SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: H-2

DATE: July 8, 2010

SUBJECT: Concurrency Application and Approval Procedures
Hold a Public Hearing

CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the city council is to hold a public hearing to amend Sultan Municipal Code 16.108 – Concurrency Management.

STAFF RECOMMENDATION:

Hold a public hearing and take public testimony to amend SMC 16.108 Concurrency Management System.

Since the council's action will amend the development regulations in Title 16, the community development director is required to issue a SEPA determination. City staff will use the expedited SEPA process approved by the Department of Commerce. Staff will bring back the adopting ordinance to amend SMC 16.108 for council consideration in August after the SEPA comment and appeal period are complete.

PLANNING BOARD REVIEW AND RECOMMENDATION:

The planning board recommends the city council prepare an adopting ordinance to amend Sultan Municipal Code 16.108 – Concurrency Management.

The city council reviewed the concurrency procedures at its March 25, 2010 meeting and directed the planning board to work with city staff to amend SMC 16.108 Concurrency to include procedures to effectively administer the city's concurrency management system.

The planning board received an introduction to the concurrency application and approval procedures at its meeting on April 20, 2010. The planning board directed staff to return with the item for further discussion at its May 4, 2010 meeting. The planning board reviewed and discussed the concurrency management system again at its June 8, 2010 meeting.

On June 8, 2010, the board made the motion to forward the staff recommendation to the city council for adoption. The planning board did not receive any written or oral comments from the public on the staff recommendation.

SUMMARY:

What is Concurrency?

The Growth Management Act requires communities to adopt levels-of-service (LOS) for capital facilities. Levels-of-service are the minimum community standards for public facilities including transportation, parks, water, and sewer services. As new development arrives in a community, the city must review each development application and determine if the proposed development can be accommodated within the existing or planned capacity of the city's capital facilities without lowering the adopted level-of-service.

The city has been seeking to develop policies and procedures for determining and allocating capacity in the city's facilities (transportation, parks, water, and sewer) to proposed developments consistent with the 2004 comprehensive plan as revised in 2008.

In order to achieve these goals, City staff recommend codifying the concurrency application and approval procedures into the city's concurrency management system as provided in SMC 16.108 (Attachment A). City staff also recommend updating the city's concurrency management system to implement the comprehensive plan by adding new subsections to Sultan Municipal Code Chapter 16.108.

How is Concurrency Measured?

The Sultan Municipal Code (SMC) 16.108 provides specific details for determining transportation concurrency (Attachment A). Unfortunately, the SMC does not include specific policies and procedures for determining and allocating capacity consistent with the 2004 comprehensive plan as revised in 2008.

In 2004, the city adopted several comprehensive plan policies that favor a phased approach to development starting from the historic district and working outward to the city limits. The comprehensive plan also favors allocating capacity to commercial development before residential development.

The 2008 Revisions to the 2004 Comprehensive Plan are consistent with this policy direction. The 2008 Revisions include several maps (Attachment C) that break the city into Traffic Analysis Zones (TAZ). The city calculated growth in each TAZ consistent with the phase growth strategy.

The Growth Management Act requires the city adopt development regulations in the Sultan Municipal Code that are consistent with and implement the comprehensive plan.

New development cannot reduce the level-of-service below the adopted standard. For transportation facilities only, the city is required to deny new development if the proposed new development causes the affected transportation facilities to fall below the adopted level of service and there is no plan in place to mitigate the impact within six-years.

The city will issue a "certificate of concurrency" to an applicant for new development if the city determines the capacity of the facility, less the capacity needed can be provided while remaining within the city's level of service standards.

Purpose of the Concurrency Application and Approval Procedures

The city requires concurrency for developments that must have threshold determinations and Environmental Impact Statements as outlined in the State Environmental Policy Act (SEPA). All other developments within the city are exempt from concurrency under city code.

The purpose of the concurrency application and approval procedures is to provide a process for accepting development applications in order to make a concurrency determination and issue a certificate of concurrency or denial letter consistent with the 2004 comprehensive plan as revised in 2008. State law provides guidelines for concurrency under WAC 365-196-840 (concurrency).

The concurrency application and approval procedures describe the information required by the city in order to make a concurrency determination and issue a certificate of concurrency or denial letter on a proposed project in accordance with Sultan Municipal Code 16.108.

DISCUSSION:

The proposed Certificate of Concurrency Application and Approval Procedures are divided into six sections. City staff recommend incorporating the procedures, as appropriate, into SMC 16.108:

1. Scheduling a pre-application meeting
2. Submission of a concurrency application
3. Acceptance of a concurrency application
4. Procedures for determining capacity – transportation, parks, water, and sewer
5. Procedures for issuing a certificate of concurrency or denial letter
6. Annual reporting and monitoring

Scheduling a pre-application meeting

The city currently recommends applicants requiring a certificate of concurrency under SMC 16.108 schedule a pre-application meeting with city departments prior to applying for a certificate of concurrency.

The proposed policy maintains the same recommendation as a benefit to the applicant.

Submission of a concurrency application

An application for a certificate of concurrency must be submitted with the underlying development permit application requiring concurrency. A certificate of concurrency cannot be submitted alone if concurrency is required.

The proposed procedures require a specific application for a certificate of concurrency. The application includes the information that must be submitted in order for the city to make a concurrency determination.

Acceptance of a concurrency application

The city has 28 days after receiving an application to determine whether the application is complete or incomplete. This is consistent with other development applications required by the city. An application is "complete" if it meets all the submission requirements. The city may request additional information and studies after the application is deemed complete.

Incomplete applications will be returned to the applicant with a letter outlining what needs to be provided to submit a complete application.

An application for a certificate of concurrency will not be accepted or processed until it is complete and the underlying development application has been determined to be complete.

Procedures for determining capacity

Transportation – The city has adopted a level of service "D" for city arterial streets while retaining the WSDOT adopted level of service "D" for US 2. Level of service "D" translates into wait time at arterial intersections. "A" is no wait and "F" is gridlock during peak morning travel times.

The building and zoning official will review the application and determine if the capacity of the city's transportation system, less the capacity needed for the development, can be provided while meeting the level of service standards in the comprehensive plan.

The building and zoning official will issue a certificate of concurrency if capacity is available.

If capacity is not available and the level of service failure is on an arterial roadway, the applicant may propose other strategies to accommodate the impacts of the proposed development as outlined in SMC 16.108.080 such as van pooling; modify the development to lessen traffic impacts; volunteer to construct transportation improvements to mitigate the impacts; withdraw the application or take other corrective measures approved by the official.

Parks –The adopted level of service for neighborhood parks is 1.5 acres/1,000 residents. The level of service for community parks is 2.0 acres/1,000 residents. The city will need a minimum 17.2 acres of additional community parkland to serve the city's future population of 11,119 people.

Similar to transportation, the building and zoning official will review the application and determine if the capacity of the city's park system, less the capacity needed for the development, can be provided while meeting the level of service standards in the comprehensive plan.

The building and zoning official will issue a certificate of concurrency if capacity is available.

The building and zoning official will deny the concurrency application and underlying development if the proposed development will cause the level of service of the city's park facilities to decline below the standard adopted in the comprehensive plan, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

Water – The city has adequate water supply to meet forecast needs as identified in the comprehensive plan. The city's water treatment plant will require improvements to meet future growth needs. The city has a minimum fire flow standard of 1,000 gallons per minute for residential and 1,500 gallons per minute for non-residential development. A water storage tank and distribution system are included in the city's capital facilities plan to provide adequate operating pressure in the distribution system and fire protection. The city will not extend water service to areas outside the urban growth area except for a documented water supply emergency.

The process for issuing and denying water certificate of concurrency applications is the same as for parks (see above).

Sewer – Level of service standards for sewer system facilities are defined by WAC 173-240-050 and the "criteria for sewerage works design" published by the Washington State Department of Ecology (DOE).

The city's waste water treatment plant is near 80% capacity. Designs for increasing the plant capacity in three phases are described in the "2006 City of Sultan WWTP Upgrade Engineering Report". Until improvements are constructed the size and design of the

city's waste water treatment facility limits the available sewer connections to accommodate future forecast flows and avoid violating the city's NPDES permit issued by the DOE.

In order to determine concurrency, the city will conduct an analysis of the remaining capacity of the city's sewer treatment facilities and the foreseeable demand. The building and zoning official will determine if the capacity of the city's sewer facilities, less the capacity which is needed, can be provided while remaining within the city's level of service standards and waste water treatment plant capacity.

Because of the limited plant capacity, the building and zoning official will allocate available sewer utility connections using the Traffic Analysis zones (TAZ) in the figure titled "Projected Increase in Population, Housing and Employment Estimates" in the city's adopted comprehensive plan and anticipated capacity estimates provided in the 2006 Waster Water Treatment Plant Engineering Report.

The TAZ maps (Attachment C) delineate future projected growth and commercial development. As shown in the table below, the 254 Equivalent Residential Units (ERU's) of available waste water treatment plant capacity (including short-term improvements) will be allocated to Traffic Analysis Zones 2, 3, 4, 5, 10 ,11, 12, 13, 14 and 15. This is consistent with the phased growth strategy outlined in the comprehensive plan.

As capacity of the city's waste water treatment plant increases, as anticipated in the 2006 Engineering Report, the city will set aside the following accounts of available capacity for specific types of development consistent with growth in the Traffic Analysis Zones as projected comprehensive plan.

Table 1 - Waste Water Treatment Plant - Anticipated Capacity Allocations

Phase	Additional ERU's Available	Commercial Capacity Account	Septic System Replacement Capacity Account	Residential Capacity Account	Traffic Analysis Zones
Available RU's + short-term imp	254	105	25	124	2, 3, 4, 5, 10,11, 12, 13, 14 and 15
Phase I	1300	145	255	900	8,9,16,19,21,22 and 23
Phase II	520	25	120	375	1,6,7,and 20
Phase III	1098	0	0	1098	17 and 18
Total	3,172	275	400	2497	

If the development meets the Traffic Analysis Zone Requirements, sewer utility requests will be placed in one of the three capacity account categories – commercial, septic system replacement or residential. In the event requests for sewer certificates of

concurrency exceed the allocated account of available capacity, the building and zoning official will withdraw available capacity first from the residential capacity account. If the residential account is exhausted the building and zoning official will withdraw available capacity from the septic system replacement account.

Setting aside capacity to serve commercial development and septic system replacement is consistent with the goals and policies in the comprehensive plan.

Overall, the proposed sewer allocation system provides more demand than supply. For example, there are currently 254 ERU's available. Short-term demand as calculated within the traffic analysis zones is 296 ERU's. If demand exceeds supply, the city would issue a moratorium on development and deny sewer certificates of availability. All development would stop. Residential development will cease when the Residential Capacity Account (124 ERU's) are allocated without additional capacity.

The building and zoning official will deny the sewer certificate of concurrency and underlying development application if there is no allocated capacity in the city's sewer system as determined by Table 1 above for the proposed project, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

This agenda cover includes a colored map (Attachment D) which graphically shows how sewer connections will be allocated by traffic analysis zone (TAZ) consistent with the 2004 comprehensive plan. The map is intended to assist the city council in understanding how sewer connections will be allocated under the proposed concurrency approval procedures.

<u>Procedures for issuing a certificate of concurrency or denial letter</u>

Prior to issuing a water and/or sewer certificate of concurrency, the applicant will pay an administrative fee as determined by council resolution for each water and sewer connection required by the applicant.

A certificate of concurrency is a letter or other form prepared by the city and sent to the applicant and/or property owner. If the proposed development is modified a new application fee, concurrency application, evaluation and approval may be required.

If there is a lack of concurrency the official will issue a denial letter. The letter will identify the application and options available to the applicant. The denial letter may be appealed within 10 days after it is issued.

Annual reporting and monitoring

The building and zoning official is responsible for completing an annual report on available capacity. The report will be considered by the city council and used to review development permits during the next period.

FISCAL IMPACT:

There is an application fee set by the city council included in the proposed concurrency and application procedures. The council should set the fee to cover the cost of processing the application and making a determination.

Adopting the proposed concurrency management policies formalizes the city's policies and procedures for reviewing applications for development and issuing certificates of concurrency. City staff are already performing the majority of the procedures recommended in the concurrency application and approval procedures.

The annual reporting requirements listed in Section 6 of the procedures are a new level of service. The proposed procedures assign this work to the building and zoning official (community development director). There is some concern that it may be difficult to add this work item to the community development director's annual work plan. The city council may want to consider whether the annual report should be provided by the public works director rather than the community development director.

RECOMMENDED ACTION:

Hold a public hearing and take public testimony to amend SMC 16.108 Concurrency Management System.

ATTACHMENTS:

A – Sultan Municipal Code 16.108 Concurrency Management System
B – Draft Certificate of Concurrency Application and Approval Procedures
C – Traffic Analysis Zone Maps, allocation spread sheet, and 2006 Engineering Report
D – Graphic illustration of sewer connection allocation by traffic analysis zone.

Division V. Concurrency Management System

Chapter 16.108
CONCURRENCY MANAGEMENT SYSTEM

Sections:

16.108.010	Purpose.
16.108.020	Exemptions.
16.108.030	Applications.
16.108.040	Nonbinding determinations.
16.108.050	Certificate of concurrency.
16.108.060	Standards for concurrency.
16.108.070	Facilities and services subject to concurrency.
16.108.080	Concurrency determination – Arterial roadways.
16.108.090	Concurrency determination – All other roadways.
16.108.100	Concurrency determination – Potable water.
16.108.110	Concurrency determination – Wastewater.
16.108.120	*Reserved.*
16.108.130	Concurrency determination – Parks and recreation.
16.108.140	Fees.

16.108.010 Purpose.

The purpose and intent of this chapter of the unified development code is to provide a regulatory mechanism to ensure that a property owner meets the concurrency provisions of the comprehensive plan for development purposes as required in RCW 36.70A.070. This regulatory mechanism will ensure that adequate public facilities at acceptable levels of service are available to support the development's impact. (Ord. 630 § 2[16.12.010], 1995)

16.108.020 Exemptions.

Any development categorically exempt from threshold determination and EIS requirements as stated in the State Environmental Policy Act (SEPA), Chapter 197-11 WAC. (Ord. 630 § 2 [16.12.020], 1995)

16.108.030 Applications.

A. Each applicant for a development approval, except those exempted from concurrency, shall apply for a certificate of concurrency.

B. An applicant requesting development approval by the city shall provide all information required by the city in order for a binding concurrency evaluation to be made on the proposed project. Such required information shall include any information required by the building and zoning official in order to evaluate issuance of certificate of concurrency.

C. No development approvals will be granted unless the applicant is eligible for a certificate of concurrency. (Ord. 630 § 2[16.12.030], 1995)

16.108.040 Nonbinding determinations.

A. A nonbinding concurrency determination shall be made at the time of a request for a land use amendment or rezone. Any nonbinding concurrency determination, whether requested as part of an application for development, is a determination of what public facilities and services are available at the date of inquiry, but does not reserve capacity for that development.

B. An applicant requesting a development action by the city shall provide all information required by the city in order for a nonbinding concurrency determination to be made on the proposed project. Such required information shall include any additional information required by the building and zoning official in order to make a concurrency determination. The concurrency determination shall become a part of the staff recommendation regarding the requested development action.

C. A nonbinding concurrency determination may be received prior to a request for development action or approval by submitting a request and any applicable fee to the building and zoning official. Information required to make this determination is the same as that cited in SMC 16.108.030(B). (Ord. 630 § 2[16.12.040], 1995)

16.108.050 Certificate of concurrency.

A. A certificate of concurrency shall be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for 12 months.

B. A certificate of concurrency may be accorded the same terms and conditions as the underlying development approval. If a development approval shall be extended, the certificate of concurrency shall also be extended.

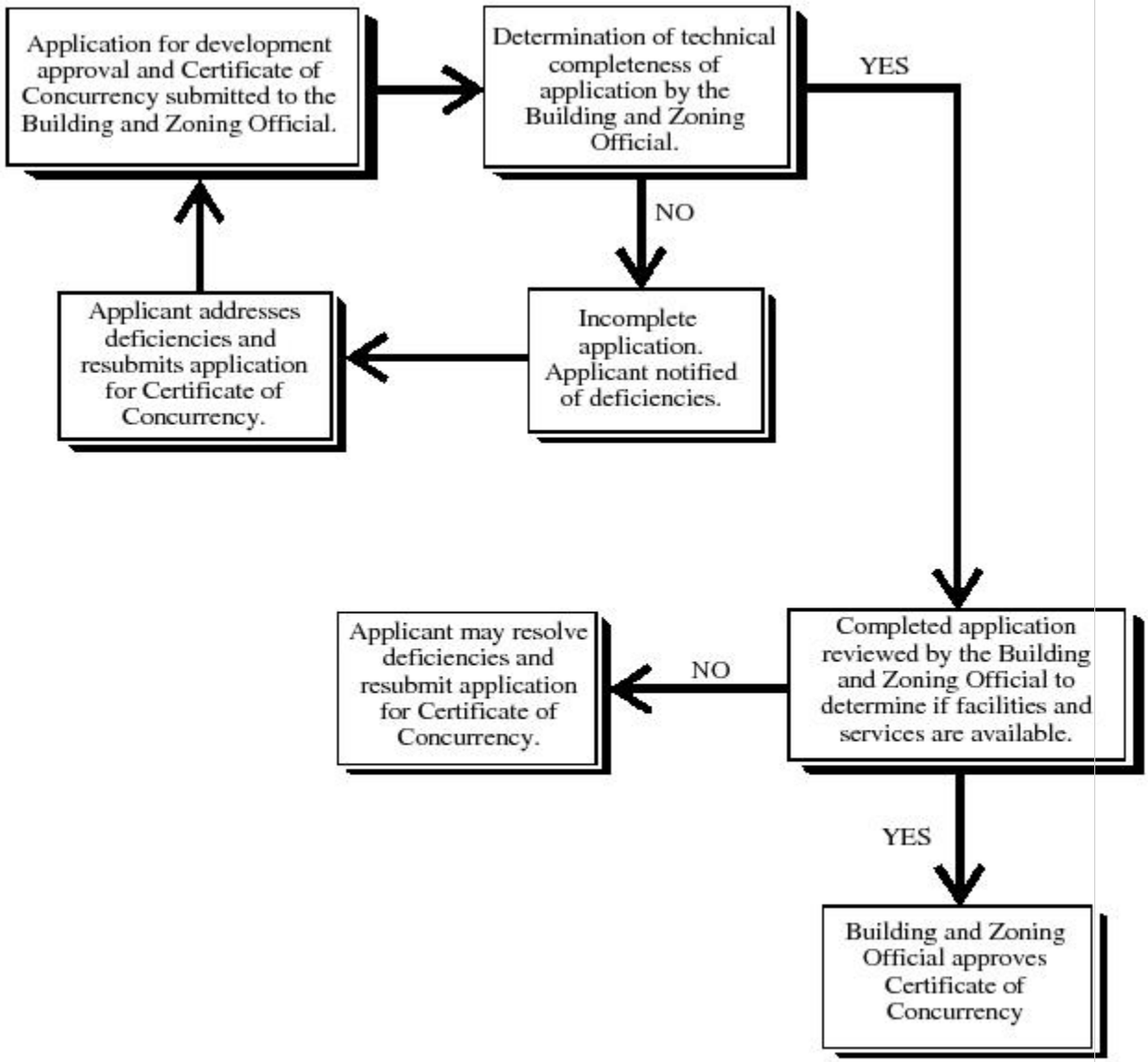
C. A certificate of concurrency may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

D. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.

E. A certificate of concurrency shall expire if the underlying development approval expires or is revoked by the city.

City of Sultan

Concurrency Review Process
Request for Development Approval Certificate of Concurrency
(Binding)



(Ord. 630 § 2[16.12.050], 1995)

16.108.060 Standards for concurrency.

The city of Sultan shall review applications for development, and a development approval will be issued only if the proposed development does not lower the existing level of service (LOS) of public facilities and services below the adopted LOS in the comprehensive plan. A project shall be deemed concurrent if one of the following standards is met:

A. The necessary public facilities and services are in place at the time the development approval is issued; or

B. The development permit is issued subject to the condition that the necessary public facilities and services will be in place concurrent with the impacts of development; or

C. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the development. “Concurrent with the development” shall mean that improvements or strategy are in place at the time of the development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development. (Ord. 630 § 2[16.12.060], 1995)

16.108.070 Facilities and services subject to concurrency.

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the comprehensive plan:

A. Roadways;

B. Potable water;

C. Wastewater;

D. Parks and recreation. (Ord. 993-08 § 5; Ord. 630 § 2 [16.12.070], 1995)

16.108.080 Concurrency determination – Arterial roadways.

A. The city of Sultan will provide existing and adopted level of service (LOS) information as set forth in the city of Sultan comprehensive plan. The proposed development will be analyzed to determine additional trips generated using standards from the Institute of Transportation Engineers.

If this preliminary LOS analysis indicates a LOS failure, the developer may:

1. Accept the level of service information as set forth in the comprehensive plan; or

2. Prepare a more detailed Highway Capacity Analysis, as outlined in the Highway Capacity Manual, Special Report 20 (1985) or other traffic analysis following procedures outlined by the Washington State Department of Transportation (WSDOT).

This more detailed study may include demand management strategies to accommodate the impacts of the proposed development such as increased public transportation service and ride-sharing programs.

B. If the developer chooses to do a more detailed analysis as described in subsection (A)(2) of this section, the building and zoning official will:

1. Meet with the developer to review and accept or deny the more detailed highway capacity analysis methodology;

2. Review the completed alternative analysis for accuracy and appropriate application of methodology;

3. If the alternative methodology, after review and acceptance by the building and zoning official, indicates an acceptable LOS where the comprehensive plan indicates a LOS failure, the alternative methodology will be used, based on a binding or enforceable development agreement. (Ord. 630 § 2[16.12.080], 1995)

16.108.090 Concurrency determination – All other roadways.

The developer shall prepare a traffic study. The level of detail and scope of a traffic study may vary with the size, complexity and location of the proposed development. A traffic study shall be a thorough review of the immediate and long-range effects of the proposed development on the city's transportation system.

A. The traffic study shall include the following basic data:

1. Provide a site plan drawn to appropriate scale of the proposal showing the road system, rights-of-way, type of roads, access points and other features of significance in the road system;

2. Vicinity map showing transportation routes to be impacted by the development;

3. Type of dwelling units proposed (single-family, multiple-family, attached, detached, etc.) and trip generation rates for the development. In cases of activity other than residential, the same type of information will be required (commercial, industrial, etc.);

4. Volume of traffic expressed in terms of average daily traffic on the roadway network that can reasonably be expected to be used by existing traffic and traffic from the development expressed in terms of current average daily traffic along with directional distribution (D factor), peak hour demand (K ratio) and percentage of trucks (T factor), in the traffic stream;

5. Physical features of the road network involved, with regard to functional classification, capacity, safety and operations;

6. A level of service analysis of the road system that can reasonably be expected to bear traffic generated by the development:

a. The level of service may generally assume conditions for two-lane highways without access control and at-grade intersections as defined in the highway capacity manual;

b. Level of service and volume to capacity ratio (v/c) is to be determined and indicated within the report, showing factors used and methodology;

c. Volume figures used shall consist of:

i. Current average daily traffic (ADT),

ii. Projected ADT at completion of proposal,

iii. Growth projection if completion is more than two years away;

7. The staged increase in traffic volumes on all transportation routes to be caused by the development as different phases are completed;

8. Traffic volumes shall be projected for 10 years into the future and, if a future phase of the development will extend beyond 10 years, to the time of completion of future phases of the development;

9. Other similar data that may be required to provide a complete and thorough analysis.

B. The city may also require that the traffic study include other information necessary for a thorough review of the immediate and long-range effects of the proposed development on the transportation system. (Ord. 630 § 2[16.12.090], 1995)

16.108.100 Concurrency determination – Potable water.

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.100], 1995)

16.108.110 Concurrency determination – Wastewater.

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.110], 1995)

16.108.120 Reserved.

(Ord. 993-08 § 6; Ord. 630 § 2[16.12.120], 1995)

16.108.130 Concurrency determination – Parks and recreation.

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.130], 1995)

16.108.140 Fees.

A. The city shall charge a processing fee to any individual that requests a nonbinding concurrency determination not associated with an application for development approval

or development action. The processing fee shall be nonrefundable and nonassignable to any other fees. Such fee shall be determined by resolution of the city council at a date subsequent to the effective date of this unified development code.

B. The following types of development shall be exempt from paying the concurrency determination fee:

1. Nonprofit agencies whose primary chartered purpose is to provide affordable housing; and

2. Other governmental agencies. (Ord. 630 § 2[16.12.140], 1995)

DRAFT Certificate of Concurrency Application and Approval Procedures

Attachment B

Purpose

The purpose of these procedures is to describe the information required by the city in order to make a concurrency determination and issue a certificate of concurrency or denial letter on a proposed project in accordance with Sultan Municipal Code (SMC) 16.108.

The City of Sultan issues certificates of concurrency for the following facilities:

1. Transportation
2. Parks
3. Water
4. Sewer

Decisions to issue a certificate of concurrency or denial letter are based on level of service standards identified in the city's comprehensive plan. These administrative procedures are intended to ensure adequate public facilities at acceptable levels of service are available to support new development and redevelopment as required in RCW 36.70A.070.

Definitions

"Certificate of concurrency" is a document issued by the building and zoning official indicating that capacity to serve a proposed development was available to that development when the certificate was issued. The certificate of concurrency identifies available capacity based on the information submitted by the applicant and capacity information available to the city at the time the certificate is issued. A certificate of concurrency is not a guarantee that capacity will be available at the time of development or vesting of connection fees.

"Capacity" refers to the ability or availability of the city's transportation, parks, water, and sewer facilities to accommodate new development or redevelopment without decreasing the city's adopted level of service standards.

"Available capacity" represents a specific amount of capacity that may be needed by new users of the city's transportation, parks, water and sewer facilities.

"Needed capacity" when a certificate of concurrency is issued, capacity is identified from the available capacity account to indicate the capacity needed to serve a particular development.

"Used capacity" capacity is considered used once the proposed development is constructed and an occupancy permit is issued.

Procedures

1. Schedule a Pre-Application Meeting with City Departments

A. The city recommends applicants with projects requiring a certificate of concurrency under SMC 16.108 schedule a pre-application meeting with city departments prior to submitting a certificate of concurrency or development application.

1. Contact the Permit Assistant 360.793.2231 for a certificate of concurrency ("concurrency") application form, costs and submittal requirements.

2. Meetings are typically scheduled on Wednesday mornings. All concurrency and development applications are due 1 week in advance of the meeting to provide for internal review, comments and questions.

3. Meeting will be held with appropriate City of Sultan Staff and Applicant Representatives.

2. Submission of a Concurrency Application (SMC 16.108.030)

A. An application for a certificate of concurrency must be accompanied by the requisite fee, as determined by city council resolution.

B. An applicant for a certificate of concurrency must submit the following information to the building and zoning official ("official"), on a form provided by the city together with the underlying development permit application requiring concurrency:

1. Date of Submittal
2. Owner/applicant's name, address and telephone number and/or primary contact information if different from owner/applicant's contact information
3. Project name
4. Project development schedule
5. Written consent of the property owner, if different from the developer

6. Acreage of the property
7. Legal description and parcel identification number(s) of property as required by the underlying development permit application together with an exhibit showing a map of the property.
8. Existing use of the property.
9. Proposed request of capacity by legal description, if applicable
10. Proposed uses(s) by land use category, square feet and number of units.
11. Proposed site design information, if applicable.
12. Phasing information by proposed uses, square feet and number of units, if applicable.
13. For transportation concurrency applications, a preliminary site plan showing the approximate layout of proposed structures and other development, type and number of dwelling units, type and number of nonresidential building areas with gross square footage, the land use codes per the most recent edition of Trip Generation from the Institute of Transportation Engineers (ITE), and an analysis of the points of access to existing and proposed roadways.
14. The applicants' proposed mitigation, if any, for the impact on the city's transportation facilities.
15. Parks – The applicants' proposed mitigation, if any, for the impact on the city's parks facilities.
16. For water concurrency applications, a water hydraulic report prepared by a licensed professional engineer including fire flow requirements and water meter sizing for commercial projects.
17. For sewer concurrency applications, a sewer hydraulic report prepared by a licensed professional engineer including waste water composition for commercial projects.

3. Acceptance of a Concurrency Application

A. The building and zoning official or designee will notify an applicant for a certificate of concurrency within 28 days after receiving an application whether the concurrency application is complete or incomplete.

B. An application for a certificate of concurrency is "complete" when it meets the submission requirements listed in Section 2 above. The determination of completeness will be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The building and zoning official's determination of completeness will not preclude the official's ability to request additional information or studies.

C. Incomplete applications. Whenever the city issues a determination that the certificate of concurrency application is not complete, the application will be returned to the applicant with a letter stating the application's deficiencies and measures necessary to submit a complete application.

D. Date of acceptance. An application for a certificate of concurrency will not be officially accepted or processed until it is complete and the underlying development application has been determined to be complete. The building and zoning official will accept and note the date of acceptance.

4. Procedures for Determining Capacity (SMC 16.108.080)

Upon submission and acceptance of a complete certificate of concurrency application, the building and zoning official or designee will conduct a concurrency determination meeting the requirements of SMC 16.108.080 through SMC 16.108.130.

A. Transportation

1. Level of Service Standards. Transportation concurrency requires that the transportation impacts of land use development actions do not reduce the transportation levels of service (LOS) below the adopted standard.

    a. The city's capital facilities plan adopts a level of service "D" standard for city arterials while retaining the Washington State adopted level of service "D" for US 2 in compliance with state requirements and standards for Highways of Statewide Significance (HSS).

    b. If the building and zoning official determines the proposed land use action will reduce the LOS below the adopted standard, either the development as proposed must be modified to reduce its transportation impact, or the corrective transportation improvements must be identified and implemented at the time of the development or within a six-year period.

2. Procedures. The following procedures are used to determine transportation concurrency:

    a. The building and zoning official will determine whether a proposed development can be accommodated within the existing or planned capacity of transportation facilities.

    b. The building and zoning official will determine if the capacity of the city's transportation facilities, less the capacity which is

needed, can be provided while meeting the level of service standards set forth in the city's comprehensive plan.

c. The building and zoning official's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.

d. The building and zoning official will issue a transportation certificate of concurrency if capacity is available.

e. The transportation certificate of concurrency and underlying development application will be denied if the building and zoning official determines that the proposed development will cause the level of service of a city-owned transportation facility to decline below the standards adopted in the comprehensive plan, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

f. If the level of service failure is on an arterial roadway, the applicant may perform one of the measures outlined in SMC 16.108.080; modify the development proposal to lessen the traffic impacts; volunteer to construct transportation improvements to mitigate the impacts; withdraw the certificate of concurrency application or take other corrective measures approved by the official.

B. Parks

1. Level of Service Standards. The city has developed level of service standards to ensure future facilities necessary to serve new development are in place. Parks and recreation facilities are defined as those facilities under city ownership, inclusive of neighborhood parks.

   a. Mini-parks (landscaped areas less than 1.5 acres) **<u>are not</u>** included in the city's park inventory for purposes of establishing level of service necessary to support development under the Growth Management Act. Mini-parks are a requirement for development under the city's subdivision code.

   b. The adopted level of service for neighborhood is 1.5 acres per 1,000 residents.

   c. The adopted level of service for community parks is 2.0 acres per 1,000 residents.

2. Procedures. The following procedures are used for determining park concurrency:

a. The building and zoning official will determine whether a proposed development can be accommodated within the existing or planned capacity of parks facilities.

b. The building and zoning official will determine if the capacity of the city's parks facilities, less the capacity which is needed, can be provided while meeting the level of service standards set forth in the city's comprehensive plan.

c. The building and zoning official's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.

d. The building and zoning official will issue a parks certificate of concurrency if capacity is available.

e. The parks certificate of concurrency and underlying development application will be denied if the building and zoning official determines that the proposed development will cause the level of service of city-owned park facilities to decline below the standards adopted in the comprehensive plan, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

C. Water

1. Level of Service Standards. The city has adequate water supply to meet forecast needs as identified in the city's comprehensive plan.

2. Standards for water system facilities are defined by WAC 246-290-100 and the "Water System Design Manual" published by the Washington State Department of Health. The City's water treatment plant will require improvements to meet future growth needs.

   a. The Water System Design Manual specifies that the minimum operating pressure in the water distribution system will not fall below 30 pounds per square inch (PSI) at the water meter, which is normally the right-of-way line for the served property.

   b. In accordance with the National Fire Code, the city has established the minimum fire flow standard as 1,000 gallons per minute for residential areas and 1,500 gallons per minute for non-residential development. A water storage tank and distribution system are included in the city's capital facilities plan to provide adequate operating pressure in the distribution system and fire protection.

c. The city will not extend water service to areas outside the Urban Growth Area (UGA) except in the case where a property has a documented water supply emergency.

3. Procedures. The following procedures are used for determining water concurrency:

a. The building and zoning official or designee will determine whether a proposed development can be accommodated within the existing or planned capacity of the city's water system.

b. The building and zoning official will determine if the capacity of the city's water facilities, less the capacity which is needed, can be provided while remaining within the city's level of service standards, and if so, will provide the applicant with a water certificate of concurrency.

c. The building and zoning official will deny the water certificate of concurrency and underlying development application, if there is no capacity in the city's water system for the proposed project, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

D. Sewer

1. Level of Service Standards. Standards for sewer system facilities are defined by WAC 173-240-050 and the "Criteria for Sewerage Works Design" published by the Washington State Department of Ecology. The Department of Ecology issues an NPDES permit to the city with requirements for wastewater effluent quality and monitoring to ensure compliance with receiving water standards.

a. Designs for increasing the waste water treatment plant capacity in three phases are described in the 2006 *City of Sultan WWTP Upgrade Engineering Report ("Engineering Report")*. Until improvements are constructed, the size and design of the city's waste water treatment plant limits the available sewer connections to accommodate future forecast flows and avoid violating the city's National Pollution Discharge Elimination System permit (NPDES) issued by the Department of Ecology.

b. The sewer system will be designed to contain all sewage and extraneous flow that enters during a 10-year, 24-hour storm event.

c. Sewer capacity will be calculated with the pipe flowing full at the design pipe slope under projected peak conditions. The minimum pipe slope will be sufficient to maintain a velocity of 2 feet per second under flowing full conditions.

d. Pumping capacity…

e. No new on-site sewage systems will be allowed in the city limits except as provided under SMC 16.16.045 where a property owner proposes to build one (1) single family home on an existing lot.

f. Where new sewer pipe is extended past a parcel with existing development using an on-site sewage system, the property owner will be required to pay the connection fee (general facilities charge) for the benefit conferred by the sewer pipe but will not be required to actually connect and pay monthly service charges unless or until the on-site system fails or the property owner wishes to connect.

g. The city's 2004 comprehensive plan and 2008 revisions strongly favor allocation of scarce capacity first to "economic development" (commercial) and then to developments within the core area of the city.

2. Procedures. In accordance with WAC 365-196-840 the following procedures are used to determine sewer concurrency :

a. The building and zoning official or designee will determine whether a proposed development can be accommodated within the existing or programmed capacity of the city's sewer system.

b. The City will conduct an analysis of the remaining capacity of the City's sewer treatment facilities and the foreseeable demand. The proposed development will be analyzed with respect to its size and density of development, quantity of utility service required (average flow and peak periods), special treatment or hazards involved and the meeting of all development codes. Provision of sewer service to the property shall not jeopardize public health or safety.

c. The building and zoning official will determine if the capacity of the city's sewer facilities, less the capacity which is needed, can be provided while remaining within the city's level of service standards and waste water treatment plant capacity, and if so, will provide the applicant with a sewer certificate of concurrency.

d. The building and zoning official will allocate available sewer utility connections in the following order of priority using the Traffic Analysis Zones (TAZ) in the figure titled "Projected Increase in Population, Housing and Employment Estimates" in the City's adopted Comprehensive Plan and anticipated capacity estimates provided in the *2006 Waste Water Treatment Plant Engineering Report as may be revised*:

i. Available waste water treatment plant capacity (including short-term improvements at the Waste Water Treatment Plant, described in the 2006 Engineering Report, completed at the time of application) will be allocated to :

   a. Traffic Analysis Zones 2, 3, 4 and 5. Generally described as areas within the 2010 city limits east from the intersection of US 2 and the Sultan River to Eighth Street and the intersection of US 2 and Main Street ; north from US 2 to the northern 2010 city limits

   b. Traffic Analysis Zones 10, 11, 12, 13, 14, 15. Generally described as the area east and west of Sultan Basin Road, north of US 2 from the intersection of Main Street to approximately 330th Ave SE, and south of 132nd Street to the downtown core; and the area south of US 2 from Fifth Street to the east end of Cascade View Drive.

ii. Capacity following Phase I improvements to the waste water treatment plant will be allocated to:

   a. Traffic Analysis Zones 8, 9 and 16. Generally described as the area north of 132nd Street, west of 329th Avenue to the western 2010 city limits.

   b. The area east and west of Sultan Basin Road north of 132nd Street to the Urban Growth Area limits;

   c. Traffic Analysis Zones 19. Generally described as the area west of Rice Road to approximately 330th Ave SE; and north of 132nd Avenue.

   d. Traffic Analysis Zone 21, 22, 23 which are parcels within the boundary of LID-97. Generally described as The areas east of 330th Ave SE, and south of 138th Street to the 2010 city limits.

iii. Capacity following Phase II improvements to the waste water treatment plant will be allocated to:

   a. Traffic Analysis Zone 1. Generally described as the area west and north of the intersection of US 2 and the Sultan River to the city limits.

b. Traffic Analysis Zones 6, and 7. Generally described as the area north of Osprey Park and west of the intersection of Trout Farm Road and 307th Ave SE.

c. Traffic Analysis Zone 20. Generally described as the area west of Rice Road (339th Street); east of 330th Street; south of 132nd Avenue; and north of 138th Avenue

iv. As the capacity of the city's waste water treatment plant increases as anticipated in the *2006 Engineering Report,* the city will set aside the following accounts of available capacity for the specified types of development consistent with the comprehensive plan.

Table 1 - Waste Water Treatment Plant - Anticipated Capacity Allocations

Phase	Additional ERU's Available	Commercial Capacity Account	Septic System Replacement Capacity Account	Residential Capacity Account	Traffic Analysis Zones
Available ERU's [1] + short-term imp	254	105	25	124	2, 3, 4, 5, 10,11, 12, 13, 14 and 15
Phase I	1300	145	255	900	8,9,16,19,21,22 and 23
Phase II	520	25	120	375	1,6,7,and 20
Phase III	1098	0	0	1098	17 and 18
Total	3,172	275	400	2497	

v. Utility requests will be placed in one of the three capacity account categories in the table above – commercial, septic system replacement or residential in the following order of priority:

[1] Available ERU's (01/01/10). Check with the building and zoning official for available sewer capacity. Actual plant capacity and Equivalent Residential Units (ERU's) are recalculated annually and reported to the city council. Available ERU's are based on capacity used during the reporting period, demand, the city's capital improvement plan, and growth projections.

1. Commercial Development within the boundaries of LID-97
2. Other commercial development
3. Single-family residential development within the city limits served by on-site sewage systems (i.e. septic system)
4. Other residential development

vi. In the event requests for sewer certificates of concurrency for commercial development exceed the allocated account of available capacity, the building and zoning official will withdraw available capacity first from the residential capacity account.

If the residential capacity account is exhausted, the building and zoning official will withdraw available capacity from the septic system replacement account.

In order to ensure enough total capacity to meet the population and employment allocations in the comprehensive plan, any withdraws from the accounts for residential development will be replaced in future phases to ensure the total capacity allocated to each account for Phases I - III does not change.

vii. The building and zoning official will deny the sewer certificate of concurrency and underlying development application, if there is no allocated capacity in the city's sewer system as determined by Table 1 (**Waste Water Treatment Plant - Anticipated Capacity Allocations)** above for the proposed project, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

5. Procedures for Issuing a Certificate of Concurrency or Denial Letter

A. Issuing a Certificate of Concurrency

1. Prior to the issuance of a water and/or sewer certificate of concurrency, the applicant will pay an administrative fee, as determined by city council resolution, for each water and sewer connection required by the applicant.
2. A certificate of concurrency is a letter or other form prepared by the building and zoning official and sent to the applicant. If the applicant is not

the property owner, the letter will also be sent to the property owner. The certificate of concurrency will include:

a. Primary applicant contact information (name, address, phone number, e-mail etc.).

b. The property address.

c. The parcel identification number(s).

d. Name of project.

e. The number and type of dwelling units, square footage of commercial or industrial floor area, specific uses, densities, and intensities for which application(s) were approved.

f. The effective date of the certificate of concurrency.

g. The expiration date of the certificate of concurrency.

h. Any mitigation required by the applicant at the applicant's cost for concurrency.

i. The number of water and sewer connections, if any, allocated by the City of Sultan and any deposit payments made by the applicant.

3. If a proposed development project is modified during the review process and results in an increased capacity need, then a new concurrency application, application fee, evaluation, and approval will be required prior to development approval and issuance of certificate of concurrency.

B. Denial Letter

1. If the building and zoning official determines there is a lack of concurrency, the official will issue a denial letter which will advise the applicant that capacity is not available. If the applicant is not the property owner, the denial letter will also be sent to the property owner.

2. At a minimum, the denial letter will identify the application and options available to the applicant, such as the applicant's agreement to construct necessary facilities at the applicant's cost to maintain the city's adopted levels-of-service

3. The denial letter will include a statement that the denial letter may be appealed if the appeal is submitted to the building and zoning official within 10 days after the issuance of the denial letter. If an appeal is filed, future processing on the underlying development application will be stopped until the final decision on the appeal.

6. Annual Reporting and Monitoring

A. The building and zoning official is responsible for completion of annual transportation, water and sewer capacity availability reports. These reports will evaluate reserved capacity and permitted development activity for the previous 12-month period, and determine existing conditions with regard to available capacity for road, parks, sewer and water facilities.

B. The capacity report will include capacity used for the previous period and capacity available based on level of service standards and available information.

C. Capacity forecasts will be based on the most recently updated schedule of capital improvements, growth projections, fire flow, limits of the NPDES permit, public road facility inventories, and revenue projections. At a minimum the report should include:

1. A summary of development activity;
2. The status of capacity accounts;
3. Recommendations on amendments to the capital improvement plan, annual budget, level of service standards, and/or other comprehensive plan;
4. Available water flow, plant capacity and fire flow measures; and
5. Limits in the city's NPDES permit and finding of available capacity in the city's wastewater treatment plant.

D. The findings of the annual capacity availability report will be considered by the council.

E. The building and zoning official will used the findings of the annual capacity availability report to review development permits and capacity evaluations during the next period.

Figure ES-3 shows when each upgrade phase will be completed, how many additional connections each phase would provide, and how the additional connections compare to the population forecast. The short term improvements are estimated to provide 183 connections in addition to those already assigned.

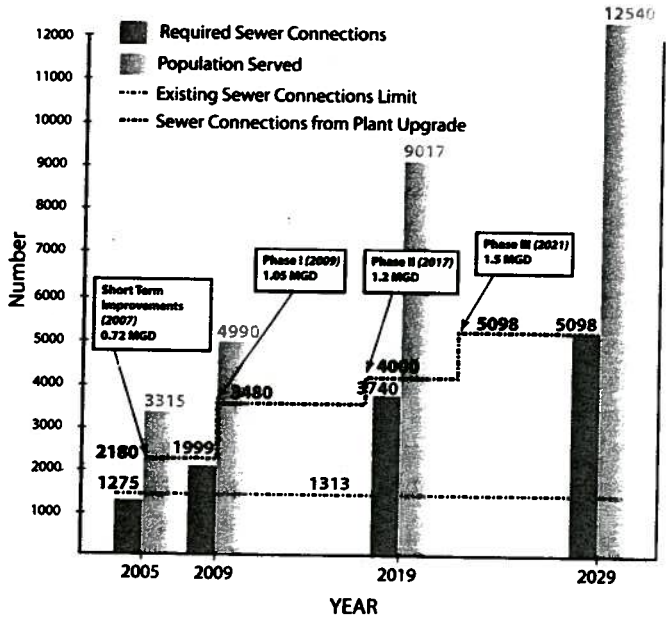


Figure ES-3. Project Phasing to Meet the Population Forecast

1275 connects x 2.6 ERU = 3315

FINANCIAL PLAN

Project Cost

The total project cost amounts to $15.9 million in 2006 dollars (present worth value[2]). When costs are presented in dollars of the actual year they are spent in, the 2006 costs are inflated by 3% per year. The total project cost expressed in dollars of the actual year of expenditure would be as follows:

- $2.5 million would be spent in 2007
- $6.4 million would be spent in 2008
- $6.3 million would be spent in 2009
- $1.1 million would be spent in 2017
- $1.7 million would be spent in 2021.

[2] Present worth value is calculated by inflating the 2006 costs by 3% per year to the year of actual expense and then discounting that cost back to 2006 dollars assuming a 4% interest rate.

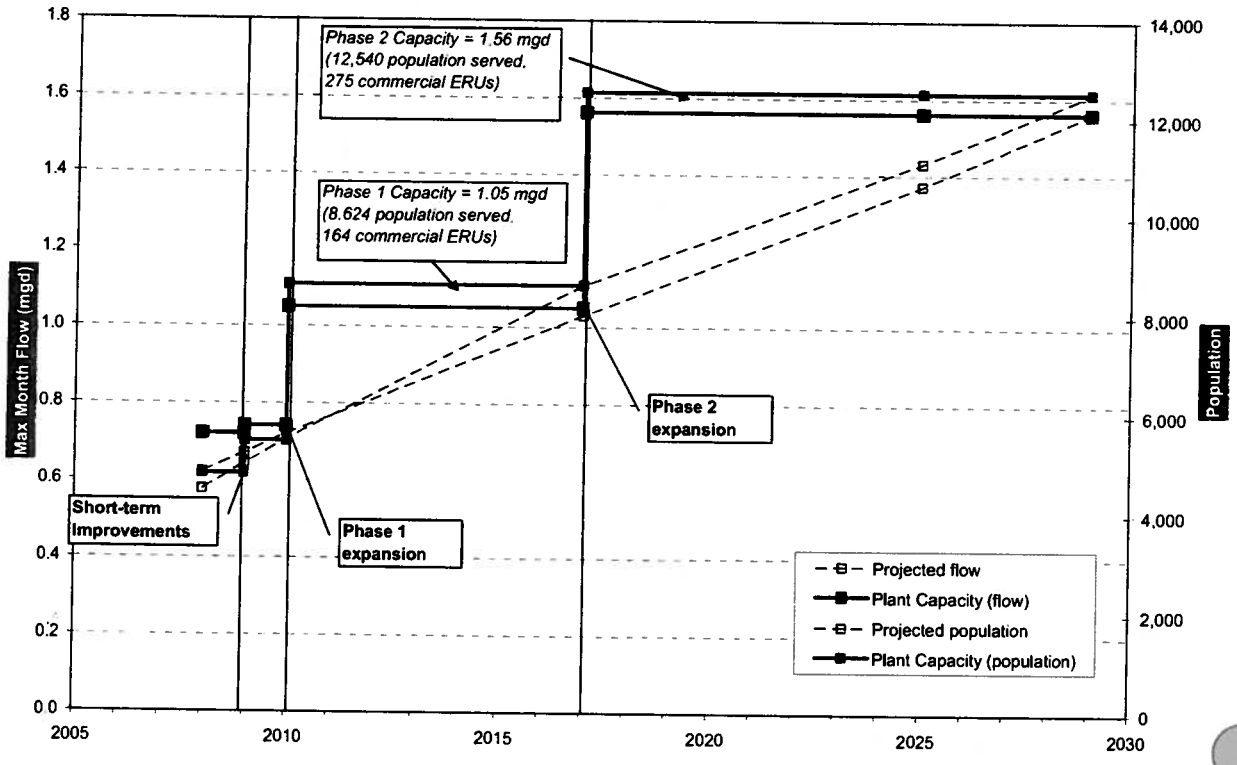
Table TR-1: Projected Population, ERUs, and Wastewater Flows from 2010 to 2029

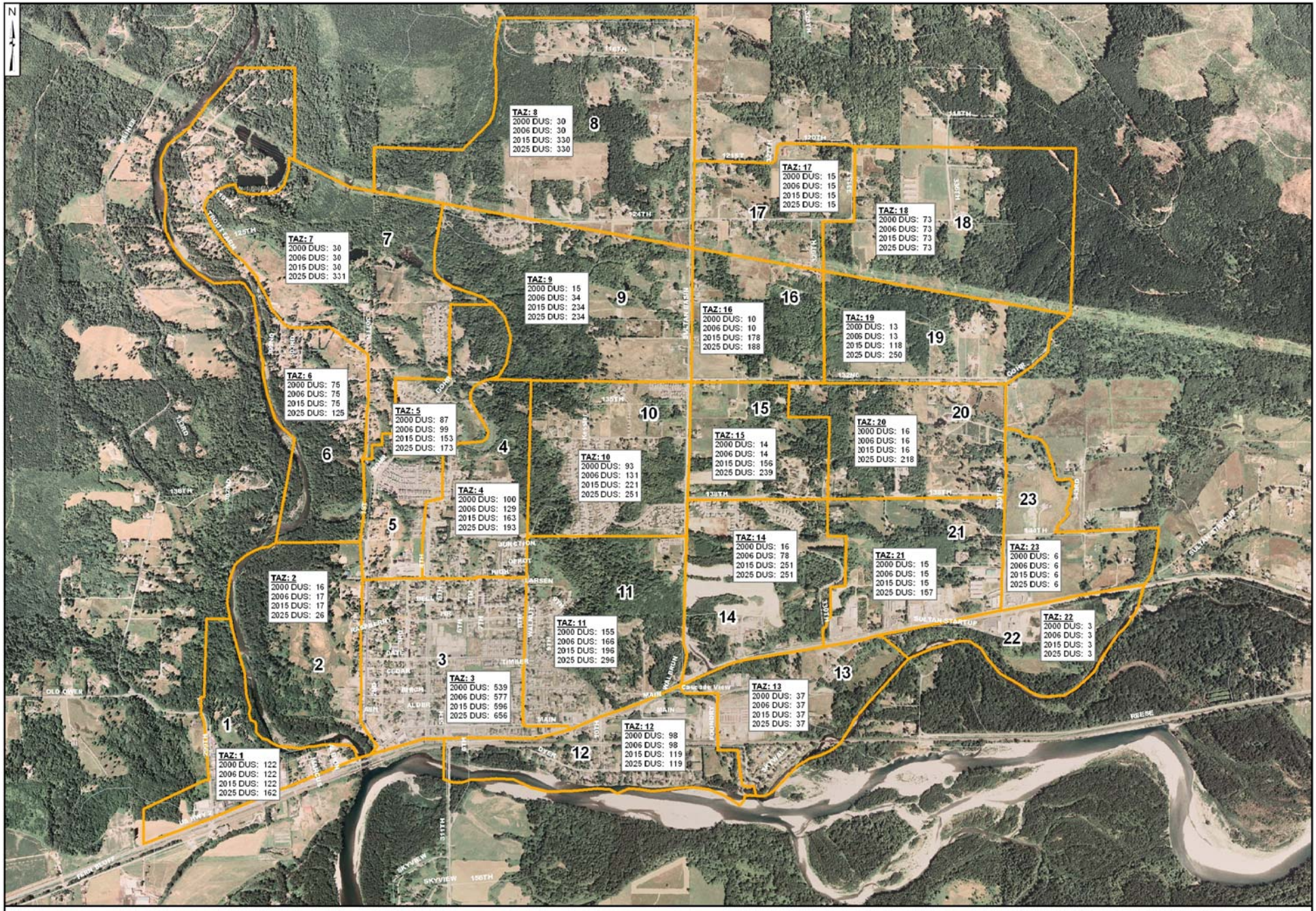
Parameter	2010	2012	2017	2025	2029
Sewered Population	5,492	6,495	8,624	11,119	12,540
Residential ERUs[1]	2,112	2,498	3,316	4,277	4,823
Commercial ERUs[1]	91	112	164	238	275
Wastewater Flows (mgd):	Total 2.203	2610	3480	4,515	5098
Average dry weather	0.40	0.47	0.64	0.83	0.90
Maximum month	0.72	0.81	1.03	1.37	1.56
Peak hour	3.1	3.4	3.9	5.0	5.6

[1] 1 ERU = 2.6 persons

Figure TF-1 shows the projected wastewater flows and plant capacity in terms of maximum month flows through year 2029. The corresponding projected population and plant capacity in terms of population served are also shown. This figure demonstrates that the Phase 1 improvements will provide adequate treatment capacity through 2017, while the Phase 2 improvements will provide adequate capacity through 2029, both based on the projected maximum month flows.

Figure TF-1: Projected Wastewater Flows and Plant Capacity





Perteet

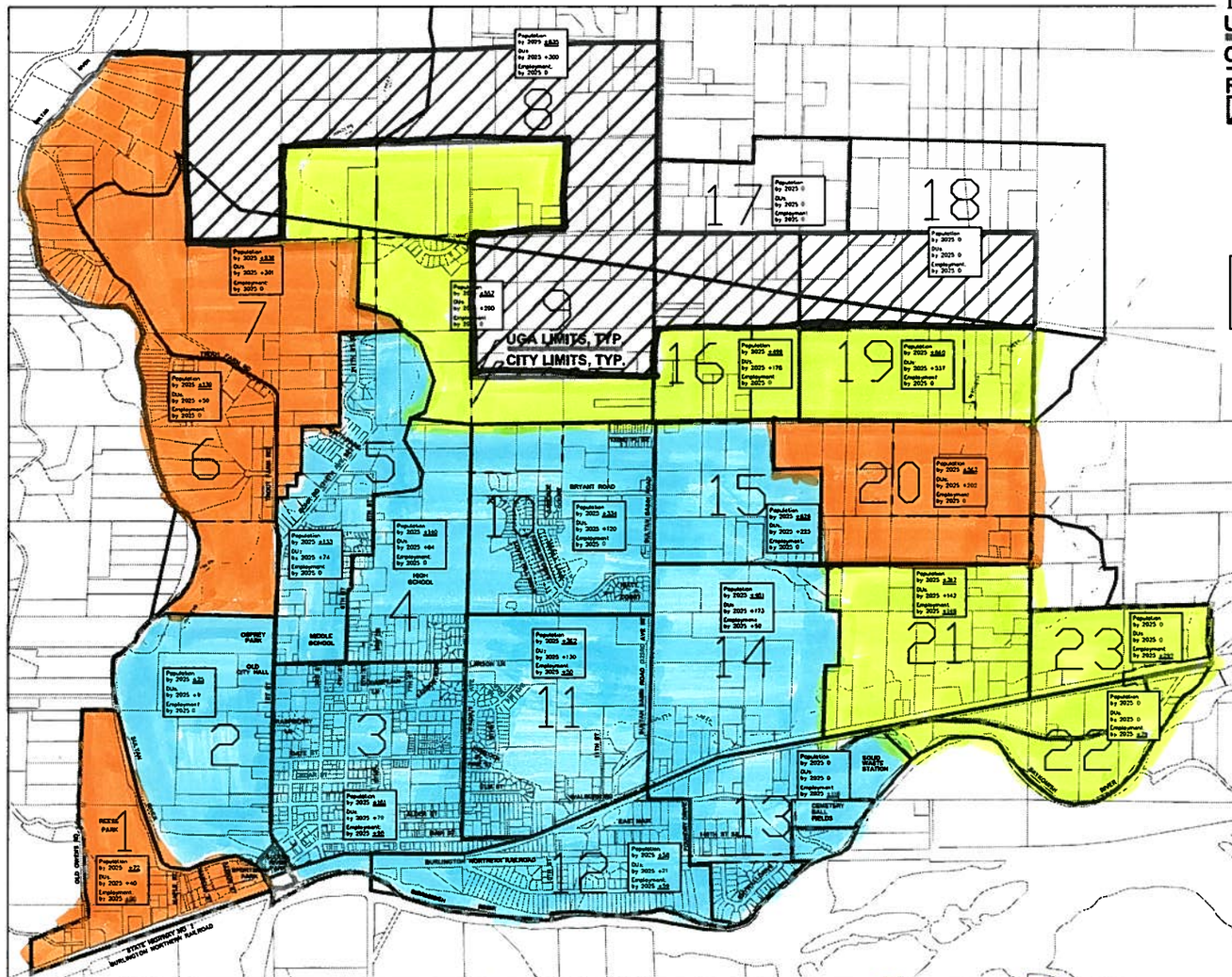
TAZ

0 0.5 Miles

Sultan Comp Plan
Transportation Element Revisions
Transportation Analysis Zones (TAZ)
City Revised Housing/Dwelling Units (DUS) Allocation 3/27/07

Figure B-6

Concurrency Management Proposal



LEGEND
UGA LIMITS, TYP.
CITY LIMITS, TYP.
RUTA

18 TRAFFIC ANALYSIS ZONE (TAZ)

Population by 2025 +362
DUs by 2025 +130
Employment by 2025 +50
POPULATION HOUSING & EMPLOYMENT ESTIMATES

NORTH

BASE & UTILITY INFORMATION PROVIDED COURTESY OF:
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This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency or completeness of data depicted on this map. Parcel boundaries obtained from Snohomish County Assessor, January 2009.
Critical Areas are approximate and based upon the 2008 Buildable Lands Report prepared by Snohomish County Planning & Development Services-Long Range Planning.

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The CITY of SULTAN, WA

SULTAN WASHINGTON

ISSUE DATE: 09.2008

PROJETED INCREASE
2006 TO 2025
POPULATION, HOUSING & EMPLOYMENT
CITY OF SULTAN
SNOHOMISH COUNTY, WA

FIGURE 2

	WWTP UPGRADE	AVAIL ERU	DEMAND	TAZ
	Avail + short-term	254 ERU	296 ERU	2, 3, 4, 5, 10, 11, 12, 13, 14, 15
	Phase I	1300 ERU	1491 ERU	8, 9, 16, 19, 21, 22, 23
	Phase II	520 ERU	1212	1, 6, 7, 20
	Phase III	1098 ERU	-0-	17, 18

5/11/2010