

**SULTAN PLANNING BOARD
AGENDA COVER SHEET**

ITEM NO: D-4

DATE: April 6, 2010

SUBJECT: Reorganization of Title 16, Unified Development Code

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Review and discuss with Staff the Scope-of-Work and proposed Work Schedule for reorganization of Title 16, Unified Development Code.

STAFF RECOMMENDATION:

Staff recommends that the Board discuss the proposed project with Staff to develop a sufficient understanding of the project and the respective roles of the Board and Staff.

BACKGROUND:

The Board has been aware for the last year or more that the Unified Development Code (Sultan Municipal Code SMC) Title 16 and its companions in the SMC, Title 21; Other Land Uses and Title 22; Sign Regulations are in serious need of updating.

While most of the body of Title 16 has been revised one or more times since 1995, the essential organization and format of the document comes from models typical to County Zoning Codes of the 1960's. In addition, there are some serious gaps in Administrative details and coordination between Code Provisions.

DISCUSSION:

The objective of reorganization of the Code is to make it clear, readable, functional, effective, and legally supportable. Experience with administration of the current Code has shown deficiencies in all of these areas. A partial list of these issues is as follows:

1. The Zone descriptions and use listings are all in text format and very difficult to navigate for both Staff and the public.
2. There is no specific organized provision for application and review of Variances.
3. The Conditional Use Provisions are contained in Title 21 instead of the Unified Development Code.
4. Title 16 is referred to as a Unified Development Code, but it is not a Unified Code under any reasonable definition of the term. The issue in Item 3 above is sufficient to exclude Title 16 from legitimate labeling as a Unified Development Code.
5. The Land Division Regulations (Subdivision, Short Plat, Planned Unit Development, Binding Site Plan, and their accompanying Development Standards) were inserted into the body of the previously-existing Zoning Code and the result was labeled Unified Development Code. There was no meaningful integration of the Standards in the previously-existing Zoning Code with the newly inserted Land Division Processes. This leads to greater confusion instead of seamless Administration which is the objective of a true Unified Development Code.
6. Binding Site Plan, which is a Land Division procedure, was placed in Title 21, with no coordination to the Other Land Division Processes in Title 16.

There are well-tested fixes for these problems. These fixes take the following forms (this is a partial list):

1. Separate the Land Division Procedures back out and into a Land Division Code. There is no need in this Community for a “Unified Code”. The Land Use Program will be more easily understood and effective if people who want to know about Zoning can go to a Zoning Code, and those interested in the more complex affairs of dividing land can go to a Land Division Code.
2. Convert to a table-driven format. This means that the list of Uses in the Zones, most of which are repeated several times, are condensed into a single table that provides at-a-glance information on what Zones allow what use and comparisons between the various Zones on a single page. The same concept applies to the Sections of the Code that prescribe setbacks and other Development Standards that are readily adaptable to tabular presentation format.
3. Consolidation of all other Title 21 topics to their appropriate locations in the Zoning Code or the Land Use Division Code. There should not be a SMC Title called “Other Land Uses”. It only provides for a Staff member or citizen to lose track of a portion of their project.
4. Conversions to procedures described by a “Level” designation. Level I, Level II, Level III, etc. is a convention that describes increasing involvement of the public in various types of Land Use Processes. Conditional Uses, Variances, Outright Uses, Code Amendments, etc. are placed in their appropriate “Levels” so that it is clear which application and processing format is used for that action. This avoids duplication and error implicit in multiple recitations of the same procedure at various locations throughout the Code.

TWO-PHASE PROJECT:

To fully bring the Sultan Land Use Codes up-to-date will take a two-phase effort.

PHASE ONE:

Is commenced with the presentation and will occupy the rest of 2010. **Attachment A** provides the proposed schedule for moving through the re-formatting and reorganization of the Land Use Code. This activity will use existing language wherever possible and will retain the intent of the existing Code.

Where consolidation into Tables and Text descriptions is implemented, the use will be retained at the same level of public involvement, even though the name of the process is changed from “Conditional Use” to “Level III”.

When the Subdivision Standards are moved out of the Zoning Code into a Land Division Code, the same procedure for processing will be carried over, even though its numbering sequence will be different.

Changes implemented in this Phase will require little policy-oriented review and input from the Board as the changes will not be changing how the Code implements policies of the Comprehensive Plan. At times where significant new language is required, in the missing Chapter on Variance Processing for example, Staff will alert the Board to that item for more detailed involvement.

Staff proposes to bring the Board sections of the re-formatted Ordinance for review by the Board so that an understanding of the concepts of table-driven format and “Level” Processing can be developed. This should not require investment of the Board’s time in feeding back on details of the project. The Board’s Policy Review time will continue to be invested in the Comprehensive Plan Policy and public involvement effort.

The Board needs to understand and buy-in to the proposition that this reformatting exercise is not a significant policy-related involvement of the Board as there will not be time for multiple reviews and presentations of options in the remaining months of 2010 if this project has any prospect of being completed on schedule.

PHASE TWO:

Will take place in 2011. This will consist of specific changes in the Zoning and Land Development Code to accommodate policy changes in the new Comprehensive Plan and other Regional and State requirements.

HEARING AND ADOPTION PROCESS:

When a new set of Codes is assembled, the Board will need to hold Public Hearing on the adoption. This will be processed under Level IV Procedures of the Public Participation and Notice Procedures (SMC Title 16.134). Staff proposes that the process be handled as a repeal of existing Title 16, 21, and 22, as there will be no way to re-format these extensive Codes while tracking changes between Text and Table Formats or from one Title to multiple locations in other Titles.

STAFF RECOMMENDATIONS:

Staff recommends that the Board discuss the proposed project with Staff to develop a sufficient understanding of the project and the respective roles of the Board and Staff.

ATTACHMENT:

Attachemnt A: Draft Schedule for Land Use Reorganization Project