

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements) and Development Regulations.

DATE: January 25, 2007

SUBJECT: Approval of revised Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements (ie Policy, Map or Plan) and Development Regulations

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY:

The issue before the Council is consideration of revised Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements (ie Policy, Map or Plan) and Development Regulations. There is a minimum standard defined in the Revised Code of Washington (Attachment 1).

The policy question is whether the City Council would like to adopt by resolution additional public participation procedures. Staff is recommending that the public participation and notice procedures for Comprehensive Plan Amendments and Development Regulations be the same in order to eliminate confusion. However, this approach places an additional layer of requirements on top of the existing regulations which were adopted by Ordinance (Attachment 2).

BACKGROUND:

The Planning Board, on December 5, 2006, recommended revisions to the City's current Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements, and Development regulations.

The revised policy and program (Attachment 3) was scheduled for City Council action on December 14, 2006. However, the City Council referred the proposed procedures back to the Planning Board in order to complete a public hearing before the Planning Board. The City Council wanted assurances that the public had sufficient opportunities to review and comment on the proposed procedures.

PROPOSED CHANGES:

The Planning Board held a public hearing on January 9, 2006. The Board discussed several issues:

- Using "plain talk" as a guideline when writing public notices.
- Providing a one-page cover sheet on top of the project binders located at the library and city hall to aid readers in understanding the scope of the project or proposed amendment.
- Clarifying the procedures for electronic media such as e-mail, the City's website and Channel 21 by adding the statement "when available" to Procedure Steps 4 (4) and 4(5), Step 7 and Step 11. Meaning these noticing options would be used when the technology was working properly.

Proposed amendments to the notice procedures include posting meeting notices on monthly utility bills and providing copies of information on amendments, projects, and related meetings and hearings at the Sultan Branch of the Sno-Isle Regional Library.

Proposed project and amendment information will be provided in a "Public Information Binder" located in city hall and at the Sultan library. Providing a binder in the library will allow access to information when city hall is closed. The binders will include, for example, a draft of proposed amendments and regulations, environmental determinations, public notices, and comments received from reviewing agencies. The binder will be updated as the project progresses through the required reviews, meetings and hearings.

ANALYSIS:

The amended procedures, as written, encompass Amendments to the Comprehensive Plan, Comprehensive Public Participation and Notice Procedures Plan Elements and Development regulations. Utilizing the same procedures for the two amendment processes will afford the same opportunities for the public to participate in the review process and hopefully eliminate any confusion as to the what procedure is appropriate for the intended action.

In comparison, the only difference between the procedures for a Comprehensive Plan amendment and a Development Regulation amendment is the timelines associated with their review. In general a Comprehensive Plan Element amendment, under both the current and proposed procedures, will involve approximately one year to review. A development regulation amendment which typically involves approximately 120 days will not change under the existing or proposed procedure.

ATTACHMENTS:

1. Chapter 36.70 A RCW Growth Management—Planning By Selected Counties and Cities, Section 36.70A.35 Public Participation.
2. Current City of Sultan Development Regulation Amendment Procedures and Public Hearing and Participation Process.
3. Proposed City of Sultan Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements and Development Regulations.

In summary, the proposed procedures are designed to provide numerous opportunities for citizens to participate in the Comprehensive Plan amendment and Development Regulation amendment process. The procedures go beyond the minimum requirements and are intended to provide adequate notice given the City's limited budget.

Staff recommend the Council review the revised procedures to understand the extent of the proposed notice requirements and again determine if they are adequate, inadequate or are too extensive to implement. To assist you in your evaluation staff has prepared the following Alternative Actions and Analysis for Council consideration.

ALTERNATIVE ACTIONS:

1. Expand the procedures to provide individual notices to all property owners within the City Limits and Urban Growth Area (UGA). Cost of similar notices for the 2004 Comprehensive Plan Public Hearing were approximately \$900.00. Public turnout for the hearing was small and disproportionate to Planning Commission, staff and consultants who were in the majority. Estimated annual costs for this alternative assuming at least 8 notices for both Comprehensive Plan and regulations amendments would total \$7,200.00.

The staff time, mailing and publication costs required with this alternative may not be justified if few members of the public attend the meetings.

2. Expand the current Parties of Interest list to include interested individuals or organizations (Home Owners Associations and Chamber of Commerce).

The costs of expanding our current Parties of Interest list with this alternative would be the most cost effective approach and require a minimal amount of staff time and resources to implement. The cost per entry onto the list is approximately \$6.00.

3. Amend Comprehensive Plan Amendment and Public Hearing Procedures (Attachment 2) to incorporate the proposed public participation procedures, and have separate public participation procedures for development regulations. This could result in additional confusion regarding which procedure and timeline should be followed.

RECOMMENDATION:

Discuss the draft revised Public Participation and Notice Procedures.

Direct staff to return to Council for a Public Hearing on the draft revised Public Participation and Notice Procedures for Amendments to the Comprehensive Plan, Comprehensive Plan Elements and Development Regulations.



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

The State of Washington Growth Management Act and Related Laws – 2006 RCW Update

August 2006

Chapters Included:

1. **Annexation (35.13)**
2. **Boundary Review Board (36.93)**
3. **Growth Management–Judicial Review of Land Use Decisions (36.70C)**
4. **Growth Management–Local Project Review (36.70B)**
5. **Growth Management–Planning by Selected Counties and Cities (36.70A)**
6. **Planning Enabling Act (36.70)**
7. **Shoreline Management Act (90.58)**
8. **Subdivision (58.17)**
9. **Other separate sections as noted in the table of contents**

Juli Wilkerson, Director

this lack of planning, fields, and supporting facilities by constructing non-conforming fields and facilities on agricultural lands of long-term commercial significance. It is the intent of the legislature to permit the continued existence and use of these fields and facilities in very limited circumstances if specific criteria are satisfied within a limited time frame. It is also the intent of the legislature to grant this authorization without diminishing the designation and preservation requirements of the growth management act pertaining to Washington's invaluable farmland." [2005 c 423 § 1.]

Effective date—2005 c 423: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 12, 2005]." [2005 c 423 § 7.]

Prospective application—1997 c 429 §§ 1-21: See note following RCW 36.70A.3201.

Severability—1997 c 429: See note following RCW 36.70A.3201.

Finding—Intent—1994 c 307: "The legislature finds that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020 requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible to the management of designated lands. The 1994 amendment to RCW 36.70A.030(8) (section 2(8), chapter 307, Laws of 1994) is intended to clarify legislative intent regarding the designation of forest lands and is not intended to require every county that has already complied with the interim forest land designation requirement of RCW 36.70A.170 to review its actions until the adoption of its comprehensive plans and development regulations as provided in RCW 36.70A.060(3)." [1994 c 307 § 1.]

Effective date—1994 c 257 § 5: "Section 5 of this act shall take effect July 1, 1994." [1994 c 257 § 25.]

Severability—1994 c 257: See note following RCW 36.70A.270.

36.70A.035 Public participation—Notice provisions.

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

(a) Posting the property for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution

or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997. [1999 c 315 § 708; 1997 c 429 § 9.]

Part headings and captions not law—1999 c 315: See RCW 28A.315.901.

Prospective application—1997 c 429 §§ 1-21: See note following RCW 36.70A.3201.

Severability—1997 c 429: See note following RCW 36.70A.3201.

36.70A.040 Who must plan—Summary of requirements—Development regulations must implement comprehensive plans. (1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan



City of Sultan

Planning Department

CITY OF SULTAN COMPREHENSIVE PLAN AMENDMENT REVIEW AND PUBLIC HEARING PROCEDURES

1. The Planning Department receives applications* at any time during the year. Applications, which are associated with a development proposal for a specific parcel of land, shall be accompanied by a fee as established in Resolution Number 10-01. There shall be no fee for other applications until such time as they are accepted for further review by the City Council.
2. All applications shall be docketed as required by RCW 36.70A.470. Applications received prior to July 1st of any year shall be docketed for preliminary consideration by the Council as soon as practicable after the July 1 deadline.
3. All applications associated with a development proposal for a specific parcel of land shall be referred to the Planning Commission, and shall be maintained on the docket for review in the current year.
4. For all other applications, the Council, by a majority vote, shall either docket the application for review by the Planning Commission or deny the application. When docketing applications for review by the Planning Commission, the Council may defer some applications for review in a subsequent year.
5. The Planning Department advises the Planning Commission of amendments referred by the City Council and docketed for review during the current year.
6. The Planning Department schedules meeting(s) with the Planning Commission to consider the amendments and to prepare recommendations for the public hearing(s).
7. The Planning Commission conducts public hearing(s) on the amendments and considers comments received at the hearing(s). The Planning Commission then prepares final recommendations for the City Council.
8. Recommendations of the Planning Commission are submitted to the Washington State Office of Community Development for review and comment prior to City Council review.
9. The City Council conducts public meeting(s), which shall not be an open record hearing as defined in Chapter 347 Laws of Washington 1995, Section 402, and considers recommendations of the Planning Commission and Washington State Office of Community Development.
10. Amendments approved by the City Council are incorporated into the Comprehensive Plan and distributed to plan holders.

* 15 copies of the completed petition and all attachments required

COMPREHENSIVE PLAN
AMENDMENT
REVIEW AND
PUBLIC HEARING
PROCEDURES
PACKET

City of Sultan, Planning Department
P.O. Box 1199 - 319 Main Street
Sultan, WA 98294-1199
(360) 793-2231 FAX (360) 793-3344

Comprehensive Plan Amendment Petition

Date Received: _____

Type of Amendment – Please Check

Rezone Application Required: _____

_____ Policy

_____ Map

_____ Regulation

_____ Plan

_____ Other (Please specify) _____

Proponent Information:

Name: _____

Address: _____

Phone/Fax: _____ E-Mail: _____

Amendment Information: The merits of a proposed amendment shall be measured against the petition submittal requirements listed below to ensure consistency in the review and decision making. Please provide the following information (attach additional pages if necessary):

1. A detailed statement of what is proposed to be changed and why.

2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented and why.

3. A demonstration of why an existing comprehensive plan policy, plan or recommendation should not continue to be in effect or why an existing, plan or recommendation no longer applies.

4. A statement of how the amendment complies with the comprehensive plan's community vision statements, goals, objectives, and policy directives.

5. A statement of how facility plans and capital improvement plans support the change.

6. A statement of how the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring that land use regulations into compliance with the plan.

7. A demonstration of public review of the recommended change.

8. A statement of how the public should participate in your proposed amendment.

9. An estimated time frame or schedule necessary to complete the amendment.

10. An estimate cost to complete the amendment in consideration of staff time, consultant services, printing, mapping, public notices and information, etc.

11. Will a Citizen's Advisory Committee or Technical Advisory Committee acting as a subcommittee of the Planning Commission be necessary to evaluate the amendment?

Yes: _____

No: _____

If Yes:

A. What are your recommendations for a membership on the committee?

11. Continued.

B. How and when will the meetings be conducted?

C. How will the City Council and Planning Commission be advised of the Committee's Progress?

D. How will the public participate in the Committee meetings?

12. A detailed statement describing how the map amendment complies with the Comprehensive Plan Land Use Element (for map amendment only).

**CITY OF SULTAN
PUBLIC PARTICIPATION AND NOTICE PROCEDURES FOR
AMENDMENTS TO THE COMPREHENSIVE PLAN, COMPREHENSIVE
PLAN ELEMENTS, AND DEVELOPEMENT REGULATIONS**

Proposed Revisions are Highlighted

STEP 1: Proposed Amendment is initiated by:

- a. City Staff
- b. City Council
- c. Planning Board
- d. Property Owner

STEP 2: Prepare Public Information Binders for Public Review at City Hall, Reception Area, and the Sultan Branch of the Sno-Isle Regional Library. Update Binders as additional information becomes available throughout the review process.

STEP 3: SEPA Checklist on proposed Amendment(s) is prepared by Staff/ Applicant and mailed to the applicable reviewing agencies for 14-day comment period. Mailing includes:

1. Determination (by SEPA Official)
2. Checklist
3. Proposed Amendment(s)

Example of reviewing agency: Department of Ecology, Corps of Engineers, Department of Fisheries, Snohomish County, Washington State Department of Transportation, Tulalip Tribes, Department of Community Trade and Economic Development (CTED)

STEP 4: SEPA Determination including comment period is

- 1) Published in the Everett Herald (required by the Code Sultan _____ Municipal Code - SMC).
- 2) Posted at City Hall (required by CodeSMC).
- 3) Posted at the Post Office (required by CodeSMC).
- 4) Posted on City Web Site, and other available sites of known interest, when available
- 5) E-mailed to Parties of Interest who have requested a notice, when available
- 6) Posted in the Public Information Binder on Public Review and Public Document and Notice Table in City Hall Reception Area.

- STEP 5:** Proposed amendment is mailed or e-mailed to State Department Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed Public Hearing schedule for Amendment.
- STEP 6:** First Public Hearing is scheduled before Planning Board (This can occur *during or after* CTED Review).
- STEP 7:** Publish the Planning Board Public Hearing Date:
·Everett Herald
·Post at City Hall & Post Office
·Post on City Web Site, and other available sites of known interest when available
·Post on Public Access Channel when available
·Agenda e-mailed to parties of interest who have requested notification-when available
~~·Post on City Utility Bills~~
(Note: Continued Hearing dates are published and posted)
- STEP 8:** Public Hearing conducted before the Planning Board
- STEP 9:** Planning Board Recommendation on Amendment forwarded to City Council.
- STEP 10:** Council Agenda Item: Public Hearing Request to set date of City Council Public Hearing (Second Public Hearing) from Staff –Council Approval required.
- STEP 11:** Publish the City Council Public Hearing dates:
·Everett Herald (Required by ~~CodeSMC~~)
·Post at City Hall & Post Office (Required by ~~CodeSMC~~)
·Post on City Web Site and other available sites of known interest when available
·Post on Public Access Channel when available
·Agenda e-mailed to parties of interest who requested notification
Post on City Utility Bills
- STEP 12:** City Council conducts Second Public Hearing and considers Planning Board Recommendation.
- STEP 13:** First Reading of Ordinance on City Council Agenda/Meeting. (Public Comments are taken on Agenda items by City Council).
- STEP 14:** Second Reading of Ordinance on City Council Agenda/Meeting (Public Comments are taken on Agenda items ~~taken~~ by City Council).
- STEP 15:** If adopted, the Ordinance Amending the Regulation(s) is published, and

Effective, 5-days after Publication Date.

STEP 16: Copies of Revised Regulation(s) distributed to interested parties.

***NOTE:** The Regulation Amendment Process, depending on Public Hearing(s) and reviews involves approximately 120-days. The Comprehensive Plan Amendment Process may involve 12-months.