

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: March 17, 2009

SUBJECT: Items for 2009 Comprehensive Plan Amendment Docket

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE: Recommendation to City Council on items for Comprehensive Plan Amendment Annual Docket for 2009

RECOMMENDED ACTION:

Discuss following items and make Motion to recommend Docket items to City Council.

DISCUSSION:

State Statutes limit amendment of local Growth Management Act (GMA) Comprehensive Plans to once per year. This is typically handled by a process called the Annual Comprehensive Plan Amendment Docket. The City and any interested citizens or organizations can propose items for the Comprehensive Plan Annual Docket. The City Council, upon recommendation from the Planning Board, determines what items will be addressed on the current year's docket and which will not. The Council may receive applications directly from the public and refer them for consideration and recommendation back to the Council.

The newly adopted Public Participation Policies establish April 1 as the deadline for submittal of proposed Docket items. Application to Docket an item requires a basic discussion of the item, but does not require a fully complete Comprehensive Plan Amendment Application until the Council determines that the item is on the docket for this year. Citizens or organizations wishing to submit items for the Docket must do so on forms provided by the Community Development Department. At the April 7th meeting, the Board will receive any Docket proposals from citizens or organizations that have submitted by the April 1st deadline.

Docket items proposed by the City are submitted through the Planning Board as is being done with this Agenda action.

To place an item on the Docket does not mean that it is "approved". It means that the issue is worthy of discussion and action that may result in amendment of the Plan. By recommending that these items be placed on the Docket by the Council, the Board is taking the first necessary step so that these issues can be addressed during the 2009 Comprehensive Plan Amendment process.

PROPOSED DOCKET ITEMS:

The following items are proposed by City Staff to be on the Docket as City-sponsored Amendments.

1. Amend Comprehensive Plan Text to provide for Public/Institutional Zone as overlay in the Zoning Section of the Unified Development Code, Sultan Municipal Code (SMC) Title 16.

This proposal amends the Comprehensive Plan such that it authorizes the Unified Development Code to implement an overlay zone for P/I uses without having to amend the Comprehensive Plan Map each time the overlay is placed on a property. It also eliminates the need to do a two-step Zoning Map Amendment to remove the underlying zone in case the owning government or agency determines to remove the property from public ownership and make it available for private purchase. This means that the Public Notice required for a Zone Map Amendment is provided, but it can be done at any time without first waiting for scheduling an amendment to the Comprehensive Plan on the Annual Docket.

2. Amend the Comprehensive Plan Future Land Use Map (Figure LU-1) to designate the north portion of Reese Park and the Water Treatment Plant site as Low-Moderate Density Residential, and provide Comprehensive Plan direction for zoning the properties as P/I on the Official Zoning Map.

The overlay discussion provided in item 1 above addresses how and why this is being done in a two-step process. This will complete Comprehensive Plan land use designation and Unified Development Code Zoning of all land within the City Limits.

3. Assessment and possible Amendment of Comprehensive Plan Policies on Population and Economic Development, Section 2.2, Goals and Policies, General, #12, #13, and #14.

These three policies, taken together, could be argued to effectively prohibit annexation of any land in the Urban Growth Area (UGA) until some undefined degree of infill (arguably 100%) is achieved inside the existing City Limits. It is unlikely that this is the intent of these policies, but the argument could be used by someone objecting to an annexation, and the outcome of such a challenge in court is not predictable given the current language.

It is not the intent of the UGA program to prohibit annexations. Rather, its intent is to make clear the areas where annexation is available, and under what reasonable conditions that is to happen. City staff does not propose to do away with standards for development or annexation. To the contrary, the plan and

development codes should specify significant public infrastructure and service expectations for developers proposing to develop in the undeveloped areas of the existing City Limits beyond the current extent of city utilities and roads of sufficient capacity or for those proposing to develop in the UGA.

The issue here is that it could be argued that there is no threshold of utility and transportation improvement offered by a developer that could allow the City to approve an annexation proposal for land within the UGA. There should be a threshold whereby a developer could propose installation of utilities and transportation facilities that would benefit the entire Community. Such facilities could be arterial streets or trunk utility lines where the system plans call for them to be located and where the anticipated City budget will be unable to provide them.

The Amendments resulting from this analysis would not relieve developers, either in the UGA or in the City Limits from addressing capacity needs of the water system, the sewer system, or the transportation system. These are ultimate capacity limitations that determine how much development can occur in the Community. The issue addressed by this proposal is that we can discuss these issues with developers inside of the City Limits. It could be argued that we cannot even discuss these issues with property owners in the UGA.

A further consideration raised by these policies relates to the “concentric ring” model of development. One interpretation of the policies, taken together as parts of a whole, is that all development land in the City core must be developed at full capacity (infilled) before any development can occur that requires service extensions, and that development in the UGA must wait until the entire City Limits is developed to “full capacity”.

Absolute adherence to this model is neither realistic nor appropriate. To some extent, this issue can be addressed by the modifications implied by this proposal. There are related policy questions that may not be addressed by this docket proposal. These will be addressed in the Comprehensive Plan Update in 2011.

4. Industrial Park Master Plan (Reference Document to Comprehensive Plan) at page 3.7, Development Review Process, Binding Site Plan. The issue in question is as follows:

All projects within the Industrial Park will be approved through a Binding Site Plan procedure. Currently, the Sultan Development Code (Chapter 21.06 SMC) contains provisions for Binding Site Plan approval of land divisions.

These provisions should be broadened to apply to all development within the Industrial Park to consolidate permit review procedures for the division of land,

project site design including lot configuration, building location and design, street improvements, utilities, parking, storm water management, open space, landscaping, signage, and other elements of total project design, as well as provision of infrastructure through Developer Agreements. (Emphasis in original)

Staff perspective on the requirement for Binding Site Plan is that it is inappropriate, unnecessary, and a procedural barrier to development. The Binding Site Plan process, as provided by state statute in RCW 58.17.035 and 58.17.040 is specified as an “alternative method for land division”. This means that the developer may choose to undertake a commercial or industrial subdivision through the Binding Site Plan (BSP) process “as an alternative to the procedures required by this chapter (RCW 58.17: Boundaries and Plats). It is not, as discussed in the plan excerpt above, provided as a generalized tool for “coordinating all development”.

The appropriate tool to accomplish the desired quality development is the Developer Agreement which is also discussed in the above excerpt. The Developer Agreement brings together all development standards, facility plans, environmental requirements, and development design concepts into a unified package. The Developer Agreement may include a BSP if land is being divided, and will not include a BSP if land is not being divided. The BSP is a component of the Developer Agreement, the Developer Agreement is not a component of the BSP.

To do a Developer Agreement and a BSP for all development is a significant additional burden on both the developer and the City. Binding Site Plan should be an available alternative in the Commercial and Industrial Zoned areas where the developer is creating new parcels (subdivision), and where the allowances given by the BSP statute result in a better lot layout

See Attachment A for the plan provisions related to this item.

5. The Road Functional Classification used in the Plan does not correlate with the State and Federal classification systems. For grant applications and various funding sources, it is necessary to amend the Plan to accommodate the State and Federal systems. This involves Amendment of Figure T-1, Recommended Arterial Functional Classifications and the corresponding text, and Table T-3, to make the same changes to the specified Sultan Road classifications.

Changes to the classification definitions will be incorporated into the City of Sultan Road Design Standards and Specifications document. The Design Standards are the Administrative Standards used for guidance in implementing the Development Code which ultimately implements the Comprehensive Plan Goals and Policies.

See Attachment B for the Plan provisions related to this item.

ATTACHMENTS:

Attachment A: Population and Economic Development, Section 2.2, Goals and Policies, General, #12, #13, and #14.

Attachment B: Comprehensive Plan Pg. 75, Pg. 77, Pgs. 92-97, Pgs 99-100.