



## MINUTES OF THE PLANNING COMMISSION

*September 21, 2016*

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

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

STAFF: Brad Johnson, Senior Planner; Kim O'Hara, Permit Center Manager

Motion by **Frye/Straathof** to approve the minutes of the August 17, 2016 Planning Commission as written. All in favor.

**2-LOT SHORT PLAT #2-16  
716 S. ANACORTES STREET  
STEVE BOUNDS, APPLICANT**

**Brad Johnson, Senior Planner** noted that a request for additional information was sent to the applicant on August 31, 2016 and no response was received at the time of staff report issuance. Staff recommends the short plat be tabled to a future date when the issues are resolved. Motion by **Anderson/Frye** to table the review of the short plat to a future date. All in favor.

**TEMPORARY USE PERMIT  
1540 S. BURLINGTON BOULEVARD  
ANDREA VALDOVINOS DBA ANTOJOS LOCOS, APPLICANT**

Proposed one year temporary use permit to allow a mobile food truck to locate on a vacant between Shari's and Wendy's restaurants. **Kim O'Hara, Permit Center Manager** stated the food truck was previously operated as Judy's Lunch Box. All traffic circulation will be from the parking lot not Burlington Boulevard. The Sewer Department has inspected and approved the grease trap. Garbage shall be dumped in a metal garbage can and removed at the end of each day. Fire Marshal is requiring that the food truck comply with Section 904 and 906 of the International Fire Code pertaining to fire extinguishers and kitchen hoods.

Staff recommends approval of a one year temporary use permit subject to the following conditions of approval:

1. Complying with Burlington Municipal Code 5.30 Mobile Vendors.
2. Pick up all trash and garbage on the site and keep it clean and tidy.
3. All equipment, carts, vehicles must be removed from the site at the end of each day.
4. Comply with Technical Review Committee recommendations.
5. Obtain approval from the Skagit County Health Department.
6. Obtain written permission from an adjacent business to use restroom and handwashing facilities.
7. If any substantiated complaints are received, the permit may be canceled.

**Straathof** asked for the hours of operation. Andrea Valdovinos, applicant, 1262 Arrezo Drive, Sedro Woolley WA stated fall/winter hours 11:00 a.m. – 7:00 p.m. and longer hours in the spring/summer months.

Motion by **Anderson/Frye** to approve a one year temporary use permit subject to the conditions of approval listed in the September 21, 2016 staff report. All in favor.

**PUBLIC HEARING  
2017-2022 CAPITAL IMPROVEMENT PLAN  
CITY OF BURLINGTON, APPLICANT**

Public hearing and review of the proposed 2017-2022 Capital Improvement Plan (CIP) for the City of Burlington. **Johnson** explained the city is required to have a capital facilities element in our comprehensive plan to identify how much growth may occur in the next twenty years. The CIP lays out the financing over a six year period of the capital projects, facilities and equipment in order to meet the needs for growth. **Johnson** noted that with the update of the comprehensive plan we hope to develop a new layout for the CIP. The 2017-2022 CIP is an update of the capital project, facilities and equipment.

**Straathof** asked for clarification on the pole sign shown under Administration. **Johnson** explained it is a proposed pole sign for the library.

Motion by **Frye/Anderson** to recommend adoption of the 2017-2022 Capital Improvement Plan. All in favor.

**WALK ON ITEM:**

**FENCE REQUEST  
1129 E. RIO VISTA AVENUE  
FRANK & DOROTHY LAYER, APPLICANT**

Request to construct a six foot privacy fence in the 20 foot front yard setback area at the northwest corner of S. Skagit Street and E. Rio Vista Avenue for more privacy and protection. Because of the proximity to Maiben Park people loiter in the vicinity and dispose of drug paraphernalia in the bushes.

**Johnson** explained there is a provision in the code that allows a deviation from the fence height and location requirements if approved by the Planning Commission. Based on a staff assessment, the south property line sets back 14 feet from the sidewalk and staff recommends a 6 foot fence on the property line and a 3 foot solid fence or 4 ½ foot open rail fence on the east property line because of the height of the retaining wall. The fence shall be placed behind the landscaping on the property line.

**O'Hara** noted that Public Works has as-built drawings of this intersection and the plans show their south property line to be 14 feet behind the sidewalk.

Motion by **Frye/Anderson** to recommend approval to locate a fence in the front setback area subject to the conditions of approval in the September 21, 2016 staff report. Motion carried with **Straathof** opposing.

**PLANNING COMMISSION CHANGE  
OF DATE FOR THE OCTOBER MEETING**

Due to a conflict of meetings in the Council Chambers this is a request to change the date for the October Planning Commission meeting to Thursday, October 20, 2016 at 7:00 p.m.

Motion by **Anderson/Vater** to move the October Planning Commission meeting date to Thursday, October 20, 2016. All in favor.

**PUBLIC COMMENT**

**Jason Kitzman, 20654 Prairie Road, Sedro Woolley** – briefed the Planning Commission that the City Council denied the zoning request to change the setback requirements for marijuana uses and the rezone on the west side of Interstate 5. He also made a correction to Mr. Harrison’s comments no sales tax is received by cities. Cities do receive monies in relation to marijuana sales. He also stated he has retail marijuana license approval from the state and purchased the property at 935 S. Burlington Boulevard which now has the required security in place and is ready to open if zoning rules change in the future. **Mr. Kitzman** asked the Planning Commission to consider amending the setbacks for marijuana uses in the update of the code and comprehensive plan.

Meeting adjourned.