

City of Sumner

PLANNING COMMISSION

March 1, 2001

Members present: Livingston, Nalder, Walker, Lovgren, Myers

Members absent: Richardson, Smith

Also present: Ryan Windish, Senior Planner

CALL TO ORDER

LIVINGSTON called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

MYERS motioned to approve the minutes for December 7, 2000. LOVGREN seconded the motion and it passed unanimously.

MYERS motioned to approve the minutes for February 15, 2001. LOVGREN seconded the motion and it passed unanimously.

PUBLIC COMMENT

LIVINGSTON asked for comments on items that were not on the agenda. There will be follow up on the Comprehensive Plan amendments. The public hearing process has been closed.

There was no other public comment.

UNFINISHED BUSINESS

WINDISH put together a memo summarizing the major points that were discussed at the study session. A lot of information has been obtained. The intent of the memo was to summarize the discussion points from the study session. A contract rezone, or development agreement, was one of the items discussed. The City has tried to get away from them in the past. However, it is an option for approval. He spoke with the former Planning Director and he was optimistic about a development agreement that could be written in the future that would be better than the previous agreements that were not written very well. The attorney for the applicant, Terry Brink, is present give a presentation in regards to the potential for working out a contract rezone.

MARY URBACK asked if the public testimony was being reopened and wanted the record to reflect that the public testimony was being reopened and that public comments are being allowed, but not from the public.

WINDISH stated that this is just a response and clarification to the question raised at the study session as to whether or not general commercial would work for the applicant. This is just a response to that question. There is no need to open up the public testimony.

ROGER BLAYLOCK stated that the City of Edgewood is concerned because if the applicant is modifying the application, then the modified application should be considered and reviewed and they would like the ability for written comment on the modification.

LIVINGSTON stated that they are still faced with the Comprehensive Plan amendment that was submitted by the applicant. The discussions regarding different types of zoning arrangements were generated from within the Planning Commission and not from the applicant. The applicant still stands to move the zoning to industrial status. There has not been a formal request for commercial zoning.

MARY URBACK objected to reopening the public testimony. The public testimony has been closed.

WINDISH stated he met with the applicant's attorney before the meeting and he stated that the applicant is willing to consider a contract rezone. The purpose of Mr. Brink's comments is to state their thoughts on the contract rezone.

MYERS motioned to reopen the public testimony, allow five minutes for each side, and then close it again. NALDER seconded the motion and it passed unanimously.

LIVINGSTON reopened the public testimony portion of the hearing. Comments will be heard from all interested parties.

TERRY BRINK appeared to make an offer on behalf of the applicant. Because the City of Edgewood has presented some problems with the issue, and there have also been concerns voiced by the neighbors, the applicant has agreed to take some time out to continue this matter for two weeks to explore the possibility of whether or not a contract rezone would be something that the applicant could agree to. This is just a proposal as an alternative to voting on the issue tonight. The purpose is to address the concerns raised. He does not understand why this is objected to since it is an offer to take time and consider the issues. The nature of this consideration is to consider the elimination of some of the uses that normally would be allowed in an M1 zone. They propose to have a meeting with City staff to see which uses the applicant would be willing to forego on a voluntary basis. It would be a modification of the application only to the extent that it would eliminate things under the M1 zone that are currently allowed. This is a proposal to consider in lieu of voting tonight. They could back with a proposal or act on the status quo at that time.

MYERS questioned Mr. Brink if they wanted a month.

TERRY BRINK stated they are only requesting two weeks, but a month is fine.

LIVINGSTON asked Mr. Windish about the public hearing notice requirements.

WINDISH stated that notice was given for the public hearing two weeks ago. Legally you notify once. If there is a continuation or it goes to another meeting for deliberation, you don't have to do another notice. Notice could go out again for another hearing.

ROGER BLAYLOCK, Senior Planner for the City of Edgewood, 2221 Meridian Avenue East, Edgewood, WA, stated that the City of Edgewood supports the proposal. They request that the written proposal be made and then be distributed to the parties of record before the next meeting. He requests one week to review the written proposal.

MARY URBACK, representing the neighbors, stated on behalf of the neighbors for the Commission to take whatever length of time to look at the concept of a development agreement. She concurs with Mr. Blaylock that if there is any revised proposal that it be distributed to the parties of record so they have

opportunity in advance to prepare for the Planning Commission hearing. She clarified her objection. It was not to the proposal, it was to the opportunity to comment.

LIVINGSTON closed the public hearing.

MYERS questioned Mr. Windish that if the public hearing would be held open for the piece of property located to the north. Is it feasible to hold a hearing in one month and hold the public hearing for that piece of property?

WINDISH stated that it would be feasible. It would be a good idea to open the public hearing again. There would be another alternative to get public input on.

WALKER asked for clarification on the clustering options and height maximums.

WINDISH stated he could get a map on that.

MYERS motioned to table action to review the Comprehensive Plan Amendment until Thursday, April 5, 2001. LOVGREN seconded the motion and it passed 5-0.

WINDISH clarified that he will provide the following for the next meeting:

Analyzing the inclusion of the property to the north. That will include contacting the property owner, and do whatever modifications are necessary to the addendum to the final EIS.

WALKER stated that she does not want to make a decision until the property owner has been heard from.

WINDISH presented the question as to whether or not this property could be added to the application without going to the property owner.

LIVINGSTON said that the Planning Commission could make a recommendation based on the amendment that this occur to the proposal. They could also recommend that the parcel to the north be included or excluded from the decision of the Commission.

WINDISH stated that they could consider a recommendation to including this change in the 5-year update to the Comprehensive Plan. It would be on record that Planning Commission is passing onto Council their recommendation. It would be a contract rezone on Mr. Stowe's property and then the remainder would be considered for rezoning in the future to M1 and maybe with the same restrictions.

LIVINGSTON stated that they don't want to inadvertently cause that parcel or property owner a hardship or exclude them from the process. He suggested that Mr. Windish provide follow up on clustering options, the property to the north, a revised Environmental Impact Statement, and notice to all affected parties.

ROGER BLAYLOCK questioned the Commission if it was their intent to have the proposal submitted by the applicant by March 29th so the parties of record would have an opportunity to review it before the April 5th meeting.

MYERS responded that they asked for two weeks and then staff would need two weeks to get it out to everyone. It will be out as soon as possible.

WINDISH stated that he would mail out a draft agreement.

NEW BUSINESS

WINDISH stated that he was going to give a presentation on ESA. He wanted to provide an update on the City's position on the Endangered Species Act. The City is putting together an update to the Shoreline Master Program and the Critical Areas Regulations. They have hired a consultant to put the updates together and will be moving into that process quickly. They are looking at make the SMP compatible with the ESA. The 4d option is the option they want to take. They have to meet the Growth Management Act requirements by using the best available science when they develop and draft their regulations. The end result will be a sound package of shoreline regulations and critical areas regulations. They also have turned in all regulations that have to do with fish to the National Marine Fisheries Service (NMFS) to determine what changes need to be made to the Code.

Thereupon was discussion about salmon habitats.

STAFF COMMENTS

WINDISH gave an update on the East Sumner Neighborhood Plan. Council will make their final decision Monday night. There was a compromise looked at on the Bruno property. They have been trying to get a parking consultant on board for the Station Area Plan.

CORRESPONDENCE

1. Letter from Edgewood City Council received March 1, 2001. 2. Memorandum from Ryan Windish.

COMMISSIONER'S COMMENTS

NALDER stated that he would not be present for the decision to take place next month. Edgewood is being somewhat one-sided. They, along with every other community, are creating a problem by allowing more residential developments.

MYERS commented on the comments made by Edgewood at the study session. The only reason they want it zoned R1 is because they cannot do anything else out there. They are trying to force us to do joint planning so they can joint plan our sewers, water, and storm drainage.

WINDISH stated that the Council is going forward with two LID's, one for sewer and one for water. It is going to bring water and sewer right down W. Valley Highway to about midpoint on the proposal we are talking about. Construction will start in August.

MYERS stated that we shouldn't hold up too long on this because it would be pertinent to the planning for that. It could make a difference on what we zone the area.

LIVINGSTON had a comment with respect to the East Sumner Neighborhood Plan process. He has attended numerous Council meetings. He was disappointed to hear the public's reaction that the Planning Commission either did not listen or did not respond back to letters that were submitted. There is an impression that we are not listening to people. There seems to be a certain perception that members of this Commission and City Council only represented specific geographic areas within Sumner as opposed to representing Sumner as a whole. We represent Sumner as a whole and are not based on specific neighborhoods or geographic areas within the city.

MYERS stated that he got the same impression that they don't think we listen to them. He attended a lot of public hearings when this first started and a lot of the people speaking were not property owners at that time. Mountainview was existing at that time, but it was not included in the plan. In the public hearing they had very little comment from the people that owned the land. Mr. Bruno does not own the land. He has an option to purchase. Those that come to public hearings are usually those who have an axe to grind.

WALKER suggested that they have some kind of process to inform the people of the process and what kind of criteria that they have to look at in making decisions. This will make them more educated as to what they go through and not get the impression that we are just sitting here giving them their right to say something.

WINDISH recommended that there be some sort of a preamble at the public hearing.

ADJOURNMENT

MYER made a motion to adjourn the meeting at 8:10 p.m. WALKER seconded the motion and it passed unanimously.

Ryan Windish, Senior Planner