.

Arndt: Archive buildings and inside storage unless they are adjacent to the main operation I don't think they should be listed. I can see parking structures continuous to the main operation. Purpose is accomplished by limiting residential and privately owned operations>

Martin: That can go away.

Arndt: Purpose is accomplished by protecting adjacent properties from potential impact by public uses.

Martin: More specific implementation of the specific standards of the varied uses, other than standards in residential uses.

Arndt: Could that be defined better?

Martin: Okay.

Arndt: Quasi public schools? Do you mean charter or private schools, what is that?

Martin: The intention was public funded private non-profit agency performing school function but not a school district.

Arndt: School bus base, what about other public transit or charter services? Is that why it is on the list?

Martin: You can combine 12 and 13 and not lose anything.

Arndt: Okay. (Audio File 23)

Linth: A hospital is a permitted use, so why wouldn't a fire station be a permitted use also.

Martin: Hospitals should not be allowed to do what you just indicated they can currently do. Hospitals should be deleted from the other private land use zones.

Arndt: Are you trying to zone all the trails? Is there a danger in getting to specific in these labels? Are we getting to close to that line?

Martin: Nature Preserves, Trails, Ball Fields could be lumped together into a public recreation category.

Arndt: I would request the definitions section be moved to the beginning of the document instead of the end of the document so you understand the terms more easily.

Knox: Are there any extra protections to the residents who are exposed to busy areas. Like the school at VOA and the surrounding residents?

Martin: The setbacks shall be increased from the minimum based on the project review process.

Knox: Do the design review standards come into play? What else besides increased setbacks are there to protect the private homeowner?

Martin: That is what SEPA brings to the issue. Protections are based on the use besides set backs SEPA reviews the use. Design review standards are also a part of these uses. .

Martin: Do I have consensus to remove non-profit from the map and text? If the board directed non profit from the text the VOA and housing hope comes off of green, then it remains what it currently is. You let non-conforming issue stay the course under its current use. The non-conforming use is not for this board.

Arndt: The other part not cleaned up is non-profit organizations who have morphed their uses outside the proper use, and shouldn't we clean those up.

Martin: No, you are exceeding your authority and becoming site specific like a quasi-judicial authority.

I have consensus to remove Board Directed Non-Profit entities and return with a revised text and a map showing revisions removing non-profit entities.

Martin: Reads an email from Jerry Gibson who submitted a written comment which was read into the record. He asserts there is a conflict of interest or the appearance of a conflict of interest for some of the board members when submitting recommended changes to Titles 16 and 21 to the Council.

Review the Zone text and the display representing the potential placement of the P/I Zone on the Zoning Map according to the current Draft of the Zone Text, and provide staff comments on further action.

D-2 Planning Board Calendar for remainder of 2009

Martin: Recommends Board Members removed the meetings of June 16, 2009 and July 7, 2009 from the calendar and revisit the need for the August 4, 2009 meeting in 30 days.

Arndt: Moves to cancel the June 16, 2009 meeting and July 7, 2009 meeting from the 2009 Planning Board Calendar and revisit the need for the August 4, 2009 meeting in 30 days. 2nd by Harris, all ayes.

D-3 Review of proposed items for 2009 Comprehensive Plan Amendment Docket

Martin: Reviewed the proposed Comp Plan Docket Amendments, which include the 1. Comp Plan authorization to the UDC to implement an over lay zone for P/I uses without having to amend the Comp Plan Map. 2. Future Land Use Map, north of Rees Park and Water Treatment Plant to LMD Residential, and provide Comp Plan direction for zoning on properties as P/I on the Official Zoning Map. 3. Amendment of Comp Plan Policies on Population and Economic Development, Section 2.2. Goals and Policies, General #12, #13, #14. 4. Amendments to the Industrial Park Master Plan 5. Clarification on Road Functional Classification used in the Comp Plan.

Harris: Recues himself.

Martin: Private party Comp Plan Amendment for Terra-Ex Land Group LLC, implementing Highway Oriented Development (HOD).

PLANNING BOARD EDUCATION & DEVELOPMENT

E-1 Selected "Short Course" Topics

Board Members and Staff reviewed Short Course Topics.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

ADJOURNMENT: 9:50 PM

Arndt moves to adjourn, 2nd by Harris, all ayes.