

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: June 26, 2008

SUBJECT: Release Draft 2008 Revision of the 2004 Comprehensive Plan and Supplemental Environmental Impact Statement

CONTACT PERSON: Deborah Knight, City Administrator



ISSUE:

The issue before the City Council is approval to release the Draft 2008 Revision of the 2004 Comprehensive Plan (Plan) and Supplemental Environmental Impact Statement (SEIS) for a 60-day public comment period. Approval will also authorize the City to transmit the Draft to the Washington Department of Community, Trade and Economic Development (CTED) for its review as mandated by the Growth Management Act (GMA).

The Draft is a revision of the 2004 Plan and EIS to address an Order from the Central Puget Sound Growth Management Hearings Board. Revisions are focused on portions of the Plan needing correction. It is not an update of the 2004 Plan. Elements of the 2004 Plan which were not challenged or ordered to be revised remain as adopted.

The 2008 document is an "integrated SEPA/GMA" comprehensive plan. It combines the features of both the GMA-based comprehensive plan (RCW 36.70A) and the required elements of SEPA review (RCW 43.21C). This was the format used for the adoption of the 2004 Plan update.

No action is requested of Council on June 26, 2008 regarding actual adoption of the 2008 Plan revision. This will be requested in September once the comment period has ended, the Final SEIS has been issued and the final Comprehensive Plan has been prepared.

However, staff is seeking direction from the City Council regarding the docket request by the Dyer/Skywall neighborhood regarding the proposed roadway connection (T-28) between the neighborhoods and the proposed sewer extension.

The Council's policy direction on this docket item will be incorporated into the 2008 Plan Revision

STAFF RECOMMENDATION:

1. Recommend the City Council approve release of the Draft 2008 Revision of the 2004 Comprehensive Plan and Supplemental Environmental Impact Statement (SEIS) for a 60-day public comment period.
2. Authorize the City to transmit the Draft to the Washington Department of Community, Trade and Economic Development (CTED) for its review as mandated by GMA.

PLANNING BOARD RECOMMENDATIONS:

Dyer/Skywall Proposed Amendment to the 2004 Comprehensive Plan:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map.
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map as required by the State Growth Management Act.

See Attachment E for the March 19, 2008 Agenda Cover and Meeting Minutes:

On a motion by PB Van Pelt, seconded by PB Zaffram it was recommended to delete the proposed roadway connection of Dyer Road and Skywall Drive; maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, and maintain the proposed pump station as shown on the Sewer Map; all board members voted in agreement.

2004 Revised Comprehensive Plan

The Planning Board reviewed the revised 2004 Comprehensive Plan at its June 17, 2008 meeting.

The Planning Board noted two errors in the development regulations:

1. Section 16.16 (B) referred to the Snohomish County Health Department. The reference should be to the Snohomish Health District
2. Section 16.92 (D) of the revised development regulations made reference to the "planning commission". After discussion, City staff changed "planning commission" to "building and zoning official".

The Planning Board directed staff to make the corrections and to recommend to the City Council to release the revised 2004 Comprehensive Plan for the 60-day comment period under RCW 36.70A.106(1).

SUMMARY:

2004 Comprehensive Plan Update

On September 6, 2008 the Central Puget Sound Growth Management Hearings Board issued its final decision and order in Fallgatter IX on the Capital Facilities Plan. In regards to capital planning, the Board found:

- The Capital Facilities Plan does not demonstrate adequate facilities will be available within the planning period to serve the population.
- The Capital Facilities Plan fails to provide an adequate needs assessment (i.e. current needs, future needs, and expected levels of service) for water, sewer and stormwater facilities.
- The Capital Facilities Plan does not incorporate local adopted levels of service.
- Identified funding is lacking to serve the adopted level of service. The City cannot rely on future development to provide for major infrastructure such as sewer.

At the compliance hearing on February 7, 2008, the Growth Management Hearings Board (GMHB) asked the City to take three actions:

1. Revise the compliance schedule to adopt the 2008 Comprehensive Plan Update in September 2008. The City filed the revised schedule with GMHB on 2/21.
2. Adopt a moratorium on development due to the GMHB on 2/21. The City Council held a public hearing on March 13, 2008 and adopted Ordinance No. 981-08 imposing a moratorium on the acceptance of and processing of applications for subdivisions, planned unit developments and annexations.
3. Respond to arguments regarding specific development regulations petitioners may have made in earlier pleadings in Fallgatter V. Provided to the GMHB on 2/28.

In order to meet the September 2008 deadline required by the Growth Board, the Planning Board and City Council have been meeting together since March 2008 to review proposed amendments to the City's 2004 Comprehensive Plan to address the issues identified by the Growth Management Hearings Board. The last joint meeting was held on June 3, 2008.

The Planning Board and City Council are on schedule to adopt the Comprehensive Plan by the September 2008 deadline. The next step is to issue the Preliminary Draft - Revised 2004 Comprehensive Plan for public comment. A "Rough Draft" of the Preliminary Revised 2004 Comprehensive Plan is presented to the Planning Board for review and comment prior to going to the City Council.

Rough Draft Revised 2004 Comprehensive Plan

The culmination of the work by the Planning Board and the City Council is the **Rough Draft Revised 2004 Comprehensive Plan (version 06-13-2008)**

City staff and consultants have prepared a **Rough Draft** of the **Revised 2004 Comprehensive Plan (version 06/13/08)** for the Planning Board to review. The Rough Draft is based on the discussion and policy direction given by the Planning Board and City Council since March 2008.

The document is large and is provided to the Planning Board, City Council and community on a compact disc. The document is available on the City's website under Planning Board Agendas <http://www.ci.sultan.wa.us/council/2008-06-17/>

Changes to the 2004 Comprehensive Plan are shown by legislative mark-up with ~~strike-through~~ for deletions and underline for additions (new text).

Following input from the Planning Board, the **Rough Draft** will be further revised for consideration by the City Council at its meeting on June 26, 2008. The City Council will be asked to issue a **Preliminary Draft - Revised 2004 Comprehensive Plan** for the Draft Supplemental Environmental Impact Statement (SEIS) 45 day comment period and 60 day Community Trade and Economic Development Period under RCW 36.70A.106(1).

What's Changed

The proposed 2008 revisions to the Comprehensive Plan are intended to address Growth Management Act compliance issues identified by the Growth Management Hearings Board. The revisions, for the most part, deal with capital facilities planning. Portions of the Plan dealing with this issue were adjusted as necessary to ensure up to date information and consistency between the Plan and supporting capital facility plans (e.g. roads, utilities). Following is a summary of changes readers will see between the 2004 and 2008 plans.

Plan Structure and Format

Although the structure and format of the Plan is not a GMA compliance issue, the proposed reorganization enhances the readability of the Plan and complements the

revisions necessary for compliance. The 2004 Plan had goals and policies located both in the Plan itself and in its various appendices. The 2008 Plan clusters most goals and policies in sections related to their purpose and content.

Some sections in the 2004 Plan (e.g. Section 2.5--Economics) have been integrated with other sections (e.g. Section 2.2 -- Population and Employment).

Population, Housing and Employment

The 2004 EIS provided a substantial listing of past trends and future demographic forecasts. The 2008 Plan revision reviewed and in some cases revised these figures. Changes were not significant, particularly as they affected the updated capital facilities planning analyses. The exception involved the 2004 Plan's estimate of 1,500 existing jobs in Sultan. This figure should have been 1,010. The 2025 employment estimate of 2,000 employees did not change.

Land Area

The 2004 Plan indicates that the corporate *city limits* contain 2,557 acres which is inaccurate. The total UGA area to be served by infrastructure by 2025 has been recalculated and in 2008 totals 2,304 acres.

Critical Areas and Buildable Lands

Sultan developed a detailed inventory of the GMA defined critical environmental and resource lands within the Sultan proposed urban growth area in 1994. For the 2008 compliance revision, more precise analysis of the actual amount of buildable lands was conducted to confirm the ability of the UGA to accommodate 2025 growth.

In 2004, the City had not revised its Critical Areas Ordinance to include "best available science" as part of its GMA update responsibilities. The ordinance has since been adopted.

Shoreline Management

The City is in the final stages of adopting a new Shoreline Master Program (SMP). It is undergoing final review by the Department of Ecology.

Transportation

Revised road functional classifications

Revised arterial street design guidelines

Reduced Transportation LOS from LOS B (fairly free flowing) to LOS D (stable flow with acceptable delay during peak travel hours). Consultants have prepared a third alternative, LOS C, to provide an additional choice and comparison for consideration.

Increased transportation impact fees to fairly charge new development for costs of growth.

Revised transportation maps for existing conditions.

Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).

Future improvements are based on LOS and policy decisions by Council (e.g. removing the extension of T-35 and NM-1 through the Fire District's property and T-28 the Dyer/Skywall connection.)

The revised 2008 Transportation Element of the Comprehensive Plan is better integrated with other capital facilities plans, including the programming of over \$155 million in transportation improvements through 2025.

The 2004 Plan anticipated improvements to US 2, but in early 2008 a more specific Route Development Plan has been adopted as the result of work by the US2 Safety Coalition and other stakeholders. The first phase of safety improvements is now underway.

Public Utilities

A significant GMA compliance issue identified by the Growth Management Hearings Board was that the City's planning for capital facilities was not adequate to demonstrate that anticipated future growth could be accommodated. To correct this deficiency, the future project information outlined in the 2004 Plan and EIS has changed substantially, as have the capital cost estimates.

These changes are discussed in each of the Plan sections and are summarized in Section 2.10 (Capital Facilities Plan). Adoption of the Plan and CFP in late 2008 will not only meet the mandates of the Hearings Board, but will also ensure that the impacts of growth as projected in 2004 will be properly mitigated by a well-planned infrastructure system.

Code revisions are being proposed to clarify when and how property owners will be expected to pay fair-share costs for extension of the planned sewer and water systems.

During the planning horizon, sewer service will be available to all properties in the City and in the City's urban growth area. Property owners with functioning septic systems may be allowed to pay a hook up fee for utilities extended past their properties without having to connect. These owners may be required to sign annexation or non-protest ULID agreements; and may be required to abandon their septic systems when new construction occurs on their property.

Design criteria have been revised to better reflect the standards to be used by the City in designing water and sewer improvements. For the water utility, the water distribution system will be designed to deliver a fire flow of 1,000 gallons per minute (GPM) at fire hydrants in residential areas, and 1,500 GPM in non-residential areas.

For the sewer system, the sewerage piping system will be designed to contain all flow projected to enter the sewer system during a 10-year, 24-hour, storm event; and peak hour flow will be contained within the pipes as flowing full without surcharging flow up into manholes.

Water service provided within the Urban Growth Area (UGA), plus the current water residents already connected that are outside the UGA.

Management of private wells inside the city once water service is available to the resident, but not to force connection or decertification.

Fire flow standard set at minimum requirement of 1,000GPM for residential and 1,500 GPM for non-residential properties.

Water supply from Everett as supplemental to Lake 16.

Require connection to sewer when new lines are laid and related financing when lines are extended. Residents are not required to connect to existing lines unless septic tanks fail or the property is redeveloped.

Alternative sewer collections systems were allowed, but do not prefer grinder pumps. Although the board wants to keep in mind cost benefit.

Stormwater Management

In addition to the improvements to the overall capital facilities planning effort, the City is in the process of creating a stormwater utility to provide revenue for stormwater improvements and maintenance.

Conveyance System

	Closed Pipes & Ditches	Culverts
New Storm Facilities	25-yr Storm, Peak Flowrate	25-yr Storm, Peak Flowrate
Existing Storm Facilities	10-yr Storm, Peak Flowrate	10-yr Storm, Peak Flowrate
Minimum Pipe Size for Maintenance	12" diameter (publicly owned)	12" diameter (publicly owned)

Fix existing problems with specific funding set aside from stormwater utility

Design standards "Stormwater Management Manual for Western Washington", 2005

Stormwater Quality

Detention / Infiltration

Erosion Control

Low Impact Development

Integrate with Sultan Stormwater Goals, as defined in the 2004 Comprehensive Plan

- Create an effective stormwater management plan that will control runoff quality, volumes, and directions.
- Collection: utilize natural drainage corridors and open channel wherever practical...maintain the channels in a "natural state to blend with the natural surroundings...."
- Retention: Require land developments to hold or retain storm runoff.
- Runoff Quality: Monitor and establish performance standards governing the use of fertilizers, chemicals, loss of soil, erosion during construction, and wastes.
- Costs: Equitably distribute costs to the private properties that contribute runoff.

Eliminate "monitoring" from City Goals

Parks and Recreation

To achieve GMA compliance, significant changes have been made to the Parks and Recreation Element of the Comprehensive Plan. The inventory of parks has been realigned to more accurately reflect what facilities are available. City facilities were separated from school district and other ownerships to better integrate capital costs with other City needs.

Mini-parks (one acre or smaller) are to be dealt with outside of the City budget; for example, by requiring small recreation spaces as part of new development. The number and types of new parks have been reduced from the 2004 Plan. The main goal of the next six year capital facilities plan will be to acquire property for a new community park, although actual construction may not occur until after 2015.

Capital Finance Strategy

The 2008 Plan revisions include a comprehensive financial strategy that outlines a viable approach to funding the facilities necessary to support development as well as providing funding for other important community facilities to the year 2025.

This strategy is based on an analysis of the city's financial capacity, the potential for grant assistance and the opportunity for developer financing of projects need for new development.

The strategy includes identifying ways that key facilities needed to provide a system of improvement to serve the entire city and UGA by 2025.

- There are reasonable and practicable financial strategies available to appropriately fund the identified needs.
- **A practicable financial strategy plan must rely heavily of developer contributions.**
- Some modification to parks the level of service that is necessary for development should be considered.
- The financial strategy for street needs is heavily dependent on developer financing.
- Sewer needs can be financed through continued implementation of rate study recommendations.
- •A rate study should be implemented for the water utility to finalize the financial strategy for that utility.

Police Level of Service

Police Level of Service (2.6 officers per 1000 residents) is discussed in the 2004 Plan, but is proposed for elimination as a code requirement in 2008. In other words, having 2.6 officers per 1000 residents would no longer be a condition of development approval. The City will strive to provide a high level of qualify public safety service, but must balance police expenditures with other needs in the community.

Impact Fees

To achieve GMA compliance, development impact fees have undergone a complete review as part of the 2008 revision to assure a significant revenue source related to needs created by new growth. Transportation fees will increase and park fees will remain essentially the same, although the number of new parks may be reduced. The payment of impact fees will occur closer to actual building permit issuance; the amount of the fee may vest at the time of subdivision this to provide greater predictability in the cost of construction and housing prices.

Impact fees proposed for adoption in 2008 are as follows:

Transportation: increase from \$1,837 to \$5,272 per peak hour trip
Parks decrease from \$3,415 to \$3,175 per dwelling unit

Development Codes

The 2004 Plan noted that a Planned Unit Development ordinance was being considered. This is now in place.

Attachment D contains the proposed amendments to City code to implement the proposed Comprehensive Plan policy revisions.

FISCAL IMPACT:

The City is required to submit proposed plans or amendments to Growth Management Services (GMS) for review 60-days prior to adoption [RCW 36.70A.106(1)]. Adopted items, including a copy of the signed adopting ordinance, are to be submitted to GMS within 10 days of adoption [RCW 36.70A.106(2)].

The Fiscal Impact is limited to making the proposed plan revisions available to the public for review and comment. The City is distributing the Rough Draft and Preliminary Plan on compact disk and providing the information on the city's website to reduce the costs of printing copies. Hard copies are available upon request.

City staff are also recommending the City prepare a direct mailer regarding the comprehensive plan changes. The cost to direct mail is approximately \$2500.

RECOMMENDED ACTION:

Recommend the City Council release the revised 2004 Comprehensive Plan for the 60-day comment period under RCW 36.70A.106(1).

ATTACHMENTS:

- A – Compact Disk containing Rough Draft of the Preliminary Draft Revised 2004 Comprehensive Plan.
- B – Public Participation
- C – Comprehensive Plan Adoption Schedule
- D – Revised Development Regulations

**Attachment B
Public Participation**

DATE	AGENCY	MEETING	TOPIC & MATERIALS	ACTION
9/5/2007	City of Sultan	News Release	Open House 4:30-8:00PM 09/18/07 Comp Plan Changes	Discussion Only Land Use, Transportation, Water, Sewer, CFP, LOS
09/05/07	CPSGMHB	HEARING	Final Decision & Order on Case No. 07-3-0017 Fallgatter IX mandating a compliance schedule for GMA	Start Process for Compliance
09/11/07	Planning Commission	Regular Meeting	Comp Plan Supplemental EIS Update. LOS Police, MRSC report available on LOS	Discussion Items Only
10/02/07	Planning Commission	Regular Meeting	Comp Plan Open House Summary, Discussion GMHB Fallgatter IX	Discussion Fallgatter IX Decision
10/03/07	CPSGMHB	HEARING	Order Cont Non-Compliance & Invalidity Re: TIP set 3rd Compliance Schedule, Inconsistent w Comp Plan.	Deadlines 122107 take appropriate legislative action, 011408 SATC Comp
10/08/07	City of Sultan	News Release	Joint Mtg Planning Commission & City Council 10/25/07 7PM GMA Amendments	Discussion on Reducing LOS for Parks, Transportation, Police
10/25/07	Council & Planning	Joint Meeting	Planning Board & Council Agenda	Review LOS standards for comment letter, parks, transportation, police
11/02/07	CTED	LETTER	Re: 2004 Comp Plan Amendments	Direction on required amendments GMA
11/08/07	City Council	Regular Meeting	Council Agenda Donations for Comp Plan	Discuss soliciting donations for GMA Compliance
11/13/07	Planning Commission	Regular Meeting	Planning Board Agenda Comp Plan Compliance Schedule	Discuss strategy for compliance
11/15/07	City Council	Regular Meeting	Council Agenda Contract for Land Use Attorneys	Negotiate Contract for Cairncross & Hempelmann
11/27/07	Planning Commission	Regular Meeting	Planning Board Agenda SEIS Comments TIP, Revise Comp Plan Schedule	Discussion Only. Create Revised Compliance Schedule for Comp Plan
01/08/08	Planning Commission	Regular Meeting		Compliance Plan Identified
01/10/08	CPSGMHB	Motion Hearing	Revised Compliance Schedule & Plan filed, compliance team created	
01/10/08	City Council	Regular Meeting	Council Agenda Comp Plan Compliance Work Stormwater Only	Approve Contract Perteet Eng
01/16/08	GMA Compliance Team	Team Meeting	Prepare for January 22, 2008 Meeting	Review items for 012208 Mtg
01/22/08	Planning Commission	Regular Meeting	Planning Agenda 2004 Comp Plan Amendments Road & Sewer, Updates	Comp Plan Workshop & Public Hearing Sched. Compliance Approach & Assumptions
01/24/08	City Council	Regular Meeting	Contract for Cairncross & Hempelmann - Land Use Attorney to assist in meeting Comp Plan compliance.	Sign Contract
01/28/08	Reid Shockey	Letter	Facilities Inventory Letter & Memo Fiscal Capacity Draft 2 Tech Memo2	Recommendations

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Attachment B Public Participation

DATE	AGENCY	MEETING	TOPIC & MATERIALS	ACTION
02/05/08	Planning Commission	Regular Meeting	Population Emp & Housing Forecast Technical Memo #1 Draft 1. 2004 Land Use Map Conclusions	Review and discuss draft make recommendations answer questions
02/07/08	CPSGMHB	HEARING	Moratorium Discussion	Motion Filed
02/12/08	City of Sultan	News Release	Public Hearing 021908 Comp Plan Amendments	Roadway and Sewer Changes
02/13/08	CPSGMHB	HEARING	Fallgatter V- Comp Plan, VIII- TIP, IX-CF Plan Comp Order	Tighten Compliance Sched, Consider Moratorium
02/13/08	GMA Compliance Team	Team Meeting	Prepare for February 19, 2008	Review Topics for 021908 Mtg
02/14/08	City Council	Regular Meeting	Agenda Tech Memo for Water System GMA Compliance & Hearing Board Updates	Approve Contract w/BHC & Discuss Hearing Board Decisions

12/04/07

DATE	AGENCY	MEETING	TOPIC & MATERIALS	ACTION
12/18/07				
02/19/08	Planning Commission	Public Hearing	Public Comment: amend Comp Plan Dyer Rd & Skywall Dr connection, maintain prpsd sewer extension, pump station.	Discussion Items Only
02/19/08	Planning Commission	Regular Meeting	Agenda Revised Comp Plan Schedule for GMA Timeline	Discussion Items Only
02/21/08	CPSGMHB	HEARING	Revised Compliance Schedule	Modification of Order
02/28/08	City Council	Regular Meeting	Rev GMA Comp Sched, Pop Emp-Housing Forecast, Prof Svcs Contract-Perteet - Traffic Forecasts for TIP. Draft 2 Tech Memo 1	Approve revisions. Discuss Moratorium subdivision, planned unit dev, rezones, annexations.
02/28/08	CPSGMHB	HEARING	Fallgatter V, VIII, IX, , Request to invalidate Sultan's Development Regs	Submitted
03/05/08	Council & Planning	Joint Meeting	Comp Plan Amendments Rds & Sewer. Discuss, Reduce LOS - Parks, Transportation, Police.	Reveiw & Discuss Alternatives
03/12/08	GMA Compliance Team	Team Meeting	Prepare for March 19, 2008	Discussion
03/14/08	CPSGMHB	HEARING	Order of Continuing Non-Compliance	Order to Comply
03/17/08	City of Sultan	News Release	Community Open House 032508 4-7PM Comp Plan	Reduce LOS Roads, Parks, Police
03/19/08	Council & Planning	JOINT WORKSHOP	Review Comp Plan: Facilities inventories, base fiscal analysis, LOS Alternatives in compliance with Comp Plan Updates	Approve Amendments
03/25/08	CITY OF SULTAN	OPEN HOUSE	Comp Plan Workshop Reduce LOS Roads, Parks, Police	Public Comments - Discussion
03/27/08	City Council	Regular Meeting		
04/01/08	Council & Planning	Joint Meeting	Agenda Recommend Findings of Fact Land Use Moratorium	Discuss LOS Alt; Water-Sewer, Stormwater
04/15/08	Council & Planning	Joint Meeting	Agenda	

B.2

Attachment B Public Participation

04/17/08	City of Sultan	News Release	Community Open House 042208 4-7PM 2004 Comp Plan Amendments	GMA Comp. Septic Systems, Wells, Stormwater
04/22/08	CITY OF SULTAN	OPEN HOUSE	Comp Plan Hand Outs, Reduce LOS Roads, Parks, Police	Public Comments - Discussion
04/24/08	City Council	Regular Meeting		
05/08/08	City Council	Regular Meeting	Agenda Cover Amendment #1 with Perteeet	Eng & Traffic Forecast & Dev Reg Revisions
05/13/08	Council & Planning	Joint Meeting	CFP Financing Strategies, Parks, Water, Sewer, Stormwater, General Gov Tech Memo 4 Draft, Needs Assess, Develop Regulations - GMA	Topics of Discussion
05/27/08	CITY OF SULTAN Council & Planning	Public Meeting	Open House Comp Plan Info & Handouts	Public Comments - Discussion
06/03/08		Joint Meeting		

B.3

Comprehensive Plan Adoption 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)
 - LOS alternatives water, sewer and stormwater

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 meeting on Tuesday, May 13, 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
 - Proposed amendments to the Development Regulations
 - Fiscal Strategies

Comprehensive Plan Adoption Schedule

June – Draft Comprehensive Plan and Revised Development Regulations

- Tuesday, June 3 – Joint Meeting
- Tuesday, June 17 - Recommendation to Council
- Tuesday, June 24 – Open House Draft Comprehensive Plan
- Thursday, June 26 – Council released Preliminary Draft Comp Plan and SEIS for public comment

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)
- Thursday, July 10 – Joint meeting on Water/Sewer Plan Amendments
- Tuesday, July 24 – Joint meeting on Water/Sewer Plan Amendments

August - Final Comprehensive Plan and Development Regulations

- Tuesday, August 19, 2008 – Set Public Hearing on Recommendation to Council
- Monday, August 25, 2008 – Comment Period Closes

September – Adopt Revised Comprehensive Plan

- Tuesday, September 2 – Planning Board Public Hearing and recommendation to Council
- Tuesday, September 16 – Planning Board Recommendation to Council.

PROPOSED DEVELOPMENT REGULATION AMENDMENTS
INCLUDES REVISIONS FROM 6/17/08 PLANNING BOARD WORKSHOP

AMENDMENTS TO CITY CODE TO IMPLEMENT
COMPREHENSIVE PLAN POLICY REVISIONS

16.16 General Regulations

(New section) 16.16.045 New septic system reasonable use exception – future sewer connection required.

A. The purpose of this section is to allow reasonable use of the property where sewer infrastructure is not yet in place, while ensuring connection to sewer as soon as practicable.

B. Where a property owner proposes to build one (1) new single family residence on an existing lot zoned for single family residences and a sewer extension is necessary, but not financially feasible, the property owner may apply for approval to construct and use an on-site sewage system, subject to approval by Snohomish County Health Department Snohomish Health District. Such request must be submitted to and approved by the community development director subject to the reasonable use exception in subsection C.

C. If denial of the request to build an on-site sewage system would deny all reasonable use of the property, development may be allowed which is consistent with the general intent of this title and the public interest; provided, that the community development director finds that:

1. This title would otherwise deny all reasonable use of the property;
2. The proposed on-site sewage system does not pose an unreasonable threat to the public health, safety or welfare on or off the property;
3. The property owner agrees to payment of
 - (a) the estimated cost for the collector sewer across the entire frontage of the property, as recommended by the city engineer;
 - (b) the current sewer facilities charge; and
 - (c) the estimated project cost for 100 feet of the sewer main or interceptor needed to reach the property, as recommended by the city engineer
4. The property owner must also construct the necessary connection stub from the residence to allow future connection to the sewer line when sewer becomes available.
5. The residence must be connected to the sewer line within 90 days of notice by the city that the connection can be made.

D. Any decision of the community development director regarding this reasonable use exception shall be final unless appealed pursuant to the provisions of 16.120.100.

16.28 Subdivision Regulations

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;~~

~~4. 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 feet

2 – 4 lots not exceeding

4 dwelling units 30 feet

5 or more lots or

dwelling units 60 feet

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.

PROPOSED DEVELOPMENT REGULATION AMENDMENTS
INCLUDES REVISIONS FROM 6/17/08 PLANNING BOARD WORKSHOP

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 Recreational 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 Management Performance Standards

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.

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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.

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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;

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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

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 ~~planning commission~~ 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~~ building and zoning official shall approve, with specified conditions or modifications if necessary, or reject the proposed plan and shall notify the applicant accordingly. If the ~~planning commission~~ building and zoning official has not rendered a decision within 60 working days after plan submission, the plan shall be deemed to be approved.

The ~~planning commission~~ building and zoning official, 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.

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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 Management System

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;~~

ED. 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 Development Impact Fees

(New Section) 16.112.015 Definitions

The following definitions apply to this chapter 16.112:

A. System Improvements – transportation capital improvements that are identified in the city's most current adopted 20 year comprehensive plan and are designed to provide services to the community at large.

B. Project Improvements – site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements.

C. Frontage – that portion of the development property adjacent to an existing or future roadway where access to the site or individual properties is permitted by the city.

D. Frontage Improvements – shall include all improvements as designed in the city comprehensive plan, city standards, or other adopted plan that can include roadway surfacing, curb & gutter, sidewalk, drainage, lighting, landscaping, and signs.

E. Designated City Official – shall be the public works director or his or her designee.

F. Local Access Classified Roadway – the designate roadway cross section as included in the city's adopted standards, comprehensive plan, or a city area master plan.

G. Developer – any representative who is the designated traffic impact fee payer for a development.

16.112.020 Imposition of impact fees.

A. After the effective date of this code, any person who seeks to develop land within the city of Sultan by applying for a building permit ~~for a residential building or manufactured home installation~~, shall be obligated to pay an impact fee in the manner and amount set forth in this chapter.

B. The fee shall be determined and paid to the designated city of Sultan official at the time of issuance of a building permit for the development. For manufactured homes, the fee shall be determined and paid at the time of issuance of an installation permit. (Ord. 630 § 2[16.13.020], 1995)

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.

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

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

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:

$$\text{TIF} = F \times T \times A$$

- 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 contained in the capital facilities plan divided by the projected number of growth-related trips, as adjusted for other anticipated sources of public funds. 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 proratable to system improvements contained in the capital facilities plan. (Ord. 630 § 2[16.13.040], 1995)~~

16.112.050 Calculation of impact fee.

A. The impact fee for nonresidential development shall be computed by applying the traffic impact fee formula set out in SMC 16.112.040. The impact fee for a residential development shall be computed by applying the traffic impact fee and recreation facility impact fee formulae set out in SMC 16.112.030 and 16.112.040, combining the results.

B. If development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each type of use.

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~~C. The city council shall have the authority to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances peculiar to specific development activity to ensure that impact fees are imposed fairly.~~

D. Upon application by the developer of any particular development activity, the designated city official ~~council~~ may consider studies and data submitted by the developer, and if warranted, may adjust the amount of the impact fee. Such adjustment shall be deemed warranted if it can be demonstrated that:

1. Due to unusual circumstances, the system improvements would not ~~reasonably~~ benefit the proposed development;

2. The public facility improvements identified are not ~~reasonably~~ related to the proposed development; and

3. ~~The formula set forth for calculating the impact fee does not accurately reflect impacts results in a fee that is not proportionate to the project's impacts.~~ (Ord. 630 § 2[16.13.050], 1995)

16.112.080 Impact fee credits for other than traffic impact fees.

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 system 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)

(New section) 16.112.085 Traffic Impact Fee Credits

The developer shall be entitled to a credit against the transportation 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) whenever a particular system improvement is a condition of approval or terms of a voluntary agreement. A credit shall be limited to the total amount of the transportation impact fee for the particular development.

The initial amount of credit shall be determined by the designated city official at the time of building permit issuance or site plan approval where no building permit is required. The final amount of the credit may be adjusted with the approval of the designated city official to reflect actual costs.

Calculating a transportation impact fee credit shall be determined as follows:

A. When a development frontage abuts a designated system improvement roadway, any credit for this roadway section will be reduced by the cost for the required frontage improvement. Land dedication shall be credited for any additional right-of-way dedication exceeding the local access classified roadway right-of-way standard.

B. Credit shall not be given for project improvements that are primarily for the benefit of the development users or occupants, or that are not located on the frontage when identified in a

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city adopted plan. This could include access walkways to schools, centers, and parks. This could also include roadway or safety improvements not identified as system improvements.

C. Credit for land dedication shall be determined by an appraisal conducted by an independent professional appraiser chosen by the developer from a list of at least three such appraisers proved by the city. The cost of the appraisal shall be borne by the developer and is not subject to a credit. The appraisal shall only value the land dedicated and not any alleged damages to any abutting property.

D. Cost for facility construction for system and project improvements shall be based upon a construction cost worksheet provided by the city and completed by the developer, or the city may require actual costs provided by the developer contractor.

For any residential portion of development, credit shall be determined on a per dwelling unit basis. The credit per dwelling unit shall be determined by calculating the total impact fee credit for the residential portion of generated trips and dividing by the number of dwelling units. Credit will then be applied at the time of permit issuance for each dwelling unit.

No refund or future credit will be allowed in the event that the impact fee credit calculated or actual construction costs exceed the amount of the impact fee.

16.112.090 Appeals.

Any person aggrieved by the amount of the impact fee calculated and imposed upon a particular development activity may appeal such determination pursuant to the provisions of 16.120.100~~to the city council with 20 days of the issuance of the determination of the impact fee.~~ (Ord. 630 § 2[16.13.090], 1995)

16.150 Definitions

16.150.040 "D" definitions.

1. Day Care Facility. The following definitions shall apply to the various day care facilities allowed in the different zoning districts:

a. "Day care center" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling of those individuals under whose direct care the child or children are placed which accommodates 13 or more children regardless of whether such services are provided for compensation.

b. "Family day care home" means a residence used for the care of children ~~under the age of 12~~ located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating six 12 or fewer children ~~for full-time care and two children for part-time care, such numbers to include those members~~ children of the resident family ~~who are under the age of 12 years old.~~ This definition shall apply regardless of whether the care is provided for compensation.

c. "Mini-day-care facility" means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling or located in the family dwelling of the person or persons under whose direct care the child or children are placed which accommodates 12 or fewer children including those of the resident family who are under the age of 12 years of age, regardless of whether said services are provided for compensation.

2. "Decision" means written notification to an applicant that his or her permit application has been approved or denied.

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3. "Declaration of short subdivision" means a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed. The declaration shall, as a minimum, contain the following elements:

- a. A legal description of the tract being divided and all parcels contained therein;
- b. An illustrative map; and
- c. If applicable, the restrictive covenants.

4. "Dedication" means the deliberate appropriation of land by an owner for the general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon, and, the acceptance by the public shall be evidenced by approval of such plat for filing by the city.

5. "Deed" means a written instrument under seal by which an estate in real property is conveyed by the grantor to the grantee.

6. "Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

7. "Department" means the department of public works of the city of Sultan.

8. "Design storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

9. "Detention facility" means an above-ground or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

10. "Determination" means written notification to the issuing authority and all appropriate interested parties that the decision of the issuing authority has been affirmed or nullified.

11. "Developer" means any person, firm, partnership, association, corporation, company, or organization of any kind, engaged in any type of man-made change of improved or unimproved land.

12. "Development" means the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure.

13. "Development right" means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

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14. Development, Substantial. With regard to projects that have been initiated, substantial development shall constitute at least 10 percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.

15. "Director" means the superintendent of public works of the city of Sultan.

16. "District, zoning" means any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this unified development code; and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

17. "Domestic animal" means an animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.

18. "Drainage" means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

19. "Drainage basin" means a geographic and hydrologic subunit of a watershed.

20. "Drive-in establishment" means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, or intended to permit consumption in the motor vehicle of food or beverages obtained by a patron of said business establishment (restaurants, cleaners, banks, etc.).

21. "Drive-in or drive-through facility" means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

22. "Driving range (golf)" means an unconfined recreational facility (i.e., without netting overhead or along side the facility) situated on a plot of land at least 400 yards in length and a minimum of 300 feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least 100 yards in length and a minimum of 150 feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

23. "Driveway" means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

24. "Dwelling" means a building or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including hotels or recreation vehicles. (See also "dwelling, multiple-family" and "family").

25. "Dwelling, attached" means a dwelling having any portion of a wall in common with adjoining dwellings.

26. "Dwelling, detached" means a dwelling that is entirely surrounded by open space on the same lot.

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27. "Dwelling, duplex" means a detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a mobile home.

28. "Dwelling, multiple-family" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, and cooking in said building. This definition includes apartment houses but does not include hotels, trailers, or mobile homes.

29. "Dwelling, single-family" means a detached building designed for or occupied exclusively by one family.

30. "Dwelling unit" means any room or group of rooms located within a residential building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, and cooking. (Ord. 630 § 2[16.05.276 – 16.05.334], 1995)

SULTAN PLANNING BOARD AGENDA ITEM COVER SHEET

DATE: March 19, 2008

SUBJECT: Proposed Amendment to the 2004 Comprehensive Plan

CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the Planning Board is to make a recommendation to the City Council on a proposed amendment to the 2004 Comprehensive Plan to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

SUMMARY:

The Growth Management Act limits the City to amending the Comprehensive Plan only once a year. The City docketed the Dyer Skywall petition on November 15, 2007 for the Planning Board's consideration. Although the Planning Board may consider the proposed amendment and make a recommendation to the City Council, the City will need to consider all docket items as a group prior to final approval of any changes to the Comprehensive Plan.

For comprehensive plan amendments, the statutes (RCW 35A.63.073 and 35A.63.070) require the planning board hold at least one public hearing. Notice is to be given as provided by ordinance and published at least ten days prior to the hearing. If continued hearings are held, no additional notices need be published.

The Planning Board discussed the proposed amendments to the 2004 Comprehensive Plan at its meeting on January 22, 2008 and prepared a recommendation for Public Hearing on February 19, 2008. Letters were mailed to property owners in the Dyer/Skywall neighborhood that signed the petition in March 2006 (Attachment B). Public notices and a press release (Attachment B) were also distributed to further encourage participation in the public hearing.

The public hearing was opened at the meeting on February 19, 2008 and continued to March 5, 2008 in accordance with State Law.

The Planning Board should review its recommendation in light of testimony received during the public hearing and prepare a final recommendation for the City Council's consideration.

DISCUSSION:

In March 2006, the Mayor and City Council received a petition from residents of the Dyer Road and Skywall Drive neighborhoods that requested deleting the proposed roadway connection of Dyer Road and Skywall Drive and the proposed sewer pipeline extension on both Dyer Road and Skywall Drive and the associated sewer pump stations.

The March 7, 2006 "Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments" signed by Mr. Gerry Gibson (Attachment C) states that the Dyer Skywall neighborhoods,

"Submitted a Public Comment letter in respect to the pending application for the Twin Rivers Estates development...As the two proposals [roadway connection and sewer pipeline extensions] in the city's Comprehensive Plan seem to have some relationship to the Twin Rivers development there were many questions. Mr. Cisar recommended to the group that the issues involving the Comprehensive Plan may be resolved by submitting a petition."

The Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments makes a number of points including:

1. A concern that connecting the two neighborhoods will increase traffic flow, crime, and impact the quiet enjoyment of the neighborhood.
2. The community was not involved in the decision to connect the two neighborhoods and provide sewers and a public station as shown in the 2004 Comprehensive Plan and would not have supported the proposals if they had been aware.
3. Emergency vehicle access during flooding is infrequent and "does not warrant a significant risk."
4. The rationale for the proposed roadway connection does not "contribute in any meaningful way" to accomplishing the goals and policies of the Comprehensive Plan.
5. Residents are not in favor of sewers at this time since all have working septic systems.

6. There is a concern with the high costs of the connections and services.
7. The current wastewater treatment plant is at capacity and may not be able to accommodate projected development which mandates sewer systems.

Planning Board Review

The Planning Board should consider the following amendment application questions when reviewing the proposed amendment and making a recommendation to the City Council:

1. Anticipated impacts to be caused by the change, including geographic area affected and issues presented and why.
2. A demonstration of why an existing comprehensive plan policy, plan or recommendation should not continue to be in effect or why an existing, plan or recommendation no longer applies.
3. How the amendment complies with the comprehensive plan's community vision statements, goals, objectives, and policy directives.
4. How facility plans and capital improvement plans support the change
5. How the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring the land use regulations into compliance with the plan.
6. How the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring the land use regulations into compliance with the plan.

Dyer Skywall Road Connection

Connecting previously unconnected neighborhoods is almost always controversial. There is concern, as expressed in the petition, that the quiet enjoyment of the neighborhood will be affected.

The issues and concerns raised by the neighborhood carry some weight in this instance. Deleting the roadway will probably not negatively impact the goals and policies of the Comprehensive Plan. This area is removed from the main transportation grid. It may be a question of internal circulation and the ability of future development to move freely between the neighborhood and the major arterial street system.

The zoning for the Dyer and Skywall neighborhoods is moderate density residential which is 6-10 units per acre. The question for the Planning Board is whether the proposed connection is necessary to serve the future land use designation. Although the issue is discounted by the petitioner, is there a public duty to consider the safety of neighborhood residents during flood events? Can the flooding issue be resolved by improving the culvert over Wagley Creek or raising the roadway to alleviate the

flooding? Is there a public duty to protect the neighborhood to the east which floods more frequently?

Sewer Pipeline Extension and Pump Station

The Growth Management Hearings Board has found "that a jurisdiction must ensure that within urban areas there will be adequate and available sewer capacity to serve the existing, un-sewered urban population within the 20-year planning period."

Sewer pipeline extension and pump stations are necessary to serve future development. Deleting the proposed sewer pipeline extension on both Dyer Rd and Skywall Drive and the proposed sewer pump station (Number 4) as shown on the sewer map would violate the Growth Management Act as determined by the Central Puget Sound Growth Management Hearings Board.

In Fallgatter IX, the Central Puget Sound Growth Management Hearings Board notes:

In reply, Petitioner [Fallgatter] points to the *Kitsap Citizens for Responsible Planning VI v. Kitsap County (KCRV VI)*, CPSGMHB Case No. 06-3-0007, Order (March 16, 2007), [Legal Issue No. 4, Part B – Capital Facilities element at 9-14], in support of her argument regarding long-term sewer needs for the City. Petitioner asserts, as the Board found in the Kitsap County matter, that:

Sultan has no plan to provide sewer service to undeveloped areas of the UGA apart from whatever developers provide. And, *no plan, whatsoever, for developed areas within the city limits apart from the requirement that septic systems will be replaced over time, if they are within proximity to existing sewer lines ... which guarantees service will not be provided in an efficient manner and perhaps not at all.*

In response the Growth Management Hearings Board found:

"... that a jurisdiction must ensure that within urban areas there will be adequate and available sewer capacity to serve the existing, un-sewered urban population within the 20-year planning period. *See Suquamish Tribe, et al v. Kitsap County*, CPSGMHB Case No. 07-3-0019c, at 26 (Final Decision and Order, Aug. 15, 2007)."

"The similarities here with the City of Sultan are evident. Although the Board recognizes the fact that developers are responsible for infrastructure to serve individual units within their proposed development, the City is responsible to provide facilities which adequately serve those units (i.e. treatment plants, trunk lines, pump stations). It is unclear from the language of the CFP that the City has planned for these types of facilities. The CFP notes that sanitary sewer service within the UGA currently serves approximately 1,600 customers with approximately 27 percent of properties located within the city limits on septic systems. Core Document, Comprehensive Plan – CFP, at VIII-4-6. Except for a requirement that all buildings within 120 feet of a city sewer

system connect *new* plumbing fixtures to the system (SMC 13.08.020), the City has made no provision for service to the un-sewered population. Nor has the City identified the un-sewered areas or the extent of the needs to make sure capacity will be available and adequate to serve the existing population."

"Therefore, the Board finds that, in regard to sanitary sewers, the City has not complied with RCW 36.70A.020(12) and 36.70A.070(3)'s mandate to provide adequate and necessary facilities to support *existing and new* development within the UGAs within the 20-year planning period. The CFP fails to provide an adequate needs assessment (i.e. current needs, future needs, and expected level of service) so as to properly document the needed funding to supply these services, both in regard to the funds required as well as the source of the needed funds."

Other Information to Consider:

The Background section of the March 2006 petition, mentions a connection between the Ramirez Twin Rivers Estate Development and proposed petition. The City Council held a public hearing on the Twin Rivers Estate Development on January 24, 2008. The Hearing Examiner noted in his written conclusion following the Open Record Hearing on December 11, 2007:

"The proposed subdivision is fully consistent with the 2004 Comprehensive Plan. The proposed density is well below the maximum allowed for this site. (It will be remembered that the areas both to the east [Dyer and Skywall] are designated and zoned for even higher densities. The Ramirez property is the only LMD [low moderate density] property along this reach of the Skykomish River.) Comprehensive Plan provisions cannot be collaterally challenged in the context of a project permit application hearing. The 2004 Comprehensive Plan supports interconnection between the Skywall Drive and Dyer Road and provisions of sewer service to the Dyer Road area. The 2004 Comprehensive Plan provisions cannot be challenged through this [open record hearing] process."

"...the concerned citizens need to face the reality that the proposal would neither encourage nor thwart the interconnection of the Skywall Drive with Dyer Road. The Skywall Drive right-of-way was dedicated to the west property line at the time of the 1994 short subdivision. Twin River Ranch Estates is not altering that dedicated right-of-way, it is only using and improving it to serve some of its proposed lots. Any interconnection would occur though the adjoining property to the west and could be made without or without Twin Rivers Ranch Estates. The proposal is neutral with respect to this issue."

BACKGROUND:

In 2002, the City adopted Comprehensive Plan Amendment Review and Public Hearing Procedures as required by RCW 36.70A.130 to provide a process to amend the various elements of the Comprehensive Plan.

The City adopted the 2004 Comprehensive Plan. The Transportation Element includes Proposed Roadway Number 28 on the Transportation Plan Map. The roadway connects Dyer Road and Skywall Drive. The Sewer Utility Map identifies the proposed sewer pipeline extensions in both Dyer Road and Skywall Dr. including the proposed pump station (number 4).

On September 27, 2007, the City Council approved the 2007 Comprehensive Plan Docket.

On November 15, 2007, the City Council amended the approved 2007 Comprehensive Plan Docket to include the petition from the Dyer Road and Skywall Drive residents as described on Exhibit 1.

On December 18, 2007, the Planning Board reviewed and set January 22, 2008 to consider the amendment and to prepare recommendations for the Public Hearing.

On January 22, 2008, the Planning Board determined to make a recommendation and hold a Public Hearing to consider changes to the 2004 Comprehensive Plan as part of the City's Annual Docket Process. Public comment will be taken on the Planning Board's Recommendation to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

On February 19, 2008, the Planning Board took public comment and continued the public hearing to March 5, 2008.

FISCAL IMPACT:

The Board's final recommendation to the City Council may require consultant analysis to assess the impacts. An impact analysis could be combined with the work underway to update the Transportation and Capital Facilities Elements of the Comprehensive Plan.

RECOMMENDED ACTION:

Make a recommendation to the City Council on a proposed amendment to the 2004 Comprehensive Plan to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

Attachment A – Transportation and Sewer Maps showing proposed facilities
Attachment B – Public notification
Attachment C - Petition

SULTAN PLANNING BOARD MEETING

319 MAIN STREET

March 19, 2008

The meeting was called to order at 6:34 p.m. by Chairperson Latimore.

Planning Board members Present: Kurt Latimore, Jeff Cofer, Charles Van Pelt, and Scott Zaffram. Absent: George Schmidt.

Council members Present: Mayor Eslick, Steve Slawson, Sarah Davenport-Smith, Ron Wiediger, Bruce Champeaux. Absent: Jim Flower, Kristina Blair, Dale Doornik.

Staff Present: City Administrator Deborah Knight, and Planning Board Secretary Tami Pevey.

Consultants Present: Interim Planner Brad Collins; Reid Shockey and Eric Ireland, Perteet Engineering; Land Use Attorney Andy Lane.

PUBLIC HEARING

Ordinance 981-08 Land Use Moratorium

PB Chair Latimore advised the public there would be three opportunities to comment this evening. He then opened the public hearing at 6:35 p.m. and read the rules for the hearing. No objections from the public or board members present.

Administrator Knight stated the issue before the board is to hold a public hearing on Ordinance No. 981-08 imposing a moratorium on the acceptance of and processing of applications for subdivisions under SMC 16.28.050 through 16.28.390, and 16.28.470; planned unit developments under SMC chapter 16.10, rezones under SMC chapter 21.10; and annexations under any method.

Administrator Knight explained that they would discuss findings of fact and make a recommendation to the City Council. Findings of fact must be based on documentation and testimony that is part of the record of the public hearing. The findings will be based

on the record from March 13, 2008 and this evening's public hearings. She explained the moratorium prevents the City from accepting certain development applications as defined in the moratorium and the public hearings were required by state law because the council already passed the moratorium. She explained it would be stopping applicants before the building occurred, but wouldn't stop those already in place.

PB Chair Latimore opened the floor to public comment at 6:43 p.m. No comment, so the public hearing was then closed at 6:45 p.m.

PB Van Pelt asked how long the moratorium will be in place. Administrator Knight explained the moratorium is for 6 months to meet the schedule for the comprehensive plan. It must be renewed every 6 months and she anticipated the city will need it until the end of the year.

The public hearing concluded at 6:50 p.m.

PUBLIC COMMENTS

Keith Arndt, 33331 332nd St SE: hoped comments would be heard by entire assemblage at 7:00 p.m.; requesting to be heard later regarding this issue. (Discussion held about the issue). Mr. Arndt chose to wait.

COMMITTEE REPORTS AND STAFF PRESENTATIONS

Recommendation to City Council to amend the 2004 Comprehensive Plan.

The issue before the Planning Board is to make a recommendation to the City Council on a proposed amendment to the 2004 Comprehensive Plan to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map as required by the State Growth Management Act.

Administrator Knight explained they held public hearings in February and March and are now making a recommendation to the City Council. PB Van Pelt asked if Dyer/Skywall would form an LID to install sewer; Administration Knight stated that would be a council decision, but there was no intention at this time. PB Latimore confirmed the issue was

recommending a while back and confirmed if it was being amended tonight. Administrator Knight stated it could be the same, or amended; it was the board's choice.

PB Cofer expressed his thoughts that deleting the road extension was wrong; the area is zoned moderate density and only one roadway in and out with a railroad crossing just didn't seem enough. PB Latimore stated the transportation analysis was not affected by removing it, the citizens don't want it, and no emergency access is served so there seemed no need for it. Discussion continued for several minutes about emergency access in case of flood or train wreck. Administrator Knight also read an email sent by resident Jerry Gibson that was submitted for the record (Appendix A).

On a motion by PB Van Pelt, seconded by PB Zaffram it was recommended to delete the proposed roadway connection of Dyer Road and Skywall Drive; maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, and maintain the proposed pump station as shown on the Sewer Map; all board members voted in agreement.

Approval of the February 19th and March 5th, 2008 Minutes.

PB Secretary Pevey asked to amend the minutes of February 19, 2008 to include two attachments presented for the record at the meeting.

On a motion by PB Van Pelt, seconded by PB Zaffram the minutes were approved with amendments. All in agreement.

PUBLIC COMMENTS

Keith Arndt, 33311 132nd St SE – In reviewing changes to the comp plan and assessing those changes he looked at facts, assumptions, conclusions, and funding strategies. Facts are the foundation of information and the current conditions. Assumptions are market trends and fuzzy information. Conclusions are a combination of facts and assumptions based on the question if this then that. Funding strategies are the code regulated taxes, impact fees, grants, rates, etc. What's missing from the work year to date?

Zoning and border assumptions and whether or not these will be static are not addressed in the current effort. Facilities (water, sewer, roads) are not concurrent with property lines or city/county boundaries. Boundary should be changed for efficient service delivery.

Assumptions for Parks; Neighborhood parks and open space the developer is required to provide open space and parks, but it should not be included as a city expense. Impact fees pay for community parks but should be balanced by the growth impact only. The grant credit set at \$130 per unit appears to be low and the city should consider adjusting it. The credit does not include LID and bond measures.

SMC 16.12, Recreation and Open Space Standards, does not include open space and it conflicts with the city code requiring neighborhood parks. Regarding recreation open space there is no trade off for property topography. He suggested the city look at the big picture and consider the regional nature for neighborhood parks.

SMC 16.12.080 addresses credits against park impact fees and suggested there needs to be a balance to the credit given to other developers. RCW requires impact fees need to be proportionate and everyone is treated equally under the law.

SMC 16.12.010 regarding impact fees retained under special circumstances. Impact fees can only be hold for a 6 year time limit and must be refunded if unused. City code currently allows the city to keep park impact fee longer, but does not describe the extraordinary circumstances that apply.

Suggested to the board when reviewing transportation they need to consider what are the assumptions made, conclusions, and facts involved. There is a drop in the LOS with an increase in impact fees. Developers are paying to build infrastructure and need to ask why there is a 350% increase in the fee. Suggest to the board to ask questions and get answers as you want to avoid false premises and false assumptions.

JOINT PLANNING BOARD/CITY COUNCIL WORKSHOP DISCUSSION

Discuss and direct staff on preferred alternatives: Identified arterial classifications; Street Design Standards; Lower Transportation LOS from B to D; Lower Parks LOS from 42.6 acres/1000 to 1.5 acres/1000; Remove Police LOS.

Revise road functional classifications

Administrator Knight referred to Recommended Arterial Functional Classifications map (pg 4); Eric Ireland presented the background on the projects reflected on this map and explained how it worked. He explained it is a representation on where roads may be built; engineering will be needed to further identify the exact location when it is needed. Recommending this system be accepted for ultimate inclusion in the overall plan.

CM Slawson questioned adding more arterials to the map. Administrator Knight stated realizing Alder becoming an arterial for this community. Mr. Ireland stated it is a plan and not set in stone. CM Slawson questioned what does it take to add more to it? Mr. Ireland would need to identify an improvement project to upgrade a street to a collector. CM Slawson would like to direct staff to look into that with Alder Avenue as it has picked up with traffic since traffic light at 5th and SR 2 as Alder is free flowing and few stop signs. Discussion held on collector requirements and if Alder Street met the requirements.

CM Slawson felt that due to phase 3 of US2 & Sultan Basin Road tying into Foundry Drive, it should be thought of as a collector as well as it opens up to many areas and Foundry Drive might need to be a collector as well due to heavy truck and car traffic. Mr. Ireland explained the current classifications system doesn't differentiate between the types, but the traffic standard does.

CM Champeaux questioned T64 & T63 asking why they are in yellow and are not listed under the project name description for estimated cost. Mr. Ireland stated they looked at improving 164th even though its outside of urban growth boundary; talked with county as the road is currently not at county standards and asked them to take the lead beyond 2025; T64 looking at extending beyond 2025 to have another way across the river.

CM Slawson felt T24 should be shifted up on the map to line up with the property lines.

Revise arterial street design guidelines

Mr. Ireland explained attachment C1 & C2 were the proposed; and C3 was the existing street design guidelines. He stated this was developed to help supplement the existing design standards. He recommends directing staff to review and revise arterial standards after adoption of the comp plan; Administrator Knight stated cost estimates in the comp plan are based upon the new guidelines. Mr. Ireland pointed out the existing versus proposed arterial street design standards to include bike lines, planter strips, & travel lane width. He also explained the proposal of First Street accessing SR 2 to the public present. Discussion held on current roads and how these guidelines would affect development community. Mr. Ireland explained the level of service the city did would meet LOS D and would meet potential with room for increased capacity. Discussion held on making sure roads will be sufficient enough and not end up with a traffic dilemma and how to handle that if it occurs.

Reduce traffic LOS from B to D.

Mr. Ireland gave the background information and explained that the city stands alone in traffic LOS B, with most cities and the county at D or E; also explained it is an absorbent cost to maintain LOS B. Referenced Table on pg 2.7 of Attachment A and stated it compares the level of service to include cost. Explained LOS B in direct opposition of policies to protect your current investments; also referenced environmental impacts and concurrency cost for traffic impact fees. Recommendation from staff is to accept the lower standard of D. Administrator Knight questioned why is it a lower level of service and an increased fee? Mr. Ireland explained the cost was adopted in 1995 and was never readjusted for inflation or reassessed for current cost. If inflation and reassessment had been completed it would have been \$11,000 versus the \$6,000 currently being proposed.

Increase transportation impact fees

Mr. Ireland explained the fee was established in 1995 and the method for calculating the fee rate is set in city ordinance and allows for annual inflation as well as adjustment of the total fee assessed to any particular property owner. Recommendation tonight is that the council adopts a higher traffic impact fee concurrently with adoption of the comprehensive plan. Not required under the GMA, but if you wait you are missing out on dollars to build your transportation system. Administrator Knight stated when Pat

Dugan comes back and talks about funding your capital facilities plan you will need to consider if your current traffic impact fee meets your needs to fund your improvements. CM Slawson questioned \$7.75 million per year the city would have to come up with? The city would have to fill the gaps where the developer doesn't; Mr. Ireland stated grant money helps.

Administrator Knight stated an open house was scheduled for next Tuesday and needed a quick recap of the preferred alternatives. Alder included as an arterial? Yes. Foundry Drive as an industrial arterial? Yes. Hold off on the arterial design standards; show and get feedback; but not part of this adoption process explaining that it is used as the basis for the cost estimates.

PB Latimore questioned if the arterial street guidelines are part of the assumption underlying the cost and performance it seems like it should be attached. Mr. Ireland stated there are minor differences between current standards and the proposed standards. They were used for cost estimates and there is greater definition, but if you move beyond it the cost changes are minor. There is a 15% contingency in it now.

Administrator Knight stated she would convey at the public hearing the message for the design guidelines is they are not significant for the comp plan and not significant for costs; just more detail. Consensus to wait? Yes. Reducing transportation LOS B to D? Mayor Eslick recommended proceeding.

Administrator Knight stated she felt they were not prepared to make a recommendation regarding increasing transportation impact fees. CM Davenport Smith asked how Sultan compares with other communities. Mr. Ireland stated the average was \$3800 and several cities were looking at increasing their fees. \$7000 is higher than most; will reevaluate and bring you a new evaluation. He will look at 15% and 20% when bringing it back.

Discussion held on how the impact fee is calculated & interpretation in the plan. Administrator Knight stated there is a policy question that needs to be brought to council on how to apply a credit. Discussion held on current standards and the impacts to developers in the area.

10 minute break at 8:35 p.m.; reconvene at 8:45 p.m.

Reduce Parks LOS from 42.6 acres/1000 to 1.5 acres/1000 residents

Reid Shockey stated he will be attempting to pin board members down on classifications they would give current parks. He referenced page 6 which gave a definition of parks to comply with CM Slawson's request for clearer definition of parks. Also included Snohomish County's definition for each park as a resource as the city inventories the parks. Referenced page 3 table which inventories current parks and categorizing each one to show the surplus/deficiency in each area. This is the start to setting a standard to provide parks that the community wants. Page 4 reclassifies the current park inventory based on the clearer definitions.

Discussion on the water treatment plant and the need to reclassify it as it is not accessible to the public.

Administrator Knight asked if the mini park LOS is the national park standard. Mr. Shockey stated it was as close as we can come. Administrator Knight added there is nothing that requires us to place an LOS for mini parks and seems out of line to consider acquiring more. Mr. Shockey explained tot lots versus mini parks. Part of the subdivision code states a builder can get credited impact fees if a tot lot is created. Mr. Shockey feels these should be two separate issues if the city is concerned about neighborhood and community parks. Gave a "pat on the back" to Rosewood Development tot lot created by Garth York and felt that it was a good example. Proposal included giving the developer credit on impact fees for providing a "tot lot". Two questions to the city is do you want to own it and the maintenance involved in it. Suggest the developer meet the design standard of a mini park and an insurance bond or legal documents to show how it would be maintained. Administrator Knight questioned fee in lieu of tot lot and policy decision deemed undesirable. Mayor Eslick stated no mechanism to maintain, but this sounds like a good plan. Administrator Knight felt tot lots make sense in neighborhoods where you have small yards; policy decision really need to explore before making a decision. Mr. Shockey felt the impact fee is going to approach what it takes to acquire property and develop it. If we take a park as credit the cost is going to be fairly close compared to the acquisition.

Addressed the issue of needing community parks, but the proposed LOS shows no surplus or deficiency. Suggested increasing LOS for Community Park only to 5 acre/1000 resident standard as an exception and include a well reasoned argument to back it up. Discussed Osprey Park and suggest assigning as a regional park with no LOS. Mr. Shockey stated there are all sorts of other facilities in Sultan but we only focused on what the city owns and operates. Discussion held on why those things were included in the past; agreement that it was added to show the city met the 42.6 acres/1000 current standard. Not lowering the standard now, just redefining the LOS.

CM Champeaux questioned if we fall into deficiency in any one category will we be in jeopardy of the Growth Hearings Board again? Mr. Shockey stated no, it complies with GMA. Where you would get in trouble is if you don't follow through with it. Administrator Knight explained GMA doesn't require adopting an LOS for parks, but it does require an LOS analysis in the capital facilities plan. In the past these two were confused. Mr. Shockey stated that showing it and doing it are two different things and the trouble occurred when the city failed to provide.

CM Champeaux noted that Sportsman's Park went from a regional to Community Park; believe it is a regional park. DNR, City, and Fish & Wildlife own it and it brings people into the community. All in agreement.

Administrator Knight questioned if the water treatment plant was in or out. CM Slawson stated it could easily be developed with trails. Mr. Shockey stated it could be listed as a future park to be developed.

Citizen Keith Arndt stated topography is not taken into account when looking at current drawings. Suggested looking at what potential is and compare to development regulations. Citizen Garth York inquired if there would be a discussion of park impact fees this evening? Mr. Shockey stated not until in agreement with LOS for parks and types of parks needed, then will return with the fiscal analysis to include the developer impact fee. Discussion held on developer credit and how it would be applied, as well as how to best regulate less tot lots versus more community parks.

PB Latimore stated it would be handy to have concepts of a 10 acre park and what that would entail and hold. Discussion on "available buildable area" and how it came to be and why it is included. Administrator Knight stated the staff recommendation is to reduce LOS to 1.5 acres/1000; tonight introduces LOS 5 acres/1000 for community parks and no LOS for regional parks.

Discussion held on Hammer Property Park located next to Wagley Creek estimated at 5 acres.

Mr. Shockey stated to the board members if you can look at the table on page 4, do you agree with the definitions for parks or do they need to be tweaked at all? Do these parks fit within the categories as defined? Do the shaded areas represent a strategy for addressing deficiencies? Agree with discussion on tot lots? Is the focus on community parks? What is Osprey Park? With the direction you gave us we'll provide the list and the cost. Administrator Knight suggested thinking more in terms of what facilities you want to see in your park as that will define the size of the park. PB Zaffram suggested the same question with the tot lots; what is it on paper? What are the facilities of it? Mr. Shockey and Administrator Knight both suggested driving up to the Rosewood Development as it is a great "tot lot" site with the added benefit of being over a detention pond. CM Slawson felt it was a great idea as he has seen a basketball court over a detention pond as well. A look around the room showed nodding of heads in agreement with presentation this evening.

Police LOS

All in agreement to remove the LOS for police.

PUBLIC COMMENTS

Keith Arndt – none of these expectations are taking into account the limit on the sewer system that includes 5 of the 12 year period in question; transportation element does not include major easements that cannot be built upon but can be used for trails to include transnational gas line as well as others; tot lots/mini parks need to allow for the idea that it could be big enough and don't limit it to that; Thanked Reid Shockey and Eric Ireland who made time to answer questions for him tonight.

Garth York, Box 12, Startup – commended the board on the job they have laid out before them; stated PB Cofer had good points about the Dyer/Skywall connection; and that CM Champeaux stated you have to look out for the bigger picture; mitigation fees, if we do the tot lots it takes away from the bigger parks, what does the community want? At a preconstruction meeting the costs are laid out for us but are changed later and the code needs to be cleaned up to take care of that to make it cut and dry for everyone's benefit so it doesn't come back to bite us later. (Administrator Knight explained the problem and the need to review this issue).

PLANNING BOARD COMMENTS

PB Latimore stated PB Schmidt was out of the country and excused his absence.

CM Slawson also stated CM Flower; CM Doornek; and CM Blair should be excused as well.

ADJOURNMENT

On a motion by CM Davenport Smith, seconded by Mayor Eslick the meeting was adjourned; All in agreement. Planning Board meeting ended at 10:00 p.m.