

## **SULTAN PLANNING BOARD AGENDA ITEM COVER SHEET**

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DATE: March 19, 2008

SUBJECT: Proposed Amendment to the 2004 Comprehensive Plan

CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the Planning Board is to make a recommendation to the City Council on a proposed amendment to the 2004 Comprehensive Plan to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

### SUMMARY:

The Growth Management Act limits the City to amending the Comprehensive Plan only once a year. The City docketed the Dyer Skywall petition on November 15, 2007 for the Planning Board's consideration. Although the Planning Board may consider the proposed amendment and make a recommendation to the City Council, the City will need to consider all docket items as a group prior to final approval of any changes to the Comprehensive Plan.

For comprehensive plan amendments, the statutes (RCW 35A.63.073 and 35A.63.070) require the planning board hold at least one public hearing. Notice is to be given as provided by ordinance and published at least ten days prior to the hearing. If continued hearings are held, no additional notices need be published.

The Planning Board discussed the proposed amendments to the 2004 Comprehensive Plan at its meeting on January 22, 2008 and prepared a recommendation for Public Hearing on February 19, 2008. Letters were mailed to property owners in the Dyer/Skywall neighborhood that signed the petition in March 2006 (Attachment B). Public notices and a press release (Attachment B) were also distributed to further encourage participation in the public hearing.

The public hearing was opened at the meeting on February 19, 2008 and continued to March 5, 2008 in accordance with State Law.

The Planning Board should review its recommendation in light of testimony received during the public hearing and prepare a final recommendation for the City Council's consideration.

## DISCUSSION:

In March 2006, the Mayor and City Council received a petition from residents of the Dyer Road and Skywall Drive neighborhoods that requested deleting the proposed roadway connection of Dyer Road and Skywall Drive and the proposed sewer pipeline extension on both Dyer Road and Skywall Drive and the associated sewer pump stations.

The March 7, 2006 "Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments" signed by Mr. Gerry Gibson (Attachment C) states that the Dyer Skywall neighborhoods,

*"Submitted a Public Comment letter in respect to the pending application for the Twin Rivers Estates development...As the two proposals [roadway connection and sewer pipeline extensions] in the city's Comprehensive Plan seem to have some relationship to the Twin Rivers development there were many questions. Mr. Cisar recommended to the group that the issues involving the Comprehensive Plan may be resolved by submitting a petition."*

The Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments makes a number of points including:

1. A concern that connecting the two neighborhoods will increase traffic flow, crime, and impact the quiet enjoyment of the neighborhood.
2. The community was not involved in the decision to connect the two neighborhoods and provide sewers and a public station as shown in the 2004 Comprehensive Plan and would not have supported the proposals if they had been aware.
3. Emergency vehicle access during flooding is infrequent and "does not warrant a significant risk."
4. The rationale for the proposed roadway connection does not "contribute in any meaningful way" to accomplishing the goals and policies of the Comprehensive Plan.
5. Residents are not in favor of sewers at this time since all have working septic systems.

6. There is a concern with the high costs of the connections and services.
7. The current wastewater treatment plant is at capacity and may not be able to accommodate projected development which mandates sewer systems.

### Planning Board Review

The Planning Board should consider the following amendment application questions when reviewing the proposed amendment and making a recommendation to the City Council:

1. Anticipated impacts to be caused by the change, including geographic area affected and issues presented and why.
2. A demonstration of why an existing comprehensive plan policy, plan or recommendation should not continue to be in effect or why an existing, plan or recommendation no longer applies.
3. How the amendment complies with the comprehensive plan's community vision statements, goals, objectives, and policy directives.
4. How facility plans and capital improvement plans support the change
5. How the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring the land use regulations into compliance with the plan.
6. How the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring the land use regulations into compliance with the plan.

### Dyer Skywall Road Connection

Connecting previously unconnected neighborhoods is almost always controversial. There is concern, as expressed in the petition, that the quiet enjoyment of the neighborhood will be affected.

The issues and concerns raised by the neighborhood carry some weight in this instance. Deleting the roadway will probably not negatively impact the goals and policies of the Comprehensive Plan. This area is removed from the main transportation grid. It may be a question of internal circulation and the ability of future development to move freely between the neighborhood and the major arterial street system.

The zoning for the Dyer and Skywall neighborhoods is moderate density residential which is 6-10 units per acre. The question for the Planning Board is whether the proposed connection is necessary to serve the future land use designation. Although the issue is discounted by the petitioner, is there a public duty to consider the safety of neighborhood residents during flood events? Can the flooding issue be resolved by improving the culvert over Wagley Creek or raising the roadway to alleviate the

flooding? Is there a public duty to protect the neighborhood to the east which floods more frequently?

### Sewer Pipeline Extension and Pump Station

The Growth Management Hearings Board has found “that a jurisdiction must ensure that within urban areas there will be adequate and available sewer capacity to serve the existing, un-sewered urban population within the 20-year planning period.”

Sewer pipeline extension and pump stations are necessary to serve future development. Deleting the proposed sewer pipeline extension on both Dyer Rd and Skywall Drive and the proposed sewer pump station (Number 4) as shown on the sewer map would violate the Growth Management Act as determined by the Central Puget Sound Growth Management Hearings Board.

In Fallgatter IX, the Central Puget Sound Growth Management Hearings Board notes:

In reply, Petitioner [Fallgatter] points to the *Kitsap Citizens for Responsible Planning VI v. Kitsap County (KCRV VI)*, CPSGMHB Case No. 06-3-0007, Order (March 16, 2007), [Legal Issue No. 4, Part B – Capital Facilities element at 9-14], in support of her argument regarding long-term sewer needs for the City. Petitioner asserts, as the Board found in the Kitsap County matter, that:

Sultan has no plan to provide sewer service to undeveloped areas of the UGA apart from whatever developers provide. And, *no plan, whatsoever, for developed areas within the city limits apart from the requirement that septic systems will be replaced over time, if they are within proximity to existing sewer lines ... which guarantees service will not be provided in an efficient manner and perhaps not at all.*

In response the Growth Management Hearings Board found:

"... that a jurisdiction must ensure that within urban areas there will be adequate and available sewer capacity to serve the existing, un-sewered urban population within the 20-year planning period. *See Suquamish Tribe, et al v. Kitsap County*, CPSGMHB Case No. 07-3-0019c, at 26 (Final Decision and Order, Aug. 15, 2007)."

"The similarities here with the City of Sultan are evident. Although the Board recognizes the fact that developers are responsible for infrastructure to serve individual units within their proposed development, the City is responsible to provide facilities which adequately serve those units (i.e. treatment plants, trunk lines, pump stations). It is unclear from the language of the CFP that the City has planned for these types of facilities. The CFP notes that sanitary sewer service within the UGA currently serves approximately 1,600 customers with approximately 27 percent of properties located within the city limits on septic systems. Core Document, Comprehensive Plan – CFP, at VIII-4-6. Except for a requirement that all buildings within 120 feet of a city sewer system connect *new* plumbing fixtures to the system (SMC 13.08.020), the City has made no

provision for service to the un-sewered population. Nor has the City identified the un-sewered areas or the extent of the needs to make sure capacity will be available and adequate to serve the existing population."

"Therefore, the Board finds that, in regard to sanitary sewers, the City has not complied with RCW 36.70A.020(12) and 36.70A.070(3)'s mandate to provide adequate and necessary facilities to support *existing and new* development within the UGAs within the 20-year planning period. The CFP fails to provide an adequate needs assessment (i.e. current needs, future needs, and expected level of service) so as to properly document the needed funding to supply these services, both in regard to the funds required as well as the source of the needed funds."

#### Other Information to Consider:

The Background section of the March 2006 petition, mentions a connection between the Ramirez Twin Rivers Estate Development and proposed petition. The City Council held a public hearing on the Twin Rivers Estate Development on January 24, 2008. The Hearing Examiner noted in his written conclusion following the Open Record Hearing on December 11, 2007:

*"The proposed subdivision is fully consistent with the 2004 Comprehensive Plan. The proposed density is well below the maximum allowed for this site. (It will be remembered that the areas both to the east [Dyer and Skywall] are designated and zoned for even higher densities. The Ramirez property is the only LMD [low moderate density] property along this reach of the Skykomish River.) Comprehensive Plan provisions cannot be collaterally challenged in the context of a project permit application hearing. The 2004 Comprehensive Plan supports interconnection between the Skywall Drive and Dyer Road and provisions of sewer service to the Dyer Road area. The 2004 Comprehensive Plan provisions cannot be challenged through this [open record hearing] process."*

*"...the concerned citizens need to face the reality that the proposal would neither encourage nor thwart the interconnection of the Skywall Drive with Dyer Road. The Skywall Drive right-of-way was dedicated to the west property line at the time of the 1994 short subdivision. Twin River Ranch Estates is not altering that dedicated right-of-way, it is only using and improving it to serve some of its proposed lots. Any interconnection would occur though the adjoining property to the west and could be made without or without Twin Rivers Ranch Estates. The proposal is neutral with respect to this issue."*

#### BACKGROUND:

In 2002, the City adopted Comprehensive Plan Amendment Review and Public Hearing Procedures as required by RCW 36.70A.130 to provide a process to amend the various elements of the Comprehensive Plan.

The City adopted the 2004 Comprehensive Plan. The Transportation Element includes Proposed Roadway Number 28 on the Transportation Plan Map. The roadway connects Dyer Road and Skywall Drive. The Sewer Utility Map identifies the proposed sewer pipeline extensions in both Dyer Road and Skywall Dr. including the proposed pump station (number 4).

On September 27, 2007, the City Council approved the 2007 Comprehensive Plan Docket.

On November 15, 2007, the City Council amended the approved 2007 Comprehensive Plan Docket to include the petition from the Dyer Road and Skywall Drive residents as described on Exhibit 1.

On December 18, 2007, the Planning Board reviewed and set January 22, 2008 to consider the amendment and to prepare recommendations for the Public Hearing.

On January 22, 2008, the Planning Board determined to make a recommendation and hold a Public Hearing to consider changes to the 2004 Comprehensive Plan as part of the City's Annual Docket Process. Public comment will be taken on the Planning Board's Recommendation to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

On February 19, 2008, the Planning Board took public comment and continued the public hearing to March 5, 2008.

#### FISCAL IMPACT:

The Board's final recommendation to the City Council may require consultant analysis to assess the impacts. An impact analysis could be combined with the work underway to update the Transportation and Capital Facilities Elements of the Comprehensive Plan.

**RECOMMENDED ACTION:**

Make a recommendation to the City Council on a proposed amendment to the 2004 Comprehensive Plan to:

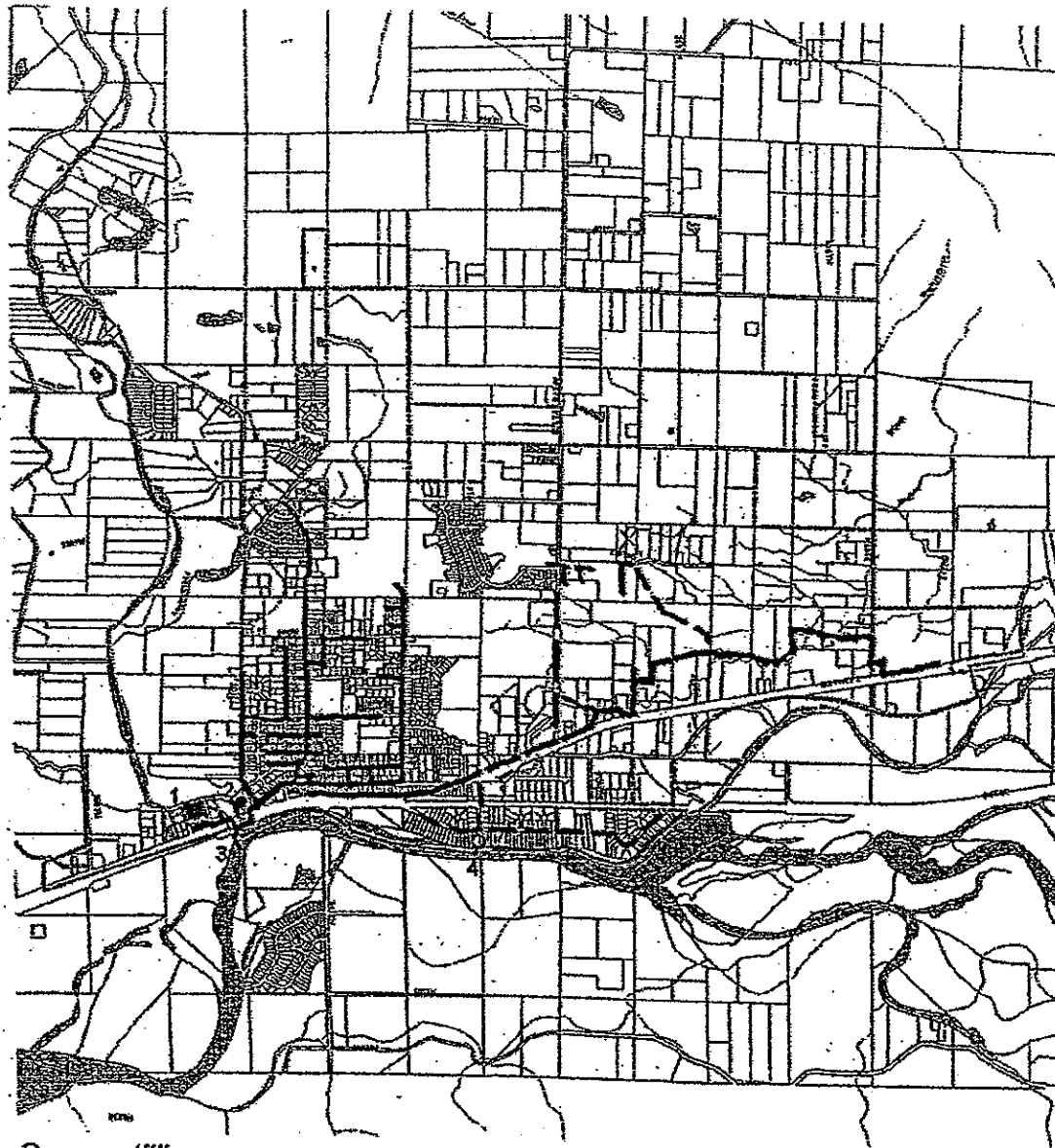
1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (Attachment A-1).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (Attachment A-2) as required by the State Growth Management Act.

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Attachment A – Transportation and Sewer Maps showing proposed facilities  
Attachment B – Public notification  
Attachment C - Petition



Figure CF - 2: Sewer Facilities



**Sewer utility**

- Existing facilities**
- 1 Sewage treatment plant
  - 2 Pump station
  - 3 Skykomish River outfall

- Proposed facilities**
- 4 Pump station

- Sewer pipeline - existing  
--- Sewer pipeline - proposed



# City of Sultan

February 6, 2008

COPY

RE: **Public Hearing, Tuesday, February 19, 2008 at 7:00pm**  
Dyer/Skywall Petition for Comprehensive Plan Traffic and Sewer Utility Plan Amendments

Dear Sir or Madam,

On March 7, 2006, the Dyer and Skywall neighborhoods submitted a petition to the Mayor and City Council members requesting the City Council amend the Comprehensive Plan to delete:

1. The proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map. The Planning Board is recommending the proposed roadway (T-38) be deleted as petitioned by the Dyer and Skywall neighborhoods.
2. The proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map. The Planning Board is recommending the proposed sewer extension and pump station **REMAIN** in the Comprehensive Plan as required by the State Growth Management Act.

The Planning Board is holding a public hearing on Tuesday, February 19, 2008 in the Community Center at 301 Main Street, Sultan to consider these changes as part of the City's annual docket process.

Public comment is welcome and encouraged. More information about the proposed changes to the Comprehensive Plan is available by contacting City Administrator, Deborah Knight at 360.793.2231.

Sincerely,

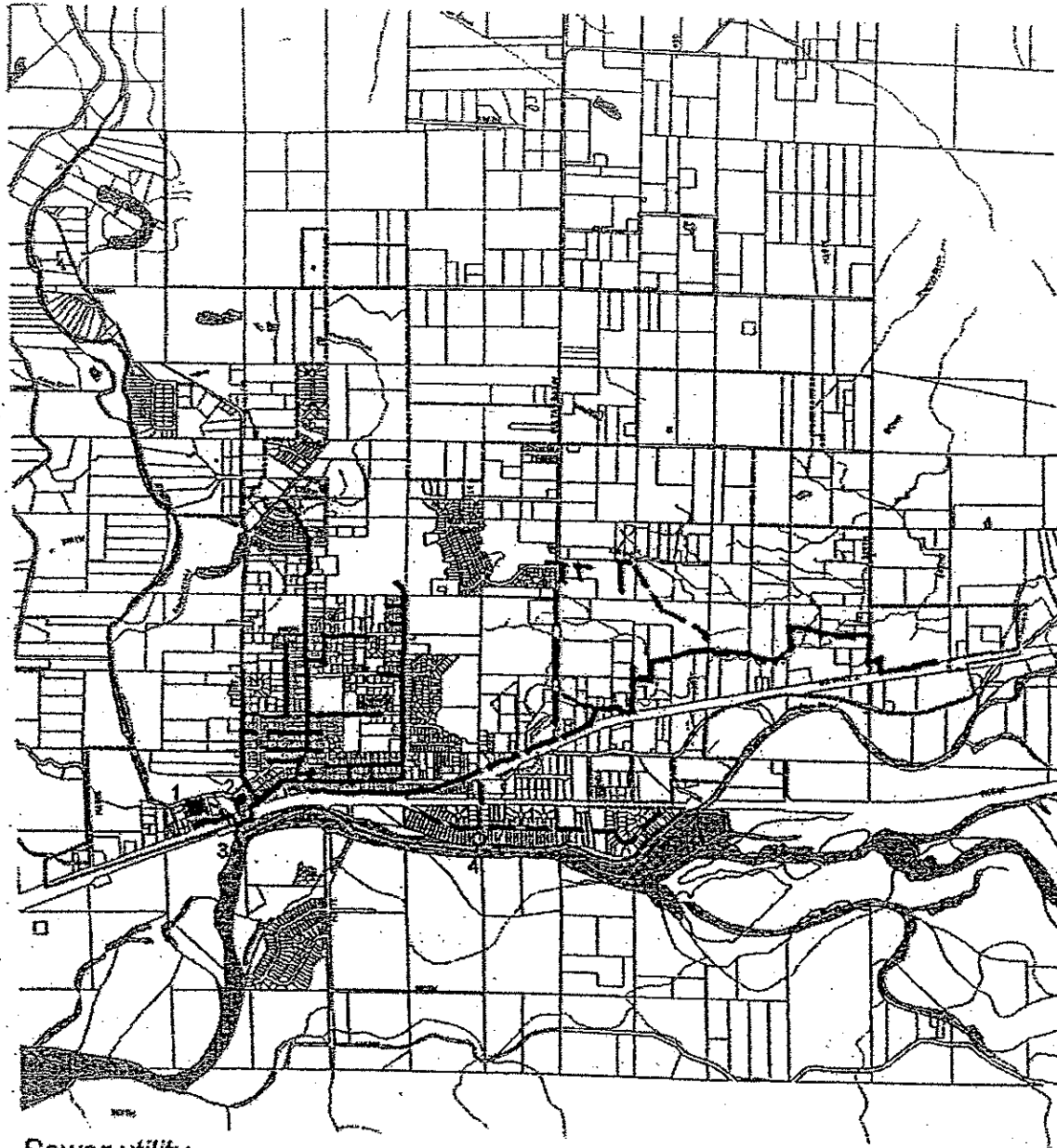
Carolyn Eslick  
Mayor

**ATTACHMENTS:**

Transportation Plan Map  
Sewer Utility Map

Cc: Planning Board

Figure CF - 2: Sewer Facilities

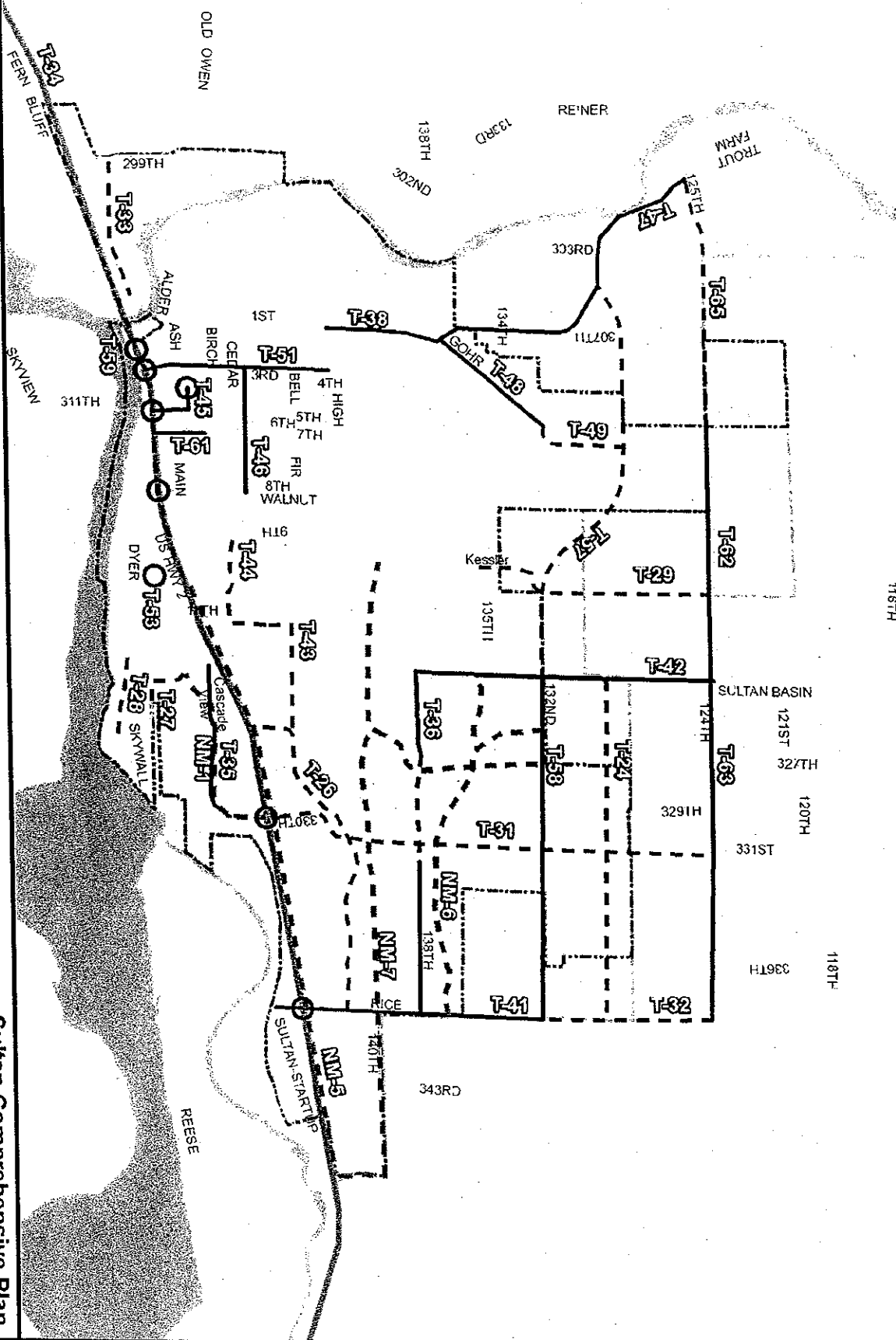
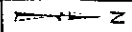


**Sewer utility**

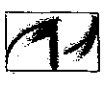
- Existing facilities**
- 1 Sewage treatment plant
  - 2 Pump station
  - 3 Skykomish River outfall

- Proposed facilities**
- 4 Pump station

- Sewer pipeline — existing
- - - Sewer pipeline — proposed



Sultan Comprehensive Plan  
 Transportation Element Revisions  
 Recommended Transportation Projects



- Improvement to Existing Street
- - - New Street Construction
- ..... WSDOT Project
- ..... Projects Beyond 2025
- Recommended Intersection Improvement
- - - Future Trail
- City Limits
- USA



Periteet

## Deborah Knight

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**From:** City of Sultan Public Notices [public.notices@ci.sultan.wa.us] on behalf of Cyd Donk [public.notices@ci.sultan.wa.us]  
**Sent:** Tuesday, February 12, 2008 2:12 PM  
**To:** City of Sultan Public Notices  
**Subject:** 2.2008.01(A) - Comp Plan Amendment Hearing/Dyer-Skywall/February 19, 2008



Comp Plan Amend Dyer-Skywall P...    Comp Plan Amend Dyer-Skywall P...    ATT00123.txt

The Original Public Notice did not include the Maps that were referenced in the notice. Attached you will find the maps for the following notice:

The Planning Board is holding a Public Hearing on Tuesday, February 19, 2008 at 7:00 p.m. in the Community Center at 319 Main Street, Sultan to consider changes to the 2004 Comprehensive Plan as part of the City's Annual Docket Process. This Public Hearing will be continued to the Planning Board Meeting on Wednesday, March 5, 2008 at 6:30 p.m. at the Community Center located at 319 Main Street, Sultan and additional public comments will be taken at that time.

More information about the proposed changes to the Comprehensive Plan is available by contacting City Administrator, Deborah Knight at 360.793.2231.

## CITY OF SULTAN NOTICE OF PUBLIC HEARING

The Planning Board is holding a Public Hearing on Tuesday, February 19, 2008 at 7:00 p.m. in the Community Center at 319 Main Street, Sultan to consider changes to the 2004 Comprehensive Plan as part of the City's Annual Docket Process. This Public Hearing will be continued to the Planning Board Meeting on Wednesday, March 5, 2008 at 6:30 p.m. at the Community Center located at 319 Main Street, Sultan and additional public comments will be taken at that time.

Public comment will be taken on the Planning Board's Recommendation to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map (attached).
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map (attached) as required by the State Growth Management Act.

More information about the proposed changes to the Comprehensive Plan is available by contacting City Administrator, Deborah Knight at 360.793.2231.

ADA Notice: Accommodations for persons with disabilities will be provided upon advance request. Please make arrangements one week prior to the Hearing by calling City Hall at (360) 793-2231.

Publish: February 13, 2008



# City of Sultan

## News Release

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Date: February 12, 2008

**For Immediate Release**

### **SULTAN PLANNING BOARD TAKES COMMENTS ON PROPOSED ROADWAY AND SEWER CHANGES**

The Sultan Planning Board is holding a Public Hearing on Tuesday, February 19, 2008 at 7:00 p.m. in the Community Center at 319 Main Street, Sultan to consider changes to the 2004 Comprehensive Plan as part of the City's Annual Docket Process. This Public Hearing will be continued to the Planning Board Meeting on Wednesday, March 5, 2008 at 6:30 p.m. at the Community Center located at 319 Main Street, Sultan and additional public comments will be taken at that time.

Public comment will be taken on the Planning Board's Recommendation to:

1. Delete the proposed roadway connection of Dyer Road and Skywall Drive as identified as roadway number 28 (T-28) on the transportation plan map.
2. Maintain the proposed sewer pipeline extension in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map as required by the State Growth Management Act.

Residents of the Dyer and Skywall neighborhoods submitted the proposed amendment by petition in March 2006. The City Council added the proposed amendment to the Annual Comprehensive Plan Docket in November 2007.

More information about the proposed changes to the Comprehensive Plan is available by contacting City Administrator, Deborah Knight at 360.793.2231.

--End-----

March 7, 2006

Mayor Tolson and City Council Members  
City of Sultan  
319 Main Street  
Sultan, Washington 98294

RE: Petition for Comprehensive Plan, Traffic and Sewer Utility Plan Amendments

On behalf of the Dyer Road and Skywall Drive neighborhoods, I am submitting the enclosed petition to have the city's Comprehensive Plan amended. The petitioned amendments are to delete

1. the proposed roadway connection of Dyer Road and Skywall Drive as identified as Proposed Roadway Number 28 on the Transportation Plan Map, and
2. the proposed sewer pipeline extensions in both Dyer Road and Skywall Drive, including the proposed pump station (number 4) as shown on the Sewer Utility Map

## **BACKGROUND**

The Dyer and Skywall neighborhoods submitted a Public Comment letter in respect to the pending application for the Twin Rivers Estates development. The city responded to our letter and offered a meeting to answer questions. Mr. Cisar and Ms. Dunn met with 65 members of these neighborhoods. As the above two proposals in the city's Comprehensive Plan seem to have some relationship to the Twin Rivers development, there were many questions. Mr. Cisar recommended to the group that issues involving the Comprehensive Plan may be resolved by submitting a petition. He was nice enough to prepare these petitions for the group.

## **DISCUSSION**

We were able to make contact with almost all of the residents of these communities. Only two people did not wish to sign the petition. There are over 120 signatures on the petition. Thus, over 99% of these residents do not want the Dyer Road and Skywall Drive to be connected nor do they want a sewer line at this time and as proposed in the city's Comprehensive Plan. The proposed sewer pump station at the intersection of 10<sup>th</sup> Street and Dyer Road is not wanted by the residents as well. Further comments are as follows:

### **Dyer/Skywall Connection:**

- There is no through traffic for either street. The one way in and one way out is preferred and is a reason the residents live here.

- It is believed that the limited access has contributed to a very low crime rate.
- It is safe to walk on the road without fear of getting run over. Our children and grandchildren are safe to ride their bicycles and tricycles on the roads. Our cats and dogs are not getting run over.
- There is not a litter problem from passing motorists.
- Because of the limited traffic, it is quiet.
- There was no input by the communities involved in respect to this proposal. While there may have been public meetings concerning the Comprehensive Plan in general, not one person in these two neighborhoods were aware of the specific proposal to connect the two roads. Had there been adequate notice, all would have opposed such a proposal.
- Ms. Dunn has commented that the road connection would facilitate emergency vehicle access during flooding where Wagleys Creek crosses Dyer Road. We feel that this flooding is so infrequent it does not warrant a significant risk. Further, this flooding is very shallow – two feet deep at a maximum, even in the most severe floods. This is the lowest point on Dyer Road. We feel this is more efficient and certainly less costly to fix than what the proposed road connection entails — that is purchasing property and building a road.
- We are fearful that such a connection would create a bypass for backed up east-bound traffic and completely destroy our current way of life and safety.
- The rationale for the proposed connection has no sound basis:
  - The Comprehensive Plan states the goal of the Transportation Plan section is to “in general, develop a local street grid – that provides flexible north-south and east-west access routes between the Sultan river valley, the plateau, and across SR-2”. The Dyer/Skywall connection really has nothing to do with this general statement and would not contribute in any meaningful way to accomplishing this goal.
  - The Plan further states in respect to the connection, “Complete an east-west connection of Dyer to Skywall Drive – to provide access for properties between BNSF tracks and the Skykomish River”. There is such access.

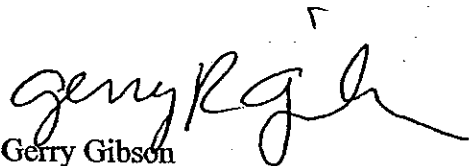
#### **Sewer Connection to Dyer and Skywall Neighborhoods:**

- While we all know that sewer lines are inevitable at some point, only two of the residents (same house) are in favor of sewers at this time.
- We all have working septic systems.
- All are concerned with the high costs of the connections and service.
- No one wants the pump station at 10<sup>th</sup> Street and Dyer Road.

- The current sewage treatment facilities are at near capacity and may not be able to accommodate projected development which mandates sewer systems.
- While there may have been notice and public meetings concerning the city's sewer system in general, not one person in these two neighborhoods was aware of this specific proposal. Had there been adequate notice, all would have not only opposed, but inquired as to other options and routes, especially with the location of the pump station.

Neither of these proposals is planned for immediate implementation and there has been no funding or budget implication. Nonetheless, we petition to have these deleted from the Plan. As our representatives, we ask that our wishes be considered.

Sincerely,



Gerry Gibson  
1102 Dyer Road  
Sultan, WA. 98294