

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-6

DATE: January 24, 2008

SUBJECT: Resolution 08-08 Adopting a Workshop and Public Hearing Schedule for the 2008 Comprehensive Plan Compliance Effort

CONTACT PERSON: Deborah Knight, City Administrator *D. Knight*

ISSUE:

The issue before the City Council is to authorize the Mayor to sign Resolution 08-08 Adopting a Workshop and Public Hearing Schedule for the 2008 Comprehensive Plan compliance effort.

STAFF RECOMMENDATION:

Authorize the Mayor to sign Resolution 08-08 (Attachment A) adopting a workshop and public hearing schedule for the 2008 Comprehensive Plan compliance effort.

PLANNING BOARD DISCUSSION:

The Planning Board will discuss the proposed workshop and public hearing schedule at its January 22, 2008 meeting. Comments from the meeting regarding the schedule will be presented verbally at the Council meeting to inform the Council's discussion.

The Planning Board will also discuss the approach and underlying assumptions used to develop the transportation element/transportation improvement plan and capital facilities element/capital facilities plan. City staff are recommending that the City Council schedule a similar discussion at its retreat on Saturday, February 9, 2008.

SUMMARY:

Attachment A is a proposed Resolution to adopt a workshop and public hearing schedule. Adopting the schedule by Resolution is intended to officially inform the public of opportunities to learn more about proposed changes to the 2004 Comprehensive Plan and participate in the discussion. The proposed Resolution should provide additional support for the required Public Participation Process required under the Growth Management Act. It is intended to supplement, not replace, the City's public participation procedures.

The Revised Code of Washington (RCW 36.70A.140) allows City staff to administratively amend the dates and tasks to allow some flexibility to adjust the schedule to meet changing needs.

This schedule was submitted to the Growth Management Hearing's Board in advance of the February 7, 2008 Compliance Hearing on Fallgatter V and Fallgatter VIII (Transportation Improvement Plan).

If the Board accepts the schedule, the City will need to keep to the proposed timeframes. The Planning Board and City Council may need to schedule additional meetings to stay on track.

FISCAL IMPACT:

The proposal is to supplement the City's existing public participation procedures with specific information and meeting times. There is no known fiscal impact associated with adopting Proposed Resolution No. 08-08.

BACKGROUND:

The City has a Public Participation and Notice Procedure (Attachment B) for:

1. Amendments to the Comprehensive Plan
2. Comprehensive Plan Elements and
3. Development Regulations

Each city or county is required by RCW 36.70A.130(2)(a) to establish a public participation program that identifies procedures and schedules for comprehensive plan Updates. This requirement applies to all plan amendments.

In establishing a public participation program a city or county must ensure the following:

- Notice of the update process is broadly and effectively disseminated (RCW 36.70A.035)
- The notice identifies the procedures and schedules by which updates will be considered
- The program provides for early and continuous public participation (RCW 36.70A.140)

One way for a county or city to complete this requirement would be to publish a complete public participation program or schedule at the beginning of the update process. However, it is not required that a city or county establish the entire schedule

at the beginning of the process, as long as a public participation program is established, with effective notice provided, for the remaining actions needed to complete the update.

It is also important to note that jurisdictions can adjust the public participation program as needed to best meet the intent of the requirement for public participation. RCW 36.70A.140 notes that "errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed."

For example, if an established public participation program included one public hearing on all actions having to do with the update process, the program could be adjusted later to provide additional public hearings to accommodate strong public interest.

Attachment C - RCW 36.70A.035 describes the required elements of the comprehensive plan public participation notice provisions.

RCW 36.70A.140 requires cities and counties to adopt and adhere to public participation processes in adopting and amending comprehensive plans and development regulations.

36.70A.140 Comprehensive plans — Ensure public participation.

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. ... Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

ALTERNATIVES:

1. Authorize the Mayor to sign Resolution 08-08 adopting a workshop and public hearing schedule for the 2008 Comprehensive Plan Compliance Effort.

This action implies the City Council approves the proposed schedule and is prepared to meet the deadlines.

2. Do not authorize the Mayor to sign Resolution 08-08 adopting a workshop and public hearing schedule for the 2008 Comprehensive Plan Compliance Effort.

This action implies the City Council has concerns regarding the proposed Resolution and is not prepared to authorize the Mayor to sign the Resolution at this time.

3. Discuss the proposed Resolution and direct staff to areas of concern.

RECOMMENDED ACTION:

Authorize the Mayor to sign Resolution 08-08 adopting a workshop and public hearing schedule for the 2008 Comprehensive Plan Compliance Effort.

ATTACHMENT:

- A – Resolution 08-08
 - B – Public Participation Procedures
 - C – RCW references
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COUNCIL ACTION:

DATE:

**City of Sultan
RESOLUTION NO. 08-08**

A RESOLUTION of the City of Sultan, Washington, Adopting a Workshop and Public Hearing Schedule for the 2008 Comprehensive Plan Compliance Effort

WHEREAS, RCW 36.70A.035 describes the required elements of the Comprehensive Plan public participation notice provisions; and

WHEREAS, RCW 36.70A.130(2)(a) requires cities and counties to establish a public participation program that identifies procedures and schedules for comprehensive plan updates; and

WHEREAS, RCW 36.70A.140 requires cities and counties to adopt and adhere to public participation processes in adopting and amending comprehensive plans and development regulations; and

WHEREAS, the City of Sultan has a Public Participation and Notice Procedure for amendments to the comprehensive plan, comprehensive plan elements and development regulations; and

WHEREAS, the City of Sultan wishes to adopt a Workshop and Public Hearing Schedule to supplement its Public Participation and Notice Procedures consistent with the Revised Code of Washington; and

WHEREAS, the Workshop and Public Hearing Schedule is intended to inform the public of opportunities to learn more about proposed changes to adopt a Comprehensive Plan compliant with the Growth Management Act and participate in the discussion;

NOW, THEREFORE, the City Council of the City of Sultan, Washington hereby resolves and clarifies its desire as follows:

Section 1

To establish a Workshop and Public Hearing Schedule as set forth in Exhibit 1 to supplement its Public Participation and Notice Procedures to inform the public of opportunities to learn more about proposed changes to adopt a Comprehensive Plan compliant with the Growth Management Act and participate in the discussion

This resolution shall become effective five days after publication.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2008.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST:

Laura Koenig, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Published:

Effective Date:

Resolution No.: 08-08

**DRAFT 2008 COMPREHENSIVE PLAN WORKSHOP
AND PUBLIC HEARING SCHEDULE**

**CITY COUNCIL MEETS 2ND & 4TH THURSDAYS
PLANNING BOARD MEETS 1ST & 3RD TUESDAYS**

January 8 – Planning Board Regular Meeting (Distribute Proposed Schedule)

January 22 – Planning Board Comprehensive Plan (Schedule and Overview)

February 5 – Planning Board Regular Meeting

February 19 – Comprehensive Plan Workshop (Update Project Costs for Existing Inventory)

March 9 - Planning Board Regular Meeting

March 18 - Comprehensive Plan Workshop (Needs Assessments Based on Alternative Levels-Of-Service and Project Cost Estimates)

April 1 - Planning Board Regular Meeting

April 15 - Comprehensive Plan Workshop (Adopt Level-of-Service)

May 6 - Planning Board Regular Meeting

May 20 - Comprehensive Plan Workshop (Continuation: Adopt Level-of-Service)

June 3 - Planning Board Regular Meeting

June 17 - Comprehensive Plan Workshop (Fiscal Analysis)

July 1 - Planning Board Regular Meeting

July 15 - Comprehensive Plan Workshop (Review TIP, 6-Year CIP, and 20-year CFP)

August 5 - Planning Board Regular Meeting

August 19 - Comprehensive Plan Workshop (Continue: Review TIP, 6-Year CIP, and 20-year CFP)

September 1st week

1. Issue SEIS for 45-comment period
2. Provide SEIS and Plan Update to CTED fro 60-day review
3. Open House

September 9 - Planning Board Regular Meeting

September 23 - Comprehensive Plan Workshop (Update)

October 7 - Planning Board Regular Meeting

October 21 – Planning Board Public Hearing

November 4 – Planning Board Recommendation to City Council

November 20 – City Council Workshop (Planning Board Recommendations)

December 4 – City Council Public Hearing (Special Meeting – Comp Plan Only)

December 18 – City Council Final Action

NOTE: SCHEDULE PROVIDES FOR ONE PLANNING BOARD WORKSHOP PER MONTH. REGULAR MEETING DATES MAY ALSO BE USED FOR WORKSHOPS AS NECESSARY.

Public Hearing Notice posted 10-days before the Hearing in the Everett Herald, posted on the City's Website, at Sultan City Hall and the Sultan Post Office, and e-mailed to the Public Notice List and Parties of Interest lists.

NOTE: SEIS 45-Day Comment Period/
CTED 60-Day Review



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**

RCW 36.70A.035

Public participation -- Notice provisions.

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

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

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

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

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

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

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

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

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

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

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

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

Attachment C

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

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997.