



**SULTAN PLANNING BOARD MINUTES
REMOTE MEETING
February 2, 2022**

PLANNING BOARD MEMBERS PRESENT:

Janet Peterson
Michael Weidman
Andrew Rockwell
Judie Cyr
Vacant

STAFF PRESENT:

Andy Galuska, Planning Director
Cyd Donk, Assistant Planner

CALL TO ORDER:

Call to Order at 7:00 p.m.

CHANGES TO THE AGENDA:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None

PLANNING BOARD MEMBER COMMENTS:

None.

STAFF COMMENTS:

Staff gave update on projects that are keeping us very busy. No new update from last week, other than losing the building inspector. Interviewed applicants for the Board and her name is Emily. She'll be brought to Council on the 10th. Council workshop to discuss traffic impact fees around commercial developments and the US 2 corridor on February 3rd. Consultant hired to do 6 to 8-months of outreach on the US 2 improvements. The Main Street round-a-bout will go from 1-lane to 2. Good news, we are number 2 in line for possible grant money. It will save the city some money that we can use on other projects.

All information for land use projects, hearings and Decisions are available on-line here: <https://www.ci.sultan.wa.us/167/Land-Use-Planning-Projects>

APPROVAL OF MINUTES: Rockwell made a motion to approve the January 18, 2022, as submitted. Seconded by Weidman. All Ayes.

PRESENTATION:

Update on the code change for appeals and the hearing examiner.

Director Galuska reviewed the appeal, board of adjustments and hearing examiner as adopted in city code. He also explained the City received an appeal and the hearing examiner stated that he did not feel that this appeal should have been heard by him. He thought it should be the board of appeals. The code is very unclear and ambiguous, and we are not sure what the intent of the board of adjustments because the staff that created it is no longer here and there were no notes as to why they were created. Staff took this to Council last week and 2-members of the Council do not remember why the Board of Adjustments.

Intent is to take out the Board of Adjustments and sort out the role of the Hearing Examiner throughout the code. If someone could not afford the fee for an appeal, we could implement a hardship clause to defer the costs. A good cleaning up of the code is needed to clarify the appeal process.

Rockwell likes the process proposed and there is an option for everyone to be able to file an appeal.

Peterson notes that the mayor can appoint and remove the hearing examiner.

Weidman asks if the Council should be involved with the mayor to remove the Hearing Examiner. Staff will check into this; we did not think about the removal process because the hearing examiner is usually appointed until he retires. Weidman is concerned that the city could end up in litigation if the mayor solely removes someone. Staff will investigate adding the gender language, he/she, etc. Weidman really thought the code was really forward thinking. Staff wants to get this in place before any appeals comes in.

Cyr asks about the appointment of several hearing examiners. Staff explains that the city wants the option to have a lesser cost for different cases.

Peterson asks if we should have the second meeting or go into March.

Recap of this code update:

Appeals are:

- Process to appeal decisions if people disagree with the outcome
- Typically, there is a local appeal process (what we are discussing) as well as an appeal allowed under the Land Use Petition Act (LUPA).

Goals of this code project:

- Remove the Board of Adjustments
- All appeals through the hearing examiner
- Clarify appeal procedures

Project considerations:

- Fair consideration for appellants
- Benefits of Hearing Examiner over a board
- Clearly indicate the process for appeals

Hearing Examiner Usage:

- Fair consideration for appellants
- Benefits of Hearing Examiner over a board
- Clearly indicate the process for appeals

DISCUSSION AND STUDY ITEMS:

SUMMARY OF MEETING RESULTS AND ACTIONS FOR NEXT MEETING:

Next meeting March 1, 2022.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

None.

PLANNING BOARD MEMBER COMMENTS:

None.

STAFF COMMENTS:

Rockwell asked about the Housing Action Plan. Staff stated that we have a consultant on board, and we'll have more at the March 1st meeting.

ADJOURNMENT:

Weidman made a motion to adjourn and close the meeting, Rockwell seconded the motion. All Ayes.

ADJOURNED 7:40 P.M.