

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: C-1

DATE: June 3, 2010

SUBJECT: 2011 Comprehensive Plan Update – Land Use Element Goals and Policies

CONTACT PERSON: Deborah Knight, City Administrator

**ISSUE:**

The city council reviewed its recommended changes to the Land Use Element goals and policies at the May 20, 2010 meeting. The city council requested changes to the goals and policies as described below.

**STAFF RECOMMENDATION:**

Review the proposed changes to the land use element goals and policies. Direct staff to areas of concern.

**SUMMARY:**

This agenda cover transmits the changes to council and provides an opportunity for any further direction to city staff.

1. LU 3.8.1 Interlocal agreements

Council added the words “provided that” to the end of LU 3.8.1

~~LU 3.8.1 Phase annexations in accordance with efficient provision of necessary services. Support annexation proposals that meet the following criteria including those areas that can not achieve urban densities because of wetlands, critical area or other environmental constraints provided that:~~

**Editor’s Note: Add criteria for annexations 11-24-09**

- a. The annexation achieves the growth, ~~social~~ and economic needs and goals for the city as set forth in the comprehensive plan; **(Remove “social” per PB 02-16-10)**
- b. ~~The city can eventually provide effective and efficient urban levels of public services~~The area can be supported with adequate facilities and urban services consistent with capital facilities plans for public facilities and utilities;

05-06-10 - Staff recommended change consistent with LU 3.3.2.

~~c. The city has~~ There is an adopted land use plan for the annexation area;

~~d. Residential areas can achieve urban densities unless wetlands, critical areas or other environmental constraints preclude these densities.~~

## 2. LU 1.1 Capable areas / LU 1.2 Suitable areas

May 6, 2010 - LU 1.1 City Council recommends replacing “necessary” with “feasible”

May 6, 2010 – LU 1.2 Staff recommendation. Replace “necessary” with “feasible”. Replace “social significance” with “character” consistent with MPP DP-34.

May 20, 2010 - Councilmember Pinson questioned whether the word “feasible” is broader in intent than the word “necessary”.

Webster’s defines “necessary” as:

**1 a** : of an inevitable nature : **INESCAPABLE** **b** (1) : logically unavoidable (2) : that cannot be denied without contradiction **c** : determined or produced by the previous condition of things **d** : **COMPULSORY**  
**2** : absolutely needed : **REQUIRED**

Webster’s defines “feasible” as:

**1** : **capable** of being done or carried out <a feasible plan>  
**2** : capable of being used or dealt with successfully : **SUITABLE**  
**3** : **REASONABLE, LIKELY**

### **LU 1.1 Capable areas**

Allocate urban development onto lands that are capable of supporting urban uses and/or that pose fewest environmental risks.

To the extent ~~necessary~~feasible, locate urban uses away from lands or soils that have severe environmental hazards – such as the Sultan and Skykomish Rivers floodways.

### **LU 1.2 Suitable areas**

Allocate urban development onto lands that are suitable for urban use and/or that have the least social value in an undeveloped state.

To the extent ~~necessary~~feasible, locate urban uses away from sites that have significant archaeological, historical, cultural or special ~~social significance~~character.

## 3. DP 1.1 Historical/cultural sites

May 20, 2010 – DP 1.1 City Council recommends adding the words “At the request of property owners” before “protect lands, buildings or other site features...”

**DP 1.1 Historical/cultural sites**

At the request of property owners, Pprotect lands, buildings or other site features that are unique archaeological sites, historic areas, publicly designated landmark districts or buildings.

4. DP 1.5 Buffer Corridors

May 20, 2010 – DP 1.5 Council directed staff to rewrite DP 1.5 to ensure commercial retail development can maintain visibility in order to attract customers. City staff recommend adding the word “wholesale” before “urban commercial”.

**DP 1.5 Buffer corridors**

Provide-Require landscape screens, earth berms, and other natural material or design buffers, particularly especially about wholesale urban commercial or industrial uses that front or are visible from adjacent residential areas or roads or US 2.

**RECOMMENDED ACTION:**

Review the proposed goal and policy changes to the land use element of the 2004 comprehensive plan and provide direction to staff.

**ATTACHMENTS:**

A – Revised definitions 06-03-2010

## Attachment A – Draft Definitions

**100-year flood plain** – means land adjoining a river, stream, watercourse, ocean, bay, or lake having a 1% chance of being inundated in any given year. Floodwaters may result from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of surface runoff from any source.

**Act** - means the Growth Management Act as enacted in Chapter 17, Laws of 1990, 1st Ex. Session, and Chapter 32, Laws of 1991, 1st Special Session, State of Washington.

**Adequate capital facilities** - means facilities that have the capacity to serve development without decreasing levels of service below locally established minimums.

**Adopt a comprehensive land use plan** - means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

**Agricultural land** - means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed. Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock that has long-term commercial significance for agricultural production.

**Aquifer** – means a body or rock sediment, sand, or gravel that is able to store and conduct significant quantities of groundwater.

**Aquifer recharge areas** – are areas where surface water is able to permeate the soil and is conducted to aquifers for storage.

**Available capital facilities** - means facilities or services are in place or a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

**Capital facility** - means a physical structure owned or operated by a government entity that provides or supports a public service.

**Characterized by urban growth** - refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

**City** - means any city or town, including a code city.

**Concurrency** - means that adequate capital facilities are available when the impacts of development occur. This definition includes the two concepts - "adequate capital facilities" and of "available capital facilities" as defined above.

**Consistency** - means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

## Attachment A – Draft Definitions

**Comprehensive land use plan, comprehensive plan, or plan** - means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

**Contiguous development** - means development of areas immediately adjacent to one another.

**Coordination** - means consultation and cooperation among jurisdictions.

**Critical areas** - include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

**Demand Management Strategies or Transportation Demand Management Strategies (TDM)** - means strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies or telecommuting.

**Department** - means the Sultan Planning Department.

**Development regulations** - means any controls placed on development of land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances.

**Domestic Water System** - means that any system providing a supply of potable water for the intended use of a development that is deemed adequate pursuant to RCW 19.27.097.

**Essential public facilities** include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. [RCW 36.70A.200(1)]

**Feasible** - Capable of being done or carried out. **Reasonable.**

**Fish and wildlife habitat** – means areas identified as being important to the maintenance of fish, wildlife, and plant species.

**Financial commitment** - means sources of public or private funds or combinations thereof have been identified that will be sufficient to finance capital facilities necessary to support development and that there is assurance that such funds will be timely put to that end.

**Forest land** - means and primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140 for commercial purposes, and that has long-term commercial significance for growing trees commercially.

**Geologically hazardous areas** - means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

**Goal** – means a general condition, ideal situation, or achievement that reflects societal values or broad public purposes.

## Attachment A – Draft Definitions

**Growth Management Act** - see definition of "Act."

**Level of Service (LOS)** - means an established minimum capacity of capital facilities or services provided by capital facilities that must be provided per unit of demand or other appropriate measure of need.

**Long-term commercial significance** - includes the growing capacity, productivity and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**Master planned resort** - means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

**May:** "May" means the actions described in the policy are either advisable or are allowed. "May" gives permission and implies a preference. Because "may" does not have a directive meaning, there is no expectation the described action will be implemented.

**Minerals** - include gravel, sand and valuable metallic substances.

**Necessary** - Absolutely needed. Required.

**New fully contained community** - is a development proposed for location outside of the initially designated urban growth areas that is characterized by urban densities, uses and services.

**Planning period** - means the 20-year period following the adoption of a comprehensive plan or such longer period as may have been selected as the initial planning horizon by the planning jurisdiction.

**Policy** – means an action-oriented procedure, activity, or decision-making that defines the process by which an objective is achieved.

**Potable water** – means water suitable for drinking.

**Public facilities** - include streets, roads, highways, sidewalks, street and road lighting systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

**Public services** - include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

**Regional transportation plan** - means the transportation plan for the regionally designated transportation system that is produced by the regional Transportation Planning Organization.

**Regional Transportation Planning Organization (RTPO)** - means the voluntary organization conforming to RCW 47.80.020, consisting of local governments within a region containing one or counties which have common transportation interests.

**Rural lands** - means all lands that are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.

## Attachment A – Draft Definitions

**Sanitary sewer systems** - means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste.

**Shall:** “Shall” means implementation of the policy is mandatory and imparts a higher degree of substantive direction than “should”. “Shall” is used for policies that repeat State of Washington requirements or where the intent is to mandate action. However, “shall” cannot be used when it is largely a subjective determination whether a policy objective has been met.

**Should:** “Should” means implementation of the policy is expected but not mandatory, yet is still directive with substantive meaning, although of a lesser degree than “shall”. “Should” policies recognize the policy may not be applicable or appropriate for all municipalities due to special circumstances. It is incorrect to describe “should” policies as optional. The decision to not implement a “should” policy is appropriate only if implementation of the policy is either inappropriate or not feasible. The decision to not implement a “should” policy cannot be based solely on the fact “should” policies are not mandatory.

**Solid waste handling facility** - means any facility for the transfer or ultimate disposal of solid waste, including landfills and municipal incinerators.

**Snohomish County Tomorrow** – means a joint planning process of the County, its cities and towns, and the Tulalip Tribes to guide effective growth management and to meet the requirements of the GMA for coordination and consistency among local comprehensive plans.

**Transportation facilities** - includes capital facilities related to air, water or land transportation.

**Transportation level of service (LOS) standards** - means a measure that describes the operational condition of the travel stream, usually in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

**Transportation level of service (LOS) standards** - means a measure that describes the operational condition of the travel stream, usually in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

**Transportation system management (TSM)** - means low capital expenditures to increase the capacity of the transportation network. TSM strategies include but are not limited to signalization, channelization, and bus turnouts.

**Urban growth** - refers to growth that make intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

**Urban growth areas (UGA)** - means those areas designated by a county pursuant to RCW 36.70A.110.

**Urban governmental services** - include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

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**Utilities** - means facilities serving the public by means of a network of wires or pipes, and structures ancillary thereto including systems for the delivery of natural gas, electricity, telecommunications services, and water and for the disposal of sewage.

**Visioning** - means a process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

**Wetland or wetlands** - are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities. However, wetlands may include those artificial wetlands intentionally created to mitigate conversion of wetlands, if permitted by the county or city.

### **Common Acronyms**

**BLR** = Buildable Lands Report

**CPP** = Countywide Planning Policy

**DP** = Development Patterns

**GMA** = Growth Management Act

**GMR** = Growth Monitoring Report

**LU** = Land Use

**MPP** = Multicounty Planning Policy

**MUGA** = Municipal Urban Growth Area

**PAC** = Planning Advisory Committee (of SCT)

**PSRC** = Puget Sound Regional Council

**SCT** = Snohomish County Tomorrow

**RCW** = Revised Code of Washington (state law)

**RGS** = Regional Growth Strategy

**UGA** = Urban Growth Area

**WAC** = Washington Administrative Code

**WSDOT** = Washington State Department of Transportation