

# SULTAN CITY COUNCIL

## AGENDA ITEM COVER SHEET

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**ITEM NUMBER:** D - 1  
**DATE:** June 28, 2007  
**SUBJECT:** Sewer Availability Distribution Policy  
**CONTACT PERSON:** Public Works Director Dunn

**ISSUE:**

Due to changes in plat developments and the decreased number of needed sewer connections in the Green and Hammer Plats, the City of Sultan has a surplus of 317 connections that could be designated for use.

The City does not have a policy in place to issue concurrency letters for these connection.

A Sewer/Water Availability Distribution Policy was written by staff in 2005 and was appealed in 2006 through the Growth Management Hearings Board. The Policy was deemed noncompliant because it did not reflect the 2004 Sultan Comprehensive Goals and Polices number 2. Growth management and 3. Phasing. A copy of the goals and policies for Public Services are reflected in Attachment 1. This previous procedure is attached. The issued sewer/water letters were tracked on an Excel Spreadsheet. Attachment 3.

**STAFF RECOMMENDATION:**

- 1) Distribute available connections to infill development as defined in SMC 16.150.900 (14) Attachment 4.
- 2) Allocate a percentage of available connections for commercial development which keeps the City compliant with the 2004 Comprehensive Plan 2.10 Utility Goals and Policies.

**ANALYSIS:**

Setting aside a larger number of connections for infill growth keeps the City concurrent with the City's Comprehensive Plan Goals 2.10 Public Services numbers 2 & 3, refer to Attachment 1. Increasing available sewer connections for commercial development also meets those goals.

Following Council direction staff will author a policy that reflects the Comprehensive Plan Goals and Policies for the issuance of Sewer/Water Connection Availability, when complete return to Council for approval.

**FISCAL IMPACT:**

At this time there are other issues being worked on such as Transportation and Police Levels of Service that will allow time for staff, with direction from the City Council, to write policy and procedures for issuance of water/sewer availability, at this time the fiscal impact is staff time.

**RECOMMENDED ACTION:**

Consider the surplus sewer connections available at this time due to changes in plat preliminary conditions and short term Wastewater Treatment Plant improvements. Direct staff regarding the distribution of surplus connections.

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**COUNCIL ACTION:**

**DATE:** June 28, 2007

**ATTACHMENTS:**

- 1) Sultan 2004 Comprehensive Plan Excerpt, 2.10 Public Services Goals 2 & 3
- 2) Previous Water/Sewer Availability Procedure
- 3) Current List of Water/Sewer Availability Letters issued with a balance of available connections, updated May, 2007
- 4) Sultan Municipal Code 16.150.090 definitions (14) Infill development

## **2.10 Public services**

The following goals and objectives are based on an analysis of existing service conditions and the results of the workshop planning sessions.

### **Goal: Quality and availability**

Cooperate with the Sultan School District, Snohomish County Departments of Planning & Community Development, Parks & Recreation, Public Works and other public agencies to provide quality public services and facilities for residents of the Sultan planning area.

#### **1 Funds**

Identify and promote the development of new employment centers within the Sultan planning area – particularly within Sultan Industrial Park, to provide local job opportunities and improve the local tax base that finances local public services.

#### **2 Growth management**

Coordinate overall growth policies so that residential development follows rather than precedes economic development and Sultan's ability to provide tax revenues sufficient to pay for increased and improved school, fire, aid, police, and other urban services.

#### **3 Phasing**

Phase delivery of utility services to planning units with major population growth potential so that Sultan public services and facilities can be coordinated in advance of each area's development needs.

#### **4 Joint development**

Initiate a citywide capital facility planning process with the Sultan School District, Snohomish County, and other public agencies to identify local public facility needs. Implement a coordinated approach to the funding and development of joint public facilities and services to avoid site and facility duplications, save development costs, and improve local service delivery.

#### **5 Coordinate public service efforts**

Coordinate the financial resources that are available of Sultan, Snohomish County, and Sultan School District in order to realize a more effective, equitable, and fiscally solvent public security, fire and emergency response, and educational system.

#### **6 Joint use facilities**

Where possible, joint venture security, fire, public educational equipment, facilities, and services to provide a greater security capability than would be accomplished by Sultan alone or otherwise.

#### **7 Impact assessments**

Require developers to contribute land and/or fees to mitigate the impact proposed land developments will have on the demand for Sultan's public services and facilities.

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ATTACH. #1



# CITY OF SULTAN

## Water/Sewer Availability Procedure

1. Schedule a Pre-Application Meeting with City Departments.
  - a. Contact the Permit Assistant 360.793.2231 for an application form, costs and submittal requirements.
  - b. Meetings are scheduled on Wednesday mornings. All applications are due 1 week in advance of meeting to provide for internal review, comments and questions.
  - c. Meeting will be held with appropriate City of Sultan Staff and Developer Representatives.
  
2. The City of Sultan has a limited number of sewer connections available. Except for any existing connections, the City does not intend to provide sewer service outside its Urban Growth Boundary. Because the number of connections available is limited, the City will prioritize between requests for sewer service within the City's current City limits and requests for service outside the City limits but within the City's Urban Growth boundary, at the pre-application meeting, the developer shall provide the following additional information:
  - a. Information whether the property is within a ULID or LID, or an area designated for a local facility charge to support a ULID or LID;
  - b. Suitability of the property for ultimate annexation to the City based upon proximity to the City, any long range plan of the city, the environmental and economic impact of annexation and the willingness of the applicant to sign a petition to annex or to sign a covenant to sign a petition to annex the property to the City.
  - c. In the event of concurrent annexation/development proposals applicant agrees to meet all City development standards and pay all development and impact fees associated with the project. Thereafter, building permits will be issued after the effective date of the annexation.

As a result of the pre-application meeting, if the property is outside the City limits but within the City's Urban Growth boundary, the City will conduct an analysis of the remaining capacity of the City's sewer treatment facilities and the foreseeable demand. The proposed development shall be analyzed with respect to its size and density of development, quantity of utility service required (average flow and peak periods), special treatment or hazards involved and the potential for expansion or change of use after original connections are made. If the applicant has signed a petition for annexation or a covenant to sign a petition for annexation and provision of sewer service to the property would not jeopardize public health or safety, the request shall be deemed a qualifying request.

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ATTACH. #2

Available sewer utility connections will be allocated in letters of availability in the following order of priority:

- a. by category of request and
- b. by date of receipt within the category

Utility requests shall be placed in one of three categories in the following order of priority: (1) within the City limits; (2) a qualifying request for service outside the City limits but within the City's Urban Growth Boundary and in close proximity to existing utility lines with adequate reserve capacity; and (3) a qualifying request for service outside the City limits but within the City's Urban Growth Boundary and not in close proximity to existing utility lines with adequate reserve capacity.

As a result of the pre-application meeting, the information submitted and the analysis performed, until such time as eighty five per cent capacity of the City's wastewater treatment plant has not been exceeded, the City of Sultan will allocate preliminary an estimated number of water and sewer connections to the project.

3. Upon written notice of the preliminary connection allocation by the City, the Developer must request in writing from the Public Works Director a letter for water and sewer availability. The request would include:
  - a. The date of the pre-application meeting.
  - b. The number of connections allocated by the City of Sultan.
  - c. The property address.
  - d. The Tax Parcel I.D. Number(s).
  - e. Name of project.
  - f. Anticipated application date.
  - g. Development schedule for property.
  - h. Developer information (name, address, phone number, e-mail etc.)
4. Upon issuance, the Water and Sewer Availability Letters will state:
  - a. The letters are non-transferable.
  - b. The Developer has 45 days from the date of the availability letter(s) to submit to the Planning Department a complete development application, including the payment of all fees and supplemental information for the project requested during the pre-application meeting.
5. The water and sewer availability letters may be renewable if the developer is within 2 weeks of submitting a complete development application to the City of Sultan and connection allocations remain available.
6. Pre-sale of water and sewer connections will only be permitted when a development/project has received preliminary subdivision, planned unit development or binding site plan approval or final approval when preliminary approval is not required (i.e. condition use permit) by the City Council or administrative approval from permitting department.

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Attachment # 2



Water/Sewer Availability  
Residential/Commercial/Industrial  
APRIL 2007

DEVELOPER	PRE-APP DATE	DATE RECVD REQUEST	CONNECTIONS		DATE ISSUED	EXT. REQ. DATE	DEADLINE	BALANCE OF AVAIL #S	SUBMITTAL DATE
			WATER	SEWER					
<b>Residential Infill</b>									
<b>Beginning Balance</b>								30	
Jeff White (A)	1/26/05		2	3	1/24/05			27	
Broughton Manor (Building)			6	6				21	
Stephens SP (A)	7/23/05		3	4	10/17/03			17	
Salmon Run North (Building)			3	3				14	
Doubek		9/12/05	1	2				12	
706 5th Street		4/27/05	2	2				10	
101 Main - Removed House			1	+1				11	
Bart Dalmasso			1	1	12/4/06			10	
701 High Ave - George	8/11/06	8/11/06	6	6	8/31/06	10/16/06		4	
Higa Burkholder		6/21/2006	2	2	7/17/06			2	
Kenny Young	2/28/2006		4	4	6/22/06			-2	
705 5th St - Clark			2	2	1/10/07			-4	
907 4th/13629 310th - J. Smith	2/28/06	4/30/06	3	3	5/9/06	COMPLETE		-7	
Dan & Colleen Smith		4/4/06	2	2	4/4/06	Cancelled 1-17-07		BLA PENDING	
<b>Commercial/Industrial Infill</b>									
<b>Beginning Balance</b>								12	
Sportsman Club (Pd.)	9/21/05		1	1				11	
Alexander Manufacturing		Building	1	1				10	9/23/2005
Hoot Owl Mini Lube			1	1				9	
<b>REMAINING</b>									

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Attach #3



16.150.090

27. "Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation. (Ord. 840-04 § 2; Ord. 630 § 2[16.05.568 – 16.05.620], 1995)

16.150.090 "T" definitions.

1. "Illicit discharge" means all nonstormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to, sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.

2. "Illuminated sign" means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

3. "Immediate vicinity," with regard to the built or man-made environment, refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

4. "Impervious surfaces" means those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

5. "Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

6. Improvement, Substantial. See "substantial improvement."

7. "Include" means to contain or comprise without limitation, to consider as part of a whole, or to take into account.

8. "Incompatible use" means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

9. "Indoor amusement" means establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

10. "Indoor storage" means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than 35 percent of its gross floor area to indoor storage.

11. "Industrial park" means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

12. "Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

13. "Industry, light" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

X → 14. "Infill development" means the addition of new housing or other buildings on scattered vacant sites in an existing built-up area.

15. "Infrastructure" means the roads, sewage system (including collection lines, treatment plants, and outfalls), water system (including distribution lines and wells), police and fire protection services, health care facilities, schools, electricity system, telephone system, cable television system, and solid waste disposal facilities.

16. "Institutional use" means a nonprofit corporation or establishment for public use.

17. "Intent" means the objective toward which any section of this unified development code strives or for which it exists.

18. "Interflow" means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface, for example, in a wetland, spring or seep.

19. "Interpretation," within the context of this code, shall mean a finding or determination made by the building and zoning official as to the meaning or intent of any work, phrase, or section contained herein.

20. "Intersection" means any street, public way, court, or alley that joins another at an angle, whether or not it crosses the other.

21. "Irregular lot" means a lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is

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Attach. # 4

## Division IV. Performance Standards

## Chapter 16.24

## Chapter 16.20

STANDARDS FOR INFILL DEVELOPMENT  
IN RESIDENTIAL AREAS

## PERFORMANCE STANDARDS – GENERAL

## Sections:

- 16.20.010 Administration.  
16.20.020 Residential performance standards.

**16.20.010 Administration.**

The performance standards in Chapters 16.24 through 16.104 SMC are adopted to set reasonable criteria for development to achieve the goals and objectives of the comprehensive plan for Sultan. These standards shall be administered by the responsible governmental agency or department of the city. (Ord. 630 § 2[16.10], 1995)

**16.20.020 Residential performance standards.**

A. Purpose. The purpose of the standards in Chapters 16.24 through 16.52 SMC is to describe those general and supplemental regulations which apply to residential land uses over and above those dimensional and density requirements imposed elsewhere by this unified development code. These standards regulate the building placement and dwelling unit type, and are necessary for those land uses having characteristics that may have negative impacts without the additional regulations.

## B. General Residential Uses.

1. Purpose. It is the intent of this section to describe allowable dwelling unit types and other standards that apply to all residential uses within the city.

2. Standards. The development of any residential use shall be permitted only in full compliance with the following standards and regulations. (Ord. 630 § 2[16.10.010], 1995)

## Sections:

- 16.24.010 Purpose.  
16.24.020 Standards for residential infill development.

**16.24.010 Purpose.**

At the time of enactment of the unified development code, there are established residential developments which may have one or more vacant lots available for the location of new dwelling units. In addition, there may be residential developments that are under construction, have an approved master plan (site plan), or an approved subdivision plan. It is the intent of this section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of this code. This condition is known as residential infill development.

It is the overall intent of this unified development code to regulate the potential impact of new development. Residential infill development has the potential for negative impact on surrounding developed lots under this unified development code. It is the intent of this section to control and prevent such potentially negative impacts. (Ord. 630 § 2[16.10.010(6)(a)], 1995)

**16.24.020 Standards for residential infill development.**

The following standards shall apply to residential infill development.

A. For any residential structure, an application for building and other necessary permits shall be filed.

B. The proposed dwelling unit(s) shall conform to those dimensional standards in force at the time of development of the surrounding area.

1. If recorded plats, approved master (site) plans, or other documentation are available to provide information on previous standards, such documentation shall be used to determine applicable development standards for the proposed infill development. These may include, but are not necessarily limited to the following:

- a. Minimum lot dimensions and area;
- b. Minimum building size (gross floor area and building height);
- c. Minimum yard setbacks on front, sides, and rear;

- d. Accessory uses, such as storage buildings;
- e. Off-street parking requirements;
- f. Dwelling unit type (single-family detached, two-family, etc.);
- g. Stormwater retention;
- h. Dedication or reservation of easements, rights-of-way, or recreation areas;
- i. Landscaping and sight barriers; and
- j. Sidewalks.

2. Where documentation is not available concerning standards in effect at the time of initial development, the following procedure shall be used. All developed lots or parcels that abut the property proposed for development shall be considered in determining the average standards for development. The average standards for these abutting properties shall be the minimum standards for the proposed development. Average standards shall not include lot area nor lot dimensions. (For example, if a lot is abutted on three sides by single-family homes with seven-and-one-half-foot side yard setbacks, the proposed development should have seven-and-one-half-foot side yards. If the three abutting properties each have side yards of seven and one-half feet, five feet and five feet, then the minimum side yard for the proposed development should be seven and one-half, plus seven and one-half, plus five, plus five, plus five, divided by six, or 5.8 feet.)

Where there is any uncertainty on any applicable standards, the decision shall be in favor of the stricter standard. (Ord. 630 § 2[16.10.010(6)(b)], 1995)

## Chapter 16.25

### ACCESSORY DWELLING UNITS

#### Sections:

- 16.25.010 Standards and regulations for residential accessory dwelling units (ADUs).
- 16.25.020 Utility and solid waste costs and fees.
- 16.25.030 Addressing single-family and ADU units.
- 16.25.040 Additional criteria for additional accessory dwelling units (ADUs).

#### **16.25.010 Standards and regulations for residential accessory dwelling units (ADUs).**

In the low/moderate, moderate, and high density zoning districts in which an accessory dwelling to a single-family use is listed as a permitted use, the following standards and regulations shall apply to all proposed accessory dwelling units:

A. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:

1. Alteration of interior space of the dwelling; or
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
3. Addition of attached living area onto an existing dwelling; or
4. Construction of a detached living area.

B. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit unless a conditional use permit is granted for an additional unit. The floor area of the accessory dwelling unit shall not exceed 650 square feet.

C. One of the dwellings shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include titleholders and contract purchasers. The owner shall file a certification of owner-occupancy with the building department prior to issuance of the permit to establish an accessory dwelling unit.

D. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.