

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: D-3
Annual Comprehensive Plan Docket

DATE: June 11, 2007

SUBJECT: Comprehensive Plan Amendment Applications

CONTACT PERSON: Rick Cisar, Director of Community Development

ISSUES:

The issues before the City Council are:

1. Establish the Comprehensive Plan Annual Docket for 2007 to include new petitions submitted by the established June 30 deadline and previously docketed applications (Exhibit 3 and 4) that have not been addressed. The 2007 Docket will include a redocketing of the 2005 petitions submitted by Bart Dalmasso and the City of Sultan.
2. Finalize the public participation procedures for Comprehensive Plan Amendments (Exhibit 1). The City Council in considering the revised public participation procedures recommended by the Board requested City Staff to provide separate procedures for the Comprehensive Plan and Development Regulations. City Staff is currently preparing the revised procedures and ordinances for review by the City Council in conjunction with the current Comprehensive Plan update.
3. Discuss proposed Draft Comprehensive Plan Docketing Procedures (Exhibit 2). Issues have been raised regarding the current docketing procedures and the lack of timelines in processing an application. Several examples are being provided to the City Council in order to begin discussions on recommended revisions to the current docketing process and procedures.

BACKGROUND:

In 2002, the City of Sultan adopted the attached Comprehensive Plan Amendment Review and Public Hearing Procedure (Exhibit 2) as required by RCW 36.70A.130 Comprehensive Plans - Review Procedures and Schedules - Amendments to provide for a process to amend the various elements of the Comprehensive Plan. Amendments to the plan are typically initiated by property owners, City Council, Planning Board or City Staff.

PENDING DOCKET APPLICATIONS

In 2005, the City received two applications for amendments to the 2004 Comprehensive Plan. One application from Bart Dalmasso (Exhibit 4) to review the zoning designations along US 2 and a second application from City Staff to consider the following:

1. Incorporate the Water, Wastewater and Stormwater plans into the appendix of the Comprehensive Plan as a reference.
2. Update the Urban Growth Area (UGA) based on the final recommendation of the Snohomish County Council and include required plan, regulation, map and policy changes.
3. Review Appendix B: Level of Service (LOS) for Transportation, Parks, Police, water and wastewater etc. to determine if our current standards are adequate and reasonable.
4. Incorporate Sultan School District CFP.
5. Refine Park Element.
6. Incorporate 2006 Capital Facility Plan Update.
7. Update Map Folio.

The two applications were docketed by the City Council on November 9, 2005 and referred to the Planning Commission for review. The cost of amending the Comprehensive Plan, in consideration of the two applications, was estimated at \$35,000.00. A pending grant application with the Department of Community Trade and Economic Development, unfortunately, was not approved. Therefore, review and consideration of the two petitions was delayed pending additional funding. However, several items in the petition have been completed, are near completion, or are pending discussion later this year:

1. The Water, Sewer and Storm Sewer Plan updates.
2. The Urban Growth Area Map has been updated to reflected the actions of Snohomish County in 2005 and 2006.
3. The Level-of-Service Standards for Transportation, Parks, Police, Water, and Sewer will be considered after adoption of our current Comprehensive Plan Update later this year.
4. The Sultan School District Plan has been approved by the Snohomish County Council and is being scheduled for review by the Sultan Planning Board.
5. Updating the Park Element is under review as part of the current Comprehensive Plan Update.
6. The 2007 Capital Facilities Plan has been approved and will be included as part of the Comprehensive Plan Update.
7. The map folio will be updated to include mapping revisions from the current Comprehensive Plan Update, the Shorelines Program, and Utility and Transportation Plan Revisions.

8. Review of the US 2 Zoning Designations requested by Mr. Dalmasso. The City Council may delay this Application and consider it concurrently with the review of the City's growth strategies in th Comprehensive Plan as proposed by City Staff.

PETITION FOR CONSIDERATION:

In March of 2007, the Mayor and City Council received a petition (Exhibit 5) from residents of the Dyer Road and Skywall Drive neighborhoods to delete:

1. The proposed roadway connenction of Dyer Road and Skywall Drive as identified as Proposed Roadway Number 28 on the Transportation Plan Map, and;
2. The proposed sewer pipline extension on both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map.

The Dyer/Skywall Roadway connection is currently under review as part of our Transportation Plan Update by Perteet Inc. Cty Staff is recommending an emergency vehicle connection only.

City Staff is also recommending the proposed sewer lines remain in both Dyer Road and Skywall Drive in order to serve the Moderate Density Zoning as required by the Growth Management Act. The existing septic systems may be required to be eliminated in the future due to potential health problems from septic system failure, or to service growth.

These issues will be discussed and a final decision made during the plan update currently underway.

NEW DOCKET APPLICATIONS:

This year, City Staff is proposing Comprehensive Plan Amendments to evaluate the growth strategies in the Comprehensive Plan (Exhibit 6). The City's 2004 Comprehensive Plan is built on a "phased growth" strategy and specific implementation actions such as:

1. Coordinate overall growth policies so that residential development follows rather than preceeds economic development and Sultan's ability to pay for increased and improved school, fire, aid, police, and other urban services.
2. Phased delivery of utility services so that Sultan public services and facilities can be coordinated in advance of each area's development needs.
3. Do not over expand City Limits or allow major additional residential development within the Urban Growth Area.
4. Limit potential population growth that could occur from development or annexation within City boundaries.

5. Complete development of the available lands that are within present City Limits.
6. Prioritize planning unit development phasing sequence and phase the approval of land use changes and utility extensions to correspond with existing and potential utility capacities to avoid overloading or over extending sewage collection and wastewater treatment plant capacities.

Those Comprehensive Plan Goals and Implementation Strategies are not in alignment with the Council and Community's expressed desire to encourage residential development in order to attract retailers. The City Council should re-evaluate the Comp Plan Growth Strategy to confirm or amend the strategy before proceeding to update the City's Development Code to implement the Comprehensive Plan.

This proposal is tied to the City's 2008 Budget discussions. The City will need to set aside approximately \$100,000.00 in the 2008 Budget to review the Comp Plan Growth Strategies.

RECOMMENDED ACTION:

1. Consider the proposed 2007 Comprehensive Plan Amendment Application proposed by City Staff and suggest amendments or additions the Council feels are necessary to successfully implement the Comprehensive Plan.
2. Discuss proposed Comprehensive Plan Docketing Procedures.

Attachments:

- Exhibit 1 - Public Participation Procedures
- Exhibit 2 - Sample Comprehensive Plan Docketing Procedures
- Exhibit 3 - 2005 Amendment Petition by Dalmasso
- Exhibit 4 - 2005 Amendment Petition by City Staff
- Exhibit 5 - Dyer Road and Skywall Drive amendment petition 3/7/06
- Exhibit 6 - 2008/2009 Comprehensive Plan Update Task List
- Exhibit 7 - RCW 36070A.103
- Exhibit 8 - Memo from Perteet Inc. dated March 23, 2007 - GMA Compliance Strategy

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

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 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 Code.)
- 2) Posted at City Hall (required by Code)
- 3) Posted at the Post Office (required by Code.)
- 4) Posted on City Web Site, and other available sites of known interest.
- 5) E-mailed to Parties of Interest who have requested a notice.
- 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 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).

Exhibit 1

- 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
·Post on Public Access Channel
·Agenda e-mailed to parties of interest who have requested notification.
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 Code)
·Post at City Hall & Post Office (Required by Code)
·Post on City Web Site and other available sites of known interest
·Post on Public Access Channel
·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.



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).

Docket codes

Purpose/Introduction:

- Establish the process and criteria for changing the comprehensive plan or land use map.
- Relationship to GMA – seven year cycle
- Role of public, planning commission
- Type of decision within Code

Submittal requirements: Normal submittal requirements include:

- Pre-application submittal – pre-application form, a general summary, and the fee
- Application submittal
 - Application form
 - Project narrative
 - Amendment in “bill” format
 - Extent of change
 - Description of surrounding area
 - Specific request
 - Statement of consistency with criteria
 - SEPA checklist
 - Fees
 - Reports identified by staff (geotechnical, critical area, visual quality, etc.)

Process:

- Applicability
 - Who may apply
 - Only once a year for site-specific amendments, except for:
 - Emergencies
 - Initial adoption of a subarea plan
 - SMP adoption
 - Capital facilities plan
 - Hearings Board or court decision
 - File with specific official (Clerk, Planning Director)
 - Differentiate between types of amendments (textual, map, both; the extent-based on location or amount of change; differentiate by the year within the seven year cycle)
 - Criteria for finding that the comprehensive plan change is justified
 - Process for seven year updates – schedule
 - Amendments that do not require a change to the comprehensive plan can be submitted at any time
- Review process
 - Pre-application conference (determine extent)

- Application with date deadline for the year set by code or by administrative policy/procedure– may be flexible with date (if you miss deadline, MAY still be considered)
- SEPA Review
- Public comment and agency comment
- Analysis by staff with recommendation
- Planning Commission Review – public hearings (one or more)
- Planning Commission Recommendation
 - Based on criteria in code
 - Consider input of public, staff, and the SEPA analysis
 - Findings required for denial
 - Within a certain number of days of hearing(s)
 - “May recommend approval, denial, or approval with conditions”
- City Council Review and Decision – may be used with or without Planning Commission process
 - Based on criteria in code, staff recommendation, planning commission recommendation
 - Coordination with budget discussions
 - “May approve, deny or approve with conditions”
 - Findings based on criteria in code
- Denied Amendments may not be considered in the next cycle, unless they are substantially different, or they were denied for lack of documentation sufficient to support an extended proposal
- All public hearings require legal public notice; public meetings should also provide notice
- After the comprehensive plan or map is changed, the City code must be changed to be consistent with the plan and map.

Docket – Not all jurisdictions use the word docket:

- Preliminary docket
 - All applications are on the preliminary docket
 - Long-range planning makes a recommendation on the docket
 - Joint workshop between planning commission and city council – optional
 - Planning Commission – recommendation to city council on each proposed amendment without changing the language, OR determine the final docket
 - Public hearing sometimes used
 - Can suggest changes, or alternatives to the amendment or further amendments
 - City Council decision
 - Timeline
 - No public hearing required, unless substantial changes are made to the planning commissions recommendation

- Can suggest changes, alternatives to the amendment or further amendment
 - No additional amendments except for the capital facilities and utilities element, or for an emergency
- Final docket
 - Staff report prepared by long range staff
 - SEPA review
 - Public notice and comments
 - Review by CTED – 60 day review
 - Public hearing by Planning Commission based on decision criteria
 - May follow a process including sub-committees with Planning Commission members and the public
 - Recommendation by Planning Commission to City Council – “may recommend approval, denial or approval with conditions”
 - City Council process
 - Workshop-optional
 - Public hearing
 - “May approve, deny or approve with conditions”
 - Remands back to Planning Commission should include which matters should be reconsidered
 - Amendments are adopted by ordinance
 - Timeline for action
 - Transmittal to CTED with a deadline
 - Appeals to Growth Hearings Board consistent with RCW 36.70A.

Decision criteria: The amendment must meet a certain number of criteria. Burden of proof is on the applicant:

- Complete application
- Circumstances:
 - Technical error in plan or code
 - Change in circumstances from last update
 - Assumptions of the plan are not valid due to new information
 - Amendment is consistent with community values
 - Growth rate is different than what the comprehensive plan envisions
- Regulatory: Compliance with GMA and other state and federal laws
- Resources:
 - City has the resources to implement the change
 - Meets concurrency requirements for transportation, sewer and water
 - No significant adverse effect on community resources – water, utilities, transportation, police, fire, emergency medical services, other governmental services, parks, or schools
 - No unmitigated impacts to environmental features
 - No uncompensated burden on existing or planned service capabilities
 - Will not decrease the level of service

- Internal Consistency: Consistent with the comprehensive plan, including the land use and growth projections, and the overall intent of the comprehensive plan (vision, overriding principles, and overall goals)
- Inter-jurisdictional Consistency: Consistent with countywide planning policies, other jurisdictional plans
- Cumulative Effect: Consider all amendments concurrently to evaluate the cumulative effects on the comprehensive plan and map, development regulations, capital facilities program, environmental policies and other measures.
- Land Use Impacts:
 - The parcels impacted are physically suitable for the proposed change and proposed uses with regard to access, provision of utilities
 - No adverse impact to public health, welfare and safety
 - Compatibility with neighboring land uses and surrounding neighborhoods – no pressure created to change the land use designation of neighboring parcels OR, the neighboring parcels are putting pressure on the subject property to change
 - Cumulative land use impacts

Public involvement:

- Identify the public involvement opportunities - Venue
 - Planning commission
 - City Council
 - Other committees as necessary depending on scope of proposal
- Types of comments
 - Public noticing
 - Written comments
 - Open discussion at meetings
 - Informal discussion at City
 - Public hearing
- Neighborhood meetings – optional
- Emergency amendments still require public comment

Revocation:

- Revocations allowed outside the cycle when:
 - Approval obtained by fraud or intentional or misleading representations
 - Implementation is contrary to the intended purpose of the amendment or other provisions of the comprehensive plan or city regulations
 - Implementation is detrimental to public health or safety

Appeals: Appeals are in accordance with state law, including RCW 36.70A, 43.21C, and/or 90.58. Only parties of record may appeal

General Comparison of Comprehensive Plan Amendment Processes

Jurisdiction	Frequency	Type of Amendment	Pre-Application	Application Due	Setting Docket	Decision Due	Notes
Clark County	Annual	Map Amendments	Required	Jan. 1-Feb. 1	N/A	Fall	The required pre-application requirement replaces the docketing process
	Annual	Text Amendments	Required Apps. due Oct. 15- Nov. 30 Pre-app meetings complete by Jan. 1				
King County	Annual	Technical Corrections	No	Sept. 30	By Executive beginning of Dec. (may appeal decision to Council) April 30	Set by Council upon receipt of docket Approx. 1 year with exceptions for capital facilities and transportation to coincide with budget	The 4 year cycle allows applications to be considered with the 5 year Buildable Lands review. Exceptions made for capital facilities, transportation, state mandates etc...
	Annual	Minor Site Specific Map Amendment Excluding UGA	Yes				
	4 Year	Major Policies and UGA Amendments	No	From Executive to Council by March			

Jurisdiction	Frequency	Type of Amendment	Pre-Application	Application Due	Setting Docket	Decision Due	Notes
Kitsap County	Annual Annual	Map Amendments Text Amendments	Required Required	Determined by Council	Determined by Council	Determined by Council	County keeps list of needed amendments. Council meets once a year to determine if a review is necessary. Then a schedule is set.
Pierce County	3 year 3 year	Map Amendments Text Amendments	No No	Oct. 1-Dec. 1		Approx. 1 year	Last initiated in 2005
Thurston County	Annual Annual	Map Amendments Text Amendments	No No	Determined by Council Nov. 15 for 2006	Determined by Council March 16, 2006	Determined by Council	
Whatcom County	Annual Annual	Map Amendments Text Amendments	No No	Dec. 31	Feb. 1	Dec.	
Yakima County	Annual Annual	Map Amendments Text Amendments	No No	June 1	By Planning Commission	Dec. 31	Docket may be suspended during a general update
San Juan County	Annual Annual	Map Amendments Text Amendments	No No	Spring	Spring	Dec.	

Jurisdiction	Frequency	Type of Amendment	Pre-Application	Application Due	Setting Docket	Decision Due	Notes
City of Tacoma	Annual	Map Amendments	No	By Dec. 31	Planning Commission in spring	Dec.	
	Annual	Text Amendments	No				
City of Vancouver	Annual	Map Amendments	Yes	July 28	N/A	Dec.-Jan.	
	Annual	Text Amendments	Yes				
City of Redmond	Annual	Map Amendments	No	June 19	By Planning Commission and Council July-Aug.	Dec.-Jan.	
	Annual	Text Amendments	No				
City of Bellevue	Annual	Map Amendments	No	End of Jan.	Feb.	Sept.-Oct.	
	Annual	Text Amendments	No				
City of Olympia	Annual	Map Amendments	No	Nov. 7	Dec. 5	Oct.-Nov.	
	Annual	Text Amendments	No				

Amendment Element

Amending the Comprehensive Plan

King County and the City of Newcastle are required to review their Comprehensive Plans and development regulations at a minimum of every ten years. In addition, the GMA establishes that a governing body is generally not permitted to amend the Comprehensive Plan any more frequently than once a calendar year, except in cases of emergency

Proposed amendments must be consistent with the GMA and King County Countywide Planning Policies. In addition, proposed amendments must be reviewed relative to the plans of adjacent jurisdictions, and all proposed amendments proposed in any one year must be considered concurrently so that the cumulative effect of the various proposals can be determined. Under certain circumstances, amendments may be considered more frequently than once per year, such as:

The initial adoption of a subarea plan;

The adoption or amendment of a shoreline master program;

The amendment of the capital facilities element of the plan that occurs concurrently with the adoption or amendment of the city budget;

To resolve an appeal of a Comprehensive Plan filed with a Growth Management Hearings Board or with the court.

Types of Amendments

For the Comprehensive Plan to function as an effective decision making document, it must be flexible enough to accommodate changes in public attitudes, developmental technologies, economic forces and legislative policy, yet focused enough to insure consistent application of development principals. The City of Newcastle allows consideration of three types of plan amendments:

Comprehensive Plan Review and Amendment: The Comprehensive Plan review is the conducted no less than every seven years. This review is conducted in response to the GMA requirement that the King County review its designated urban growth areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. The Comprehensive Plan review examines the entire Plan, including a re-evaluation of goals, population projections, and land densities, and a review of land use, transportation, environmental, open space and parks, and community facility policies and proposals.

Annual Plan Review and Amendment: The second type of Comprehensive Plan review and amendment relates to site-specific requests and minor policy changes. In some cases, amendments to the Plan may be necessitated by amendments to the GMA or King County Countywide Planning Policies or changes in federal or state legislation. These types of plan amendments or development regulations may be undertaken once a year, and may be recommended by the City Council, Planning Commission, City staff, or citizen.

Emergency Plan Amendment Consideration: The Comprehensive Plan may be amended outside the normal schedule if findings are adopted (by City Council resolution) to show that the amendment was necessary, due to an emergency of a neighborhood or citywide significance. Plan and zoning amendments related to annexations may be considered during the normal annexation process and need not necessarily be coordinated with the annual plan amendment schedule. The nature of the emergency shall be explained to the City Council, which shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule

The City requests that Comprehensive Plan amendment proponents provide the following information in their application for amendment:

- A statement of what is proposed to be changed and why.
- A statement of the anticipated impacts of the change, including geographic area affected and issues presented.
- A description of any changes to development regulations, modifications to capital improvement programs, subarea, neighborhood, and functional plans required for implementation so that regulations will be consistent with the Comprehensive Plan.

Review and Comprehensive Plan Amendment Process

The review and Comprehensive Plan amendment process is developed to meet the requirements of ESHB 1724 and any revisions to RCW 36.70A. The annual review and amendment process provides an opportunity to refine and update the Comprehensive Plan and to monitor and evaluate the progress of the implementation strategies and policies incorporated therein. It directs the method by which the City, private property owners, developers, community groups, or individual citizens may request changes to the planned land uses on property or propose changes to the goals and policies of the Plan.

During the review and amendment process, the Planning Commission and City Council shall consider current development trends to determine the City's progress in achieving the goals established in the Comprehensive Plan. Information to be considered may include vacant land absorption, residential and economic development, number and types of housing units authorized by building permit, the affect of changes to adopted functional plans in the community, and activity levels in subdivision approvals, annexations, and building permits.

Other information that may be relevant to consider includes the current capacity status of major infrastructure systems for which levels of service have been adopted in the Comprehensive Plan and the levels of police and fire services being provided by the City. The process may also include monitoring of overall population growth and relative comparison with the forecast growth projections contained in the Comprehensive Plan.

Public Involvement

The annual review and amendment process requires public participation, both through community meetings to familiarize the public with the amendment proposals, as well as a formal public hearing before the City Council. Proposed plan amendments must be submitted to the State Department of Community, Trade, and Economic Development (CTED) for review at least 60 days prior to final City Council adoption.

Implementation and Amendment Policies

The following policies are recommended to reflect the annual plan review and amendment process:

- IA-P1 The City of Newcastle's Community Development Department shall schedule annual review of the Comprehensive Plan, to consider the need for amendments. At that time, both City-initiated, and private party or developer-initiated amendment requests will be considered.
- IA-P2 All Comprehensive Plan amendments shall be processed together with any necessary zoning, subdivision or other ordinance amendment, to ensure consistency.
- IA-P3 Amendment procedures shall be fully outlined in the City of Newcastle's land development regulations.

Plan Review and Amendment Schedule

The plan amendment process is designated to be flexible and accommodate unique conditions. Comprehensive plan amendments submittals from the public are accepted throughout the year. Requests will be processed in accordance with the adopted regulations. The timing of the process is intended to conform to the following generalized schedule:

- June 1st City solicits public requests for Comprehensive Plan amendments.
- July 15th Deadline for submitting proposed amendments to the Department of Community Development.
- August Planning Commission culls the docket and forwards their recommendations to the City Council for their consideration.
- Oct/Dec City Council decides which proposed amendments should be considered and establishes a plan amendment schedule.
- Jan/Feb Planning Commission evaluates the proposed amendments and forwards their final recommendation to the City Council.
- March/April City Council reviews the recommendation, holds a public hearing, and decides on adoption of the proposed amendments.

The Planning Commission and the City Council shall consider all amendment proposals concurrently so that cumulative impacts can be determined.

City of Bellevue Submittal Requirements	53														
COMPREHENSIVE PLAN AMENDMENT AND PROCEDURES GUIDE															
<p>Thank you for using this guide. If you need assistance in completing the application forms or have questions regarding the Comprehensive Plan Amendment (CPA) review process, see Permit Processing. Call the Department of Planning and Community Development—Planning Division at 425-452-6800 between 8 a.m. and 5 p.m. Monday through Friday. You may also visit our Web site at http://www.bellevuewa.gov/pcd_homepage.htm. Assistance for the hearing impaired: dial 711.</p>															
<p>Purpose The Comprehensive Plan (the Plan) is a document which guides the nature and intensity of development in the City of Bellevue. An amendment to the Plan is a mechanism by which the city may periodically modify its land use, development, or growth policies to reinforce the role of the Comprehensive Plan in guiding growth in our community.</p> <p>Comprehensive Plan Amendments are legislative decisions made by the City Council, and include public notice and Planning Commission public hearing requirements. CPAs are Process IV decisions under Land Use Code (LUC) 20.30I.</p> <p>The Procedures Guide assists you in participating early and continuously in the annual CPA work program. The annual CPA work program is the process by which amendments are reviewed and evaluated for the Comprehensive Plan. The City Council will consider amendments to the Comprehensive Plan on an annual basis only, except for emergencies.</p> <p>Applications to initiate an amendment may be submitted between December 1 and January 31 for the immediately following year's annual CPA work program. Fill out the forms (available online and at Permit Processing), make the application in person, and pay the application fee.</p> <p>PLEASE NOTE that CPA review is a two-tiered process. The first Threshold Review process (LUC 20.30I.130.A.1.a) determines whether applications should be included in the annual CPA work program. The second Final Review process (LUC 20.30I.130.A.1.b) evaluates those applications that have made it to the annual CPA work program, where a final decision is made.</p> <p>If you are initiating a site-specific CPA and want to combine it with a Concurrent Rezone, please refer to Submittal Requirements Sheet 53b included on page six of this Guide. A concurrent rezone application provides the opportunity to shorten the overall review time for CPA and rezone of a specific site. However, the rezone application will be only reviewed sequentially after CPA adoption, and the rezone application will be cancelled if the CPA is not adopted.</p> <p>Information on the CPA process (including the Procedures Guide), applications and materials, and other review milestones are available in hard copy and on the Web site.</p> <p>Annual CPA work program general timeline</p> <table style="width: 100%; border: none;"> <tr> <td style="padding: 2px;">December – January</td> <td style="padding: 2px;">Application acceptance period to initiate Comprehensive Plan amendments</td> </tr> <tr> <td style="padding: 2px;">February 1</td> <td style="padding: 2px;">List of initiated applications is established</td> </tr> <tr> <td style="padding: 2px;">March – April</td> <td style="padding: 2px;">Threshold Review/geographic scoping/study sessions/public hearing before the Planning Commission</td> </tr> <tr> <td style="padding: 2px;">April - May</td> <td style="padding: 2px;">City Council establishes annual CPA work program</td> </tr> <tr> <td style="padding: 2px;">April</td> <td style="padding: 2px;">Concurrent rezone application is "split-off" for later Process III review</td> </tr> <tr> <td style="padding: 2px;">April -July</td> <td style="padding: 2px;">Final Review/study sessions/public hearing before the Planning Commission</td> </tr> <tr> <td style="padding: 2px;">September-October</td> <td style="padding: 2px;">City Council action on proposed amendments</td> </tr> </table>		December – January	Application acceptance period to initiate Comprehensive Plan amendments	February 1	List of initiated applications is established	March – April	Threshold Review/geographic scoping/study sessions/public hearing before the Planning Commission	April - May	City Council establishes annual CPA work program	April	Concurrent rezone application is "split-off" for later Process III review	April -July	Final Review/study sessions/public hearing before the Planning Commission	September-October	City Council action on proposed amendments
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1															

PROCEDURES TO INITIATE AN AMENDMENT

Who may apply

Any person or entity may initiate a **non site-specific** amendment to the Plan, i.e., a proposal to change Plan text language. Property owners or their authorized agents may initiate a **site-specific** amendment to the Plan. You are encouraged to meet with Comprehensive Planning staff before submitting the application. Contact Comprehensive Plan staff at 425-452-7857 for details.

Step 1: The Application

Applications to initiate an amendment may be submitted between December 1 and January 31 for the immediately following year's annual CPA work program.

The application form offers the opportunity to submit an application for either a site-specific or a non site-specific CPA. After the initial project and applicant information (applicable to either type of CPA) is completed, an applicant is directed by sequential **Block** to complete the required information.

Block 1 is self-explanatory, requiring location and designation details for a site-specific CPA.

Block 2 requires an applicant to propose non site-specific amendment language. This type of CPA is typically used to propose changes to the text of the Plan.

An applicant is then asked in **Block 3** (for either type of CPA) to describe support, reasoning or background information addressing why an amendment is being proposed.

The final application block is divided into two sections. **Block 4a** (for either type of CPA) requires the applicant to describe consistency with all relevant Threshold Review decision criteria. See page five of this Guide for these criteria; they can also be found in LUC 20.30I.140.

This block allows the applicant to state their case for including the proposal in the annual work program using the same decision criteria that the staff will use to make its recommendation to the Planning Commission. If a proposed amendment is added to the annual CPA work program for final review, applicants will then be asked by staff to respond to the slightly different Final Review Decision Criteria. These can be found on page five of this Guide; they can also be found in LUC 20.30I.150.

Responding to the "significantly changed conditions" decision criterion in Block 4a

One decision criterion has historically been the subject of considerable discussion during the CPA process:

- *The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions..."*

Demonstrating evidence of change is the purpose of the "significantly changed conditions" decision criterion that is found in both Threshold and Final Review decision criteria. Applicants should understand the application of this criterion, including the definition of this term (in the Glossary at LUC 20.50.046):

- **Significantly changed conditions.** *Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the*

Comprehensive Plan to function as an integrated whole. This definition applies only to LUC 20.30I - Amendment and Review of the Comprehensive Plan.

The following list includes three examples of significantly changed conditions from recently approved CPAs, as well as one potential future example:

- The 2002 General Commercial (GC) Amendment (ref. Ordinance No. 5433), where changes in the economic climate and retail development patterns led to a change in the definition of the GC district and in the land uses which are allowed in the GC district.
- The 2003 Botch Family CPA (ref. Ordinance No. 5487), where the implementation of the Single Family—Urban Residential (SF-UR) designation, changes in the housing market, and changes in conditions surrounding the subject site led to reconsideration of the appropriate residential density on this site.
- The 2005 Tax Lots Triangle CPA (ref. Ordinance No. 5654), where the adjustment at a regional level to include this site in the city's Urban Growth Boundary led to the need for establishing a Comprehensive Plan map designation for the site.
- An example that may become significant in the future is the impact of the extension of High Capacity Transit (HCT) in Bellevue, and its effect on land use around proposed HCT station sites.

The following list includes three examples used in recent applications that were **not** considered significantly changed conditions:

- *Growth itself.* While a changed condition could be the rate and timing of growth either above or below that anticipated in the Plan, growth itself is planned for in the Comprehensive Plan.
- *The passage of time.* If time merely passes without changes as discussed in the previous example, there is no changed condition.
- *Housing supply and affordability provisions of the Growth Management Act (GMA).* It has been argued that the GMA is a changed condition, requiring communities to provide for more housing supply because of the GMA's urban growth focus. The King County Growth Management Policy Committee sets housing targets for the county and its cities. It is the responsibility of each city and the county to ensure adequate zoned land to accommodate its housing target. Bellevue has done this. Requesting higher residential densities and citing the GMA is not a changed condition. Bellevue's Comprehensive Plan was adopted in compliance with the GMA and contains elements responsive to the housing target provisions. However, *amendment* of the GMA or the regional planning policies raising consistency issues for Bellevue could be a changed condition warranting a consideration of a CPA.

Finally, **Block 4b** allows an applicant to respond to the decision criteria for a Rezone if a concurrent rezone application is being made. See the last page of this guide for these criteria; they can also be found in LUC 20.30A.140. Please note that although an applicant should submit responses to these criteria with the concurrent rezone application, the rezone application will be canceled if the CPA is not adopted into the annual CPA work program.

Notes on other application materials

Public hearing notice requirements for Comprehensive Plan Amendments are described in LUC 20.35.420. The City of Bellevue provides mailed noticing materials, including labels. The City of Bellevue also produces and installs public information signs for proposals involving site-specific property. Applicants will be charged \$195 per sign that is installed.

Applications require a SEPA environmental checklist (#27) and a Supplemental Sheet for Non Project Actions (#28). Applicants should refer to the Comprehensive Plan Amendment Submittal Requirements sheet for environmental review details.

Step 2: Determination of the Annual CPA Work Program – Threshold Review

As part of early and continuous public participation, the city will maintain a list of the CPAs that have been initiated for the year.

During Threshold Review the Planning Commission may expand the geographic scope of a site-specific proposal to allow for consideration of nearby, similarly situated property.

The Planning Commission will hold a Threshold Review public hearing and then make recommendations. The City Council will review those recommendations and the Threshold Review Decision Criteria to determine which initiated amendment proposals should be included in the annual CPA work program.

The City Council can determine that an initiated application will not be included in the year's annual CPA work program and (a) have no further action taken on it; (b) at Council discretion, be included in a previously established ongoing work program; or (c) at Council discretion, be included in the next Comprehensive Plan Update (CPU) required by RCW 36.70A.130(4).

Three-year limitation on applications

Applications that have no further action taken on them after Threshold Review, or which are not adopted after Final Review, must wait three annual amendment cycles (i.e. three years) before the same or substantially similar proposals can again be initiated. See LUC 20.30I.A.2.d.

Step 3: Review of the Annual CPA Work Program – Final Review

The City Council will then direct the Planning Commission to hold a Final Review on the proposed amendments in the annual CPA work program.

Proposed amendments are reviewed using the Final Review Decision Criteria found in LUC 20.30I.150. At this point, applicants will be asked to demonstrate consistency with the Decision Criteria. See page 5.

A staff report, including environmental threshold determination, is prepared and presented to the Planning Commission. The Commission will hold a set of second public hearings and make recommendations. The City Council reviews those recommendations and makes a final decision.

Action on proposed amendments

The City Council takes coordinated and concurrent action on all proposed amendments to the Comprehensive Plan in the current annual work program.

City of Bellevue long-range planning and policy documents (not in the Comprehensive Plan):

- City of Bellevue Capital Investment Program Plan
- City of Bellevue Water Comprehensive Plan
- City of Bellevue Sewer Comprehensive Plan
- City of Bellevue Comprehensive Drainage Plan
- City of Bellevue Parks and Open Space System Plan

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the annual CPA work program if the following criteria have been met:

- A. The proposed amendment represents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions;" and
- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
- H. State law requires, or a decision of a court or administrative agency has directed such a change.

20.30I.150 Final Review Decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

- A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or
- B. The following criteria have been met:
 - 1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
 - 2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
 - 3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions;" and
 - 4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
 - 5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

CONCURRENT REZONE PROCEDURE GUIDE

Thank you for using this guide. If you need assistance in completing the application forms or have questions regarding the Comprehensive Plan Amendment (CPA) review process, see Permit Processing. Call the Department of Planning and Community Development—Planning Division at 425-452-6800 between 8 a.m. and 5 p.m. Monday through Friday. You may also visit our Web site at www.bellevuewa.gov/pcd_homepage.htm. Assistance for the hearing impaired: dial 711.

Owners of site-specific property who wish to initiate a Comprehensive Plan Amendment may combine the Amendment (AC) application with a concurrent Rezone (LQ) application. The combined application is an alternative to the separate application process of Amendment followed by Rezone.

The combined application recognizes the connection between these two review actions for site-specific property. Therefore, this concurrent application process can only be used for a site-specific property. Fill out the form titled Application for Comprehensive Plan Amendment, and check Yes in Block 1 for the box marked **Is this a concurrent rezone application?**

Each application will be reviewed using separate review processes. The initiated amendment will follow the Process IV decision procedure for the Comprehensive Plan described elsewhere in this Guide. After threshold review action for the Amendment, the concurrent rezone will follow the Process III decision procedure for rezones.

The Amendment is reviewed legislatively, with a public hearing before the Planning Commission and final annual action by the City Council. The concurrent Rezone is reviewed quasi-judicially, with a public hearing before the Hearing Examiner and final action by the City Council.

What is the difference between a comprehensive plan amendment and a rezone?

Under Chapter 36.70A.130(1) RCW the Growth Management Act requires communities to make their development regulations--the zoning--consistent with and implement the comprehensive plan.

A comprehensive plan designation represents the community's long-term vision for its future. The designation links this vision with the zoning district that helps to implement that vision. Plan amendments are legislative acts with broad public participation and discussion for the orderly and coordinated development of a community.

The rezone has a legal focus associated with its development role; the "quasi-judicial" nature of its review assigns specific legal responsibilities for property owners' due process and for the City Council to act as judges on a record of proceedings, in a quasi-judicial manner.

20.30A.140 Rezone Decision Criteria

The City may approve or approve with modifications an application for a rezone of property if:

- A. The rezone is consistent with the Comprehensive Plan; and
- B. The rezone bears a substantial relation to the public health, safety or welfare; and
- C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
- D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The rezone has merit and value for the community as a whole.

fees need to consider the proportionate share of system improvement costs and be used for improvements that will benefit the new development.

2. Comprehensive Plan Amendments

The Growth Management Act requires that comprehensive plans and development regulations be reviewed and revised, if necessary, at least every five years. Proposed amendments or revisions to the comprehensive plan may not be considered more than once per year. The exceptions to annual amendments are that emergency amendments, subarea plans, and the capital facilities plan may be considered more frequently and independent of the other annual amendments. Typically, the capital facilities plan is amended during the annual budget process.

The basis of the annual amendment process is twofold: First, to provide for an ongoing process of evaluation to ensure internal and interjurisdictional consistency of comprehensive plans and continuous consistency of development regulations with such plans; and second, to consider all proposed amendments in any year concurrently so that the cumulative effect of the various proposals can be ascertained.

Amendments to the Comprehensive Plan may be proposed by a member of the public, elected officials, or staff members. An amendment process, including a timetable, is identified below. Once adopted, information about the amendment process should be distributed so that the public is aware of the opportunity to submit amendment proposals.

1. Notify the public about the Annual Amendment Process for the Brier Comprehensive Plan. An announcement should be made at a City Council meeting about the opportunity to propose amendments.
2. Amendments may be proposed by either the City or by an individual. A fee may be charged.
3. The City Clerk shall maintain a docket of all proposed amendments. All amendment proposals, except the Capital Facilities Plan, must include the following information:
 - a. Form prescribed by the City which shall include such things as name of applicant, location of the property, and/or proposed revised or additional language;
 - b. Assessor's maps, zoning maps, or individual site drawings, if applicable, showing current and proposed designations (for land use map amendments);
 - c. Written description of the reasons for the proposed amendment and what it is intended to accomplish; and
 - d. Additional information as may be requested by the City to clarify the proposal.
4. The City staff will present to the City Council all proposed Comprehensive Plan amendments for its preliminary review. A public hearing should be held on the full list of proposed amendments. The City Council may decide not to consider further a particular amendment. A revised list of the proposed amendments for further study and review will be prepared. The remaining proposals shall be forwarded to the Planning Commission for its review and recommendation to the City Council. Other Boards and Commissions may be asked to comment on the proposed amendments.

5. The Planning Commission shall conduct an in-depth review of the proposed amendments. A public hearing shall be held to allow the public to comment on the proposals. The Planning Commission shall make a recommendation to the City Council on each of the proposed amendments. Other boards and commissions also may make recommendations on the proposed amendments.
6. The City Council will review the recommendations on the amendments. The final draft of the proposed amendments shall be sent to the State CTED, per GMA requirements, 60 days prior to final adoption of the amendments.
7. After the completion of the State review, the City will hold a final public hearing on the proposed amendments. The City shall vote on the amendments with the following guidelines:
 - a. The amendment is consistent with the Comprehensive Plan and the public interest;
 - b. The amendment is not detrimental to the public interest, health, safety, and welfare; and
 - c. The amendment will complement the appropriate balance of land uses within Brier.
8. Any approved amendments shall be incorporated into the Comprehensive Plan and distributed to the State, Snohomish County, adjacent communities, and other interested parties.

The Comprehensive Plan amendment process and timetable is summarized below.

PLAN AMENDMENT PROCESS TIMETABLE

1. Applications accepted for the Annual Amendment Process	Year Round
2. Final acceptance date for current year's amendments	Last business day in April
3. Staff review and initial analysis	May
4. City Council preliminary review and decision about further review of proposed amendments; public hearing	City Clerk's schedule
5. Planning Commission in-depth review of all proposals. A public hearing should be held. Other Boards and Commissions also may be asked to comment on the proposed amendments. Recommendations are made to the City Council on the proposed amendments.	City Clerk's schedule
6. City Council final review of the recommendations on proposed amendments. The proposed amendments are sent to the State CTED 60 days prior to final adoption. A Public hearing should be held after the State review and prior to the City Council's decision.	City Clerk's schedule
7. The approved amendments are incorporated into the Comprehensive Plan.	After City Council final review

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: 6/29/05 *R*

Type of Amendment – Please Check

Rezone Application Required: _____

Policy
 Map
 Regulation
 Plan
 Other (Please specify) _____

Proponent Information:

Name: BART PALMASSO

Address: 413 Main P.O. Box 1762

Phone/Fax: 360 799-1222

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.

SR 2 is an extremely busy Highway and there needs to be a buffer between the Highway, the downtown business and residential communities. Every property on SR 2 should be able to be developed as a highway oriented property

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

I don't see any immediate impacts that would be caused by this action

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.

This was an oversight at the time I proposed the overlay between the Sutter River & the Exton station

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

We want this community to be successful & to thrive as well as to protect human life

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

N/A

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.

Zoning change by way of an overlay on 9/17 & 24 pursuant to S&L2

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

See 8 below

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

Public hearing

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

15 minutes

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

None

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?

At City Hall during Council meetings

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

See "B" above

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

See "B" above

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



**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**

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

RECEIVED
JUN 30 2005

Date Received: 6/30/05 ke

BY: _____

Type of Amendment - Please Check

Rezone Application Required: _____

- Policy
- Map
- Regulation
- Plan
- Other (Please specify)

LOS Transportation, Forestry & Parks

Proponent Information:

Name: CITY OF SULTAN Planning Dept

Address: PO BOX 1199

Phone/Fax: (360) 793-2231
(360) 793-3344

E-Mail: nic.cisak@ci.sultan.wa.us

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.
 1. Incorporate WASTE WATERS, WATERS AND STORMWATERS Comprehensive PLANS into appendix of Comp Plans as reference.
 2. UPDATE UGA BASED ON RECOMMENDATION of Snohomish County Council and requires plan, regulation, map and policy changes.
 3. REVIEW APPENDIX B: LEVEL OF SERVICE (LOS) to determine if STANDARDS ARE ADEQUATE AND REASONABLE.
 4. Incorporate Sultan School District CFP, Financials
 5. Refine Park Element
 6. Incorporate 2006 CFP update
 7. Update Map to loc. Page 1 of 4

Exhibit 4

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

PROPOSED CHANGES WILL IMPACT THE CITY LIMITS
AND UGA

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.

PLAN UPDATES CAUSED ON CHANGE IN CONDITIONS

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.

NA - PLAN UPDATE WILL PROVIDE FOR:
CIP PROJECTS

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.

SPECIAL PLANS MAY REQUIRE AMENDMENTS TO REGULATIONS
IE SUBDIVISION, ACCESSORY, WATER & Pools
PARKS ETC

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

Proposed amendments to Comp Plan have been discussed over last year.

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

Through regular public participation process

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

8-12 months

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

\$5,000.00 in mapping & printing costs
1,000 in modeling

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

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**

March 7, 2006

Mayor Tolson and City Council Members
City of Sultan
319 Main Street
Sultan, Washington 98294

RE: Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments

On behalf of the Dyer Road and Skywall Drive neighborhoods, I am submitting the enclosed petition to have the city's Comprehensive Plan amended. The petitioned amendments are to delete

1. the proposed roadway connection of Dyer Road and Skywall Drive as identified as Proposed Roadway Number 28 on the Transportation Plan Map, and
2. the proposed sewer pipeline extensions in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map

BACKGROUND

The Dyer and Skywall neighborhoods submitted a Public Comment letter in respect to the pending application for the Twin Rivers Estates development. The city responded to our letter and offered a meeting to answer questions. Mr. Cisar and Ms. Dunn met with 65 members of these neighborhoods. As the above two proposals in the city's Comprehensive Plan seem to have some relationship to the Twin Rivers development, there were many questions. Mr. Cisar recommended to the group that issues involving the Comprehensive Plan may be resolved by submitting a petition. He was nice enough to prepare these petitions for the group.

DISCUSSION

We were able to make contact with almost all of the residents of these communities. Only two people did not wish to sign the petition. There are over 120 signatures on the petition. Thus, over 99% of these residents do not want the Dyer Road and Skywall Drive to be connected nor do they want a sewer line at this time and as proposed in the city's Comprehensive Plan. The proposed sewer pump station at the intersection of 10th Street and Dyer Road is not wanted by the residents as well. Further comments are as follows:

Dyer/Skywall Connection:

- There is no through traffic for either street. The one way in and one way out is preferred and is a reason the residents live here.

Exhibit 5

- It is believed that the limited access has contributed to a very low crime rate.
- It is safe to walk on the road without fear of getting run over. Our children and grandchildren are safe to ride their bicycles and tricycles on the roads. Our cats and dogs are not getting run over.
- There is not a litter problem from passing motorists.
- Because of the limited traffic, it is quiet.
- There was no input by the communities involved in respect to this proposal. While there may have been public meetings concerning the Comprehensive Plan in general, not one person in these two neighborhoods were aware of the specific proposal to connect the two roads. Had there been adequate notice, all would have opposed such a proposal.
- Ms. Dunn has commented that the road connection would facilitate emergency vehicle access during flooding where Wagleys Creek crosses Dyer Road. We feel that this flooding is so infrequent it does not warrant a significant risk. Further, this flooding is very shallow – two feet deep at a maximum, even in the most severe floods. This is the lowest point on Dyer Road. We feel this is more efficient and certainly less costly to fix than what the proposed road connection entails — that is purchasing property and building a road.
- We are fearful that such a connection would create a bypass for backed up east-bound traffic and completely destroy our current way of life and safety.
- The rationale for the proposed connection has no sound basis:
 - The Comprehensive Plan states the goal of the Transportation Plan section is to “in general, develop a local street grid – that provides flexible north-south and east-west access routes between the Sultan river valley, the plateau, and across SR-2”. The Dyer/Skywall connection really has nothing to do with this general statement and would not contribute in any meaningful way to accomplishing this goal.
 - The Plan further states in respect to the connection, “Complete an east-west connection of Dyer to Skywall Drive – to provide access for properties between BNSF tracks and the Skykomish River”. There is such access.

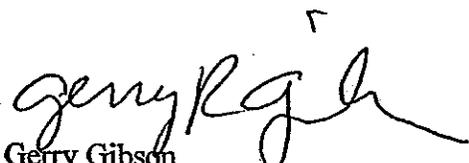
Sewer Connection to Dyer and Skywall Neighborhoods:

- While we all know that sewer lines are inevitable at some point, only two of the residents (same house) are in favor of sewers at this time.
- We all have working septic systems.
- All are concerned with the high costs of the connections and service.
- No one wants the pump station at 10th Street and Dyer Road.

- The current sewage treatment facilities are at near capacity and may not be able to accommodate projected development which mandates sewer systems.
- While there may have been notice and public meetings concerning the city's sewer system in general, not one person in these two neighborhoods was aware of this specific proposal. Had there been adequate notice, all would have not only opposed, but inquired as to other options and routes, especially with the location of the pump station.

Neither of these proposals is planned for immediate implementation and there has been no funding or budget implication. Nonetheless, we petition to have these deleted from the Plan. As our representatives, we ask that our wishes be considered.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerry Gibson". The signature is written in black ink and is positioned above the printed name and address.

Gerry Gibson
1102 Dyer Road
Sultan, WA. 98294

PETITION FOR COMPREHENSIVE PLAN TRAFFIC AND SEWER UTILITY PLAN AMENDMENTS

Dear Mayor Tolson and City Council Members Seehuus, Champeaux, Blair, Slawson; Wiediger, Boyd, and Flower:

We the undersigned, residents of the Dyer and Skywall Neighborhoods, hereby petition the Mayor and City Council to Amend the current Transportation Plan (attached as Exhibit A) and Sewer Utility Map (attached as Exhibit B) of the ²⁰⁰⁴1994 Comprehensive Plan to:

1. Delete the Proposed Roadway Connection of Dyer Road and Skywall Drive as identified as Proposed Roadway Number 28 on the Transportation Plan Map; and
2. Delete the Proposed Sewer Pipeline Extensions in both Dyer Road and Skywall Drive and the Proposed Pump Station (Number 4) as shown on the Sewer Utility Map.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. <u>Ron Gibson</u>	<u>1100 Dyer</u>	<u>793-1175</u>
2. <u>Budie Gibson</u>	<u>1100 Dyer</u>	<u>793-1175</u>
3. <u>Gerry Gibson</u>	<u>1102 Dyer Rd</u>	<u>799-1736</u>
4. <u>Bonnie Gibson</u>	<u>1102 Dyer Rd</u>	<u>799-1736</u>
5. <u>Stephen Sparling</u>	<u>1104 Dyer Rd</u>	<u>793-1650</u>
6. <u>Cecil C. Sparling</u>	<u>1104 Dyer Rd.</u>	<u>793-1650</u>
7. <u>Charles Yates</u>	<u>1106 Dyer Rd</u>	<u>793-0649</u>
9. <u>John Porth</u>	<u>1108 Dyer Rd</u>	<u>799-0532</u>
10. <u>Vineta Porth</u>	<u>1108 Dyer Rd</u>	<u>799-0532</u>
11. <u>Randy Yates</u>	<u>1106 DYER RD</u>	<u>7930649</u>
12. <u>June Muecht</u>	<u>1112 Dyer Rd</u>	<u>793-9520</u>
13. <u>Craig Muecht</u>	<u>"</u>	<u>"</u>

14. Pat Heenstad 1114 Dyer Rd 793-0772
15. 1114 Dyer Rd 793-0772
16. ~~A. L. Heenstad~~ 1114 Dyer Rd 793-0772
17. Patricia M. Cooper 1116 Dyer Rd. 793-0773
18. Lauren J. Cooper 1116 Dyer Rd 793-0773
19. Franky W. Gage 1118 Dyer 793-0941
20. Mitchell D. Burch 1122 Dyer Rd 799-2013
21. Paul J. Parr 1125 Dyer Rd. 749-1324
22. ~~Paul T. SA~~ 1128 Dyer Rd. 793-3878
23. ~~Levi Cushing~~ 1121 Dyer Rd. 793 8646
24. Elaine Effenberger 1015 Dyer Rd 793-8552
25. Peggy L. Effenberger 1015 Dyer Rd 793-8552
26. Blanca Effenberger 1015 Dyer Rd 793-8552
27. Brian Smith 1015 Dyer Rd 793-8552
28. ~~R.D. Kohn~~ 1012 Dyer Rd. 793-0815
29. Dana Tennison 1011 Dyer Rd ⁴²⁵ 508-8771
30. CHARLES SMITH 1011 DYER RD 425-508-8771
31. Joe Wagner 108 10th 360 793-1571
32. Deanna Wagner 108 10th St. 360 793 1571
33. Tamara Goodman 940 Stevens Ave 425 244-1297
34. Mark C. Lucas 940 Stevens Ave #5 (360) 793-4914
35. Arta Rose Lucas 940 Stevens Ave. #5 (360) 793-4914
36. Ellen Dinger 202-10th Str. (360) 793-0415
37. Steven L. Casad 205 10th St 360-794-5032
38. Webrad L. Casad 205 10th St 425-931-6817
39. Sharon L. Hubbell 1012 Dyer Rd 360 793 4302
40. Nancy A. Bender 1018 Dyer Rd 360-793-1188

PO Box 332 South

41. Richard J. Bender 1018 Dyer Road 793-1188
42. Joe Choult 1101 Dyer 793 1905
43. George Chan 1019 Dyer 793-3280
44. John Chan 1019 Dyer 11
45. April R. Lutman 1017 Dyer 793-8865
46. Michael A. Munn 1105 DYER RD. 793-9584
47. Shaver D. Stover 1105 DYER 11 11
48. Eugene C. Humstad 1120 Dyer 793-1046
49. ^{Litsky} 1000 Dyer 793 1948
50. ROBERT H BECK 1000 Dyer 793 1448
51. Steve Humstad 916 Dyer 793 2779
52. Michael Gross 915 Dyer 793-2779
53. Patsy Humstad 916 Dyer 793-2048
54. Robert J. Carpenter 914 Dyer 793-7811
55. James E. Martin 912 Dyer 793-3868
56. Carlene M. Martin 912 Dyer Rd. 793-3868
57. Camp Harry 908 Dyer Rd 794 0590
58. Roy Dyer 908 Dyer Rd 794 0590
59. James F. McNamee 902 Dyer Rd 793-3438
60. Kathy McNamee 902 Dyer Rd 793-3438

PETITION FOR COMPREHENSIVE PLAN TRAFFIC AND SEWER UTILITY PLAN AMENDMENTS

Dear Mayor Tolson and City Council Members Seehuus, Champeaux, Blair, Slawson; Wiediger, Boyd, and Flower:

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1. Delete the Proposed Roadway Connection of Dyer Road and Skywall Drive as identified as Proposed Roadway Number 28 on the Transportation Plan Map; and
2. Delete the Proposed Sewer Pipeline Extensions in both Dyer Road and Skywall Drive and the Proposed Pump Station (Number 4) as shown on the Sewer Utility Map.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Kathy Wilson	900 Dyer Rd.	360-793-8823
2. Jeff Wilson	900 Dyer Rd.	360-793-8823
3. Frank Giese	812 Dyer Rd	360-793-3968
4. Cindy Giese	812 Dyer Rd	360-793-3968
5. Derek Murphy	811 Dyer Rd	360-793-3981
6. Dietrich Kuley	907 Dyer Rd	360-793-1901
7. Kurt A. Kuckenberg	907 Dyer Rd	360-793-1901
9. Jim McFarland	913 Dyer	793-2011
10. Linda O. Everett	917 Dyer	360-793-2941
11. Jim A. Fulcher	204 10 th	360-793-1542
12. Kari Fulcher	204 10 th	360-793-1542
13. Jerome Shaw	1016 Dyer	360-799-1603

14. Robin Shaw 10116 Dyer Rd. 360-799-1103

15. Jeremy Omsick 1107 Dyer Road 360-793-8590

16. Jacob Henstine 1107 Dyer Road 360-793-8590

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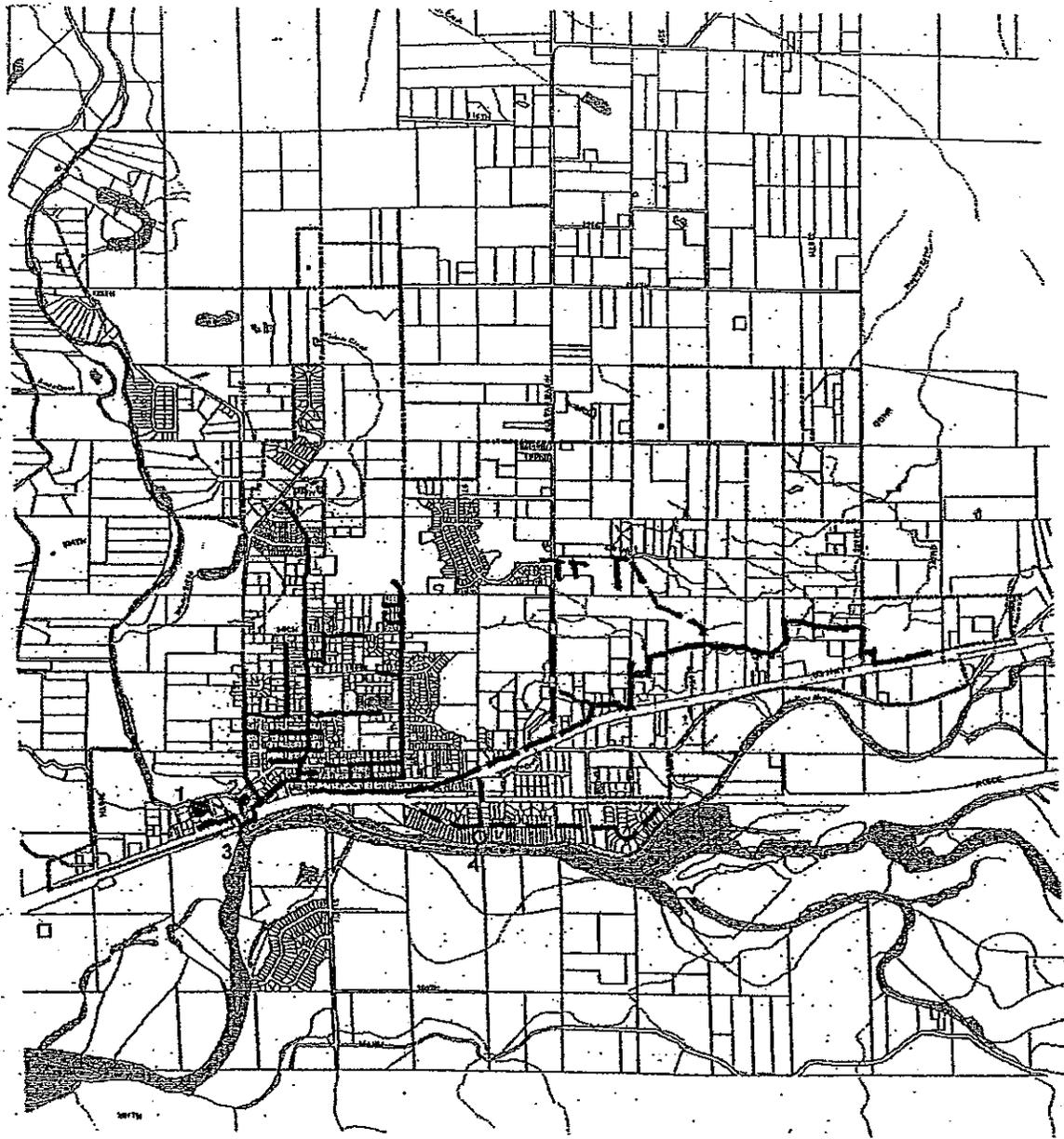
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Sewer utility

- Existing facilities
- 1 Sewage treatment plant
 - 2 Pump station
 - 3 Skykomish River outfall

- Proposed facilities
- 4 Pump station

- Sewer pipeline — existing
- Sewer pipeline — proposed

PETITION FOR COMPREHENSIVE PLAN TRAFFIC AND SEWER UTILITY PLAN AMENDMENTS

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NAME	ADDRESS	PHONE
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1. <i>Al W. Haldt</i>	<i>215 Skywall Dr</i>	<i>793-0127</i>
2. <i>Beverly Haldt</i>	<i>Same as above</i>	
3. <i>Christy Bunge</i>	<i>211 Skywall</i>	<i>793-3631</i>
4. <i>[Signature]</i>	<i>208 Skywall Dr.</i>	<i>425-374078</i>
5. <i>Charni Olson</i>	<i>202 Skywall</i>	<i>793-8883</i>
6. <i>John Olson</i>	<i>202 Skywall</i>	<i>" "</i>
7. <i>Richard Jackson</i>	<i>1306 Skywall Dr.</i>	<i>" "</i>
9. <i>[Signature]</i>	<i>1303 Skywall Dr</i>	<i>425-232-9697</i>
10. <i>Joni Fleming</i>	<i>1305 Skywall Dr</i>	<i>na</i>
11. <i>R. Lee Zimmerman</i>	<i>1318 Skywalk</i>	<i>PR 0476</i>
12. <i>Paul Engler</i>	<i>1305 Skywall Dr</i>	
13. <i>[Signature]</i>	<i>1309 Skywall Dr</i>	

14. Jaime Geary 1309 Skymwall Dr.
15. GORDON RIEMLAND 1309 SKYWALL DR
16. Kim Kenner 1315 Skywall Dr
17. Tim Kennedy 1315 Skywall Dr
18. Diana R. Lucas 1317 Skywall Dr
19. Jim Lucas 1317 skywall Dr
20. J. W. Petersen 1319 " "
21. Christi Darke-Mallow 1322 Skywall Dr.
22. Ray Mallow 1322 SKYWALL DR
23. Marni Martin 209 Skywall Dr
24. Harry Marshall 209 Skywall Dr
25. Kathryn Anderson 212 Skywall Dr.
26. Val Anderson 212 Skywall Dr.
27. Greg Uley 210 SKYWALL DR.
28. Mike Ross 1300 Skywall Dr.
29. Michael Ross 1300 Skywall Dr.
30. Lindsey Wideme 1330 Skywall dr.
31. ~~Wanda Beatty~~ 204 SKYWALL DR.
32. James G. Stiller 205 Skywall Dr.
33. Wendy Dr. Stiles 205 Skywall Dr.
34. ~~Phillip~~ 213 Skywall Dr.
35. Ray George 1304 Skywall Dr.
36. Gayle 1304 Skywall Dr.
37. Paul Lindsay 200 Skywall Dr
38. Terri Henley 1312 SKY DR.
39. Melony George 203 Skywall
40. Scott George 203 Skywall

- 41. Paul George 203 Skywall
- 42. Phil L. Smith 219 Skywall
- 43. Nelson B Everett 219 Skywall
- 44. Ron Jackson 1306 Skywall
- 45. Joanne Neuwertuis 1310 Skywall
- 46. Sarah Neuwertuis 1312 Skywall
- 47. Charles Binge 1310 Skywall
- 48. Charlene Binge 211 Skywall
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City of Sultan, Washington
2008/2009 Comprehensive Plan Update Task List

A. ***Comprehensive Plan Screening Effort***

- **Comprehensive Plan**. Screen the City's existing Comprehensive Plan for compliance with state law by reviewing each of the required and optional GMA comprehensive planning elements against the City's existing plan to determine if, or where, any deficiencies or inconsistencies exist.
- **Update City Docket Process**. Comprehensive Plan Amendments are by reference and Code Amendment process does not mention docketing process, notice to CTED, or reasonable timelines.
- **Strategic Interviews**: Interview stakeholders to find out what is working well, what is not, and ideas on how to improve the Comprehensive Plan.
- **Written Survey**: Survey the community and stakeholders on what is working well and where improvements could be made.
- **Develop a Public Involvement Strategy**: Identify stakeholders; create an advisory board, develop a public information campaign, strategically identify neighborhood contacts and public meeting locations such as local churches, schools, or neighborhood associations.

B. ***Docket Amendments***

- **Docket**: formally submit docket application for Comprehensive Plan and Zoning Code Amendments according to City procedures.
- **Public Hearing**: hold a public hearing on the docket items.
- **Approved Docket**: the City Council formally approves the final docket list and project initiation can begin.

C. ***Visioning***

- **Evaluate Growth Strategies**: Existing phased growth rate vs. other potential growth strategies such as: market driven growth, prioritize residential growth, commercial mixed-use along retail core, or existing conditions.
- **Public Involvement**: Hold an open house / Charrette to gather public opinion about the City's future growth options.
- **City Council Policy Direction**: Summarize existing issues, interviews, growth options, outcome of Charrette to the City Council. The Council sets the policy direction for the Comprehensive Plan update. If deemed necessary, the City Council could establish a land use committee to guide the update process.

D. *Project Initiation*

- Determination of Significance: Require that an Environmental Impact Statement (EIS) be prepared for the 2008/2009 Comprehensive Plan update.
- Scoping: Issue a scoping notice, identify land use alternatives from visioning process, and hold a public meeting to gather public comments on what issues should be considered in the EIS.
- City Council Update: Update Council, Planning Board, and Advisory Committee on results of scoping notice.

E. *EIS*

- Prepare EIS Studies: Analyze each land use alternative and their affects on:
 - *Land Use*: density, growth rates, location, population / employment allocations, critical areas, shorelines, and economic development goals
 - *Housing*: types of housing, mixed-use, reasonable measures, urban design, buffers
 - *Utilities*: capacity and location
 - *Capital Facilities*: identify needs for water, sewer, power, police, fire, parks, and schools under each growth alternative.
 - *Transportation*: analyze if existing transportation system can accommodate each of the growth alternatives.
 - *Urban Growth Areas*: re-evaluate the City's Urban Growth Areas to determine if changes may be warranted.
- Draft EIS: incorporate each of the studies into a draft EIS.
- Issue Draft EIS for Public Comment: circulate Draft EIS to DOE, agencies with interest, parties of record, and hold a public meeting / open house on draft EIS.
- Draft Final EIS: incorporate comments from Draft EIS and amend as appropriate.
- Issue Final EIS: issue Final EIS and send a notice to DOE, all agencies with jurisdiction, any agency who commented on the DEIS, and any person requesting a copy.

F. *Comprehensive Plan Update*

- Prepare Comprehensive Plan Update: using the "preferred alternative" approved by the City Council, prepare Comprehensive Plan update.
- Public Notice: circulate Comprehensive Plan update to the public and agencies with an interest, including CTED for their 60 day review.
- Public Meeting(s): hold public meetings through out the process to keep the public informed and updated about the amendments (recommend one every 3 months)

DRAFT

- Planning Board Review: once the FEIS has been issued and the draft amendments have been prepared (including adopting ordinance), schedule the Comprehensive Plan update for public review and hearings by the Planning Board. The Planning Board will make a recommendation to the City Council.
- City Council Adoption: the City Council reviews the Planning Board's recommendations, holds their own public hearing(s), and adopts the 2008/2009 Comprehensive Plan.
- Effective Date: issue a record of decision on the adoption of the Comprehensive Plan and send to CTED. The record of decision should indicate the 60 day appeal period and the appeal process.

Exhibit 7

RCW 36.70A.130**Comprehensive plans -- Review procedures and schedules -- Amendments.**

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget;

(iv) Until June 30, 2006, the designation of recreational lands under *RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public

participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by

no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities: (a) Complying with the schedules in this section; (b) demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or (c) complying with the extension provisions of subsection (5)(b) or (c) of this section may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section;

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section; and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section, or the extension provisions of subsection (5)(b) or (c) of this section, may

receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance.

[2006 c 285 § 2. Prior: 2005 c 423 § 6; 2005 c 294 § 2; 2002 c 320 § 1; 1997 c 429 § 10; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

NOTES:

***Reviser's note:** RCW 36.70A.1701 expired June 30, 2006.

Intent -- 2006 c 285: "There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties." [2006 c 285 § 1.]

Intent -- Effective date -- 2005 c 423: See notes following RCW 36.70A.030.

Intent -- 2005 c 294: "The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts." [2005 c 294 § 1.]

Effective date -- 2005 c 294: "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 5, 2005]." [2005 c 294 § 3.]

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 -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.

RCW 36.70A.130(2) does not apply to master planned locations in industrial land banks: RCW 36.70A.367(5).

City of Sultan, Washington
2008/2009 Comprehensive Plan Update Task List

A. *Comprehensive Plan Screening Effort*

- Comprehensive Plan. Screen the City's existing Comprehensive Plan for compliance with state law by reviewing each of the required and optional GMA comprehensive planning elements against the City's existing plan to determine if, or where, any deficiencies or inconsistencies exist.
- Update City Docket Process. Comprehensive Plan Amendments are by reference and Code Amendment process does not mention docketing process, notice to CTED, or reasonable timelines.
- Strategic Interviews: Interview stakeholders to find out what is working well, what is not, and ideas on how to improve the Comprehensive Plan.
- Written Survey: Survey the community and stakeholders on what is working well and where improvements could be made.
- Develop a Public Involvement Strategy: Identify stakeholders; create an advisory board, develop a public information campaign, strategically identify neighborhood contacts and public meeting locations such as local churches, schools, or neighborhood associations.

B. *Docket Amendments*

- Docket: formally submit docket application for Comprehensive Plan and Zoning Code Amendments according to City procedures.
- Public Hearing: hold a public hearing on the docket items.
- Approved Docket: the City Council formally approves the final docket list and project initiation can begin.

C. *Visioning*

- Evaluate Growth Strategies: Existing phased growth rate vs. other potential growth strategies such as: market driven growth, prioritize residential growth, commercial mixed-use along retail core, or existing conditions.
- Public Involvement: Hold an open house / Charrette to gather public opinion about the City's future growth options.
- City Council Policy Direction: Summarize existing issues, interviews, growth options, outcome of Charrette to the City Council. The Council sets the policy direction for the Comprehensive Plan update. If deemed necessary, the City Council could establish a land use committee to guide the update process.

D. *Project Initiation*

- Determination of Significance: Require that an Environmental Impact Statement (EIS) be prepared for the 2008/2009 Comprehensive Plan update.
- Scoping: Issue a scoping notice, identify land use alternatives from visioning process, and hold a public meeting to gather public comments on what issues should be considered in the EIS.
- City Council Update: Update Council, Planning Board, and Advisory Committee on results of scoping notice.

E. *EIS*

- Prepare EIS Studies: Analyze each land use alternative and their affects on:
 - *Land Use*: density, growth rates, location, population / employment allocations, critical areas, shorelines, and economic development goals
 - *Housing*: types of housing, mixed-use, reasonable measures, urban design, buffers
 - *Utilities*: capacity and location
 - *Capital Facilities*: identify needs for water, sewer, power, police, fire, parks, and schools under each growth alternative.
 - *Transportation*: analyze if existing transportation system can accommodate each of the growth alternatives.
 - *Urban Growth Areas*: re-evaluate the City's Urban Growth Areas to determine if changes may be warranted.
- Draft EIS: incorporate each of the studies into a draft EIS.
- Issue Draft EIS for Public Comment: circulate Draft EIS to DOE, agencies with interest, parties of record, and hold a public meeting / open house on draft EIS.
- Draft Final EIS: incorporate comments from Draft EIS and amend as appropriate.
- Issue Final EIS: issue Final EIS and send a notice to DOE, all agencies with jurisdiction, any agency who commented on the DEIS, and any person requesting a copy.

F. *Comprehensive Plan Update*

- Prepare Comprehensive Plan Update: using the "preferred alternative" approved by the City Council, prepare Comprehensive Plan update.
- Public Notice: circulate Comprehensive Plan update to the public and agencies with an interest, including CTED for their 60 day review.
- Public Meeting(s): hold public meetings through out the process to keep the public informed and updated about the amendments (recommend one every 3 months)

DRAFT

- Planning Board Review: once the FEIS has been issued and the draft amendments have been prepared (including adopting ordinance), schedule the Comprehensive Plan update for public review and hearings by the Planning Board. The Planning Board will make a recommendation to the City Council.
- City Council Adoption: the City Council reviews the Planning Board's recommendations, holds their own public hearing(s), and adopts the 2008/2009 Comprehensive Plan.
- Effective Date: issue a record of decision on the adoption of the Comprehensive Plan and send to CTED. The record of decision should indicate the 60 day appeal period and the appeal process.



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MEMORANDUM

City of Sultan, Washington
GMA Compliance Strategy
Comprehensive Plan & Development Regulations

Date: March 23, 2007

To: Deborah Knight, City Administrator - City of Sultan

From: Patricia Love, Community Planning Manager

The Growth Management Act (GMA) requires all cities in the Puget Sound area to adopt comprehensive plans and development regulations that reflect community character and values while providing urban services, providing for reasonable land development, protecting land use rights, and protecting critical areas. The purpose of these planning tools is to protect the health, welfare, and safety of the community.

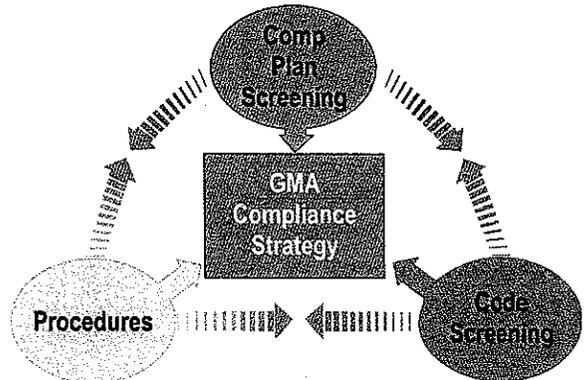
While the City of Sultan has adopted their GMA Comprehensive Plan and Development Regulations, the City's land use decisions continue to be challenged on many levels: comprehensive plan appeals, appeals of development regulations, and project level appeals. These appeals appear to result from inconsistencies with state law regarding the Growth Management Act and vague development standards.

The purpose of this memorandum is to suggest an approach that systematically evaluates the City's long range and current planning activities. While there is no way to limit the number of appeals filed against the City, a global look at the City's planning efforts and implementation of recommendations should lead to a reduction in the number of appeal losses.

Approach:

To fully evaluate the City's planning tools with respect to compliance with the Growth Management Act, we suggest the following approach:

1. Screen the City's existing Comprehensive Plan for compliance with state law by reviewing each of the required and optional GMA comprehensive planning elements against the City's existing plan to determine if, or where, any deficiencies or inconsistencies exist.



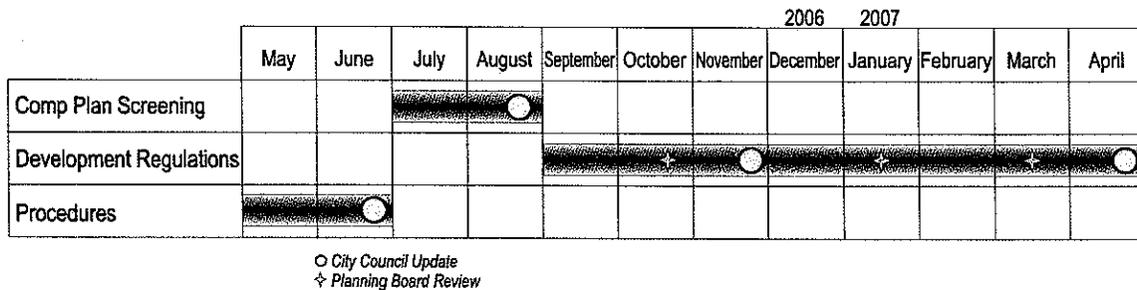
2. Screen the City's Development Regulations for consistency with the Comprehensive Plan and identify vague or unclear development standards.
3. Docket the results of the two part screening for the City's annual Comprehensive Plan update.
4. Update the City's Comprehensive Plan and Development Regulations where deficiencies are found.
5. Prepare and adopt operational procedures to ensure plans, policies, and regulations are being consistently followed. These would include staff checklists, procedures for project review, and flow charts. Brochures that explain the permitting process and procedures to the public are also recommended.
6. Potentially supplement City staff on a part time basis to assist with the backlog of project permits while the City evaluates their staffing needs.

This process should be interactive, with the City Council providing policy direction and vision, the Planning Board making recommendations to preserve the community character, and City staff providing technical expertise and logistical support.

We recommend using the planning checklists that have been created by the Washington State Department of Trade and Economic Development (CTED) to holistically review the City's planning documents and regulations. These include: CTED's GMA, development regulation, and critical area code checklists.

Timeline:

We anticipate that to complete all the steps in the process it may take between nine months to one year; however at the end of that time frame, the City will have policies, regulations, and procedures that are internally consistent and that are consistent with state law.



Cost Estimate:

Due to the variety of tasks and variables, we would be happy to work with you on a cost estimate for these services if pursued.

Exhibit A
APPROACH MATRIX

The purpose of this matrix is to suggest general screening areas for each element of the comprehensive plan and development regulations as well as suggestions on review procedures.

COMPREHENSIVE PLAN ELEMENTS	SCREENING EFFORT
<i>Land Use:</i>	Goals & policies, land use map, population forecasts & densities, buildable lands, land for public purposes, open space, incompatible uses, stormwater, best available science, critical areas protection, transfer of development rights
<i>Housing:</i>	Housing strategy and inventory, affordable housing, manufactured homes, accessory dwelling units, daycares
<i>Capital Facilities:</i>	Inventory of existing and needed facilities, forecasts, six year financing plan, impact fees, consistency with other elements
<i>Utilities:</i>	Development policies, identify existing and needed facilities
<i>Transportation:</i>	Goals and policies, inventory, level of service, land use assumptions, concurrency, TDM strategies, bicycle and pedestrian planning, traffic forecasts, future needs, funding, intergovernmental coordination
<i>Economic Development</i>	Desired levels of job growth, commercial and industrial expansion, integrated strategy, local economy, identification of policies, programs and projects
<i>Park and Recreation</i>	Goals and policies, park, recreation and open space planning, estimate of park and recreation demand for ten year period, evaluation of facilities and service needs, intergovernmental coordination
<i>Shorelines</i>	Goals and policies, shoreline master plan, critical areas ordinance, Department of Ecology shoreline guidelines
<i>Essential Public Facilities</i>	Consistent with county wide planning policies, include policies in capital facilities and land use element, process/criteria for identification and siting of essential public facilities
<i>Urban Growth Areas</i>	Goals and policies, UGA boundaries, population and employment projections
DEVELOPMENT REGULATIONS	SCREENING EFFORT
<i>General Provisions</i>	Regulations regarding application filing, department review, public notice, department review, time periods, code interpretations, enforcement, penalties, appeals
<i>Critical Area Protection</i>	Wetland, fish and wildlife habitat, flood plains, critical aquifer areas and geologic sensitive areas

**DEVELOPMENT
REGULATIONS****SCREENING EFFORT**

<i>Zoning Standards</i>	Permitted uses, bulk standards, parking, landscaping, signs, nonconforming uses, variances and conditional uses
<i>Resource Lands</i>	Maintain and enhance resource land-based industries, retention of open space, development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, develop parks, protect environment
<i>Stormwater Management</i>	Water quality, detention standards, storm water runoff, impervious surface, fish habitat
<i>Shorelines</i>	Acquisition of lands, easements, public and park facility planning, watershed planning, voluntary salmon recovery projects, incentive programs, planning policies, regulation of development of private property
<i>Subdivisions/PUD's</i>	Subdivisions, short subdivisions, planned unit developments, preliminary plats, final plats, exemptions
<i>Impact Fees</i>	Park, school, transportation impact fee ordinances
<i>Concurrency</i>	Adopted ordinance, LOS measures, TDM strategies, CTR ordinance
<i>Siting of Essential Public Facilities</i>	EPF criteria, siting process, no preclusion statement
<i>Grading</i>	Standards, best management practices, low impact development options, erosion control
<i>Transportation Standards</i>	Standards, LOS, traffic control
<i>SEPA</i>	Thresholds and procedures
<i>Amendment Procedures</i>	Comp plan and zoning amendments, docket process, interpretations

PROCEDURES**SCREENING EFFORT**

<i>Project Level Review Checklist, Procedures, and Flow Charts</i>	Create checklists and procedures for subdivisions, commercial, industrial, residential, shorelines, lot line adjustments, signs, binding site plans, critical area review, business licenses, and other city permits.
<i>Public Brochures</i>	Create public brochures for subdivisions, commercial, industrial, residential, shorelines, lot line adjustments, signs, binding site plans, critical area review, business licenses, and other frequently asked questions.