

PLANNING BOARD MEETING MINUTES

MAY 19, 2009

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: Linth calls the meeting to order at 7:03 PM

Pledge of Allegiance:

Roll Call: See Above

Changes to the Agenda: None

Martin: Advises the Agenda you have is accurate but a correction was done on Item A-1 amended to set a Public Hearing for June 2, 2009 not recommendation to City Council as previously submitted.

Public Comments: None (Audio MZ0002 3m)

Planning Board Member Comments: None

Martin: Advised Planning Board Members of the fire at Dan's Restaurant (which is a total loss) the adjoining Red Apple Market is cleaning up to reopen. Building had no firewall between uses and smoke damage is significant, if a firewall had been in place the store would not have suffered any damage. A storage building at the elementary school also had a fire.

Linth: Went to the City of Monroe, WA Planning Board Meeting last night to observe. Advises Dan's Restaurant does not anticipate reopening at this point and commented on several fires the City has dealt with recently.

Approval of Minutes: (Audio MZ0004)

Arndt: Moves to accept the minutes of the May 5, 2009 meeting, 2nd by Harris, all ayes.

HEARING and ACTION ITEMS

Review the modified Staff draft of the P/I Zone text and the display representing the potential placement of the P/I Zone on the Zoning Map. Determine directions on the issues presented in the discussion section below, and set a Public Hearing for June 2, 2009.

Martin: This is the 6th return on this zone the regular Meetings of January 20, February 3, February 17, March 3, and May 5, 2009, the Planning Board discussed concepts and issues related to establishment of a P/I Zone in the Sultan Zoning Code. The recommendations made at these meetings have been incorporated into the latest version for Planning Board comment and review. With regard to the Fire Station a consensus was not met with on that issue and has provided different alternatives to the Board for consideration. Believes the Fire District and Architect may have the perception of the projected

30,000.00 costs for any Conditional Uses associated with the project but is not a reasonable figure given this situation in the City.

The May 5th Meeting the Board determined to remove non-profit quasi-public service organizations from the text of the P/I Zone. This removes entities like Housing Hope, a quasi-public agency providing housing for low-income residents from the P/I Zone. The finding was that the apartments owned and operated by Housing Hope are not distinguished from other apartment housing in any apparent way, and that the quasi-public legal status of Housing Hope and similar entities is not sufficient to include them in the P/I Zone. The case of Housing Hope and similar uses is a clearly defined and easily enacted removal from the Zone. The owner/operator is not a government and the use is not distinguishable from other similar privately owned apartment buildings. Removal of this category simplifies the Zone and draws a "bright line" that also clearly takes churches off the list, recognizing that churches are typically not included in P/I Zones.

The Volunteers of America (VOA) site and any others like it. While it is a non-profit operated by a Board of Directors, like Housing Hope, it is distinguishable from other Board operated non-profit operations based on its use. The use is clearly a public service, including a camp, community-accessible meeting spaces, educational services, etc. The combination of uses and the configuration of facilities on the site cannot reasonably be envisioned to be provided by a private for-profit business, and the types of uses on the site are not those found elsewhere in the community as part of privately-owned property. Based chiefly on the uses, and secondarily on the quasi-public agency ownership, staff feels that the VOA site meets the criteria for inclusion in the P/I Zone.

The Definition Section required additional work, it was further suggested the definitions be brought to the front of the Zone text for ease of use.

Certain uses provided at the site would be in outright use category and others would be in the Conditional Use category. In the case of adoption of a new zone through the legislative process, the uses that legally exist in the prior zone at the time of adoption of the new zone are validated (grandfathered). Uses that do not exist legally under the prior zone are not grandfathered.

The Fire District #5 site on Highway 2, near the east City Limits, fits the criteria for inclusion in the P/I Zone because it is owned and operated by a governmental taxing district. This is not argued by the District. Discussion at previous Board meetings based on involvement and testimony from the District is whether the use of "Fire Station" should be an outright use or a Conditional Use in the P/I Zone. At the May 5th Meeting, the Board asked for a review of the difference between the outright use process and the Conditional Use process for use of a fire station. The additional work for a Conditional Use is: 1 Consultant Prepares responses to 5 CUP criteria, 2 Mail notice is given to neighbors, 3 Consultant attends Public Hearing at Hearing Examiner, 4 Hearing Examiner submits decision within 14 days of Public Hearing, 5 Estimated cost of Consultant effort specific to CUP approximately \$6,000.00.

Linth: Thanks staff for the time involved in preparing the analysis to allow board members to better understand the difference(s) between Permitted Use v. Conditional Use. Staff draft shows a 6 week difference with Conditional Use Process and approximate cost of \$6,000.00 as opposed to the \$30,000.00 indicated by Chief Halverson. Fire Department purchased the property under specific zoning laws and chose that property because of those. Doesn't believe the difference between an outright use and a conditional use is significant enough to cause alarm. His research has found that all other districts have their Fire Stations with Conditional Uses and hasn't found one as an outright

permitted use because of the impact on the local community. Conditional Use is no longer an issue in his mind with regard to zoning.

Harris: Believes Chief Halverson is coming from the position of the actual cost not so much if he will be able to achieve the Conditional Use requirements and be able to build the Fire Station.

Martin: Applicable development standards are the same in both columns. The public process cannot stop the construction if the conditional uses are met. Plans on attending the next Fire Commission Meeting and explain exactly what is meant by Conditional Use Permit.

Linth: (Audio MZ0009) Reviews with Staff and Board Members what is allowed in Conditional Use and what is not a Permitted Use. Points out categories he believes should be listed as a Conditional Use: C. 1. d,e,f, 2. b, 12, 13, and 14.

Harris: Adds C. 6 Courts impact the local area / residents.

Linth: Definitions B. 3, what Does *Quasi-public Service Agency* mean? Was not able to find a clear definition of exactly what that means.

Martin: I do have a definition for that term.

Arndt: Overlay is not included in the zone description; would like clarification.

Martin: Will make note for clarification.

Arndt: Would like B.2, amended to Public Utility instead of District which would include gas, cable, phone etc.. B.3. Quasi Public Agency implies institution chartered by a government to provide services, post office etc., it seems the term is limited, how do you deal with public services providers like the Food Bank, VOA, etc.? Believes another definition added to this section addressing public service providers, would be in order.

Martin: Most of the list mentioned in that regard is not quasi public they are fully public qualifying as a government entity. Acknowledges Arndt's recommendation for two separate definitions.

Martin: The telecom section of the code defines small scale communication towers and an antenna, including it again in this section makes text duplicative and overly burdensome.

Arndt: Continues with Public / Institutional Zone questions, concerns, C.13,14 should be a CUP. D. 5 large scale is undefined can that be defined? 9. Jail would like changed to criminal detention facilities that encompass multiple types of holding facilities. Definitions in Section B come into play in section F. 1. d,e,f, is where quasi public definition is split out.

Martin: Agrees with Arndt's interpretation.

Linth: Permitted uses should be limited. Goes down his list of recommendations with board members and requests input. Anything that will impact the Community should be listed as a Conditional Use.

Martin: The direction you will receive from me as we continue on with other zones will be a direct conflict with that approach. The zone trend is to have a short list of Conditional Uses, intermediate level of use

called administrative review and outright use that usually take up 80-90 % of the zoning code very few are listed as CUP. This is to assist applicants in getting through the process effectively and efficiently.

Linh: Suggests board member go down the list and weigh in on each use.

Martin: Recommends the Board is perhaps getting to detail oriented with the specific uses and this process is becoming labor intensive. Would like to receive Board suggestions and the draft brought back will be the public hearing draft. Requests a consensus direction on these large scale and small scale uses.

Arndt: Questions H. 1 and H. 2, Overlay Zones G. 1 questions the word leased are included along with Owned.

Martin: Will make the requested amendments. Additional changes can be made after the Public Hearing if they are responsive to input.

Arndt: F Land owned by government would like to see it changed to Property owned by Government.

Arndt: Moves to hold a Public Hearing (with tonight's recommendations) on the Public /Institutional Zone on June 2, 2009, 2nd by Harris, all ayes.

STAFF PRESENTATIONS and DISCUSSION BY BOARD (Audio MZ0021)

D-1 Streamline Permit Progress Update Development Authorization Process

Martin: Explains to Board Members the Development Authorization Process put in place with the new permitting system. The Board has received a presentation from Kurt Latimore on the City's program to document and streamline the permit issuance and tracking system. In addition to the "Latimore Project" we are streamlining codes and permit procedures. The Board will soon be involved in Code revisions that will move the overall streamlining project further forward. The Board's recommendation at the May 5th, 2009 meeting to remove the procedures table from Sultan Municipal Code (SMC 16.120.050) is also a contribution to that effort. Aside from the table at 16.120.050, Sections 16.120.060, 070, and 080 discuss the issuance of "Development Permits". This Agenda item transmits to the Board an approach to "Development Permits" that is another step in permit streamlining. The concept is called "Development Authorization". It provides one permit process that can combine many types of permits into a unified permit that is flexible based on the desires of the applicant at any point in time. Attachment provided an overview of the Development Authorization process.

Planning Board Members ask questions of Martin regarding the Authorization Process to help them better understand what the system / setup will do and how it will benefit the developer and the permit process and how it is incorporated into the Latimore Project.

Board Members made some recommendations to Martin to help assist the developer easier understanding of the authorization process.

Martin: Will take the Board's recommendations and incorporate them into the Development Authorization Process, he also recognized Harris' question regarding a fee attached to this process which he stated would be \$25.00. There are variables that can enter into the cost depending on the project and other permits obtained. The more complete the application packet the less the fee, the

more steps involved or incomplete the more costly it would be. Believes the process will work well for the City of Sultan, it was previously implemented in another jurisdiction he worked in and it worked well. It doesn't cover sub-division application and 100 Unit Development's; it is designed for small to medium size projects.

PLANNING BOARD EDUCATION & DEVELOPMENT

E-1 Discussion of Short Course Topics

The Education portion was done with D-1.

Linth: Request information and overview on how the City comes Publishes it's code.

Martin: Will take care of that request.

PUBLIC COMMENTS:

Knuckey (Bob): A problem the City has a public perception problem (present company, boards and staff excluded). The City is going through a transition period, it's a good thing. He has no problems with what was listed as permitted and non-permitted uses. Had the ordinances been in effect when I bought my home he wouldn't be dealing with the problems across the street from him now (VOA), but they weren't so they were allowed to do what they have done. What they currently have in operation doesn't come close to the site plan they initially submitted to the City. I don't care who they are everyone needs to follow the rules and the law. I hope these changes will force the rules to be followed. If you are waiting to see, Joe public doesn't know what the rules are, City Staff needs to know what is going on out in the City. Public Perception is one of the biggest problems this city has; I don't think it is the current staff and elected officials but the previous elected officials and past staff. I am glad to see these changes being made. Had these ordinances been in effect when I bought I wouldn't have bought my current property; I don't have much of a choice at this point as far as moving. I don't think the public should have that perception of the City they live in, I think it is unforgivable.

Board Member Comments:

Knox: Agrees with Knuckey, thinks the creeping conditions that have been allowed, shame on the City for allowing that to happen it is now the responsibility of the elected officials to correct these "creeping conditions" and keep things in check as best they can.

Harris: Invites everyone to the Indian Valley Pow Wow this weekend. Tonight a lot of heated conversations with everyone's opinions, but we are all here for the betterment of the City of Sultan and do the right thing.

Linth: While attending the Monroe Planning Commission, Spokesman for the Master Builders Association (MBA), made the statement small towns don't want growth and they prevent it by raising fees; that shocked him. He feels we have gone out of our way to promote growth and government transparency and hearing that statement gives him the mindset of us against them. He hears accolades from local citizens the current Planning Board is doing a good job.

Arndt: Moves to adjourn, 2nd by Harris, all ayes.

Meeting Adjourned at: 9:50 PM