

**SULTAN CITY COUNCIL PLANNING BOARD WORKSHOP
AGENDA ITEM COVER SHEET**

ITEM NO Joint City Council Planning Board Workshop Shoreline Master Program (SMP)

DATE: May 10, 2007

SUBJECT: Adoption schedule Shoreline Master Program

CONTACT PERSON: Rick Cisar, Director of Community Development

ISSUE: The issue before the City Council and Planning Board is a review of the changes recommended by the Department of Ecology (DOE) and the Attorney's General's (AG's) Office to the City's Draft Shoreline Master Program (SMP).

ACTION REQUESTED:

This is an informational item for the City Council and Planning Board and no action is required.

SUMMARY:

The majority of changes by DOE and the AG's Office are to Chapter's 5 and 6. The changes by DOE and AG's office do not amend any of the City Council policies that were considered by the Council on April 13, 2006 when Council forwarded the Draft SMP to DOE and the AG's office for final review. The changes are included in Attachment 1 to this Agenda.

Staff has prepared a Schedule for Review and Adoption of the SMP which is included in Attachment 2 to Finalize the update of the SMP. The final draft of the SMP will again be forwarded the Department of Ecology (DOE) for final approval. Part of that approval process will involve another Public Hearing by the DOE and opportunity for public comment. Thereafter, the City will receive a letter from Mr. Jay Manning, the Director of the Department of Ecology approving the final SMP.

A Department of Ecology representative and BHC Consultants will be attending the workshop to review the Final SMP Draft.

City Staff have previously provided the City Council and Planning Board with a copy the Final April 2007 Draft of the updated Shoreline Master Program (SMP) for the City of Sultan. Copies are also available on the City's website and in the Sultan Sno-Isle Library. City Staff has also prepared a brief summary (Attachment 4 April 17, 2007 Planning Board Agenda Cover Sheet) for the Board of the development of the updated SMP and the role of the Planning Board, City Council, Consultants, Staff, Department of Ecology, and the State Attorney General's Office.

BACKGROUND:

The SMP update was initiated with a grant from the Department of Ecology (DOE) to complete an update of our SMP to be consistent with State guidelines. The City received the first grant in May of 2002. Thereafter, the City received two additional grants from DOE for a total update SMP cost of approximately \$76,000.00.

The City in 2002, contracted with BHC Consultants to complete the update of the SMP and coordinate the program with the Department of Ecology (DOE). At this time, BHC was under contract with the City for several Public Works projects and had the Staff expertise to complete the update.

The first meeting with the Planning Board for the update was held in August of 2002. Since that first meeting, the consultants, Staff and the Planning Board conducted 10 Public Meetings, one Open House, and one Public Hearing in March of 2006. The Public Hearing conducted by the Planning Board was on the February 2006 Draft SMP. The Planning Board, after the Public Hearing, forwarded their recommendation to the City Council for approval of the February 2006 Draft SMP.

The City Council conducted a Public Hearing on the Draft SMP on March 9, 2006 which was continued to the March 23, 2006 City Council Meeting which was again continued to April 13, 2006 City Council Meeting. The City Council continued the Public Hearings for the three meetings to ensure and allow public participation and public comment on the draft document.

The Public Hearing was closed at the April 13, 2006 City Council Meeting and the Draft SMP was forwarded to the Department of Ecology for their final review and coordination with the State Attorney General's Office.

The Department of Ecology and the Attorney General's Office completed their review and revisions to the February Draft SMP in April of 2007. The March 29, 2007 memo included in the binder from Roger Wagoner and Aubin Philips, BHC Consultants, summarized the revisions by the Department of Ecology and the Attorney General's office.

PLANNING BOARD REVIEW AND COMMENT:

The Planning Board met on May 1, 2007 and received an update on the SMP changes from Mr. Roger Wagoner, of BHC Consultants. During the presentation, questions were asked by the Planning Board, concerning the following:

- Changes to Council Policy in the Draft 2006 Plan,
- Restoration requirements,
- Flood recovery efforts,
- Flood Control and Flood Management.

Attachment 3 is a summary of the questions and responses of the Planning Board Member's questions.

Summary of Public Comments on Agenda Items Only from the May 1, 2007 Planning Board Meeting:

- Use of "should vs. shall" in Chapter 6,
- Mining as an allowed use
- Availability of maps.

Additional public comments can be found on Attachment 3, the Planning Board Meeting Minutes May 1, 2007.

DISCUSSION

The changes occurred in Chapter 5 - Shoreline Environments and Chapter 6 - Shoreline Policies and Regulations which are attached to the Staff Report. The specific additions have been with underscored throughout both Chapters. The text of the March 29, 2007 Memo from Roger Wagoner and Aubin Philips reads as follows:

"Many changes have occurred in the SMP within the last year. The majority of these changes are small and occur throughout the document, but there have also been some more substantial changes such as additions to policies and regulation in Chapter 5 and the incorporation of referenced ordinances throughout the document.

In April 2006, changes were made to the Restoration Plan and the Cumulative Impacts Analysis. Most of the changes made to these two sections were to add clarification statements and further detail to the existing information. The tables included in these sections were also added to and referenced were appropriate (Potential Cumulative Impacts to the City of Sultan Shoreline Environments Pages 1 through 16) after Appendix C.

In June 2006, changes were made to Chapters 5 and 6 based on comments from the Department of Ecology. Most of the changes were for clarification and to strengthen existing policies and regulations. Other changes were made to ensure that the policies and regulations are consistent with WAC guidelines (Chapter 5 pages 4, 5, and 14.) (Chapter 6 Shoreline Policies and Regulations pages 5, 7, 8, 12, 14, 15, 16, 18, 19, 22, 30, 31, 38, 40, 43, 44, 48, 52, 54, ,and 60).

In September 2006, the City received additional comments from the State Attorney General's Office. This letter reviewed the requirements of Ordinances that are incorporated into the SMP to satisfy guideline requirements and the need to clearly cite these references throughout the document. This letter also requested that the SMP include specific density and setback requirements for the shoreline environments rather than using the underlying zoning. Last, this letter asked that the City include the enforcement procedures required by the WAC and RCW for civil and criminal penalties.

(Chapter 7 VII. Enforcement and Penalties page 18 and Appendix C Administration and Enforcement and Penalties).

In December 2006, the City received a follow up letter from the State Attorney General's Office. Comments in this letter addressed further refining the Shoreline Development Standards Table in Chapter 5 by defining a few terms and clarifying buffer requirements. The City also received more specific language regarding incorporation of the referenced Ordinances throughout the SMP and those found in the appendices, and we made sure to exclude specific sections which were in conflict or not applicable under SMA. The Staff also went through the SMP and added statements that where there is a conflict between City regulations, those which are the most protective of the ecological functions will apply. (Appendix A: Definitions and Acronyms pages one through 11) and Chapter 6, Shoreline Policies, and Regulations page 3).

In January 2007, the City received another letter from the State Attorney General's Office following up on a few remaining issues. These final changes required full citations for the incorporated Ordinances including the full Ordinance number and date. The incorporation language was clarified and appendices where the incorporated ordinances are located were referenced.(Appendix C)

ANALYSIS:

The changes to the SMP by the Department of Ecology and Attorney General's Office involved:

Chapter 5 Shoreline Environments:

The changes made generally clarified the environmental descriptions and definitions. Page 14 for example, inserted additional information on buffers and setbacks.

Chapter 6 Shoreline Policies and Regulations:

The majority of changes were made in this Chapter and concerned:

- Cross referencing between the Shoreline Regulations and Critical Area Regulations,
- Ensuring no net loss of ecological functions for all development activities with the shoreline.
- Identification of sites within the shoreline areas that could be restored. Note there is no obligation to commit to a restoration project, but the Shoreline Program identifies potential sites,
- A complete referencing of specific City Ordinances that are referenced throughout Chapter 6.

In summary, the proposed SMP provides more specific guidelines for all activities within the Shoreline than our current regulations. For example, the incorporation of the Critical Areas Regulations and the requirement for no net loss of ecological function provides additional protection for our shorelines.

RECOMMENDED ACTION:

Review Final Draft of Shorelines Master Program (SMP) and changes as requested by the Department of Ecology and the Attorney General's Office. Thereafter, direct questions concerning the Draft document to Roger Wagoner of BHC Consultants and City Staff.

COUNCIL ACTION:

DATE:

ATTACHMENTS:

1. Detailed Changes in Chapters 5 & 6
2. Schedule for Review & Adoption of SMP dated April 18, 2007
3. DRAFT Planning Board Minutes dated May 1, 2007
4. Sultan Planning Board Agenda Cover Sheet Adoption Schedule for SMP dated April 17, 2007

ATTACHMENT 1

In each of the Chapters you will find the changes that are underlined and are on the following pages and within identified section:

Chapter 5:

Pages 4 and 5 Urban Center Environment Areas Designated

Page 14 Shoreline Development Standards

Chapter 6

Page 5 General Environmental Impact Regulations, Sections 7 and 8.

Page 7 Water

Page 8 Plants and Animals

Page 12 Environmentally Sensitive Areas-General.

Page 14 Environmentally Sensitive Areas- Floodplain Management

Page 15 Floodplain Management Regulations.

Page 16, 17, and 18 Wetland Policies.

Page 18 Wetland Regulations

Page 19 Public Access

Page 22 Introduction, Specific Shoreline Use, and Shoreline Modification Policies and Regulations.

Page 30 and 31 Commercial Regulations

Page 31 Commercial Environmental Specific Regulations

Page 38 Landfill Regulations

Page 40 and 41 Parking Regulations

Page 43 Residential Development

Page 44 Residential Regulations

Page 48 Shoreline Modification Regulations – General

Page 52 Dikes and Levees Regulations

Page 54 Sign Regulation

Page 60 Utility Policies

Therefore, the April 2007 Draft provided to the City Council and Planning Board is the Final Draft of the SMP.

Attachment 2



City of Sultan

Date: March 29, 2007/Updated April 18, 2007
To: Mayor and City Council and Planning Board
From: Rick Cisar, Director of Community Development
Subject: Schedule for Review & Adoption of Shoreline Master Program (SMP)

Staff has prepared the following schedule to complete the adoption of the City's revised Shoreline Master Program (SMP). The schedule includes a Planning Board Update scheduled for their May 1, 2007 and also a joint Workshop with the City Council and Planning Board on May 10, 2007.

The Consultants, BHC and the Department of Ecology will be in attendance at the meetings and workshops to provide a history of the project and the recent changes recommended by the Attorney General office.

The final draft of the SMP will be provided to City Council and the Planning Board by mid April to allow sufficient time to review the new program.

ADOPTION SCHEDULE FOR THE SHORELINE MASTER PROGRAM

May 1, 2007	Planning Board Update of Program
May 10, 2007	6:00 PM Joint City Council & Planning Board Workshop
May 15, 2007	4:00 to 7:00 PM Public Open House in conjunction with Storm Water and Waste Water
May 24, 2007	City Council Discussion Item
June 14, 2007	City Council - 1st Reading SMP Ordinance
June 28, 2007	City Council 2 nd Reading SMP Ordinance

ATTACHMENT 3

Sultan Planning Board Meeting Minutes - **DRAFT** May 1, 2007

The meeting was called to order at 7:04 p.m. by Chairperson Latimore
Planning Board members Present: Kurt Latimore, Sarah Davenport Smith, Charles Van Pelt, Jeff Cofer, George Schmidt.

Staff Present: City Administrator Deborah Knight, Community Development Director Rick Cisar, Public Works Director Connie Dunn, and Planning Commission Secretary Tami Pevey.

Public Comment

Josie Fallgatter, 13231 Trout Farm Rd, Sultan – Questioned if meeting canceled; irrelevant or dysfunctional as prior commission was. Encouraged to make what you want out of this board, not just rubber stamp what is given. SMC16 notice to cancel requested by applicant. Asked the board to confirm if there was an application and if the applicant had paid. Encouraged to make the Shoreline Master Plan update document clear to the public on what the changes are. 4 drafts done prior and the only way to track changes were to lay them out and do a line by line review. Please provide a matrix of the changes proposed.

Jeff Kirkman, 210 Woodwind Pl – Questioned the proposed change to the development code; in process of updating the comprehensive plan and why change the development code before the comp plan is in place.

Loretta Storm, 30220 115th St SE – Item at last council meeting to revise final decision authority regarding quasi judicial, prefer to stay with council. Problem with one of revisions to change the approval process for PUD plats to make administrative decision by city planner. Find it troubling due to recent history. Believes it will come to the Planning Commission so giving the board members a head start on it.

Changes to Agenda

One change – Public hearing on SMP 16.18 has been deferred to May 15th. Mr. Cisar can elaborate during staff reports.

Committee Reports and Staff Presentations

1. Shoreline Master Program (SMP) Update – Roger Wagoner BHC Consultant

Rick Cisar introduced Roger Wagoner with a brief update as to his involvement in the SMP update. Referred members to chapters 5 & 6 as the changes are highlighted in green. Explained that Mr. Wagoner will walk the commission thru those changes. Roger Wagoner updated changes from last draft before commission highlighted in green. Department of Ecology adopts Shoreline Master Program is when plan becomes official. Attorney General reviewed and required changes. The bulk of the changes are in regards to shoreline environment and how the city regulates it. The problem is the critical areas are part of the Growth management Act requirement. Shoreline Master Program regulations are under State Department of Ecology. Chapter, verse, adoption date added. There are appendixes of entire critical areas

regulations. Changes made in Ch 5, Shoreline Environments Chapter. Advised the changes were made to further clarify environment descriptions. Pg 14 Ch 5 inserted additional information re buffers and setbacks.

Ch 6 is where the majority of the changes are. It includes cross referencing between shoreline regulations and critical area regulations. Additional language has been placed in to affirm these items. A lot of the work was completed early in the process by wetland scientists. The city is required to manage any shoreline in their jurisdiction so there is no net loss. Chapter 6 has two elements: One is policies for general guidance, and the other is regulations. Gave page 12 as an example.

Each of the critical areas is broken down with different regulations to include type of development, and sites where the shoreline could be restored. No obligation to commit to any of those, but the SMP addresses it. Public access areas are also pointed out. Commissioner Van Pelt – They are suggested now, but will they be mandatory next year?

Roger Wagoner – Don't think so. He explained that the problem with the restoration guidelines adopted is that it is so detailed it is difficult to get to the specific details for local restoration. For the state to define exactly what has to be done was more than they could do, and it is difficult for the state to estimate the costs. Most jurisdictions fold

Commissioner Van Pelt – Has anyone challenged these activities or requirements?

Roger Wagoner – The City of Everett was challenged in that its restoration plan was inadequate. Department of Ecology participated in that case, but the city and DOE never came into an agreement, Everett proceeded to do the restoration work along the rivers and saltwater areas as well. Arlington and Port Townsend are the only ones to have their SMP completely adopted.

Pg 22 is the start of specific policies and regulations for activities and a list is provided. Each section following is policies, then regulations to develop. Any development in shoreline area is reviewed by city and then they give recommendations, but the Department of Ecology makes the final approval of a permit in any shoreline area. Appeals are handled by the State Shorelines Hearing Board.

He further explained Sultan has very few undeveloped parcels in the shoreline area; so many things addressed in the SMP were not likely to occur. He walked the commission through different development likely and not likely to occur.

Changes being made only from the standpoint of Ecology to adequately address the overlaps between _____

Commissioner Van Pelt – Are properties in danger addressed?

Roger Wagoner - _____ provide necessity of application. City would review and make recommendations, DOE would make final decision.

Commissioner Van Pelt – so not properties in danger of the river; he travels up and down the Ben Howard Road on the south side and the river continually moves back and forth and possibly may take some of those houses out. Is there some way to protect those homes?

Roger Wagoner – Emotional issue; the city has flood insurance from FEMA which has a rating system which establishes the premiums to ensure against flood damage. If property owners do receive damage in a flood situation FEMA will pay what it takes to restore your house. However, the last few years FEMA is trying to minimize that and

has begun to encourage local governments and state agencies to look toward buying those properties and removing the houses because we are never going to be able to control the rivers. Therefore there is no way to ultimately keep them stabilized. If there is an old system of levies, based on how well the levies have been maintained you can get a pretty good predictability regarding that issue. There are many creative ideas occurring to address this issue.

Commissioner Latimore – This is a new board from the one that oversaw the development of the SMP. _____ any instances where language takes the SMP further?

Roger Wagoner – No, he doesn't think it takes it further. DOE involved _____ Ecology reviewed. During the course of the work the reviews are informal. Not complete until the City Council adopts _____. Then Attorney General kicks in for a final review. _____ City will get a letter from Jay Manning, Director of Ecology approving it.

Commissioner Latimore - _____ it would appear that the city could not propose any flood control measure that _____

Roger Wagoner – Very true, flood management plans are also children of DOE. _____ if the city were to say propose a levy, in that case the levy would be first discussed on a conceptual level with DOE, FEMA, and the Corp of Engineers. What he knows, everyone would seek some possible alternative than to build a levy, if no alternative than would build. _____.

Commissioner Latimore – _____ -

RW – No, in earlier drafts there were no references to flood management. The implication is that if the project were necessary for flood control, would need _____, but ecology and the attorney general decided the need for a specific reference to other codes in this document.

Commissioner Latimore – Does it take the language further or?

Roger Wagoner – No, just defines it.

Commissioner Latimore- _____

Roger Wagoner – No, the Shoreline jurisdiction mapping and the _____ are an overlay to the existing _____.

Commissioner Davenport-Smith - _____ wanting to make sure it was concurrent with all of them.

Roger Wagoner – The comp plan is supposed to have a shoreline element, which is the goals and policies from the SMP, but the shoreline regulations stand alone in the code.

Rick Cisar – We proposed it; once we get that adopted it will be incorporated.

Commissioner Schmidt – So the timeline for this or the recommendation is to review and respond to comments, _____

Rick Cisar – At this point in time, yes. The purpose of the workshop on May 10th is to update the city council on those changes. _____ The intent is to conduct the workshop, have another discussion with city council, then start adoption of the ordinance at first and second reading.

Commissioner Schmidt - _____

Rick Cisar – copies were available in the library on Friday when it was sent to the board members, as well as upstairs.

Deborah Knight – also on city website including press release _____

Rick Cisar - _____ receive the same documentation.
Roger Wagoner – DOE will have its own public hearing with public notice for the public to comment at their event.
Commissioner Davenport-Smith – Do you expect that to be this summer?
Roger Wagoner – Hope so.
Rick Cisar – Will have _____
Commissioner Latimore - _____ -
Rick Cisar – _____
Roger Wagoner - _____. There are tons of maps that were done.
Rick Cisar – What is in binders is on the web.
Commissioner Latimore –
Deborah Knight –

2. Transportation Improvement Program (TIP) Update – Public Works Director, Connie Dunn

Deborah Knight, City Administrator, explained this is an opportunity to take a look at the proposed project list for the 20 year plan, question staff, and give direction as they see fit. Out of this list they will get the 6 year TIP that is due to be turned in to DOT by August 1st. Explained the breakdown and how it applies to other areas of the city. Also advised the board that Eric Ireland would be back in front of the board on May 15th, as well as at an open house the same evening.

Went on to explain the project numbering system and how it came about. Added that the Council subcommittee had an opportunity to review the list and gave three projects they recommend be added to the list: Extension of 124th Avenue (#T65), second crossing of Snohomish river (T64), and extension of industrial park to Sultan Basin Rd (T26).

TIP currently includes 41 projects, and with added recommendations it was up to 44 projects. She gave an explanation of the layout provided on pg 6; and that the criteria needs to go to council to be approved, then review the project list to narrow it down and meet the August 1st deadline.

Staff proposing to delete four projects because they are no longer feasible or are duplicative of another project. Six projects are considered to be joint projects with other agencies. Explained they may be outside of the cities current view, but added they may want to keep the option open for long term transportation goals.

Recommendation to review project T28 and went on to explain that the community is not all that excited about the project. Advised the board that one of the purposes of T28 is to ensure there is sufficient emergency ingress and egress in that community. Explained that community members now cross a private property and over a railroad access. Staff does not want to delete any projects off the list, but there is a problem in that neighborhood with emergency access. One option is to take a look and determine whether or not you can improve a culvert and raise the roadway a bit to prevent

flooding. It is a policy question and the board needs to understand the pros and cons before a decision is made.

Commissioner Latimore – Does that lie within the SMP jurisdiction?

Rick Cisar – No.

Commissioner Latimore – Questioned proposed culvert and roadway in regards to _____.

Rick Cisar – Advised it could be pretty close.

Commissioner Latimore - _____

Deborah Knight – that would be the case, it probably doesn't meet the best management practices. The city could do some habitat enhancements in adjacent to that, but also could make it into a volunteer event.

Commissioner Latimore – restoration plan?

Deborah Knight – None at this point, but will be at future meetings.

Commissioner Davenport-Smith – What would be involved in an emergency access project versus regular road project.

Deborah Knight – Neighbors concerned that the direct access between the two neighborhoods might invite cut thru traffic from Hwy 2. Emergency access _____.

Private property _____ this is opportunity to prepare for it and think about it.

Commissioner Cofer – Felt it was worth mentioning aside from the restricted access that _____ opposed by flood waters, each of these communities served by one rail crossing; a lot of things _____ wouldn't want to be on Dyer Road with only one way out.

Deborah Knight – Excellent point and hadn't considered train.

Commissioner Cofer – Also Romac Foundry could _____

Rick Cisar - _____ in looking at the property _____ with the bollards or gate it would only be open during a flood emergency. Trying to get grants for rail crossing by Romac; attempting to get another grant _____ rail engineer came out and would support an application for both crossings.

Commissioner Van Pelt – T26, does that extend clear down into old town, or just Sultan Basin Rd?

Deborah Knight – extends all the way to Pine.

Commissioner Van Pelt - _____

Deborah Knight – Don't believe it is high on the priority list, just noticed gaps in the transportation system. No additional priority placed on them by council.

Commissioner Van Pelt - _____

Deborah Knight – Staff proposal to prioritize list, and then present to the planning board for review and approval, then recommendation to city council.

Commissioner Van Pelt - _____

Deborah Knight – completed by August 1, come back first meeting in June with prioritized list _____; working parallel process

Commissioner Cofer – Prior to open house, think it would be good idea to draw in Sultan Basin Road alignment and include Phase 3, map looks great but not complete.

Deborah Knight – Consider Sultan Basin Road under construction, so not under review. Understands his point and will add it.

Commissioner Cofer - _____

Deborah Knight – The city has a lot of projects they are currently working on. Makes a great point to add a map of current projects as well.

Commissioner Cofer – _____ don't tell me what you're going to do, show me what you've done; needs to be reflected in this map.

Commissioner Davenport-Smith – Quick edit, project T65 on the map, road is labeled as 125th, but as extension of 124th in description. Which one needs to be changed?

Connie Dunn – At the time of construction they may need to re-label the road, but it jogs down and need to clarify.

Deborah Knight – In project description?

Connie Dunn – yes.

Commissioner Latimore – T39 pavement overlays, thought the maintenance items were not part of the TIP.

Deborah Knight – Ordinary maintenance which are the things you need to be doing year to year are not; major maintenance such as road overlays are not considered ordinary maintenance and can be included. Ms. Fallgatter also inquired about major maintenance issues _____. Need to go back and give clarification on the definition.

Commissioner Cofer – pg 2 of 6; amend to state, not waste water treatment plan.

Deborah Knight – Realized it is a major error; glad was caught before it went to city council.

Commissioner Latimore – incorporation of these changes would require revision of Capital facilities element?

Deborah Knight – Absolutely, and staff has been discussing how they want to handle that. Do we want to include all of these project lists in Capital Facilities Element of the comprehensive plan, or refer to it and do a 6 year plan in the Capital Facilities element. Staff is leaning to the latter as the only place would need to change in the future would be in the transportation element so it keeps it simple for staff.

Commissioner Latimore – Done by August for DOT _____

Deborah Knight – yes, can do it independent. _____ Key is TIP incorporated into CIP, otherwise have to amend TIP.

Commissioner Latimore – As Eric finishes his work, he is _____.

Deborah Knight – No, met with Eric today so he has seen this, any changes would be forwarded to him; keeping him completely in the loop. _____

Commissioner Van Pelt – How realistic is project 64, isn't it a major expense?

Deborah Knight – probably will be major expense, but at the same time looking at what would we like to accomplish. Imagine it won't rank very high on the list, but if something were to happen to it in the future the project is listed. Other agencies look at the list first before they will get involved, however the board can chose to remove it.

Commissioner Cofer – How old is the Hwy 2 Bridge, how much longer do they expect it to survive there, and does it lend any more urgency to _____?

Deborah Knight – referred the question to Connie Dunn.

Connie Dunn – We have been participating with the US 2 route development plan, and the bridge has been a topic of discussion. Discussing temporary bridge across river and build a four lane bridge, or build a twin and have a bridge for each direction. They do realize there is a capacity issue. The city is looking to remove sewer and water mains off the bridge and put them under the river. First Street becomes a key part of

entering our downtown and our city. Idea is to do a separated interchange with First Street and Highway 2. An overpass/underpass exit onto First Street and into downtown may be a way to mitigate and answer a long range question.

Commissioner Latimore – Where was T25 originally?

Deborah Knight – referred them to the planning agenda attachment C1 proposed roadways, T25 listed there; just North of US 2 and Rice Road.

Connie Dunn – Was considered an unnecessary road _____.

Deborah Knight – _____.

Commissioner Latimore – Current development makes project unfeasible?

Deborah Knight – Yes, timber ridge _____ and other projects such as T26 would carry that same traffic.

Commissioner Latimore – So T25 has been in the comp plan and facility plan for a long time?

Deborah Knight – yes and staff recommendation is to delete it, but it is up to the board to decide.

Commissioner Cofer – How current of a map do we have access to?

Deborah Knight – Define map.

Commissioner Cofer – Arial photo.

Rick Cisar – 2003.

Commissioner Cofer – Where is that in relation to Timber ridge, _____

Rick Cisar –

Commissioner Cofer – the bulkhead or retaining wall they are building at the bottom end of Timber Ridge is not proposed to be a roadway, strictly a geo tech feature to hold the hillside?

Rick Cisar – on the south side?

Commissioner Cofer - _____

Connie Dunn – I believe we should get the plans and bring _____

Deborah Knight -

Commissioner Cofer -

Commissioner Latimore – _____

Deborah Knight – I think what we're proposing this evening is that if there is a project that doesn't make sense or _____ so you can see effects of change.

Commissioner Latimore - _____

PROBLEMS HERE – SEE TAPE.

3. Storm water Utility Formation Update – Public Works Director, Connie Dunn

Connie Dunn presented Leanne Acker to give a storm water update. Reviewed attachments and advised it is still in a draft format as work in progress.

Leanne Acker gave an update on the citizen advisory board progress regarding storm water utility formation. She gave a power point presentation reviewing the reason for storm water utility and background history to date.

Equivalent Residential unit average for Sultan is 4,519 square feet. 1,246 residential; 920 commercial, 75 1-4 plex multifamily, 2,241 total ERU's in Sultan. Total cost divided by ERU's creates the fee.

Presented a budget and explained that 2008 is higher, but then it drops considerably over 5 years. Added that a lot of work goes into prep and research the first year and that affects the initial costs. Added 5% increase annually to ERU's for development.

Reviewed the different fee options with the board and how that would impact the budget. Reviewed other sources of funding to consider; rate adjustment appeals, credits. Advised there is community outreach and public involvement projects in the process and their purpose was to inform the public and make them aware of the importance of storm water utilities.

Commissioner Cofer - the project revenues are concurrent with the Capital Facilities plan?

Deborah Knight - Water quality plan done in 2002, Capital Facilities plan short as it doesn't include projects _____ need to do another study to look at 7 year plan and need to decide to raise fee, lower fee, or keep same.

Commissioner Van Pelt - how does the fee compare to other cities?

Leanne Acker – About the third highest, _____

Commissioner Latimore - _____

Leanne Acker - \$12.75

Deborah Knight – referred board members to an appendix, then realized it wasn't included in their packet and advised them she will make it available to the board so they can see the calculations of ERU's to different properties. Romac had the highest number of ERU's at approximately \$1500 per year in fees for storm water. Advised the citizen group is looking at providing a credit and seeing how other cities handle the issue, and that will be brought to the board for a decision; advised it should be coming forward to the board at their last meeting in May or first meeting in June.

Commissioner Latimore – Table 2 _____ not all those ERU's are the same?

Leanne Acker – Very different, and the reason is it is based on your cities need.

Commissioner Latimore – Isn't apples to apples?

Leanne Acker – No, the actual numbers can never come from anyone else as the development determines what your city needs. ERU's and fees vary to each city's

need. Sultan can use methods which were found thru the phone survey; just provided general principles.

Commissioner Latimore – Asking for recommendation from board? Prefer flat rate method.

Commissioner Cofer - Agree.

Leanne Acker – Questioned Low to high, nobody agreed.

Commissioner Davenport-Smith – Asked board members why nobody wanted low to high.

Commissioner Latimore - _____ annual escalation may be reminder each year that they don't appreciate it.

Commissioner Schmidt – Keep it simple.

Commissioner Latimore – Escalation _____ projection in comp plan, perhaps can use that instead. Best to tie everything together.

Leanne Acker – yes, absolutely.

Commissioner Cofer –

Leanne Acker–

Commissioner Davenport-Smith - _____

Leanne Acker – can still do that if board wants; admitted it is a challenge the citizen advisory board faces.

Commissioner Latimore - _____ comparison for council recommended.

Leanne Acker – Will make sure they explore that.

Commissioner Cofer – Application for credit or appeal should be simplified as much as possible. Make it appear it is an achievable goal to encourage people to make an effort.

Commissioner Latimore – Great presentation.

ACTION – APPROVAL

Approval of the April 17, 2007 Minutes.

Board member Latimore requested changes as follows:

P 3, “became an illegal non conforming use” to “legal non conforming use”

Board member Schmidt requested changes as follows:

Pg 8, near the bottom: Remove "Is a citizen and is very puzzled on the process and what was to be included and the timeframe.

Insert "and the between "to us" and "as public"

Board member Van Pelt moved to accept the April 17th minutes with changes recommended. Board member Davenport-Smith moved to second the motion. All board members in favor; motion passed.

Public Hearing

Was removed earlier by Board member Latimore.

DISCUSSION ITEMS

None

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Loretta Storm – Advised the TIP is the most urgent and important of the three items reviewed tonight. Strongly urged all members to tour the streets on the map. Explained it makes such a difference when you are there and the reality comes home to you. Gave example of Dyer Road, and updated board as to the reason why Dyer Road citizens not happy with road extension expansion plans. The transportation map is a great improvement, however in addition to the current work there needs to be a pink line that will indicate improvement to existing county roads as some citizens think certain roads are in the city already. Some of the proposed roads, questioned if property owners are aware of city plans.

Deborah Knight – Noted need a road in this general vicinity, _____

Loretta Storm – "just a line on the map" occurred during the 2004 comp plan. Timber Ridge looks like a road, but has a problem with the process; no plat change for that; and is being built largely in front of the buffer, especially on the eastern side. Great to see board in action and asking questions. On the TIP, besides the roads being indicated, is there a study being performed of what the population that will be served by these roads?

Deborah Knight - yes, in the process.

Jeff Kirkman - storm water utility, is there a plan on how future development is going to happen? Will they go through the homeowners association, or will it become a function of the city?

Deborah Knight – talked a little bit about it at small work group, and still considering.

Josie Fallgatter – Great meeting and appreciated discussion; regarding the shorelines encouraged board members to look at language using "should" versus "shall". Need to make sure it is a useable, workable program. Unclear if mining was a permitted use?

Was it taken out of the Shoreline Master Plan? _____ if it hasn't been taken out, please take it out. Will any of the maps _____.

Commissioner Davenport Smith – Referred to map on display.

Josie Fallgatter - _____ will the city be enforcing permits in the shoreline designated areas? Regarding the TIP, echoed Loretta's comments about

Trout Farm Road residents _____ while you're changing _____ requires that those roads go in. Keep in mind, when board members look at the TIP they need to also look at housing projects as well. Referenced 600 homes on Morris property on Trout Farm Road, will need other roads; as well as Scott's Hill off Trout Farm Road, citizens are opposed to road going through.

Commissioner Van Pelt – confirming county still?

Josie Fallgatter – yes, but will be annexed, it is inevitable. Like to see it

PLANNING BOARD COMMENTS

Commissioner Davenport-Smith – appreciates public and staff. See mining element still in SMP, pg 39 refers to mining environment _____ permitted as shoreline conditional use. Noticed the “should” versus “shall”

Deborah Knight – asked for page #'s again.

Commissioner Davenport-Smith – pg 56 _____ pg 57 #2 says

Commissioner Van Pelt – agree with Davenport Smith, also thanked participants and consultants.

Commissioner Cofer – nice to see our public is back; want to see current Aerial photo as board proceeds. Especially for public open house for current landmarks and current public roads updated as much as possible.

Deborah Knight – one possibility is _____.

Rick Cisar – probably the most accurate one we have.

Brief discussion between board and staff regarding aerial photo update.

Commissioner Latimore - thinking similar to land use board which may catch attention of public.

Rick Cisar - Can look at it and consider that option.

Commissioner Latimore

Commissioner Davenport-Smith – Likes the idea.

Commissioner Latimore - the boards that catch public attention.

Deborah Knight & Rick Cisar advised they will do brainstorming on how to get the attention of the public.

Board member Cofer moved to adjourn; seconded by Board member Schmidt; all in favor.

Planning Board meeting ended at 9:42 p.m.

Attachment 4

SULTAN PLANNING BOARD AGENDA ITEM COVER SHEET

ITEM NO Staff Update Shoreline Master Program (SMP)
DATE: April 17, 2007
SUBJECT: Adoption schedule Shoreline Master Program
CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY:

I have provided the Planning Board with a copy the Final April 2007 Draft of the updated Shoreline Master Program (SMP) for the City of Sultan. I have also prepared a brief summary for the Board of the development of the updated SMP and the role of the Planning Commission, City Council, Consultants, Staff, Department of Ecology, and the State Attorney General's Office.

The SMP update was initiated with a grant from the Department of Ecology (DOE) to complete an update of our SMP to be consistent with state guidelines. The City received the first grant in May of 2002. Thereafter, the City received two additional grants from DOE for a total update SMP cost of approximately \$76,000.00

The City in 2002, contracted with BHC Consultants to complete the update of the SMP and coordinate the program with the Department of Ecology (DOE). At this time, BHC was under contract with the City for several Public Works projects and had the staff expertise to complete the update.

The first meeting with the Planning Commission for the update was held in August of 2002. Since that first meeting the consultants, staff and the Planning Commission conducted 10 public meetings, one open house, and one Public Hearing in March of 2006. The Public hearing conducted by the Planning Commission was on the February 2006 Draft SMP. The Planning Commission, after the public hearing, forwarded their recommendation to the City Council for approval of the February 2006 Draft SMP.

The City Council conducted a Public Hearing on the Draft SMP on March 9, 2006 which was continued to the March 23, City Council meeting which was again continued to April 13, 2006 City Council meeting. The City Council continued the public hearings for the three meetings to ensure and allow public participation and public comment on the draft document.

The public hearing was closed at the April 13, 2006 City Council meeting and the Draft SMP was forwarded to the Department of Ecology for their final review and coordination with State Attorney General's Office.

The Department of Ecology and the Attorney General's Office completed their review and revisions to the February Draft SMP in April of 2007. The March 29, 2007 Memo included in the binder from Roger Wagoner and Aubin Philips, BHC Consultants, summarized the revisions by the Department of Ecology and the Attorney General's office.

The changes occurred in Chapters 5 and 6 which are attached to the staff report. The specific changes are highlighted in green though out both chapters. The text of the March 29, 2007 memo from Roger Wagoner and Aubin Philips reads as follows:

"Many changes have occurred in the SMP within the last year. The majority of these changes are small and occur throughout the document, but there have also been some more substantial changes such as additions to policies and regulation in Chapter 5 and the incorporation of referenced ordinances throughout the document.

In April 2006, changes were made to the Restoration Plan and the Cumulative Impacts Analysis. Most of the changes made to these two sections were to add clarification statements and further detail to the exiting information. The tables included in these sections were also added to and referenced were appropriate.

In June 2006, changes were made to chapters 5 and 6 based on comments from the Department of Ecology. Most of the changes were for clarification and to strengthen existing policies and regulations. Other changes were made to ensure that the policies and regulations are consistent with WAC guidelines.

In September 2006, we received additional comments from the State Attorney General's Office. This letter reviewed the requirements of ordinances that are incorporated into the SMP to satisfy guideline requirements, and the need to clearly cite these references throughout the document. This letter also requested that the SMP include specific density and setback requirements for the shoreline environments rather than using the underlying zoning. Last, this letter asked that the city include the enforcement procedures required by the WAC and RCW for civil and criminal penalties.

In December 2006, we received a follow up letter from the State Attorney General's Office. Comments in this letter addressed further refining the Shoreline Development Standards Table in Chapter 5 by defining a few terms and clarifying buffer requirements. We also received more specific language regarding incorporation of the referenced ordinances throughout the SMP and those found in the appendices, and we made sure to exclude specific sections which were in conflict or not applicable under SMA. We also went through the SMP and added statements that where there is a conflict between city regulations, those which are the most protective of the ecological functions will apply.

In January 2007, we received another letter from the State Attorney General's Office following up on a few remaining issues. These final changes required full citations for the incorporated ordinances including the full ordinance number and date. The incorporation language was clarified and appendices where the incorporated ordinances are located were referenced.

Therefore, the April 2007 Draft we have provided to the Planning Board is the Final Draft of the SMP.

Staff has prepared a Schedule for Review and Adoption of the SMP which is included in the binder to Finalize the update of the SMP. Please note the Joint City Council and Planning Board Workshop scheduled for May 10, 2007.

A Department of Ecology representative and BHC Consultants will be attending the workshop to review the Final SMP Draft.

In closing Mr. Roger Wagoner of BHC Consultants will be attending the Planning Board's May 1, 2007 meeting to review the Final Draft document.

ACTION REQUESTED:

This is an informational item for the Planning Board and no action is required