

Planning Commission
January 10, 2005

Chairperson Schneider called the regularly scheduled meeting to order at 7:15 PM.

The following members were present: Lisa Cramer, Ken Smith, and Cindy Maas. James Montgomery, Sandy Ramsey and Cristi Boyle-Barrett were absent. Also in attendance were staff members Gwen Rousseau and Dan Staley and City Administrator Dave Schmidt.

Cramer moved to approve the minutes of the January 3, 2005 commission meeting as corrected. Smith seconded the motion and the motion carried.

Permitted, Conditional, Accessory and Prohibited Uses:

Rousseau stated when their committee went over all these uses; there was a lengthy discussion. She would like to go through these according to category. Administrator Schmidt stated one of his questions was he did not see anywhere in here where home occupations were listed either as permitted or conditional. Cramer stated under the personal service uses, they felt home occupations would fall within this category. Rousseau stated we need to look at the current zoning and make sure we fit the home occupations in one of these categories. Administrator Schmidt suggested going into the Residential zones and include the two types of home occupations and let the home occupation code define where it will be. Schneider stated in the regulations, no residential uses are allowed in the Light Industrial Area. He feels there will be a huge objection by the people, not being able to develop residential. Rousseau stated she is going to give the argument she has heard in other jurisdictions. Their difficulty is when there is a high demand for industrial, they don't allow residential within industrial so it is protected. It is really the idea of deciding how much industrial land the City needs and wanted to set aside and is it justified to do this for a greater public good. Administrator Schmidt stated it is very difficult to allow residential within the industrial zoning. Schneider stated he feels the residential uses should be a least conditional. Discussion ensued. Administrator Schmidt stated that is what happens with an area-wide rezone and all the homes out there would then become non-conforming uses. If the property owners are grandfathered into the RB zone, they would still be able to follow what is in the RB zone, but would not be able to subdivide residentially. They would be able to keep their homes but would not be able to expand or add mother in-law apartments or build a new home. Administrator Schmidt stated this is what makes the decision very difficult, every time you create a light industrial zone; someone is going to get hurt. Schneider asked why couldn't the people there now be exempt and be allowed to follow the RB zone. Administrator Schmidt stated there would no longer be an RB zone. Administrator Schmidt stated all the property along Hinkleman is being rezoned to General Commercial, which does the same thing for them as it does with the property owners on 112th, they will all be non-conforming. Staley stated it is a simple matter, it could be put in the zoning code that any uses that were in effect before that date are grandfathered in and any new construction would have to follow the current zoning code. Administrator Schmidt stated if you want to expand the uses within the light industrial you can but he would not recommend it. Schneider stated he doesn't mind that we encourage this in the industrial zone; however, he doesn't feel we should mandate it. Administrator Schmidt

stated when you set a zone; it is very hard not to mandate it. Staley stated that is the nature of the beast, we are controlling what happens on the ground. That is our job. Maas suggested cutting the industrial in half and then once we have the sewer connections, expand the industrial boundaries. Administrator Schmidt stated it doesn't matter if you zone it general commercial or light industrial, the zone will change and the property owners will still lose their residential rights. The only way they would keep their residential rights is to leave it as is. Cramer stated if we only zone half the property industrial, then we are doing the piece meal zoning again, which is what we are trying to get away from. Administrator Schmidt stated one thing the committee looked at when they were setting these zones, is they looked at how the area was developing and that is how they came up with the industrial zone for this area. After a lengthy discussion, it was decided by the commission to give the property owners that have residential homes in the current RB zone a grandfather exemption so they could expand their homes. Schneider feels this one area of town is getting the shaft; hopefully it won't turn out that way. Rousseau stated the intent is for people not to live there. There was discussion by the commission about other uses that could be added into the light industrial zone.

Maas voiced her concerns regarding boarding house uses. They had a personal experience next to their home recently. She doesn't want to see them allowed. Administrator Schmidt stated it could be listed as a conditional use so it would go before the Board of Adjustments and would have conditions listed on it. Maas stated that would be better, she feels it should be listed as conditional under everything other than the HDR (High Density Residential).

Administrator Schmidt had a question about the applicable regulations in the notes column. Cramer stated it explains the conditions. Administrator Schmidt asked if they were going to leave that in the code. Rousseau stated they mainly used this for making notes to themselves. Administrator Schmidt stated if they are going to be left in, we should make it more specific such as referring you to specific BMC sections. Rousseau stated there may be instances where they would be able to use this.

Maas asked about the owner-operator use, is that like a home occupation. Cramer stated it would be like people who have big trucks or equipment that you would park on your property. Maas stated she feels this should be more defined. Cramer stated it could also be for someone building a subdivision and they have a care taker living on the property while it is being built. Rousseau stated she thought it was for within a commercial zone where there is a business, someone living on the property. Administrator Schmidt stated that would be a caretakers unit. Cramer stated we need to add another use then. It was decided that owner-operator would be conditioned in the LDR and not allowed at all in the MDR and HDR.

Rousseau asked if Schneider could come up with some other uses in the Light Industrial and bring them back to the entire body next meeting.

Administrator Schmidt suggested under other non-residential uses that we add two line items, one for home occupations with the two different types of home occupations and one for care taker units.

Maas stated that earlier it was stated that by law we have to provide adult entertainment. Administrator Schmidt stated there are only five uses that you can actually prohibit from your city and they are bad health hazard uses such as slaughtering houses, coal burning power plants. They are actually specifically listed under state statute.

Administrator Schmidt stated there is one thing he didn't see anywhere in the code and that is the large warehouses like they have down in the valley. Rousseau stated she will call Sumner and ask what they have theirs zoned under. Cramer stated they have that listed under regional retail establishments. Rousseau stated this needs to be more defined, because this could also mean a shopping mall, Safeway, Target, etc.

Administrator Schmidt stated under Government and Public facilities, they have been eliminated from all residential zones and generally government and public facilities are allowed within all zones. Administrator Schmidt suggested coming up with new line items descriptions for government facilities. The other thing is the farmers market which is listed under commercial retail uses. Administrator Schmidt feels this should go under temporary uses because the farmers market does not run year round. The commission agreed on this. Administrator Schmidt stated the other thing on this is under plant nurseries, landscaping materials, and greenhouses. These are allowed under our home occupation within the residential zones right now. Another issue Administrator Schmidt was concerned about is allowing beauty salons and barber shops within the residential zones. He feels this could be handled within the home occupation code. Administrator Schmidt also had concerns regarding other personal services, this is quite broad. It was decided on by the commission to eliminate this category. Smith brought up the issue regarding livestock, do we really want these allowed in the commercial zones. After discussion it was decided on by the commission to "x" central commercial and make it conditional for industrial. There was also a question regarding the satellite dishes. Administrator Schmidt stated there needs to be a definition on the size. The commission decided to eliminate stormwater retention, detention, and treatment facilities and for stormwater treatment facilities, it was changed to commercial use for GC, CC, HC, NMU, LDR, MDR, HDR, and LI. Administrator Schmidt stated rummage sales should be permitted within the industrial zone and swap meets should be permitted within all zones and should include a reference to the permit that is required for swap meets. Administrator Schmidt stated within the zoning code there should be a notation that all uses even though permitted are subject applicable to codes such as business licenses.

The next meeting will be January 24, 2005 at 7:00 PM.

With nothing further, the meeting was adjourned at 9:05 PM.