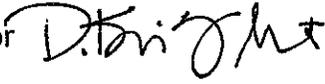


SULTAN PLANNING BOARD AGENDA ITEM COVER SHEET

ITEM NO: D-1

DATE: June 3, 2008

SUBJECT: Development Regulations – Implementing Comprehensive Plan Policies

CONTACT PERSON: Deborah Knight, City Administrator 

ISSUE:

The issue before the City Council and the Planning Board is to review proposed amendments to the City's development regulations to implement comprehensive plan policy revisions (Attachment A).

Direct staff to proceed with preparing the proposed amendments to the city's development regulations consistent with the Comprehensive Plan.

SUMMARY:

The Growth Management Act requires cities to implement comprehensive planning policies through development regulations.

At the joint meeting on May 13, 2008, the City Council and Planning Board reviewed changes to the development regulations to implement GMA requirements. The only necessary change was to define "family day care home" in the Sultan Municipal Code 16.150.040(D) to be consistent with revisions to the Growth Management Act.

Attachment A outlines proposed changes to the development regulations based on policy direction from the Council and Planning Board. Proposed revisions are in strike through/underline format.

If the amendments were not necessary for this compliance effort, proposed changes were not included in this draft (e.g. PUD revisions, impact fee formula moved from code to resolution, etc.). The Council and Planning Board may choose to include additional changes at a later date.

The City Council and Planning Board will also need to ensure the water and sewer plans are consistent with the comprehensive plan amendments and with the assumptions used in this compliance effort. Attachment B contains a short list of proposed changes to the Water System Plan and General Sewer Plan.

- 16.10 PUD Code - no changes needed at this time
 - Concurrency requirements for roads, water, sewer and police are amended in SMC 16.108
- 16.28.230 Minimum Requirements and Improvement Standards
 - Remove reference to lots served by septic systems.

Attachment C provides proposed language based on the City Council and Planning Board discussion at the May 27, 2008 joint meeting to allow septic systems on single family residential lots under very limited circumstances. The City Council and Planning Board must carefully consider the pros and cons of adopting such a policy.

- 16.72.010 Recreation and Open Space
 - Add a reference to impact fee requirements in Chapter 16.112
- 16.92.040 Stormwater Management Permits
 - Performance Standards – Projects shall provide treatment of stormwater. Removes the reference to six-month/24-hour return period.
 - Adds reference to the Stormwater Management Manual for Western Washington
 - Adds new performance standards (12-14) for storm conveyance systems, setbacks from drainage facilities, and drainage easements.
- 16.108 Concurrency
 - Removes the reference to police concurrency requirements
- 16.108.120 Concurrency Determination – Police Protection
 - Deleted
- 16.112 Impact Fees
 - New section for definitions
- 16.112.030 Recreation Impact Fee Formula
 - Removes reference to the effective dollar amount for the park impact fee so the fee may be adjusted in the fee schedule by resolution.
- 16.112.040 Traffic Impact Fee
 - Deletes the reference to the adjustment for anticipated additional tax revenues.
 - Removes the ability for the City Council to adjust the impact fee

- 16.112.085 Traffic Impact Fee Credits
 - Adds new impact fee credit section for system improvements
- 16.112.090 Appeals
 - Adds a new section to appeal impact fee determination

FISCAL IMPACT:

The major fiscal impact are the proposed changes to the Traffic Impact Fee in Chapter 6.112.040. The proposed language removes the adjustment for anticipated additional tax revenues resulting from a development. The language also removes the City Council's authority to adjust the standard impact fee for unusual circumstances. Finally, the proposed language limits credits against the traffic impact fee to "system improvements". Under the current impact fee credit system developers are given a full credit for system improvements identified in the capital facilities plan (see below).

16.112.080 Impact fee credits.

The developer shall be entitled to a credit against the applicable impact fee component for the present value of any dedication of land for improvement to or new construction of any system improvements provided by the developer (or the developer's predecessor in interest), to facilities that are/were identified in the capital facilities plan and are required by the city as a condition of approval for the immediate development proposal.

The amount of credit shall be determined at the time of building permit issuance (or site plan approval where no building permit is required). In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the developer may apply such excess credit toward impact fees imposed on other developments within the city. (Ord. 630 § 2[16.13.080], 1995)

As a result of these changes, the City should collect additional traffic impact fees.

RECOMMENDED ACTION:

1. The issue before the City Council and the Planning Board is to review proposed amendments to the City's development regulations to implement comprehensive plan policy revisions (Attachment A).
2. Direct staff to proceed with preparing the proposed amendments to the city's development regulations consistent with the Comprehensive Plan.

ATTACHMENTS:

- A – Amendments to City Code to Implement Comprehensive Plan Policy Revisions
- B – Amendments needed to Water System Plan and General Sewer Plan
- C - New on-site Septic System Approval Policy (for discussion only)

AMENDMENTS TO CITY CODE TO IMPLEMENT
COMPREHENSIVE PLAN POLICY REVISIONS

16.10 [PUD - not required immediately]

16.16.150 adopts Design Standards by reference. Need to review Design Standards

16.28 [subdivisions]

16.28.230 Minimum requirements and improvement standards.

A. General Standards. The public use and interest shall be deemed to require compliance with the standards of this subsection as a minimum, unless a modification is specifically approved by the council. The following minimum standards shall be met:

1. That each lot shall contain sufficient square footage to meet minimum zoning and health requirements;

~~2. If the lots are to be served by septic tanks, soil data and percolation rates may be required by the Snohomish health district. Notations regarding the conditions for health district approval may be required to be inscribed upon the short plat;~~

3. Where any abutting road has insufficient width to conform to minimum road width standards for the city of Sultan, sufficient additional right-of-way shall be dedicated to the city on the short plat to conform the abutting half to such standards;

43. Short subdivisions located in special flood hazard areas as defined elsewhere in this code shall comply with the floodplain protection standards contained in this chapter.

B. Roadway Design Standards.

1. Access to Roads. Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city road or roads, except that access to the boundary of a short subdivision by private road may be permitted where such private roads are otherwise permitted. If the subdivider uses a private road, each lot having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a utilities easement.

2. Minimum access to all lots within a short subdivision shall be provided by an opened, constructed and maintained city road or private road sufficiently improved for automobile travel having right-of-way width as set forth in the following table:

**Design Potential Minimum
for Access Right-of-Way Widths**

- 1 lot not exceeding
- 1 dwelling unit 20¢
- 2 – 4 lots not exceeding
- 4 dwelling units 30¢
- 5 or more lots or
dwelling units 60¢

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3. The maximum number of lots that may be served by a private road shall be four unless modification is granted by the council. In all other cases, access to any lot shall be by an opened, constructed and maintained city road or roads.

4. Road Standards. All plat roads shall be designed and constructed in conformance with the design standards and specifications as specified.

5. Sidewalk Standards. Sidewalks and/or walkways shall be provided to assure safe walking conditions for pedestrians and students who walk to and from school. Sidewalks shall be constructed in accordance with the design standards and specifications as specified.

C. Stormwater Drainage Design Standards. All plats shall comply with the requirements.

D. Design Standards for Areas with Steep Slopes. All plats shall comply with the requirements. (Ord. 840-04 § 1; Ord. 822-03 §§ 1, 2; Ord. 630 § 2[16.10.010(1)(a)(vii)(q)], 1995)

16.72 [rec and open space standards]

16.72.010 Applicability.

All types of residential subdivisions shall be required to provide recreation. In addition to the recreation requirements, residential developments shall meet the open space requirements of this title. The requirements of this chapter 16.72 are in addition to park impact fee requirements of chapter 16.112. Residential developments include condominium, multifamily, manufactured home parks and subdivisions. (Ord. 716-00; Ord. 630 § 2[16.10.060(A)], 1995)

16.92 [stormwater]

16.92.040 Stormwater management permits.

A stormwater management permit shall be applied for and obtained from the building and zoning official prior to commencement of development or redevelopment activity on land for which a permit waiver has not been issued and is described in SMC 16.92.030(A).

A. Applicability. A stormwater management permit is required for the development or redevelopment on land with more than 3,000 square feet of impervious area (roof, parking, etc.).

B. Application for Stormwater Management Permit. Anyone desiring to develop land shall apply for a stormwater management permit. In addition, the applicant shall submit copies of the following items which shall be prepared by a registered professional engineer.

1. A location map showing the location of the site with reference to such landmarks as major waterbodies, adjoining roads, estates, or subdivision boundaries.

2. A detailed site plan showing the location of all existing and proposed pavement and structures.

3. Topographic maps of the site before and after the proposed alterations.

4. Information regarding the types of soils and groundwater conditions existing on the site.

5. General vegetation maps of the site before development and a plan showing the landscaping to be performed as part of the project.

6. Construction plans and specifications necessary to indicate compliance with the requirements of these standards.

7. Runoff computations based on the most critical situation (rainfall duration, distribution, and antecedent soil moisture condition) using rainfall data and other local information applicable to the affected area.

8. Storage calculations showing conformance with the requirements of these standards.

9. Sufficient information for the building and zoning official to evaluate the environmental qualities of the affected waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.

10. Such other supporting documentation as may be appropriate, including maps, charts, graphs, tables, specifications, computations, photographs, narrative descriptions, explanations, and citations to supporting references.

11. Additional information necessary for determining compliance with the intent of these standards as the building and zoning official may require.

C. Performance Standards. The performance standards for the development or redevelopment on parcels for which a stormwater management permit is required shall be as follows:

1. All projects shall provide treatment of stormwater. Treatment BMPs (best management practices) shall be sized to capture and treat the water quality design storm, ~~defined as the six-month, 24-hour return period storm.~~ The first priority for treatment shall be to infiltrate as much as possible of the water quality design storm, only if site conditions are appropriate and groundwater quality will not be impaired. Direct discharge of untreated stormwater to groundwater is prohibited. All treatment BMPs shall be selected, designed, and maintained according to the adopted Washington State Department of Ecology's "Stormwater Management Manual for Western Washington."

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

Stormwater discharges to streams shall control streambank erosion by limiting the discharge in accordance with the most current Washington State Department of Ecology's "Stormwater Management Manual for Western Washington" (WDOE Manual) ~~peak rate of runoff from individual development sites to 50 percent of existing condition two-year, 24-hour design storm while maintaining the existing condition peak runoff rate for the 10-year, 24-hour and 100-year, 24-hour design storms.~~ As the first priority, streambank erosion control BMPs shall utilize infiltration to the fullest extent practicable, only if site conditions are appropriate and groundwater quality is protected. Streambank erosion control BMPs shall be selected, designed, and maintained according to the WDOE Manual ~~an approved manual.~~

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

2. The cumulative impact of the discharge from the site on downstream flow shall be considered in analyzing discharge from the site.

3. Where possible, natural vegetation shall be used as a component of drainage design. The manipulation of the water table should not be so drastic as to endanger the existing natural vegetation that is beneficial to water quality.

4. Runoff from higher adjacent land shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

5. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands. This shall be deemed to include the requirement that no herbicides, pesticides, or fertilizers may be used within 150 feet of any stream or aquifer recharge area.

6. Stormwater runoff shall be subjected to best management practice (BMP) according to the Washington State Department of Ecology's guidelines prior to discharge into natural or artificial drainage systems.

7. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met.

8. Design of water retention structures and flow attenuation devices shall be subject to the approval of the building and zoning official pursuant to the standards herein.

9. Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the building and zoning official.

10. Erosion by water shall be prevented throughout the construction process.

11. For the purpose of this section, it is presumed that the lowering of the water table to construct detention/retention basins and to permanently protect road construction does not conflict with the stated objectives of these standards, if all of the following are met:

a. The development site is not in a sole-source aquifer protection area or wellhead protection area.

b. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.

c. The high water table may be lowered to two feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway.

d. The lowering of the water table has no adverse effect on wetlands as defined in this section.

e. The lowering of the water table does not increase flows to the detriment of neighboring lands.

12. Storm conveyance systems shall accommodate the peak discharge from the 25-year, 24-hour design storm based on post-development site conditions including storm water flowing through the site which originates onsite and off-site.

13. Setbacks from drainage facilities.

a. Open drainage facilities. A setback of at least fifteen (15) feet, measured horizontally, shall be provided between the plan view projection of any structure, on-site or off-site, and the top of the bank of a constructed open channel or open retention or detention pond.

b. Closed drainage facilities. A setback of at least ten (10) feet, measured horizontally, shall be provided between the plan view projection of any structure, on-site or off-site and the nearest edge of a closed drainage facility, unless the public works director determines that adequate accessibility can be provided otherwise.

14. Drainage Easements. Drainage facilities shall include easements to protect the public from flooding, water quality degradation, damage to aquatic habitat, and other drainage impacts. Easements shall be granted to the City for the right to enter property, at the City's discretion, for the purpose of inspecting, maintaining, modifying, or replacing the following drainage facilities when such drainage facilities are constructed to serve a proposed development activity and are located on the site of the proposed development activity:

a. All detention facilities, retention facilities, infiltration facilities, and storm water treatment facilities;

b. Conveyance systems that conduct storm water from a public or private right-of-way to detention facilities, retention facilities, infiltration facilities, and storm water treatment facilities;

c. Closed-conduit conveyance systems that conduct water downstream of a public or private right-of-way;

d. Closed-conduit conveyance systems that conduct storm water from detention facilities, retention facilities, and storm water treatment facilities downstream to a public right-of-way;

e. Any other privately-owned drainage system, if the Public Works Director determines that damage to a public right-of-way or City property, or a threat to public health, safety, and welfare may occur if the drainage system does not function properly; and

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f. Any other drainage easements offered by the owner of the subject property which may be accepted by the Public Works Director if the Public Works Director determines the easement serves the public interest.

D. Review Procedure. The building and zoning official will ascertain the completeness of the stormwater management permit application within 10 working days of receipt. Completeness shall only be insofar as all required exhibits have been submitted and shall not be an indication of the adequacy of these exhibits. Within 30 working days after the determination has been made that a completed permit application package has been submitted, the planning commission shall approve, with specified conditions or modifications if necessary, or reject the proposed plan and shall notify the applicant accordingly. If the planning commission has not rendered a decision within 60 working days after plan submission, the plan shall be deemed to be approved.

The planning commission, in approving or denying a stormwater management permit application, shall consider as a minimum the following factors:

1. The characteristics and limitation of the soil at the proposed site with respect to percolation and infiltration.
 2. The existing topography of the site and the extent of topographical change after development.
 3. The existing vegetation of the site and the extent of vegetational changes after development.
 4. The plans and specifications of structures or devices the applicant intends to employ for on-site stormwater retention or detention with filtration, erosion control and flow attenuation.
 5. The impact the proposed project will have on the natural recharge capabilities of the site.
 6. The impact the proposed project will have on downstream water quantity and, specifically, the potential for downstream flooding conditions.
 7. The continuity of phased projects. (Projects that are to be developed in phases will require the submission of an overall plan for the applicant's total land holdings.)
 8. The effectiveness of erosion control measures during construction.
 9. Permits required by any governmental jurisdiction to be obtained prior to the issuance of a permit under this section.
 10. The adequacy of easements for drainage systems in terms of both runoff conveyance and maintenance.
 11. The method of handling upland flow which presently discharges through the site.
 12. The maintenance entity responsibility for upkeep of the system upon its completion.
- (Ord. 630 § 2[16.10.110(3)(b)], 1995)

16.108 [concurrency]

16.108.070 Facilities and services subject to concurrency.

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the comprehensive plan:

- A. Roadways;
- B. Potable water;
- C. Wastewater;
- D. Police protection;
- E. Parks and recreation. (Ord. 630 § 2 [16.12.070], 1995)

16.108.120 Concurrency determination — Police protection (Reserved).

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.120], 1995)

16.112 [impact fees]

16.112.030 Recreation facility impact fee formula.

A. Findings and Authority. The demand for parks and recreation facilities is proportionate to the size of the user population. The larger a population grows the greater the demand for city parks and recreation facilities. In order to offset the impacts of new residential development on the city's park system, the city has determined to adjust the current park impact fee consistent with city standards as new development occurs. Impact fees are authorized under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) to help offset the cost of capital facilities brought about by new growth and development. Impact fees imposed will be used to acquire and/or develop parks, open space and recreation facilities that are consistent with the capital facilities and park and recreation elements of the Sultan comprehensive plan.

B. The impact fee component for recreation facilities shall be calculated using the following formula:

$$\text{Fee} = \frac{(T/P \times U)}{A}$$

1. "Fee" means the recreation impact fee.
2. "T" means the total development cost of new facilities. Such costs shall be adjusted periodically, but not more than once every year.
3. "P" means the new population to be served.
4. "U" means the average number of occupants per dwelling unit.
5. "A" means an adjustment for the portion of anticipated additional tax revenues resulting from a development that is proratable to facility improvements contained in the capital facilities plan. Such adjustment for a recreation facility impact fee will be established by city council ordinance and at this time is established at \$130.00. Such adjustment rates shall be updated periodically, but not more than once every year.

C. Park Impact Fees Imposed. The amended park impact fee based on the parks and recreation needs and impact fee analysis and recreation facility impact fee ordinance, calculated in accordance with this section, is \$3,415 for each single-family, duplex and multifamily residential dwelling unit. (Ord. 929-06 §§ 1, 2, 3; Ord. 630 § 2[16.13.030], 1995)

16.112.040 Traffic impact fee formula.

The impact fee component for roads shall be calculated using the following formula:

$$\frac{TIF}{A} = \frac{F \times T \times X}{A}$$

A. "TIF" means the traffic impact component of the total development impact fee.

B. "F" means the traffic impact fee rate per trip in dollar amounts. Such rate shall be established by estimating the cost of anticipated growth-related roadway projects divided by the projected number of growth-related trips. Such rates shall be adjusted periodically, but not more often than once every year, to reflect changes in the prevailing construction cost index, facility plan projects, and anticipated growth.

C. "T" means the trip generated by a proposed development.

D. "A" means an adjustment for the portion of anticipated additional tax revenues resulting from a development which is prorable to system improvements contained in the capital facilities plan. (Ord. 630 § 2[16.13.040], 1995)

16.112.080 Impact fee credits.

The developer shall be entitled to a credit against the applicable impact fee component for the present value of any dedication of land for improvement to or new construction of any system improvements provided by the developer (or the developer's predecessor in interest), to facilities that are/were identified in the capital facilities plan and are required by the city as a condition of approval for the immediate development proposal.

The amount of credit shall be determined at the time of building permit issuance (or site plan approval where no building permit is required). In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the developer may apply such excess credit toward impact fees imposed on other developments within the city. (Ord. 630 § 2[16.13.080], 1995)

16.150 [definitions]

16.150.040 "D" definitions.

[definition of "Family day care home" to be revised as previously proposed]

Attachment B

Amendments will be needed to both the Water System Plan and to the General Sewer Plan. In general, it seems to me that these amendments should address the following:

- Goals and policies adopted for the Comp Plan need to be folded into the WSP and the GSP
- Revise the mapping to reflect the current GMA boundary
- Update the pipe system mapping for both the WSP and the GSP
- Water service area map needs to be revised and the agreement with Highland Water District included
- Land use plan, and maybe zoning, needs to be updated for both the WSP and the GSP
- Revise the population projection to reflect the 2025 population used for the Comp Plan
- Fire flow standards in the WSP need to be revised
- Discussion of on-site sewage systems in the GSP needs to be revised, though specific language is still being developed per your earlier email
- CIP's for both plans require revision, and the associated map showing the improvements, to reflect what is actually adopted by the City
- Some change to the text for treatment plant planning in the GSP will be required, though I will need some guidance as to just what the City wants to say
- Financial elements in both the WSP and the GSP need to be revised

As we work through the above points, we may find some additional points in either or both plans that will need changes. We will be updating the model for both the WSP and the GSP. We don't expect either to change the CIP recommendations, but that could happen – and if so, then the new model and results will need to be included in the plans. And I suppose that new SEPA Checklists will be needed too.

On-site Septic Systems

City policy as currently proposed, complies with GMA guidance prohibiting any new on-site sewage systems within the UGA or the city limits. All new construction shall be connected to a sewer, which is in line with the directive received by the City from the Hearings Board that the Comprehensive Plan must include a strategy to connect all of the approximately 409 existing on-site sewage systems to the City sewer system by 2025.

City staff and the Consultant team recommend discussing the risks involved with accommodating even individual property owners.

It may be extremely difficult to keep the language proposed and add something to address Council concerns regarding individual properties.

Where a property owner desires to build one (1) new single family home on an existing lot zoned for single family residences, and believes a sewer extension is to expensive to be financially feasible; the property owner may petition the City Council for permission to build using an on-site sewage system (subject to approval by Snohomish County Health Department). If the City Council agrees that a sewer connection is financially infeasible, it may approve construction of one home using on-site sewage technology subject to payment of the following:

- a) Estimated project cost for the collector sewer across the entire front of the property, as recommended by the City Engineer.
- b) Current Sewer Facilities Charge
- c) Estimated project cost for 100 feet of the sewer main or interceptor needed to reach the property, as recommended by the City Engineer.

At such time as sewer service does become available for the property, the home must be connected to the sewer within 90 days of notice that connection can begin.

Some statement will be needed regarding when the above costs must be paid. The most appropriate time would appear to be prior to issuance of a sewer availability certificate all costs must be paid in full. This may be onerous, though hardly as burdensome as the full cost to construct the new home. With Council approval, if the cost is deemed a financial hardship, the cost for a) above could be required prior to issuance of the Certificate of Sewer Availability; the cost of b) would be required before issuance of a Building Permit; and c) must be paid before the Certificate of Occupancy is issued.

As an approximation, the above costs will roughly equal the cost of a new on-site sewage system. Meaning, the property owner will pay roughly double for a sewer system for the privilege of building the home without connecting to the sewer. When the sewer is actually built in front of the property, the property owner will then be required to pay the cost of connecting the home to the sewer main plus deactivating the

Attachment C

on-site sewage system. Of course, the owner may then be able to short plat a second lot, sell it, and recover much of the total cost and possibly more.

Also note that the language specifies 'the property owner', which is meant to exclude a speculative real estate developer. It also is limited to one home. A subdivision or short plat would not be eligible.