

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: SR-4
DATE: May 13, 2010
SUBJECT: Planning Board Minutes, April 20, 2010
CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:
Transmittal of Planning Board Minutes for the April 20, 2010 Planning Board Meeting

STAFF RECOMMENDATION:
Receive Report, no action required.

BACKGROUND:
This Meeting included:

1. Public Hearing Economic Stimulus Package, Permit Extension of Subdivision Preliminary Approvals and Impact fee Deferral.
2. Economic Stimulus Recommendation to Council
3. Comp Plan, 2011 Update Process: Transportation Element Goals and Policies
4. Concurrency Management: Council Referral of Work Item Regarding Sewer and Water Allocation Policies

ATTACHMENTS
Attachment A: Planning Board Minutes of April 20, 2010

SULTAN PLANNING BOARD MEETING MINUTES

April 20, 2010

PLANNING BOARD MEMBERS PRESENT:

Frank Linth –Chairman
Steve Harris
Jerry Knox
Bob Knuckey

Staff: Deborah Knight, City Administrator
Robert Martin, C.D. Director
Cyd Donk, P.B. Secretary

CALL TO ORDER: Frank Linth called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: See above

CHANGES TO THE AGENDA

RCM says that Item D-2 after discussion with the Chair, has been removed due to the late start of the Meeting this evening and Chairman Linth explains that yes it was mainly because of the late start of the meeting but also because this Discussion Item relates to organizational changes, not policy changes. RCM states that they are the “Mechanical” changes they discussed in previous meetings and that the Board will be involved in any policy changes.

PUBLIC COMMENTS

No comments.

PLANNING BOARD MEMBER COMMENTS:

Frank Linth: went to Sultan High School with Jerry Knox, RCM, and Donna and had over 70 surveys completed by High School Students. Linth was impressed at the turnout and Staff involvement with the Students.. No other comments from the Board.

HEARINGS AND ACTION ITEMS

Approval of P.B. Minutes for April 6, 2010. Motion by Knuckey. Second by Knox. Approved.

H-1 Public Hearing Economic Stimulus Package, Permit Extension of Subdivision Preliminary Approvals and Impact fee Deferral.

Public Hearing opened by Chairman Linth. Staff gave background on offering relief and Economic Stimulus to developers of residential projects. Explanation of the short term changes to the City’s Land Use and Zoning Codes. Staff’s recommendation from City Council is to give an additional 2-year extension for Plats expiring in 2010/2011 with Council approval of a Developer’s Agreement. The other issue is implementing a pilot project to allow Developer’s to postpone paying their Transportation and Park Impact Fees to the Certificate of Occupancy. Currently they are due at the time of Building Permit Issuance and we are looking to extend that time to Certificate of Occupancy. There has been some discussion to actually postponing payment till the building is actually sold, but City Staff has some concerns with that because once the buildings are occupied it may be difficult to collect the impact fees because the City has no control after that time. The Developer would have to file something with the County Assessor’s Office to ensure that the City would be able to collect the impact fees and this would be a Condition on the Permit.

Knox would like an explanation of a Covenant Lien.

Staff explains that this would be a Lien against the Title of the property to collect the Impact Fees it's a guarantee for the City. This would be the legal tool for the City to collect the Impact Fees at some point. The Developer can also postpone the Certificate of Occupancy for 6-months or until is it marketed or occupied. RCM wants to qualify that they have up to 6-months after the Final Inspection on the home and that can get signed off and then you have you can defer the Certificate of Occupancy for another 6-months if you choose but you cannot defer the Certificate of Occupancy past that or the Final Inspection lapses and you have to come back thru the permit process and reissuance of a permit.

Staff and Board discusses the different scenarios of the deferral. Discussion of the Certificate of Occupancy. Chairman Linth gets the Hearing back on tract. Linth asks what would the financial burden be on the City. Staff states that there is no financial burden to the City at the time since the fees are collected to provide services for the Plat.

Knuckey asks if they want to get into the actual language as to clarify the sunset dates so they match? June 30, 2012 or prior to July 1, 2012, there are 2-different dates and I am bothered by that. 16.12.060 Collection of Impact Fees. Staff says these dates do not matter. You can make them when get past the policy issues. Knuckey would like them at 5:00 p.m. the end of the Business Day. Board can iron that out later.

Linth asks for Public Comments.

Ginger York, Bear Paw Creek. Inc. P.O. Box 12, Startup, WA 98293

Ginger reads a letter to the City that states the most logical place to collect these fees would be at closing. The title company would collect these fees at the time of closing **(attached)**.

Craig Sears, Sultan 144LC 15 Lake Bellevue Drive, Suite 105, Bellevue, WA 98005

Is in full support of the extension of Plats and PUD's. Point of Sale would be the most logic place to collect these fees. The fees would be paid at the time of closing. Mr. Sears spoke with a title company today to get the statistics of collecting at the point of sale rather than at the Certificate of Occupancy.

Clerk read the letter dated to April 20th to the Planning Commission from MBA **(attached)**.

RCM goes over some comments made by the Public. State law prohibits utility shut-off as a way to enforce other non-utility issues with a property owner. Escrow issue is a solid point of contact but the problem is that it does not address leases or rentals. If these issues can be addressed it is possible. Fining someone does not always work.

Linth asks for additional comments. Ginger states she understands the rental questions but the point is still to sell the home. Ginger states that collecting at the time of sale would still guarantee the payment of these fees. Knox asks for names of other Cities that may have done this. Ginger states she has given this information but does not recall the jurisdictions on the list. Staff states that the information Ginger has given the City went to the Council and this information should have been in the last P.B. Packet. This information is available to the Planning Board and also available on the MBA webpage.

Linth steers the Hearing back on line. We are just gathering input at this time. Craig Sears states that having to pay the fees later would greatly benefit the builders because they will not rent out the houses and they still have to pay the interest fees to the bank. If they did not have to pay the impact fees till point of sale, the builder could use this money to pay the bank.

Harris asks the public if the title was clouded would the bank still loan them money? Craig states they are unusual because they have no banks involved. Ginger goes over rentals and sales. Linth stops the discussion and asks Harris if he got his question answered. Harris stated yes.

Linth asks to close the Hearing. It is moved by Knuckey and Seconded by Harris. All Ayes.

Discussion of Certificate of Occupancy as a landmark in the life of a construction project. Linth discusses items of the Hearing with the Public and Board. Harris and Linth discuss the scenarios of when the money is collected. Where will it benefit everyone concerned. Knuckey discusses the risks involved and how the Board has to watch out for the City. It needs to be kept simple. There are risks and everyone knows that. Harris brings up Bonds. Linth was going to bring that up and Knuckey agrees that Bonds have been used in the construction industry. Staff goes over what a Bond does for the City. It does not really do anything for the City. It is problematic.

Staff asks what is the language the Board would like brought back. Staff states ...defer impact fees till actual occupancy or sale of unit. Linth asks what are we stimulating with the Economic Stimulus? How is this helping our local economy?

A-1 Economic Stimulus Recommendation to Council

Direction to Staff from the Board is to find them language on point of sale, language from Federal Way, and anything else that may be comparable. Harris agrees with Linth and asks for the benefits are to the City then we know how we can best approach it.

Linth states that the Board did not really talk about the extension of the Plats

A-2 Comp Plan, 2011 Update Process: Transportation Element Goals and Policies

DK discusses with the Board about the changes the Board requested. This information needs to be finished before they start discussing Housing. Board and Staff discuss the changes made and Harris asks about the Section about working with the City's in the Valley and designating the roadway as Highway 2. Discussion of changing the wording in a few Sections and the Board is done with the Transportation Element. Staff states the Board is further along in the policy review than the Council at this point.

D-1: Concurrency Management: Council Referral of Work Item Regarding Sewer and Water Allocation Policies

Staff discusses the Concurrency policy in the Sultan Municipal Code and the maps and graphs in the packet. Sultan was broke into TAZ – Transportation Analysis Zones to show the projected growth in the City of Sultan. This was done for the 2004 Comp Plan Update.

Knuckey asks Staff what Level-of-Service the ERU's are based on. Staff clarifies that it is based on capacity at the Waste Water Treatment Plant not Level-of-Service. Staff asks if the Board understands, all acknowledge they are following along. Knox asks what DUS is?– Staff states Dwelling Units. Staff and Board has discussions of the Urban Growth Area and the Comp Plan. Harris has questions on 2, 3, 12, and maybe 11. What will FEMA's changes do to these Zones. Staff explains the short term improvements and how it works with the current Comp Plan. The TAZ and Maps will all be updated in the 2011 Comp Plan. Staff discusses

with the Board that the way things are going, we are working our way back to the 1994 Comp Plan. 80Staff wants to bring this back to the Board for discussion.

Verbatim Minutes: Tape Section 121

Chairperson Linth starts by saying this begs a question from me and I guess I need to lay a little foundation for it first. We are not dealing with one less than great decision that has been made by our predecessors that were sitting around these tables when they said 11,000 people yeah let's go! It wasn't just that, there were several maybe misinformed or misguided decisions that came together that formed this thing that Bob so affectionately refers to as a "Train Wreck" and I am thinking that you have probably thought this through, so I don't feel too badly about just asking you without giving the opportunity to think about it. If we were to tackle this, back to the analogy about "draining the swamp" at what point, a time line can we have this swamp drained and can we have a cohesive truly comprehensive Comprehensive Plan that's working, that has, ya know, that's a, really a tidy package, that has dynamics that are actually working with themselves, DK starts to speak, Chairman Linth finishes with are we looking at 5-years to keep chipping away at this until we make it, or 10-years or 2-years, what do you think.

DK states No, you're 2011 Comprehensive Plan update will have "drained the swamp" and you will have a complete and tidy package. My estimate is, given the work load that the Council has typically in December, it won't be December of 2011 but it will be January of 2012 so the Council will be making the final motions to adopt the Comprehensive Plan and corresponding Development Regulations that align with themselves and eliminate these problems.

Linth cuts in and says the bigger picture. I am thinking of the bigger picture now. We are talking about swapping UGA areas. DK starts to speak ...that will... Linth cuts in this is what we are dealing with, these high Mitigation Fees and the reason that they are so high is because of the things that we have discussed before.

DK starts to speak right, when Bob and I went and talked to the Staff at Snohomish County about that concept the direction that we received or the recommendation that we received from the County Staff, was that we were going to be, the County has to look at the UGA's every 10-years following the Census and that work will start in 2012 it will be finished in 2015. So we are going to start that process of amending our UGA not enlarging it not reducing it, just amending the UGA and that will start in 2012 and will be complete it in 2015.

Linth speaks and in 2015 you think as long as we are diligent and we continue to move forward, this package will be the best that it can be in 2015, that is what I am asking.

DK says, yes, I do. I think at that point, you will the area, if it works, the area East of Rice Road that will be your "Center", you have got the Comprehensive Plan that supports that, you got a Capital Facilities Plan that identifies those as priority project areas, you will have maintained your Impact Fees because you have gotten the efficiencies from not having to serve areas of your Community that are of kinda of low return on your investment from your Capital Facility perspective and you will have actually, I hate to say this, but in reviewing the 1994 Plan, you will have gone back to the future, RCM says a significantly back to 1994 Comp Plan, DK continues, the 1994 Comp Plan is almost exactly what we are looking at today.

Harris says is that what they are getting upset about or is it?

DK states, no that was 2004, Harris says, ah, ok.

DK continues, the 1994 Plan amended the, I mean the 2004 Plan amended the 1994 Plan. If the 1994 Plan would have stayed in place, we would not be going through this effort that we are going through today.

Linth says, between now and 2015 of the 100-different things that we are going to do that we could isolate and say that we were fixing this and this is going to improve the, ah package of the City of Sultan, what would you say is the single biggest thing, would it be the UGA swap or what?

DK starts Linth cuts in and says that would have the most positive impact on the Community? We are talking about Comprehensive Plan, Planning, ya know the Planning Agency as a whole and Development.
DK says I would say that it is a combination of things....

Verbatim Minutes: Tape Section 122

DK speaking - I would say that it is a combination of things it would be the UGA swap, the alignment of the Future Land Use Map and density of development outside of the floodplain. I think you need to make that move as well and I think you need to establish your Centers. I think those 3-things as a package together are like the 3-legs of a stool, any one of them alone won't get you where you want to go you to do all 3-of them together. DK asks RCM if he wants to add anything.

RCM agrees with that. I will just accept that statement and go back a little bit to what was being asked and how we are making progress. The 2008 Revision could be characterized as laying a group of equations in place. The 2011 Update can be viewed as taking those equations and really playing with them and understanding exactly how they all lead to a conclusion. And then the 2015 moves all the game pieces around and applies those fully understood equations and knits everything together. So you are on a track, you are on a progression. So the progression it is kind of painful when you look back and see what happened in 2004 that has made so much of this necessary but there you are, so it is going in the right direction and it takes a lot longer than you wish it would.

SUMMARY OF MEETING RESULTS AND ACTIONS FOR NEXT MEETING

- Board directs Staff to add to the Minutes the discussion described above (the last portion of D-1) verbatim and added to these minutes (Above).

RCM added that a Motion for adoption of item A-2 was not proposed when that item was considered. Motion was made by Knox to forward Transportation Element Goals and Policies to the City Council. Seconded by Knuckey. All Ayes.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Ginger York. Comments on Bond, they cost money and are the most complicated. :Lien on the Title might be the low filing cost and easiest to do and escrow would most likely catch it. Craig Sears asked her to point out that we are competing with other municipalities. So if other municipalities are offering, the City of Sultan should keep up with them to offer the same or better. As for the stimulation to the economy any new construction brings stimulation to the community, food, houses, gas, etc. They all add to the local economy. Made comments on the maps that Deborah has regarding the ERU's. The City may be constricting the growth by doing that. Linth asks RCM to give an explanation to Ginger in regards to her question.

BOARD MEMBERS COMMENTS

Bob Knuckey: Thanks Ms. York for her comments and showing up. Thanks to the Board for their time.

Steve Harris: Files and Permit Packets look good upstairs. Appreciate the color maps.

Frank Linth: Appreciates Mr. Sears and Ms. York coming here. Appreciates her insight.

Jerry Knox: No Comments

ADJOURNMENT

At 10:10 pm on a motion by Knox and seconded by Knuckey and Ayes by all, meeting was adjourned.

Frank Linth, Planning Board Chairman

Cyd Donk, Planning Board Secretary