SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET

ITEM NO: A-2

DATE: September 25, 2008

SUBJECT: First Reading and Adoption of Ordinance 996-08 revising the City of Sultan 2004 Comprehensive Plan elements (land use, housing, capital facilities plan, utilities, transportation, economic development, and park and recreation) to comply with final decision and orders issued by the Central Puget Sound Growth Management Hearing Board in case No 06-03-0003, case No. 06-03-0034, and case No 07-03-0017

CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the City Council is to have First Reading and adoption of Ordinance No. 996-08 (Attachment A).

STAFF RECOMMENDATION:

Have First Reading and Adoption of Ordinance 996-08 revising the City of Sultan 2004 Comprehensive Plan elements (land use, housing, capital facilities plan, utilities, transportation, economic development, and park and recreation) to comply with final decision and orders issued by the Central Puget Sound Growth Management Hearing Board in case No 06-03-0003, case No. 06-03-0034, and case No 07-03-0017.

SUMMARY:

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 Central Puget Sound Growth Management Hearings Board (Board) in the March 14, 2008 Compliance Order.

The Planning Board and City Council are on schedule to adopt the 2008 Revisions to the 2004 Comprehensive Plan by the September 30, 2008 deadline set by the Board.

The Planning Board conducted a public hearing on proposed revisions to the 2004 Comprehensive Plan at a joint meeting of the Planning Board and City Council on September 9, 2008. Following the public hearing, the Planning Board

recommended the City Council adopt the following changes to the 2008 revisions to the 2004 Comprehensive Plan:

The final step is to have First Reading and adoption of Ordinance No. 996-08.

Revised 2004 Comprehensive Plan

The culmination of the work by the Planning Board and the City Council is the Revised 2004 Comprehensive Plan (version 09-15-08)

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

The Final Supplemental Environmental Impact Statement (FSEIS Appendix K-1) was issued on September 19, 2008.

- Compact Discs (CDs) will be sent to the Department of Ecology (2) and Community Trade and Economic Development - CTED (2)
- 10 hard copies will be sent to City (City Council, Mayor, one for staff, one for Library).
- E-file will be available on the City's official website www.ci.sultan.wa.us/City_Hall/City_Departments/Community_Development/

- Fifteen CDs will be brought to the Council meeting on September 25, 2008

Appendix K-1 will be incorporated into complete 2008 Revisions to the 2004 Comprehensive Plan CD.

The 2008 revisions to the 2004 Comprehensive Plan meet the goals of the Growth Management Act by adopting a Capital Facilities Plan which is consistent with the adopted Comprehensive Plan and which meets the statutory requirements of RCW 36.70A.070 by 1) identifying necessary facilities and services and their estimated costs; 2) incorporating adopted levels of service in the capital facilities Element of the Comprehensive Plan; 3) concurrently reassessing the land use assumptions, funding strategies an levels of services to ensure a financially sound and viable funding strategy; and

The Sultan City Council is prepared to take legislative action following notice and a public hearing finding that a review and evaluation has occurred and identifying revisions to the City's 2004 Comprehensive Plan.

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).

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. 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 will 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.

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.

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

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

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 GoalsParks 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. The Council is prepared to adopt proposed amendments to the City's development regulations to implement the proposed Comprehensive Plan policy revisions:

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

  Proposed language based on the City Council and Planning Board discussions to allow septic systems on single family residential lots under very limited circumstances with conditions to pay for system improvements.
- 16.72.010 Recreation and Open Space
    - Add a reference to impact fee requirements in Chapter 16.112
- 16.92.040 Stormwater Management Permits
    - Performance Standards – Projects shall provide treatment of stormwater. Removes the reference to six-month/24-hour return period.
    - Adds reference to the Stormwater Management Manual for Western Washington
    - Adds new performance standards (12-14) for storm conveyance systems, setbacks from drainage facilities, and drainage easements.
- 16.108 Concurrency
    - Removes the reference to police concurrency requirements
- 16.108.120 Concurrency Determination – Police Protection
    - Deleted
- 16.112 Impact Fees
    - New section for definitions
- 16.112.030 Recreation Impact Fee Formula
    - Removes reference to the effective dollar amount for the park impact fee so the fee may be adjusted in the fee schedule by resolution.
- 16.112.040 Traffic Impact Fee

    - Deletes the reference to the adjustment for anticipated additional tax revenues.
    - Removes the ability for the City Council to adjust the impact fee
- 16.112.085 Traffic Impact Fee Credits
    - Adds new impact fee credit section for system improvements
- 16.112.090 Appeals
    - Adds a new section to appeal impact fee determination

BACKGROUND:

<u>2004 Comprehensive Plan Update</u>

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.

<u>Public Participation</u>

The City Council and Planning Board held joint meetings to discuss proposed revisions to the 2004 City of Sultan Comprehensive Plan and implementing

development regulations on March 5, 2008, March 19, 2008, April 1, 2008, April, 15, 2008, May 6, 2008, May 13, 2008, May 20, 2008, May 27, 2008, June 3, 2008 and September 9, 2008.

The City held open houses in March, April, May and June and August providing for early and continuous public involvement under the GMA, RCW 36.70A.140.

The City sent notification of proposed revisions to the 2004 City of Sultan Comprehensive Plan to each household and post office box in the City of Sultan and unincorporated areas in the 98294 zip code.

The City provided 60-days notice to state agencies of proposed revisions to implementing development regulations on July 1, 2008 consistent with RCW 36.70A.106(1).

An environmental review was conducted in accordance with the provisions of the Washington State Environmental Policy Act, with a Draft Supplemental Environmental Impact Statement (SEIS) published on July 1, 2008 and a Final Supplemental Environmental Impact Statement (FSEIS) published on September 19, 2008.

The Planning Board conducted a public hearing on proposed revisions to the 2004 Comprehensive Plan at a joint meeting of the Planning Board and City Council on September 9, 2008 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment regarding proposed regulatory changes.

The City published notice on September 15, 2008 and September 23, 2008 in its paper of record of the opportunity to provide public comment on proposed revisions to the City of Sultan Comprehensive Plan and Final Supplemental Environmental Impact Statement, and related revisions to development regulations of the Sultan Municipal Code.

The City Council conducted a public hearing on proposed revisions to the City of Sultan 2004 Comprehensive Plan on September 25, 2008 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment on the proposed revisions.

FISCAL IMPACT:

With the adoption of the 2008 revisions to the 2004 Comprehensive Plan, the City is committing its resources to implement the financial strategy outlined in the Capital Facilities Element. As stated in the Capital Facilities Element:

"In spite of the financial constraints confronting city on-going operations, the city has the financial capacity to finance the capital facilities needs identified in the comprehensive plan. While this strategy relies heavily on developer financing the projects planned to be financed by developers are appropriate for such financing.

The assumptions related to external resources such as grants are reasonable and practical to anticipate, provided the City maintains is successful aggressive approach to pursuing grant opportunities."

In order to ensure adequate fiscal capacity to meet adopted levels-of-service, the City must continue to implement the rate studies and recommended rate increases conducted to finance current and future infrastructure needs. Increasing the transportation impact fee to pay for projects necessary to serve

future development is an important element of the financial strategy. Reducing park levels-of-service within the capacity of the City to finance needed facilities is another necessary strategy to meet the Growth Management Act requirement to show that the growth forecast through 2025 can be adequately served by capital facilities and services.

ALTERNATIVES:

1. Have First Reading and adoption of ordinance No. 996-08. This action implies the City Council believes the 2008 revisions to the 2004 Comprehensive Plan meet the goals and regulatory requirements of the Growth Management Act.
2. Have First Reading of Ordinance No. 996-08 but delay adoption and direct staff to areas of concern. This action implies the City Council has questions or concerns regarding the 2008 revisions to the 2004 Comprehensive Plan and would like to direct staff to make corrections to the document(s) prior to adoption. The City Council would need to set a special meeting date to take legislation action on the proposed revisions prior to the September 30, 2008 deadline set by the Growth Management Hearings Board.
3. Do not have First Reading of Ordinance No. 996-08. This action implies the City Council has fundamental concerns regarding the proposed amendments and would like to delay First Reading to allow staff time to correct deficiencies. The City Council would need to set a special meeting date to take legislation action on the proposed revisions prior to the September 30, 2008 deadline set by the Growth Management Hearings Board.

RECOMMENDED ACTION:

Have First Reading and Adoption of Ordinance 996-08 revising the City of Sultan 2004 Comprehensive Plan elements (land use, housing, capital facilities plan, utilities, transportation, economic development, and park and recreation) to comply with final decision and orders issued by the Central Puget Sound Growth Management Hearing Board in case No 06-03-0003, case No. 06-03-0034, and case No 07-03-0017.

ATTACHMENTS:

A –Ordinance 996-08

CITY OF SULTAN
WASHINGTON

ORDINANCE NO. 996-08

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REVISING THE CITY OF SULTAN 2004 COMPREHENSIVE PLAN ELEMENTS (LAND USE, HOUSING, CAPITAL FACILITIES PLAN, UTILITIES, TRANSPORTATION, ECONOMIC DEVELOPMENT, AND PARK AND RECREATION) TO COMPLY WITH FINAL DECISION AND ORDERS ISSUED BY THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARING BOARD IN CASE NO 06-03-0003, CASE NO. 06-03-0034, AND CASE NO 07-03-0017; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Sultan adopted a Comprehensive Plan on November 22, 2004 in accordance with the provisions of RCW 36.70A.040; and

WHEREAS, an appeal (Case No. 06-03-0003) of the City's 2004 Comprehensive Plan was filed with the Central Puget Sound Growth Management Hearings Board (Board) on January 20, 2006 and the Board ruled on June 29, 2006 the City failed to act in updating its development regulations in accordance with RCW 36.70A.040 and .130; and

WHEREAS, an appeal (Case No. 06-03-0034) of the City's 2004 Comprehensive Plan was filed with the Central Puget Sound Growth Management Hearings Board on October 6, 2006 and the Board ruled on February 13, 2007 the City's action in adopting the 2006-2011 Transportation Improvement Plan (TIP) failed to comply with RCW 36.70A.120 and entered a finding of invalidity; and

WHEREAS, an appeal (Case No. 07-03-0017) was filed with the Central Puget Sound Growth Management Hearings Board on February 12, 2007 and the Board ruled on September 5, 2007 the City's action in adopting a Capital Facilities Element by Ordinance No. 942-06 did not comply with Growth Management Act (GMA), chapter 36.70A RCW, requirements since it did not include level-of-service standards to support the needs assessment; it did not demonstrate that there would be adequate public facilities and services; and that the City did not reassess its land use element or take other measures to maintain consistency; and

WHEREAS, during the February 7, 2008 coordinated compliance hearing, the Board noted the GMA allows some abbreviation of public involvement processes when a jurisdiction is responding to a Board's compliance order; and

WHEREAS, on March 13, 2008, the City of Sultan adopted Ordinance No. 981-08, imposing a moratorium on development pursuant to RCW 36.70A.390 to prevent the acceptance and processing of applications for subdivisions, planned unit developments, rezones and annexation in order to focus on completing its planning responsibilities and prevent vesting of projects to un-revised regulations; and

WHEREAS, on March 14, 2008, the Board established a coordinated compliance schedule and issued its Order of Continuing Noncompliance, Amending Compliance Schedule (Compliance Order) establishing September 30, 2008, as the deadline for the City of Sultan to take appropriate legislative action to comply with the GMA; and

WHEREAS, the Sultan City Council desires to bring the City into compliance with the GMA and the Board's Compliance Order by September 30, 2008; and

WHEREAS, the City Council and Planning Board began working together in January 2008 to make the necessary changes to the 2004 Comprehensive Plan and implementing development regulations; and

WHEREAS, the City Council and Planning Board held joint meetings to discuss proposed revisions to the 2004 City of Sultan Comprehensive Plan and implementing development regulations on March 5, 2008, March 19, 2008, April 1, 2008, April, 15, 2008, May 6, 2008, May 13, 2008, May 20, 2008, May 27, 2008, June 3, 2008 and September 9, 2008; and

WHEREAS, the City held open houses in March, April, May and June and August providing for early and continuous public involvement under the GMA, RCW 36.70A.140; and

WHEREAS, the City sent notification of proposed revisions to the 2004 City of Sultan Comprehensive Plan to each household and post office box in the City of Sultan and unincorporated areas in the 98294 zip code; and

WHEREAS, the City provided 60-days notice to state agencies of proposed revisions to implementing development regulations on July 1, 2008 consistent with RCW 36.70A.106(1); and

WHEREAS, an environmental review was conducted in accordance with the provisions of the Washington State Environmental Policy Act, with a Draft Supplemental Environmental Impact Statement (SEIS) published on July 1, 2008 and a Final Supplemental Environmental Impact Statement (FSEIS) published on September 19, 2008; and

WHEREAS, the Planning Board conducted a public hearing on proposed revisions to the 2004 Comprehensive Plan at a joint meeting of the Planning Board and City Council on September 9, 2008 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment regarding proposed regulatory changes; and

WHEREAS, the City published notice on September 15, 2008 and September 23, 2008 in its paper of record of the opportunity to provide public comment on proposed revisions to the City of Sultan Comprehensive Plan and Final Supplemental Environmental Impact Statement, and related revisions to development regulations of the Sultan Municipal Code; and

WHEREAS, the City Council conducted a public hearing on proposed revisions to the City of Sultan 2004 Comprehensive Plan on September 25, 2008 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment on the proposed revisions; and

WHEREAS, the 2008 revisions to the 2004 Comprehensive Plan meet the goals of the Growth Management Act by adopting a Capital Facilities Plan which is consistent with the adopted Comprehensive Plan and which meets the statutory requirements of RCW 36.70A.070 by 1) identifying necessary facilities and services and their estimated costs; 2) incorporating adopted levels of service in the capital facilities Element of the Comprehensive Plan; 3) concurrently reassessing the land use assumptions, funding strategies an levels of services to ensure a financially sound and viable funding strategy; and

WHEREAS, the proposed revisions will further and be consistent with the goals, objectives and policies of the City's Comprehensive Plan, including the County-Wide Planning Policies for Snohomish County. Additionally, the proposed revisions are consistent with the City's plans, policies and regulations for providing community facilities, including but not limited to utilities, transportation, parks, or schools.

WHEREAS, in accordance with RCW 36.70A.130(1) the Sultan City Council is prepared to take legislative action following notice and a public hearing finding that a review and evaluation has occurred and identifying revisions to the City's 2004 Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings:

A. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

B. The adoption of this Ordinance is necessary to resolve the finding of noncompliance in orders issued by the Board in case numbers 06-3-0003, 06-3-0034, and 07-3-0017, related to the capital facilities plan, transportation improvement plan, and the review and update of development regulations.

C. The amendments maintain consistency with all elements of the Sultan Growth Management Act Comprehensive Plan.

D. The amendments are consistent with the GMA requirements that the comprehensive plan of a city be an internally consistent document (RCW 36.70A.070), and that development regulations be consistent with and implement the comprehensive plan (RCW 36.70A.040(3)(d) and RCW 36.70A.130(1)(d)).

E. The amendments comply with all requirements of the GMA and support the following GMA planning goals 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12 set out at RCW 36.70A.020.

F. A public hearing was held before the City Council on September 25, 2008.

Section 2. Entire Record. The City Council bases its findings and conclusions on the entire record of the City, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 3. Amendments to the Sultan Comprehensive Plan Adopted. The City of Sultan's Comprehensive Plan is hereby amended as set forth in Attachment "A" to this ordinance.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____DAY OF _____ 2008.

CITY OF SULTAN

_____
Carolyn Eslick, Mayor

ATTEST:

By: _____
Laura Koenig, City Clerk

APPROVED AS TO FORM:

By _____
Kathy Hardy, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:

Effective Date: