

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

DISCUSSION ITEMS

1. CALL TO ORDER
2. AGRICULTURAL PROVISIONS IN THE CODE UPDATE
3. PUBLIC HEARINGS
 - A. CPA 16090, ROOSE
 - B. CPA 14567B, CAINON
 - C. CPA15162, POLICY AMENDMENT MASTER PLANNED DEVELOPMENT PROCESS
4. PUBLIC COMMENT ON THE AGRICULTURAL PROVISIONS
5. ADJOURNMENT

1 CALL TO ORDER

Chair Michael Lewars called the meeting to order at 6:05 p.m. and a quorum was established with Planning Commissioners Michael Wangen, Don Fisher, Charles Averill, Maradel Gale, and Martha Droge in attendance. Chair Lewars also reviewed the agenda for the evening's meeting, explaining that the time allowed for learning about and discussing the agricultural provisions in the Code Update had to be split into two sections to accommodate the public hearings for which formal public notice had been published.

Commissioner Fisher moved to approve the minutes of May 27, 2010, as submitted. The motion was unanimously approved after being seconded by Commissioner Droge.

Chair Lewars announced that the City Council would be discussing the Tree Ordinance at its meeting on June 14th. That meeting will begin at 4:00 p.m. in the Council Chamber.

Planning Director Kathy Cook told the Planning Commission that there has been a change in schedule on the Comprehensive Plan Amendment on the Master Planned Development (MPD) provisions. As a result of parallel discussions that have occurred at City Council, staff have been directed to bring forth an ordinance to repeal the MPD provisions.

2. AGRICULTURAL PROVISIONS IN THE CODE UPDATE

Special Projects Planner Kelly Dickson reviewed the materials provided in the packet and gave a brief background on the process by which the agricultural provisions were drafted. At the beginning of the process, there were a lot of comments that the existing regulations do not promote agriculture and impede farming in some cases. The Ad Hoc Committee felt that updating the agricultural regulations fits into the update process because of the supporting Comprehensive Plan policies.

Planner Dickson told the Commission that agriculture would still be allowed where it is currently allowed and has been split into livestock and crop agriculture to better mitigate the impacts of each activity. She also described the overall approach as providing a three-tiered approach to animal density standards – a small number are allowed without any management standards, greater number of animals are allowed if management standards are met, and more animals than that trigger a farm management plan. Director Cook clarified that both livestock and crop agriculture can both occur on a single parcel of property.

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

The Code Update includes a provision to allow up to five poultry as an accessory use to a residential dwelling, even in zoning districts that do not allow agriculture. Planner Dickson said that another thing that is not explicit is a recommendation that community gardens be allowed as a primary use in any zone district except water-dependent industrial and light manufacturing (business/industrial).

One item that is missing and that the Planning Commission may wish to recommend is that there are some areas where it may be appropriate to have chickens without a residential use, for examples, as an accessory use to a community garden.

Commissioner Gale noted that the memo states that there is still considerable disagreement in the agricultural working group regarding animal densities and asked how the differences in opinion would be resolved. Planner Dickson replied that the three-tiered approach was developed partially to answer those concerns.

Chair Lewars asked where the controversy is when a farm management plan allows higher densities and Planner Dickson replied that were some who wanted higher densities without having to go through a farm plan. Director Cook added that there are some who feel that the city should not have density standards at all. Commissioner Gale spoke about increasing regulation as a result of increasing impacts and remarked that this is no longer a majorly rural island.

Commissioner Averill asked if there are circumstances under which the city requires a farm management now and, if so, under what circumstances would one be required. Planner Dickson replied that the code does not explicitly require one but that such plans have been required as a means of proving that the USDA requirements given in the existing code are being met.

Director Cook asked where one or two pet horses are covered in the chart. Planner Dickson replied that it would depend on which zone district they're in and whether or not agriculture is a permitted or conditional use. If agriculture is a permitted use and they fall into one of the two categories, they wouldn't have to show the city anything in order to have that animal. If they don't have enough lot area, they'd have to do a farm management plan.

Referring to item 3 on page 3 of the Clarion memo, Planner Dickson says that additional primary uses have been identified and clarified – “agricultural educational or research facility” (allowed as a regular conditional use in R-1, R-2, and R-0.4) and “stable” (defined and allowed wherever agriculture is permitted, may require a major agricultural retail plan if boarding for a fee).

In response to complaints about the financial and time burdens required to obtain a conditional use permit (CUP) for agricultural activities, the Code Update is proposing an administrative CUP with fewer decision criteria and a reduced fee for agricultural uses.

Agricultural accessory uses (such as agricultural processing) have been clarified and are recommending that these accessory uses are permitted wherever agriculture is permitted. Commissioner Gale said that there have been times when there was talk about a community kitchen. She added that she doesn't think it would be allowed in the Core and that it should be. Community kitchens will be discussed at the next meeting.

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

Slaughtering has been defined and clarified in the proposed update. The Commission discussed slaughtering as it relates to agricultural processing. Commissioner Lewars was concerned that the definition could be construed to include food preparation in a restaurant.

The difference between minor and major agricultural retail has been clarified and the requirement for an agricultural retail plan has been removed for a minor agricultural retail use. Agricultural tourism has been defined as an accessory use and is allowed wherever agriculture is allowed.

New accessory agricultural structures must meet the current codes but will not require the entire property to be brought into compliance. Nonconforming agricultural uses, such as heavy feed areas, may be expanded in the direction away from the property line.

The proposed management standards are based on best management practices. What is proposed is that a property owner may increase the number of animals allowed without a farm plan by following the management standards. The proposed management standards are related to stormwater requirements, how the animals are watered, setbacks from adjacent uses for heavy use area, manure management, and requirements specific to egg-laying standards.

Livestock and poultry slaughtering with specific setback requirements are allowed wherever agriculture is permitted. There have been comments that the setbacks are too high and duplicative of USDA standards. Commissioner Gale was concerned that USDA standards are not necessarily appropriate to address concerns arising out of a more urbanized area such as the Island.

Commissioner Averill asked if there is any mechanism to inform a potential purchaser that there is an existing slaughtering activity that occurs on the adjacent parcel. Planner Dickson said that the Right to Farm ordinance requires a note on any plat developed within 300 feet of an existing agricultural use. There are no other processes by which to notify a proposed purchaser.

In closing, Planner Dickson explained the voting process at the last agricultural working group meeting and what was included in the Planning Commission packet. Planning Commission recommendations on what should be retained, what should be separated out, and what provisions should be amended is the next step.

3. PUBLIC HEARINGS

- A. CPA 16090, ROOSE
- B. CPA 14567B, CAINON
- C. CPA15162, POLICY AMENDMENT MASTER PLANNED DEVELOPMENT PROCESS

3. A. CPA 16090, Roose

After determining that there were no more comments or questions from the Commissioners, Chair Lewars invited Craig Jones, representing the applicants, to speak. Mr. Jones replied that he had nothing further to add unless there were specific questions to be answered. Chair Lewars closed the hearing.

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

Commissioner Averill moved to recommend approval of the Roose Comprehensive Plan Amendment and Rezone application to the City Council. Commissioner Fisher seconded the motion. Commissioner Gale that the following findings for the recommendation be added:

- This amendment does not interfere with our compliance with the Growth Management Act.
- The City has the resources necessary to implement the proposal.
- The proposal is very minor and will not require much in the way of implementation.
- The Comp Plan amendment will not result in development that has significant adverse impacts on any community resources, including water, utilities, transportation, and parks or schools because it would just be adding a very small segment to an already existing LM district.
- It does not appear that the amendment would adversely affect the City's ability to provide the full range of facilities and service because it is already serviced by major roads in that vicinity and the adjacent land is already being served in a way that is consistent with the request for this Comprehensive Plan Amendment.
- It is consistent with our Comp Plan Amendment in that it really fulfills the overall vision of the community. By including it in that light manufacturing district it just augments that extant district.

The Commission unanimously passed the motion with the findings.

3.B CPA 14567B, CAINON

Associate Planner Steve Morse told the Commission that the application is to rezone a .88 acre parcel that is located at Island Center. To make this compliant with the Comprehensive Plan it also recommends two policy changes. The effect of those policy changes is to allow a 25% increase in the area that is zoned Neighborhood Service Center (NSC).

Planner Morse also spoke about the previous Commission discussion about allowing such expansion on parcels of less than one acre abutting existing NSC that was a natural extension of the commercial zoning and not encumbered by critical areas. In response to the Commission's request on how this policy change might be applied, staff prepared a map of Island Center showing the areas that are zoned R-0.4 and that are nonconforming in area. Commissioner Gale pointed out that the Cainon property is the only one to which the allowance would apply. Commissioner Wangen added that there are two more parcels that would qualify if the Cainon property was rezoned. Planner Morse responded that it was also pointed out to him that parcel sizes are not static – a property owner could apply for a boundary line adjustment or a short plat to reduce the size of a lot.

Planner Morse noted that the policy change proposed by the applicant would apply to all three neighborhood service centers. The Commission wanted to see what it would look like if only abutting those neighborhood service centers that had not gone through a special planning were allowed to apply. That would limit possible expansions to Island Center and Rolling Bay. The six potentially eligible parcels in Rolling Bay have all been developed with single-family residences.

The map that was produced showing the six parcels show the building ratio (house value divided by land value) which is used as an indicator of the likelihood for redevelopment. In this case, it is

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

somewhat unlikely that these parcels would be redeveloped. Planning Director Cook pointed out the policy change would not automatically change the Comprehensive Plan designation on those parcels – a Comprehensive Plan Amendment and Rezone process would still be required for each parcel that opted to change its designation.

Commissioner Droge asked how long the land owner has been waiting for the special planning process and Planner Morse replied that he has owned the property since before the city was formed and was involved in the 2002 planning process. Commissioner Droge asked when the special planning area process could begin. Director Cook replied that the special planning area process may be initiated by a written request from a property owner, but the City Council has to approve the initiation of the process. The Council's issue is resources.

Commissioner Droge said that her understanding is that the property was zoned for commercial use and that the commercial zoning designation, for some reasons, did not show up on the zoning map provided to the city after its formation. She remarked that she likes maintaining the integrity of the process but also feels like the owner has been waiting long enough. Commissioner Gale added that it disturbs her because three years ago when the Planning Commission denied the application, they did so expecting the Island Center special planning area process to commence within the next year or so.

Director Cook also told the Commission that the 2025 Committee had recommended rolling the special planning area process into the Comprehensive Plan update. However, the state legislature has now extended the deadline for that update to 2014.

Commissioner Droge stated that it is unfortunate that circumstances prevent this amendment request from being considered in a more comprehensive manner to maintain the integrity of the process. Chair Lewars asked staff what would be wrong with approving it and why staff recommended denial. Planner Morse replied that the Comprehensive Plan requires considering such requests as part of a special planning area process to avoid haphazardly approving several such requests. Commissioner Averill noted that the special planning area process was clearly intended to be considered as a neighborhood and added that there are other policies – such as encouraging commercial development in neighborhood service centers – that somewhat contradict that.

Chair Lewars asked if any of the other Commissioners had comments. There being none, he opened the hearing for public comment at 7:29 p.m.

William Palmer, representing Andrew Cainon, said that the Comprehensive Plan is somewhat dependent on a planning process that the city can't afford to initiate and that his client has been waiting 19 years. He remarked that the policy proposed by Commissioner is workable and pointed out that the proposed change in the process would limit similar applications to being submitted every three years, starting in 2014.

Olaf Ribiero, chair of the Murden Cove Preservation Association, asked the Commission to limit the proposed policy amendment to Island Center and stated that his organization would be asking the City to initiate the special planning process for Rolling Bay. Mr. Ribiero also requested that

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

the public hearing be continued and re-noticed so that the Rolling Bay community could be made aware of the proposed policy.

Debbie Vann remarked that she thought the proposed policy amendment was specific to only one property and agreed with Mr. Ribiero that the advertisement needs to be clarified so that people in and around those neighborhood service centers know what is going on.

Howard Block recommended that the application be denied because changing the designation should be done through a more comprehensive planning effort.

Rian Myers commented that the Rolling Bay neighborhood was blind-sided by this and is concerned about what might follow.

The Commission asked staff to find out if it would be legally acceptable to limit the proposed policy change to Island Center. At 8:10 p.m. the public hearing was continued to the next regularly scheduled Planning Commission meeting on June 24, 2010.

[8:18:37 PM](#) Opened the public hearing on CPA15162, POLICY AMENDMENT MASTER PLANNED DEVELOPMENT PROCESS

Director Cook told the Commission that the City Council has directed staff to bring an ordinance that would repeal the master planned development process (MPD) to the Planning Commission at its next meeting. She also noted that the Comprehensive Plan Amendment process before the Commission would not be in conflict with that repeal. Staff recommended approval of the city-proposed comprehensive plan amendment.

Arnie Kubiak – the process should be refined, not dumped – staff did not go out and look at what's there – MCPA thought those wetlands are actually class ii – unmarked culverts connect all those wetlands – SPR will make it even more difficult to look at the trails and the environmental protection – need to keep the MPD process on these 35 acres – staff needs to go out and look at the property

Maradel asked Arnie to clarify one of the sttemnts in his written comments –

ML – at the last meeting we asked if getting rid of the MPD wouldn't change things from the aspect of environmental protections

[8:41:03 PM](#) Debbie Vann – hearing about limitations on staff yet they can manage to produce two ordinances and this application – Debbie Lester talked about how the process had gone and suggested rezoning the property back to SFR – wouldn't categorize the changes to the CAO as significant – also discussion about limiting impervious surfaces – could look at a much better plan under the MPD process

[8:46:01 PM](#) Terry McGuire – there are legal deficits to the MPD process as it is now applied – the MPD designation is not on the official zoning map – didn't have notice from the zoning map or from the title report that the MPD would apply – open space requirements are probably illegal

PLANNING COMMISSION REGULAR MEETING
JUNE 10, 2010

– two years after the MPD, three properties were rezoned without the MPD process – overlay is not legal, time-consuming, expensive

[8:53:15 PM](#) Martha – think we should recommend approval of the CPA and repeal the ordinance – ML can't see any reason to keep this - [8:57:56 PM](#) - MD moved to recommend approval of the comprehensive plan amendment

Maradel seconded the motion – unanimously recommended approval

PUBLIC COMMENT ON THE AGRICULTURAL PROVISIONS

Ron Ebert - [9:02:55 PM](#) – interest in this subject is that he's been an agricultural planner – going in the right direction – need clear standards – more work to be done on some of the management standards related to animal agriculture – doesn't seem to be much info about what agr there is on the island – get a tech advisory committee to give a solid recommendation – exception in the crop agriculture that is not inclusive enough

Ed Cannard - [9:08:15 PM](#) – agricultural community has not had an opportunity to talk to the Planning Commission – would like the new language allowing community gardens and patches. Under what basis were community gardens prohibited in the first place? Where did the number come from for how much area you need to have a rooster? – would also like a copy of the language regarding chickens in conjunction with a community garden – no reason to prohibit roosters downtown

Patti Dusbabek - [9:16:15 PM](#) have some concerns about the numbers too – the numbers are unreasonable – the exceptions that have been made need to be available to everyone – also recommend that you redefine farm – county doesn't consider anything less than 2 acres a farm – the three people who are approved for large numbers of chickens are feedlots

Russ Berg – disagrees with a lot of what Ms. Dusbabek said – the city is doing a great job – we've got a lot of smaller parcels – we follow our farm plan – this individual speaks for a small minority – these numbers are based on USDA and county and other accepted standards – we're never going to make consensus

Melanie Keenan – five years in litigation – what you're trying to do here – the county is trying to adopt policies to increase and promote agri – think it's really important that you wait and work with the county – will be creating a large number of nonconforming uses – trying to put together something that works without the knowledge and expertise – right to farm – no notice and no public participation – don't know how to do a survey – city of Stanwood

Adjourn - [9:29:05 PM](#)