

## March 3, 2009 PLANNING BOARD MEETING MINUTES

### PLANNING BOARD MEMBERS PRESENT:

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

### CITY STAFF:

Bob Martin, DCD  
Carole Feldmann, Secretary

**CALL TO ORDER:** Meeting called to Order at 7:02 PM

**Pledge of Allegiance:**

**Roll Call:** See Above

**Changes to the Agenda:** None

**Public Comments:** None

**Planning Board Member Comments:** None

### Approval of Minutes:

Harris moves to accept the minutes of February 3, 2009 meeting with corrections requested by Arndt on February 17, 2009 and approve minutes of the February 17, 2009 meeting, 2<sup>nd</sup> by Shaw, all ayes.

### HEARING AND ACTION ITEMS:

A1: Set a Public Hearing on Public and Institutional zone, adding Section 16.12.070 to Sultan Municipal Code.

Martin: Goes over changes requested at the February 17, 2009 PB meeting, prior to setting a Public Hearing on Public & Institutional Zone section of the Zoning Code giving examples of the currently submitted proposals of allowed uses. How the zones are established and why certain uses are allowed.

Bob Knuckey: Does not have a problem with the concept of P/I Zone, his problem is with the Volunteers of America (VOA) and its current allowed use. He believes a Conditional Use Permit (CUP) is required in the moderate density area to do what the VOA is doing. With P/I Zone does that mean no permits are required? Right now it states 15 students or less, what exactly does that mean? The Sultan High School has 80 kids enrolled. How are the maximum allowed students being addressed. What does 15 or less mean? Does it encompass students only, students and teachers, he would like clarification. Other than the ambiguity in that section, he doesn't have a problem with the P/I Zone. He doesn't think the P/I Zone change should create a significant benefit or suffering as a result.

Chief Merlin Halverson SCFD#5: Would like questions answered on the P/I Zone in regards to the current Fire Station on Cascade View Dr and SR 2. 1. There are always other options, but if we find a building in town that would adequately fit the needs of the Fire Station would they just request it be amended to a P/I Zone?

Martin: Yes.

Halverson: Question 2, Fire District Office listed in "C" Permitted Uses does that include Fire Station's as well?

Martin: Fire Station use was left off because of different requirements.

Halverson: Currently both Sultan Stations are used in the same manner, it calls for a conditional use currently and it wasn't that way when the District bought it, it also references Heliport listed as a Conditional Use, those 2 things are concerning to the Fire District.

Martin: It is not a major issue all it means is, when a use is listed in a zone as a Conditional Use, it means it is allowed but requires one Public Hearing to make sure all the standards have been met, if all those conditions have been met when submitted to the Hearings Examiner under a Conditional Use the permit is issued, it is not up for negotiation.

Halverson: What will the criteria be and how do we find out? Please reserve some caution in exercising these mandated conditions, as the District does not want to be zoned out of something we already bought and paid for. What happens if someone buys a public entity use?

Linth: What happens in the event of drug seizure how does that work?

Martin: Exempt from the process.

Linth: What if it takes a year and 6 months to sell it then a problem exists and / or happens.

Shaw: How do they address a piece of property if the intent is to rid themselves of it within a year and it doesn't sell within a year.

Martin: The intent is not to make this difficult. However, it can't be discretionary, they must notify the public of what their intent is.

Harris: If the fire property automatically goes into that zoning what happens in the event of the sale, what is the conversion process, how is it removed?

Martin: It is a public hearing before the hearing board for a zoning map amendment. Offers to Halverson to meet with the Fire Commissioners Board and explain the zoning language, the do's and don'ts and what is a non-conforming use.

Donated property should be a choice as to whether the Public Entity wants to use / keep / or sell the property.

Knuckey: Did his due diligence in investigating the zoning on his property prior to purchasing it, if he had known they were going to do what they are currently doing, he would not have purchased the property.

Linth: Would like some reference to the definitions in this language to clarify what some of the definitions are. Would like some reference to the 15 students inclusion of the context of the zoning regulations. What if the applicant misses something and the city authorizes it.

Martin: Concept called public duty doctrine. The applicant is responsibility to know the requirements of the zone. Advises Mr. Knuckey they will be adding language of what 15 student's means. Staff draft would have to have something references fire stations in conjunction with district offices.

Shaw: Why are Police Stations / Dispatch Operations and Hospitals in the allowed use category? Isn't that inconsistent?

Harris moves to set a Public Hearing on Public and Institutional Zone, with the additions discussed tonight adding Section 16.12.070 to Sultan Municipal Code with City owned zoning map, for Tuesday March 17, 2009 2<sup>nd</sup> by Shaw, opposed by Linth.

### **D-1 Hearing Examiner Annual Report**

Martin: Informed PB members only 2 cases were heard in 2008 one on Caleb Court the other Anderson Farms. Caleb Court was approved on a previous denial of a P.U.D. which expires April 10, 2009 unless an extension is granted. Anderson Farms was denied and upheld by City Council. A new preliminary application will need to be submitted for future development.

### **D-2 Update on Planning Board Work Plan**

Martin: Updates PB Members on the current work list and project status of the work plan.

## **PLANNING BOARD EDUCATION & DEVELOPMENT**

E-1 American Planning Association (APA) slide show: "Updating the Zoning Code":

Deferred to next meeting.

### **COMMENTS ON AGENDA ITEMS**

No Public comments.

Planning board Comments:

Shaw: Recaps her ideas on tonight's meeting.

Linth: Thanks all for attending. Wants to address the public hearing policy it's a good policy but, wants to know how to get the community involved in the public hearings. I don't think there is any clarification on what their comments do or don't do. The board doesn't give the public the opportunity to respond to the actual decisions of the citizens. believes it is difficult for the public to comprehend what it is the board does. Small change could be having staff explain, and members explain and then ask the public if they have any questions for clarification. I think if they understood what is before them it would minimize the comments that are not applicable to the situation.

Harris: Echoes Linth's perspective.

Adjournment:

Shaw moves to adjourn 2<sup>nd</sup> by Harris, all ayes. Meeting adjourned at 9:50 PM