

## CHAPTER 16.134

### CITY OF SULTAN PUBLIC PARTICIPATION AND NOTICE PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, COMPREHENSIVE PLAN ELEMENTS AND DEVELOPMENT REGULATIONS

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#### **16.134.010 PURPOSE**

- A. The public participation procedures established in this document are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations, of proposed amendments to comprehensive plans and development regulations as required and limited by RCW 36.70A.035 and RCW 36.70A.140.
- B. It is the intent and policy of the City of Sultan to provide its citizens with full opportunity to interact and participate in the process of guiding the future land use and development of the community. Further, it is the intent of the City to have processes and procedures which allow for effective and efficient management of actions at different levels of importance and interest to the public.
- C. To provide appropriate opportunity for meaningful public involvement and to provide for effective operations, this document differentiates between various processes and provides for levels of public participation, notice, and review and adoption procedures that are commensurate with the action being undertaken as described and provided for in RCW 36.70A.035.

#### **16.134.050 PROCEDURE LEVEL I: CIRCUMSTANCES UNDER WHICH NO ADDITIONAL PUBLIC REVIEW AND COMMENT PERIOD IS PROVIDED:**

- A. **APPLICABILITY:** PROCEDURE LEVEL I of this document is as provided in RCW 36.70A.035 (2)(b) (i), (ii), (iii), (iv), and (v). This procedure applies to amendments to a proposed change in the Comprehensive Plan or Development Regulations when the opportunity for public review and comment on the original proposed change has passed. The amendment to the proposed change will be acted on without further notice or public input if one or more of the following conditions pertain to the amendment.
  1. Actions where an environmental impact statement has been prepared under chapter 43.21 RCW for the pending resolution or ordinance and the proposed change in the pending ordinance or resolution is within the range of alternatives considered in the environmental impact statement;
  2. The proposed change is within the scope of the alternatives available for public comment when the original notice and proposed ordinance or resolution was released for public comment;
  3. The proposed change only corrects typographical errors, corrects cross-references, make address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
  4. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
  5. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

- B. Step 1: No additional opportunity for public review is provided for actions meeting one or more of the 5 descriptions above.
- C. Step 2: Make the proposed change in the ordinance or resolution under consideration and proceed with the procedure (Level II, III, or IV) that is applicable to the action under consideration.

**16.134.100 PROCEDURE LEVEL II: AMENDMENTS TO A PROPOSED CHANGE IN THE COMPREHENSIVE PLAN OR DEVELOPMENT REGULATION WHEN THE PROPOSED CHANGE HAS ALREADY BEEN PROVIDED PUBLIC NOTICE AND PUBLIC INPUT AND THE OPPORTUNITY FOR INPUT ON THE ORIGINAL PROPOSED CHANGE HAS PASSED and PROVISIONS OF RCW36.70A.035 (2)(a)**

- A. APPLICABILITY: PROCEDURE LEVEL II of this document is as provided in RCW36.70A.035 (2)(a). This procedure applies to amendments to a proposed change in the Comprehensive Plan or Development Regulations when the opportunity for public review and comment on the original proposed change has passed and the proposed amendment does not meet the conditions of RCW36.70A.035 (2)(b) (i),(ii),(iii),(iv), and (v) as described in Procedure I above.
  - 1. STEP 1: Proposed Amendment is initiated by:
    - a. City Council
    - b. Planning Board
    - c. City Staff
  - 2. STEP 2: Proposed amendment is mailed or e-mailed to State Department Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed Public Hearing schedule for Amendment.
  - 3. STEP 3: Public Hearing is scheduled before Planning Board (This can occur *during or after* CTED Review).
  - 4. STEP 4: Publish the Planning Board Public Hearing Date. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.
    - a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600)
    - b. Post at City Hall & Post Office
    - c. Post on City Web Site, and other available sites of known interest
    - d. Post on Public Access Channel
    - e. Agenda e-mailed to parties of interest who have requested notification
    - f. Post on City Utility Bills
  - 5. STEP 5: Public Hearing conducted before the Planning Board.
  - 6. STEP 6: Planning Board recommendation on amendment and public input received at the hearing are forwarded to City Council.
  - 7. STEP 7: City Council considers Planning Board recommendation and public input received at Planning Board public hearing.
  - 8. STEP 8: First Reading of Ordinance on City Council Agenda/Meeting. (Public Comments are taken on Agenda items by City Council).
 

NOTE: First and Second Reading may be combined at Council option.
  - 9. STEP 9: Second Reading of Ordinance on City Council Agenda/Meeting (Public Comments are taken on Agenda items by City Council).

10. STEP 10: If adopted, the Ordinance Amending the Regulation(s) is published and Effective 5-days after Publication Date.
11. STEP 11: Copies of Revised Regulation(s) distributed to interested parties.

**16.134.150 PROCEDURE LEVEL III: MINOR OR PROCEDURAL AMENDMENT OF THE COMPREHENSIVE PLAN OR DEVELOPMENT REGULATIONS**

A. APPLICABILITY:

Amendments to the Comprehensive Plan or existing development regulations that address only procedures, or administrative provisions without substantively changing the effect of the Comprehensive Plan or the development regulation as regards its implementation of the Comprehensive Plan (as described in RCW 36.70A.035(2)(b)(iii)). Level III actions are changes that do not materially affect the types of uses allowed on the ground and do not materially alter the criteria, standards, or conditions under which those uses are reviewed and determined to be allowed or not allowed.

Examples of Level III actions are: changes in, required application information, changes in application procedures; adjustment of notice periods or application review periods; changes in application processing procedures; changes in bonding requirements; changes in public dedications and similar language or depictions required on plats and other developer documents; procedural changes mandated by State Statute; changes in appeal procedures; changes in notice procedures or time lines, and similar standards or procedures that do not make a substantive change in the effect of the Comprehensive Plan or the effect of the development regulation.

B. PROCEDURE:

1. STEP 1: Proposed Amendment is initiated by:
  - a. City Staff
  - b. City Council
  - c. Planning Board
  - d. Member of the Public
2. STEP 2: Proposed amendment is mailed or e-mailed to State Department Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed Public Hearing schedule for Amendment.
3. STEP 3: Public Hearing is scheduled before Planning Board (This can occur during or after CTED Review).
4. STEP 4: Publish the Planning Board Public Hearing Date.
  - a. Everett Herald not less than 7 days prior to hearing (WAC 365-195-600)
  - b. Post at City Hall & Post Office
  - c. Post on City Web Site, and other available sites of known interest
  - d. Post on Public Access Channel
  - e. Agenda e-mailed to parties of interest who have requested notification
  - f. Post on City Utility Bills
5. STEP 5: Public Hearing conducted before the Planning Board
6. STEP 6: Planning Board recommendation on amendment and public input received at the hearing are forwarded to City Council.

7. STEP 7: City Council considers Planning Board recommendation and public input received at Planning Board Public Hearing.
8. STEP 8: First Reading of Ordinance on City Council Agenda/Meeting. (Public Comments are taken on Agenda items by City Council).  
  
NOTE: First and Second Reading may be combined at Council option.
9. STEP 9: Second Reading of Ordinance on City Council Agenda/Meeting (Public Comments are taken on Agenda items by City Council).
10. STEP 10: If adopted, the Ordinance Amending the Regulation(s) is published and Effective 5-days after Publication Date.
11. STEP 11: Copies of Revised Regulation(s) distributed to interested parties.

**16.134.200 PROCEDURE LEVEL IV: ADOPTION OF MAJOR AMENDMENTS TO THE COMPREHENSIVE PLAN, SUBSTANTIVE AMENDMENTS TO APPENDICIES OR REFERENCE DOCUMENTS TO THE COMPREHENSIVE PLAN, AND ADOPTION OF NEW DEVELOPMENT REGULATIONS OR SUBSTANTIVE AMENDMENT OF EXISTING DEVELOPMENT REGULATIONS**

- A. APPLICABILITY: PROCEDURE LEVEL IV of this document applies to:
  1. Adoption of amendments to the Comprehensive Plan and its elements as provided in RCW 36.70A.035 (1) and;
  2. Adoption of new development regulations or substantive amendment of existing development regulations as provided in RCW 36.70A.035 (1).
- B. PROCEDURE:
  1. STEP 1: Proposed Amendment is initiated by:
    - a. City Staff
    - b. City Council
    - c. Planning Board
    - d. Member of the Public
  2. STEP 2: Prepare Public Information Binders for Public Review at City Hall, Reception Area, and the Sultan Branch of the Sno-Isle Regional Library. Update Binders as additional information becomes available throughout the review process.
  3. STEP 3: SEPA Checklist on proposed Amendment(s) is prepared by Staff/Applicant and mailed to the applicable reviewing agencies for 14-day comment period. Mailing includes:
    - a. Determination (by SEPA Official)
    - b. Checklist
    - c. Proposed Amendment(s)
  4. STEP 4: SEPA Determination including comment period is
    - a. Published in the Everett Herald not less than 10 days prior to hearing (WAC 365-195-600)
    - b. Posted at City Hall (required by SMC).
    - c. Posted at the Post Office (required by SMC).
    - d. Posted on City Web Site, and other available sites of known interest when available.
    - e. E-mailed to Parties of Interest who have requested a notice when available.
    - f. Posted in the Public Information Binder on Public Review and Public Document and Notice Table in City Hall Reception Area.

5. STEP 5: Proposed amendment is mailed or e-mailed to State Department Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed Public Hearing schedule for Amendment.
6. STEP 6: Public Hearing is scheduled before Planning Board (This can occur during or after CTED Review).
7. STEP 7: Publish the Planning Board Public Hearing Date:
  - a. Everett Herald not less than 10-days prior to hearing (WAC 365-195-600)
  - b. Post at City Hall & Post Office (required by S.M.C.).
  - c. Post on City Web Site, and other available sites of known interest when available.
  - d. Post on Public Access Channel when available.
  - e. Agenda e-mailed to parties of interest who have requested notification when available.
  - f. Post on City Utility Bills when available.
8. STEP 8: Public Hearing conducted before the Planning Board
9. STEP 9: Planning Board Recommendation on Amendment forwarded to City Council. Document includes a statement as to whether or not the Planning Board recommends that the Council hold a second public hearing.
10. STEP 10: Upon receipt of the recommendation from the Planning Board the Council, by motion, determines whether to hold a second public hearing on the proposal.

NOTE: If Council decides to hold a second public hearing, proceed to STEP 11.)

NOTE: If Council decides to proceed without a second public hearing, and take action based on review of the Planning Board's record, proceed to STEP 13.

11. STEP 11: Publish the City Council Public Hearing date:  
As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.
  - a. Everett Herald (Not less than 10 days prior to hearing WAC 365-195-600)
  - b. Post at City Hall & Post Office (required by S.M.C.).
  - c. Post on City Web Site, and other available sites of known interest when available.
  - d. Post on Public Access Channel when available.
  - e. Agenda e-mailed to parties of interest who have requested notification when available.
  - f. Post on City Utility Bills when available.
12. STEP 12: City Council conducts Second Public Hearing and considers Planning Board Recommendation. Proceed to STEP 14.
13. STEP 13: City Council considers Planning Board record including staff report, all public input (written and verbal testimony), and Planning Board findings and recommendation and acts on the proposal. Proceed to STEP 14.
14. STEP 14: First Reading of Ordinance on City Council Agenda/Meeting. (Public Comments are taken on Agenda items by City Council).

15. STEP 15: Second Reading of Ordinance on City Council Agenda/Meeting (Public Comments are taken on Agenda items by City Council).
16. STEP 16: If adopted, the Ordinance Amending the Regulation(s) is published, and effective 5-days after publication date.
17. STEP 17: Copies of Revised Regulation(s) distributed to interested parties.

**16.134.250 UNINTENTIONAL PROCEDURAL ERRORS**

As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**16.134.300 DEFINITIONS**

- A. **COMPREHENSIVE PLAN :** The Comprehensive Plan of the City of Sultan as provided for in RCW 36.70A
- B. **COMPREHENSIVE PLAN ELEMENT:** Any amendment to a portion of the Comprehensive Plan including Appendices and supporting documents that are adopted by reference.
- C. **DEVELOPMENT REGULATIONS:** Ordinances and Codes adopted by the City Council that implement the Comprehensive Plan through land use regulations that establish uses or standards for development of land uses.
- D. **LEGISLATIVE LAND USE ACTIONS:** Actions taken by the City Council that applies to the entire community such as: amendment of the text of the Unified Development Code, or; actions that apply to significant geographic portions of the community such as amendment of the Official Zoning Map that affects neighborhoods or larger areas.
- E. **QUASI-JUDICIAL LAND USE ACTIONS:** Actions taken by the Hearing Examiner that apply to a single property or a small number of specific properties such as a conditional use or a change of zone on one or a few properties in a group.
- F. **DOCKET- COMPREHENSIVE PLAN:** The schedule for consideration of amendments to the Comprehensive Plan or Comprehensive Plan Elements. The docket operates on an annual basis under the following schedule:
  1. Applications and applicable fees for the Comprehensive Plan Docket must be submitted to the Community Development Director or designee, no later than 5:00 p.m. on by April 1 of each year for consideration in that year.
  2. The Planning Board will review the applications and transmit initial recommendations to the Council by July 30 of each year. The recommendations will consist of findings on the policy issues and the Board's recommendation on inclusion of the particular proposal on the Council's adopted version of the Docket for the year.
  3. By October 1, the council will commit to adding the proposal to the Docket for further staff work and Planning Board action.
  4. The once-per-year Annual Docket Process does not apply to amendments exempted by RCW 36.70A.035(2)(b).