

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-2

DATE: February 28, 2008

SUBJECT: Resolution 08-10 Adopting a Revised 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 08-10 Repealing Resolution 08-08 and Adopting a Revised Workshop and Public Hearing Schedule for the 2008 Comprehensive Plan compliance effort.

STAFF RECOMMENDATION:

Authorize the Mayor to sign Resolution 08-10 (Attachment A) adopting a **revised** workshop and public hearing schedule for the 2008 Comprehensive Plan compliance effort.

PLANNING BOARD DISCUSSION:

The Planning Board discussed the proposed workshop and public hearing schedule at its February 19, 2008 meeting. The Board agreed to reschedule its meetings in March to accommodate the Council's schedule:

- Reschedule Tuesday, March 4, 2008 to **Wednesday, March 5, 2008**
- Reschedule Tuesday, March 18, 2008 to **Wednesday, March 19, 2008.**

SUMMARY:

This staff report outlines the revised schedule to adopt the 2008 Comprehensive Plan Update in September 2008. The City's original schedule was to adopt the Comprehensive Plan Update by December 2008.

On January 28, 2008, the City Council adopted Resolution 08-08 a Workshop and Public Hearing Schedule for the 2008 Comprehensive Plan Compliance Effort.

Adopting the schedule by Resolution was 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 provided additional support for the Public Participation Process (Attachment B) required under the Growth Management Act. It was intended to supplement, not replace, the City's public participation procedures.

At the compliance hearing on February 7, 2008, the Growth Management Hearings Board (GMHB) reviewed the City's proposed schedule and asked for three things from the City:

1. A revised schedule to adopt the 2008 Comprehensive Plan Update in September 2008. The City filed a revised schedule with GMHB on 2/21.
2. An update as to whether the City Council would consider a moratorium on development due to the GMHB on 2/21. (See Action Item A-3)
3. Briefing from the City responding to arguments regarding specific development regulations petitioners may have made in earlier pleadings in *Fallgatter V*. Due to the GMHB on 2/28.

Accelerating the schedule requires the City to complete the technical analysis and policy decisions by June 2008 in order to allow for required comment periods prior to officially adopting the Plan Update by September 2008.

The proposed revised schedule achieves the September deadline set by GMHB. However, it requires an intense schedule of meetings, discussions and policy decisions by the Planning Board and City Council.

Given the revised schedule, it is necessary to combine the Planning Board and City Council meeting to focus on this effort. Planning Board meetings would focus on the Comprehensive Plan for the next six months (March-August). The City Council has committed to two extra joint meetings per month with the Planning Board to meet the GMHB deadline.

Propose Schedule

March – Current Facility Inventories, Base Fiscal Analysis and Level of Service Alternatives (LOS)

Joint meetings with the City Council on Facility Inventories, Base Fiscal Analysis, and Level of Service Alternatives. The Council and the Planning Board may also discuss the scope of a development moratorium. *Planning Board meetings would be moved to Wednesdays in March to accommodate Council schedules:*

- Wednesday, March 5, 2008 - Joint meeting
- Wednesday, March 19, 2008 - Joint meeting
- Tuesday, March 25, 2008 - Open House

- Current Facilities Inventories
- base Fiscal Analysis
- Level of Service Alternatives

April – Forecast Fiscal Resources, Needs Assessment and Costs Based on LOS

Joint meetings with the City Council during regular Planning Board meetings to evaluate the City's fiscal capacity, needs assessment and project costs based on Levels-of-Service Alternatives:

- Tuesday, April 1, 2008 - Joint meeting
- Tuesday, April 15, 2008 - Joint meeting
- Tuesday, April 22, 2008 – Open House
 - Fiscal Capacity (resources)
 - Needs Assessment
 - Costs based on LOS alternatives

May – Creating the 6-year TIP, 20 year CFP, and Development Regulations

Joint meetings with the City Council during regular Planning Board meetings to develop the 6-Year Transportation Improvement Plan (TIP), 20-Year Capital Facilities Plan (CFP) and amendments to the City's development regulations. **Note the extra meetings on Tuesday, May 13, 2008 and Tuesday, May 20, 2008**

Evaluate the draft Transportation Element, Parks Element, Housing Element, Water and Sewer Plans, and Capital Facilities Element. Evaluate changes to the Development Regulations. Reassess LOS and land use to ensure fiscally viable plan:

- Tuesday, May 6, 2008 - Joint meeting
- Tuesday, May 13, 2008 – Joint meeting
- Tuesday, May 20, 2008 - Joint meeting
- Tuesday, May 27, 2008 - Open House
 - Transportation Element, Parks Element, Housing Element, Water and Sewer Plans, and Capital Facilities Element
 - 6-year TIP, and 20-Year CFP
 - Proposed amendments to the Development Regulations
 - Reassessment Strategy

June – Draft Comprehensive Plan and Revised Development Regulations

- Tuesday, June 3 - Planning Board sets required Public Hearing
- Tuesday, June 17 – Public Hearing and Recommendation to Council
- Tuesday, June 24 – Open House Draft Comprehensive Plan

July - Required comment periods and Development Regulations:

The Planning Board may continue to work on proposed amendments to the Development Regulations during the 45 day SEIS comment period and 60 day CTED comment period.

- July 1 through August 15- 45 day Supplemental Environmental Impact Statement
- July 1 through August 29- 60 day Community Trade and Economic Development (CTED)
- Tuesday, July 1 – Development Regulations
- Tuesday, July 15 – Development Regulations

August - Final Comprehensive Plan and Development Regulations

- Tuesday, August 5, 2008 – Set public hearing on Final Comprehensive Plan and Development Regulations
- Tuesday, August 19, 2008 – Public Hearing and Recommendation to Council

ANALYSIS:

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 allowing some flexibility to adjust the schedule to meet changing needs.

FISCAL IMPACT:

The fiscal impact to the City is that the invoices from the Consultants will not be spread over the year, but will be concentrated in the first half of 2008. This may impact the City's cash flow and will need to be monitored closely.

ALTERNATIVES:

1. Authorize the Mayor to sign Resolution 08-10 repealing Resolution 08-08 and adopting a revised 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 08-10 repealing Resolution 08-08 and adopting a revised 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 08-10 repealing Resolution 08-08 and adopting a revised workshop and public hearing schedule for the 2008 Comprehensive Plan Compliance Effort.

RECOMMENDED MOTION:

I MOVE TO AUTHORIZE THE MAYOR TO SIGN RESOLUTION 08-10 REPEALING RESOLUTION 08-08 AND ADOPTING A REVISED WORKSHOP AND PUBLIC HEARING SCHEDULE FOR THE 2008 COMPREHENSIVE PLAN COMPLIANCE EFFORT.

ATTACHMENTS:

- A – Resolution No. 08-10
 - B – Public Participation Procedures
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COUNCIL ACTION:

DATE:

**City of Sultan
RESOLUTION NO. 08-10**

A RESOLUTION of the City of Sultan, Washington, Repealing Resolution No. 08-08 and Adopting a Revised 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, on February 7, 2008, the Growth Management Hearing's Board reviewed the City's proposed schedule, adopted by Resolution No. 08-xx, and directed the City to present a revised schedule to adopt the 2008 Comprehensive Plan Update in September 2008; and

WHEREAS, on February 14, 2008, the City Council discussed the direction from the Growth Management Hearings Board and determined to revise the schedule to meet the September 2008 deadline set by the Growth Management Hearings Board; and

WHEREAS, on February 19, 2008 the Planning Board reviewed the revised schedule and agreed to adjust its schedule and hold joint meetings with the City Council to complete the Comprehensive Plan Update by the September 2008 deadline; and

WHEREAS, on February 21, 2008 the City submitted the revised schedule to the Growth Management Hearings Board as directed; 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-xx

EXHIBIT 1

Meeting Date	Meeting/Event	Topic
January		
Tuesday, January 08, 2008	Planning Board Regular Meeting	Distribute Proposed Schedule
Wednesday, January 16, 2008	Team meeting: preparation for January 22	
Tuesday, January 22, 2008	Planning Board Comprehensive Plan	Schedule and Project Overview
Thursday, January 24, 2008	City Council	Schedule and Project Overview
February		
Tuesday, February 05, 2008	Planning Board Regular Meeting	Land Use, Buildable Lands, etc.
Wednesday, February 13, 2008	Staff Team meeting - Prep for February 19	Fiscal Analysis
Tuesday, February 19, 2008	Planning Board Regular Meeting	Facilities Inventory-Fiscal Analysis
March		
Wednesday, March 5, 2008	Joint Planning Board / City Council Meeting	Facilities Inventory and LOS Discussion and Adoption
Wednesday, March 12, 2008	Staff Team meeting - Prep for March 19	

Meeting Date	Meeting/Event	Topic
Wednesday, March 19, 2008	Joint Planning Board / City Council Meeting	Facilities Inventory (Stormwater), Needs Assessment, LOS Discussion, Reevaluation Strategies
Tuesday, March 25, 2008	Work Shop/Open House	Facilities Inventory, Needs Assessment, LOS Discussion and Reevaluation Strategies
Thursday, March 27, 2008	City Council Meeting	LOS Direction - transportation, parks, water, and sewer, and stormwater
April		
Tuesday, April 01, 2008	Joint Planning Board / City Council Meeting	Fiscal Capacity (resources) and Needs Assessment
Tuesday, April 15, 2008	Joint Planning Board / City Council Meeting	Update Project Costs, First Review Development Regulations
Tuesday, April 22, 2008	Work Shop/Open House	Fiscal Capacity, Needs Assessment, Costs based on LOS Alternatives
Thursday, April 24, 2008	City Council Meeting	Policy Direction - LOS Alternatives, Fiscal alternatives (impact fees, stormwater utility, etc.)
May		
Tuesday, May 06, 2008	Joint Planning Board / City Council Meeting	Fiscal Analysis against LOS alternatives, Second Review Development Regs, Reassessment Policies
Tuesday, May 13, 2008	Joint Planning Board / City Council Meeting	Fiscal Analysis - 6-Year TIP and 20-year CFP
Tuesday, May 20, 2008	Joint Planning Board / City Council Meeting	Transportation Element, Parks Element, Housing Element, Water and Sewer Plans, and Capital Facilities Element

Meeting Date	Meeting/Event	Topic
Tuesday, May 27, 2008	Work Shop/Open House	Transportation Element, Parks Element, Housing Element, Water and Sewer Plans, and Capital Facilities Element, 6-yr TIP and 20-yr CFP, Proposed amendments to development regulations, and reassessment strategy
Thursday, May 29, 2008	City Council	Policy Decision - Transportation Element, Parks Element, Housing Element, Water and Sewer Plans, and Capital Facilities Element
June		
Tuesday, June 3, 2008	Planning Board Meeting	Planning Board sets Public Hearing
Friday, June 6, 2008		Draft Comprehensive Plan ready for Planning Board Public Hearing
Tuesday, June 17, 2008	Planning Board Meeting	Public Hearing on Draft Comprehensive Plan
Tuesday, June 24, 2008	Work Shop/Open House	Draft Comprehensive Plan ready for SEIS comment period
Thursday, June 26, 2008	City Council	Review Draft Comprehensive Plan
July		
Tuesday, July 01, 2008	Planning Board Meeting	Review Development Code Amendments
Thursday, July 10, 2008	City Council	Review Draft Comprehensive Plan and Release for 30-day SEIS comment period
Tuesday, July 15, 2008	Planning Board Meeting	Review Development Code Amendments
Thursday, July 17, 2008		Release Comprehensive Plan for 30-day SEIS comment period

Attachment A

Meeting Date	Meeting/Event	Topic
August		
Tuesday, August 05, 2008	Planning Board Meeting	
Monday, August 18, 2008	Regular Board Meeting	SEIS Comment Period Ends
Tuesday, August 19, 2008	Planning Board Meeting	Set Public Hearing on Final Comprehensive Plan and Development Regulations
Friday, August 29, 2008		Final SEIS Issued
September		
Tuesday, September 2, 2008	Planning Board	Public Hearing on Final Comprehensive Plan and Development Regulations
Thursday, September 04, 2008	City Council	Workshop on Planning Board recommendation
Thursday, September 18, 2008	City Council	Public Hearing and Decision

Public Participation Provisions

The City has a Public Participation and Notice Procedure 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.

RCW 36.70A.035 (below) 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.

Public Participation Provisions

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.

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;

Public Participation Provisions

- (ii) The proposed change is within the scope of the alternatives available for public comment;
 - (iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
 - (iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - (v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.
- (3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997.