



MINUTES OF THE
PLANNING COMMISSION

APRIL 20, 2016

*Council Chambers, City Hall
833 S. Spruce Street, Burlington, WA*

MEMBERS: Marianne Manville-Ailles-Chair, Jana Vater, Brian Hanson, Rock White, Sally Straathof and Jeff Anderson. Ken Frye was excused.

STAFF: Brad Johnson, Bryan Harrison, Kim O'Hara

Motion by ***Straathof/White*** to approve the minutes of the February 23, 2016 Planning Commission as written. Motion carried.

FENCE REQUEST

811 CASSAUNDR A COURT

TIRZA GILBERT, APPLICANT

Fence request to construct a 6 foot solid wood fence in the 20 foot front yard setback on the east and north property lines on a corner lot. ***O'Hara*** explained this is a newly constructed home and the homeowner would like some privacy and safety for their dogs on this corner lot located on a dead end street. The proposed fence will run south from the northeast property line perpendicular to the southeast edge of the house and west back to the southeast corner of the house.

A 10 foot sewer easement exists on the north and east property lines. The Sewer Department has approved the fence location. Staff conducted a field inspection and the proposed fence will not cause any visual impacts. Staff recommends approval subject to the four conditions listed in the staff report.

Motion by ***White/Vater*** to approve the 6 foot fence in the front yard setback subject to the following conditions of approval:

1. A six foot wood fence may be constructed along the east property line from the northeast property corner, south to a point perpendicular to the southeast edge of the house and then west to connect to the house.
2. Applicant shall call for utility locates prior to fence construction.
3. Access to the 10 foot sewer easement along the north and east property lines shall be given to the Sewer Department or other utility as needed.
4. Any portion of the fence constructed in the right of way or utility easement shall be removed at the owner's expense in the event that access or improvements are needed to the right of way or utilities.

Motion carried.

FENCE REQUEST

CITY OF BURLINGTON

Planning Commission Minutes – April 20, 2016

1840 MONROE STREET
MANUEL SANCHEZ, APPLICANT

Fence request to construct a 6 foot solid wood fence in the 20 foot front yard setback on a corner lot on Monroe Street and Gardner Road. **O'Hara** explained that the applicant has small children and would like to expand the fenced play are for privacy and safety. The Engineering Department completed a site assessment and sight triangle and determined the fence on the east property line (Gardner Road) should be setback 8 feet from the back of the sidewalk and setback 20 feet from the property line on Monroe Street would provide adequate sight distance for oncoming vehicles. Staff recommends approval subject to the three conditions listed in the staff report.

White noted the way the corner on Monroe is cut it should give significant room to see oncoming traffic when turning. **Straathof** is concerned that the 8 foot setback on Gardner Road is not enough and would prefer a 4 foot fence that will not detract from the neighborhood. **Manuel Sanchez, 1840 Monroe Street** – stated the reason for the fence is privacy and to keep his young kids away from the heavy traffic on Gardner/Monroe. **Manville-Ailles** stated the Planning Commission routinely approves fence requests if they meet the sight distance triangle and if there no other overriding concerns.

Motion by **Anderson/Hanson** to approve the 6 foot fence in the front yard setback subject to the following conditions of approval:

1. A six foot wood fence may be constructed along the east property line setback 8 feet Gardner Road property line and 20 feet from the Monroe Street property line.
2. Applicant shall call for utility locates prior to fence construction.
3. Any portion of the fence constructed in the right of way or utility easement shall be removed at the owner's expense in the event that access or improvements are needed to the right of way or utilities.

Motion carried.

CONTRACT REZONE #1-16
ALLOW OUTDOOR RUNS AND KENNELS
REMAND BY CITY COUNCIL
910 N. BURLINGTON BOULEVARD
CHUCKANUT VALLEY VETERINARY, APPLICANT

Johnson explained that on February 23, 2016 the Planning Commission held a public hearing to consider a contract zoning amendment requested by the Chuckanut Valley Veterinary Clinic. The zoning amendment requested by Chuckanut Valley would allow outdoor dog runs and kennels at their North Burlington Boulevard property. After accepting public comments, the Planning Commission voted to forward a recommendation of approval to the City Council.

On March 10, 2016 the City Council considered the Planning Commission's recommendation at a public meeting. After providing a period for public comments on the proposal, the City Council voted to remand the proposal to the Planning Commission with instructions to address a number of specific concerns, including; limiting the number of dogs that could be left outside, noise impacts, procedures for addressing future complaints, and provisions to ensure that individual animals could be allowed outside at night in emergencies.

The Planning Department has reviewed the concerns expressed by the City Council and developed a number of conditions of approval to address these issues. The proposed conditions of approval are enumerated below. In addition the Planning Department has prepared revised “findings of fact” reflecting the action taken by the City Council and the revised conditions of approval.

On a final note, the Planning Department would recommend that the Planning Commission consider, as a future work item, developing permanent and uniform standards for dog boarding facilities. As regional housing densities and employment in Burlington increase, the demand for such facilities will likely grow, and the Planning Department is concerned that reviewing each proposal individually without established standards raises questions of fairness.

The applicant’s representative, Kim Young, has no problem with 11 conditions listed in the revised Planning Commission Recommendation dated April 20, 2016.

Motion by **White/Anderson** to recommend approval of the 11 conditions of approval as outlined in Findings of Fact and Conclusions of Law dated April 20, 2016. Motion carried.

Manville-Ailles stated the only concern with permanent standards for kennels is that we must first have a discussion with all of the current kennels and see if we can get them to enter into an agreement to comply with the new conditions so all parties will be treated equally in the future. Planning Commission concurs.

**TEMPORARY USE PERMIT
CAR STORAGE & DISTRIBUTION FACILITY
1912 S. BURLINGTON BOULEVARD
NORTHWEST MOBILITY, APPLICANT**

The applicant is requesting a temporary use permit for more than two weeks and up to one year in order to permit vehicle storage and distribution facility to allow up to 300 vehicles to park on a 30-day rotating cycle a parcel zoned C-1 General Commercial.

Johnson explained the issue arose out of a code complaint investigated by the Code Compliance Inspector and Fire Marshal. In late February 2016 the Planning and Community Development Department became aware that a former industrial site adjacent to Burlington Boulevard was being used to store a large number of cars. The City’s Fire Marshal and Code Enforcement official visited the site and observed several hundred cars stored on the site. No permits had been issued authorizing this use. The cars were parked without access isles or significant space between them which the Fire Marshal identified as a concern. Following a staff meeting, Planning and Community Development determined the use of the site constituted a violation of Burlington Municipal Code and instructed the occupant of the site, Northwest Mobility, to either obtain the permits and approvals necessary to bring the site into conformance with Municipal Code requirements or vacate the site.

Northwest Mobility, acting through their agent, Al Taylor, applied for a temporary use permit in order to address the City’s immediate code compliance concerns and to provide time to identify a permanent solution. Northwest Mobility also took action to address the Fire Marshall’s concerns related to access and separation lanes.

Johnson stated this use differs significantly in how the city treats parking which is typically an accessory use to a permitted use and the purpose of the underlying zone C-1 is retail, sales and services conducive to retail shopping. We characterized this use as a shipping terminal/outdoor storage facility which is allowed in the M-1 Industrial zone. Vehicles are brought to this site by a carrier truck, also similar to a shipping terminal.

The applicant was given three options for addressing the violations identified by the Code Enforcement official, which included; (a) relocating the use to a new site in the City's M-1 zone and obtaining appropriate permits, (b) requesting a formal zoning classification analysis to determine if the use could be permitted outright or conditionally in the C-1 zone and then applying for the appropriate permits, or (d) requesting a zoning amendment to permit the use and applying for appropriate permits.

Al Taylor, applicant's representative – stated vehicles are purchased in Canada at auction and transferred to Burlington and help for 30 days. Vehicles are not purchased by NW Mobility; they are purchased by other auto dealerships. NW Mobility would like to use the site for this use for one to two years. **Hanson** asked if Cascade Concrete was also doing precast on the site. **Mr. Taylor** stated that portion of the business is no longer functioning. White asked if the entire old casting site would be used for parking. Mr. Taylor stated there would be a maximum of 300 vehicles on the site which would be one half of the site.

White is concerned that is not organized and does not look good being across the street from Dick's Sporting Goods. **Manville-Ailles** is concerned about setting a precedent. **Anderson** concurs. **Vater** asked if there were are any economic concerns with allowing a use that is not generating sales tax in the heart of the commercial retail zone. **Harrison** stated the site is zoned for retail activity and the city budgets and plans for maximization of retail sales tax generation and this is a prime location. **Johnson** stated this proposal was reviewed at Technical Review Committee and from the city's perspective this is not a use consistent with the comprehensive plan; we would not support it.

Manville-Ailles would like to change this to a six month permit and change the timelines on the conditions #7, 8, 9 and 13 to correspond.

Motion by **White/Hanson** to approve the Temporary Use Permit for six months subject to the 13 amended conditions in the Findings of Fact and Conclusions of Law. Motion carried.

DISCUSSION

COMPREHENSIVE PLAN & ZONING CODE UPDATE

PRELIMINARY PROJECT SCOPE

Sr. Planner Johnson presented a slide show that provided a general overview of the framework of required planning elements needed to complete the comprehensive plan update and what is required by GMA and state law. We are looking for input from the Planning Commission.

Johnson stated the comprehensive plan update will address the following:

- We will need to address the Growth Management Act (GMA) requirements to update our comprehensive plan to incorporate updated population and employment projections. Those numbers are provided by Skagit County. We need to amend the comprehensive plan to incorporate new GMA requirements and changes to state law since the last update (2005).
- Consistency – plan must be internally consistent by using the same numbers throughout the document
- Because of the consistency requirement the Land Use, Housing, Capital Facilities, and Transportation, elements must be revised as each of these contains, or is based upon, outdated population and employment numbers
- Our UGA is the same and will not be changing, except for the limited addition of an existing Skagit Housing Authority development
- Countywide Planning Policies (CWPPs) – plan must be consistent with current Skagit County CWPPs
- Utilities – needs to reflect current utility owners and systems
- Critical Areas – no major changes but need to audit for consistency with current Best Available Science and incorporate updated flood hazard guidance and references to relationship between CAO and SMP

We are required by state law to complete the update of our comprehensive plan by June 30, 2016. Our time and resources are limited with only two employees in the Planning Department. The ranges of topics we have to address by law are narrow, but the technical details are complex. **Johnson** noted that comprehensive plans can be updated once a year, so we will have future opportunities to make changes.

Manville-Ailles noted that Margie Bell, a consultant from United General Hospital made a presentation in 2015 and put together some useful information on physical activity that can be used to meet RCW requirement.

The rough outline of the next steps includes framing out the scope of work, schedule and public participation plan. Once the Planning Commission identifies a scope of work, withdraw the current DEIS and issue and appropriate SEPA Threshold Determination. Conduct a land capacity analysis, update transportation plans and forecasts, make non-substantive changes to comprehensive plan and regulations, and finally, adopting an updated comprehensive plan and code amendments.

Staff is seeking guidance on the appropriate scope of work for the comprehensive plan update project. Specifically, on the following questions:

- Does the Planning Commission support the concept of limiting the scope of the Comprehensive Plan update to meeting the City's GMA planning obligations and making non-substantive revisions to the organization and format of the comprehensive plan?
- Should the Planning Department begin work on the comprehensive plan update by establish a public participation plan and scope of work?
- Does the Planning Commission support the concept of establishing a multi-year work program for the Planning Department to guide work on future revisions and updates?

Manville-Ailles stated in fall of 2015 the Planning Commission looked at the draft EIS that was prepared and it was ambitious, and clearly there is not enough Planning staff address all of the items. **Manville-Ailles** would like to see, for the long term, it broken out so we know what is coming next and be moving forward.

Planning Commission vote in favor of the scope of work as presented in the April 13, 2016 Planning Commission Staff Report: Anderson, White, Vater, Straathof, Hanson and Manville-Ailles, all in favor.