

# Sultan City Council

## AGENDA ITEM COVER SHEET

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**ITEM NO:** C-5

**DATE:** January 8, 2009

**SUBJECT:** Set Public Hearing  
Public Participation Policies for Comprehensive Plan and  
Development Regulation Amendment

**CONTACT PERSON:** Robert Martin, Community Development Director

**ISSUE:** Update of the Public Participation Policies for Comprehensive Plan and  
Development Regulation Amendment.

**RECOMMENDATION:**

Set January 22, 2009 as the date for a Public Hearing on:

Public Participation Policies for Comprehensive Plan and Development Regulation  
Amendment

and on:

Amendment of Sultan Municipal Code Chapter 16.134 to become the new location for  
the Public Participation Policies for Comprehensive Plan and Development Regulation  
Amendment provisions.

**BACKGROUND:**

RCW 36.70A.035 provides for an ongoing public participation process in the  
Comprehensive Plan development and amendment process.

The City is preparing for the 2011 normal Comprehensive Plan Review and Update  
activities. It is appropriate that the Public Participation Policies employed for the  
upcoming Comprehensive Plan amendment cycle be fully reviewed, and formally  
adopted before the City begins any substantive work on the Plan itself.

On November 18, 2008, the Planning Board and City Council held a Joint Meeting at  
which this item was presented and discussed at the outline level.

On December 16, 2008, the Planning Board reviewed the staff draft of the document  
and made one substantive change. The Planning Board draft that will be the subject of  
the Board's January 6<sup>th</sup>, 2009 hearing includes a provision that Level IV Process (the  
highest level of process used for Comprehensive Plan Policies and substantive  
changes) consists of a public hearing at the Planning Board, with an optional public  
hearing at the City Council. Under this provision the Board's report to the Council will  
include a recommendation as to the need for a second hearing at the Council level.

The Council can determine to hold a second hearing, or to proceed with action on the proposal.

On January 6, 2009, the Planning Board held a public hearing on the "Planning Board Draft" of the Public Participation Policies. The results of this hearing will be forwarded to the Council for their January 22<sup>nd</sup> meeting for review prior to holding a public hearing.

### **DISCUSSION:**

The Planning Board Draft of Public Participation Policies contains four levels of notice, each level being related to the importance and impact of the change in the Comprehensive Plan or development regulation. Typographic and format changes receive the least amount of public notice and review, and policy and substantive changes receive the highest level. These levels are summarized as follows:

The essential change from current practice is the inclusion of four levels of public participation instead of only one. These levels correspond to RCW 36.70A.035

### **SUMMARY OF PLANNING BOARD DRAFT:**

Procedure Level I provides for actions authorized by RCW 36.70A.035 (2)(b), (i), (ii), (iii) and (v). This Statute addresses proposed changes in the Comprehensive Plan or development regulations that have gone through the public notice and input process and the time for public input has passed. If the Board or Council then wants to amend the proposed change from what was originally advertized, there is no additional public notice or public input required if the conditions of this statute are met.

These conditions include prior review of the proposed amendment in the State Environmental Policy Act (SEPA) program, correction of typographical errors, adoption of moratoriums, capital budget adoption and changes within the scope of actions previously given public notice and input. Actions covered under this statute and Procedure Level II does not require any additional public involvement to be recommended by the Planning Board and adopted by the Council.

Procedure Level II is used when the Planning Board or the City Council wants to amend a proposed change to the Comprehensive Plan or a development regulation that was previously provided public notice and public input, but the amendment comes after the time for public input has passed, and the amendment does not meet one of the conditions for exemption under RCW 36.70A.035 (2)(b) (i),(ii),(iii),(iv), or (v).

In this circumstance, the Planning Board will advertize for a new public hearing on the amendment and hold another public hearing before deciding on the amendment and making a recommendation to the City Council. The procedure then continues under the procedure that was in play before the amendment.

Procedure Level III applies to minor changes to the Comprehensive Plan or existing development regulations. Minor changes are those that change procedures, application standards, or administrative provisions that do not change policies, land uses allowed, or the criteria used to determine if uses are allowed or not allowed, or are format and organizational in nature.

In this case, the Planning Board will advertize and hold a public hearing on the proposed change, and make a recommendation to the City Council. The Council then reviews the input received at the Planning Board hearing and the recommendation of the Board, and proceeds with its decision process without an additional public hearing.

Procedure Level IV is used when making major changes to the Comprehensive Plan or development regulations, or adopting new Plan elements or new development regulations. Major changes are changes that modify existing policies, adopt new policies, change land uses allowed, change the criteria by which uses are approved or disapproved, or modify the effect of the documents as they manage development in the community.

In this case, the Planning Board will advertize and hold a public hearing on the proposed change, and make a recommendation to the City Council. The Board's recommendation will include whether or not the Board thinks that the Council should hold a second hearing. The City Council will receive the citizen input and the recommendation of the Board and determine whether to proceed with the proposed change. If it is determined to proceed, the Council will vote whether to have a second public hearing. If Council votes to proceed without a second public hearing, action may proceed on the proposal. If a second public hearing is chosen, the Council will advertize and hold a hearing on the proposed change (or the amended change if Procedure Level II is engaged before the Council goes to hearing).

**RECOMMENDATION:**

Set a public hearing on the proposed Public Participation Policies and Amendment of Sultan Municipal Code Section 16.134 for January 22, 2009.

**ATTACHMENTS:**

Attachments relating to Planning Board's January 6 public hearing will be included in the Council's January 22<sup>nd</sup> agenda packet.