

SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET

ITEM NO: H-1

DATE: January 6, 2009

SUBJECT: Hold Public Hearing:
Public Participation Policies for Comprehensive Plan and
Development Regulation Amendment

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Hold Public Hearing on:

Public Participation Policies for Comprehensive Plan and Development Regulation
Amendment

and on:

Amendment of Sultan Municipal Code Chapter 16.134 to become the new location for
the Public Participation Policies for Comprehensive Plan and Development Regulation
Amendment provisions.

DISCUSSION:

On December 16, 2008, the Board set January 6, 2009 as the date for a public hearing
on the draft Public Participation Policies for Comprehensive Plan and Development
Regulation Amendment.

After discussion, the Board directed that the draft presented be modified prior to going
to hearing on January 6th. The Board directed that Level IV Procedure (for changes to
Comprehensive Plan Policies and the substantive provisions of the Development
Regulations) be revised as follows:

- One mandatory public hearing at the Planning Board.
- No mandatory second public hearing at the City Council.
- A mandatory recommendation from the Planning Board to the City Council
recommending either that the Council should hold an additional public hearing
on its own motion or that the Council should review the record from the Planning
Board hearing and not hold a second public hearing.
- The Council, upon receipt of the Planning Board recommendation must, by
motion, uphold the Planning Board recommendation or overturn the
recommendation.

SUMMARY OF PLANNING BOARD DRAFT:

The essential change from current practice is the inclusion of four levels of public participation instead of only one. These levels correspond to RCW 36.70A.035 (Attachment C). The proposed draft (Attachment A) is summarized as follows:

Procedure Level I provides for actions authorized by RCW 36.70A.035 (2)(b), (i), (ii), (iii) and (v). This Statute addresses proposed changes in the Comprehensive Plan or development regulations that have gone through the public notice and input process and the time for public input has passed. If the Board or Council then wants to amend the proposed change from what was originally advertized, there is no additional public notice or public input required if the conditions of this statute are met.

These conditions include prior review of the proposed amendment in the State Environmental Policy Act (SEPA) program, correction of typographical errors, adoption of moratoriums, capital budget adoption and changes within the scope of actions previously given public notice and input. Actions covered under this statute and Procedure Level II does not require any additional public involvement to be recommended by the Planning Board and adopted by the Council.

Procedure Level II is used when the Planning Board or the City Council wants to amend a proposed change to the Comprehensive Plan or a development regulation that was previously provided public notice and public input, but the amendment comes after the time for public input has passed, and the amendment does not meet one of the conditions for exemption under RCW 36.70A.035 (2)(b) (i),(ii),(iii),(iv), or (v).

In this circumstance, the Planning Board will advertize for a new public hearing on the amendment and hold another public hearing before deciding on the amendment and making a recommendation to the City Council. The procedure then continues under the procedure that was in play before the amendment.

Procedure Level III applies to minor changes to the Comprehensive Plan or existing development regulations. Minor changes are those that change procedures, application standards, or administrative provisions that do not change policies, land uses allowed, or the criteria used to determine if uses are allowed or not allowed, or are format and organizational in nature.

In this case, the Planning Board will advertize and hold a public hearing on the proposed change, and make a recommendation to the City Council. The Council then reviews the input received at the Planning Board hearing and the recommendation of the Board, and proceeds with its decision process without an additional public hearing.

Procedure Level IV is used when making major changes to the Comprehensive Plan or development regulations, or adopting new Plan elements or new development regulations. Major changes are changes that modify existing policies, adopt new policies, change land uses allowed, change the criteria by which uses are approved or

disapproved, or modify the effect of the documents as they manage development in the community.

In this case, the Planning Board will advertize and hold a public hearing on the proposed change, and make a recommendation to the City Council. The Board's recommendation will include whether or not the Board thinks that the Council should hold a second hearing. The City Council will receive the citizen input and the recommendation of the Board and determine whether to proceed with the proposed change. If it is determined to proceed, the Council will vote whether to have a second public hearing. If Council votes to proceed without a second public hearing, action may proceed on the proposal. If a second public hearing is chosen, the Council will advertize and hold a hearing on the proposed change (or the amended change if Procedure Level II is engaged before the Council goes to hearing).

BACKGROUND:

RCW 36.70A.035 provides for an ongoing public participation process in the Comprehensive Plan development and amendment process. (Attachment B, 1-page).

Discussion:

We are preparing for the 2011 normal Comprehensive Plan Review and Update activities. It is appropriate that the Public Participation Program employed for the upcoming Comprehensive Plan amendment cycle be fully reviewed, and formally adopted before we begin any substantive work on the Plan itself.

“Attachment A” is the Planning Board Draft of the Public Participation Plan for updating the Development Regulations and Comprehensive Plan review and amendment for 2011. Changes are presented in legislative mark-up (underline is added, strike-through is deleted).

It is appropriate to publish the adopted policy document in a highly visible and lasting form so that it can be reliably referenced and employed throughout the plan amendment process. Staff recommends that the procedure be codified in Sultan Municipal Code Chapter 16.134. The current language in 16.134 adopts the Comprehensive Plan amendment process by reference, but does not provide the language for those procedures.

RECOMMENDATION:

Conduct public hearing, gather public comment, and move to close hearing. Action will be taken under Action section of the agenda.

ATTACHMENTS:

Attachment A: Planning Board Draft of Public Participation Policies for Comprehensive Plan and Development Regulation Amendment

Attachment B: RCW 36.70A.035