

MINUTES OF August 13, 2018

The Sumas City Council met in regular session with all councilmen present. Everyone stood and recited the Pledge of Allegiance. The minutes of the July 23, 2018 council meeting were approved for filing.

Mayor Christensen opened the public hearing concerning the Beardslee Conditional Use and Variance Application for the property located in the 200 block of W. Third Street.

Rollin Harper, Sumas City Planner approached the council. Mr. Harper presented the findings of fact which included the following:

Conditional Use

The Applicant is Chuck Beardslee of Beardslee LLC. The Applicant seeks to establish a mini-storage operation adjacent to an existing auto repair business.

The site is in the 200 block of W. Third Street. The project site further described as Lot 12, Block 3 of Johnson's Addition to Sumas. The site is in the northeast corner of the intersection of W. Third Street and Johnson Street.

The site is situated in the NE ¼ of the SE ¼ Section 34, Township 41 North, Range 04 East of W.M. and is identified under Whatcom County Assessor's tax parcel number 410434445184.

The site is currently undeveloped, although it directly adjoins the applicant's auto repair business.

The project site's zoning designation is Industrial, which is consistent with the site's designation within the City of Sumas Comprehensive Plan. Therefore, the site is subject to the zoning regulations established in Chapter 20.44 of the Sumas Municipal Code(SMC).

The project is not specifically enumerated as being a permitted or conditionally permitted use in the Industrial District under Section 20.44.020 or .030. The applicant is requesting approval of the use under Section 20.44.030(11) SMC: "Other uses like the above."

The applicant has indicated that the proposed mini-storage operation will include six shipping containers, each divided into two storage units for a total of twelve storage units.

The project site plan shows the approximate location of the proposed storage units on the site.

The applicant has submitted a consolidated application for approval of a zoning setback variance to allow reduction of the front, and side yard setbacks on this single platted lot that included approximately 4,480 (40' X 112') square feet of lot area.

On July 17, 2018 the applicant submitted applications for a conditional use permit and a zoning setback variance.

The consolidated application was processed as a Class III action pursuant to the provisions of Chapter 20.08 SMC. A notice of completeness was issued by the City on July 23, 2018. A Notice of Application was issued by the City on July 25, 2018. A public comment period was open from July 25 through August 9, 2018. No written comments were received from the public during the comment period. The Project, as proposed, is considered exempt under the State Environmental Policy Act (SEPA), RCW 43.21C.

In accordance with state law and City ordinance, notice of the public hearing was given to neighboring property owners and to the public as part of the initial notice of application.

Public Hearing was called for by the Sumas City Council and set for August 13, 2018.

As proposed in the application, the project meets the standards of the Industrial use district set forth in the following sections of the SMC, Section 20.44.060 Setbacks from streams, Section 20.44.070 Lot coverage, Section 20.44.080 Open Space & Section 20.44.090 Signs.

The applicant has asserted that the proposed use will be similar to other permitted and conditionally permitted uses in the Industrial District. Specifically, the Applicant has stated that the mini-storage will be similar to nearby warehousing, construction office, auto body shop, and metal fabrication business. The applicant has indicated that in most instances the proposed use will have the same or less impact on the community.

The City Council must decide whether the proposed use will or will not be similar to other permitted or conditionally permitted uses in the Industrial District.

Zoning Setback Variance

The yard setbacks in the Industrial District as established under Section 20.44.050 SMC are Front: 45 feet, Rear 5 feet, Side 10 Feet.

The Applicant has requested that the yard setbacks be reduced to Front 20 feet, Rear 5 feet, Side 5 feet on west (Johnson Street) and 0 feet on east (abutting auto body repair).

The Applicant has stated that ample separation exists between the lot and the developed roadway on Johnson Street. In addition, in support of the request to reduce the side yard setback to zero feet adjacent to the abutting auto body repair, which is also owned by the applicant, the applicant has proposed that if either of the two abutting properties (auto body repair and proposed mini-storage) were to be sold separately, then the conditional use permit for the mini-storage would become null and void.

Variance criteria is established in Section 20.64.020 SMC.

The City Council must decide if the project meets or does not meet the criteria for the granting of a zoning setback variance established under Section 20.64.020 SMC based on the small size of the single platted lot as compared to the setbacks applicable in the Industrial District. The small size of the parcel constitutes a special circumstance that poses a hardship. Approval of the requested variance would not be a grant of special privilege.

Rollin advised the council they may make changes to the finding of the fact and add any conditions they feel appropriate. The council may also send this to a committee for further review.

Rollin informed the council Lizette Custer did submit written comments in support of the project that were not included in the findings of fact.

Chuck Beardslee residing at 127 Morton Street approached the council. He is the applicant of the proposed property. Chuck informed the council the storage units are not shipping containers. They are portable storage units, which are tin buildings with two roll up doors per unit that look similar to shipping containers. Thank you.

Mayor Christensen requested the council to send this application to committee. And come back with a recommendation.

Councilman Debont made a motion to close the public hearing. Bruce Bosch seconded the motion, all were in favor and the motion carried.

Mayor Christensen opened the public hearing for the HD Investments, LLC Conditional Use Permit Application for property located at 404 E. Front Street at 7:15pm.

Rollin Harper, Sumas City Planner approached the council. Mr. Harper presented the Findings of Fact as follows. The applicant is Jason Heutink of HD Investments, LLC. The applicant seeks to develop three residential four-plexes. The site is currently vacant and located within the Residential High-Density zoning district and is subject to the requirements established in Chapter 20.32 of the Sumas Municipal Code. This zoning district requires development of multi-family residential units to apply for a conditional use permit. On August 9, 2018, the City received a comment letter from Meg Krieg. She addressed her concerns with regards to landscaping and the need to require better maintenance of multi-family units. She used many photos to present her legitimate concerns. Currently city code does not require landscaping. This may be an opportunity to change the code. Lizette Custer also submitted written comment with concerns with landscaping and parking.

Mayor Christensen invited the public to comment.

Helen Solem residing at 4289 Rock Road approached the council. Helen pointed out the pros as the project meets #1 and #4, urban infill and affordable housing, of the GMA. The project also provides 12 new homes for people to live in our town.

She questioned if the city has infrastructure in place to support the increase in density, 12 to 36 persons, 12 to 18 vehicles that will increase traffic & sidewalks. What is the recommended park space for this many new residents. The south facing four-plexes will have too much heat coming up from the parking lot and make it unbearable to live. And the head lights coming down Hovel Road will be troublesome. She is also concerned about no sidewalk all the way down Hovel Road to the existing ballpark, that will soon have a new playground. Children will want to play there, and they will not have a safe way to get there. Permitted zoning in Residential is detached single family dwellings and conditional use permit is required for multi-family. Three four-plex units increases density by 400%. What is the benefit to the residents of Sumas? How does this fit into the long-term vision of the City of Sumas? She then spoke to the council about Density Credit Program. If a developer builds more units than zoning allows they would pay additional fees. Which would offset costs of increased density to be used for trail corridors and healthier living environment.

Meg Krieg residing at 601 First Street approached the council. She advised the council she had attended the fair and spent 10 hours there having fun. Which bought her to this acronym of Fair. F is for features. A is for add. Add to the desirable character of the town or detract from it. I is for integrate. Integrate well into existing neighborhoods. No buffer between the school and the proposed project. This is not fair to our kids. No landscaping. R is for Reject. City Council you do not have to accept every project that comes before you. You can reject. Pause and think about it. Ms. Krieg requested a moratorium on all multi-family dwelling until a better plan is place.

Lizette Custer approached the council. She was hopeful that the council had a chance to read her written comments regarding the project. She asked the council to please look at the character of neighborhoods and study the Comp plan. Demographics has been changing over the years. Income is down, and current home owner occupied residences is only 61%. She has worked at the museum and schools over the years and has witnessed the need to keep people invested in the community. Let's make Sumas a great place.

Rollin Harper, City Planner reminded the council of previous discussion of the Density Credit Program Helen spoke about. Sumas does not have this program and doesn't believe any cities in Whatcom County have adopted this program. We can continue discussion on this program this fall.

Jason Heutink of HD investments, LLC approached the council. He stated the intent to build 3 four-plexes at 404 E. Front Street. He encouraged the council to visit a current project he developed on Nooksack Rd. just north of the Nooksack city park. These are similar multi-family homes. He informed the council his family developed the single-family development on Hovel Road. He is trying to fill the gap for people that want to move to Sumas because of our good schools and community but aren't quite ready or able to afford a single-family home. We demolished the home on the site to build a nice complex. I live here, my kids go to school here and we are proud of the town. Mayor Christensen inquired if Mr. Heutink would be opposed to landscaping. He stated he was not but would like to keep it simple and easy to maintain.

Councilman Bosch addressed a question to City Planner Harper. What is allowed in Residential High Density Residential zoning? Rollin replied like the wild wild west. Wide open but limited to 35% lot coverage.

Councilman Debont informed the council there was an existing sidewalk at the project site. And agreed a sidewalk was needed down Hovel road to the park. Superintendent Hernandez confirmed there was an existing sidewalk at the proposed project site. It needs repairs and will be replaced during this project.

Gary Debont made a motion to close the public hearing. Bruce Bosch seconded the motion, all were in favor and it carried.

At 7:47 Mayor Christensen opened the public hearing for the HD Investment, LLC Conditional Use Permit Application for the property located in the 300 block of Harrison Avenue.

Rollin Harper, City Planner approached the council. Rollin advised the applicant, Jason Heutink seeks to develop six residential duplexes in two phases. Rollin advised the council they could not make decision one way or another, as there is no SEPA determination. Which is the result of written comments from William Riley. He advised the council he has only provided findings of fact in the report of decision until Mr. Heutink provides a completed SEPA.

Mayor Christensen requested Rollin to define SEPA. Rollin advised SEPA is the State Environmental Policy Act which was adopted in 1971.

Mayor Christensen then invited public comment.

Bill Riley residing at 8166 Skagit Way, Blaine, WA approached the council. He informed the council he does not reside in Sumas but is here to represent people in town. He asked the council to look at the environmental impacts, along with flooding impacts. He requested the public hearing be continued until more information is available regarding the SEPA determination.

Dave Walser residing at 210 Fisk Street approached the council. He bought his home after three floods and is concerned about the project pushing water towards his property. He questioned who is going to benefit from this building boom, the residents of Sumas or the developer. We need industry before new housing.

Stephanie Koehler of 308 Harrison Avenue approached the council. She expressed concerns of what this will do to her property value. She loves this town; her grandparents lived here and remembers lots of standing water over the years. She is concerned about drainage, Streets not being wide enough to support more traffic and the impacts of school transportation.

Liz Custer of 409 Lawson Street approached the council. She stated the Harrison Avenue project is in her neighborhood. Traffic will impact Lawson Street. It will change the character of the neighborhood. Current occupancy status is 2 per bedroom. She feels current multi-family residents are not family which will increase cars per household and in turn will create even more traffic. This is not safe for children.

Jessica Koehler of 239 Harrison approached the council. She expressed concern with regards to storm drainage or the lack there of and history of flooding. She is worried how the city is going to handle the extra water and does not want any more standing water on her property.

Caroline Rios of 207 Harrison Street approached the council. The neighborhood already has a lot of standing water. She stated she lived here during the last major flood and does not want more water coming to her property. She is concerned where the water from the project area will go.

Gary Debont made a motion to continue the public hearing to September 10, 2018 at 7PM. Bruce Bosch seconded the motion, all were in favor and it carried.

Mayor Christensen advised the Parks Committee had met. Ruben Hernandez reported the new playground equipment will be placed next to the gazebo near the new ballfields. Work will begin when final design layout is complete. Date for installation will be determined and the community will be notified. Volunteers would be appreciated.

Mayor Christensen advised the Fire District Committee had met. The Fire District would like Section 5 added back into the contract even though they have no plans for construction in the next two years. Final draft will be presented to council at the next meeting. Kyle also reported the Sumas Planning Commission will meet before the next meeting.

Chief Debruin reported Alex Pluschakov completed basic law enforcement training and began field training locally. Alex is close to meeting requirements needed to be released to regular patrol. Chief Debruin swore in Officer Pluschakov followed by his oath of office. Dan then reported NW Technologies

is ready to present a quote for PD cloud server. Waiting on Pogo zone to complete fiber optic installation.

Clerk-Treasurer Schultz advised the council that the 2017 annual report was submitted to the Washington State Auditors office. She advised of the need for Council involvement with the review process in the future. Councilman Bosch offered to fill that need. She then advised the council of the 2019 Budgeting conference this week and would be attending.

Superintendent Hernandez informed the council new site plans were submitted for the Davidson CUP. One of the units did not have a sufficient amount of windows and did not meet code. Ruben requested to give the applicant a timeline to finish the CUP application. Bruce Bosch made a motion to give the applicant until September 14, 2018 to submit design plans and the date of September 24, 2018 for final decision at the regularly scheduled council meeting. Gary Debont seconded the motion, all were in favor and it carried.

Ruben then informed the council Basketball hoops were put together and will installed this week. Lift Station #2 is completed, and Lift Station #5 needed a full rebuild and close to completion.

Mayor Christensen reported he received good feedback from the community at the first coffee with the Mayor. Working on the next event with the Mayor. The talent show was a good time and had a good turnout. The Chamber meeting was informative. The Lynden Chamber of Commerce Executive was the guest speaker and gave good ideas on community revitalization.

The Mayor presented Resolution addressing the protection and preservation of historic properties and structures within the city and ensuring due consideration of such resources when making land use decisions. Bruce made a motion to adopt Resolution 774. Gary Debont seconded the motion, all were in favor and it carried.

Mayor Christensen recommended the 404 E. Front CUP be sent to the Building Permits Committee.

Bruce Bosch made a motion to approve June 2018 Manual checks. Todd Daniels seconded the motion and it carried with all in favor.

The bills were presented to the Finance Committee for approval and payment. Claims Voucher 39715 through 39747 in the amount of \$200,923.43 and payroll voucher 21001 plus the direct deposit run in the amount of \$18,850.00. All bills were approved after a motion by Bruce Bosch, seconded by Todd Daniels, which carried with all in favor.

Ken McCoy of Bellingham approached the council. He operates a business, Norther Tier, at 407 W. Second Street #106. Citation were received on the 16th of May. Count one was for conducting business activity without a business license. He stated he does have a business license but the motion to dismiss was denied on August 9. He will be appealing this. He is operating a crypto-currency business and expects to be grandfathered in, as his business was there before the moratorium was in place. He feels he should have been notified of non-compliance before citations were issued. Encouraged the city council to create a reputation of a business-friendly community. Attorney Wright advised Mr. McCoy there will be a public hearing September 10, 2018 at 7PM regarding this issue.

Lamar McKay, manager of the property located at 407 W. Front Street. He stated Ken McCoy is a good tenant.

At 7:35pm Mayor Christensen requested executive session regarding possible litigation with Attorney Wright present. At 8:07pm council reconvened to regular session.

Josh Clawson made a motion to adjourn the meeting. Todd Daniels seconded the motion. All were in favor and the meeting was adjourned.

Mayor

ATTEST:

Clerk-Treasurer