



**PLANNING COMMISSION MEETING AGENDA
Council Chambers, 1000 Laurel Street**

**January 9, 2019
Wednesday**

**Regular Meeting
7:00 p.m.**

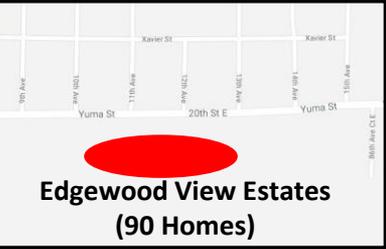
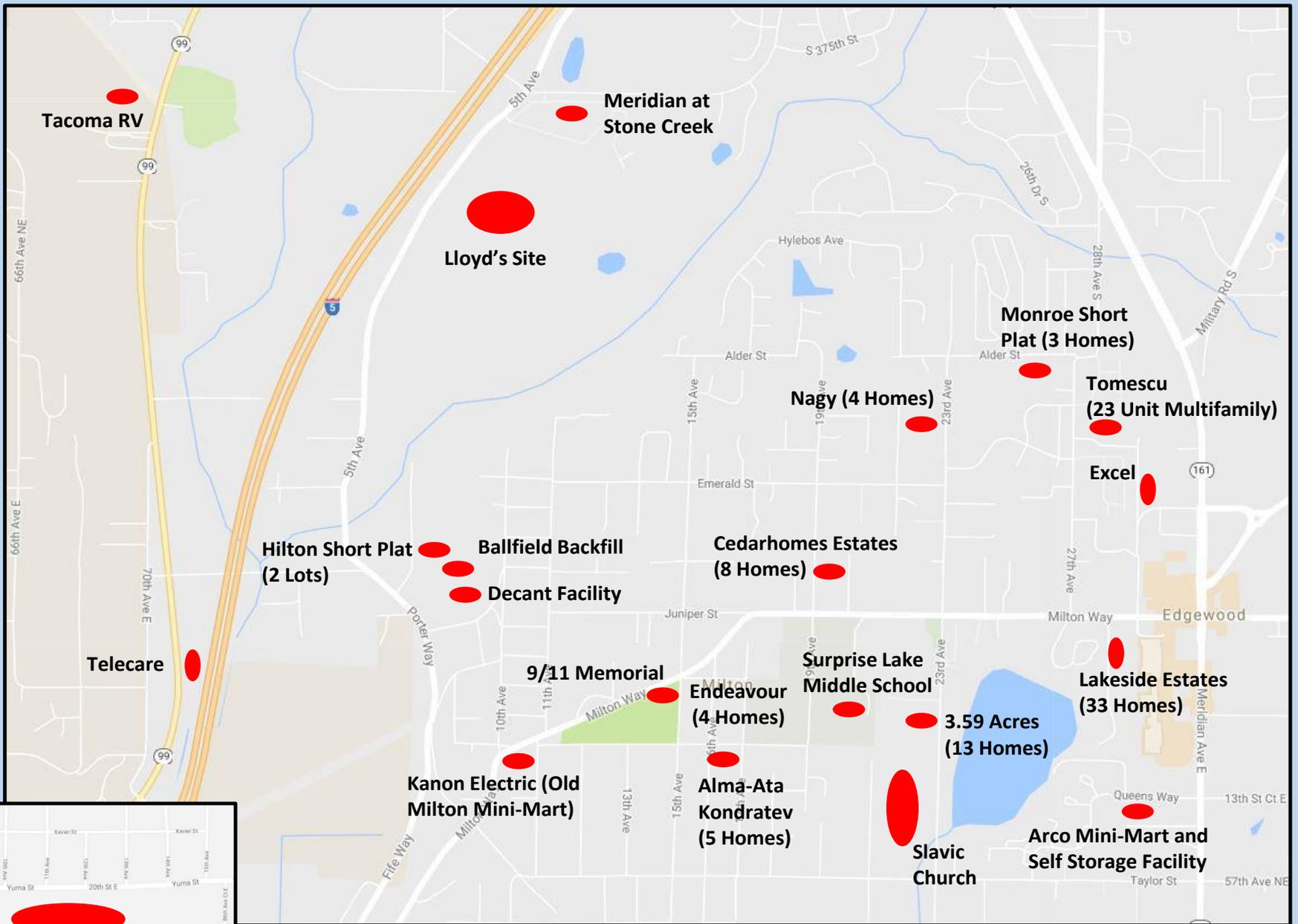
- 1. Call to Order and Flag Salute**
- 2. Roll Call**
- 3. Staff Updates**
- 4. Additions/Deletions to Agenda**
- 5. Citizen Participation**
- 6. Approval of Minutes**
 - A. December 12, 2018 Regular Meeting
- 7. Regular Agenda**
 - A. Welcome from the Chair
 - B. Vacant Building Regulations
- 8. Commissioner Reports**
- 9. Adjournment**

Planning Commission may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 at least 24 hours prior to the meeting.

Thank you.

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CITY OF MILTON ACTIVE DEVELOPMENTS – January 9, 2019

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Development Status

January 9, 2019

Tacoma RV

Located on the west side of Pacific Highway at north City Limits. Construction of a new RV repair facility. Construction is progressing smoothly. Building construction is well underway.

Telecare

Located along east side of Pacific Highway south of Porter Way. Construction of new residential treatment facility. Construction currently underway. Construction progressing smoothly.

Meridian at Stone Creek

Construction of addition (Phase 2) is progressing smoothly with framing of the structure underway. Phase 3 preapplication meeting held for future expansion which includes 120 independent living apartments.

Lloyd's Site

Held pre-application meeting with new potential developer, Bridge Development. They are conducting a feasibility study. No news recently.

Decant Facility

City facility located at the Public Works Operations Center. Purpose of facility is to drain our soils collected from our stormwater catch basins and other sources. Contract has been awarded. Construction is underway with concrete pad and walls being poured. Underground pipe work to start soon.

Hilton Short Plat

Located along 5th Avenue just north of Hylebos Creek. Property owner pursuing platting one lot into two separate lots. Plat has been finalized and being recorded with the County.

West Milton Park Fill

Located in the Lower Milton Ballfields. SEPA was approved for filling in the sunken portion of the outfield. Russ Lloyd donating soil, machinery and time to raising ballfield. No new soil installed recently. Site stabilization methods installed.

Kanon Electric (Old Milton Mini-Mart)

Located at the intersection of Milton Way and 11th Avenue. Property has been purchased by Kanon Electric. Interior of building has been gutted. Owner is installing civil improvements. Awaiting submittals from engineer and architect for interior work. New Engineer on-board. We recommended another pre-application meeting.

9/11 Memorial

Located at the top of Milton Community Park. Grading permit application received. Received set of plans and permit application. Working out details on agreement to address future maintenance and liability issues. Dana reviewing submittal.

Endeavour Plat

Located just north of the intersection of 17th Ave and Maine Street. Construction of 4 new houses. The first house is complete and sold. Second house is complete and listed on the market. Developer preparing to construct third house.

Alma Ata(Kondratev)

Construction of 5 new homes located near the intersection of 16th Ave and Oak Street. All civil work has been completed. Final short plat has been submitted for signature and recording with Pierce County. Final Plat needs to go to Hearing Examiner for final approval.

Nagy Short Plat

Located on east side of 23rd Avenue north of Emerald Street. Project involves the construction of 4 new homes. Houses are under construction.

Cedarhomes Estates

Located on east side of 19th Avenue north of Milton Way near Hill Tower Park. Project involves the construction of 8 new single-family homes. On-site dirt work, utility work, curb, gutter, sidewalk and paving work has been completed. Final plat has been recorded. Home construction underway.

Surprise Lake Middle School

Pre-application meeting held on October 31st for the construction of a new school. Construction is scheduled to start in Summer 2019. Land Use submittal in-house for review.

3.59 Acres (1403 23rd Avenue)

This project is located on the west side of 23rd Avenue just south of Nevada Court. Project involves the construction of 13 new homes. Second review of civil plans in-house for review.

Slavic Church

Slavic Church purchased large property on the west side of 23rd Ave near Surprise Lake. No applications have been received. Preapplication meeting held on December 19th.

Monroe Short Plat

Located on south side of Alder Street between 23rd and 27th Avenues. Project involves the construction of 3 new homes. Developer has expressed desire to proceed with project. Civil

plans have been reviewed and comments sent back to developer. Working with developer to coordinate water line installation with our Alder Street Water Main Project.

Tomescu Multi-Family Development

Located between 27th and 28th Avenues north of Comet Street. Project involves the construction of 23 Multi-Family Units. Held preapplication meeting with developer. No permit applications received to date.

Excel

Located on north side of Emerald Street west of 28th Avenue. Project involves the construction of new medical supply store. Ground Breaking Ceremony held on November 2nd. Construction suspended. Reviewing building permit applications.

Lakeside Estates

Located south of Milton Way near 28th Avenue behind the Post Office. Project includes the construction of 33 new single-family homes – 16 detached and 17 attached structures. Project also includes one commercial lot for future use. Public meeting held on October 10th. Civil plans reviewed and comments sent back to developer.

Arco Station/Self Storage Facility

Held pre-application meeting in April for a new Arco gas station/car wash located west of Meridian near Queens Way. Nothing else has been submitted to City at this time.

Pre-application meeting held on October 17th for a self-storage facility located on the parcel behind the Arco. Nothing else has been submitted to City at this time.

Edgewood View Estates

This project is located in the City of Edgewood south of Yuma Street between 10th and 13th. Working with developer to mitigate traffic impacts to city and coordinate the City's Transportation Improvement Board paving project that we have on Yuma Street. 90 New Homes. Water main and frontage improvement plans have been reviewed and comments have been provided to the developer.

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PLANNING COMMISSION MINUTES

Regular Meeting
Wednesday, December 12, 2018
7:00 p.m.

1. CALL TO ORDER AND FLAG SALUTE

Chair Gillespie called the meeting to order at 7:00 p.m. and led the flag salute.

2. ROLL CALL

Present: Chair Gillespie, Commissioners Balsley, Whalen, LaVergne,
Sweat and White.

There is a vacancy on the commission currently.

Staff Present: Trisha Summers, City Clerk

3. STAFF UPDATES

An updated map and description of active City development projects were provided.

4. ADDITIONS, DELETIONS TO AGENDA

None

5. CITIZEN PARTICIPATION

None

6. APPROVAL OF MINUTES

A. November 14, 2018

MOTION TO APPROVE MINUTES (Whalen/Sweat) – Passed 6/0.

7. REGULAR AGENDA

A. Parking Code Update

- Commissioners discussed the parking update and had further questions regarding ticketing process and how fees need to be handled by City staff. The Commission is proud of the hard work and effort they put in to get the parking code update to where it is. They look forward to moving the update on.

Motion to add amendment K to 10.24.080, Section C, Item 2.
(Whalen/LaVergne) **Passed 6,0**

Motion to approve the proposed changes to the Milton Municipal Code 10.24; to forward the document on to appropriate City staff for review and refinement; and then send it on to council for their action. (Whalen/Balsley)
Passed 5/1

B. Vacant Building Regulations

- Commissioners looked at the proposed draft Ordinance given to them by Chair Gillespie. All were encouraged to review, and will be ready to give input at the next meeting in January.

C. Election for Chair 2019

- Vice Chair Balsley nominated Ryan LaVergne for Chair 2019. Mr. LaVergne spoke about the role and how he would take it seriously and send out twice monthly communication and would also have some meeting housekeeping rules. He would like to run a smooth, sound commission.
- Commissioner Whalen nominated herself for Chair 2019. Mrs. Whalen spoke about her history with the Commission and the fact that she has been Chair five times and has also filled the Vice Chair position as well. She spoke about the role being a demanding one that needed follow through.

After a vote, Commissioner LaVergne was voted in as Chair for 2019.

D. Election for Vice Chair 2019

- Vice Chair Balsley nominated Commissioner Whalen for Vice Chair 2019. Vice Chair Balsley spoke about the wealth of knowledge that Commissioner Whalen has that will be invaluable to Chair LaVergne in 2019. After a vote, Commissioner Whalen was voted in as Vice Chair for 2019.

8. COMMISSIONER REPORTS

Chair Gillespie

- The tree lighting was fun and the bus ride successful.
- Thanked the Commission for his time as their Chair.

Commissioner Sweat

- Lost one officer and civil service is coming up with new list first of year.
- Civil Service Commission has a new secretary.

Commissioner LaVergne

- Bus/tree lighting was fun. Encouraged more to come next year.
- Looking forward to being your Chair!

Commissioner White

- Looking forward to moving things forward in 2019.

Commissioner Whalen

- Thank you to Director Howlett for his service to the Planning Commission.
- Thank you to Trisha Summers for stepping in to help at the meetings.
- Looking forward to a great 2019 and a work plan from council.

Commissioner Balsley

- Excited for new leadership in Planning Commission!
- Tree lighting was amazing, Events Committee is amazing.
- Asking FME community about vacant buildings ordinance to see how our surrounding cities deal with the issue.

9. ADJOURNMENT

The meeting was adjourned at 8:15 PM.

Chair Jim Gillespie

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Agenda Item #: 7B

To: Chair Gillespie and Planning Commission Members
From: Mark Howlett, P.E., Public Works Director
Date: December 12, 2018
Re: **Vacant Buildings Ordinance**

ATTACHMENTS: Draft Ordinance

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Recommended Action: None

Issue: One component of the Planning Commission's 2018 Work Plan was to "*consider possible land use regulations that would incentivize a lower vacancy rate in commercial buildings.*"

Attached is a draft ordinance that addresses this issue.

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Draft

**VACANT BUILDING
ORDINANCE**

Drafted by: Jim Gillespie

Ordinance: Register/Establish Fees for Vacant Buildings in Up-Town and Business District of Milton, Washington

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, TO CREATE A POLICY TO IDENTIFY AND REGISTER VACANT BUILDINGS; TO ESTABLISH A PROCESS TO IMPROVE COMMUNITY SAFETY AND PROMOTE THE WELL BEING OF AREA BUSINESS; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MILTON, WASHINGTON:

SECTION 1. PURPOSE

The purpose of this article is to protect the public health, safety and welfare of Milton by establishing a program for identification and registration of vacant commercial buildings, determining the responsibilities of owners of vacant commercial buildings and structures, and providing for administration, enforcement, and penalties.

SECTION 2. ADMINISTRATION

This chapter will be administered by the building official, who may adopt administrative rules and regulations consistent with its terms. The buildings official (and his/her designee), or code enforcement officer, or both are authorized to enforce this chapter. (Ord. _____)

SECTION 2. DEFINITIONS

“City” means the city of Milton, its officers, employees, and agents.

“Community activity” means having the objective of supplying commodities (goods and services) and ancillary business functions.

“Commercial building” means a building with more than fifty (50) percent of its floor space used for commercial activity. For the purposes of this section, floor space shall be designated as the area on the main or street level of the building.

“Commercial space” means any portion of a structure in the Up-Town or Business District that is not intended for residential use.

“Dangerous structure” means a structure that is potentially hazardous to persons or property, including, but not limited to: (a) a structure that is in danger of partial or complete collapse; (b) a structure with any exterior parts that are loose or in danger of falling; or (c) a structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, that are accessible and that are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.

“Occupied” means a commercial space is considered occupied if a permitted, nonresidential use is physically located and lawfully operating in the space for at least six consecutive months.

“Owner” means the person, persons, or entity shown to be the owner of record on the records of the Pierce County Register of Deeds, those identified as the owner or owners on a vacant building registration form, holder of an unrecorded contract for deed, a mortgage or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control fo the freehold of the premises or lessor stat therein. Any such person, person’s or entity, shall have a joint and several obligations for compliance with the provisions of this article.

“Responsible person” means any person, firm, association, corporation or any agent thereof, owning, leasing, renting or having lawful possession of a structure in the Up-Town and Business District.

“Secured by other than normal means” means a building secured by means other than those used in the design of the building.

“Unoccupied” means a building which is not being used for a legal occupancy. The storage of products and materials does not constitute occupancy unless authorized by the zoning ordinance of the city.

“Unsecured” means a building or portion of the building that is open to entry by unauthorized persons without the use of tools.

“Vacant building” means a building or portion of a building that is:

- (1) Unoccupied and secured;
- (2) Unoccupied and unsecured;
- (3) Unoccupied and secured by other than normal means;
- (4) Unoccupied and a dangerous structure;
- (5) Unoccupied and condemned;
- (6) Unoccupied and has city code violations; or
- (7) Condemned and illegally occupied.

VACANT BUILDING does not mean any building being constructed pursuant to a valid permit to the city building code.

“Vacant commercial space” means any portion of a street-level commercial space that, on or after (date of ordinance), is not occupied and has not been occupied during the preceding ninety days.

SECTION 3. GENERAL MINIMUM MAINTENANCE REQUIREMENTS

All responsible persons shall perform the following with respect to each structure they own, lease, rent, or lawfully possess:

- A. Maintain all exterior surfaces, including but not limited to doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition.
- B. Protect exterior wood surfaces, other than decay-resistant roods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint an repaint the compromised surface.
- C. Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather-resistant and watertight.

- D. Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.
- E. Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.
- F. Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.

Section 4. VACANT COMMERCIAL SPACE REGISTRATION

A. At least one responsible person for each vacant commercial space must register that space with the city within 10 calendar days of the date the space becomes vacant commercial space, as that term is defined in section 2, unless:

- 1. The space is the subject of a current, valid building permit for repair or rehabilitation and the responsible person provides proof, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay; or
- 2. The space meets all applicable codes and regulations that apply to a permitted nonresidential use, and the responsible person is actively attempting to sell, lease, or rent the property (which is evidenced, in part, by appropriate signage and not over pricing the property from the going rate in that particular area); or
- 3. The property the commercial space is located on is the subject of a land use application for redevelopment for which approval has been granted but building permits have yet to be issued.

B. A space will be considered to be registered on the date the city receives, on a form provided by the building official and properly completed and signed by a responsible person, the following information:

- 1. The street address and parcel number of the vacant commercial space;
- 2. The name, address, daytime and evening telephone numbers of each responsible person for the vacant commercial space, including any owner or tenant;
- 3. The period of time the vacant commercial space is expected to remain vacant;
- 4. Any other information requested by the building official for the administration of this chapter.

C. For every registered vacant commercial space, a responsible person must record a notice that the space is registered with the city as a vacant commercial space with the Pierce County Auditor. The notice must be approved by the building official, and a copy of the recorded notice must be received by the city no later than thirty days from the date the space is registered

D. A responsible person must post the following notice inside every vacant commercial space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space:

1. This Vacant Commercial Space is registered with the City of Milton.
 2. This Vacant Commercial Space may not meet all applicable codes and regulations, which may include codes and regulations required to occupy the space for a permitted use in the Up-Town and Business District.
 3. The Vacant Commercial Space was registered on (date).
- E. A responsible person must renew the registration of each vacant commercial space on or before January 1st of each year that the space remains vacant. A responsible person must submit the renewal application to the city on forms provided by the building official.
- F. Upon satisfactory proof to the building official that the vacant commercial space is occupied as defined in Section 2, the vacant commercial space will be unregistered. Proof of physical occupation may include, but is not limited to, usable furniture, office equipment, retail inventory or other equipment and inventory in the space that are consistent with the unit's intended use, and persons regularly present at and using the space for its intended use. Proof of physical occupancy must also include documentation, which may include, but is not limited to, a current, executed lease agreement, paid utility receipts reflecting payments for six consecutive months from the month the space is occupied, or valid state and local business licenses, federal income tax or city business and occupation tax statements indicating the subject space is the official business address of the person or business claiming occupancy.
- G. The determination of the number of vacant commercial spaces a structure contains will be at the reasonable discretion of the building official.

SECTION 4. WINDOW DISPLAYS FOR COMMERCIAL SPACES NOT OCCUPIED FOR THIRTY DAYS

When commercial space is unoccupied for more than thirty days, a responsible person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying at least one of the following measures to all ground-floor windows that face sidewalks, streets, or public open space:

- A. Paint windows with visually appealing scenes depicting or suggesting business or cultural activities;
- B. Display works of art or provide other displays of cultural or educational value, using background panels or other methods to screen views from the street of the unoccupied space;
- C. Other measures consistent with these examples approved by the building official.

Section 5. FEES (not taxes) FOR VACANT COMMERCIAL SPACE REGISTRATION

- A. At least one responsible person shall pay an annual registration fee of \$100.00 for each registered vacant commercial space. At least one responsible person must pay the fee to the city at the time the space is registered and on January 1st of each year that the space remains vacant.
- B. Registration waivers may be granted if the owner provides satisfactory proof that the vacancy is temporary and may be due to illness of the owner, active military service or some other reasonable explanation believed to be short-term in nature and documentable as necessary.

C. After a vacant building is placed on the registry, the city will inspect the property to ensure it is secure and safe from water damage. The owner of the building will be required to pay a \$40.00 fee for the inspection. The legal department will notify the property owner of any maintenance issues, and citations will be issued if the property is not brought into compliance.

D. The building must be occupied for 11 consecutive months for it to be taken off the vacant building registry. The city will require the property owner to pay a fee if his or her building has been on the registry for one year.

E. Vacant buildings must be registered with the City of Milton that have been 100% vacant for 30 days or more.

F. Failure to comply a notification from the City of Milton will be sent to the business owner. If they still do not comply, the city will register the building for him or her and will levy a fine of at least \$100.00.

G. The purpose of this is to keep unoccupied buildings in a safe, well-maintained condition and prevent them from becoming a safety hazard and lowering values of surrounding properties.

H. The fee will be based on the duration of the vacancy as determined by the following scale:

(Option 1)

1. The fee will be based on the building's square footage. \$.40 per square foot in the Uptown District and \$.20 per square foot in all other areas. This fee will increase incrementally each year.

(Example: Hometown Hardware has 21,058 sq. ft on the interior and 1,000 sq. ft on the exterior. Total sq. ft is 22,058, leasing at \$13.00 per sq. ft is \$286,754.00 per month with a 10 year lease. The fee charged would be \$8,823.20 per month with an annual fee of \$105,878.00.)

2. Fees will be billed annually. The legal department will file lawsuits against those who do not pay the fee and place liens on their property.

3. Violation of the Milton Sign Code Definition 17.50.020 Abandon Sign (a sign that has not been changed or removed within 180 days of ceasing to be relevant) and fall under 17.50.200 of the sign code Penalty for Violations which fall under MMC 9.04.040.

(Option 2)

1. Two hundred fifty dollars for each space vacant for less than one year;

2. Five hundred dollars for each space vacant for at least one year but less than two years;

3. Seven hundred dollars for each space vacant for at least two years but less than three years;

4. One thousand dollars for each space vacant for at least three years and for each year thereafter until the building is occupied.

SECTION 6. DELINQUENT REGISTRATION FEES-COLLECTION

If a responsible person fails to pay the registration fee by the due date, the city is authorized to take action to collect the registration fee, including filing civil actions or turning the matter over to collection, in which case costs incurred by the city as a result of the collection process will be assessed to the responsible person or responsible persons in addition to the registration fee.

SECTION 7. DUTY TO AMEND REGISTRATION STATEMENT

Responsible persons for any registered vacant commercial space shall advise the building official, in writing, of any changes to the information on the registration form within thirty days of the occurrence of the change.

SECTION 8. INSPECTIONS

The building official (and his designee), or code enforcement officers, or both are authorized to conduct inspections to enforce the provisions of this chapter.

SECTION 9. ENFORCEMENT

A. Enforcement of the provisions of this chapter will be performed in accordance _____

B. No responsible person may violate or fail to comply with any provisions of this chapter. Each responsible person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.

C. All responsible person for a commercial space are jointly and severally responsible with respect to that commercial space for compliance with the provisions of this chapter and for any payments that they may be require to make to the city under this chapter. If the commercial space is subject to a lease, the city shall have discretion to determine whether to enforce this chapter against the commercial space owner, the tenant or both of them, but the city shall consider in this determination whether the lease provides that the compliance with this chapter is the responsibility of the commercial space owner or the tenant.

SECTION 10. ANNUAL REPORT

The building official shall make a report to the city council in January of every odd year on the status of the vacant commercial space registration program.

References:

Huntington, West Virginia

Weeping Water, Nebraska

Everett, WA

Tucson, AZ

Drafted by: Jim Gillespie