

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-4

DATE: October 28, 2010

SUBJECT: First Reading of Ordinance 1093-10:
An Ordinance repealing the Industrial Park Master Plan (IPMP) Sub-area Plan of the City of Sultan Comprehensive Plan as provided in Comprehensive Plan Amendment Docket Item #1 (2010).

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:
Conduct first reading of Ordinance 1093-10, an ordinance repealing the Sultan Industrial Park Master Plan, a Sub-area Plan Appendix of the 2004 (Revised 2008) Sultan Comprehensive Plan.

PLANNING BOARD RECOMMENDATION:
Approve repeal of the IPMP with no need for additional public hearing at the City Council level as provided by SMC 16.134.050 J. (See Attachment D, excerpt of Planning Board Minutes for September 21, 2010).

STAFF RECOMMENDATION:
Staff recommends that the Council review the findings contained in this staff report and in the body of Draft Ordinance 1093-10. If the findings are appropriate, Council may conduct first reading of Ordinance 1093-10, an ordinance acting on Item #1 of the 2010 Annual Docket for Amendment of the Comprehensive Plan through repeal of the Sultan Industrial Park Master Plan, a Sub-area Plan Appendix of the 2004 (Revised 2008) Sultan Comprehensive Plan.

BACKGROUND:
The Industrial Park Master Plan (IPMP) is a subarea plan component of the Sultan Comprehensive Plan. The subarea plan was adopted as an element of the Comprehensive Plan by Ordinance 781-02 on June 5, 2002. As a subarea plan, it provides policies and standards at a more specific level for the area of the city that is subject to the subarea plan.

In mid 2009, city staff held a public meeting at the Fire District #5 meeting room. The meeting was well attended by a significant number of owners of property in the IPMP area. After much discussion, the overwhelming perspective of these stakeholders was that the Plan had not provided the anticipated benefits and that, as a separate plan that required additional development standards to a sub-area of the community, it should be repealed.

This recommendation was forwarded to the City Council in the form of a staff recommendation to place repeal of the IPMP on the 2010 Comprehensive Plan Amendment Docket. This recommendation was received by the Council on April 8, 2010. By unanimous vote, the Council placed this item on the 2010 Comprehensive Plan Docket and moved it forwarded to the Planning Board for further action.

Background Details by Date:

At its April 8, 2010 meeting, the Council received the proposed 2010 Comprehensive Plan Docket consisting of one item proposed by staff. The Council reviewed the basic reasons for the recommended action, Repeal of the IPMP, and affirmed the item for the 2010 docket, and forwarded it to the Planning Board for further action.

At its July 20, 2010 meeting, the Planning Board reviewed a staff report outlining the process for 2010 Comprehensive Plan Docket Item #1, the decommissioning of the Industrial Park Master Plan (IPMP), a sub-area plan of the 2004 Comprehensive Plan.

At its August 3, 2010 meeting, the Planning Board reviewed a rough draft of the IPMP policies and the initial staff comments on the policies that should be reviewed for inclusion in the 2011 update.

At that meeting the Board asked that the IPMP policies be extracted from the body of the IPMP and assembled with specific reference to the 2011 Comprehensive Plan update.

The Board also asked that IPMP stakeholders who attended the meeting at the Fire District 5 station late in 2009, and property owners in the IPMP area be specifically notified that the IPMP decommissioning was coming before the Board.

That individually mailed notice was provided through a mailing on August 6.

At its August 17, 2010 meeting, the Planning Board reviewed a staff report addressing each policy in the IPMP and the policy's correlation to new draft policies in the Comprehensive Plan. Most IPMP policies are addressed and carried forward into the draft policies for the 2011 Comprehensive Plan Update. Some policies are not carried forward as they have become outdated and/or inoperative due to the issues presented in the **Discussion** section below. The Board affirmed that all policies necessary for continued appropriate development of the IPMP Sub-area are contained in the 2011 Draft Comprehensive Plan Policies (**See Attachment B**).

The Board asked again that an individual notice to all property owners be sent by mail. This was done on August 27.

At its September 7, 2010 meeting, the Planning Board again reviewed the proposal after the second by individually mailed notice to all property owners. There was no public attendance or written input delivered on this topic at that meeting.

At its September 21, 2010 meeting, the Planning Board held an advertized public hearing on 2010 Docket Item #1. There was no public attendance or written testimony delivered on this topic at that public hearing. It contains a summary discussion of the issues related to this proposal. **Attachment C** is the staff report for the Board's recommendation to the Council. It contains the findings that the Board approved in its recommendation to the Council to repeal the IPMP.

At its September 21, 2010 meeting, the Planning Board, based on the extensive public input opportunities and the findings provided in the staff report of September 21, 2010, unanimously passed a motion recommending that the Council proceed to decommission (repeal) the IPMP. Based on the extensive public involvement opportunities provided, and the lack of public input or testimony on the proposal, the Board also recommended that the Council need not hold a

second public hearing on the issue. **Attachment D** presents the pertinent excerpt of the Planning Board Minutes for September 21, 2010.

At its October 14, 2010 meeting, the City Council received a recommendation from the Planning Board (see September 21, 2010 Background Item above) that the Council proceed with appropriate action to repeal the IPMP, and that the action be taken without need for an additional public hearing at the Council level as provided in SMC 16.134.050 J.

The Council accepted the Planning Board's recommendation and directed staff to prepare an ordinance for Council consideration.

This cover sheet transmits Draft Ordinance 1093-10 for Council Consideration (**Attachment A**).

DISCUSSION:

The IPMP contains planning concepts and directions for further action that have no reasonable expectation of completion given current environmental protection standards and anticipated development patterns. These deficiencies are the main reasons that the stakeholders and staff agree that the IPMP sub-area plan should be repealed.

Comprehensive Plan Policy Review:

The IPMP contains a policy section within each of its elements.

- Some of these policies address concepts of the IPMP that are no longer workable. These policies should be repealed along with the main body of the plan.
- Some of the policies are already superseded by proposed policies in the draft work already assembled for the 2011 update.
- Some of the policies concern themselves with meaningful economic development concepts or physical development concepts that have validity beyond the confines of the IPMP. These policies should be carried through into the appropriate elements of the 2011 Comprehensive Plan with applicability to the entire community.
- Some of the policies contain concepts that are essentially good ideas but need to be updated in terms of the "centers" concept and other current planning concepts and development constraints.
- The Planning Board has reviewed each IPMP policy for the following (**See Attachment B**):
 - If the IPMP policy is still valid and applicable:
 - the new Draft Policies of the 2011 Comprehensive Plan Update already address the topic, or;
 - the topic is not addressed in the new Draft Policies of the 2011 Comprehensive Plan Update but draft policies should be developed to address the issue.
 - If the IPMP policy is no longer valid due to new environmental regulations due to Federal, State, or local regulations on development in the Wagley Creek drainage, the policy should be eliminated and not carried forward into the 2011 Comprehensive Plan.

The Planning Board determined that all of these policy directions will be accommodated either through adoption of the draft policies of the proposed 2011 Comprehensive Plan Update, or through repeal of the IPMP.

Description of the Issues with the IPMP:

Basis of the Problem:

The work done to produce the IPMP was well intentioned and well executed. The timing of the project was unfortunate. Coincident with the local effort to plan for new development in the IPMP area north of Hwy 2, the Federal government was involved in the far-reaching effort to designate northwest salmon as threatened/endangered. Wagley Creek that transects the main development corridor of the IPMP became a designated stream under the new endangered species provisions.

IPMP Road Development along Wagley Creek:

Buffers and environmental mitigation standards for protection of Wagley Creek placed the proposed new road between Rice Road and Sultan Basin Road effectively out of reach. Without that road, any meaningful implementation of the IPMP was no longer possible.

IPMP Programmatic Environmental Impact Statement (PEIS):

The other component of the IPMP that was to aid in development of the area was a Programmatic Environmental Impact Statement (PEIS). A PEIS is intended to do as much of the basic environmental work for a sub-area as possible so that incoming developers need only supplement that work with the specific information on their project and the environmental analysis is complete in a much shorter time than starting from scratch. The IPMP called for this project to be completed but it provided only basic direction.

No significant environmental analysis was included in the IPMP. The inertia to complete this analysis foundered on the huge burden caused by the endangered species designation of Wagley Creek.

It is not known whether the PEIS would have been pursued if the designation had not occurred, but the question is essentially moot given the reality of the designation. In the final analysis, without the PEIS, the IPMP provided no significant assist to commercial or industrial development in the sub-area.

IPMP Development Standards:

The third component of the IPMP was a set of high-level development standards prescribed for the proposed new road and other new development in the area. These standards significantly exceeded those required in the Unified Development Code, and can be presumed to mandate significant additional development costs for industrial or commercial proposals in the IPMP Sub-area.

IPMP Planned Unit Development Review:

The high development standards were coupled with a requirement that all development, regardless of scale of the project, go through the Planned Unit Development process as the standard means of review for IPMP sub area projects. This acted as a dis-incentive to undertake small projects, and added significant time and cost to large ones. This requirement was removed from the IPMP in the 2009 Comprehensive Plan Docket.

Process for resolving the IPMP Issues:

Public Involvement Opportunities:

The Planning Board has undertaken an extensive review program on this issue. The effort to engage the public in the discussion has been extensive. It has included eight public meetings and one public hearing, and two individual mailings to all property owners in the IPMP Sub-area.

One person has spoken against the proposal at a City Council meeting. All input at the stakeholder's meeting at the Fire Station was in favor of repeal. Since the issue has been handed off to the Planning Board, there has been no input from the public.

Comprehensive Plan Policy Analysis:

The policy analysis in **Attachment C** documents, to the satisfaction of the Planning Board, that all policies that can and should be applied to development of land currently located within the IPMP Sub-area are included in the Draft 2011 Comprehensive Plan Update Policies. These policies relate to transportation, utilities, and economic development. Repeal of the IPMP will not allow development in the current IPMP Sub-area that is out of conformance with the Comprehensive Plan.

Development Standards Updating:

Repeal of the IPMP will remove development standards that exceed those called for in the current Comprehensive Plan or in the Draft 2011 Comprehensive Plan Policies. Development standards for all development in the current IPMP Sub-area will be the same as those that apply to all other parts of the community. These development standards are currently under review and updating by the Planning Board to insure conformance with the Draft 2011 Comprehensive Plan Policies.

Amendment Procedure:

Decommissioning of the IPMP is a Level IV procedure in the Public Participation and Notice Procedures as it substantively amends a sub-area element of the Comprehensive Plan. The Level IV process requires a public hearing before the Board with a recommendation to the Council.

The Council has received a recommendation from the Planning Board that the IPMP Sub-area Plan be removed from the Comprehensive Plan. The Board further recommended that the Council need not hold a second public hearing based on the lack of community input throughout the Board's amendment process.

The Council should review the findings of the Planning Board presented in **Attachment E**. The Council will be asked to adopt these findings or amend them as appropriate when Council considers an ordinance to repeal the IPMP.

Proposed Findings:

At its September 21, 2010 meeting, the Planning Board adopted findings and a conclusion in support of the proposal and recommended those findings and conclusion to the City Council. These findings are listed for Council consideration as follows:

1. The IPMP, adopted in 2002, anticipated significant and rapid development of the industrial/commercial area on either side of the eastern portion of Hwy 2, and particularly the area north of Hwy. 2 east of Rice Road.
2. The development patterns contemplated involved major utility and road construction in the Wagley Creek corridor from the east City Limits across Rice Road and continuing to Sultan Basin Road.
3. A main sewer connector was constructed in this corridor, but accompanying road development was not undertaken.

4. Major provisions of the IPMP called for “programmatic environmental impact analysis” by the City of Sultan which would provide significant environmental work in anticipation of applications for development, thus providing an incentive to developers to locate in the area.
5. In the same general time frame as the IPMP was adopted, the Federal government engaged policies declaring major portions of the Pacific Northwest, and Wagley Creek in specific, to be subject to stringent environmental standards for the protection of endangered salmon species.
6. The endangered species designation of Wagley Creek made realization of the visions and goals of the IPMP all but impossible from environmental and financial perspectives.
7. Due to the complexities of the endangered species designation and other issues, the programmatic environmental analysis that was to be the main product of the IPMP and the main incentive for development of the area was not conducted.
8. In the absence of the programmatic environmental analysis, the remaining components of the IPMP place additional development standards and procedures on potential projects over and above those required by the Comprehensive Plan, Unified Development Code, and other implementing ordinances that apply to the area. This, contrary to the intent of the IPMP, provides a disincentive to industrial/commercial development.
9. Based on the above issues, the City has provided several community input opportunities to allow citizens to express their perspectives on the potential of removing the IPMP from the Comprehensive Plan.
10. Public Input has been overwhelmingly in favor of removing the IPMP from the Comprehensive Plan.
11. The entire area included in the IPMP is addressed in the Comprehensive Plan and development codes through plan designations, goals and policies for development, development standards and procedures, and all other provisions that apply to all land in the City of Sultan. Removal of the IPMP does not result in removal of development standards that apply to the property without regard to the additional development standards and procedures called for in the IPMP.
12. Given the unanticipated events beyond control of the local community (Northwest implementation of the endangered species act by the Federal Government), and the impediments to development that have surfaced as unintended consequences of adoption of the IPMP (additional development standards without support of programmatic environmental analysis), it is in the best interest of the community to remove the IPMP from the Comprehensive Plan.
13. The Board finds that repeal of the IPMP requirements for additional development standards will encourage industrial/commercial development in the area.

Conclusion:

The Planning Board, upon consideration of the above findings, hereby adopts these findings along with a recommendation to the City Council that the Council proceed with adoption of an ordinance removing the IPMP from the Comprehensive Plan, and that the Council, as provided for in SMC 16.134.050 J. need not hold an additional public hearing prior to adoption of such ordinance.

ALTERNATIVES:

The Council, after discussion and consideration of the record presented above, and the enclosed attachments, has the following alternatives:

1. Conduct First Reading of Ordinance 1093-10, thereby scheduling Ordinance 1093 for second reading and adoption by consent at an upcoming meeting.
2. Direct staff to make specific changes in the proposed findings and modify the Draft Ordinance 1093-10 accordingly, and return for further consideration at an upcoming meeting.
3. Take no action on the proposal, thereby halting work on Docket Item #1.

RECOMMENDATION:

Staff recommends that the Council review the findings contained in this staff report and in the body of Draft Ordinance 1093-10. If the findings are appropriate, Council may conduct first reading of Ordinance 1093-10, an ordinance completing action on Item #1 of the 2010 Annual Docket for Amendment of the Comprehensive Plan through repeal of the Sultan Industrial Park Master Plan, a Sub-area Plan Appendix of the 2004 (Revised 2008) Sultan Comprehensive Plan.

ATTACHMENTS

- Attachment A: Ordinance 1093-10 Draft: Repeal of IPMP
- Attachment B: Planning Board Agenda Item August 17, 2010; Analysis of IPMP Policies and 2011 Plan Update Draft Policies
- Attachment C: Planning Board Agenda Item September 21, 2010; Proposed findings and recommendation to Council
- Attachment D: Planning Board Minutes September 21, 2010; Pertinent excerpt recommending approval to Council
- Attachment E: Ordinance 781-02, Adopting IPMP June 5, 2002

ATTACHMENT A

**CITY OF SULTAN
WASHINGTON**

ORDINANCE NO. 1093-10

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REMOVING THE INDUSTRIAL PARK MASTER PLAN (IPMP), A SUB-AREA PLAN, FROM THE SULTAN COMPREHENSIVE PLAN; REPEALING ORDINANCE 781-02 WHICH ADOPTED THE IPMP ON JUNE 5, 2002; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 781-02, which ordinance adopted the Industrial Park Master Plan (IPMP), a Sub-area Plan of the 2004 Comprehensive Plan (Revised 2008); and

WHEREAS, the IPMP, adopted in 2002, anticipated significant and rapid development of the industrial/commercial area on either side of the eastern portion of Hwy 2, and particularly the area north of Hwy. 2 east of Rice Road; and

WHEREAS, development patterns contemplated by the IPMP involved major utility and road construction in the Wagley Creek corridor from the east City Limits across Rice Road and continuing to Sultan Basin Road; and

WHEREAS, a sewer main was constructed in this corridor, but the road needed to enable development of the Wagley Creek corridor was not constructed prior to adoption of new Federal environmental protection standards for salmon protection; and

WHEREAS, in the same general time frame as the IPMP was adopted, the Federal government adopted policies declaring major portions of the Pacific Northwest, and Wagley Creek in specific, to be subject to stringent environmental standards for the protection of endangered salmon species; and

WHEREAS, the Federal designation of Wagley Creek as a salmon-bearing stream under the Endangered Species Act has made construction of the planned road connecting Rice Road to Sultan Basin Road effectively impossible from an environmental and economic standpoint; and

WHEREAS, the commercial and industrial development called for in the IPMP is not possible without completion of the road connecting Rice Road to Sultan Basin Road; and

WHEREAS, a major component of the benefits to be provided by the IPMP consisted of a "Programmatic Environmental Impact Statement" to be conducted by the City of Sultan, which analysis would provide significant environmental work in anticipation of applications for development, thus providing an incentive to developers to locate in the area; and

WHEREAS; due to the complexities of the endangered species designation of Wagley Creek, and other issues, the programmatic environmental analysis that was to be a major economic development incentive of the IPMP, was not conducted and will not be conducted; and

WHEREAS; the benefit of the road connecting Rice Road to Sultan Basin Road and the benefit of the Programmatic Environmental Impact Statement are no longer feasible, the IPMP provides no other tangible incentives for development of the IPMP area; and

WHEREAS; the remaining components of the IPMP place additional development standards in the form of increased road development standards and public and private amenities, and additional land use review procedures on applications for development, over and above those required by the Comprehensive Plan, Unified Development Code, and other implementing ordinances that apply to the area; and

WHEREAS; the additional development standards and review procedures provide a disincentive to development within the IPMP Sub-area, which result is contrary to the intent of the IPMP; and

WHEREAS; based on the above issues, the City has provided several community input opportunities to allow citizens to express their perspectives on the potential of removing the IPMP from the Comprehensive Plan; and

WHEREAS; public input has been overwhelmingly in favor of removing the IPMP from the Comprehensive Plan; and

WHEREAS; the entire area included in the IPMP is addressed in the 2004 Comprehensive Plan (Revised 2008) and its implementing development codes through plan designations, goals and policies for development, development standards and procedures, and all other provisions that apply to all land in the City of Sultan; and

WHEREAS; Given the unanticipated events beyond control of the local community (Northwest implementation of the Endangered Species Act by the Federal Government), and the impediments to development that have surfaced as unintended consequences of adoption of the IPMP it is in the best interest of the community to remove the IPMP from the Comprehensive Plan; and

WHEREAS; repeal of the IPMP requirements for additional development standards is reasonably expected to reduce the cost of development, thereby encouraging industrial/commercial development in the area, which development was the original intent of the IPMP;

NOW, THEREFORE, it is ordained by the City Council of the City of Sultan, Washington as follows:

Section 1. Ordinance 781-02 is hereby repealed.

Section 2. The Industrial Park Master Plan Sub-area Plan is removed from the Sultan Comprehensive Plan of 2004 (Revised in 2008).

Section 2. Severability. If any Section, sentence, clause, phrase, or other portion or provision of this Ordinance or its application to any person or project is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, the balance of this Ordinance shall be unaffected and shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ day of _____, 2010.

CITY OF SULTAN

CAROLYN ESLICK, Mayor

ATTEST/AUTHENTICATED:

By _____
LAURA KOENIG, City Clerk

Approved as to form:

By _____
Margaret King, City Attorney

Date of Publication:

Effective Date:

ATTACHMENT B

Planning Board August 17, 2010 Agenda Item D-3, Attachment A

ANALYSIS OF INDUSTRIAL PARK MASTER PLAN (IPMP) GOALS AND POLICIES; REVIEWED FOR CURRENT APPLICABILITY AND FOR COVERAGE OF THE VARIOUS TOPICS IN THE 2011 DRAFT COMPREHENSIVE PLAN GOALS AND POLICIES

Explanation: All goals and policies from the IPMP are reproduced below. The underlined portions are those that staff finds to be current and needing consideration in the 2011 update. The ~~strike-through~~ portions are those that staff finds are outdated or specific to the IPMP and not appropriate for consideration in the 2011 update.

Editor's Notes explain staff's findings related to each goal and policy, and give the location of that topic in the current draft of the 2011 plan element goal and policy sections.

LAND USE POLICIES

- Goal I: Actively support the retention of commerce and industry and encourage diversification of the economy.

Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policies: ED-1, ED-2, and ED 2.4.1.

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- The program should include: Land use and zoning changes to encourage the development of job-producing businesses;

Editor's Note: The deleted portions above are no longer necessary as they are out-dated or are based on specific provisions of the IPMP that will be repealed. The underlined portion above is appropriate and is addressed in 2011 Draft Policy LU-5.

- Goal II: Effectively manage future development by designating appropriate areas for new growth that do not compromise environmental integrity, is responsive to market needs, and is consistent with sound land planning policies and lifestyle choices.

Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policies LU-7, LU-7.1, LU-7.2, LU-7.3, ED 2.5, and ED 2.6.

Editor's Note: The deleted portions above are no longer necessary due to adoption of a complete system of critical areas regulations.

- The City shall implement a program of incentives to encourage creative site design and development. These incentives include, but are not restricted to, transfer of development rights and buffer averaging.

Editor's Note: The deleted portions above are no longer necessary due to adoption of a complete system of critical areas regulations. The underlined portion above is appropriate and is addressed in 2011 Draft Policy LU-5.

TRANSPORTATION POLICIES

- Goal III: Improvement of streets and highways for the efficient movement of bicycles and pedestrian traffic.

Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policy TR 1.1.4.

Editor's Note: The deleted item above is no longer viable as it is reliant on components of the IPMP that will no longer exist. These items are too specific to be placed in goals in the comprehensive plan.

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Editor's Note: The deleted portions above are no longer viable due to adoption of complete system of critical areas regulations.

- Goal V: Ensure that transportation facilities and services needed to support development are available concurrent with the impacts of such development, that protects the investments which have been made in the existing transportation facilities and services, maximizes the use of these services and promotes orderly and compact growth.

Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policy TR 1.1.2 and 1.1.5.

Editor's Note: The deleted item above is no longer necessary due to more advanced agency agreements and legal standards.

– The City shall not issue development permits where the project requires transportation improvements which exceed Sultan's (or the State's in the case of SR 2) ability to provide them in accordance with the adopted level of service. Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policy TR 1.1.2 and 1.1.5. The deleted portion is not appropriate in that it is based on specific provisions of the IPMP that will be repealed.

Editor's Note: The deleted item above is not appropriate in that it is based on specific provisions of the IPMP that will be repealed.

- Goal VI: Ensure that truck traffic does not impede the through-movement of traffic within the City limits.

Editor's Note: The underlined portion above is appropriate and is addressed in 2011 Draft Policy TR 1.1.2 and 1.1.5.

- *– Development codes shall be adopted to ensure that any new industrial uses or projects shall provide street and frontage improvements address street widths and curb cuts. Develop additional non-residential performance standards.*

Editor's Note: The deleted portions above are not appropriate in that they are based on specific provisions of the IPMP that will be repealed. The underlined portions are addressed in

CAPITAL FACILITIES POLICIES

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Editor's Note: The deleted item above is not appropriate in that it is a basic requirement of the Growth Management Act.

- Initiate a program for public/private coordination of planning, design and construction of new infrastructure and the related financing of facilities benefiting proposed development projects.

Editor's Note: The deleted portion above is not appropriate in that it is based on specific provisions of the IPMP that will be repealed. The underlined portions are addressed in 2011 Draft Policy TR 1.6.3., 1.6.4., 1.6.5., CF 1.2 and CF 2.1

OPEN SPACE POLICIES

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Editor's Note: The deleted portion above is not necessary in that it is a very generalized goal that does not provide direction for open space or commercial development.

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Editor's Note: The deleted item above is not appropriate in that it calls for a specific program of procedures and land use concepts to be implemented in the industrial park that are not generally applicable to the community as a whole. Critical Areas ordinances and updated development standards will address these issues for the entire community.

- Create open space principles and guidelines for site design and landscaping using best management practices, storm water management standards and other provisions of City codes and standards.

Editor's Note: The deleted portion above is not appropriate in that it is based on specific provisions of the IPMP that will be repealed. The underlined portion is addressed by in 2011 Draft Policy PK 1.1 and PK 1.4.1, 1.4.2, 1.4.3, and CF 1.6.9

– Adopt Transfer of Development Rights provisions for projects impacted by critical areas in the update of Title 16 of the Unified Development Code. *Editor's Note: The deleted portion above is not appropriate in that it is based on specific provisions of the IPMP that will be repealed. The underlined portion is addressed by in 2011 Draft Policy LU 7.1 and LU 7.3.*

ATTACHMENT C

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: September 21, 2010

SUBJECT: Recommendation to Council regarding
Decommission Industrial Park Master Plan (IPMP)

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:
Make recommendation to City Council on proposed decommissioning of IPMP.

RECOMMENDATION:
Staff recommends that the Board forward to the City Council a recommendation that the Council adopt an ordinance that amends the 2004 Comprehensive Plan, as revised September 25, 2008, by repeal of the Comprehensive Plan Element entitled "Industrial Park Sub Area Plan" as it was made part of "Comprehensive Plan Section II" through adoption of Ordinance 781-02 on June 5, 2002.

BACKGROUND:
The Comprehensive Plan can be amended once each year through acceptance of a docket item by the City Council. Decommissioning of the IPMP is the only item on the 2010 Comprehensive Plan Amendment Docket.

Through Agenda Item PH-1 of this agenda packet, the Board has conducted the public hearing as required by Sultan Municipal Code (SMC) 16.134.050 and for amendment of the Comprehensive Plan under the Docket process of SMC 16.134.070 D.

The Board has reviewed policies in the IPMP and conducted reviews of the proposal as described in Agenda Cover PH-1 of this agenda packet.

AMENDMENT PROCEDURE:
Decommissioning of the IPMP is a Level IV procedure in the Public Participation and Notice Procedures as it substantively amends a sub-area element of the Comprehensive Plan. The Level IV process requires a public hearing before the Board with a recommendation to the Council.

The Board has conducted several public input sessions and a public hearing on the proposed plan amendment.

The next step in the procedure is for the Board to determine its recommendation to the City Council as provided in (SMC) 16.134.050 J. This provision indicates that the Board should determine its next action.

Alternatives available are:

1. Recommend that the Council proceed with the amendment as proposed and recommend that the Council need not hold a separate public hearing.
2. Recommend that the Council proceed with the amendment as proposed and recommend that the Council hold a separate public hearing.
3. Modify the proposed amendment based on public input and findings developed by the Board.
4. Determine not to forward the proposal to the Council, and direct staff regarding further action on the proposal.

The IPMP, under the name "Industrial Park Sub Area Plan Element" was adopted by Ordinance 781-02 on June 5, 2002.

This Sub Area Plan Element was carried over and adopted into the 2004 Comprehensive Plan by Ordinance 841-04 on November 22, 2004, at which time the Element was referred to as the Sultan Scenic Business Park.

Subsequent adoption of amendments to the Comprehensive Plan in 2008 did not affect the IPMP.

The procedure for removal of the IPMP Sub Area Plan Element from the 2004 Comprehensive Plan (updated 2008) will be adoption of an ordinance that removes that element.

Adoption of an ordinance to remove the IPMP from the Comprehensive Plan will complete work on the Comprehensive Plan Annual Docket for 2010.

PROPOSED FINDINGS:

An amendment of this scale should be accompanied by findings that the Board and the Council determine to be appropriate to support the proposed action. Staff provides the following findings for consideration by the Board. If the findings are appropriate, they should be referenced in the motion to the Council if the Board determines to proceed with a recommendation for adoption. If the findings need to be modified, they may be changed at this meeting and forwarded to the Council subject to the changes noted.

Planning Board findings in support of recommendation to the City Council for removal of the IPMP Sub Area Plan Element from the City of Sultan Comprehensive Plan are as follows:

14. The IPMP, adopted in 2002, anticipated significant and rapid development of the industrial/commercial area on either side of the eastern portion of Hwy 2, and particularly the area north of Hwy. 2 east of Rice Road.
15. The development patterns contemplated involved major utility and road construction in the Wagley Creek corridor from the east City Limits across Rice Road and continuing to Sultan Basin Road.
16. A main sewer connector was constructed in this corridor, but accompanying road development was not undertaken.

17. Major provisions of the IPMP called for “programmatic environmental impact analysis” by the City of Sultan which would provide significant environmental work in anticipation of applications for development, thus providing an incentive to developers to locate in the area.
18. In the same general time frame as the IPMP was adopted, the Federal government engaged policies declaring major portions of the Pacific Northwest, and Wagley Creek in specific, to be subject to stringent environmental standards for the protection of endangered salmon species.
19. The endangered species designation of Wagley Creek made realization of the visions and goals of the IPMP all but impossible from environmental and financial perspectives.
20. Due to the complexities of the endangered species designation and other issues, the programmatic environmental analysis that was to be the main product of the IPMP and the main incentive for development of the area was not conducted.
21. In the absence of the programmatic environmental analysis, the remaining components of the IPMP place additional development standards and procedures on potential projects over and above those required by the Comprehensive Plan, Unified Development Code, and other implementing ordinances that apply to the area. This, contrary to the intent of the IPMP, provides a disincentive to industrial/commercial development.
22. Based on the above issues, the City has provided several community input opportunities to allow citizens to express their perspectives on the potential of removing the IPMP from the Comprehensive Plan.
23. Public Input has been overwhelmingly in favor of removing the IPMP from the Comprehensive Plan.
24. The entire area included in the IPMP is addressed in the Comprehensive Plan and development codes through plan designations, goals and policies for development, development standards and procedures, and all other provisions that apply to all land in the City of Sultan. Removal of the IPMP does not result in removal of development standards that apply to the property without regard to the additional development standards and procedures called for in the IPMP.
25. Given the unanticipated events beyond control of the local community (northwest implementation of the endangered species act), and the impediments to development that have surfaced as unintended consequences of adoption of the IPMP (additional development standards without support of programmatic environmental analysis), it is in the best interest of the community to remove the IPMP from the Comprehensive Plan.
26. The Board finds that removal of the IPMP requirements for additional development standards will encourage industrial/commercial development in the area.

Conclusion:

The Planning Board, upon consideration of the above findings, hereby adopts these findings along with a recommendation to the City Council that the Council proceed with adoption of an ordinance removing the IPMP from the Comprehensive Plan, and that the Council, as provided for in SMC 16.134.050 J. need not hold an additional public hearing prior to adoption of such ordinance.

RECOMMENDATION:

Staff recommends that the Board review the above draft findings, modify said findings as appropriate, and adopt these findings and conclusion as the Board’s recommendation to the City Council.

ATTACHMENT D

**SULTAN PLANNING BOARD MINUTES
September 21, 2010**

PLANNING BOARD MEMBERS PRESENT:

Bob Knuckey
Frank Linth
Steve Harris
Jerry Knox

STAFF:

Deborah Knight, City Administrator
Bob Martin, Community Dev.
Cyd Donk, Permit Assistant

CALL TO ORDER:

Call to Order at 7:07 p.m.

CHANGES TO THE AGENDA:

D-2 Council's Draft of Revisions to SMC 2.17 Change this to D-1 so DK may leave when it is done.

PUBLIC COMMENTS:

No Comment

PLANNING BOARD MEMBER COMMENTS:

Bob Knuckey: Thanks Staff for getting the tour together.

Jerry Knox: Ditto.

Steve Harris: None

Frank Linth: Thanks to Mr. Matheson for taking the time to get the tour together.

PRESENTATION:

APPROVAL OF MINUTES:

Approve November 24, 2009 Minutes, Motion by Knox and seconded by Knuckey, all Ayes.

Approve September 7, 2010 Minutes, Motion by Knox and seconded by Knuckey, all Ayes.

PUBLIC HEARING AND ACTION ITEMS:

PH-1: Industrial Park Master Plan – Public Hearing to Decommission the IPMP

Conduct a Public Hearing on proposed Decommissioning of the IPMP. No action is taken as part of this Agenda Item. Action will be taken under Agenda Item A-1 which follows in the Agenda Packet. Staff goes over history of the IPMP and the Decommissioning of the Sub-Area Plan.

Board asks what a Binding Site Plan is. Staff explains that it is a process that develops industrial/commercial lots not residential type development. Board is happy with the conversation and explanation from Staff.

Board asks about the ESA Report and where did they get the report from? NMFS issued the report Staff said. Discussion between Board and Staff over streams and setbacks.

Motion to close the Public Hearing by Knox, Seconded by Knuckey. All Ayes.

A-1: Industrial Park Master Plan – Recommendation to Council

Staff recommends that the Board forward to the City Council a recommendation that the Council adopt an Ordinance that amends the 2004 Comprehensive Plan, as revised September 25, 2008, by repeal of the Comprehensive Plan Element entitled “Industrial Park Sub Area Plan” as it was made part of “Comprehensive Plan Section II” through adoption of Ordinance 781-02 on June 5, 2002. Board asks Staff what is going to be included in the Recommendation to Council.

Motion made by Knuckey to make a recommendation to the Council to decommission the IPMP, accompanied by a recommendation that no further Public Hearings are needed. Knox Seconded. Chairman Linth wants to note that there have not been any negative comments along the way to decommission the IPMP despite multiple opportunities for public involvement and two individual mailings to all owners within the IPMP area. The Chair appreciated the Board’s and the Staff’s efforts to go above and beyond in the effort to provide notice and to encourage public participation.

All Ayes, motion passed.

Attachment E

CITY OF SULTAN Sultan, Washington

Ordinance 781-02

AN ORDINANCE OF THE CITY OF SULTAN CITY COUNCIL, AMENDING THE COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT CODE AND ADOPTING THE INDUSTRIAL PARK MASTER PLAN AND FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT AND DEVELOPMENT CODE AMENDMENTS.

WHEREAS, the City of Sultan adopted a Comprehensive Plan on October 11, 1995 in accordance with the Growth Management Act; and

WHEREAS, the City of Sultan has been working with stakeholders since January 1997 to prepare a master plan for the area identified as the Sultan Industrial Park attached as exhibit "A"; and

WHEREAS, substantial analysis of existing land use, real estate market demand, traffic conditions, and environmental features was completed; and

WHEREAS, a number of possible land use and transportation alternatives were prepared, presented to the community, and evaluated;

WHEREAS, a Draft Master Plan and Draft Supplemental Environmental Impact Statement was prepared to review the environmental impacts of the alternatives; and a public hearing was held on the Draft; and

WHEREAS, several City Planning Commission and City Council workshops were held to obtain stakeholders' requests for specific land use designations; and

WHEREAS, a "Recommended Master Plan" and Final Supplemental Environmental Impact Statement was prepared for public review; and

WHEREAS, the Planning Commission held two public hearings on March 19 and April 2, 2002 to obtain public comments on the "Recommended Master Plan"; and

WHEREAS, the Planning Commission at a regular meeting on April 16, 2002 reviewed and considered the proposed Master Plan recommendations and testimony received at the two public hearings in order to prepare a recommendation to the City Council; and

WHEREAS, the Planning Commission on April 16, 2002 passed a resolution recommending adoption of the Master Plan by the City Council; and

WHEREAS, the City Council conducted a Public Hearing on May 15, 2002 to obtain additional public comments and consider the recommendation of the Planning commission; and

WHEREAS, the City Council reviewed the Master Plan and considered the recommendation of the planning commission and public hearing comments,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The following amendments to the Comprehensive Plan, as recommended by the Planning Commission, are hereby adopted to amend Section II: Plan Elements, by adding a new element entitled " Industrial Park Sub Area Plan". The amendments hereby adopted are attached to this Ordinance and by this reference incorporated herein as though fully set forth at this point, and made part of the Plan Section II.

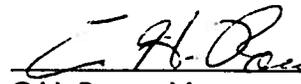
Section 2. The land use map of the City of Sultan's Comprehensive Plan and zoning map are hereby amended to incorporate the zoning designations and locations of "Map #3 dated April 8, 2002.

Section 3. The Master Plan recommends the Highway-Oriented and Economic Development zoning districts of the Unified Development Code of the City of Sultan be amended to incorporate the "Recommended Zoning Use Changes" of Table 3-1, Chapter 3 of the Industrial Park Master Plan. The City Council directs staff to prepare an ordinance amending the Unified Development code to implement this recommendation.

Section 4. The City Council hereby directs City Staff to continue with further analysis of the sub area plan to implement the various recommendation of the Industrial Park Master Plan, not included in this ordinance, and to incorporate those provisions and amendments into future Comprehensive Plan and Unified Development Code revisions.

Section 5. Effective Date. This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY adopted this 5th day of June 2002.


C.H. Rowe, Mayor

ATTEST:


Laura J. Koenig, Clerk/Treasurer

Approved as to form:


Thom H. Graafstra, City Attorney

Published: June 11, 2002