

City of Buckley
Planning Commission Minutes
November 16, 2009

Chairperson Snellback called the meeting to order at 7:05 PM.

The following members were present: Dorn, Howard, Logan and McCorkle. Callis and Panasiuk were absent. Also in attendance were City Administrator Dave Schmidt and Mayor Pat Johnson.

Dorn moved to approve the minutes of the October 19, 2009 commission meeting. Howard seconded the motion and the motion carried.

Public Hearing – FLUM (Future Land Use Map)

Snellback opened the Public Hearing at 7:02 PM.

Marvin Sundstrom, 881 Sheets Road, he is just curious; why this map, we already have a zoning map is this something that is necessary to add to the zoning code. He notices one mistake, at the end of Sheets Road on Ryan on the north side of Ryan there is a neighborhood mixed use zone.

The Public Hearing was closed at 7:05 PM.

Discussion of FLUM (Future Land Use Map)

Administrator Schmidt answer Mr. Sundstrom's question regarding the FLUM Map stating the future land use map is required as a part of the Growth Management Act. The future land use map is the overlay for all the land use in the city. All the zones should comply with the future land use map. In 2005 when the city adopted the Comprehensive Plan there was an insert supposed to go in there of the future land use map so the City Attorney last year recommended we adopt one. Howard asked if there is a correction that needs to be done based on Mr. Sundstrom's comment.

Administrator Schmidt stated he did miss this. If the Planning Commission would like leave that there, then that area should be colored red. Howard stated if the Planning Commission thinks that designating it as urban lower density is more appropriate would the existing business that is there be grandfathered in? Administrator Schmidt stated the existing business that is there is a home occupation. The reason that area was zoned NMU is the Planning Commission and City Council thought once that area

developed and Ryan Road became more of major arterial and the State School with 1,000 employees, plus the residential neighborhood it would be nice to have a little commercial area. If the commission wants to leave it as a residential overlay under the FLUM then it would not be allowed to be NMU and that zone would have to be changed within the next year. Administrator Schmidt stated right now the property is currently still zoned residential. Howard stated by the description it doesn't sound like the land is turn key ready for a deli or some other commercial business. Administrator Schmidt stated they would have to go through a commercial site plan process and right now they would have go through a rezone as well, the property is not currently zoned NMU, the zoning map allows it to be zoned that but it hasn't been zoned that. At this point the Planning Commission needs to decide the long term vision of that area. Howard stated all the discussion about supporting commercial development has been along the Highway #410 corridor where it is already indicated on the map. If we are not going to penalizing and already existing operation, he thinks leaving it designated as urban lower density is more in the mind with we have heard from the few people who have spoke about the FLUM map. Snellback stated she feels having this NMU designation out there is a good thing. There was a brief discussion regarding what kinds of businesses would be allowed in this zone. Administrator Schmidt also brought up what Howard talked about at the last meeting with having the boundary lines between properties rather than using streets as the boundaries lines. If the commission decides to move the boundaries those areas because it corresponds to the zoning we would have to rezone those properties next year. If that is the case then that means there would be impacts to property so we may have to have another public hearing before we move this forward. **Howard moved to accept the FLUM Map as it was presented tonight which changes the designation of the property on Sheets and Ryan to Urban Lower Density. The motion died due to a lack of a second. McCorkle moved to approve the FLUM Map to correspond with the zoning making a change to the presented FLUM which changes the map at the intersection of Ryan and Sheets to be Commercial and Mixed Use. Logan seconded the motion and the motion carried.** Howard stated what is worthy of some additional discussion is if we want to recommend adjustments so that homes mid block between the green and red zones on the FLUM map north and south of 410, do we want those lines at streets instead of mid block. Right now you have some homes on a street that are zoned commercial and yet right next door mid block they are zoned residential. Do we want to make an attempt to clean that up at this point and recommend that change to Council? Discussion ensued. Dorn stated anyone that would be affected would have to be notified and another public hearing would have to take place. Howard stated he doesn't necessarily have a problem with the commercial it is having the boundaries be streets, not mid

block. Administrator Schmidt stated one other thing you could do is create another FLUM designation that would be NMU/Residential. McCorkle stated he thinks it is more for the neighbors rather than the property owners themselves. If someone buys a house and then finds out later that their neighbor could put in a shop and they weren't expecting that when they bought the home, but then again a person has to do a certain amount of research before they purchase a home so why are we putting the whole burden on the town cause someone doesn't do the proper research. Dorn asked what we are looking at in dollars and time to do the changes that Howard wants.

Administrator Schmidt stated he is not sure. It would take the planning commission deciding where you want the lines to be and then we would have to compare which properties were being changed and then notify each property owner with another public hearing and after public comment, the planning commission could look a modified version of the map and then that would go forward to the Council. McCorkle asked if there has been a problem since this went into effect in 2005. Administrator Schmidt gave a couple examples of changes; however there was no opposition to it. Howard stated if we have a public hearing and people are okay with it that would be fine with him; he just doesn't think people know what they don't know. Howard stated maybe we as a commission need to spend some time in the daylight going and looking at these areas. He just doesn't feel we should rush through this. Administrator Schmidt stated if the intent is to change this, then there is no reason why you can't move right into that process in January and knowing there are going to be changes you don't have to move forward with rezones of those properties underneath the overlay until you are able to work the changes out. It was decided by the commission to do more research and do possible changes for next years' Comprehensive Plan amendment. **McCorkle moved to accept the FLUM map with the correction made earlier. Howard seconded the motion and the motion carried.**

Hearing Examiner Roles (review of final draft)

Administrator Schmidt asked if everyone received the e-mail. He put together an alternative version based on comments that were made at the last meeting. What the alternative does is allow the Planning Commission and City Council to review and approve Type C-1 applications. Dorn had some questions about the tables that were sent. There was some confusion about the conditional uses and variances but it was clarified.

McCorkle moved to accept the modified version of the Hearings Examiner Roles. Dorn seconded the motion and the motion carried.

Discussion on the Bond Extension

Administrator Schmidt stated he handed out the interim ordinance that the Council adopted and also he went into the code section and actually inserted text that is similar to what the ordinance is to allowing an extension on performance bonds on sub divisions. This interim ordinance is scheduled to expire in December, if the planning commission believes that the current code language is okay the way it is and that we shouldn't allow a mechanism where the bond can be extended for extenuating circumstances, we do nothing and the interim ordinance will expire and the code language will stay the same. If the planning commission believes that there are times when the city should have the flexibility that the time limits could be extended then you would consider alternative language and make a recommendation to council on that. Howard stated he feels this is a no brainer; there is no downside in allowing the flexibility to extend the bonds. **Howard moved to recommend adoption to the Council on the revised language to Section 18.16.020 (6)(b). McCorkle seconded the motion and the motion carried.**

Discussion on the Park Plan

Howard stated the comments he shared with everyone at the last meeting was that he thinks the revision to the park plan is too much at this time. Collecting additional monies in the form of a park impact fee is going to stifle potential growth in the city as well as it is his belief that even if we did collect the monies, we don't have the ability to maintain the parks we have now let alone additional ones. It is his position that we stick with the plan that is already in place rather than try and expand on a new plan and implement new ideas. Administrator Schmidt asked if he would consider them updating the cost to reflect the cost for 2008 versus 2004 when this plan was done. Howard stated he feels that is a great point and doesn't have a problem with that. McCorkle asked if the park plan is something that can be revised yearly. Administrator Schmidt stated yes. Administrator Schmidt stated because of the time that is involved in it, it would be better to revise it every two – three years. McCorkle stated the way the economy is now; it doesn't make sense having such a high level of service and impact fees. Logan stated what he took exception to in previous discussion was what we classified as excessive impact fees that we were trying to put into the new plan and we debated that with some level of heat when Suraiya was here. He agrees he doesn't think this is the time to increase impact fees. Snellback stated and yet all impact fees are increasing. Snellback asked Administrator Schmidt what the total impact fees are now. Administrator Schmidt stated with all fees including building permit fees it is about \$26,000, before you ever put a shovel in the ground or on any street improvements. Discussion ensued. Administrator Schmidt stated you need the impact

fees to build parks, you need new growth to collect the impact fees but if the fees are too high the growth is not going to come so that is the balancing act. Snellback stated she thinks the balancing act is this, parks are an amenity to people, and they keep your real estate value up. McCorkle stated that parks don't really bring people in. Logan stated they are not going to build here because we have a level of service that says we will make this many parks based on this much growth, they are not going to be looking that far ahead, they are going to look at the amount they have to pay. Logan asked where we rank as far as other communities in the other for impact fees. Snellback stated we are one of the highest. Logan and McCorkle both stated that bothers them. Snellback stated she agrees there are things that might be able to be reduced but she doesn't think parks are not one of those. Administrator Schmidt stated nothing can come down. Discussion ensued. Howard asked if we made a motion to have the current fee reflect a base cost to maintain the current level of service, and not adopt the new level of service, how long will it take and who will do it. Administrator Schmidt stated he wrote the first plan so he would go in and readjust the fees and update it based on the projects that have already been completed and then see if there is anything else the planning commission would like to see added and then recalculate it and bring it back to the commission. Mayor Johnson stated she feels it is important to list things that you would like because when grant opportunities come around it is in the plan, but they would not be reflected in the impact fees. Administrator Schmidt stated the key is in the level of service standards, if you adopt untested level of services then you are subject to challenge. The other thing is your capital improvements are tied directly to the level of service so if you are going to make a wish list like the Mayor is talking about then it can't be tied to a level of service. You can list those projects you want to do and attach a cost estimate to it but not make it a part of the level of service or a part of the impact fees. Howard stated this revised plan does just that, it lists actual projects that are not included in the level of service standards. Logan stated but it also calculates the level of service resulting in a higher impact fee. Snellback stated if we adopt the proposed park plan, is that an untested level of service. Administrator Schmidt stated as far as he knows there is no other jurisdiction in the State of Washington adopted that level of service which is based on the State RCO. No other municipal jurisdiction has adopted those. Howard asked if Administrator Schmidt would be able to bring the commission a plan that is reflective of today's construction costs and some wish list items. **McCorkle moved to have staff prepare an updated version of the original park plan that was adopted in 2004 with updated construction costs and all projects that have been done removed. Howard seconded the motion carried.** Administrator Schmidt stated he would get this to the commission as soon as possible, it will probably be sometime in December.

The next meeting will be December 7, 2009 at 7:00 PM.

With nothing further the meeting was adjourned at 8:55 PM.

Kathleen Snellback, Chairperson