

Sultan Planning Board Meeting

May 15, 2007

The meeting was called to order at 7:01 pm by Chairperson Van Pelt.

Planning Board members Present: Sarah Davenport-Smith, Jeff Cofer, and Charles Van Pelt.

Staff Present: Community Development Director Rick Cisar, Public Works Director Connie Dunn, City Administrator Deborah Knight, and Planning Commission Secretary Tami Pevey.

Public Comment

Debbie Kopple – Requesting overview of information regarding public hearing.

Josie Fallgatter – Thank you to Perteet and Eric Ireland for work done on transportation plan. Good start to needs, hoping for same with costs.

Changes to Agenda

Commissioner Latimore requested switching the agenda order to have the public hearing first. Commissioner Latimore moved to accept the change, seconded by Commissioner Davenport Smith; all board members in favor.

PUBLIC HEARING:

Commissioner Latimore read procedural remarks to crowd for public hearing – No objections from citizens regarding board members involvement. Commissioner Cofer stated no conflicts directly. No objections from crowd. All board members were in agreement to stay objective.

Rick Cisar placed an affidavit of publication, rescheduled notice, staff report, and agenda into record. He then gave an overhead presentation reviewing items based on the agenda item cover sheet. Single family attached uses being addressed in regards to commercial, industrial, multi family uses. Reviewed the action options with the planning board; reviewed the background history regarding the request. All review requirements completed with no comments from outside agencies. Recommendation to change replacement cost in non conforming uses in Urban Center Zone from 25% to 75% from the petitioner. Building Official advised doesn't affect many businesses, rare. The Building Official is also recommending expanding 50% of square footage.

Code comparison completed in regards to other cities and facts included in staff report. Reviewed various cities to include Everett, Marysville, & Mount Vernon as these cities require evaluation criteria be met. While reviewing the current comp Mr. Cisar stated the plan does not address non conforming uses except for Section 3 implementation. He reviewed the Urban Center Zone ideal intent and explained the requirements address several issues, but does not address the issue of non conforming use expansions.

He gave alternative options to the planning board as addressed in the staff report.

Commissioner Schmidt – asked how the changes would be addressed in Sultan; administrative role for compliance?

Rick Cisar – Could be staff administrative review; could be required to be hearing examiner process. Not done now; administratively for single family uses.

Commissioner Cofer – currently expansion of non conforming use is not allowed.

Rick Cisar – yes, for single family, but not commercial industrial.

Deborah Knight – could have both processes; should non conforming uses have same process as conforming, or different uses?

Commissioner Latimore opened the floor to public comment.

Gary Branstedder – author of letter in packet; Apologized to public who attended two weeks ago as continued due to unknown date and had previous engagement. Allow or disallow, establish criteria if allowed, and set up process for non conforming uses administratively or through hearing examiner. He is here to address that Mr. Jerden cannot explain at all as it is not allowed. Suggesting that expansion on some level should be allows. He reviewed his letter in regards to reasons for regulating expansion, but allowing. Gave example of Everett south of courthouse transitioning; explained situation of business owner with no current options. 50% the norm; two cities allow 100%; suggestion 75% is more realistic.

Warren Jerden – owner of Sky Valley Automotive; bought property 15 years ago. He bought the property next door 9 years ago to expand. Attempted to expand, but not allowed. Picture provided to show how it changes and cleans building; gives false front to get cars off street and repairs done inside. The business has been operating for 38 years since prior owner Swanson's. Able for citizens to get cars fixed and shop in town while waiting.

Debbie Kopple, 13722 Roesler Rd, Sultan – represent the chamber of commerce, also placing emails into record from other chamber members approving the expansion. Don't feel at this time that town is business friendly. She explained that in an

automobile society, Sultan in independent transportation dependent. Bulk of population does not reside in downtown. Need to be able to address issues in town locally. Need to focus on what we want to keep in, not just what we want to keep out. Stated was very confused by non conforming legal issues. Her perspective needs to help people like Mr. Jerden who has invested time, business, and money in our community. Meeting needs of community or wouldn't be able to expand. Want to support the process and procedures, but make it aesthetically pleasing to design review board. Need to increase sales tax base and encourage business, but also meet needs of population. Referred to Monroe Main Street and downtown restructuring process. Not welcoming to businesses, need to make it explainable to businesses.

Josie Fallgatter, 13231 Trout Farm Rd – Last meeting initial hearing postponed, has applicant paid for this to be brought before you. What are you here for? Here to plan for how city is going to grow. Pedestrian friendly downtown, automotive uses restricted. She asked if Larry's Auto was a conditional use that was non-conforming as well. Suggest going back to comp plan and amend first. Then look at design review standards to see if it implements comp plan. City has not done that yet. They lost a legal battle and are currently under remand to review regulations. Design Review board has no "teeth". She is confused by Brandstander's letter regarding 150% and how to regulate it. Suggest looking at Hearing examiner role in development regulations. Suggest not administrative, hearing examiner role. Strong qualifications and feel he should be left with that task. Mr. Jerden is a nice man; board is not here to pick and choose. What is downtown vision plan? Is it pedestrian friendly? Job is to look at Policy and vision of city and implement those.

Kate Roesler – current business owner; board has larger picture than that. Need to fill empty Main Street before pedestrian friendly. Anchor store in other cities as automotive when changed to pedestrian friendly.....

Bart Dalmasso – local business owner and resident; and sees this as a possible punishment to a successful businessman as he is being denied the right to expand his business. Consensus of opinion among business owners is city doesn't care. Choice is to expand or move business out of town. If there were more businesses here the city wouldn't be facing an increase in utility fees. Downtown will cease to exist as business center as flooding and not conducive to expansion. Will move east and up on the hill. In favor of proposed changes to ensure business stays as need the tax dollars.

Brian Kopple; owner of Sultan Chiropractic Center – feels needs to be shades of gray here; Went from no comp plan to "village Sultan" view. Has to be common sense brought to this and simplification brought to this so it can be developed. Best interest of community as well as business people.

Commissioner Latimore requested additional staff comments.

Cisar responded to questions as follows: yes the fees have been paid by the applicant; we do have design standards that have been adopted and utilized. Not specific to sky Valley automotive, but broader than that affecting all zones; option available.

Commissioner Davenport-Smith was wondering with changes to comp plan would we be able to incorporate changes that would apply to situation like this.

Rick Cisar – Silent to comp plan addressing non conforming uses.

Commissioner Davenport-Smith – Something would not be pedestrian friendly, but interpretation.

Deborah Knight – criteria come into play here; if you want to move forward with looking at non-conforming uses but in compliance with comp plan need criteria. 3rd staff alternative, talk in general about where you want to look at. Explained this is more than a one touch item. Can give general direction tonight, but there may be 3 to 5 meetings before a recommendation is reached. Fallgatter correct and need to review all, but will take time

Commissioner Van Pelt – seems almost tragic that this gentleman is being dragged through this process. Couldn't we do it any quicker?

Rick Cisar – Process wise staff could come back with modifications to draft ordinance and apply criteria and process for review if direction board wants to take.

Commissioner Latimore – advised there would be an opportunity to add discussion and questions.

Pat Fox, 13908 339th Av SE - Making changes to the code encourage other non conforming uses, permit other non-conforming, or just address current. Do percentages have something to do with discouraging rebuilding?

Rick Cisar – reconstruction exceed 25%, have to conform. Encourage reconstruction you place it higher. Letter from building inspector (exhibit e) foresees no significant changes.

Josie Fallgatter – On 75% of assessed value not requiring a permit; would they not pay fees and have inspection? Also like to know code sight in SMC for design review standards.

Donna Marshall, 11724 trout farm rd, mgr of coastal community bank – what does pedestrian friendly mean? If car breaks down, walk to car to get it fixed isn't that pedestrian friendly?

Gary Branstedder – non-conforming use legal when built, but zone changes make it illegal; won't create more non-conforming uses. Value is percentage of assessed

value. Assessed values are not actual values; 10% or more than assessed value to sell. 100,000 assessed, more than 25,000 in repairs puts business out of place; Suggests 75% as in between average and 100%. Think that Cisar correct looking at comp plan doesn't say you can't have expansion or repair of non conforming uses. Not in violation of comp plan. Suggestion or proposal already went through state with no objections.

Cisar – correct.

Gary Branstedder – I don't think it needs to be quite a big a process as DK suggests. Needs a process he can apply under. Staff has done a tremendous job setting up the criteria to pick from.

Josie Fallgatter – Re-ask questions; 75% of assessed value not requiring a permit, will they be allowed to build without a permit, will they exempt from impact fees and inspections? She explained that the nuisance ordinance was before the board earlier. If they can catch while being built they don't need to go back and address it later. 150% lot coverage; area is being covered, not the value. Where in the SMC is the design review standards codified.

_____ (WHO) Settle the issue before us quickly, then go back to comp plan and make changes. Suggest a variance or something else quickly. Don't see how having auto parts store isn't pedestrian friendly. Maybe need to review inception of ideas.

Bart – allowing expansion would be pedestrian friendly would get cars off sidewalk. 25% to 50% could go to legal battle as taking away without just cause; comp plan can only be revised once a year.

_____ (WHO) something immediate future, instead of comp plan changes.

Gary Branstedder – can't do that, not legal.

Commissioner Cofer made a motion to close the public hearing; seconded by Commissioner Latimore. Public hearing closed.

STAFF DISCUSSION

Commissioner Latimore – Two parts: maintenance and repair; expansion.

Commissioner Cofer – thinks 75% valuation for maintenance and repair more acceptable. Lean toward 50% as board member, but as property owner 75% is more functional. Don't have luxury yet of picking and choosing what businesses occupy our downtown corridor. As we travel towards our goals both personally and as a community. Anticipate obstacles as we evolve as a city. Legal non conformance with planning board and council allowed once per business. 75% permitted by special

permission, criteria with review by design review board. This business meets aesthetic appeal, and meets criteria.

Commissioner Davenport-Smith – agree with Commissioner Cofer; I'm not married to 50% or 75%, not enough education yet to make decision. Whether or not in compliance with plan, but "pedestrian friendly" rub; is it defined in code?

Rick Cisar – Not defined.

Commissioner Davenport-Smith – could define what it means to ensure expansion of non conforming use; would we still have issue?

Rick Cisar – comp plan silent; can develop criteria defining what pedestrian friendly means. Everett and Marysville criteria could work.

Commissioner Van Pelt – do talk of pedestrian friendly?

Rick Cisar – mitigate impacts based on developed in hand. Downtown area still has automobiles; Horse in stable years ago; Taking car to stable for repair, almost same type of use.

Deborah Knight – pedestrian friendly; you may still get a petition in front of GMA board. Comp plan addresses pedestrian friendly, but doesn't address non-conforming; criteria to advance desire to pedestrian friendly. Can you make change today quickly, and then change comp plan. No; everything grows from comp plan. Looking at review to comp plan to address business not welcome look. State law is written this way.

Commissioner Latimore – Think Everett has it right in regards to repair. If substantially destroyed, should be allowed to repair. Building codes much tighter now; Feels reasonable to allow; 100% with code driven costs that would exceed that. Expansion of uses, Title 21 of code, 21.04.020 (b) addresses expansion. Is that obsolete?

Rick Cisar – current code provision.

Commissioner Latimore – this code places it down to criteria board puts in place. Don't feel need further criteria other than what's in place. Conditional use permit process has element of non conforming uses wishes to expand. Just need to establish criteria.

Deborah Knight – can issue conditional use permit for non-conforming use if there is criteria in place. They would add an additional section for non conforming use expansion. Need to describe pedestrian friendly element. Need to be careful about taking straight across from other cities as based on their comp plan.

Commissioner Latimore – Maintenance and repair, expand. Maintenance repair, okay.

Commissioner Van Pelt – 75% or 100%, open.

Commissioner Schmidt – 100% repair; 75% expand. Criteria needed on pedestrian friendly.

Commissioner Cofer - # of vehicles per \$ amount generated; Separates high traffic volume retail, from lower traffic volume.

Commissioner Schmidt – too complicated.

Warren Jerden – liquor store pedestrian friendly based on traffic.

Rick Cisar – direct staff to repairs 100%; expansion 50% to equal 150%; define pedestrian friendly; criteria for non-conforming.

Commissioner Schmidt – outline of sequence of events to keep everything in place.

Commissioner Latimore opened the floor again to public comment.

Donna Marshall – A jiffy lube is coming into town back to back, what's the difference?

Rick Cisar – allowed.

Donna Marshall – back to back?

Rick Cisar – ingress from main, but no egress.

5 minute break approved by commissioners

Resume at 8:59 p.m.

Committee Reports and Staff Presentations

Transportation Plan Update –

Rick Cisar introduced Eric Ireland with Petteet giving third update. Public meeting and open house held today. Most important is to develop understanding of impacts. Graph summarizes development. 1500 employees in city currently; 500 employees in growth. Population growth projected as bedroom community. Estimates that 2400 homes built until 2025. City divided into 23 transportation analysis zones to include UGA. Growth between 2000-2006 via building permits. Traffic forecast model developed. 2007 average week day traffic volumes reviewed via map H-3. Highest volume street is 4th street; 3200 vehicles 10% p.m. peak; Sultan Basin Rd, then 8th Street. Level of service and rating from A to F; just A, B right now. Question posed is how long it takes to get from one point to another. Traffic congestion major complaint. Provided traffic trip

times and break down of level of service time frames. Reviewed classification of streets and currently shows very dependent on Hwy 2. 1 mile arterials; ½ mile minor arterials to build a grid. Designed arterial map recommendation provided in packet; and reviewed with the board.

Traffic forecast with no action creates high volume on Sultan Basin Rd is 18,000 vehicles with one point of access making the road unacceptably congested. US 2 is actually higher in this model as Sultan residents forced to use Hwy 2 to get in and around Sultan. Compared to traffic forecast with recommended model spreads the traffic around, takes pressure off Hwy 2 and gives people choices increasing level of service.

Commissioner Van Pelt – On 132nd extended west to Trout Farm Rd; how much of a problem is it to get it punched through?

Topographical because of hillside; alignment suggested appears to be the best route based on topographical map. Exact alignment as yet to be determined, but feel can be done at this point.

LOS standard, current standard B – with recommended will improve with modest improvements. Pointed out recommended map includes hwy 2 going to 4 lanes. Implications to LOS, peer review of neighbor cities did show no other city at LOS B. Consider point to point travel times when looking at LOS. Explained that LOS B means anyone can drive anywhere they want to without delays; that is not realistic. LOS D more realistic. Referred to map referencing # of lanes and suggestions on capacity for restraints in city.

Connie brought forth project to take advantage of bridge expansion in conjunction with hwy 2 widening and is recommending; gave reasons for recommendation. Transit service and people willing to work ¼ mile. Good transit in downtown; but majority of development to occur is no public transit. Recommend extra pad and concrete where bus stop can go making it easy for transit to expand. Arterial provides transit way to get around; providing 95% of city access. Map in packet for non motorized transportation; reviewed current access and future recommendations as listed on this map.

Commissioner Cofer – noticed in review, practical at some point to get park and ride on north side of road where houses and development planned.

Eric Ireland - Where would be a good location?

Commissioner Cofer – Where Sultan Basin used to intersect.

Rick Cisar – Agreement on Wold property is vacating right of way, so probably be developed or parking lot there.

Commissioner Cofer – no easy access to park and ride; really want to use the bus if you are located in Sultan Basin area.

Rick Cisar – currently looking at development on basin rd, requesting transit to place bus stop there with a turn around.

Eric Irelan – Reviewed that concern and designated a bike route; also recommendation on pedestrian over crossing to accommodate more ways to cross the highway. When there are enough bus routes, they can get a point to point transfer later in the future. Community Transit coming to Middle School tomorrow and are interested in Sultan's comp plan.

What implements this system is arterial classifications and design standards. Currently 60' right of way required in design review board. Recommendations laid out design standards to complement.

Commissioner Van Pelt – currently 60 ft; not imposing on land.

Rick Cisar – 66 ft; developer gets credit for this in fees.

Eric Irelan – continues to review map and elements; # on map corresponds to table which represents a project and gives project description. Some have cost estimates, but many do not. Perteet currently working on those now, combined with revenue forecast will be brought back to board in June. Comments from public north collector aligned with 140th to eliminate dogleg. Non-motorized existing calls for trail on Fir Street to provide safe access to elementary; did provide calming effects on 4th Street.

Council next week to present same info to them, then next month with board again.

Commissioner Latimore – LOS for arterial road sections silent in transportation plan.

Deborah Knight – LOS pg 74

Commissioner Latimore – nothing in that matrix; are we designating LOS for service never classified?

Eric Irelan – Confusing information in existing transportation element; good time to clean up.

Commissioner Latimore – is there an existing LOS for arterials?

Deborah Knight – staff will need to research and get back.

Commissioner Latimore – 4th street classified collector/arterial.

Eric Irelan – gave his view of existing and referred to 3rd column states LOS B; gives him the impression would cover collector as well as minor arterial.

Commissioner Latimore – still think it would be interesting to run a scenario for Sunday afternoon with traffic coming east to west; with proposed road grid how does it respond to Sunday afternoon condition?

Eric Ireland – good question, called traffic diversion. When he looks at arterials they are so far away.

Commissioner Van Pelt – Suggest Ben Howard Rd connecting to Mann Rd and on running east.

US 2 route development plan includes weekend traffic shows Sultan Basin Rd, 5th, 3rd, and Old Owen. Draft out now for review.

Eric Ireland – Diversion for your city only; don't expect many to use.

Commissioner Cofer – Uses Kellogg Lake Road as a diversion to Hwy 2; asked if those routes would be developed with diversion for accident traffic under certain circumstances?

Eric Ireland – Will look into; doesn't know state's policy on deciding; there are things that can be done to calm diversion down.

Commissioner Van Pelt – Another stop light at rice road, correct?

Eric Ireland – yes, we are recommending a signal at 330th and Rice.

Commissioner Latimore – Sultan Basin Rd proposing 66ft right of way; someday he can see a lot of cars wanting to head north from dead center Sultan. Ponder merits of bigger right of way that's largely undeveloped for many years. If can develop right of way while it's there, feels we should do that.

Rick Cisar – modifies road sections and requires dedication.

Eric Ireland – Working with public works to monitor how traffic develops to modify as it goes.

Commissioner Latimore – Pain and suffering around bypass in relation to Monroe; good time to think about that now versus center of Monroe next to the river.

Eric Ireland – Beyond 2025 looking to place bridge across river where old red bridge used to be; recommended by staff and public.

Commissioner Latimore – Analysis doing is marvelous, exceeded expectations and fantastic to work with.

Commissioner Cofer – clear, legible, easy to understand and follow. Public can look at and really understand; Marked improvement.

Commissioner Latimore – Particular interest in Dyers connection (T28) whether there is a thru fare connecting those?

Eric Irelan – wasn't a facility they looked at; major mover NO, circulation needs to be discussed so placed in there.

Commissioner Latimore – How many ADT's there? Is that extensive?

Eric Irelan – yes, but could do with this or another project if interested in.

Deborah Knight – Her sense is that the community there is not open to any change.

Commissioner Davenport-Smith – Impressed with report and work that has evolved. Look forward to next one at June 5th meeting and future cost estimates; in agreement with Commissioner Cofer.

Donna Marshall – do think people will find arterials when they come available.

ACTION – APPROVAL

Approval of 050107 Minutes – held off until fully completed.

PLANNING BOARD COMMENTS

Commissioner Cofer – meetings getting longer and longer; need to keep it down. Hold off on approval of minutes due to lateness of meeting.

Commissioner Latimore – can address and keep short.

Deborah Knight – Feel 10 o'clock meetings will be the norm for a while.

Commissioner Cofer – Good tonight with public present.

Commissioner Cofer made a motion to adjourn, seconded by all. The Planning Board meeting adjourned at 10:09 p.m.