CITY OF SULTAN
COUNCIL MEETING – COMMUNITY CENTER
June 26, 2014

7:00 PM CALL TO ORDER - Pledge of Allegiance and Roll Call

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS
1) Business Spotlight – Mt View Chevron
2) Volunteer Spotlight – Sportsman's Club

COMMENTS FROM THE PUBLIC: Citizens are requested to keep comments to a 3 minute maximum to allow time for everyone to speak. It is also requested that you complete a comment form for further contact.

COUNCILMEMBER COMMENTS

CITY ADMINISTRATOR COMMENTS

STAFF REPORTS – Written Reports Submitted
1) Animal Control
2) Public Works
3) Grants

HEARINGS:
1) 6 Year Transportation Improvement Plan
2) Title 18 – Land Use Code

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council.
1) Approval of the June 12, 2014 Council Meeting Minutes
2) Approval of Vouchers
3) Ordinance 1197-14 – Geolocially Hazardous Areas

ACTION ITEMS:
1) 4th & High Project – Construction Management Contract
2) 4th & High Project – Construction Bid Award
3) Resolution 14-07 - 6 Year Transportation Improvement Plan
4) Planning Board Appointment – Lucy Hitchcock
5) Ordinance 1199-14 – Title 18 Land Use
6) Interlocal Agreement – Snohomish County Urban County Consortium (CDBG)

DISCUSSION: **Time Permitting**

PUBLIC COMMENT ON AGENDA ITEMS ONLY

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

Executive Session: Pending Litigation

Adjournment - 10:00 PM or at the conclusion of Council business.

ADA NOTICE: City of Sultan Community Center is accessible. Accommodations for persons with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360-793-2231.
For additional information please contact the City at cityhall@ci.sultan.wa.us or visit our web site at www.ci.sultan.wa.us

CITY OF SULTAN
AGENDA ITEM COVER SHEET

Agenda Item : Presentation – P-1

Date: June 24, 2014

SUBJECT: Business Spotlight

Mountain View Chevron

Donna Murphy

CONTACT PERSON: Donna Murphy Grants and Economic Development Coordinator

ISSUE:
The issue before the Council is to recognize Mountain View Chevron as the City of Sultan's Business Spotlight for June 26, 2014.

SUMMARY STATEMENT:

Mountain View Chevron is located at 33902 US 2, Sultan, WA and Rusty and Jana Drivstuen are the owners and sole proprietors. Both Rusty and Jana have strong roots and family ties in the Skykomish Valley. Rusty's family was born and raised in the valley where his Dad owned the Sno-King Dairy that his grandfather started. His Dad also built the Red Barn Service Station and Convenience Store in Monroe, which was the first in the State of Washington to open a convenience store that sold gas too.

Rusty's Dad has always been an inspiration to him, challenging Rusty to try new things having a true entrepreneur spirit. Rusty is proud to be part of 3 generations of milk men and delivered milk all his life until he and Jana built the Mountain View Chevron in Sultan, almost 20 years ago. .

Mountain View Chevron has the Chevron Brand gas in the front of the store, and in the back is diesel, unleaded regular and off road diesel. He buys these gasses on an open market and they can be much more competitive than the branded stories.

Inside, they sell sandwiches, hot food, coffee and a variety of snacks. During the winter they sell discount ski tickets to Stevens Pass and a shuttle service up the mountain. They also sell Forest Service Hiking Passes year round.

Rusty and Jana live on Sultan Basin Road, right next door to one of their daughters and 3 grand children, starting on the 4th generation.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: P-2

DATE: June 26, 2014

SUBJECT: **Volunteer Spotlight – Sultan Sportsmen's Club**

CONTACT PERSON: Donna Murphy, Volunteer Coordinator

ISSUE:
To recognize and spotlight the Sultan Sportsmen's Club and the many contributions the members have made to the community.

SUMMARY:
The Sultan Sportsmen's Club was formed in 1962 by Bob Hazelbrook, Ray Engel, Doyle Downs, Burl Champeaux, Grant Bryson, Bud MacDonald and his son Mack MacDonald, Ray York and Bruce Lorentzen. They began by cleaning up Sportsmen's Park and hence, how they got their name.

Former Mayor, CH Rowe is the current president and he said their current mission is conservation of the river and its resources, helping youth by sending 2 students to camp on Orcas Island each year and, awarding scholarships to the Sultan Education Foundation. Their community service includes helping elderly and disabled community members clean up their property, building wheelchair ramps, sponsoring sports teams and shooting clubs. They've donated money to help a single mom whose house burned, helping her out with a motel room and food.

Other members of the club are LeRoy Jensen, Iris Jensen, Bob McCarty, Jackie Rowe, Dorothy Morris, Alice Reimland, Grant French, John Morgan, Brian and Debbie Copple, Jim Flower and Bart Dalmasso.

In February, 2014 Sultan Sportsmen's Club received its official 501 © 3 non-profit status. They're looking for property to build a club house on with room for weddings, receptions, dinner auctions, summer picnics, etc.

Every Shindig you can find the Sultan Sportsmen's Club members flipping burgers at their booth on 1st Street. Oftentimes they take on the dunk tank as well, both of which are excellent fundraisers.

President CH Rowe and LeRoy Jensen

The Sportsmen's Club sponsors the annual Fishing Derby held at Boucher's Ponds every year. It began in 1955 at the Mill Pond near the Sultan Basin Road. After the mill closed, the derby eventually moved to its current location. This year there were approximately 80 children between 2 and 14 vying for prizes awarded for the most and biggest fish caught.

The Sportsmen's Club was the force behind building the All Veteran's Memorial located at Sultan River Park. They try to keep it groomed, but can always use help. They also repair and replace the flags at the Memorial, which cost approximately $200 each.

The Sportsmen's Club meets the first Wednesday of each month and is always looking for new members. To join it costs $100 that can be waived by a vote of the members if the new member is willing to help with functions.

SULTAN CITY COUNCIL
AGENDA COVER SHEET

ITEM NO: SR-1

DATE: June 26, 2014

SUBJECT: Community Service Officer

CONTACT PERSON: Victoria Forte', Community Service Officer

ISSUE:
Transmitting report from Victoria Forte, Community Services Officer

STAFF RECOMMENDATION:
Receive report, no action required.

BACKGROUND:
Current update on Animal Control Program

Attachment A: Community Service Officer Work Log

	Sent to rescue	Euthanized	Dog at Large/ leash law violation	Barking Dog/Crowing Rooster Complaints	Dead on arrival (DOA)	Domestic and Wildlife	Animals Abandoned	Aggressive Animal Complaints	Bite Dogs/Cats	Cruelty/Neglect Investigation Complaints	Cat Complaints and/or Calls	Other
January	0	0	19	3	2	1	1	0	4	0	5	
February	2	0	14	2	0	0	1	0	5	0	5	
March	0	0	13	3	0	0	1	0	0	0	5	
April	0	0	13	1	0	0	3	0	1	1	3	
May	0	0	15	5	1	0	3	0	0	0	1	
June (17th)	0	0	13	0	0	0	1	0	0	1	1	
July												
August												
September												
October												
November												
December												
Yearly Totals												

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO:	SR – 2
DATE:	June 26, 2014
SUBJECT:	Public Works Monthly Report
CONTACT PERSON:	Mick Matheson, P.E., Public Works Director

ISSUE:
Provide monthly reports to Council regarding:

- City of Sultan Water Plant Production and Operation
- Everett Meter Readings
- 2014 Water Meter Replacement Program
- City of Sultan Wastewater Treatment Plant Operation
- Recycling and Garbage Reports
- Cemetery Report
- Field Supervisor Report

SUMMARY:
There are eleven total attachments. Six attachments are designed to provide information regarding the City of Sultan's water production, a water supply comparison, water meter replacement program and information on the Everett meter readings.

Lastly, there are five attachments designed to provide information with respect to the City of Sultan's Wastewater Treatment Plant operation, garbage collection, recycling, cemetery and current public works crew activities. The attachments are updated monthly.

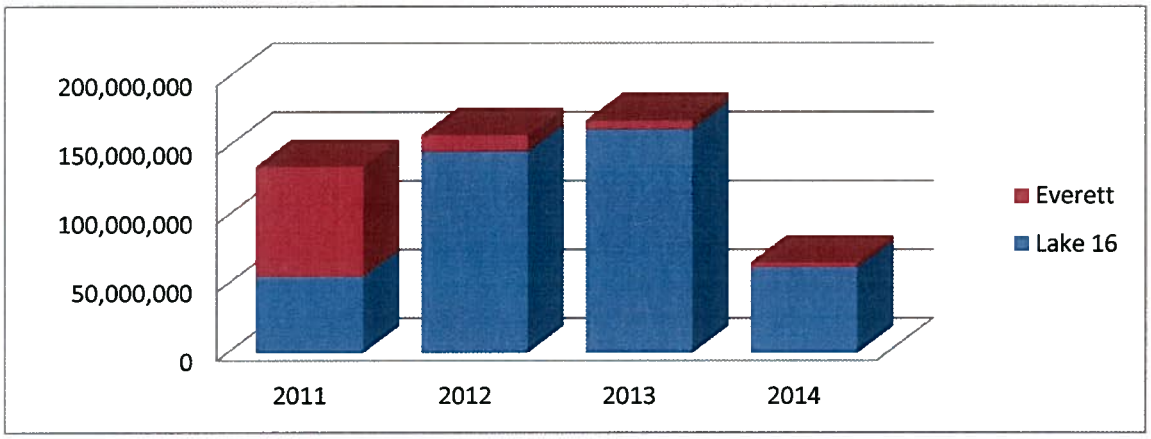
ATTACHMENTS:

Attachment A-1	Lake 16 vs. City of Everett Water Supply Comparison
Attachment A-2	Lake 16 Production for 2014
Attachment A-3	City of Sultan Water Plant Production Past 6 Years
Attachment A-4	Yearly Totals to Distribution System
Attachment A-5	2014 Water Meter Replacement Schedule
Attachment A-6	Everett Meter Readings for 2014
Attachment A-7	City of Sultan Wastewater Treatment Plant Operational Report
Attachment A-8	Garbage Report
Attachment A-9	Recycling Report
Attachment A-10	Cemetery Report
Attachment A-11	Field Supervisor Report

Lake 16 vs. City of Everett Water Supply Comparison

Yearly Totals for Lake 16 and Everett Productions

	2011	2012	2013	2014
Lake 16	55,707,050	146,762,070	163,185,000	62,339,000
Everett	80,360,632	11,943,316	6,154,544	3,702,600
Total Gallons	136,067,682	158,705,386	169,339,544	66,041,600
% Everett	59%	8%	4%	6%



NOTE: ALL NUMBERS ARE IN GALLONS

LAKE 16 ANNUAL PRODUCTION

MONTH	RUN TIME HOURS	FLOW	FLUSHES	BACKWASH	FILTER TO WASTE	TOTAL TO TOWN	CHLORINE POUNDS	FILTER AID/POUNDS	COAGULANT LBS	CAUSTIC LBS	FLUORIDE LBS	SODA ASH LBS
Jan-14	319.1	13,552,000	720,000	1,271,500	663,750	10,896,750	166	1.4	1,643	1,390	91.0	0.0
Feb-14	271.1	11,889,000	652,800	1,085,700	585,000	9,565,500	141	1.0	1,784	893	65.0	0.0
Mar-14	282.6	11,968,000	681,660	1,219,700	652,500	9,414,140	130.7	1.2	1,859	1,328	77.0	0.0
Apr-14	241.6	10,739,000	585,600	1,005,300	540,000	8,608,100	102	1.2	1,745	922	64.0	0.0
May-14	315.7	14,191,000	758,400	1,332,000	686,250	11,414,350	134.4	1.8	1,941	1,356	85.0	1826.5
Jun-14						0						
Jul-14						0						
Aug-14						0						
Sep-14						0						
Oct-14						0						
Nov-14						0						
Dec-14						0						
TOTALS	**1,430.1**	**62,339,000**	**3,398,460**	**5,914,200**	**3,127,500**	**49,898,840**	**674**	**6.6**	**8,972**	**5,889**	**382.0**	**1826.5**
AVERAGE	**286.0**	**12,467,800**	**679,692**	**1,182,840**	**625,500**		**135**	**1.3**	**1,794**	**1,178**	**76.4**	**365.3**

FLOW/FLUSHES/BACKWASH/FILTER TO WASTE/ TOTAL TO TOWN NUMBERS ARE ALL IN GALLONS

Attachment A-2

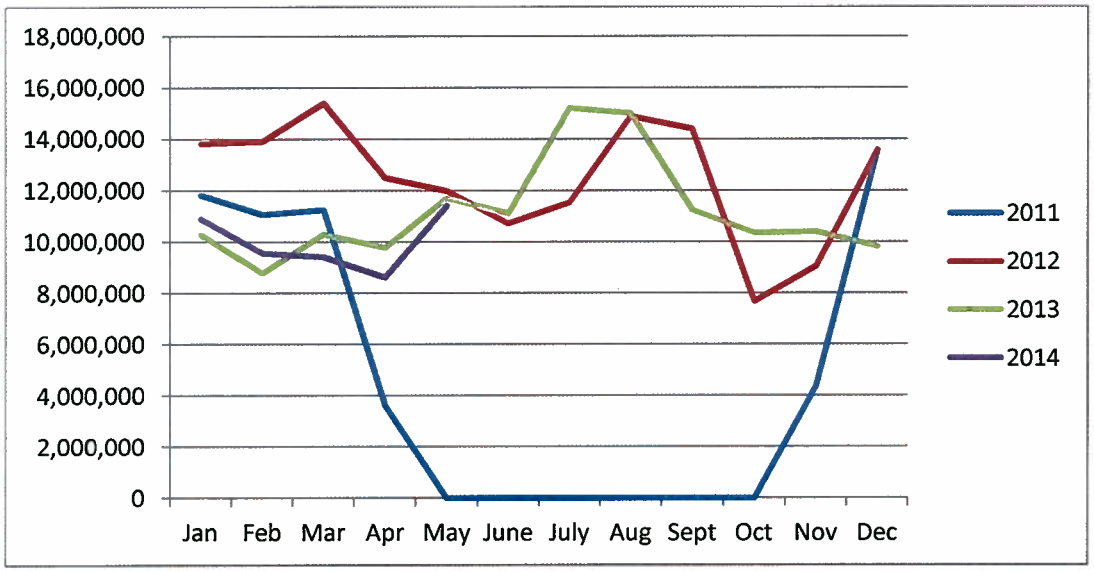
CITY OF SULTAN
Water Plant Production Past 6 years

	2009	2010	2011	2012	2013	2014
JAN	13,042,000	11,986,600	11,816,800	13,837,500	12,695,000	13,552,000
FEB	11,726,500	10,940,800	11,059,100	13,917,500	10,821,000	11,889,000
MARCH	11,707,750	12,070,300	11,246,150	15,413,700	12,453,000	11,968,000
APRIL	10,509,450	11,473,900	3,636,500	12,509,700	12,330,000	10,739,000
MAY	12,026,850	12,080,100	0	11,994,500	14,516,000	14,191,000
JUNE	14,787,200	10,055,300	0	10,721,850	13,654,000	
JUL	19,943,900	16,291,400	0	11,536,100	18,270,000	
AUG	16,797,000	16,332,850	0	14,897,550	16,369,000	
SEPT	13,457,500	11,716,200	0	14,403,400	13,820,000	
OCT	10,360,700	11,049,000	0	7,669,000	12,901,000	
NOV	10,534,300	11,755,700	4,359,500	9,048,000	13,074,000	
DEC	12,921,100	11,397,000	13,589,000	10,813,600	12,282,000	
AVG	13,151,188	12,262,429	4,642,254	12,230,200	13,598,750	
TOTAL	**157,814,250**	**147,149,150**	**55,707,050**	**146,762,400**	**163,185,000**	**62,339,000**

YEARLY TOTALS TO DISTRIBUTION SYSTEM

	2011	2012	2013	2014
Jan	11,816,800	13,837,500	10,271,500	10,896,750
Feb	11,059,100	13,917,500	8,778,600	9,565,500
Mar	11,246,150	15,413,700	10,295,800	9,414,140
Apr	3,636,500	12,509,700	9,775,750	8,608,100
May	0	11,994,500	11,709,190	11,414,350
June	0	10,721,850	11,106,400	
July	0	11,536,100	15,208,100	
Aug	0	14,897,550	15,005,000	
Sept	0	14,403,400	11,235,750	
Oct	0	7,669,000	10,349,400	
Nov	4,359,500	9,048,000	10,396,050	
Dec	13,589,000	13,589,000	9,823,500	
TOTAL	**55,707,050**	**149,537,800**	**133,955,040**	**49,898,840**
AVG	**4,642,254**	**12,461,483**	**11,162,920**	**9,979,768**

ALL NUMBERS ARE IN GALLONS



Attachment A-4

2014 WATER METER EXCHANGE SCHEDULE

Month-Year	Actual # Meters Changed	Program Goal	Remaining Meters at Month End
Beginning Balance			**275**
Jan-14	50	25	225
Feb-14	35	25	190
Mar-14	81	25	109
Apr-14	1	25	108
May-14	0	25	108
Jun-14		25	
Jul-14		25	
Aug-14		25	
Sep-14		25	
Oct-14		25	
Nov-14		25	
Dec-14		25	
TOTAL	167	275	108

Everett Meter Readings for 2014

DATE	PREVIOUS READING	CURRENT READING	TOTAL CUBIC FEET	TOTAL GALLONS	AVERAGE PER DAY
1/3/2014	161,275	162,945	167,000	1,249,160	40,295
1/4/2014	162,945	163,120	17,500	130,900	4,223
3/6/2014	163,120	164,221	110,100	823,548	29,412
4/2/2014	164,221	165,614	139,300	1,041,964	33,612
5/5/2014	165,614	167,881	226,700	1,695,716	56,524
6/5/2014	167,881	168,070	18,900	141,372	4,560
			0	0	0
			0	0	0
			0	0	0
			0	0	0
			0	0	0
			0	0	0
TOTALS			**679,500**	**5,082,660**	**168,626**

CITY OF SULTAN
Wastewater Treatment Plant
Operational Report
2013 - 2014

	Influent Flow (Max High allowed 0.72 MGD)				**Total Rainfall**	**Effluent PH** (Range allowed 6.0 - 9.0)		**Biological Oxygen Demand** (Range allowed 85% to 100%)	**Avg Suspended Solids** (Range allowed 85% to 100%)	**Sludge Wasted**	**Hauled**
MONTH	Total (MG)	Avg (MGD)	High (MGD)	Low (MGD)	Inches	PH Low	PH High	Avg % Reduction	Avg % Reduction	Gallons	Wet Tons
Jan-13	12,675	0.409	1.093	0.237	10.3	6.1	6.6	95.0	92.4	83,787	34.82
Feb-13	8,804	0.314	0.395	0.260	5.25	6.3	6.7	96.0	93.1	72,960	35.17
Mar-13	10,701	0.345	0.485	0.27	7.09	6.2	6.5	96.6	95.5	64,315	23.23
Apr-13	11,602	0.387	0.628	0.217	11.28	6.3	6.4	97.6	97.7	58,980	23.98
May-13	9,415	0.304	0.377	0.259	4.27	6.2	6.5	98.2	98.0	79,250	35.77
Jun-13	7,892	0.263	0.341	0.234	4.61	6.2	6.5	98.5	98.4	82,452	23.23
Jul-13	6,815	0.220	0.245	0.195	0.14	6.3	6.7	98.9	98.9	99,922	18.08
Aug-13	6,484	0.209	0.278	0.189	3.13	6.4	6.7	98.8	98.5	88,730	35.58
Sep-13	7,342	0.245	0.415	0.204	10.79	6.5	6.8	98.7	99.1	72,494	24.48
Oct-13	8,320	0.268	0.397	0.226	3.2	6.3	6.7	98.4	98.5	73,875	36.92
Nov-13	10,252	0.342	0.484	0.235	10.66	6.3	6.6	97.4	97.5	61,570	25.58
Dec-13											
Jan-14	11,255	0.363	0.683	3,278.000	7.83	6.3	6.5	97.3	97.8	95,399	49.06
Feb-14	9,055	0.323	0.448	0.263	7.39	6.2	6.6	97.5	97.9	95,954	36.67
Mar-14	16,208	0.523	1.181	0.292	16.49	6.3	6.6	96.9	98.3	81,701	36.87
Apr-14	10,541	0.351	0.533	0.282	7.06	6.3	6.6	97.9	98.8	119,782	49.36
May-14	10,397	0.335	0.500	0.259	5.76	6.3	6.5	98.3	98.5	97,025	37.52
Jun-14											
Jul-14											
Aug-14											
Sep-14											
Oct-14											
Nov-14											
Dec-14											

2013 GARBAGE REPORT

	2013 TONS	2013 COST	2014 TONS	2014 COST
January	141.21	$14,830.00	154.42	$16,216.00
February	130.45	$13,702.00	121.97	$12,809.00
March	140.42	$14,750.00	147.69	$15,509.00
April	148.68	$15,613.00	126.11	$13,248.00
May	153.33	$16,103.00	161.18	$16,930.00
June	124.58	$13,083.00		
July	126.67	$13,301.00		
August	152.30	$15,537.00		
September	147.71	$15,512.00		
October	138.09	$14,503.00		
November	130.16	$13,671.00		
December	144.60	$15,187.00		
TOTALS	**1,678.20**	**$ 175,792.00**	**711.37**	**$74,712.00**

REPUBLIC SERVICES

City of Sultan
Tonnage

Sector	Commodity	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Total
Commercial	Recycle	3.39	4.07	4.96	4.50	5.14	-	-	-	-	-	-	-	22.06
Multifamily	Recycle	2.48	2.91	2.95	2.35	2.08	-	-	-	-	-	-	-	12.77
Residential	Recycle	36.29	35.99	41.92	32.83	29.78	-	-	-	-	-	-	-	176.81
	Total Recycle	**42.16**	**42.97**	**49.83**	**39.68**	**37.00**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**211.64**
Commercial	Yardwaste	0.19	0.14	0.57	0.52	0.68	-	-	-	-	-	-	-	2.10
Multifamily	Yardwaste	0.04	0.03	0.11	0.10	0.14	-	-	-	-	-	-	-	0.42
Residential	Yardwaste	13.16	9.30	38.68	35.61	46.29	-	-	-	-	-	-	-	143.04
	Total Yardwaste	**13.39**	**9.47**	**39.36**	**36.23**	**47.11**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**145.56**

City of Sultan
Customer Counts

Sector	Commodity	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Total
Residential	Recycle	1,475	1,476	1,479	1,483	1,484	-	-	-	-	-	-	-	7,397
Commercial	Recycle	18	18	18	18	18	-	-	-	-	-	-	-	90
Multifamily	Recycle	4	4	4	4	4	-	-	-	-	-	-	-	20
Residential	Yardwaste	314	314	314	331	346	-	-	-	-	-	-	-	1,619
Commercial	Yardwaste	3	3	3	3	3	-	-	-	-	-	-	-	15
Multifamily	Yardwaste	1	1	2	2	2	-	-	-	-	-	-	-	8

Attachment A-9

CEMETERY REPORT
BURIALS

103 Cemetery Operating Fund

Description	2014 BUDGET	2014 ACTUAL
Revenue		
Beginning Balance	0	6,405
Cemetery Fees	25,000	6,751
Investment Interest	100	0
Total Resources	25,100	13,156
Expenditures		
Total Expenditures	23,440	7,193
Ending Fund Balance	**1,660**	**5,963**

Burials	YTD 2014
Ash	3
Full	0

These numbers are January 2014 through May 2014

SULTAN CITY COUNCIL

AGENDA ITEM

DATE:	June 26, 2014
SUBJECT:	Public Works Projects-Update
CONTACT PERSON:	Connie Dunn, Public Works Field Supervisor

ISSUE:

The Public Works projects list and status report. Connie is out of the office until approximately the end of July. Julie will be getting the information for this report from the crew.

SUMMARY:

Water:
Mike Williams and Matt Wood continue to do the daily duties required to properly maintain the water plant.

At Startup Water District Mike and Matt did the following:

- Installed surveillance cameras
- Trimmed trees and cleared blackberries at the reservoir and the well field.
- Mowed the well field and reservoir field.
- Read meters (this is done twice a month).
- Monthly water testing

Parks:
Mowing and weed eating of city parks continues. Also, Matt Wood unbolted the bleachers from behind the backstop and moved them to the baseline.

Garbage:
The toters for the new garbage truck have been received and inventoried.

Sewer:

- Staff mowed/maintained Sportsman's Park.
- Cleaned up the guardrails along Highway 2 in front of the WWTP and the park.
- Completed the quotes for the centrifuge repair. A purchase order will be issued.
- Performed the first service on the Landia ditch mixer.
- Greased the entire plant.
- Painted the outer ring of Clarifier #1 and the effluent valves.

Staff:
We would like to welcome Dustin Lindahl who was hired for summer help. Jim Barns has been working with Dustin and he will be filling in on the garbage truck when needed and will be mowing and weed eating throughout the summer along with other miscellaneous jobs.

Thank you,
Connie Dunn

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: H-1

DATE: June 26, 2014

SUBJECT: 2015-2020 Transportation Improvement Plan
Hold a Public Hearing for June 26, 2014

CONTACT PERSON: Mick Matheson, P.E. Public Works Director

ISSUE:

The issues before the City Council are twofold. The first issue is to review the staff recommended changes to the 2015-2020 Transportation Improvement Plan (TIP). The second issue is to hold the public hearing to take comment on the 2015-2020 Transportation Improvement Plan.

STAFF RECOMMENDATION:

City staff recommends the City Council review the staff recommended changes to the 2015-2020 Transportation Improvement Plan (TIP), and hold the public hearing on June 26, 2014 to take public comment on the 2015-2020 Transportation Improvement Plan.

SUMMARY:

State and Regional Transportation Planning

State law (RCW 35.77.010) mandates that all local jurisdictions annually adopt and submit to the state a six-year program of transportation improvements known as the Local TIP.

The six-year local TIP serves as a work plan for the development of local transportation systems and, as such, represents an important planning component under the State's Growth Management Act.

The Washington State Department of Transportation (WSDOT) and the Puget Sound Regional Council (PRSC) use Local TIPs as a tool for coordinating the transportation programs of local jurisdictions with those of regional agencies.

PSRC also monitors Local TIPs for projects of regional significance (to be modeled for Air Quality conformity) and projects supported by federal funds. These projects are incorporated into the Regional TIP, which is then forwarded for inclusion in the State TIP.

Local Transportation Planning

In 2011, the City updated its Comprehensive Plan which includes a Capital Facilities Element and Transportation Element. Transportation capital projects are a subset of the 2011 Capital Facilities Element. Transportation capital projects are generated out of the 20-year list of projects included in the Transportation Element. The funded projects included in the six-year TIP are included in the six-year Capital Improvement Plan adopted by the City Council during the budget process.

The importance of the City of Sultan TIP is that, in most cases, projects must be included on the Local TIP to be eligible for state and federal grant programs. The proposed Local TIP includes several projects that would compete well against state and federal grant program criteria.

Sultan Six-Year TIP

The proposed City of Sultan 2015-2020 Local TIP carries forward several of the projects from the 2014-2019 TIP:

1. T-39 Pavement Overlay Program
2. T-67 4th Street Overlay
3. T-68 High Avenue Reconstruction
4. T-70 1st Street Sidewalk
5. NM-3 Sidewalk Spot Improvements
6. NM-4 Sidewalk/Trail Improvements/Enhancements
7. NM-8 US-2 Pedestrian Crossing

The following projects were deleted from the 2015-2020 TIP due to completion or anticipated completion by the end of 2014.

1. T-23 Alder Avenue Reconstruction and Improvements
2. T-66 Sultan Basin Road Overlay
3. T-69 Alder Avenue Sidewalk

New projects proposed for the 2015-2020 TIP include:

1. T-45 5th Street Reconstruction
2. T-46 Date Avenue Reconstruction
3. NM-9 Sultan River Trail

The city has spent the last ten years improving key intersections with US2 such as the WSDOT roundabout at Rice Road, key choke points such as 5th Street, Old Owen Road and Sultan Basin Road.

The 2015-2020 TIP focuses on street reconstruction and preservation projects, and pedestrian improvements. It is very important that the city maintains its existing roadway system before it reaches the point of failure. Years of productive life can be added to a roadway by focusing on preservation.

The City's TIP is predominantly grant driven. Transportation Impact Fees may only be used for projects that add capacity, and may not be used for preservation, maintenance, or reconstruction. Excise Tax (REET) is a revenue resource, but is a minor component of available funding and is partially dedicated to paying the debt service on the community center. The Street Fund (also a minor component of available funding) has historically been used for road preservation projects that are strategically selected annually to address street maintenance for those roadways that have not broken down to the point of requiring a total re-build.

Expenditures

T-39 (Pavement Overlay Program) has been modified to reflect a $12,000 expenditure in 2015 to account for chip-sealing on a yet-to-be determined City street.

T-45 (5th Street Reconstruction from Main Street to US2) has been added to reflect design and construction of improvements to reconstruct this section of badly deteriorated street. Estimated preliminary design and construction costs are $75,600. Staff anticipates applying for a Transportation Improvement Board grant for this project this year. The grant will require a five percent match.

T-46 (Date Avenue Reconstruction from 4th Street to 150 feet east of 5th Place)) has been added to reflect design and construction of improvements to reconstruct this section of badly deteriorated street. Estimated preliminary design and construction costs are $265,650 for the transportation improvements. Staff anticipates applying for a Transportation Improvement Board grant for this project this year. The grant will require a five percent match.

T-67 (4th Street Overlay) has been modified to reflect a $255,000 expenditure in 2015 to account for transportation related construction costs for this project. Construction is scheduled to proceed in July 2014 and may carry into 2015.

T-68 (High Avenue Reconstruction) has been modified to reflect a $485,000 expenditure in 2015 to account for transportation related construction costs for this project. Construction is scheduled to proceed in July 2014 and may carry into 2015.

T-70 (1st Street Sidewalk) has been carried forward.

NM-3 (Sidewalk Spot Improvements) has been carried forward.

NM-4 (Sidewalk/Trail Construction or Enhancements) has been carried forward.

NM-8 (US2 Pedestrian Crossing) has been carried forward as we continue to seek construction funding.

NM-9 (Sultan River Trail) has been added to reflect property acquisition and construction of a pedestrian trail adjacent to the Sultan River from Osprey Park to River Park. Estimated expenditures are approximately $747,000 and are to be grant funded.

Revenues

- Street Fund – $12,500 in annual revenues from the Street Fund were added to incorporate the Council's decision to dedicate 1% of utility taxes to support street maintenance and reconstruction. $75,000 over 6 years.
- REET anticipated for 2010 through 2030 from the 2011 Comprehensive Plan = $2,750,162.
- Transportation Impact Fees anticipated for 2010 through 2030 from the 2011 Comprehensive Plan = $25,152,712.
- Grants – Grant revenue is the sum of the grants needed to fund the proposed projects.
- Debt – no debt is proposed for the 2015-2020 TIP.

DISCUSSION:

Capital Improvement Plan

The Growth Management Act requires the Capital Facilities Plan (Attachment C) to contain an inventory of existing facilities, an assessment of future facility needs and a plan for financing, including a reassessment strategy to address potential funding or service shortfalls.

The Capital Facilities Element addresses all current infrastructure owned by the City and establishes a plan for the City to provide the infrastructure and facilities needed to serve its residents in the future. The CFP is based on the population, land use, UGA boundary and other fundamental planning assumptions.

The 6 year CIP prioritizes the City's 20 year investments into a shorter planning period and identified projects that will implement the Comprehensive Plan. The 6-year CIP is a subset of the 20-year Capital Facilities Element.

These documents are like concentric circles. Each one has common elements with the others.

- The Capital Facilities Plan (CFP) is the complete list of facilities (roads, parks, water, sewer and public buildings) necessary to meet the City's projected growth over the next 20 years.
- The Capital Improvement Plan is the list of facilities (including transportation projects) the City intends to build over the next 6 years to meet concurrency with the financing plan to pay for the projects.
- The Transportation Element of the Comprehensive Plan is the list of motorized and non-motorized projects necessary to meet concurrency and growth for the next twenty years.
- The Transportation Improvement Plan (TIP) identifies transportation projects the City intends to build over the next 6-years to meet the requirements of the Washington State Department of Transportation and to be eligible for federal funds.

Decisions that the City Council makes on the projects in the City's TIP will affect the CIP and CFP.

BACKGROUND:

The 2015-2020 TIP is based on the 2011 Comprehensive Plan. The Transportation element proposes a series of transportation improvements, both in facilities and in policy, to help Sultan address current and expected issues while maintaining an effective and acceptable transportation system.

The 2015-2020 TIP is compliant because it is based on a compliant Transportation Element that meets the standards of RCW 36.70A.070(6).

The 2015-2020 TIP provides a multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the six-year TIP required by RCW 35.77.010.

FISCAL IMPACT:

The fiscal impact comes from including the TIP in the six-year Capital Improvement Plan. The six-year CIP is the list of facilities (including transportation projects) the City intends to build over the next six-years to meet concurrency with a financing plan to pay for the projects.

ALTERNATIVES:

Set, change, and/or modify the proposed 6-year TIP to include a project(s) listed in the 20-year list of projects included in the 2011 Transportation Element, and hold a public hearing to take public comment on the 2015-2020 Transportation Improvement Plan.

RECOMMENDATION

Accept the proposed changes to the 6-year TIP recommended by staff and hold the public hearing to take public comment on the 2015-2020 Transportation Improvement Plan.

ATTACHMENTS:

Attachment A – 2015-2020 Transportation Improvement Plan
Attachment B – RCW 35.77.010
Attachment C – Capital Facilities Plan
Attachment D – Figure 8-O: Recommended Arterial Improvement Projects
Attachment E – Figure 8-P: Recommended Non-motorized Improvement Projects

2015-2020 Transportation Improvement Plan (by fund)

ATTACHMENT A

2015-2020 Expenditures By Fund									
Motorized & Nonmotorized Projects		**General Fund**	**Street Fund**	**REET**	**Transportation Impact Fee**	**Grant**	**Debt**	**Surface Water Management**	**Rev Totals**
		Revenues	**$75,000**	**$574,027**	**$5,700,000**	**$7,074,500**	**$0**	**$0**	**$13,423,527**
Project Number	**Project Name**	**Project Description**							**Expenditures**
T-39	Pavement Overlay & Chip Seal Program	Overlay or chip seal streets within the City limits	$75,000						$75,000
T-45	5th Street Reconstruction	Reconstruct 5th Street from Main Street to US 2.		$3,600		$72,000			$75,600
T-46	Date Avenue Reconstruction	Reconstruct Date Avenue from 4th Street to 150 feet east of 5th Place (Sultan Elementary frontage).		$16,000		$298,000			$265,650
T-67	4th Street – Overlay	Overlay 4th Street from Alder Avenue to Fir Avenue		$13,000		$242,000			$255,000
T-68	High Ave Reconstruction	Reconstruct High Avenue from 1st Street to 4th Street		$26,000		$459,000			$485,000
T-70	1st Street Sidewalk	Overlay SBR from Timber Ridge north to 132nd Ave				$267,500			$267,500
NM-3	Sidewalk Spot Improvements	Repair, replace and construct missing sidewalks within the city				$289,000			$289,000
NM-4	Sidewalk Enhancements	Construct or renovate public sidewalks. Stand alone projects not associated with road renovation.		$10,000		$300,000			$310,000
NM-8	US-2 Pedestrian Crossing	Construct a non-motorized bridge crossing on US 2 to provide increase ped/bike safety				$4,400,000			$4,400,000
NM-9	Sultan River Trail	Acquire property & construct a trail adjacent to Sultan River from Osprey Park to River Park.				$747,000			$747,000
		Total Expenditures	**$75,000**	**$83,800**	**$0**	**$7,074,500**	**$0**	**$0**	**$7,169,750**

2015-2020 Transportation Improvement Plan (by year)

ATTACHMENT A

2015-2020 Expenditures By Year										
Project Number	**Project Name**	**Project Description**	**Total Project Cost 20-yr CFP**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2015-2020 Total Expenditure**
T-39	Pavement Overlay & Chip seal Program	Overlay or chip seal streets within the city limits	$550,000	$12,000	$12,500	$12,500	$12,500	$12,500	$13,000	$75,000
T-45	5th Street Reconstruction	Reconstruct 5th Street from Main Street to US2	$650,000	12,600	$63,000					$75,600
T-46	Date Avenue Reconstruction	Reconstruct Date Avenue from 4th Street to 150 feet east of 5th Place (Sultan Elementary frontage).	$124,000	$34,650	$231,000					$265,650
T-67	4th Street - Overlay	Overlay 4th Street from Alder Avenue to Fir Avenue.	$255,000	$255,000						$255,000
T-68	High Avenue Reconstruction	Reconstruct High Avenue from 1st Street to 4th Street.	$485,000	$485,000						$485,000
T-70	1st Street Sidewalk	Construct a sidewalk from Osprey Park to Willow Avenue.	$260,000		$39,000	$221,000				$260,000
NM-3	Sidewalk Spot Improvements	Repair, replace and construct missing sidewalks within the city.	$130,000		$289,000					$289,000
NM-4	Sidewalk /Trail Construction & Enhancements	Construct or renovate public sidewalks and trails. Stand alone projects not associated with road renovation.	$310,000		$100,000	$100,000	$110,000			$310,000
NM-8	US-2 Pedestrian Crossing	Construct a non-motorized bridge crossing north of US 2 to provide increased ped/bike safety	$4,000,000	$3,000,000	$1,400,000					$4,400,000
NM-9	Sultan River Trail	Acquire property & construct a trail adjacent to Sultan River from Osprey Park to River Park.	$747,000	$81,000	$666,000					$747,000
		TOTAL EXPENDITURES	**$7,511,000**	**$3,880,250**	**$2,800,500**	**$333,500**	**$122,500**	**$12,500**	**$13,000**	**$7,162,250**

ATTACHMENT B

RCW 35.77.010

Perpetual advanced six-year plans for coordinated transportation program expenditures -- Nonmotorized transportation -- Railroad right-of-way.

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first-class city derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city transportation needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive transportation program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year plan for each city or town shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes. (3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the city's or town's jurisdiction.

ATTACHMENT C

Transportation Element 2011 Comprehensive Plan
Table 8-10: Planning Level Cost Estimates for Recommended Transportation Improvements

Project #	Project Name	Project Description	Future Number of Lanes	Project Type	Arterial Functional Classification	Project Cost Estimate
NM-1	East Main St. Trail	Construct multipurpose trail from the east end of E. Main St north on Cascade View Dr to US 2 for nonmotorized and emergency access.	n/a	Non-motorized	n/a	$500,000
NM-3	Sidewalk Spot Improvements	Repair, replace and construct missing sidewalks within the City	n/a	Existing Deficiency	n/a	$130,000
NM-4	Sidewalk Enhancement	Renovate public sidewalks. Stand alone projects not associated with road renovation.	n/a	Existing Deficiency	n/a	$310,000
NM-5	US-2 Route Corridor Trail	Construct multipurpose trail to provide nonmotorized safety and connectivity as part of US-2 RDP reconstruction/widening.	n/a	Nonmotorized	n/a	$1,672,000
NM-6	Willow/Bryant Trail	Acquire land and develop property to provide nonmotorized travel to and from residential, commercial, parks and natural areas.	n/a	Non-motorized	n/a	$390,000
NM-7	High/Kessler/140th Trail	Acquire land and develop property to provide nonmotorized travel to and from residential, commercial, parks and natural areas.	n/a	Nonmotorized	n/a	$887,000
NM-8	US-2 Pedestrian Overcrossing	Construct a nonmotorized bridge crossing on US 2 to provide increased safety for pedestrians and improved traffic flow. Joint Project with WSDOT	n/a	Non-motorized	n/a	$4,000,000
T-23	Alder St Reconstruction	Reconstruct Alder Street from 5th St. to 8th St.	2	Existing Conditions	Collector Arterial	$728,000
T-24	New East/West Collector	Construct new east/west collector between 339th Ave SE and Sultan Basin Rd in the north section of the City (approx. location between 132nd and 124th St SE).	2	Circulation	Collector Arterial	$11,040,000
T-25	Foundry Road Reconstruction	Reconstruct road to Collector arterial standards to serve industrial employment and residential areas.	2	Circulation	Collector Arterial	$1,300,000
T-26	New North Industrial Park Collector	Provide east/west access and traffic collector through the Industrial Park from Rice Rd (339th) to Sultan Basin Rd. and US-2	2	Circulation	Collector Arterial	$15,510,000
T-27	East Main St Road Extension	Extend East Main St. east to connect to 149th St. SE within the Economic Development Zone south of US-2.	2	Circulation	Local Street	$2,000,000
T-29A	Kessler Drive Extension	Extend Kessler Dr. north from Bryant Rd. to UGA Boundary	2	Circulation	Proposed Collector Arterial	$3,452,000

Project #	Project Name	Project Description	Future Number of Lanes	Project Type	Arterial Functional Classification	Project Cost Estimate
T-29B	Kessler Drive Extension Non UGA portion	Extend Kessler Dr. north from UGA Boundary to 124th St.	2	Circulation	Proposed Collector Arterial	n/a
T-31a	New 330th Ave Arterial	Construct a new north-south arterial from US-2 through the Industrial Park north to 124th St SE. CITY LIMIT/UGA PORTION ONLY	2	Circulation	Proposed Collector Arterial	$2,800,000
T-32a	Rice Rd. (339th) St Extension	Extend Rice Rd. (339th Ave) north to 124th St. SE at County Rural Arterial road standards to provide arterial connectivity and access to US-2. Proposed joint project with Snohomish County. CITY LIMIT/UGA PORTION ONLY	2	Circulation	Proposed Minor Arterial	$2,942,500
T-33	229th Ave Extension or Highland Ave Extension	Develop an interior access arterial from Old Owen Rd. east to Sportsmans Park to provide access to existing roadside commercial properties and reduce curb cuts on US-2.	2/3	Circulation	Collector Arterial	$2,720,000
T-34	US-2 RDP City Access Revisions	Downtown access to US 2 will be focused on 3rd, 5th, 8th, and Main Streets to reduce congestion.		Circulation		Awaiting WSDOT Estimate
T-35	Cascade View Drive Reconstruction	Reconstruct Cascade View Dr to Collector arterial standard and provide intersection improvements at US-2	2	Circulation	Collector Arterial	$560,000
T-36	138th St Extension	Reconstruct and extend 138th St. between Sultan Basin Rd. and 339th Ave SE.	2	Circulation	Collector Arterial	$2,833,600
T-38	1st Street Reconstruction Phase II	Reconstruct 1st St from High Ave to Trout Farm Rd. Project includes water, sewer and storm water utilities construction.	3	Capacity	Minor Arterial	$2,800,000
T-40	US-2/Rice Rd (339th Ave) Signalization	Signalize existing intersection of US-2 at 339th Ave SE.	3	Capacity	Principal Arterial	$1,400,000
T-41	Rice (339th Ave SE) Reconstruction	Reconstruct 339th Ave from Sultan Startup Rd. north to 132nd St. SE to arterial standard with curbs gutter and sidewalks.	2/3	Circulation	Proposed Minor Arterial	$8,350,000
T-42A	Sultan Basin Rd. Reconstruction Phase IV	Continue Sultan Basin Rd. improvements north to UGA Boundary	3	Capacity	Minor Arterial	$6,092,724
T-43	Walburn Rd. Rerouting	Redesign the road to remove access from US-2 rerouting access to Sultan Basin Rd. north of Wagley Creek	2	Circulation	Collector Arterial	$1,400,000
T-44	Pine Street Extension	Extend Pine St. East to Walburn to provide east west access from Sultan Basin Rd to downtown Sultan. Emergency Evacuation Route	2	Circulation	Collector Arterial	$840,000

Project #	Project Name	Project Description	Future Number of Lanes	Project Type	Arterial Functional Classification	Project Cost Estimate
T-45	Alder St Improvements	Install traffic signal and improvements from the intersection of 4th and Alder St to the intersection of 5th and US-2. Reconstruct Street to 8th St. Proposed joint project with Community Transit and Sultan School District	2	Circulation	Collector Arterial	$650,000
T-46	Date Avenue Traffic Calming	Install traffic calming treatment to Date Ave. from 8th St west to the Elementary School	2	Existing Deficiency	Local Street	$124,000
T-47	Trout Farm Rd Reconstruction	Reconstruct Trout Farm Rd. from 1st St. north to 125th St SE. Proposed joint City/County Project	2/3	Capacity	Collector Arterial	$9,050,000
T-48	Gohr Rd Reconstruction	Reconstruct Gohr Rd to arterial standard from 1st St north to 311th Ave SE	2	Circulation	Collector Arterial	$4,704,000
T-49	Gohr Rd Extension	Extend Gohr Rd north to the proposed 132nd Ave. Extension.	2	Circulation	Collector Arterial	$3,920,000
T-51	3rd St. Reconstruction	Repair, replace, and construct as necessary asphalt, sidewalks, and bike lanes. Project is combined with water, sewer, and stormwater system projects.	2	Existing Deficiency	Local Street	$1,456,000
T-52	8th St. Sidewalks	Install sections of missing sidewalks on 8th St.		Circulation	Collector Arterial	$310,000
T-53	10th St. Railroad Crossing Improvement	Reconstruct the 10th St. crossing with the BNSF Rail Line Within the Economic Development zone.	2	Circulation	Local Street	$100,000
T-55	Industrial Park Rail Spur Construction	Petition BNSF and contribute to construct a rail spur access to the Industrial Park	n/a	Circulation	n/a	$1,000,000
T-57	132nd Ave Arterial Extension	Extend 132nd St from Sultan Basin Rd. northwest connecting to Trout Farm Rd. near 307th St.	3	Capacity	Minor Arterial	$17,480,000
T-58	132nd Ave Reconstruction	Reconstruct 132nd St SE to arterial standard	2	Circulation	Proposed Minor Arterial	$12,432,000
T-59	US 2/ 1st Avenue Interchange	Provide grade-separated ramp access to US-2 from 1st St.	2	Capacity	Minor Arterial	$6,470,000
T-60	Sultan Basin Road Improvements Phase III	Realign Cascade View Drive and its intersection with US-2 to align with the recently improved Sultan Basin Rd.	2	Circulation	Proposed Collector Arterial	$2,800,000
T-61	6th Street Reconstruction	Reconstruct 6th St. to urban standards	2	Existing Deficiency	Local Access	$1,680,000
T-62A	124th St. SE Reconstruction Phase 1	Reconstruct 124th St SE to urban standards from west terminus to UGA Boundary	2	Circulation	Collector Arterial	$4,312,000
T-65	124th St. Extension	Extend 124th Ave. west to Trout Farm Rd. intersecting at aprox. 125th St	2	Circulation	Collector Arterial	$11,984,000
					Total Project Costs	**$153,129,824**

Project #	Project Name	Project Description	Future Number of Lanes	Project Type	Arterial Functional Classification	Bicycle Facility	Transit Street
T-65	124th St. Extension	Extend 124th Ave. west to Trout Farm Rd. intersecting at approx.125th St.	2	Circulation	Collector Arterial	Multi Purpose Trail	No

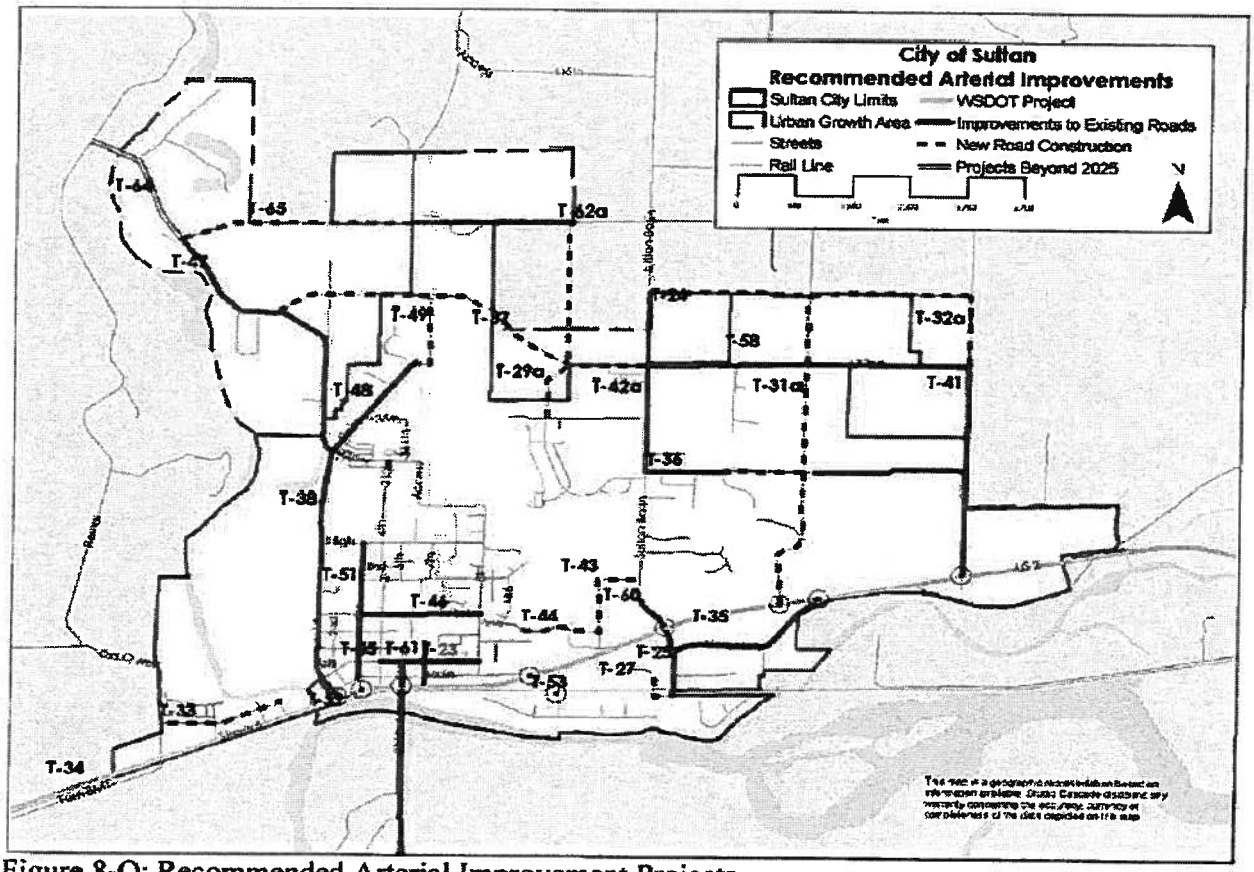


Figure 8-O: Recommended Arterial Improvement Projects

Table 8-8: Conceptual Improvement Project

Project No.	Project Name	Project Description	Number of Lanes	Project Type	Arterial Functional Classification	Project Cost Estimate

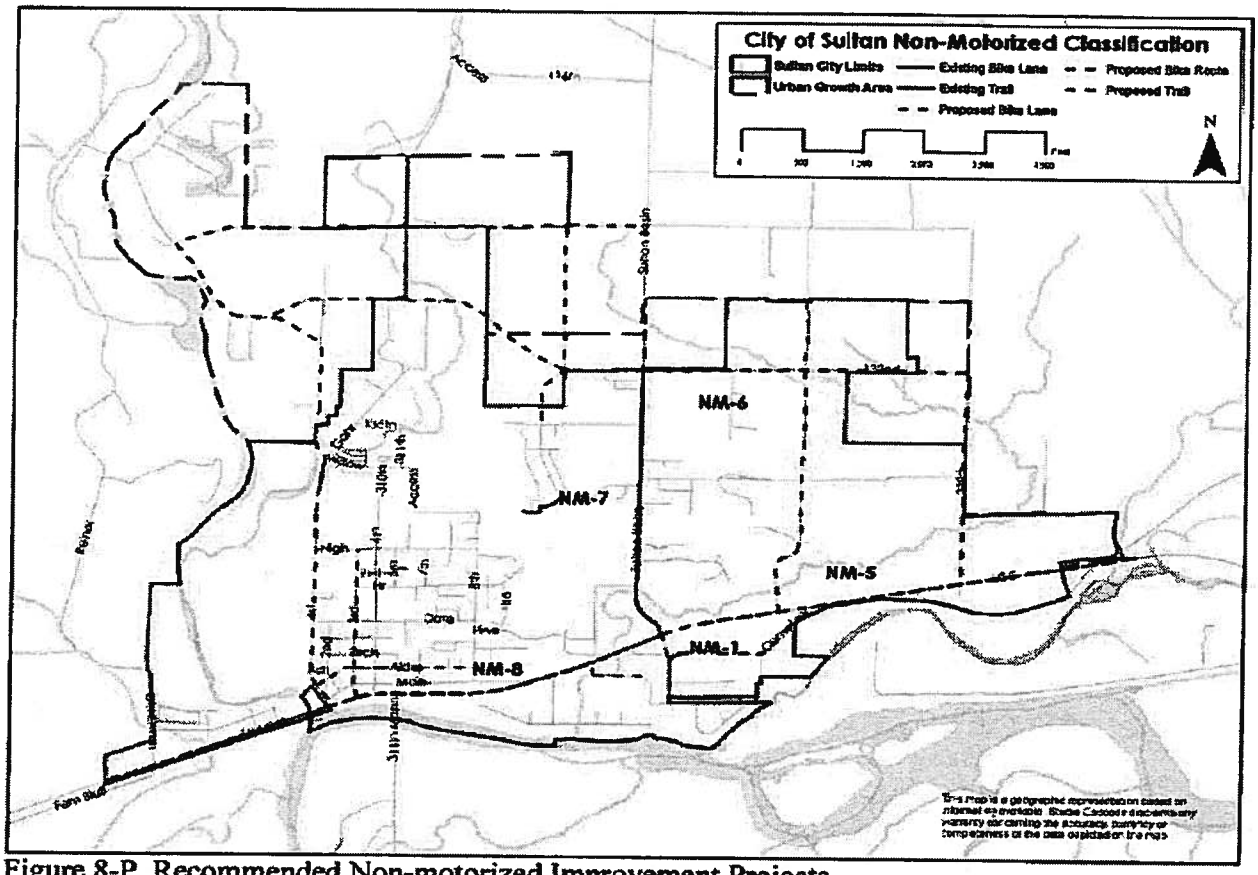


Figure 8-P. Recommended Non-motorized Improvement Projects

8.15 Financial Plan

Planning level cost estimates for each of the recommended City transportation improvement projects was prepared in 2007 and 2010. These estimates analyzed the cost of constructing the improvements as well as estimates for right-of–way purchase, project design costs, and environmental costs and mitigation. Table 8-10 provides the planning level cost estimates for the recommended 2011 – 2030 transportation improvements. A financial plan establishes how transportation improvements can be funded over the planning horizon year 2030.

The financial plan includes a long-range financial strategy that identifies the capacity of the City to fund its transportation needs described in this transportation element, a six-year capital improvement program for transportation and a reassessment strategy. Each year the City shall examine whether the City can fund the projects necessary to maintain required service levels set in this element. In the event the City cannot fund the improvements needed to maintain required service levels, the City shall consider and take one or a combination of actions that may include phasing of proposed developments, finding additional funding or instituting new financial measures, modifying the City's adopted level of service standards to reflect service levels that can be maintained given known financial resources, and modifying the Future Land Use Map as it affects the need for services.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO:	**H-2**
DATE:	June 26, 2014
SUBJECT:	Public Hearing; Zoning Code, SMC Title 18
CONTACT PERSON:	Bob Martin, Community Development Director

ISSUE:
Conduct a public hearing on Ordinance 1199-14, Adopting a new Zoning Code, Title 18; and repealing existing Unified Development Code, Title 16; repealing Variance Criteria, Section 2.26.190; repealing Title 21, Other Land Uses; and repealing Fence and Manufactured Home provisions of Title 15.

PLANNING BOARD RECOMMENDATION:
The Planning Board, after conducting a public hearing on the matter, unanimously recommends that the Council proceed with adoption of an ordinance adopting Title 18, Zoning Code.

STAFF RECOMMENDATION:
Staff recommends that Council conduct a public hearing on Ordinance No. 1199-14, an Ordinance adopting new Title 18, Zoning Code, including housekeeping amendments required in various locations of the Sultan Municipal Code at Titles 2, 15, 16, and 21, as required to prevent and/or eliminate conflicts between the newly-adopted Title 18 and other portions of the existing Sultan Municipal Code.

DISCUSSION:
Zoning Codes as a Legal Concept:
Zoning is the main and most basic system used to manage day-to-day land use processes in a city or county. Zoning was established as the standard legal land use tool for local government in the 1926 U.S. Supreme Court Case of *Village of Euclid v. Ambler Realty*. Zoning was ruled to be a valid exercise of the "Police Power" of local government and has been the mainstay of land use management ever since.

Zoning Implements Comprehensive Plan:
In the late 1990's the State adopted the Growth Management Act (GMA). This required communities to undertake a formal process of considering their future goals the land use policies that they would need to achieve those goals and the Zoning and Subdivision standards that would be required to implement the chosen policies.

The zoning code establishes the zones that the community chooses typically based on various categories of residential commercial and industrial uses. The code then sets the standards that development in each of the zones will be required to meet so that the development accomplishes the policies and goals of the community. in terms of:

The mandatory companion to the written text of the zoning code is the Zoning Map. The map is made of a base map of the community showing the lots, streets, rivers etc. Over the base map

is laid patterns that indicate the land use zone (from the Zoning Code text) that applies to the property throughout the community.

Notable Changes from Existing Title 16:
Following is a list of differences between the existing Unified Development Code, Title 16, and the proposed Zoning Code, Title 18. The Code Chapter containing these items is shown as (18.XX)

- Land use application processing based on Level I through VII process descriptions to consolidate and streamline the amount of text needed to explain application process. (18.19 through 18.28)
- Required pre-application conferences for higher level applications so that staff and applicants can work together to get applications through the process as quickly as possible. (18.32)
- Addition of "Mixed Use Centers Zone" to allow development that combines residential, service commercial, and employment opportunities in a walkable distance as encouraged by the Puget Sound Regional Council. 18.62)
- Addition of the "Airport Approach Overlay Zone" on the Sky Harbor general aviation airport east of Sultan Basin Road as required by State Aeronautics Division. (18.68)
- Use of a "Table of Permitted Uses" so that uses don't need to be repeated in each zone in text format, and so that the public can compare uses across zones. (18.70)
- Use of a "Table of Height, Setback, Area Dimensional Standards" consolidating complicated text descriptions into a single table for ease of reference. (18.82)
- Upgraded Landscape Standards so that commercial and industrial facilities are developed with landscaped parking lots and vegetative buffers from adjacent residential uses. (18.84)
- Accessory Dwelling Units are re-included in this code after being recently repealed from Title 16. The new language places appropriate restrictions on ADU's including additional minimum lot size, and owner of property must reside on the property. (18.92.040)
- Inclusion of recently adopted Marijuana Business regulations (18.118)
- Specific standards for a range of conditional uses so that the applicant and the Hearing Examiner know what conditions need to be met in the conditional use process. (18.120 through 18.132)
- New provisions to allow Electric Vehicle Infrastructure (charging stations etc.). (18.134)
- New provisions to allow Wineries, Breweries, Distilleries. (18.136)
- Upgraded Wireless Communication Facilities standards. This Chapter is moved from Title 21. It still need some additional amendments to conform to recent changes in Federal standards. (18.138)
- Consolidation, clarification, and upgrading of mobile home and mobile home park development standards. This involves repeal of several sections of Title 15 so that all provisions are located together in Zoning Code. (18.160 through 18.168)
- Inclusion of Conditional Use Permit procedures in Zoning Code instead of in Title 21. This involves repeal of Title 21 as there is no reason to have a Title addressing "Other Land Uses" outside of the Zoning Code. (18.180)
- Inclusion of Variance Procedures as a properly described land use process instead of just a listing of criteria in Chapter 2.26.190, Hearing Examiner. (18.182)
- Clarification and streamlining of Nonconforming Situations chapter. Existing chapter in Title 16 has been analyzed by planning and legal staff, and is not able to be understood or administered in any legally supportable fashion. (18.190)

- Inclusion of a new chapter allowing Special Use Permits to reuse buildings that have lost nonconforming use permission. (18.192)
- Clarification and streamlining of procedures for Zone Code and Zone Map amendment applications. (18.200 through 18.204)
- Inclusion of Prezone procedures in the Zoning Code for public awareness of the zoning process in the Urban Growth Area. These procedures are all established by State Statute. The City does not need to include them in the Zoning Code to act on these procedures. The Planning Board determined to include the procedures in the Code so that residents and applicants for annexation can find and understand them instead of leaving them "hidden" in the RCW where residents are unlikely to ever find them. Prezoning does not annex property, and it does not change the zone of a property that is in the county. It provides the City a means to do the job of prezoning, which is a required step in the annexation process, so that property owners wanting to annex don't have to bear the time and expense of a Comprehensive Plan Amendment and a Zoning Map Amendment before they can petition for annexation. Prezoning does not enact annexation and has nothing to do with overriding established procedures for Annexation. (18.206)

Zoning Map:
The Zoning Map updated to include the Airport Approach Overlay Zone (AA, Chapter 18.68). This change will be adopted as part of the adoption of Title 18. This zone requires development consultation to ensure that proposed structures do not intrude into the imaginary lined that defines the approach path of an airplane landing at the field. This is a required zone as long as the air field remains active. If it is sold for development and the air field decommissioned, the AA Zone will be repealed.

The Zoning Map has not been updated to show the location of the new Mixed Use Center Zone (MUC, Chapter 18.62). The Planning Board will need to work on this task next, applying the intent of the zone to the map to provide for development that accommodates residential, commercial, and employment in a consolidated mutually supporting fashion. A map amendment will need to be processed once the Board and Council are in agreement on the locations of this new zone.

ACTION:
Council action at this time is to conduct a public hearing on Ordinance 1199-14, an ordinance adopting the proposed Title 18, Zoning Code, and repealing various portions of the Sultan Municipal Code that are not needed or would conflict with the newly adopted Zoning Code.

No further action is conducted under this agenda item. Action to consider adoption of Ordinance 1199-14 is addressed in agenda item A-5.

ATTACHMENTS:
Attachment A: Draft Ordinance 1199-14, including its attached Draft Title 18

ATTACHMENT A

PLANNING BOARD RECOMMENDED DRAFT OF NEW TITLE 18, ZONING CODE

CITY OF SULTAN
WASHINGTON

ORDINANCE 1199-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING AN AMENDMENT TO SULTAN MUNICIPAL CODE ADOPTING A NEW ZONING CODE, TITLE 18; REPEALING CHPATER 2.26.190, VARIANCE CRITERIA; REPEALING EXISTING TITLE 16, UNIFIED DEVELOPMENT CODE; REPEALING EXISTING TITLE 21, OTHER LAND USES; REPEALING CHAPTER 15.08, FENCE STANDARDS; REPEALING CHAPTER 15.12 MOBILE HOMES; REPEALING CHAPTER 15.13 MOBILE HOME PARKS; REPEALING CHAPTER 15.14, TEMPORARY MOBILE HOMES; REPEALING CHAPTER 15.16, TRAILER COACHES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Title 16 of the Sultan Municipal Code was the Unified Development Code, containing both subdivision procedures and the zoning standards; and

WHEREAS, Ordinance 1144-12, adopted a new Title 19, Land Division Code in April, 2012, and repealed the subdivision procedures contained in the Unified Development code; and

WHEREAS, the Planning Board began work in early 2012 on a new Zoning Code to update provisions remaining in Title 16 after repeal of the land division standards from Title 16, having ; and

WHEREAS, the City Council and the Planning Board held a joint work session meeting on January 31, 2012 to discuss the need to update and streamline the city's zoning code, and jointly determined to undertake development of a new Zoning Code; and

WHEREAS, the Planning Board has proceeded diligently to complete new zoning provisions for the City contained in a new proposed Title 18, Zoning Code; and

WEREAS, the Planning Board sought involvement of the community and conducted all of its work on the proposed Title 18 through a work program including over 50 public meetings; and

WHEREAS, the Planning Board held a properly advertised public hearing to seek public input on the Planning Board Draft of the proposed Title 18 on May 6, 2014; and

WHEREAS, the Planning Board received and considered all public input provided at the hearing; and

WHEREAS, the Planning Board unanimously voted to recommend to the City Council that the proposed Title 18 should be reviewed and approved by the City Council; and

WHEREAS, repeal of certain other provisions of the existing Sultan Municipal Code is necessary to avoid repetition and conflict between existing provisions and new provisions of Title 18; and

WHEREAS, the City Council, has directed staff to advertise and prepare for a second public hearing on adoption of the proposed code as provided for in SMC 16.134.050 K; and

WHEREAS, a public hearing was properly advertised and set for the regular Council meeting of June 26, 2014; and

WHEREAS, having received and considered the Planning Board's recommendation and the public input received at its June 26th Council Meeting; and

WHEREAS, having determined that it is in the best interest of protection of life, health, and safety of property owners and the community of Sultan in general that the City have a new Zoning Code that provides clear guidance and procedures for land use activities as required by RCW 35A.63; and

WHEREAS, the Council hereby finds that the proposed Zoning Code, Title 18 of the Sultan Municipal Code is well designed to provide standards for quality economic development and a desired quality of life for residents of the community;

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

Section 1. Adoption. There is hereby adopted an amendment to the Sultan Municipal Code consisting of Title 18, Zoning Code of the City of Sultan as contained in Attachment A:

Section 2. Repeal. Section 2.26.190, Variance Criteria, is repealed in its entirety.

Section 3. Repeal. Title 21 of the Sultan Municipal Code, Other Land Uses, is repealed in its entirety.

Section 4. Repeal. The following Chapters of Sultan Municipal Code Title 15: Chapter 15.08, Fence Standards; Chapter 15.12 Mobile Homes; Chapter 15.13 Mobile Home Parks; Chapter 15.14, Temporary Mobile Homes; and Chapter 15.16, Trailer Coaches, are repealed in entirety.

Section 5. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of this code amendment.

Section 6. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 7. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Effective Date. This ordinance becomes effective five days (5 days) after publication.

ADOPTED BY THE CITY COUNCIL OF SULTAN, WASHINGTON THIS _____DAY OF _____, 2014, AND SIGNED INTO AUTHENTICATION THIS _____DAY OF _____ 2014.

APPROVED:

_____
Carolyn Eslick, Mayor

APPROVED AS TO FORM:

_____
Danielle Evans, City Attorney

ATTEST/AUTHENTICATED:

_____
Laura Koenig, City Clerk

Introduction:
Final Action:
Posted:
Published:

ORDINANCE 1199-14

ATTACHMENT A

PUBLIC HEARING DRAFT

NEW SMC TITLE 18

ZONING CODE

TITLE 18
ZONING CODE
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Division I. General Provisions and Definitions

Chapter 18.02
GENERAL PROVISIONS

Sections:

18.02.010 Title.
18.02.020 Authority.
18.02.030 Jurisdiction.
18.02.040 Purpose and intent.
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18.02.070 Subdivision along zone district boundaries.
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18.02.120 Enforcement.
18.02.130 Zoning Code review and evaluation.
18.02.140 Fees.
18.02.150 Administrative noncompliance.
18.02.160 Conflict of Provisions.

18.02.010 Title.

A. This Title shall be known as the ZONING CODE of the City of Sultan, Washington, which may be referred to in this text as "Zoning Code," "Zone Code," or "Code."

B. This Code shall consist of this text and the map entitled Official Zoning Map of Sultan, Washington. For convenience of use and accuracy of representation, this map may be divided into sections. Each section shall constitute the official map for the area covered by the map, and may be separately employed for zone identification or amendment. If conflicts arise between these specific boundary maps and any general maps constructed for display or general maps constructed for display or general distribution, the Official Zoning Map of Sultan, Washington shall prevail.

C. Both the text and the official map of this Code may be amended periodically. Persons contemplating a decision involving this Code should consult with the Planning Department to verify the provisions which relate to their situation.

18.02.020 Authority.

A. This Code is adopted pursuant to the authority contained in Revised Code of Washington (RCW) 35A.63.
B. Whenever any provision of this Code refers to or cites a section of the Revised Code of Washington and that section is later amended or superseded, the Code shall be deemed amended to refer to the amended section or the sections.

18.02.030 Jurisdiction.

This Code shall be effective throughout the corporate boundaries of the City, the City's planning jurisdiction. A copy of the Comprehensive Plan and Map showing the location of jurisdiction boundaries shall be available for public inspection in the Department.

18.02.040 Purpose and intent.

The purpose of this Code is to protect the health and safety, and enhance the general welfare and quality of life of the citizens of the City of Sultan. It is the intention of the Sultan City Council that this Code implement the land use provisions of the City's Comprehensive Plan, in compliance with the State Growth Management Act (GMA).

In combination with the Land Division Code, Title 19, this Code is the principal means of implementing the Comprehensive Plan. To this end, this Code is intended to:

A. Designate Land Use Zones that contribute to organized development of the community by restricting the location and relationships of uses, and providing for location of compatible uses in ways which encourage efficiency and mutual benefit.
B. Organize the development process by quantifying the responsibilities of the private and public sectors involved in land development so that uncertainty and delay are kept to a minimum.
C. Provide for the development of public utilities by providing an operational basis for the provision of public services, utilities and facilities.
D. Provide for citizen involvement by establishing procedures by which citizens of the community may participate in the development process and effect the changes necessitated by new circumstances and needs.

18.02.050 Establishment of zone districts – Official zoning map.
To implement the Comprehensive Plan land use designations, and the purpose and intent statements of this Code, the following land use zoning districts are established by delineation on the Official Zoning Map as Depicted in Appendix A of this Code.

A. General Zones.

Abbreviation	Zone District Name
LDR	Low Density Residential
MDR	Moderate Density Residential
HDR	High Density Residential
HOD	Highway Oriented Development
UC	Urban Center
HC	Highway Commercial
MUC	Mixed Use Center
IM	Industrial/Manufacturing
PI	Public/Institutional Overlay

B. Overlay Zones.

AA	Airport Approach Overlay
PI	Public/Institutional Overlay

18.02.060 Determination of zone district boundaries.

A. Right-of-Way Lines. Where a zone district boundary is shown as following a street, alley, canal, or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.

B. Lots Divided by Zone District Lines. Wherever a single lot two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applying to the larger portion of the lot shall apply to the entire lot.

C. Whenever a single lot greater than two (2) acres in size is located within two (2) or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which that portion is located.

18.02.070 Subdivision along zone district boundaries.
Where a zone boundary divides a parcel into two (2) zones, no partition or subdivision which creates a substandard lot in either zone shall be permitted.

18.02.080 Annexations.
See Chapter 18.208.

18.02.090 Interpretation.

The Director shall have the responsibility of interpreting all terms and provisions of this Code according to the following provisions.

A. Formal interpretation shall be requested in writing on forms provided by the department. Such interpretations made by the Director shall be in writing and an orderly and retrievable record of all interpretations shall be maintained in the Department.
B. The director shall mail a copy of the interpretation to the party requesting the interpretation and any other party which requested notification in writing prior to the making of the interpretation, at the party's last known address, on the date the interpretation is made.
C. The interpretation shall include the following
    1. The date of the interpretation
    2. The citation for appealing the interpretation and the date by which an appeal must be filed. Formal interpretations may be appealed to the appropriate appellate body as prescribed in Chapter 18.40, Closed Record Decisions and Appeals.

18.02.100 Continuances and extensions.

The time periods established by this code shall not prejudice the public interest. The failure of city staff to meet a deadline established by this code may be excused when public interest requires. The director may prospectively continue or retroactively extend time periods established by this code to the extent permitted by law when necessary to protect the public interest. If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision

18.02.110 Inspection and right of entry.

Whenever the Director has reasonable cause to suspect a violation of this Code, or when necessary to investigate matters pertinent to an application made pursuant to this Code the Director or his/her designee may enter any property in a reasonable and lawful manner to exercise his/her responsibilities.

18.02.120 No use of land or building except in conformity with Zoning Code provisions.

A. No person may use, or occupy, any land or buildings, or authorize or permit the use, occupancy of land or buildings under his control except in accordance with all of the applicable provisions of this Code.
B. For purposes of this Section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

18.02.130 Enforcement.
Enforcement procedures, persons liable, notice of violation, citations, penalties and complaints are as prescribed in Chapter 18.44, Violations and Enforcement.

18.02.140 Zoning Code review and evaluation.

A. The Director and the Planning Board will review this code periodically and prepare a report to the city council, detailing any particular problems, proposals, concerns or amendments.
B. The Zoning Code shall be thoroughly examined as part of the Planning Board's required review and update of the Comprehensive Plan, in consultation with technical staff and other interested parties. The Zoning Code is required to be consistent with and implement the Comprehensive Plan.

18.02.150 Fees.
Application processing fees to cover costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for development authorizations, conditional use permits, special use permits, environmental checklists, zoning amendments, variances, and other administrative relief. The fees charged are listed in the City of Sultan Fee Schedule. Fees shall be paid upon acceptance of a signed application.

18.02.160 Administrative noncompliance.
Administrative noncompliance with any of the provisions of Title 17, 18, 19, and 21 of the Sultan Municipal Code will be deemed harmless and shall not constitute grounds upon which to reconsider, reverse or modify a decision on a proposal unless the aggrieved party demonstrates that he or she was substantially prejudiced by the noncompliance.

18.02.170 Conflict of Provisions.
If any conflict arises between this Code and another rule, regulation, resolution, ordinance or statute which has been lawfully adopted by the City, the most restrictive provision shall govern. If any conflict arises between the text, map and any tables of this Code, the text shall govern unless otherwise stated.

18.02.180 Appeals.
See Chapter 18.42.

Chapter 18.04
CONSTRUCTION AND DEFINITIONS

Sections:

18.04.010 Purpose.
18.04.020 Construction.
18.04.030 Definitions.

18.04.010 Purpose.

This chapter provides rules of construction, and definitions for the terms and phrases used in this Code. Where any definitions conflict with definitions used in other titles of the Sultan Municipal Code, the definitions in this chapter shall prevail for the purpose of this Code.

18.04.020 Construction.

A. Tense. Words used in the present tense shall include the future tense.
B. Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
C. Shall, Will. The words "shall" and "will" are mandatory.
D. May, Should. The words "may" and "should" are permissive.
E. Headings. In the event that there is any conflict or inconsistency between the heading of a chapter, section, or paragraph of this code, and the content thereof, the heading shall not affect the scope, meaning, or intent of the content.

18.04.030 Definitions.

A. As used in this code, the following words and phrases shall mean:
1. "Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. "Accessory dwelling unit" means a habitable living unit that provides the basic requirements of shelter, heating, cooking and sanitation and is accessory to a primary dwelling unit on the same property (See Chapter 18.92.)
3. "Accessory structure, non-dwelling" means an accessory building or structure that is in addition to a primary dwelling unit on the same property, and that is not used for residential occupancy (See Chapter 18.92.)
4. "Adjacent" means having a common boundary or having a common boundary but for the intervention of a public street or alley.
5. "Agency (governmental agency)" means federal, state, county, or city governmental organization, unit, or department thereof, constituted as such under the Constitution of the United States, or the State of Washington.
6. "Agricultural building" means a structure designed and constructed to store farm implements, hay, grain, poultry, livestock, fruit or other agricultural products.

7. "Agricultural stand" means a structure up to one hundred twenty (120) square feet in area used for the retail sale of agricultural products, excluding livestock, grown on the premises subject to the standards of the applicable zone.
8. "Agriculture" means the tilling of soil, raising of crops, horticulture, and livestock breeding, rearing, grazing, and/ or feeding. (See Animal Husbandry below.)
9. "Airport Approach Overlay Zone boundaries" are defined as the area lying within the city limits of Sultan under the Sky Harbor airport runway clear zone as indicated on the official zoning map.
10. "Alley" means a service way providing a secondary means of public access to adjacent property and not intended for general traffic circulation.
11. "Amendment, Zoning" means a change in the Zoning Code. There are four types of zoning related amendments:
    a. Those that request a zoning reclassification of a specific piece of property (termed "Site –specific Map Amendments", see Chapter 18.200);
    b. Those that request zoning reclassification of a neighborhood or significant area of the community (termed "Large-scale Map Amendments", see Chapter 18.202);
    c. Those that request a change in the text of this code (termed "Text Amendments, see Chapter 18.204);
    d. Those that provide zone designations for land to be annexed to the city (termed "Prezones", see Chapter 18.206.)
12. "Amusement parks," "carnival" or "fair" means a use operated for profit offering portable facilities and equipment for recreational and entertainment purposes.
13. "Animal husbandry" means the raising of domesticated farm animals when, in the case of dairy cows, beef, cattle, horses, ponies, mules, llamas, goats and sheep, their primary source of food, other than during the winter months, is from grazing the pasture where they are kept.
14. Animal Shelter, Community. "Community animal shelter" means a place where dogs, cats or other stray or homeless animals are sheltered as part of a community animal control and protection program. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal. (See Chapter 18.118.)
15. "Approving authority" means the director, city administrator, hearing examiner or city council of the city of Sultan, as provided in this code.
16. "Assembly area" means any area used for the gathering or congregation of persons with or without the provision of seating and including any area designed for spectator activity.
17. "Automobile and trailer sales area" means an open area other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

18. "Automotive wrecking yard" means a premises used for the storage or sale of used automobile or truck parts, or for dismantling of wrecked, junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof. Automobile wrecking yards must be licensed by the Washington State Department of Licensing.
19. "Avigation easement" means the right to use the air space above grantor's property in accordance with the rules and regulations regarding takeoff, landing and traffic patterns.
20. Base Flood – One Hundred Year Flood. See "Flood Hazard Area."
21. "Bed and Breakfast facility" means a dwelling which is utilized by the owner/operator as short term lodging for travelers and guests for profit. (See Chapter 18.120 for related development standards.)
22. "Binding site plan" means a survey together with a developer agreement which, when approved and recorded as required by the Land Division Code, Title 19, provides a method of land division for commercial and industrial property and condominiums (See RCW 58.17.020 and 58.17.040).
23. "Board", "Planning Board" means the Planning Board of the City of Sultan.
24. "Boarding house (rooming house)" means a dwelling where lodging with or without meals is provided for compensation to at least two, but not more than ten guests.
25. "Building" means a structure to be used as a place of occupancy, storage or shelter. (See "Structure.")
26. "Building, accessory" See Chapter 18.92.
27. "Building height" means the vertical distance of a building measured from the finished grade of the the highest point of the roof. (See Figure 18.04-1.)

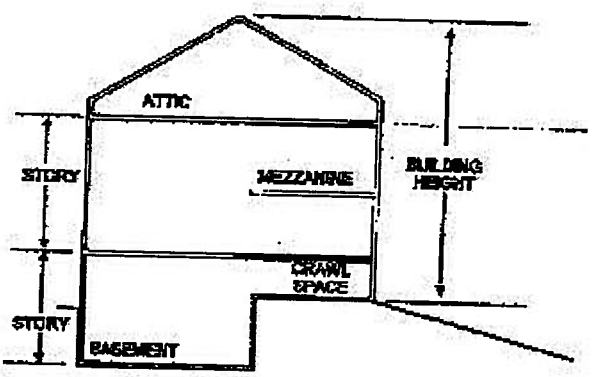

Figure18.04-1 – Building Height

28. "Building, principal" means the primary building on a lot or a building that houses a principal use.
29. "Building setback line" means a line set by the yard requirements of this code, which line runs parallel to and is measured from a lot's nearest property line.

That area beyond the established building setback line is permissible for placement of buildings and structures; provided, that all applicable provisions of this code are met.

30. "Building site" means a parcel of land which meets area requirements, setbacks and access standards, is serviceable by utilities, and meets the provisions of the zone in which the parcel is located, excepting lands with slopes greater than fifteen percent, unbuildable geology, unstable slopes, and lands which lie within the one-hundred-year floodplain.
31. "Cabana" means a freestanding roof supported only by columns or pillars with no enclosing walls between them, and having no enclosures under the roof itself.
32. "Camp, tourist, or trailer park" means any area or tract of land used or designed to accommodate two or more recreational vehicles, tents or outfits, the primary purpose of which is to rent space to any person for a fee.
33. "Campground" means a developed area consisting of more than one campsite used for the purposes of camping.
34. "Cargo containers" means standardized reusable vessels that were (A) originally, for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or (B) designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and characteristics of cargo containers.
35. "Carport" means a roofed structure providing space for the parking or storage of motor vehicles and enclosed only by the exterior walls of the associated structure if it is to be attached, and supported on all other sides by columns or pillars with no enclosing walls between them.
36. "Change of use" means alteration of the purpose for which land or a structure is designated, arranged, or intended from an existing use, or an actual use in the last twelve months, to a different use for the location in question
37. Child Care, Home. These facilities are covered by definitions of day care center. (See "Day care center, mini" or "Day care center, family.")
38. "City" means city of Sultan, Washington.
39. "City council" or "council" means the city council of the city of Sultan, Washington.
40. "Clearview triangle" means a triangular area at an intersection which is to be kept clear of visual obstructions for the safety of pedestrian and vehicular traffic. See Chapter 18.90.
41. "Common open space" or "common areas" means an area or areas within a development designed or intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

42. "Community center" means a structure owned and operated by a nonprofit public or private corporation and used as a public meeting place for recreation, education, and the general good of the community.
43. "Comprehensive plan" means the most recent generalized coordinated land use policy statement of the Walla Walla city council, as amended, adopted pursuant to Chapter 36.70A RCW.
44. "Concentrated animal feeding operation" means a structure or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, or sheep. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms but does not include animal husbandry.
45. "Concurrency requirements" means Chapter 18.150 and other ordinances, regulations and rules adopted by the city to ensure that at the time of new development, public facilities and services are in place or are adequately planned.
46. "Conditional use" means a use listed as permissible in a zone, but one which due to potential interaction with adjacent uses or public facilities, requires additional public input and which may require certain additional development standards to ensure that the purposes of this code are met.
47. "Condominium" means a building or group of buildings, in which dwelling units are owned individually, common areas and facilities are owned by all the owners on a proportional, undivided basis as provided by the subdivision code in Title 19, and in accordance with Chapter 64.34 RCW, Condominium Act of Washington.
48. "Congregate care facility" means a structure, primarily for senior citizens, containing more than five living units consisting of separate or confined sleeping and living room, bathroom, but without a kitchen (hot plate and small sink may be provided for supplementary cooking in the room) with food service provided in a commons by the management of the facility.
49. "Contiguous land" means two or more parcels or units of land under a single ownership which are not separated by an intervening parcel of land under a separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.
50. Convalescent, Nursing Homes. See "Nursing care home" and "Nursing care facility."
51. "Convenience store" means a one-story retail store containing less than two thousand five hundred square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

52. "Curb line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the public works department according to city standard plans for future streets.
53. "Day care center, family" means any nursery school, preschool, child day care nursery or other structure or premises used for the day care of thirteen or more children twelve years of age or younger. (See Chapter 18.128.)
54. "Day care center, mini" means any nursery school, preschool, child day care nursery or other structure or premises used for the day care of fewer than thirteen children twelve years of age or younger. (See Chapter 18.128.)
55. "Deck, high-level" means a structure that is higher than the fence height allowance in the yard in which the deck is located and otherwise conforms to the description of a low level deck.
56. "Deck, low-level" means an unroofed exterior wood frame structure, either attached to a dwelling or freestanding, which provides a surface for outdoor activities. A low level deck, and any railings, benches or attachments must be no higher than the fence height allowed in the yard in which the deck is located.
57. "Deck roof" means a roof enclosed only by exterior walls of the associated dwelling and supported on all other sides by columns or pillars with no enclosing walls between them. Requirements for setbacks and lot coverage apply to a deck roof structures.
58. "Department" (also referred to as the "planning department," "community development department," "development services," "planning and building department," "staff," or "planning staff") means the City of Sultan Community Development Department or such other person(s) or department to whom the city administrator assigns the primary responsibility of administering and enforcing this code.
59. "Developer" means a person who is responsible for any undertaking that requires a development authorization, and/or additional permits such as a conditional use permit or sign permit.
60. "Development" means that which is to be done pursuant to a development authorization. Approval of a development authorization may be conditioned upon other permits such as a conditional use permit, a variance, or development team review approval.
61. "Development authorization" means application approval issued by the director that authorizes the recipient to make use of property in accordance with the requirements of this code (See Chapter 18.12.)
62. "Director" (also referred to as the "community development director," "development services manager," "administrator," or "zoning administrator") means the director of the Sultan community development department or such other person to whom the city administrator assigns the primary responsibility of

administering and enforcing this code, and such other staff granted authority to act on behalf of the director.

63. "District, Special" or "District, Sub-Municipal" means port, school, fire, electric utility, gas utility, or similar sub-municipal governmental taxing unit or service provider constituted as such under the Constitution of the State of Washington.
64. "District" or "Zone" means an area defined as to the boundaries and location on the official zoning map and within which area certain land use regulations as prescribed by the text of this code apply.
65. "Duplex" means a building containing two kitchens and designed to be occupied by two families living independently of each other, excluding single-family dwellings with an approved accessory dwelling unit.
66. "Dwelling" means a building designed exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings but not including hotels or motel units.
67. Dwelling, Multiple. "Multiple dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot.
68. Dwelling, One-Family. "One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.
69. Dwelling, Two-Family. "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other and containing two attached dwelling units on the same lot. This definition includes the term "duplex."
70. "Dwelling unit" means one or more rooms designed for or occupied by one family for living, sleeping, eating, cooking, and sanitation purposes.
71. "Essential public facilities" means facilities that are typically difficult to site and necessary to provide essential public services, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020, and include supporting facilities needed for such essential public facilities. It is not necessary that the facilities be publicly owned.
72. "Facilities, public" means those structures, systems, or areas, such as streets, utilities, parks and public buildings customarily provided by or on behalf of government for use by the general public. This term may also include structures or features required of a private developer which are dedicated to the public as a condition of development.
73. "Family" means an individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who are not related by

blood, marriage, or adoption, living together in a dwelling unit. This definition of Family does not include persons with handicaps within the meaning of Title 42 USC, Sec. 3602(h). It also does not include children with familial status within the meaning of Title 42 USC Sec. 3602(k) as related to foster and group homes.

74. "Family home, adult" means a residential home where a person or persons providing personal care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.
75. "Fence" means a barrier for the purpose of enclosing space or separating parcels of land (See Chapter 18.88.)
76. "Fence, sight-obscuring" means a fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.
77. "Flood hazard area" means the area which has been or may be covered by a one-hundred-year flood as defined by the Federal Emergency Management Agency Flood Hazard Boundary Map.
78. "Flood Hazard Boundary Map" means an official map of the community furnished by the Federal Insurance Administration, labeled as Flood Hazard Boundary Map and delineating the boundaries of the special flood hazard areas.
79. "Foster Care, Adult" Referred to in this code as adult family home.
80. Frontage, Lot. "Lot frontage" means that portion of a lot nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage.
81. "Garage, private" means an enclosed building or portion of a principal building used primarily for the parking of vehicles owned or used by occupants of the principal building. Other buildings used for parking or storage of vehicles are accessory buildings as defined under "Building, accessory."
82. "Garage sale" means the sale of used household personal items by the owner thereof, usually on residential premises.
83. "Grade (ground level)" means the average of the finished ground level at the center of each exterior wall of the building.
84. "Gross floor area" means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
85. "Group housing for handicapped persons" means a dwelling unit used principally for the housing of handicapped individuals, protected by the federal Fair Housing Act, with or without supervisory resident staff housed in the same unit. "Group housing for handicapped persons" does not include dwelling units made available to individual(s) whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. "Group housing for handicapped persons" does not include secure community transition facilities as defined in

RCW 71.09.020. As used in this definition, "handicaps" are as defined in the federal Fair Housing Amendments Act of 1998 (42 USC 3602), as amended.

86. "Habitable area" means any area usable (meeting applicable building code standards) for living purposes, including working, sleeping, eating, cooking or recreation or any combination thereof. An area used only for storage is not a habitable area.
87. "Hazardous substance" means any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in RCW 70.105.010.
88. "Hazardous waste" means and includes all dangerous and extremely hazardous waste (RCW 70.105.010).
89. "Hazardous waste storage" means the holding of dangerous waste. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.
90. "Hazardous waste storage off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties the location of the facility.
91. "Hazardous waste storage on-site" means the same, geographically contiguous, or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property.
92. "Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
93. "Hearing examiner" means the hearing examiner of the city of Sultan appointed by the Mayor of the City of Sultan.
94. "Home occupation" means the secondary use of a dwelling unit or accessory structure in a residential district where the person resides, for gainful employment involving the provision of goods or services for sale, or
95. "Junk" means worn or discarded materials including but not limited to old rags, plastic, glass, paper, bottles, cans, metals and rubber articles. "Junk" also means rubbish and debris.
96. "Kennel, animal" means a place where five or more adult dogs or cats, or other domesticated animals allowed by code, or any combination thereof are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital, clinic or a community animal shelter. (See Chapter 18.118.)
97. "Lot" means a single parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built

upon. A unit of land assigned an assessor's tax parcel number is not a lot for purposes of land use permitting/development unless it has been created for that purpose by a process recognized by state statutes as a buildable parcel. (See Figure 18.04-2.)

98. "Lot area" means the total area within the lot boundary lines, excluding any street rights-of-way.
99. "Lot, corner" means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. (See Figure 18.04-2.)

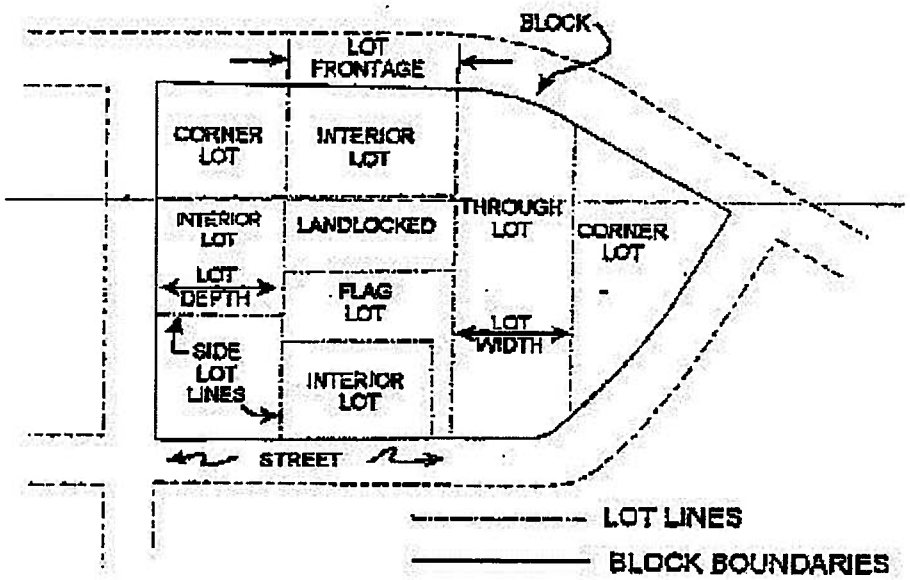

Figure 18.04-2 – Lot Layout

100. "Lot depth" means the distance measured from the front lot line to the rear lot line. (See Figure 18.04-2.) For lots where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten feet and averaging the length of these lines.
101. Lot, Double Frontage. See "Lot, through."
102. "Lot, flag" means a lot only a narrow portion of which fronts on a public/private road and where access to the public/private road is across that narrow portion. (See Figure 18.04-2)
103. "Lot, frontage" means the length of the front lot line measured at the street right-of-way line. (See Figure 18.04-2.)
104. "Lot, interior" means a lot other than a corner lot. (See Figure 18.04-2.)
105. "Lot, landlocked" means a lot which has no deeded access to a public street. (See Figure 18.04-2.)

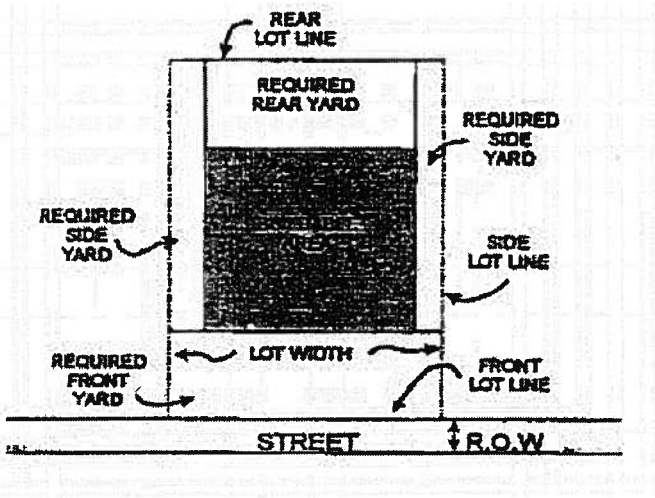

Figure 18.04-3 – Lot Lines

106. "Lot line" means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 18.04-3.)
107. "Lot line, front" means the lot line separating a lot from a street right-of-way, or in the case of a flag lot, the line closest to a street right-of-way excluding the flagpole portion of the property. (See Figure 18.04-3.)
108. "Lot line, rear" means the lot line opposite and most distant from the front lot line; or in the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 18.04-3.)
109. "Lot line, side" means any lot line other than a front or rear lot line. (See Figure 18.04-3.)
110. "Lot of record" means a lot created pursuant to the laws and requirements of the State of Washington and the local government having jurisdiction at the time of the lot's creation existing prior to the effective date of this code.
111. "Lot through" means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. (See Figure 18.04-2.)
112. "Lot width" means the horizontal distance between the side lines of a lot measured along a straight line parallel to the front lot line at the minimum required building setback line. (See Figure 18.04-3.)
113. "Manufactured home" means a structure which is designed and built as a permanent dwelling unit but which is: (A) not constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes, and (B) is constructed with an integral frame of "I" beams or tubular steel which is the structural foundation of the

home itself and which provides the attachment for transport assemblies used to tow the mobile home to the point of use. This definition does not include mobile homes, modular homes, commercial coach, or recreational vehicles. Manufactured homes are permitted only as provided and further defined in Chapter 18.160.

114. "Manufactured home subdivision" means a platted subdivision in which all lots are specifically dedicated for placement of a manufactured home on individually owned lots. (See Chapter 18.166 and Title 19.)
115. "Manufactured (mobile) home park" means a residential use in which more than one mobile or manufactured home is located on a parcel of land under single ownership. (See Chapter 18.164.)
116. "Mobile home" means any vehicle or similar portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles which meet the standards of the Washington Department of Labor and Industries.
117. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.
118. "Nonconforming lot" means a lot existing at the effective date of this code (and not created for the purposes of evading the restrictions of this code) that does not meet the minimum area requirement of the zone district in which the lot is located. (See Chapter 18.190.)
119. "Nonconforming situation" means an existing lot, structure, use or activity which was lawful prior to the adoption, revision or amendment of this code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zone in which it is located. (See Chapter 18.190.)
120. "Nonconformity, dimensional" means a Nonconforming Situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located. (See Chapter 18.190.)
121. "Non-project action" means the adoption or amendment of a comprehensive plan, subarea plan, zoning or land division code test or map, area-wide rezones, prezones, annexations, street vacations, or other legislative approvals. (See Chapter 18.12.010)

122. "Nursery" means facilities used for the propagation and retail or wholesale of agricultural or ornamental plants and related products. This definition does not include private greenhouses with no commercial sales.
123. "Nursing care facility" means an institutional facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital, to more than nine persons.
124. "Nursing care home" means an establishment providing skilled nursing care and medical supervision at a lower level than that available in a hospital, to not more than nine persons.
125. "Offices" means a facility where the primary activity is of a business meeting or professional service nature (doctor, lawyer, realtor, etc.). The primary activity cannot be retail in nature (where products are stocked and sold on the premises).
126. "Official zoning map" means the map(s), entitled "Official Zoning Maps," designating the various land use zoning districts established in this Title.
127. "Open area" means a land area exclusive of any buildings, driveways, and parking lots, intended to be retained in a natural or a landscaped state.
128. "Overlay zone" means a special land designation whose regulations are set forth in the text of this code, are mapped, and are imposed in addition to those of the underlying zoning district. Development within an overlay zone must conform to the requirements of both zones or the more restrictive of the two.
129. "Parking space, stall" means a clear, off-street area for the temporary parking or storage of one automobile.
130. Patio Roof. Referred to in this code as a "deck roof."
131. "Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.
132. "Person" means every natural person, firm, partnership, association or corporation.
133. "Planning Board" means the planning board of the City of Sultan.
134. "Planning jurisdiction" means the area within city limits as well as the "urban growth area" beyond the city limits within which the city is authorized to plan for and prezone for future annexation.
135. "Pre-existing use" means a use or activity legally existing prior to the effective date of this code.
136. "Prezone" means the city zone code designation assigned to a parcel of land prior to annexation to the city to become effective upon annexation by the City. (RCW 35A.14.330
137. Produce Stand. See "agricultural stand."
138. "Project permit" means any land use or environmental permit or license required from the city for a project action, including but not limited to building

permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the city's critical area ordinance, and site-specific rezones. (See Chapter 18.12.010)

139. "Recreational vehicle" means a vehicular type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled or driven. This definition includes, but is not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats, snowmobiles, go carts, motorcycles, and dune-buggies. Recreational vehicles designed as temporary living units are prohibited as permanent dwelling units. "Permanent" for the purposes of this definition is defined as occupancy by a person for more than four weeks in one consecutive twelve-month period.
140. "Recreational vehicle park" means any place where two or more recreational vehicles are parked on a parcel of land, the purpose of which is to rent space or keep space for rent to any person for use of facilities, or to offer space free in connection with securing the trade or patronage of such person.
141. "Recycling center" means a centralized bulk storage facility where discarded household products such as aluminum and tin cans, glass, paper and other similar consumer products are deposited and stored for future processing. Recycling centers are typically the destination of materials collected at neighborhood recycling stations.
142. "Retail business" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail businesses may process some of their products, but processing is secondary to selling of the product. Retail businesses include retail lumber and building supply outlets, office supply sales, eating and drinking places, and produce sales outlets which bring in goods from more than one farm.
143. "Reviewing body" means the director, development review team, or hearing examiner as used in this code.
144. "Reviewing official" means the director, the development review team members, or their designee as used in this code.
145. "Rezone" means a change of zoning district classification on the official zoning map. (Also see "Amendment.")
146. "Right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

147. "Sand and gravel pits" means an area where earthen materials in excess of five hundred cubic yards are extracted from the site for commercial purposes which may or may not include stockpiling.
148. Satellite Dishes. (See Chapter 18.138, Wireless Communication Facilities.)
149. "SEPA – State Environmental Policy Act/Rules" Refers to Chapter 43.21C RCW and SEPA Rules in Chapter 197-11 WAC adopted by the Washington State Department of Ecology. Refers further to the city's environmental codes in Title 17.
150. "Service station" means a retail facility to provide motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair service and incidental sale of motor vehicle accessories.
151. "Shelter" means short term, emergency housing for homeless or abused persons. Typically a shelter offers housing and meals to such individuals for up to thirty days; however, longer stays may be allowed according to the need.
152. Sight Visibility Triangle. Referred to in this code as clearview triangle. (See Chapter 18.90.)
153. "Sign" means any device, structure, fixture (including the supporting structure) or any visual communication that identifies, advertises and/or promotes the subject to the attention of the public. (See SMC Title 22, Sign Regulations.)
154. "Site plan" means "site plan" means a plan drawn to scale which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies, drainage features, and building envelopes and any other information requested by reviewing body and/or approving authority.
155. "Special events" means circuses, fairs, carnivals, festivals, or other types of special events that (A) run for one day but not longer than two weeks, (B) are intended to or likely to attract substantial crowds, and (C) are unlike the customary or usual activities generally associated with the property where the special event is to be located.
156. "Special use permit" means a permit that authorizes the recipient to make use of property which has lost its nonconforming status. (See Chapter 18.192, Special Use Permits.)
157. "Stall" means the parking space into which vehicles park. (See "Parking space, stall.")
158. "Storage facilities, bulk" means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of large size.
159. "Storage facilities, commercial" means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.
160. "Storage facilities, residential mini-storage" means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure.

161. "Street" means the entire width between the boundary lines of every way which provides for public use for the purposes of vehicular and pedestrian traffic and including the terms "road," "highway," "lane," "place," "avenue," or other similar designations. Nothing may be placed or located within this area except public facilities landscaping subject to clearview triangle standards in Chapter 18.90, and off-premises directional signs as provided in Title 22.
162. "Structural alteration" means any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
163. "Structure" or "building" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires a location on the ground or which is attached to something having a location on the ground, whether assembled on site, or assembled elsewhere and placed on the site. This definition does not include paved areas or fences under six feet in height.
164. Subdivision. See Title 19, Subdivisions. Refers also to Chapter 58.17 RCW.
165. Temporary or Emergency Housing. The terms "temporary" or "emergency housing" in this code are synonymous with "shelter."
166. "Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
167. "Temporary use" means a use established for a period of time fixed in the permit which authorizes the use.
168. "Tower" means any structure whose principal function is to support an antenna (See Chapter 18.138.)
169. "Tract" is used interchangeably with the term "lot."
170. "Urban area" means the incorporated city of Sultan together with the urban growth area.
171. "Urban growth area" means the unincorporated area surrounding the city defined in the comprehensive plan as the area designated for growth at urban densities eligible for annexation.
172. "Urban Forest" means the ecosystems of trees and other vegetation in the community that consists of street and yard trees, vegetation within parks and along public rights of way and water systems and other undeveloped areas.
173. "Use" means the purpose for which land or a structure is designated, arranged, or intended, or for which it is occupied or maintained.
174. Use, Accessory. "Accessory use" means a use incidental and subordinate to the principal use and located on the same lot, or single ownership of contiguous lots, or in the same building as the principal use.
175. Use, Permitted. "Permitted use" means any use authorized by one of the various processing levels in each zone description.

176. Use, Principal. "Principal use" means the primary use for which a lot, structure, building, or the main portion thereof, is designed or actually employed.
177. Utility, Public. "Public utility" means an organization performing some public service and subject to government regulation. The services include, but are not limited to, electrical substations; pumping lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewer, oil or steam, and storage tanks for any of the above including water towers; solid waste disposal facilities, including transfer stations, incinerators, and sanitary landfills; radio, television, and telephone stations, exchanges, transmitting, receiving or relay structures.
178. "Variance" means a grant of permission by the hearing examiner that authorizes the recipient to adjust specific dimensional regulations of this code applicable to a particular piece of property. (See Chapter 18.182, Variances.)
179. Variance, minor. "Minor Variance" means a variance of up to ten percent of any dimensional standard of this code, authorized by the director.
180. "Vehicle Maneuvering Area" means that portion of a parking lot or vehicle storage/assembly area used for access to parking or loading areas or other facilities on the lot. Essentially driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
181. Vision Clearance Area. Referred to in this code as "clearview triangle."
182. Wall, retaining. "Retaining Wall" means a structure necessary for support of a cut-fill grade. Retaining wall shall be a maximum of twelve inches above finished grade or the fill side of the wall.
183. "Warehouse" means a building used for the storage and/or distribution of commercial or industrial goods.
184. "Waste material processing and junk handling" means a place where non-hazardous waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or of the sale, purchase, storage, or dismantling of automotive vehicles and machinery. This definition excludes the processing, storage or disposal of hazardous materials.
185. Wireless Communication Facilities. (See Chapter 18.138.)
186. "Yard" means an open space on a lot which is unobstructed from the ground upward by a structure.
187. "Yard, front" means a space extending the full width of the lot between any building and the front lot line, and measured from the building at the closest point to the front lot line. (See Figure 18.04-3.)

188. "Yard, side" means a space extending from the rear line of the required front yard to the rear lot line measured perpendicular from the side lot line. (See Figure 18.04-3.)
189. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines and opposite the required front yard; provided, that for corner lots the yards remaining after the full and half depth front yards have been established shall be considered side yards. Rear yard setbacks do not apply to corner lots. (See Figure 18.04-3.)
190. "Zone" is synonymous with district or zoning district.
191. "Zoning administrator" is synonymous with director.
192. "Zoning Permit". This code uses the term "development authorization" to refer to the concept of zoning permit. (See "Development authorization" and Chapter 18.12.)

Division II. Administrative Provisions

Chapter 18.10
ADMINISTRATION

Sections:

18.10.010 Purpose.
18.10.020 Community Development Department.

18.10.010 Purpose.

The purpose of this Chapter is to establish and prescribe the basic duties and operating procedures for the administration and enforcement of this Title, zoning code.

18.10.020 Community Development Department.

A. The Community Development Department shall have the following authority and responsibilities:

1. Receive and process, according to the appropriate processing Level (I, II, III, IV, V, or VI), all applications for development authorizations for building, plumbing and mechanical permits, sign permits, development review, conditional use permits, special use permits, variances, rezones, annexations, utility extension agreements, right-of-way permits, street vacations, home occupations, business registrations, demolition permits and all other applications required by this Title.
2. Issue development authorizations and permits.
3. Receive and process questions and complaints applicable to this code.
4. Update the Official Zoning Map to accurately reflect any amendments made by official action of the city council.
5. Maintain the official index of all permits and approvals under this code.
6. Coordinate all development activity to insure that an applicant receives all necessary input from this and all other pertinent city departments.

Chapter 18.12
DEVELOPMENT AUTHORIZATIONS

Sections:

18.12.010 Purpose.
18.12.020 Application.
18.12.030 Approval required.
18.12.040 Compliance with development authorization required.
18.12.050 Application exemptions.
18.12.060 Consolidated project permit review – Concurrent non-project review.
18.12.070 Public Notice of Applications.

18.12.010 Purpose.

The purpose of this chapter is to specify the general requirements for filing and processing Development Authorizations under this Code and to specify procedures which apply to certain Non-project Actions.

A. "Project permit" means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the city's critical area ordinance, and site-specific rezones. (See Definitions, Chapter 18.04)

B. "Non-project action" means the adoption or amendment of a comprehensive plan, subarea plan, Zoning or Land Division Code text, area-wide rezones, prezones, annexations, street vacations, or other legislative approvals. (See Definitions, Chapter 18.04)

18.12.020 Application.

Unless exempted or excepted by this title, a Project Permit application must be filed for any action requiring city development authorization. The application shall consist of the materials specified in this section:

A. A completed application form, signed by the owner/applicant or authorized representative, with the applicant's current address. The applicant must designate a single person or entity to receive determinations and notices upon an application and provide a single address which shall serve as the address for all correspondence and any required notices regarding the application. The applicant is responsible to notify the city in writing of any change of address or designation.

B. An explanation of intent, stating the nature of the proposal, reasons for the request, pertinent background information, information required by the pertinent sections of this code, and other information that may have a bearing on the processing of the application.

C. Proof of ownership or that the applicant has the consent of all owners of the affected property, or that the applicant has the authority to act as agent for the owners of the property.
D. A legal description of the property affected by the application.
E. Application fee.
F. Evidence of water and sewer availability.
G. A general or detailed site plan, as determined by the director to be necessary based on the scope of the proposal.
H. Information required by other Municipal Code sections for the particular type of proposal.
I. All of the information needed by the department to make determinations required by Section 18.36, Determination of Completeness.
J. Additional information requested by the department such as, without limitation, a SEPA environmental checklist when required or sufficient materials to determine that an application is exempt from SEPA threshold determination requirements.

18.12.030 Approval required.

A. Except as provided in subsection B of this section, no use, development or modification to use or development, as those terms are defined by this code, may be established, placed, performed, constructed, made, or implemented, in whole or in part, without development authorization by the city.
B. Exemptions. The following developments and actions are exempt from the review provisions of this title, except as provided in subsections C and D of this section:
   1. Accessory structures under twenty square feet in area and five feet in height.
   2. Exempt signs per Section 22.06.030.
   3. Minor alterations to lands: Includes paving, the fair market value of which does not exceed five hundred dollars; and grading, filling, stockpiling and excavation of earthen materials not exceeding fifty cubic yards.
   4. Development proposals on federally owned land.
   5. Utility transmissions lines within existing easements or rights-of-way.
   6. Small satellite dishes as defined in Chapter 18.138, Wireless Communication Facilities.
   7. Special Events Permits and other permits for use of public right-of-way which are addressed by other provisions of this code and not specified in this title.
   8. Landmark designations.
   9. Applications for building, mechanical or plumbing permits for existing residential structures which do not change the size or use of the structure; provided, however, that applications for building permits shall be made when required by the International Building Code and/or the International Residential Code.
   10. Issuance of permits for activities for which development authorization has already been granted, and the responsible official determines that

environmental review is either categorically exempt under Chapter 43.21C RCW or previously completed in connection with other project permits; provided, that applications for such permits shall be made.

C. No development or action in a critical area or a buffer zone regulated by Chapter 17.10, Critical Areas, shall be exempt from the review provisions of this title.

D. All developments and actions shall satisfy concurrency requirements of the city. Developments and actions otherwise exempted by subsection B of this section which do not satisfy concurrency requirements shall be subject to the review provisions of this title.

E. Non-project actions require review and approval by the city as provided in this title.

18.12.040 Compliance with development authorization required.

A. Development Authorization Compliance Required.
Development authorizations authorize only the use, arrangement and construction set forth in the approved plans and application together with any associated conditions of approval and the final site plan.

B. Site Inspection Authorized.
The director, the building official and other city officials having responsibilities under this code, or their designees, are authorized to perform interim and final inspections of all development and modifications to development to assure conformance with the final site plan and associated terms and conditions of approval.

C. Development Authorization Extension. (See Chapter 18.44)
1. The director may extend a valid development authorization only one time for up to one additional year.
2. Requests for extensions must be in writing to the department and must be accompanied by the previously approved final site plan showing the location and size of any development or work already completed on the project.
3. The director shall review the request without public notice or hearing and issue his or her decision within ten days from the receipt of the extension request.
4. The director may
   a. Approve the extension
   b. Approve the extension with conditions to assure the work will be completed in a timely fashion, or
   c. Deny the extension.
5. An extension shall be issued for good cause only and the burden of showing cause is on the applicant. The director shall mail his or her decision to the applicant and shall specify his or her decision as final unless appealed under the provisions of Chapter 18.42, Closed Record Decisions and Appeals.

D. Development Authorization Expiration. A development authorization automatically expires and is terminated as provided in Chapter 18.44, Issuance and Expiration of Permits.

18.12.050 Application exemptions.

A. Non-project actions initiated by the city; do not require an application; provided, such actions are processed in accordance with the provisions of this title; and nothing herein prohibits the city from filing an application.

B. Annexations do not require an application except as provided in Chapter 18.208. Annexations shall be processed in accordance with the provisions of Chapter 35A.14 RCW and SMC 18.208.

C. Applications for plumbing and mechanical permits and other applications for modifications to existing residential structures which do not result in a change of use or size of a structure will serve as the application for that purpose and are required only to obtain the necessary permits from the building official. The resulting building permit will serve as the development authorization.

D. Applications for plumbing and mechanical permits issued solely for the maintenance of an existing commercial structure and which do not alter any aspect of the use of the structure will serve as the application for that purpose and are required only to obtain the necessary building permits. The resulting building permit will serve as the development authorization.

18.12.060 Consolidated project permit review – Concurrent non-project review.

A. Consolidated Permit Review Process.
The Director will attempt to determine if more than one permit approval or action under this code is required for a proposal, and notify the applicant prior to issuance of a determination of completeness; provided, however, that the failure of staff to notify the applicant shall not extend the time to elect to consolidate review processes.

B. An applicant may elect in writing to consolidate the review processes for project permits subject to the following:
   1. A project permit review process shall not be consolidated with a non-project action approval process;
   2. Director interpretations, Level I, II, III, and IV matters shall not be consolidated with Level V or VI processes;
   3. The election to consolidate project permit review processes must be filed with the department prior to issuance of a determination of completeness or it is deemed waived; provided, that the director may consolidate project permit review processes in his or her discretion even if an election is not timely made.
   4. In the event that project permit review processes are consolidated, the determination of completeness, notice of application, and notice of final

decision must include all project permits being reviewed through the consolidated review process;

5. In the event that consolidated review processes involve open record hearings before the same hearing body, they will be consolidated into one joint hearing;
6. Consolidation shall not change the designation of the approving authority for any review process. The department shall determine the order of processing subject to the following unless otherwise ordered by the director for good cause:
   a. If processes are consolidated which involve the same approving authority, they shall be scheduled in a manner which allows the approving authority to consider all matters contemporaneously, and the approving authority shall issue a consolidated final decision;
   b. If processes requiring director or department decisions are consolidated with a Level III process, the director or department decisions shall be made first, and the administrative appeal, if any, of such decisions shall be consolidated and presented to the hearing examiner in a manner which allows the hearing examiner to consider the appeal and the Level III decision contemporaneously, and the hearing examiner shall issue a consolidated final decision on the appeal and the Level III matter;

C. Concurrent Non-Project Review.
   1. Except as provided in RCW 36.70A.130 proposals to amend the Comprehensive Plan shall be considered no more frequently than once a year and all proposals shall be considered concurrently so the cumulative effect of the various proposals can be ascertained.
   2. Non-project approvals may be processed concurrently with other non-project approvals at the discretion of the director, but they shall not be consolidated.

D. A pre-application conference as provided by Chapter 18.32, may be required by the department prior to filing of an application The applicant shall arrange such conference with the planning department to review the proposed action, to become familiar with the policies, plans and development requirements of the city of Sultan and to coordinate all necessary permits and procedures. Any information or opinions expressed by the planning staff shall not be binding or constitute approval of the project.

18.12.070 Public Notice of Applications

Notice of applications under this Code shall be given as provided in Chapter 18.40.

Chapter 18.14
RESERVED

Chapter 18.16
RESERVED

Chapter 18.18
LEVEL I ZONING REVIEW PROCEDURE

Sections:

18.18.010 Purpose.
18.18.020 When required.
18.18.030 Development Authorization Application
18.18.040 Pre-application Conference
18.18.050 Notice Procedures
18.18.060 Determination of Completeness
18.18.070 Review procedures
18.18.080 Approval.
18.18.090 Denial.
18.18.100 Appeal.

18.18.010 Purpose.

The purpose of Level I procedure is to handle applications that are decided based on compliance with very specific standards that involve little to no discretion or policy interpretation in the review process.

18.18.020 When required.

Level I procedures are required for the following actions processed under Title 18:

A. Uses listed as "Level I Uses" in Chapter 18.70, Table of Permitted Land Uses
B. Building, Mechanical, and Plumbing permits that extend the footprint of a building.
C. Right-of-way permits
D. Fence construction
E. All other proposals determined by the director to be most similar to Level I uses

18.18.030 Development Authorization Application.

Level I applications shall be made in writing to the Department on forms approved by the Department. The application shall contain all information called for in the Chapter that addresses administration of the type of application. The director or his designee may request any other information necessary to clarify the application or determine compliance with applicable codes, and provide for the enforcement of this Code.

18.18.40 Pre-application Conference.

A Pre-application Conference is not required for Level I applications. Applicants are encouraged to consult with community development department staff when preparing applications for land uses such as building construction, activities involving city streets, or actions near property lines.

18.18.050 Notice procedures.

Public notice is not provided for Level I uses.

18.18.060 Determination of Completeness.

A. The developer shall submit the application to the director along with the appropriate fees.

B. Within twenty-eight (28) working days of the date of receipt of either an application or resubmitted and/or additional information, the community development department shall determine if the application is complete.

C. The city shall, within twenty-eight (28) working days of receiving an application mail a written notice to the applicant providing one of the following:

1. A determination of completeness; or
2. A determination of incompleteness, and a statement(s) regarding what is necessary to make the application complete.

18.18.070 Review procedures – Level I.

A. Revision:

A requirement for revision shall include:

1. A brief direction as to the code standards that are not met, but that could be met with appropriate revision.
2. Advise that the applicant must complete the requested revisions within 90 days of the date of the determination of incompleteness.
3. If the applicant does not respond to the requested revisions within 90 days the application shall expire and be declared void. A new application and fee will be required if the applicant desires to proceed with the project.

B. Rejection:

Rejection of an application shall include:

1. A statement of the criteria/standards that are not met by the application,
2. A brief explanation as to why no reasonable revision of the proposal can be expected to rectify, and why that is the case.

C. Development Review Committee.

The director will send proposals requiring review by the development review committee no later than fourteen (14) days after the application has been determined to be complete.

D. Additional Agency Review

The director may also, but is not required to, solicit comments from other resource persons or public agencies he or she may determine may be affected by a proposal that is categorically exempt under SEPA.

E. State Environmental Policy Act (SEPA) Review.

If SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 17.04 of this code and Chapter 197-11 WAC. No approval or permit shall be issued on the proposal until SEPA review is complete.

F. Director's Decision.

The director or his/her designee shall complete review of a Level I application and approve the application if all of the requirements of this chapter have been met.

The director or his/her designee will prepare a written decision with supporting facts and reasons within ninety (90) days of receipt of a complete application except that if application volume exceeds available staff time, a decision shall be prepared as soon as possible.

18.18.080 Approval.

The director shall issue a Development Authorization when it is determined by the director that the proposal complies with the provisions of this Code.

18.18.090 Denial.

When an application is denied, the director shall state the specific reasons and shall cite the specific Chapters and Sections of this Code upon which the denial is based.

18.18.100 Appeal.

A. The decision by the director and city administrator to grant or deny issuance of a Level I Development Authorization use may be appealed to the hearing examiner under the provisions of Chapter 18.42, Closed Record Decisions and Appeals.

Chapter 18.20
LEVEL II ZONING REVIEW PROCEDURE

Sections:

18.20.010 Purpose.
18.20.020 When required.
18.20.030 Development Authorization Application
18.20.040 Pre-application Conference
18.20.050 Notice Procedures
18.20.060 Determination of Completeness
18.20.070 Review procedures
18.02.080 Approval
18.20.090 Denial.
18.20.100 Appeal.

18.20.010 Purpose.

The purpose of Level II procedure is to handle applications that are decided based on compliance with very specific standards that involve a relatively low level of discretion or policy interpretation in the review process. Level II uses are generally more complex and involve potentially greater impacts on the surrounding neighborhood and/or on public service systems than do Level I uses.

18.20.020 When required.

Level II Development Authorization applications are required for the following actions:

A. Uses listed as "Level II Uses" in Chapter 18.70, Table of Permitted Land Uses
B. All other proposals determined by the director to be most similar to Level II uses

18.20.030 Development Authorization Application.

Level II applications shall be made in writing to the Department on forms approved by the Department. The Director or his designee may request additional information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Code.

18.20.040 Pre-application Conference.

A. A Pre-application Conference is not required for Level II applications.
B. Applicants are encouraged to consult with community development department staff when preparing applications for any Level II use.

18.20.050 Notice procedures.

Public notice of Level II applications shall be as provided in Section 18.40.

18.20.060 Determination of Completeness.

A. The developer must submit the application to the community development director along with the appropriate fees.

B. Within twenty-eight 28 working days of the date of receipt of either an application or resubmitted and/or additional information, the community development department shall determine if the application is complete.

C. The city shall, within twenty-eight (28) working days of receiving an application mail a written notice to the applicant providing one of the following:
   1. A determination of completeness; or
   2. A determination of incompleteness, and a statement(s) regarding what is necessary to make the application complete.

18.20.070 Review procedures.

A. Revision:
   A requirement for revision shall include:
   1. A brief direction as to the code standards that are not met, but that could be met with appropriate revision.
   2. Advise that the applicant must complete the requested revisions within 90 days of the date of the determination of incompleteness.
   3. If the applicant does not respond to the requested revisions within 90 days the application shall expire and be declared void. A new application and fee will be required if the applicant desires to proceed with the project.

B. Rejection:
   Rejection of an application shall include:
   1. A statement of the criteria/standards that are not met by the application,
   2. A brief explanation as to why no reasonable revision of the proposal can be expected to rectify, and why that is the case.

C. Development Review Team.
   The director shall send proposals requiring review by the development review committee no later than fourteen days after the application has been determined to be complete.

D. Additional Agency Review
   The director may also, but is not required to, solicit comments from other resource persons or public agencies he or she may determine may be affected by a proposal that is categorically exempt under SEPA.

E. State Environmental Policy Act (SEPA) Review.
   If SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 17.04 of this code and Chapter 197-11 WAC. No approval or permit shall be issued on the proposal until SEPA review is complete.

F. Director's Decision.
The director or his/her designee shall complete review of a Level II application and approve the application if all of the requirements of this chapter have been met.

G. The director or his/her designee shall prepare a written decision with supporting facts and reasons within ninety (90) days of receipt of a complete application. In the event that the volume of applications exceeds staff capacity, the ninety (90) day standard may be extended, but staff shall complete work as soon as possible.

18.20.080 Approval.
The director shall issue a Development Authorization when it is determined by the director and confirmed by the city administrator that the proposal complies with the provisions of this Code and the Comprehensive Plan.

18.20.090 Denial.
When an application is denied, the director shall state the specific reasons and shall cite the specific Chapters and Sections of this Code upon which the denial is based.

18.20.100 Appeal.
The decision by the director and city administrator to grant or deny issuance of a Level II development authorization use may be appealed to the hearing examiner under the provisions of Chapter 18.210, Appeals.

Chapter 18.22
LEVEL III ZONING REVIEW

Sections:

18.22.010 Purpose.
18.22.020 When required.
18.22.030 Development Authorization Application
18.22.040 Pre-application Conference
18.22.050 Notice Procedures
18.22.060 Determination of Completeness
18.22.070 Review Procedures
18.22.080 Approval.
18.22.090 Denial.
18.22.100 Appeal.

18.22.010 Purpose.

The purpose of Level III procedure is to handle applications that are decided on the basis of compliance with criteria and standards that involve a high level of discretion or policy interpretation in the review process.

Level III applications are quasi-judicial decisions made by the hearing examiner under procedures provided in SMC 2.26.

18.22.020 When required.

Level III Development Authorization applications are required for the following actions:

A. Uses listed as "Level III Uses" in Chapter 18.70, Table of Permitted Land Uses (See Conditional Use Procedures, Chapter 18.180)
B. Variance Proposals (See Variance Procedures, Chapter 18.82)
C. Expansion of Nonconforming Uses (See Nonconforming Situations, Chapter 18.190)
D. Special Use Permit Proposals (See Special Use Permit Procedures, Chapter 18.192)
E. All other proposals determined by the director to be most similar to Level III uses

18.22.030 Development Authorization Application.

Level III applications shall be made in writing to the Department on forms approved by the Department. The Director or his designee may request additional information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Code.

18.22.040 Pre-application Conference.

A Pre-application Conference is required for all Level III Applications. See Chapter 18.32 Pre-application Conference.

18.22.050 Notice procedures.

Public notice of Level III applications shall be as provided in Section 18.40.

18.22.060 Determination of Completeness.

A. The developer must submit the application to the community development director along with the appropriate fees.

B. Within twenty-eight (28_ working days of the date of receipt of either an application or resubmitted and/or additional information, the community development department shall determine if the application is.

C. The city shall, within twenty-eight (28) working days of receiving an application mail a written notice to the applicant providing one of the following:

3. A determination of completeness; or
4. A determination of incompleteness, and a statement(s) regarding what is necessary to make the application complete.

18.22.070 Review procedures.

A. Revision:

A requirement for revision shall include:

1. A brief direction as to the code standards that are not met, but that could be met with appropriate revision.
2. The applicant shall complete the requested revisions within 90 days of the date of the determination of incompleteness.
3. If the applicant does not respond to the requested revisions within 90 days the application shall expire and be declared void. A new application and fee will be required if the applicant desires to proceed with the project.

B. Rejection:

Rejection of an application shall include:

1. A statement of the criteria/standards that are not met by the application,
2. A brief explanation as to why no reasonable revision of the proposal can be expected to rectify, and why that is the case.

C. Development Review Committee.

The director shall send proposals requiring review by the development review committee no later than fourteen days after the application has been determined to be complete.

D. Additional Agency Review

The director may also, but is not required to, solicit comments from other resource persons or public agencies he or she may determine may be affected by a proposal that is categorically exempt under SEPA.

E. State Environmental Policy Act (SEPA) Review.

If SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 17.04 of this code and

Chapter 197-11 WAC. No approval or permit shall be issued on the proposal until SEPA review is complete.

F. Director's Report.
   1. The community development director or his/her designee shall complete review of a Level III application, prepare a written report, submit the report to the hearing examiner.
   2. The report shall address all relevant criteria called for in this title for the type of application being reviewed, including input from city staff and other agencies involved in the review process, and the SEPA determinations if applicable.

18.22.080 Approval.

The director shall issue a Development Authorization when it is determined by the hearing examiner that the proposal complies with the applicable provisions of this Code.

18.22.090 Denial.

When an application is denied, the hearing examiner shall state the specific reasons and shall cite the specific Chapters and Sections of this Code upon which the denial is based.

18.22.100 Appeal.

A. The decision by the hearing examiner to grant or deny issuance of a Level III development authorization use may be appealed under the provisions of Chapter 18.42, Appeals.

Chapter 18.24
LEVEL IV AMENDMENT REVIEW PROCEDURE

Sections:

18.24.010 Purpose.
18.24.020 When required
18.24.030 Application
18.24.040 Pre-application Conference
18.24.050 Notice Procedures
18.24.060 Determination of Completeness
18.24.050 Review procedures
18.24.070 Approval.
18.24.080 Denial.
18.24.090 Appeal.

18.24.010 Purpose.

The purpose of Level IV procedure is to provide for review of applications that require a public hearing by the hearing examiner according to provisions of SMC 2.26 prior to final action by the city council.

18.24.020 When required.

Level IV applications are required for the following actions:

A. Site-Specific Zoning Map Amendments (See Chapter 18.200)

18.24.030 Application.

Level IV applications shall be made in writing to the Department on forms approved by the Department. The Director or his designee may request additional information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Code.

18.24.040 Notice procedures.

Public notice of Level IV applications shall be as provided in Section 18.40 of this Title.

18.24.050 Pre-application Conference

A Pre-application Conference is required for all Level IV Applications. See Chapter 18.32.

18.24.60 Determination of Completeness.

A. The developer must submit the application to the community development director along with the appropriate fees.
B. Within twenty-eight (28) working days of the date of receipt of either an application or resubmitted and/or additional information, the community development department shall determine if the application is complete.

C. The city shall, within twenty-eight working days of receiving an application mail a written notice to the applicant providing one of the following:
   1. A determination of completeness; or
   2. A determination of incompleteness, and a statement(s) regarding what is necessary to make the application complete.

18.24.070 Review procedures.

A. Revision:

A requirement for revision shall include:
   1. A brief direction as to the code standards that are not met, but that could be met with appropriate revision.
   2. Advise that the applicant shall complete the requested revisions within ninety (90) days of the date of the determination of incompleteness.
   3. If the applicant does not respond to the requested revisions within ninety (90) days the application shall expire and be declared void.
   4. Notice that a new application and fee will be required if the applicant desires to proceed with the project after expiration of original application.

B. Rejection:

Rejection of an application shall include:
   1. A statement of the criteria/standards that are not met by the application,
   2. A brief explanation as to why no reasonable revision of the proposal can be expected to rectify, and why that is the case.

C. Additional Agency Review

The director may solicit comments from other resource persons or public agencies as required by this code, or as he or she may determine to be appropriate.

D. State Environmental Policy Act (SEPA) Review.

If SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 17.04 of this code and Chapter 197-11 WAC. No approval or permit shall be issued on the proposal until SEPA review is complete.

E. Director's Report.
   1. The community development director or his/her designee shall complete review of a Level IV application, prepare a written report, submit the report to the hearing examiner.
   2. The report shall address all relevant criteria called for in this title, including input from city staff, and other agencies involved in the review process, and the SEPA determinations if applicable.

F. The hearing examiner shall schedule a public hearing as provided by SMC 2.26.

G. The hearing examiner shall make findings and recommendations to the City Council as provided in the appropriate chapter addressing the application.

18.24.080 Approval.
The Council shall receive and review the hearing examiner's recommendation on a Level IV application. When it is determined by the city council that the proposal complies with the criteria applicable to the proposed the council may vote to approve or modify the proposed amendment by ordinance.

18.24.090 Denial.
The Council may deny a proposed amendment based on adoption of findings that the proposal does not meet the criteria provided in Chapter 18.200.

18.24.100 Appeal.
Any decision by the city council to grant or deny issuance of a Level IV development authorization use may be appealed to superior court under the provisions of Chapter 18.210 and the applicable State Statutes.

Chapter 18.26
LEVEL V AMENDMENT REVIEW PROCEDURE

Sections:

18.26.010 Purpose
18.26.020 When required
18.26.030 Application – Level V
18.26.040 Notice Procedures
18.26.050 Pre-application Conference
18.26.060 Determination of Completeness
18.26.070 Review procedures
18.26.080 Approval
18.26.090 Denial
18.26.100 Appeal

18.26.010 Purpose.

The purpose of Level V procedure is to provide for city council action on applications that require a public hearing by the planning board and recommendation by the board to the city council prior to final council action.

18.26.020 When required.

Level V applications are required for the following actions:

A. Large-scale Zoning Map Amendments (See Chapter 18.202)
B. Zoning Code Text Amendments (See Chapter 18.204)
C. Land Division Code Amendments (See SMC Title 19 and Chapter 18.204)

18.26.030 Application.

Level V applications shall be made in writing to the Department on forms approved by the Department. The Director or his/her designee may request additional information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Code.

18.26.040 Notice procedures.

Public notice of Level V applications shall be as provided in Chapter 18.40.

18.26.050 Pre-application Conference

A Pre-application Conference is required for all Level V Applications. See Chapter 18.32 for Pre-application Conference provisions.

18.26.60 Determination of Completeness.

A. The applicant(s) must submit the application to the community development director along with the appropriate fees.

B. Within twenty-eight (28) working days of the date of receipt of either the application, resubmitted application or additional information, the community development department shall determine if the application is complete.

C. The city shall, within twenty-eight (28) working days of receiving an application mail a written notice to the applicant providing one of the following:
   1. A determination of completeness; or
   2. A determination of incompleteness, and a statement(s) regarding what is necessary to make the application complete.

D. Resubmittal
   1. Resubmittals within six (6) months of the original filing that contain the necessary additional information to make the application complete will not be subject to additional filing fees.
   2. Resubmittals between six (6) months and one (1) year of notification to will be charged additional fees as provided by the Sultan Annual Fee Schedule.

E. Expiration of Application.
   Failure to resubmit a complete application in response to the determination of incompleteness or inaccuracy within one (1) year of the notification of such determination shall result in expiration of the application. Any subsequent application for subdivision of the subject property shall be subject to a new application process and all applicable fees.

18.26.070 Review procedures.

A. Revision:
   A requirement for revision shall include:
   1. A brief direction as to the code standards that are not met, but that could be met with appropriate revision.
   2. Advise that the applicant must complete the requested revisions within ninety (90) days of the date of the determination of incompleteness.
   3. If the applicant does not respond to the requested revisions within ninety (90) days the application shall expire and be declared void.
   4. Give notice that a new application and fee will be required if the applicant desires to proceed with the project.

B. Rejection:
   Rejection of an application shall include a statement of the criteria/standards that are not met by the application.

C. Development Review Team.
   The director shall send proposals to the committee no later than fourteen (14) days after the application has been determined to be complete.

D. Additional Agency Review
The director may solicit comments from other resource persons or public agencies as required by this code, or as he or she may determine to be appropriate.

E. State Environmental Policy Act (SEPA) Review.
If SEPA review is required, such review will be conducted by the responsible official in accordance with the provisions of Chapter 17.04 of this code and Chapter 197-11 WAC. No approval or permit shall be issued on the proposal until SEPA review is complete.

F. Director's Report.
The community development director or his/her designee shall complete review of a Level V application, prepare a written report, submit the report to the planning board.
The report shall address all relevant criteria called for in this title for the type of application being reviewed, including input from the planning board, city staff, and other agencies involved in the review process, and the SEPA determinations if applicable.

G. The planning board shall schedule and hold a public hearing.

H. The planning board shall make findings and recommendations to the city council as required by the chapter controlling the subject application (See Section 18.26.020).

18.26.080 Approval.
The Council shall receive and review the planning board's recommendation on a Level V application. When it is determined by the city council that the proposal complies with the criteria applicable to the proposed the council may vote to approve or modify the proposed amendment by ordinance.

18.26.090 Denial.
The Council may deny a proposed amendment based on adoption of findings that the proposal does not meet the criteria applicable to the proposed amendment.

18.26.100 Appeal.
Any decision by the city council to grant or deny issuance of a Level V development authorization use may be appealed as provided by Chapter 18.42

Chapter 18.28
LEVEL VI AMENDMENT REVIEW PROCEDURE
COMPREHENSIVE PLAN DOCKET

Sections:

18.28.010 Purpose
18.28.020 When required
18.28.030 Application
18.28.040 Comprehensive Plan Amendment Docket
18.28.050 Notice Procedures
18.28.060 Approval
18.28.070 Denial
18.28.080 Appeal

18.28.010 Purpose.

The purpose of Level VI procedure is to provide for city council action on applications that require preliminary action by the planning board and a public hearing at the council level prior to final action by the council. Level VI amendments are processed according to the Comprehensive Plan Docket schedule.

18.28.020 When required.

Level VI applications are required for the following actions:

A. Adoption of amendments to the Comprehensive Plan.
B. Adoption of amendments to the Comprehensive Plan Map (Future Land Use Map).
C. Adoption of Sub Area Plans of the Comprehensive Plan.
D. Adoption of amendments to Sub-Area Plans.

18.28.030 Application.

Level VI applications shall be made in writing to the Department on forms approved by the Department. The Director or his/her designee may request additional information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Code.

18.28.040 Comprehensive Plan Amendment Docket

A. The City shall publish and make available to the public a schedule for update, amendment, or revision of the Comprehensive Plan. This shall be known as the "Comprehensive Plan Amendment Docket".
B. As provided by RCW 36.70A.130, Level VI applications shall be processed not more than once each year as indicated on the "Comprehensive Plan Amendment Docket".

C. Amendments to the Comprehensive Plan may be considered without regard for the restriction of the "Comprehensive Plan Amendment Docket" (Annual Docket) under the circumstances enumerated in RCW 36.70A.130 (2).
D. Docket Schedule
    1. Applications for the Annual Docket must be submitted to the Department by March 1st of each year for consideration in that year.
        a. Annual Docket proposals shall be submitted on forms provided for the by the Department.
        b. The Director shall forward proposals to the Council with a staff report providing a general overview of the proposal and its policy and administrative implications.
    2. By May 1st, the Council will forward to the Planning Board any proposed amendments that the Council wishes the Planning Board to pursue,.
    3. By forwarding a proposal to the Board, the Council is placing the item on the Annual Docket for that year. Placement on the Annual Docket does not indicate that the Council supports or intends for the proposal to be approved. Placement on the Annual Docket indicates that the Council wants the Planning Board to study the proposal and return to the Council with recommendations concerning said proposal.
    4. By September 1st, the Planning Board shall, at a minimum, provide the Council its initial recommendation on Annual Docket items.
    5. Upon receipt of the Planning Board's recommendations, the Council shall determine whether to proceed with further work on the proposal, or to discontinue work on the proposal.

18.28.050 Notice Procedures

Notice procedures shall be as provided in Chapter 18.40.

18.28.060 Approval

The city council may approve a Comprehensive Plan or Sub-area plan or amendment upon adoption of written findings that address the following:

A. The existing Comprehensive Plan Policies that support and that are supported by the proposed amendment.
B. The Countywide Planning Policies that support and that are supported by the proposed amendment.
C. The Multi-county Planning Policies that support and that are supported by the proposed amendment.
D. Written finding(s) indicating the public benefit to be gained by adoption of the proposed amendment.

18.28.070 Denial

The city council may discontinue work on a proposed amendment or deny a proposed amendment with or without cause either by taking formal action to discontinue or deny, or by taking no action.

18.28.080 Appeal.

Any decision by the city council to approve, modify, deny, or discontinue work on a Level VI proposal is a legislative decision that is not subject to appeal.

Chapter 18.30
LEVEL VII AMENDMENT PROCEDURES CONTROLLED BY STATE STATUTE

Sections:

18.30.010 Purpose.
18.30.020 When required.
18.30.030 Notice Procedures
18.30.040 Review procedures– Level VII.
18.30.050 Appeal.

18.30.010 Purpose.

The purpose of Level VII procedure is to provide for city council action on application procedures that are prescribed by State Statute. .

18.30.020 When required.

Level VII applications are required for the following actions:

A. Prezones (See RCW 35A.14.330 and RCW 35A.14.340 and Chapter 18.206).
B. Street Vacations (See RCW Chapters 35A.47.020 and 35.79).
C. Development Agreements (See RCW Chapter 36.70B.170 and Chapter 18.206)
D. Annexations (See RCW Chapter 35A.14 and other statutes as appropriate)

18.30.030 Notice procedures.

Public notice of Level VII applications shall be as provided in the applicable State Statute and Chapter 18.38 as appropriate.

18.30.040 Review Procedures – Level VII

A Pre-application Conference is required for all Level VII Applications. See Chapter 18.32.

18.30.050 Appeal.

Any decision by the city council to grant or deny or modify issuance of a Level VII development authorization use may be appealed as provided by applicable statutes.

Chapter 18.32
PRE-APPLICATION CONFERENCE

Sections:

18.32.010 Purpose
18.32.020 Pre-application Conference.

18.32.010 Purpose.

The purpose of this Chapter is to establish the Pre-application Conference process to be conducted by the development review team wherever required by provisions of this Title, and when requested by applicants in cases where the Pre-application Conference is not required by this Title.

The purpose of a Pre-application Conference is to bring the prospective applicant and City staff together to gain a common understanding of the nature of the contemplated development, and subsequent development, and any procedures, rules, standards and policies which may apply. This common understanding is intended to contribute to an efficient development review process for the developer and quality development for the community.

18.32.020 Pre-application Conference.

A. Preparation

The prospective applicant is encouraged to bring to the conference available information that describes the existing nature of the site and its surroundings and the proposed nature of the contemplated development and subsequent development. Such information may include photographs, sketches and maps.

B. Pre-application Conference Process.

1. Prior to the filing of a land use application, the Developer shall, except where specifically exempted by other provisions of this Title, apply for a Pre-application Conference on forms provided by the director along with fees as established by the City of Sultan Annual Fee Schedule.
2. The development review team shall advise the Developer as to procedure, applicable ordinances, development standards, and applicable comprehensive plan policies. The conference is not an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable laws.
3. Attendance and participation in a Pre-application Conference shall not vest an application.

Chapter 18.34
DEVELOPMENT REVIEW TEAM

Sections:

18.34.010 Purpose.
18.34.020 Membership.
18.34.030 Application.
18.34.040 General site plan form and contents.
18.34.050 Detailed site plan form and contents.
18.34.060 Preliminary site plan conference.
18.34.070 Review, decision.
18.34.080 Environmental Process
18.34.090 Performance bond.
18.34.100 Amendment of site plan.
18.34.110 Duration of approval.

18.34.010 Purpose.

It is the purpose of the development review team to examine certain land development proposals through a comprehensive site plan review process which insures compliance with the adopted plans, policies and ordinances of the city. It is a further purpose of the development review team to establish an efficient and uniform procedure that will coordinate interdepartmental review of land development within the community.

18.34.020 Membership.

The development review team shall consist of the following: the community development director, who shall serve as chairman; the director of the public works department; the city engineer; the building official; or their designated representatives, and other senior staff as shall from time to time be appointed by the city administrator. The city administrator shall be an ex officio member.

18.34.030 Application.

An application for site plan review shall be made through the Development Authorization application process generally described in Chapter 18.12. The director will determine the processing level and application contents, including whether the proposal requires a general site plan as provided by Section 18.34.040, or a detailed site plan as provided by Section 18.34.050.

18.34.040 General site plan form and contents.

A. General Site Plan Form. All general site plans shall be legibly drawn to scale and submitted in such number and format as requested by the department.

B. General Site Plan Contents. The general site plan shall include:

1. The legal description of the land (when required by the reviewing official);
2. North arrow and scale of drawing;

3. Name of applicant and project name and address;
4. Actual dimensions and shape of the subject property;
5. The size and location, measured from the property lines;
6. The location and dimensions of proposed structures and uses;
7. Parking areas;
8. Proposed landscaping and site screening;
9. Locations of ingress and egress;
10. Any other information required by the reviewing official to clarify the proposal, assess its impacts or determine compliance with this code;
11. Delivery vehicle routes and turning motions based on vehicle size and type for commercial and industrial facilities;
12. The location and, where ascertainable, sizes of all existing buildings, wells, watercourses, bodies of water, one-hundred-year floodplain, floodway, critical areas, overhead and underground utilities, railroad lines, municipal boundaries; section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided.

18.34.050 Detailed site plan form and contents.

A. Detailed Site Plan – Form. All detailed site plans shall be legibly drawn to scale and submitted in such number and format as requested by the department. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.

B. Detailed Site Plan – Contents. The detailed site plan shall show the following where applicable:

1. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner(s) of the land and the applicant, and, if applicable, the names, addresses and telephone numbers of any architects, planners, designers or engineers responsible for the preparation of the plan, and of any authorized representative of the applicant;
2. The proposed use(s) of the land and buildings;
3. A site plan drawing(s), at a scale of not greater than one inch for each fifty feet, shall include:
    a. The location of all existing and proposed structures including, but not limited to, buildings, fences, culverts, and bridges;
    b. The boundaries of the property proposed to be developed;
    c. All proposed and existing buildings and setback lines;
    d. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of the city code, information regarding percentage of area covered, locations and general types of landscaping;
    e. All existing and proposed easements;

f. The locations of all existing and proposed utility structures and lines;
g. Location of all fire hydrants;
h. Size and location of all existing and proposed rights-of-way and paved surfaces;
i. The storm water drainage systems for existing and proposed structures;
j. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;
k. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;
l. The location of all loading spaces including, but not limited to, loading platforms and loading docks where trucks will load or unload; and
m. Location, type, height and area, in square feet, of all signs;

4. Topographic map(s) which delineate contours, of existing and proposed, at intervals of two feet,
5. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the proposed development;
6. All special districts including, but not limited to, fire, school and water districts, in which the proposed development shall be located, and all such districts within three hundred feet of the proposed development;
7. The proposed number of square feet in paved or covered surfaces, including buildings, driveways, parking lots, any other structure covering land; and the total amount of square feet in the entire proposed development site;
8. The proposed number of dwelling units and number of bedrooms in the development;
9. The proposed number of square feet in gross floor area for each residential, commercial and/or industrial use;
10. A description of each proposed commercial and industrial use;
11. Delivery vehicle routes and turning motions based on vehicle size and type for commercial and industrial facilities;
12. The location and, where ascertainable, sizes of all existing buildings, wells, watercourses, bodies of water, one-hundred-year floodplain, floodway, critical areas, overhead and underground utilities, railroad lines, municipal boundaries; section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided;
13. Any other information specified by the reviewing official, such as:
    a. Proposed lots;
    b. Operation and maintenance proposals (i.e., homeowner's association, condominium, co-op or other);
    c. Solid waste disposal facilities;
    d. Lighting;

e. Water supply;
f. Public transportation;
g. Community facilities;
h. General timetable of development;
i. Floodproofing or other measures to protect against flooding;
j. Information on design methods to conserve energy; or
k. Information on adjacent properties;

14. A detailed site plan for development in the floodplain shall also include the following information:
    a. Elevation in relation to the one-hundred-year flood level of the lowest floor (including basement) of all structures;
    b. Documentation of compliance with SMC Chapter 17.08.
15. Wetlands and streams

18.34.060 Preliminary site plan conference.

Prior to applying for a formal pre-application conference as provided in Chapter 18.32, a developer may present to the development review team a preliminary site plan containing a rough and approximate manner all of the information required on a site plan application. The purpose of the preliminary site plan conference is to enable the developer to obtain input of the development review team's input on development standards, utility services and procedural issues. Information presented for preliminary site plan discussion shall be considered confidential. None of the opinions or suggestions of the development review team in preliminary site review conference are binding..

18.34.070 Review, decision.

A. Applications before the development review team shall be reviewed and evaluated based upon city-adopted policies, programs, ordinances, and Sultan Comprehensive Plan. To accomplish this, development review team recommendations and decisions made by the approving authority under this code may include, but not be limited to, conditions of approval for site improvements, public improvements (streets, sidewalks, landscaping, etc.) and for the dedication of right-of-way necessary for public facilities.
B. The development review team may defer its review if, in the opinion of the team, the site plan is sufficiently complex that it should be reviewed by the hearing examiner. All decisions to defer shall be made during the comment period for the proposal.
C. The development review team shall within the comment period for the proposal approve, disapprove or approve with conditions any site plan submitted to it and accepted for review unless this time period is extended by the development review team. The action taken by the development review team will be submitted

to the development services department for subsequent action on the development authorization application.

D. Time required to conduct SEPA review and processign shall not be included under the time constraints of this chapter.
E. The decision of the development review team is a recommendation to the approving authority.
F. The city's review of a project permit application will include determination as to whether the proposed project is consistent with applicable regulations or comprehensive plan and concurrency requirements. The determination of consistency shall be based on review of the city's adopted service levels, the applicable development regulations, or in the absence of a relevant development regulation, upon the comprehensive plan. The city's review will emphasize existing requirements and adopted standards, with the use of supplemental authority as specified by Chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts.
G. Upon final action on a site plan, the development review team shall set forth in writing its findings which support such action. All transmittals approving a specific project proposal shall include a listing of permits required for the project (including applicable fees required) and a designated contact person.

18.34.080 Environmental Process.

The development review team shall have the responsibility to act as the environmental review body, in an advisory role to the responsible official, for review of environmental checklists, draft and final environmental impact statements and supplemental environmental impact statements. As established in SMC Chapter 17.04, the community development director, as the responsible official, shall make the threshold determination and issue the appropriate determination on any project which requires an environmental review under SEPA.

18.34.090 Performance bond.

A performance bond may be required as a condition of approval of a site plan. If required the applicant must furnish a performance bond to the city to secure the applicant's obligation to complete the provisions and conditions of the site plan as approved.

18.34.100 Amendment of site plan.

A site plan granted approval by an approving authority may be amended by the same procedures provided under this code for original site plan approval.

18.34.110 Duration of approval.

A. Approval of the site plan shall be effective for eighteen months from the date of approval by the approving authority unless otherwise stated. During this time, the terms and conditions upon which approval was given will not change. If the proposal requires a building permit, and an application for a building permit is not made within the eighteen-month period, the approval shall automatically terminate.

B. Notwithstanding 18.34.110, upon the application of the owner or representative, the director may extend the approval period for up to six months unless substantive change has been made in the regulations, ordinances, requirements, policies, or standards which impact the site since the initial approval.

C. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city is not responsible to provide notice of expirations, although it may notify the applicant of the date of expiration. All requests for additional time must be submitted to the development services office prior to expiration of site plan approval.

Chapter 18.36
DETERMINATION OF COMPLETENESS

Sections:

18.36.010 Purpose.
18.36.020 Determination of Completeness.
18.36.030 Complete Applications.
18.36.040 Incomplete Applications.
18.36.050 Expiration of Complete Applications.

18.36.010 Purpose.

The purpose of this chapter is to establish the procedures for application submittal and Determination of Completeness notification for applications made pursuant to provisions of this code.

18.36.020 Determination of Completeness.

The Developer must submit the application to the city along with the appropriate fees.

A. Within twenty-eight (28) days of the date of receipt of either an application or resubmitted and/or additional supplemental information, the director shall determine if the application is complete for the purposes of vesting.
B. The City shall, within twenty-eight (28) working days of receiving an application mail a written notice to the Applicant providing one of the following:
   1. A determination of completeness; or
   2. A determination of incompleteness, and statement regarding what is necessary to make the application complete.

18.36.030 Complete Applications.

A. Additional Information May Be Requested:
   A written determination of completeness does not preclude the department from requesting supplemental information or studies, if new information is required to complete review of an application or if significant changes in the permit application are proposed. The department may set deadlines for the submittal of supplemental information.
B. Complete Applications Pursued to Complete Permit Process:
   An application determined to be complete shall be pursued to completion of the review process and permit process. Applications that are not pursued by the applicant to completion of the permit process shall expire as provided in 18.36.050.

18.36.040 Incomplete Applications.

A. Notice of Incomplete Application:

If an application is determined incomplete, the necessary materials for completion shall be specified in writing to the contact person and/or property owner.

B. Required Response:
When a determination of incomplete application is issued, the applicant must provide the materials required to complete the application within ninety (90) days.

C. Notice of Complete Application or Request for Additional Information:
Within fourteen (14) days of submittal of the information identified in the notice of incomplete application, the applicant will be notified whether the application is complete or what additional information is necessary. The maximum time for resubmittal is ninety (90) days of the written notice of incomplete application.

D. Expiration of Application:
1. If an applicant does not provide the materials necessary to complete the application within 180 days of the initial notification of incomplete application, the application shall be declared void and expired. The director shall notify the applicant of such determination in writing.
2. Any subsequent application for the same, closely related, or similar proposal on the same property shall be subject to a new application process and all applicable fees.

E. Time Extension:
Where a project is particularly complex or conditions exist that require additional time, the director may allow the applicant up to an additional 180 days to provide the materials requested in the notice of incomplete application. All extension approvals must be in writing.

Chapter 18.38
Environmental Compliance

Sections:

18.38.010 Purpose.
18.38.020 Compliance Required.
18.38.030 List Not Limiting, Disclaimer.
18.38.040 List of Environmental Standards and Regulations.
18.38.050 Adoption of Shoreline Master Program by Reference.
18.38.060 Adoption of Stormwater Management Manual for Western Washington by Reference.
18.38.070 Reference to Sultan Municipal Code (SMC) Title 17, Environment.
18.38.080 Reference to Sultan Municipal Code (SMC) Title 19, Land Division Code.

18.38.010 Purpose.

The purpose of this chapter is to promote the health, safety and welfare of the general public by adoption and/or implementation of State and local codes that provide standards for analysis, notice, and mitigation of environmental effects resulting from land development and construction activities in the City of Sultan. Accordingly, this chapter makes reference to, or adopts by reference, the environmental performance and protection standards listed below. This chapter exists to make clear that the environmental performance standards adopted by the City under separate ordinances are applicable to development undertaken through the provisions of the Zoning Code of the City of Sultan.

18.38.020 Compliance Required.

All applications for project or non-project actions filed for review under this Title shall document compliance with all applicable environmental standards in the application process, and shall carry out those standards in pursuit and completion of any projects or actions approved by the City.

18.38.030 List Not Limiting, Disclaimer

The List in Item 18.38.040 below is provided to help make applicants aware of environmental standards that may apply to their application. This list is not exclusive or intended as a complete listing of environmental regulations that may apply to a particular project. Nothing in this Chapter is intended or shall have the effect of limiting the scope of environmental standards that may apply to a project. The applicant is responsible for meeting all applicable standards whether or not they appear in the following list.

18.38.040 List of Environmental Standards and Regulations

To the extent applicable, all applicants shall address and comply with the following environmental regulations and standards. Compliance may include but is not limited to:

A. The goals, policies, criteria and plans set forth in the city of Sultan comprehensive plan;
B. Sultan Water System Plan;
C. Sultan General Sewer Plan;
D. Sultan Critical Areas Regulations SMC Chapter 17.10;
E. Sultan concurrency management system SMC Chapter 18.150;
F. Sultan Stormwater Management Performance Standards SMC Chapter 17.14;
G. Sultan Shoreline Master Program;
H. Sultan Wellfield/Groundwater Protection Regulations;
I. Sultan Flood Damage Prevention standards SMC Chapter 17.08;
J. Federal Emergency Management Agency Biological Opinion (Bi-Op) Review Process, SMC Chapter 17.06
K. Stormwater Management Manual for Western Washington;
L. Sultan Park Recreation and Open Space (PROS) Plan;
M. Puget Sound Clean Air Agency
N. Snohomish Health District
O. State Environmental Policy Act (SEPA);
P. Corps of Engineers 401,404 and other applicable waterway permit reviews;
Q. Joint Aquatic Review Program (JARPA) coordinated State/Federal review of riparian area programs and projects;
R. Tribal standards pertaining to protection of riparian areas and anadromous fish;
S. Any other local, regional, state, or federal or standards that apply to the specific application.

18.38.050 Adoption of Shoreline Master Program by Reference.

The City of Sultan Shoreline Master Program (SMP) adopted July 17, 2008, amended April 9, 2009, including any future additions, amendments and repeals thereof, is hereby adopted by this reference as if set forth in full herein.

18.38.060 Adoption of Stormwater Management Manual for Western Washington by Reference.

The Washington State Department of Ecology Stormwater Management Manual for Western Washington adopted August , 2001, including any future additions, amendments and repeals thereof, is hereby adopted by this reference as if set forth in full herein.

18.38.070 Reference to Sultan Municipal Code (SMC) Title 17, Environment.
Land development applications proposed under provisions of this Title are subject to any and all provisions of SMC Title 17, Environment, that are applicable to the proposed application including any future additions, amendments and repeals thereof.

18.38.080 Reference to Sultan Municipal Code (SMC) Title 19, Land Division Code.
Land development applications proposed under provisions of this Title are subject to any and all provisions of SMC Title 19, Land Division Code, that are applicable to the proposed application including any future additions, amendments and repeals thereof.

Chapter 18.40
PUBLIC NOTICE STANDARDS AND PROCEDURES

Sections:

18.40.010 Public Notice
18.40.020 Publication and Certification of Notice
18.40.030 Notice of Application, Contents
18.40.040 Notice of Application, Distribution
18.40.050 Notice of Application, Level I, Applications Categorically Exempt from SEPA Review
18.40.060 Notice of Application, Level II Applications, and Level I Applications Non-Exempt from SEPA Review
18.40.070 Notice of Application, Level III and Level IV Applications
18.40.080 Notice of Application, Level V and Level VI Applications
18.40.090 Notice of Application, Level VII Applications
18.40.100 Comment Period
18.40.110 Integration of Notice Procedures with Environmental Review Procedures
18.40.120 Request for Special Notice
18.40.130 Notice of Decision

18.40.010 Public Notice

The provisions of this Chapter are applicable to development procedures of Title 18 only. Levels of review and types of land development process shall be provided public notice as called for in the following sections of this Chapter.

18.40.020 Publication and Certification of Notice.

A. The director shall publish required notices in the city's official newspaper. Publication is deemed complete on the date of publication. Proof of publication provided by the newspaper shall be presumptive evidence of the date of publication:

B. The director shall post, or cause to be posted, notices in the manner required by this code. Proof of posting in the following form executed by director personnel shall be presumptive evidence of the date of posting:

CERTIFICATE

I certify under penalty of perjury under the laws of the state of Washington that the content of the attached form of notice was posted in the following described manner _____ on the following stated date(s): _____.

_____ _____

(Date and Place of Signing) (Signature)

18.40.030 Notice of Application, Contents.

Where formal Notice of Application is required, said notice shall include the following:

A. Identity of the Applicant;
B. Date of the notice of application;
C. Notice that the City uses the optional threshold determination process authorized by WAC 197-11-355;
D. Notice that the application comment period for nonexempt proposals may be the only opportunity to comment on the environmental impacts of the proposal;
E. Notice that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared;
F. Notice that a copy of the subsequent threshold determination on the proposal may be obtained upon request;
G. Statement identifying the public comment period, the right to comment on the application, receive notice of and participate in Hearings, request a copy of decision on the proposal once made, and any appeal rights;
H. To the extent applicable, the date, time, place, and type of Hearing upon the application if such Hearing has been scheduled at the time the notice of application/proposal is given; and
I. Other information that the director determines to be appropriate.

18.40.040 Notice of Application – Distribution.

Notice shall be distributed in the following manner, as appropriate to the level of review applicable to the project.

A. Applicant Notice.
The director shall deliver or mail notice of application to the Applicant, or the person or entity designated by the Applicant to receive notice. The notice of application may be provided to the Applicant or Applicant's designee contemporaneously with the determination of completeness.

B. Agency Notice.
The Director shall mail notice of applications that are not categorically exempt under SEPA to directors and agencies with jurisdiction over the project permit application.

C. Combined Notice.
Notice of application may be combined with notice of Hearing if the Hearing date has been set at the time notice of application is given. Each combined notice shall contain the notice of application information required herein and the notice of Hearing information required by Sultan Municipal Code Chapter 2.26.

D. The director will document the date and manner by which any notice is given.

E. Upon expiration of the comment period, the director may remove, or cause to be removed, any posted notice.

F. The Applicant must pay the costs of publication, posting and removing notice at the proposal site in addition to toher costs and fees set forth in the City of Sultan Annual Fee Schedule.

18.40.050 Notice of Application: Level I Applications Categorically Exempt from SEPA Review.

A. The director shall provide notice of interpretation requests and applications for Level I proposals that are categorically exempt under SEPA to parties that have filed a special notification request in accordance with Section 18.40.120.

B. Such notice shall state that the proposal is categorically exempt under SEPA and there is no comment period.

18.40.060 Notice of Application: Level II Applications, and Level I Applications Non-Exempt from SEPA Review.

A. The director shall provide notice for application of Level II proposals, and Level I applications that are not categorically exempt under SEPA to parties that have filed a special notification request in accordance with Section 18.40.120.

B. The director shall post notice on the City internet website containing the following information:

1. Identity of the Applicant;
2. Date of the application and the date of the determination of completeness;
3. Brief description of the proposed action;
4. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;
5. Statement identifying the public comment period and where comments may be made, and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;
6. Statement regarding how interested parties may request special notice.

18.40.070: Notice of Application, Level III and Level IV Applications.

A. The director shall provide notice for application/proposal of Level III and Level IV applications to:

1. The record owner(s) of property within three hundred feet of the proposal site measured from each property line of the proposal site, as shown by the records of the Snohomish County Assessor's office.
2. Parties that have filed a special notification request in accordance with Section 18.40.120

B. The director shall post, or cause to be posted, conspicuous notice at the proposal site and on the City Internet website which states:

1. The identity of the Applicant;

2. The date of the application and the date of the determination of completeness;
3. A brief description of the proposed action;
4. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;
5. A statement identifying the public comment period and where comments may be made, and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;
6. A statement regarding how interested parties may request special notice.

18.40.080: Notice of Application, Level V and Level VI.

A. Notice shall be published in the City's official newspaper as provided in 18.40.020.

B. The director shall deliver or mail notice for application/proposal of Level III and Level IV applications to parties that have filed a special notification request in accordance with Section 18.40.120

C. The director shall post, or cause to be posted, conspicuous notice at the proposal site and post notice on the City Internet website which states:
   1. Identity of the Applicant;
   2. Date of the application and the date of the determination of completeness;
   3. Brief description of the proposed action;
   4. If a preliminary determination has been made, a statement that the proposal is subject to threshold determination requirements and the preliminary threshold determination that it expects to issue;
   5. Statement identifying the public comment period and where comments may be made, and a statement that the application comment period may be the only opportunity to comment on the environmental impacts of the proposal;
   6. A statement explaining how interested parties may request special notice.

18.40.090: Notice of Application, Level VII.

A. Notice shall be published in the City's official newspaper.

B. Additional notice shall be provided as required by the applicable state statute.
   1. Prezones (See RCW 35A.14.330 and RCW 35A.14.340, and Chapter 18.206).
   2. Street Vacations (See RCW Chapters 35A.47.020 and 35.79).
   3. Development Agreements (See RCW Chapter 36.70B.170 and Chapter 18.206)
   4. Annexations (See RCW Chapter 35A.14 and other statutes as appropriate)

18.40.100 Comment Period.

A. There is no public comment period on Level I proposals that are categorically exempt under SEPA.
B. There shall be a fourteen (14) day public comment period on all Level II proposals and Level I proposals that are not categorically exempt under SEPA.
C. There shall be a fourteen (14) day public comment period on all Level III, IV, V, VI, and VII proposals even if they are categorically exempt under SEPA.
D. The length of the comment period shall be identified in the notice of application;
E. The Applicant is deemed to be a participant in the comment period, and may submit comments during the comment period in addition to those submitted by agencies and the public.
F. Comments must be submitted in writing to the director prior to expiration of the comment period.
G. The City may assume that parties which do not respond with written comments within the time period for commenting have no information relating to the proposal or its potential impact(s).

18.40.110 Integration of Notice Procedures with Environmental Review Procedures.

A. If the City has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this chapter prevents a determination of significance and scoping notice from being issued prior to the notice of application.
B. Except for a determination of significance, the City may not issue its threshold determination, or issue a decision or a recommendation on a project permit, until the expiration of the public comment period on the notice of application.

18.40.120 Request for Special Notice.

Special notice means that the City will provide the information required by Section 18.40.050, 18.40.060, or 18.40.070, 18.40.080, or 18.40.090, whichever is appropriate to the specified application process, to a person not specified by the applicable code provisions to receive such notice, but who has requested notice. A person may request to be provided notice of a particular application process filed under the provisions of this title by one of the following methods:

A. Filing a no-cost form provided by the City for the purpose of requesting a special notice.
B. Providing by letter or e-mail a request for special notice which clearly states:
    1. The requestor's name and contact information;
    2. The specific application of interest in the request.

18.40.130 Notice of Decision

Notice of Decisions made pursuant to this Title shall be provided according to the following provisions:

A. Notice of Decision shall be provided to the following:
   1. A letter delivered, or sent by first-class mail to:
      a. The applicant, or the person or entity designated by the applicant to receive notice;
      b. The appellant, if any;
      c. Parties that have filed a special notification request in accordance with Section prior to rendering of the decision;
      d. Identifiable parties who have provided addresses and have submitted substantive written comments on the proposal prior to rendering of the decision;
   1. For Level II applications, and Level I Applications Non-Exempt from SEPA Review, notice shall be as provided above, and also include:
      a. Posting on the City's internet website.
      b. Individual notice to the record owner(s) of property which is adjacent to the proposal site, as shown by the records of the Snohomish County.
   2. For Level III and Level IV Applications, notice shall be as provided in Item A1. above, and also include:
      a. Posting on the City's internet website.
      b. The record owner(s) of property within three hundred feet of the proposal site measured from each property line of the proposal site, as shown by the records of the Snohomish County Assessor's Office.
      c. Snohomish County Assessor's Office.
   3. For Level V, VI, and Level VII applications, notice shall be as provided above, and also include:
      a. Posting on the City's internet website.
      b. Snohomish County Assessor's Office.

B. Notice of Decision shall include the following:
   1. Name and a brief description of the project;
   2. Identity of the Applicant;
   3. Date of the Decision;
   4. Brief description of the decision and any conditions;
   5. Appeal Rights that apply to the decision and the final date to file an Appeal.

Chapter 18.42
CLOSED RECORD DECISIONS AND APPEALS

Sections:

18.42.010 Appellate Body for Appeals
18.42.020 Consolidated Appeals
18.42.030 Appeals – Filing
18.42.040 Appeals – Procedure
18.42.050 Judicial Appeals
18.42.060 Actions not Appealable

18.42.010 Appellate Body for Appeals.

A. Appeals to the Hearing Examiner

The following appeals shall be made to the Hearing Examiner as provided in Sultan Municipal Code Chapter 2.26:

1. Appeal of final Level I and II decisions,
2. Final Director decisions made pursuant to this Title,
3. Interpretations made by the Director pursuant to this Title other than determinations listed as not appealable.

B. Appeals to Court

The following appeals shall be made to the venue of competent jurisdiction beyond the City of Sultan:

1. Appeal of final Level III decisions of the Hearing Examiner
2. Final Level IV, V, VI decisions of the City Council,

18.42.020 Consolidated Appeals.

A. All appeals on a particular application shall be handled in a consolidated appeal.

B. Appeals of environmental determinations under SEPA shall proceed as provided in Section 17.04.240 of this code.

C. The following appeals of SEPA procedural and substantive determinations need not be consolidated with a hearing or appeal on the underlying action on a proposal:

1. An appeal of a determination of significance;
2. An appeal of a procedural determination made by the responsible official on a non-project action.

18.42.030 Appeals – Filing.

Administrative appeal of the approving authority's decision on a project permit application shall be governed by the following:

A. Standing.

Only parties with standing may appeal a decision. Standing is limited to the following persons:

1. The Applicant and/or the owner of property to which the decision is directed;
2. Another person aggrieved or adversely affected by the decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
   a. The decision has prejudiced or is likely to prejudice that person;
   b. That person's asserted interests are among those that the approving authority was required to consider when it made the decision;
   c. An administrative appeal decision in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the decision of the approving authority; and
   d. The person has participated orally or in writing before the approving authority regarding the matter upon which review is requested.

B. Time to File.

An appeal of a decision that is appealable to the City must be filed within the following time periods and conditions:

1. Fourteen (14) calendar days after service or publication of the notice of decision.
2. Appeals must be filed with the development services director before 5:00 p.m. on the last business day of the appeal period.

C. Computation of Time.

1. In computing the time for filing an appeal, the day the decision is rendered is not included.
2. The last day of the appeal period is included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then in which event the appeal period ends on the next business day.

D. Content of Appeal.

Appeals shall be in writing, accompanied by an appeal fee as required in the City of Sultan Annual Fee Schedule, and shall contain the following information:

1. Appellant's name, address, and phone number;
2. Statement describing appellant's standing to appeal;
3. Identification of the application which is the subject of the appeal, including the project file number;
4. Statement of grounds for appeal and the facts upon which the appeal is based;
5. Statement that explains why the action is not consistent with the Sultan Comprehensive Plan, this code, or other provisions of law;
6. The relief sought, including the specific nature and extent, including an explanation of its consistency with the Comprehensive Plan and this code, and;

E. An answer need not be filed to an appeal. An appellant shall be confined to matters raised in the written appeal filed in accordance with subsection D of this section. A written appeal may be amended only upon the approval of the appellate body. Requests to amend an appeal must be filed with the director and served by the appellant upon all parties entitled to notice of appeal at least seven calendar days prior to the Appeal Hearing. Requests to amend shall not be freely granted.

F. Effect of Appeal.

The timely filing of an appeal shall stay the processing of a proposal and the effective date of the final decision until such time as the administrative appeal process is complete or withdrawn.

G. Notice of Appeal.

The administrator shall provide notice of the appeal to:

1. The Applicant, or the person or entity designated by the Applicant to receive notice;
2. Parties that have filed a special notification request in accordance with Section 18.40.120, prior to rendering of the decision;
3. Agencies with jurisdiction; and
4. Identifiable parties who have provided addresses and submitted substantive written comments on the proposal prior to rendering of the decision.

H. The director shall document the date and manner by which notice is given.

18.42.040 Appeals – Procedure.

A. The Appeal Hearing shall be based on the record and no new evidence may be presented except as provided herein.

1. For director interpretations and Level I decisions and SEPA determinations for which there was no comment period, the record for appellate review may be supplemented by evidence of material facts that were not made part of the original record.
2. For Level II decisions and SEPA determinations for which there was a comment period, the record may be supplemented by additional evidence only if the additional evidence relates to:
   a. Grounds for disqualification of the approving authority that made the decision, when such grounds were unknown by the petitioner at the time the record was created;
   b. Matters that were improperly excluded from the record after being offered by a party to the approving authority; or
   c. Matters that were outside the jurisdiction of the approving authority that made the decision.
3. If the appellate body allows the record to be supplemented, it shall require the parties to disclose before the Appeal Hearing the specific evidence they intend

to offer. If any party, or anyone acting on behalf of any party, requests records under Chapter 42.56 RCW relating to the matters at issue, a copy of the request and response thereto shall simultaneously be given to all other parties and the appellate body.

4. The appellate body may require or permit corrections of ministerial errors or inadvertent omissions from the record of the approving authority.

B. The scope of an appeal shall be limited to issues timely raised by the appellant before the approving authority. An appellant shall be deemed to have waived any objection that was not raised at a time and in a manner to allow the approving authority to make correction prior to issuance of the decision which is the subject of the appeal.

C. The appellate body shall review the record and may grant relief only if the appellant has carried the burden of establishing that one of the standards set forth in subsections C.1 through C.6 of this section applies:

1. The approving authority engaged in unlawful procedure or failed to follow prescribed process, unless the error was harmless;
2. The decision of the approving authority is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by the approving authority with expertise;
3. The decision of the approving authority is not supported by substantial evidence when viewed in light of the whole record before the appellate body;
4. The decision of the approving authority is a clearly erroneous application of the law to the facts;
5. The decision of the approving authority is outside the authority or jurisdiction of the body or officer making the decision;
6. The decision of the approving authority violates the constitutional rights of the party seeking relief.

D. The appellant, respondent, and City Staff shall be permitted to address the appellate body and present argument upon the appeal. Such argument may not be used to introduce new evidence into the record except as provided in subsection A of this section.

E. Copies of the administrative appeal decision shall be sent to the appellant and to other parties of record as soon as practicable following the Hearing at which the appeal is considered, and, if applicable, within the time required by state law.

18.42.050 Judicial Appeals.

In no event shall judicial review be available until after action by the City has become final and exhaustion of all administrative remedies.

18.42.060 Actions not Appealable.

A. Generally.

Only final actions or decisions of an approving authority may be appealed under this chapter.

B. Recommendations.

Recommendations are not appealable except as part of the final decision or action being appealed.

C. Procedural Rulings.

Interim, procedural, or other rulings during or as part of a review or decision making process by a reviewing officer under this code are not appealable except as part of the final decision or action.

Chapter 18.44
ISSUANCE AND EXPIRATION OF PERMITS

Sections:

18.44.010 Issuance of Licenses and Permits.
18.44.020 Expiration of Issued Permits.

18.44.010 Issuance of Licenses and Permits.

Any license or permit issued in conflict with the Sultan Municipal Code shall be null and void.

18.44.020 Expiration of Issued Permits.

A. Any land use permit that has been issued and not pursued by the applicant by commencement of the activity authorized by said permit shall null and void two years after issuance of the permit. The director shall notify the applicant of such determination in writing.

B. All permits require substantial progress towards completion of the authorized activity in each 180 day period after the permit is issued. Failure to make said progress shall result in expiration of the permit 180 days after the last substantial progress on the project.

C. In circumstances where conditions exist that require additional time, the director may allow the applicant up to an additional 180 days. An approved extension must be in writing.

D. Development Authorization Extension. (See Chapter 18.44)

1. The director may extend a valid development authorization only one time for up to one additional year.
2. Requests for extensions must be in writing to the department and must be accompanied by the previously approved final site plan showing the location and size of any development or work already completed on the project.
3. The director shall review the request without public notice or hearing and issue his or her decision within ten days from the receipt of the extension request.
4. The director may
   a. Approve the extension
   b. Approve the extension with conditions to assure the work will be completed in a timely fashion, or
   c. Deny the extension.
5. An extension shall be issued for good cause only and the burden of showing cause is on the applicant. The director shall mail his or her decision to the applicant and shall specify his or her decision as final unless appealed under the provisions of Chapter 18.42, Closed Record Decisions and Appeals.

Chapter 18.46
VIOLATIONS AND ENFORCEMENT

Sections:

18.46.010 Enforcing official – Authority.
18.46.020 General penalty.
18.46.030 Recovery of attorneys' fees and costs.
18.46.040 Application and Administration.
18.46.050 Notice of Violation.
18.46.060 Civil fines.
18.46.060 Criminal Penalties
18.46.070 Separate Offense
18.46.080 Additional Remedies

18.46.010 Enforcing official – Authority.

The director shall be responsible for enforcing SMC Titles 15, 17, 18, 19, and 22, and may adopt administrative rules to meet that responsibility. The city administrator may delegate enforcement responsibility to the city engineer, director of public works, building official, or chief of police as appropriate.

18.46.020 Enforcement through Civil or Criminal Provisions.

Compliance with the requirements of SMC Titles 15, 17, 18, 19, and 22 is mandatory. Violation of the provisions of these Titles shall be enforced through civil and/or criminal proceedings at the determination of the City. The penalties and remedies established in this Chapter apply to any violation of those titles.

18.46.030 Recovery of attorneys' fees and costs.

In accordance with the general penalties and remedies established in this Chapter, and in addition to the enforcement actions, remedies and penalties authorized under this chapter, all attorneys' fees, related costs and expenses incurred by the city or its agents in any enforcement action shall be recovered from and payable by the persons found responsible for or who have committed any violation of SMC Titles 15, 17, 18, 19, and 22.

18.46.040 Application and Administration.

A. Actions under this chapter may be taken in any order deemed necessary or desirable by the director to achieve the purposes of this chapter and of SMC Titles 15, 17, 18, 19, and 22, including without limitation for the purpose of immediately stopping actual or probable violations.
B. Facts showing an actual or probable violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An

enforcement action under this chapter against one person shall not relieve or prevent enforcement against any other responsible person.

C. Enforcement actions may be taken on the evidence then available. Enforcement actions and listed violations may be amended, supplemented, or altered to conform to the facts as the investigation proceeds. New violations discovered during investigation may be added to an existing enforcement action.

18.46.050 Notice of Violation.

A. Authority. A Notice of Violation may be issued and served upon a person if any activity by or at the direction of that person is or has been in violation of SMC Titles 15, 17, 18, and 19.

B. Notice. A Notice of Violation shall be deemed served and shall be effective when posted at the location of the violation, and/or delivered to any suitable person at the location, and/or delivered by mail or otherwise to the owner and/or other person having responsibility for the location.

C. Content. A Notice of Violation shall set forth:

1. The name and last known address of the person(s) to whom it is directed.
2. The location of the violation.
3. A description of the violation, including citation(s) to the applicable permit and development code provisions.
4. A statement that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed and/or receipt by any suitable person at the location of the violation.
5. An order that the violation immediately cease, that the potential violation be avoided, or that the work causing or related to the violation immediately stop until further order of the city. Said order shall be subject to immediate enforcement by the city police as necessary.
6. A description of the action(s) required to correct, remedy, or avoid the violation, including a time limit to complete such action.
7. A statement that failure to comply with the Notice of Violation may result in further enforcement actions, including additional civil fines and criminal penalties.
8. A statement that the Notice of Violation may be appealed to the examiner in accordance with Chapter 18.42 or it shall become a final order.

D. Remedial Action. The director may require any action reasonably calculated to correct or avoid an actual or possible violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration of the site.

E. Compliance. Until the director certifies compliance with the Notice of Violation, including payment of any fines, no further work may be performed at the site and no further review, permits or approvals may be considered or given regarding the project.

F. Appeal. A Notice of Violatio may be appealed to the examiner in accordance with Chapter 18.42.

18.46.060 Civil fines.

A. Authority. A person who violates any provision of SMC Titles 15, 17, 18, 19, and/or who fails to obtain any necessary permit, and/or who fails to comply with a Notice of Violation after notice thereof, shall be subject to a civil fine.

B. Amount. The amount of the civil fine shall be based on the director's assessment of the duration, intent, and severity of the violation. A civil fine shall not exceed $1,000 for each violation. Each separate event, action or occurrence shall constitute a separate violation. Each day a violation continues without correction shall constitute a separate violation. Fines imposed under this section shall continue to accrue until the violation is dismissed or remedied.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in Section 18.46.050B. A civil fine may be imposed as part of a Notice of Violation or as a separate matter. If a civil fine is imposed as a separate matter, the director shall issue a written notice describing the date, nature, location, and act(s) comprising the violation, the amount of the fine, the authority under which the fine has been issued, and how the fine may be appealed.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of a Notice of Violation or a notice of civil fine. Subsequent accrual of fines under subsection B of this section shall be due and payable upon such accrual. If remission or appeal of a Notice of Violation or notice of civil fine is timely sought, fines shall continue to accrue until issuance of a decision on such remission or appeal by the examiner. If a civil fine remains unpaid 30 days after it becomes due and payable, the director may take actions necessary to recover the fine, including judicial enforcement or assignment for collection. Civil fines shall be paid into the city's general fund when received.

E. Application for Remission. Any person to whom a notice of civil fine has been issued may apply in writing to the director for remission of the fine. Such application shall be filed with the city clerk within five days of the effective date of said notice as set forth in Section 18.46.050B, and shall state the reasons justifying such remission. The director shall issue a written decision on the application within five days of receipt. A fine may be remitted in whole or in part only upon a demonstration by the applicant of extraordinary circumstance and a determination by the director that the fine was excessive, unwarranted under the circumstances, or other mitigating circumstances.

F. Appeal. A notice of civil fine may be appealed to the examiner in accordance with Chapter 18.42.

18.46.060 Criminal Penalties

Unless otherwise provided, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor.

A. Any person convicted of a misdemeanor under this code shall be punished by a fine not to exceed one thousand ($1,000) dollars or imprisonment not to exceed ninety (90) days or both such fine and imprisonment.
B. Repeat violators or those committing knowing and intentional or reckless violations of this code are guilty of a gross misdemeanor and shall be punishable by a fine not to exceed $5,000 or by imprisonment not to exceed three hundred and sixty-four (364) days, or by both such fine and imprisonment.

18.46.070 Separate Offense

Each person as specified in Section 18.04.030, is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by any such person, and such person is punishable accordingly.

18.46.080 Additional Remedies

In addition to the penalties provided in this Chapter, any condition caused or permitted to exist in violation of any of the provisions of this code is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any institution or imposition of civil or criminal remedies stated above.

DIVISION III: ZONING DISTRICTS

Chapter 18.50
Zoning Districts Established

Sections:

18.50.010 Purpose.
18.50.020 Zoning Districts Established.
18.50.030 Zoning Map Adopted by Reference.
18.50.040 Rules of Interpretation.

18.50.010 Purpose.

In order to classify, segregate and regulate the uses of land, buildings and structures, for the benefit of the health and welfare of the public, the City of Sultan is divided into zoning districts.

18.50.020 Zoning Districts Established.

The following zoning districts are established:

A. Residential Districts
   1. Low Density Residential
   2. Moderate Density Residential
   3. High Density Residential
B. Commercial Districts
   1. Urban Center
   2. Highway Commercial
   3. Mixed Use Center
C. Industrial Districts
   1. Industrial and Manufacturing
D. Overlay Districts
   1. Public and Institutional Overlay
   2. Airport Approach Overlay

18.50.030 Zoning Map Adopted by Reference.

The boundaries of the zoning districts established in 18.50.020 are shown on the official zoning map, which, is adopted by reference and declared to be a part of this title. The regulations of this title governing the uses of land, buildings and structures, the size of yards and other matters as set forth in this title are established and declared to be in effect upon all land encompassed within the boundaries of each district as shown on the official zoning map.

18.50.040 Rules of interpretation.

Where uncertainty exists as to the boundaries of zoning districts shown on the official zoning map, the following rules of interpretation shall apply:

A. Where district boundaries are indicated as appearing to follow the centerlines of streets, alleys or highways, the actual centerline shall be construed to be the boundary.

B. Where district boundaries are indicated as appearing to follow the lot or tract lines the actual lot or tract line shall be construed to be the boundaries of such district.

C. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

D. Boundaries indicated as following railroad lines shall be construed to be following the closest right-of-way line or easement line.

E. Where a public street or alley is officially vacated or abandoned, the district regulations applicable to the property abutting the vacated portion shall apply to such vacated street or alley.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. In case uncertainty exists which cannot be determined by application of the foregoing rules, the director shall determine the location of such district boundaries.

Chapter 18.52
LOW DENSITY RESIDENTIAL ZONE

Sections:

18.52.010 Purpose.
18.52.020 Level I Uses.
18.52.030 Level II Uses.
18.52.040 Level III Uses.
18.52.050 Level IV Uses.
18.52.060 Dimensional Standards for LDR.

18.52.010 Purpose.

The purpose of the Low Density Residential Zone is to provide for single-family and duplex residential development and uses associated and accessory to residential development, with development patterns that provide for privacy and larger homes.

18.52.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18
B. Level I uses are designated by a "1" on the Low Density Residential (LDR) column in the Table of Permitted Land Uses, Section 18.70.

18.52.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Low Density Residential (LDR) column in the Table of Permitted Land Uses, Section 18.70.

18.52.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.

B. Level III uses are designated by a "3" on the Low Density Residential (LDR) column in the Table of Permitted Land Uses, Section 18.70.

18.52.050 Level IV Uses.

A. Level IV Uses are land division procedures addressed by Sultan Municipal Code Title 19.

18.52.060 Dimensional Standards for LDR.

The dimensional standards for uses in the LDR Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.54
MODERATE DENSITY RESIDENTIAL (MDR) ZONE

Sections:

18.54.010 Purpose.
18.54.020 Level I Uses.
18.54.030 Level II Uses.
18.54.040 Level III Uses.
18.54.050 Level IV Uses.
18.54.060 Dimensional Standards for MDR.

18.54.010 Purpose.

The purpose of the Moderate Density Residential Zone is to provide for single-family and duplex residential development and uses associated and accessory to residential development, with development patterns that provide for reasonable affordability combined with a reasonable lot size.

18.54.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses allowed following are designated by a "1" on the Moderate Density Residential (MDR) column in the Table of Permitted Land Uses, Section 18.70.

18.54.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Moderate Density Residential (MDR) column in the Table of Permitted Land Uses, Section 18.70.

18.54.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Moderate Density Residential (MDR) column in the Table of Permitted Land Uses, Section 18.70.

18.54.050 Level IV Uses.

Level IV Uses are land division procedures addressed by Sultan Municipal Code Title 19.

18.54.060 Dimensional Standards for MDR.

The dimensional standards for uses in the MDR Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.56
HIGH DENSITY RESIDENTIAL (HDR) ZONE

Sections:

18.56.010 Purpose.
18.56.020 Level I Uses.
18.56.030 Level II Uses.
18.56.040 Level III Uses.
18.56.050 Level IV Uses.
18.56.060 Dimensional Standards for HDR.

18.56.010 Purpose.

The purpose of the High Density Residential Zone (HDR) is to provide for single-family, duplex, and multi-family residential development and uses associated and accessory to residential development, with development patterns that provide for maximum affordability and the greatest range of housing options.

18.56.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses are designated by a "1" on the High Density Residential (HDR) column in the Table of Permitted Land Uses, Section 18.70.

18.56.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the High Density Residential (HDR) column in the Table of Permitted Land Uses, Section 18.70.

18.56.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the High Density Residential (HDR) column in the Table of Permitted Land Uses, Section 18.70.

18.56.050 Level IV Uses.

Level IV Uses are land division procedures addressed by Sultan Municipal Code Title 19.

18.56.060 Dimensional Standards for LDR.

The dimensional standards for uses in the HDR Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.58
URBAN CENTER (UC) ZONE

Sections:

18.58.010 Purpose.
18.58.020 Level I Uses.
18.58.030 Level II Uses.
18.58.040 Level III Uses.
18.58.050 Level IV Uses.
18.58.060 Dimensional Standards for UC.

18.58.010 Purpose.

The purpose of the Urban Center (UC) Zone is to provide for continued growth, development, and prosperity of the community's historic commercial center.

Constraints placed on new development and redevelopment by the Federal floodplain management standards are increasingly restrictive and have generated a downward pressure on development in the urban center. This zone is intended to provide a range of options and creative responses to the fact that the downtown area is in the floodplain of the Sultan/Skykomish River system.

18.58.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses are designated by a "1" on the Urban Center (UC) column in the Table of Permitted Land Uses, Section 18.70.

18.58.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Urban Center (UC) column in the Table of Permitted Land Uses, Section 18.70.

18.58.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Urban Center (UC) column in the Table of Permitted Land Uses, Section 18.70.

18.58.050 Level IV Uses.

Level IV Uses are land division procedures addressed by SMC Title 19.

18.58.060 Dimensional Standards for UC Zone.

The dimensional standards for uses in the UC Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.60
HIGHWAY COMMERCIAL (HC) ZONE

Sections:

18.60.010 Purpose.
18.60.020 Level I Uses.
18.60.030 Level II Uses.
18.60.040 Level III Uses.
18.60.050 Level IV Uses.
18.60.060 Dimensional Standards for HC.

18.60.010 Purpose.

The purpose of the Highway Commercial (HC) Zone is to recognize the direct relationship between the Sultan community and US Highway 2. The extremely high volumes of traffic experienced during holidays, summer vacation, and ski season presents both opportunities and challenges for residents and businesses.

The Highway Commercial Zone is intended to encourage appropriate and profitable development and redevelopment opportunities along the US Highway2 corridor while fulfilling the City's responsibilities for proper access and safety management.

18.60.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses allowed following are designated by a "1" on the Highway Commercial (HC) column in the Table of Permitted Land Uses, Section 18.70.

18.60.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Highway Commercial (HC) column in the Table of Permitted Land Uses, Section 18.70.

18.60.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Highway Commercial (HC) column in the Table of Permitted Land Uses, Section 18.70.

18.60.050 Level IV Uses.

Level IV Uses are land division procedures addressed by SMC Title 19.

18.60.060 Dimensional Standards for HC Zone.

The dimensional standards for uses in the HC Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.62
MIXED USE CENTER (MUC) ZONE

Sections:

18.62.010 Purpose.
18.62.020 Level I Uses.
18.62.030 Level II Uses.
18.62.040 Level III Uses.
18.62.050 Land Division Limitations.
18.62.060 Dimensional Standards for MUC.

18.62.010 Purpose.

The purpose of the Mixed Use Center (MUC) Zone is to encourage development patterns that provide for employment, shopping, and residential use in proximity to one another to encourage pedestrian and non-motorized transportation as a realistic alternative to single occupancy/single purpose vehicle trips.

This zone is specifically intended to work with the Binding Site Plan system in SMC Title 19 to allow creative developments that provide a more holistic approach to community design than allowed by standard separations between residential and commercial zoning patterns.

All development proposals involving a building of more than 5,000 sq.ft. are required to proceed with application through the Binding Site Plan provisions of Chapters 19.18 and 19.20 SMC. .

18.62.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses are designated by a "1" on the Mixed Use Center (MUC) column in the Table of Permitted Land Uses, Section 18.70.

18.62.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Mixed Use Center (MUC) column in the Table of Permitted Land Uses, Section 18.70.

18.62.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Mixed Use Center (MUC) column in the Table of Permitted Land Uses, Section 18.70.

18.62.050 Land Division Limitations.

All land division processes in Title 19 are available in the MUC Zone, however no land division process may be accepted for review unless it is part of a land development proposal for a use allowed in the zone. Land in the MUC Zone may not be divided without a site plan showing the development proposed as the basis for the land division application.

18.62.060 Dimensional Standards for MUC Zone.

The dimensional standards for uses in the MUC Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.64
INDUSTRIAL / MANUFACTURING ZONE

Sections:

18.64.010 Purpose.
18.64.020 Level I Uses.
18.64.030 Level II Uses.
18.64.040 Level III Uses.
18.64.050 Land Division Limitations.
18.64.060 Table of Dimensional Standards for IM.

18.64.010 Purpose.

The purpose of the Industrial / Manufacturing (IM) Zone is to provide for the most intensive use of land for production of goods and manufacturing processes. Manufacturing is recognized in the Comprehensive Plan as a necessary component of the community's future economic vitality.

Property in the IM zone provides a highly important land base for basic employment in the community. Land with the services and location to be properly zoned IM is very limited, and must be protected from encroachment and interference from other less intensive land uses that do not need to be located in the IM zone.

18.64.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses are designated by a "1" on the Industrial Manufacturing (IM) column in the Table of Permitted Land Uses, Section 18.70.

18.64.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Industrial Manufacturing (IM) column in the Table of Permitted Land Uses, Section 18.70.

18.64.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Industrial Manufacturing (IM) column in the Table of Permitted Land Uses, Section 18.70.

18.64.050 Land Division Limitations.

All land division processes in Title 19 are available in the IM Zone, however no land division process may be accepted for review unless it is part of a land development proposal for specific industrial construction. Land in the IM Zone may not be divided

without a site plan showing the development proposed as the basis for the land division application and the suitability of the proposed land division to accommodate the proposed use.

18.64.060 Dimensional Standards for IM.

A. The dimensional standards for uses in the IM Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

B. Lot Size.

Land areas required for a proposed use in the IM Zone shall be based on the proposed use and its need for:

1. Area necessary to accommodate the use and all ancillary land uses that are normally and customarily provided in conjunction with the principal use, as required by SMC development standards.
2. Setback from adjacent property for light, noise, building height, and other performance and spillover considerations.
3. Vehicle Parking and Maneuvering Requirements. The standards of the SMC shall be the minimum requirement. Additional parking and maneuvering areas shall be provided as required by sound engineering design if that engineering design exceeds the SMC development standards.
4. Provision of all required environmental performance standards including but not limited to critical areas protection standards, stormwater management, and related requirements.

Chapter 18.66
PUBLIC AND INSTITUTIONAL OVERLAY (PI) ZONE

Sections:

18.66.010 Purpose.
18.66.020 Level I Uses.
18.66.030 Level II Uses.
18.66.040 Level III Uses.
18.66.050 Land Division Limitations.
18.66.060 Development and Design Standards.
18.66.070 Dimensional Standards for PI Overlay Zone.

18.66.010 Purpose.

The purpose of the Public and Institutional overlay zone (PI) is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Sultan community. The zone is applicable to property owned or managed by governmental agencies, or special/sub-municipal districts. This purpose is accomplished by:

A. Providing a zone in which uses serving public needs may be located with attention to the specific needs of such uses.
B. Limiting residential and privately owned operations on PI zoned land.
C. Protecting adjacent properties from potential impacts of public uses.
D. Placement of this zone on properties owned, managed, used, or intended to be used by public agencies such as schools, government facilities, social services, hospitals, libraries, utilities, etc.

18.66.020 Level I Uses.

A. Level I Uses are processed according to provisions of Chapter 18.18.
B. Level I uses are designated by a "1" on the Public and Institutional overlay(PI) column in the Table of Permitted Land Uses, Section 18.70.

18.66.030 Level II Uses.

A. Level II Uses are processed according to provisions of Chapter 18.20.
B. Level II uses are designated by a "2" on the Public and Institutional overlay (PI) column in the Table of Permitted Land Uses, Section 18.70.

18.66.040 Level III Uses.

A. Level III Uses are processed according to provisions of Chapter 18.22.
B. Level III uses are designated by a "3" on the Public and Institutional overlayPI) column in the Table of Permitted Land Uses, Section 18.70.

18.66.050 Land Division Limitations.

All land division processes in Title 19 are available in the PI Zone, however no land division process may be accepted for review unless it is part of a land development

proposal for Public and Institutional development. Land in the PI Zone may not be divided without a site plan showing the development proposed as the basis for the land division application.

18.66.060 Development and Design Standards.

Many of the uses in the PI overlay zone are unique in the way that they use land and in the way that they affect neighboring properties. Many public/institutional uses are also subject to federal, state, and regional development and design standards that are beyond the influence of local zoning codes. In recognition of these realities, development and design standards for such uses will be implemented in this code through the following:

A. Prior to filing an application for a use in the PI zone, the applicant shall schedule a pre-application conference as provided in SMC 18.030.
   1. The applicable administrative procedures and development standards shall be discussed.
   2. It shall be the responsibility of the applicant agency or organization to provide information on all known applicable federal or state standards that affect land use issues such as required land area, parking, height requirements, noise, light, and transportation.

B. Development standards applicable to a PI proposal shall be applied according to the following which are listed in hierarchical order:
   1. Federal standards that override local and state standards.
   2. State standards that override local standards.
   3. All applicable standards of the SMC.

C. Setbacks.

   Where a proposed PI use is adjacent to a residential district, the yard setbacks provided by that residential district shall constitute the minimum setback standards for the PI use. Setbacks shall be increased from the minimum based on the project review process including the State Environmental Policy Act submittal and environmental and design review standards.

D. Lot Size. Land areas required for a proposed use in the PI zone shall be based on the proposed use and its need for:
   1. Area necessary to accommodate the use and all ancillary land uses that are normally and customarily provided in conjunction with the principal use, or as required by federal or state standards in excess of the SMC requirements.
   2. Setback from adjacent property for light, noise, building height, and other performance and spillover considerations.
   3. Vehicle Parking and Maneuvering Requirements. The standards of the SMC shall be the minimum requirement. Additional parking and maneuvering areas shall be provided as required by proper engineering design of the facility and/or federal or state standards that exceed the SMC requirements.

4. Provision of all required environmental performance standards including but not limited to critical areas protection standards, stormwater management, and related requirements.

E. Placement of the PI Overlay Zone.

1. The PI overlay shall be shown on the zoning map only. The comprehensive plan map shall remain unchanged. The existing Comprehensive Plan Designation shall be retained. If the PI overlay zone is removed from the site by future action as provided in subsection (F) of this section, the zoning map shall be returned to the appropriate zone called for by the Comprehensive Plan Map.
2. After the effective date of implementation of the PI overlay zone, a government agency, or district that acquires land or facilities intended to be owned for more than one year, shall notify the city and request a zone map amendment to place the PI overlay zone on the property.
3. This zoning map amendment shall be undertaken by the city at no expense to the agency requesting the amendment.
4. This is a mechanism to provide notice to the community and neighboring property owners that the current zoning and use of the property for typical private uses allowed under existing zoning is proposed to change to public use as provided by the PI overlay zone.

F. Removal of Property from the PI Overlay Zone.

1. When a governmental agency, or district, no longer intends to utilize its property zoned PI and intends to place it on the market for purchase and use by the private sector, the agency shall be responsible to apply for a zone map amendment to remove the PI overlay zone from the property.
2. The zone applied to the property shall be the zone underlying the PI overlay zone as indicated on the Comprehensive Plan Map.
3. This is a mechanism to provide notice to the community and neighboring property owners that the intended public use of the subject property is no longer part of the agency's future plan and that the property is available for the range of private sector uses provided for in the zone that applies to the property after removal of the overlay zone.

18.66.070 Dimensional Standards for PI Overlay Zone.

The dimensional standards for uses in the PI Overlay Zone are presented in Chapter 18.82, Table of Height, Setback, Area, and Dimensional Standards.

Chapter 18.68
AIRPORT APPROACH OVERLAY ZONE

Sections:

18.68.010 Purpose.
18.68.020 Overlay Zone.

18.68.010 Purpose.

The purpose of the Airport Approach Overlay (AA) Zone is to implement, at the local level, the use and height restrictions called for by the Federal Aviation Administration applicable to the Sky Harbor Airport (Designated by Washington State Aeronautics as S-86) Runway Protection Zones

The restrictions of this zone are intended to protect the Runway Protection Zones for the Sky Harbor runway such that air traffic is not endangered by land development that exceeds safe height or density standards. It is equally intended to protect persons on the ground from unnecessary and inappropriate hazard presented by aircraft activities.

18.68.020 Airport Approach Overlay Zone.

The Airport Approach Overlay Zone overlays onto underlying zones as an additional level of land use restriction. Land uses permitted in any zone overlaid by the AA zone are permitted as allowed by the underlying zone, but are subject to applicable additional restrictions imposed by the AA zone.

18.68.020 Airport Approach Overlay Development Restrictions.

All development within the boundaries of the Airport Approach Overlay zone must be below the approach surface elevation established by the Federal Aviation Administration in FAR Part 77 and other applicable aviation regulations.

All development in the Airport Approach Overlay zone must apply for a Development Authorization and be reviewed and approved to not exceed a height that penetrates the glide path surface above the proposed development site. This height must be determined on a case-by-case basis as applications are submitted.

Chapter 18.70
TABLE OF PERMITTED LAND USES

Sections:

18.70.010 Purpose.
18.70.020 Reading Table 18.70.

18.70.010 Purpose.

The purpose of this chapter is to establish the land uses and level of review required for each use as they are allowed and required in each land use zone established in chapters 18.50 through 18.68 of this Title.

18.70.020 Reading Table 18.70.

A. Table 18.70 lists each land use zone from left to right in the vertical columns. The abbreviations at the top of each column correspond to the zones and abbreviations established in chapters 18.50 through 18.68 of this Title.
B. The uses listed in the left column indicate the uses that are permitted in one or more of the land use zones.
C. The numbers in each column following a listed land use indicate the level of review required for that use in each particular zone.
D. Levels of Review are described in chapters 18.18 through 18.28.
E. Where a cell is blank, it indicates that the listed use is not permitted in that particular zone.

Division III. Supplementary Use Provisions

Chapter 18.80
SITE DESIGN, DENSITY AND DIMENSIONAL STANDARDS

Sections:

18.80.010 Purpose.
18.80.020 Lot dimensions.
18.80.030 Setbacks and yard requirements.
18.80.040 Lot coverage.
18.80.050 Maximum building height.
18.80.060 Building height exemptions.
18.80.070 Frontage and access.

18.80.010 Purpose.

The purpose of this chapter is to establish certain basic development requirements pertaining to site design, density and dimensional regulations. These are the minimum criteria which must be met to assure land use compatibility and promote the public health, safety and welfare. Some of these requirements may be adjusted by the director or the hearing examiner under the provisions of Chapter 18.182 Variances, or under approved Binding Site Plans as regulated by Title 19.

18.80.020 Lot dimensions.

A. Standard lot width is the minimum lot width permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lot frontages and to control access to rights-of-way. The standard lot width for each zoning district is described in Chapter 18.82.

B. Minimum lot size is the smallest lot size permitted in a particular zoning district. In residential districts, this standard is intended to maintain the residential character of the area and will vary by zoning district. Lot sizes in other than residential districts are based on the use proposed for the property. The standard lot size for each zoning district is described in Chapter 18.82.

C. Minimum lot depth is the distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten feet and averaging the length of these lines.

18.80.030 Setbacks and yard requirements.

A. Structure setbacks are the minimum distance from lot lines that structures are permitted in a particular zoning district. In the residential districts, structure setbacks are intended to provide privacy, light, air, and emergency access. Setbacks along easements and rights-of-way are intended to minimize the impacts from traffic on adjoining property owners. In the commercial districts,

structure setbacks provide visual clearance along streets and areas for site screening and landscaping. Structure setbacks are required in the industrial districts to provide fire protection, emergency access, and to reduce impacts on adjacent districts of lower intensity. No structure shall be built or located on or in a utility easement unless written permission is obtained from the easement grantee. The standard building setback in each district is described in Chapter 18.82.

B. Setbacks for Residential Accessory Structures.
   1. A residential accessory structure not exceeding nine hundred (900) square feet shall sit a minimum of five (5) feet from the side property line, five (5) feet from the rear property line, and up to, but not within, the required front yard.
   2. Accessory structures larger than nine hundred (900) square feet up to the size permitted by this code shall observe the same setback requirements as the primary residential structure.
   3. In the residential districts, an accessory structure not requiring a building permit may be placed not closer than three feet from a side or rear property line if the structure will not encroach on a public easement and applicable clearview triangles are observed.
   4. Accessory structures are prohibited from encroaching onto a public easement or right-of-way reservation or into a clearview triangle.
   5. On corner lots, where a structure for vehicular use is located on the secondary front yard side of the corner lot, the minimum setback shall be twenty feet to prevent parking encroachment within the public right-of-way.

C. Additional Yard Requirements.
   1. All yards shall be measured from the property line to the foundation line of the structure.
   2. The following intrusions may extend up to two feet into a required front, rear, or side yard:
      a. Eaves, bay windows, dormers, chimneys, solar collectors.
      b. Stairways, fire escapes.
      c. Planting boxes.
      d. Other architectural features similar to those listed above.
   3. The yard requirements for property abutting future street rights-of-way are as follows:
      a. If a lot abuts a street having only a portion of its required width dedicated, no building or structure shall be constructed on that portion of the lot needed to complete the road width plus width and/or depth of the building setbacks required on the lot measured from the future right-of-way line.
      b. Where a precise plan adopted pursuant to law includes the plans for widening the existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and

maintenance of yards, where required by this title, shall adhere to the future street boundaries as determined by said precise plans.

4. No required yard or other open space dedicated to a particular structure or use shall be considered as providing required yard or open space for any other structure or use.
5. The following exceptions to the front yard requirement are authorized for a residential lot:
   a. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
   b. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front yard depth.

D. Residential Covered Porches.

1. Covered entry porches on dwelling units may extend eight (8) feet into the front yard setback, if:
   a. The porch is covered and no higher than one story;
   b. Three sides of the porch are open;
   c. The porch roof form is architecturally compatible with the roof form of the main house; and
   d. Provided a porch meets the criteria of this section, the following are also permitted:
      i. Solid walls or railings may extend up to forty-two (42) inches above the porch floor;
      ii. Eaves on the porch roof may extend an additional two (2) feet into the required front yard;
      iii. Steps may extend an additional five (5) feet into the required front yard.
2. Uncovered porches may extend eight (8) feet into the front yard setback.
3. On the secondary front yard of a corner lot, a porch must be at least five (5) feet from the property line.
4. An uncovered deck or balcony may be placed on the roof of the porch within the required front yard.

E. The following exceptions to the front yard requirement are authorized for a commercial property:

1. The front yard area for commercial uses may include service station fuel pump canopies; open recreational amusement accessory facilities to a principal use; subject to approval of the development review team.
2. See Section 18.60 for additional front yard options in Highway Commercial Zone.
3. See Section 18.58 for additional setback and yard requirements in the Urban Center Zone.

18.80.040 Lot coverage.

Lot coverage is the percentage of net land area of a site that can be covered with roofed structures. In the residential districts this standard is intended to provide areas for landscaping and recreation. Maximum lot coverage requirements in the commercial districts are intended to promote development consistent with the character of the district, protect setbacks, and provide the opportunity to integrate open space and landscaping plans into the design and placement of the structure and off-street parking. The maximum lot coverage in each district is described in Chapter 18.82.

18.80.050 Maximum building height.

Maximum building height is intended to maintain building heights compatible with the character and intent of the district. The maximum building height in each district is described in Chapter 18.82.

18.80.060 Building height exemptions.

The following types of structures or structural parts may exceed the building height limitations upon issuance of a conditional use permit as provided in Chapter 18.180: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, and other similar projections.

18.80.070 Frontage and access.

A. Residential lots have a minimum frontage on a dedicated public street as designated in Chapter 18.82, or on an approved private street in certain types of developments where authorized under Title 19, Land Division Code.

B. Exceptions:

1. Newly created lots resulting from approved short plats or long plats may allow lot frontage to be on a private lane as specified in Title 19.
2. Cul-de-sac frontage shall be as provided in Section 19.40.
3. Flag Lot: The narrow access portion of a flag lot shall be a minimum of twenty feet wide. See Section 19.40.040 for additional standards.

Chapter 18.82
TABLES OF DENSITY AND DIMENSIONAL STANDARDS

Sections:

18.82.010 Density and dimensional standards established.
18.82.020 Density and dimensional standards, applicability and interpretation.
18.82.030 Residential Zone dimensional standards.
18.82.040 Commercial Zone dimensional standards.
18.82.050 Industrial and other zone dimensional standards.

18.82.010 Density and dimensional standards established.

A. Standards Established. The tables in this chapter contain density and dimensional standards for the zones established in SMC 18.50.020.

B. Tables. There are three separate Development Standard tables dealing with the following general land use categories and zones:
   1. Residential (LDR, MDR, HDR);
   2. Commercial (UC, HC, MUC); and
   3. Industrial and Other Zones (IM, PI, AA).

C. Interpretation of Development Standard Tables. Development standards are listed under each zone and headings are listed at the left of the standard. The table cells contain the minimum and in some cases maximum requirements of the zone. A blank cell indicates there are no specific requirements.

18.82.020 Density and dimensional standards, applicability and interpretation.

The values in the following tables are the minimum or maximum requirements for the various parameters in each column.

A. In the case of maximum standards, the maximum limit may or may not be able to be achieved by any particular application. Other development standards in this Title, or in other codes and standards of the City of Sultan may limit the ability to achieve the maximum standard.

B. Minimum standards are applicable to all applications and may only be modified through formal discretionary permit reviews in Chapters 18.180 and/or 18.182.

C. The term "Base Standard" where used in the Development Standard tables means that uses permitted in the applicable zone, other than the uses specifically listed in that cell, base their density and dimensional standards on that value. Those Base Standards represent minimum and maximum values that may be modified by other development standards applicable to the particular application under review. Requirements for parking areas, open space, fire code separation, and similar standards may constrain a particular development from achieving the maximum density or full development potential as presented in these tables.

18.82.030 Residential Zone development standards.

All values are in feet unless otherwise indicated.

A. Dimensional Standards – Residential Zones.

	LDR	MDR	HDR
Lot Area: minimum square feet for new lots created under any land process of Title 19, Land Division Code.			
Base Standard	10,890	7,200	5,000
Single Family Dwelling	10,890	7,200	5,000
Duplex/Two Family Dwellings	14,000	10,000	7,000
Multi-Family Dwellings	NA	12,000 first 3, 4,500 each additional	10,000 first 3, 2,000 each additional
Minimum Lot Width			
Base Standard	80	60	50
Single Family Dwelling	80	60	50
Duplex/Two Family Dwellings	80	80	60
Multi-Family Dwellings	NA	100	100
Minimum Lot Depth			
Base Standard	100	100	90
Single Family Dwelling	80	80	75
Duplex/Two Family Dwellings	100	80	75
Multi-Family Dwellings	NA	100	100
Front Setback			
Base Standard	20	20	20
Single Family Dwelling	20	20	10
Duplex/Two Family Dwellings	20	20	10
Multi-Family Dwellings	NA	25	25
Rear Setback			
Base Standard	25	25	20
Single Family Dwelling	20	20	20
Duplex/Two Family Dwellings	20	20	20
Multi-Family Dwellings	NA	25	25
Detached Accessory Dwelling Unit	20	20	15
Non Dwelling Accessory Structure - 40 to 300 sq.ft.	5	5	5
Non Dwelling Accessory Structure - over 300 sq.ft.	20	15	15

Side Setback (see note B below)			
Base Standard	10	10	10
Single Family Dwelling	10 each side	15 combined 5 minimum	15 combined 5 minimum
Duplex/Two Family Dwellings	10	10	10
Multi-Family Dwellings	NA	10	10
Detached Accessory Dwelling Unit	10	15 combined 5 minimum	15 combined 5 minimum
Non Dwelling Accessory Structure - 40 to 300 sq.ft.	5	5	5
Non Dwelling Accessory Structure - over 300 sq.ft.	10	Match side yard of primary structure	Match side yard of primary structure
Corner Lot Setback, Secondary Front Yard			
Base Standard	½ of primary front yard	½ of primary front yard	½ of primary front yard
Maximum Height			
Base Standard	30	30	30
Detached Accessory Structure	20	20	20
Maximum Percent of Lot Coverage			
Base Standard	35%	35%	50%
Attached patio roof or attached carport cover	5% additional	5% additional	5% additional
Detached Accessory Dwelling Unit	5% additional	5% additional	5% additional

B. Additional Standards– Residential Zones.

For residential uses, the director may approve reduced side yard setbacks of 5 feet and rear yard setbacks of ten feet when the adjacent tract is dedicated to open space, recreation space, or storm water detention.

18.82.040 Commercial Zone development standards.

All values are in feet unless otherwise indicated.

A. Dimensional Standards – Commercial Zones.

	UC	HC	MUC
Lot Area: minimum square feet for new lots created under any land process of Title 19, Land Division Code.			
Base Standard	None	7,500	5,000
Single-family	NA	NA	5,000
Duplex	6,000	NA	7,000
Multi-Family Dwellings & Townhouses	12,000 first 3, 4,500 each additional	NA	10,000 first 3, 4,000 each additional
Minimum Lot Width			
Base Standard	50	100	40
Minimum Lot Depth			
Base Standard	50	75	75
Front Setback			
Base Standard	0	25	0
Single Family Dwelling	NA	NA	20
Duplex	NA	NA	20
Multi-Family Dwelling	20	NA	25
Detached Accessory Structure	5	25	10
Rear Setback			
Base Standard	0	25	15
Single Family Dwelling	NA	NA	15
Duplex	25	NA	20
Multi-Family Dwelling	25	NA	25
Non Dwelling Accessory Structure - over 120 sq.ft.	5	5	5
Non Dwelling Accessory Structure - over 300 sq.ft.	5	15	15
Side Setback			
Base Standard	0	10	0

Single Family Dwelling	NA	NA	7
Duplex	10	NA	10
Multi-Family Dwelling	10	NA	10
Non Dwelling Accessory Structure - over 120 sq.ft.	5	5	5
Non Dwelling Accessory Structure - over 300 sq.ft.	5	10	10
Maximum Height			
Base Standard	30	30	30
Non-dwelling Accessory Structure	20	20	20
Maximum Percent of Lot Coverage			
Base Standard	100%	35%	70%
Single Family Dwelling	NA	NA	50%
Duplex/Two Family Dwellings	45%	NA	55%
Multi-Family Dwellings	50%	NA	50%
Detached Accessory Dwelling Unit	NA	NA	5% additional

18.82.050 Industrial and other zone development standards.

All values are in feet unless otherwise indicated.

A. Dimensional Standards – Industrial and Other Zones.

	IM	PI	AA
Lot Area: minimum square feet for new lots created under any land process of Title 19, Land Division Code.	See Section	See Section	See Underlying Zone
Base Standard	18.64.070	18.66.070	
Minimum Lot Width			See Underlying Zone
Base Standard	50	70	
Minimum Lot Depth			See Underlying Zone
Base Standard	70	80	
Front Setback			See Underlying Zone
Base Standard	10	25	
Detached Accessory Structure	10	25	

Rear Setback (see note B below) Base Standard Detached Accessory Structure	25 15	25 5	See Underlying Zone
Side Setback (see note B below) Base Standard Detached Accessory Structure	10 5	10 5	See Underlying Zone
Maximum Height Base Standard Detached Accessory Structure	30 20	35 20	As provided by Chapter 18.68
Maximum Building Coverage Base Standard Detached Accessory Structure	40% 10%	60% 10%	See Underlying Zone

B. Additional Standards – Industrial Zones.

Where an industrial or manufacturing use abuts a residential zone, a 50-foot setback is required in the IM zone.

Chapter 18.84
LANDSCAPE STANDARDS

Sections:

18.84.010 Purpose.
18.84.020 Applicability.
18.84.030 Administrative Provisions.
18.84.040 Landscape Plan Preparation.
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18.84.010 Purpose

The city of Sultan recognizes the aesthetic, ecological and economic value of landscaping. The purpose of this Chapter is to enhance the community through landscaping that will achieve the following objectives:

A. Promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
B. Maintain and protect property values; Enhance the visual appearance of the city;
C. Enhance the compatibility of new development with surrounding properties;
D. Provide visual relief from large expanses of parking areas and reduction of perceived building scale;
E. Provide physical separation between residential and nonresidential areas;
F. Provide visual screens and barriers as a transition between differing land uses;
G. Preserve and enhance Sultan's urban forest;
H. Preserve and enhance existing vegetation and significant trees by incorporating them into the site design;
I. Reduce storm water runoff pollution, temperature and volume;
J. Provide and maintain natural riparian corridors along streams, wetlands and drainage areas.

18.84.020 Applicability.

A. Single family homes and duplexes
   1. Landscape plans are not required for houses and duplexes.
   2. Single family homes and duplexes must indicate location of required street trees on the site plan for development of the residential lot. See Sultan Engineering Standards for placement and species of required street trees.

B. The provisions of this chapter shall apply to all project permits associated with new commercial, industrial, and multiple-family development including the following:
   1. Applications for multiple-family dwellings containing more than two units.
   2. Shoreline permits.
   3. Mobile home parks and subdivisions, and recreational vehicle parks.
   4. Commercial parking lots, storage yards or containment facilities.
   5. New commercial construction.
   6. New industrial construction.
   7. Change of occupancy of commercial use property as defined by the International Building Code, and/or improvement which exceeds sixty (60) percent of the assessed valuation, or thirty (30) percent of the existing square footage of the existing structure, whichever is less, within any twelve-month period.
   8. Short Subdivision or Long Subdivision, or Binding Site Plan (See Title 19).

C. Substantial improvements, or changes in occupancy shall be subject to the provisions of this chapter. For the purpose of this chapter, a "substantial improvement" means any structural modification, addition or other improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure before the modification or addition is started;

D. Specific landscaping provisions for uses established through a conditional use permit review shall be determined through the conditional use permit process.

18.84.030 Administrative Provisions.

A. The landscape development standards contained in this chapter are administered by the director or his/her designee. The director, is authorized to make modifications when reviewing site plans based on topographical conditions or other factors unique to the site.

B. Landscaping plans must be approved by the director prior to issuance of development permits. Preliminary landscape plans with general descriptions of types, locations, and quantities of required landscape elements will be sufficient for applications for conditional use permits, subdivisions and planned developments; provided, however, that final landscape plans must be approved by the appropriate approving authority prior to notice of decision. A plan of the proposed landscaping and screening must be provided, which may be

incorporated into plans submitted for preliminary plat, site plan or building permit review.

18.84.040 Landscape Plan Preparation.

A. All landscaping plans must be submitted to and at a scale as required by the director.

B. Unless otherwise approved in writing by the director, landscaping plans must be prepared by a certified landscape architect, Washington State-certified nursery professional, Washington State-certified landscaper or other qualified person with experience in landscape design.

18.84.050 Preliminary Landscaping Plan Requirements.

A preliminary landscaping plan must be submitted with the development application for all projects specified in SMC 18.84.020. The preliminary plan shall indicate the following:

1. The footprint of all structures;
2. Grading plan showing approximate existing and proposed contours;
3. Parking areas and driveways, curbing, and other impervious surfaces;
4. Sidewalks, pedestrian walkways and other pedestrian areas;
5. The location, type, size and height of existing or proposed fencing or structural screening and buffer plantings required by ordinance
6. The location, species and size of all existing trees six inches or more in diameter at four and one-half feet above grade (DBH) and any such trees proposed to be removed;
7. Natural features or vegetation left in natural state and protective measures for retained vegetation including the means of providing water to and protection of the root system during the construction period;
8. An irrigation plan, if required:
9. Quantity, size, location and type of material to be planted including trees by caliper inch measured at four and one-half feet above grade (DBH). All plant material listed shall be keyed to plan(s) and defined by botanical and common name. By separate plan or overlay show plants to scale at mature size;
10. Location of all overhead utility and communication lines, location of all driveways and street signs.
11. Name, address and qualifications of person, firm or organization that prepared the landscape plans.

18.84.060 Final Landscaping Plan Requirements.

Three copies of the final landscape plan must be submitted with the building permit application and site plan for any project referenced under SMC 18.84.020. No clearing, grading or building permit shall be issued before the submittal and approval of this final plan. The final plan submission must include:

A. Site Plan. Scale drawing of site or parcel including all information specified in 18.84.050 above. The final site plan will show individual trees and shrubs. Ground cover may be expressed as on-center (o.c.) placement.
B. Planting Schedule. The planting schedule shall indicate common names, quantities, sizes at planting, and spacing for all plants.
C. Cost Estimate. If a performance assurance is proposed as an alternative, the applicant must submit a current estimate of the cost to install the required landscaping. The community development director may approve the submitted cost estimate or require that written bids be obtained.
D. Elevation Drawing. An elevation and/or cross section drawing is required for steep slopes that exceed five feet in height and are steeper than one unit vertical in one and one-half units horizontal. The scale should be appropriate to show structures and plantings at time of installation.
E. Grading Details. If land contours are to be altered, existing and proposed grading contours with spot elevations shall be drawn to scale on the preliminary and final site or landscape plan. All landscaped mounds and gullies are to be shown.
F. Existing Tree Survey. Applicants must submit a tree survey indicating the name, caliper, and location of any existing tree greater than four (4) inches in caliper at four and one-half (4 ½) feet above grade. The boundaries and species of any strands of trees must be detailed. The plan must note which trees will be retained, using the drip line boundary delineation to locate retained trees on the grading plan.
G. Utility Easements. Utility easements and other similar areas between property lines and curbing must be landscaped and/or treated with dust and erosion control planting or surfacing such as evergreens, ground cover, shrubs, trees, sod or a combination of similar materials. In the areas of overhead wire no shrubs or trees over fifteen feet at maturity are allowed.
H. Right-of-Way. Landscaping must be provided in adjacent right-of-way between property line and curb or street edge and shown on plan.

18.84.070 Revisions.

A revised landscaping plan may be approved by the community development director in the event there are significant physical elements discovered during or after plan review that prevent installation of the approved landscaping. Revisions to the approved landscaping plan may be required by the director if approved and installed landscaping has failed to perform as intended.

18.84.080 Description and application of Landscape Types.

Four landscaping design types are described and applied as follows:

A. Type "L-I Landscaping Design".

1. Type L-I landscaping is a "full sight-obscuring screen" that functions as a visual barrier. This landscaping is typically applied to developments adjacent to highways and between residential and nonresidential zones.
2. Type L-I landscaping consists of:
    a. A mix of evergreen trees and shrubs placed to form a continuous screen;
    b. At least seventy (70) percent evergreen trees;
    c. Evergreen trees spaced no more than fifteen (15) feet on center;
    d. Broadleaf trees spaced no more than twenty (20) feet on center;
    e. Evergreen shrubs spaced no more than four (4) feet apart; and
    f. Ground cover to enhance and stabilize the planting area.

B. Type L-II Landscaping Design.
1. Type L-II landscaping is a "filtered partially sight-obscuring screen" that functions as a visual separator. This landscaping is typically used between commercial and industrial uses, between differing types of residential development, and to screen industrial uses from the street;
2. Type L-II landscaping consists of:
    a. A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;
    b. At least fifty (50) percent broadleaf trees and at least thirty (30) percent evergreen trees;
    c. Evergreen trees spaced no more than fifteen (15) feet on center;
    d. Broadleaf trees spaced no more than twenty (20) feet on center;
    e. Shrubs spaced no more than five (5) feet apart; and
    f. Ground cover to enhance and stabilize the planting area.

C. Type L-III Landscaping.
1. Type L-III landscaping is a "see-through buffer" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically used along street frontage or between apartment developments;
2. Type L-III landscaping consists of:
    a. A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;
    b. At least seventy (70) percent broadleaf trees;
    c. Trees spaced no more than twenty-five (25) feet on center;
    d. Shrubs that do not exceed a height of four (4) feet, spaced no more than four (4) feet apart; and
    e. Ground cover to enhance and stabilize the planting area.

D. Type L-IV Landscaping.
1. Type L-IV landscaping is "parking area landscaping" that provides shade and visual relief while maintaining clear sight lines within parking areas;
2. Type L-IV landscaping consists of:

a. Canopy-type broadleaf or evergreen trees, evergreen shrubs and ground covers planted in islands or strips;
b. Shrubs that do not exceed a height of four (4) feet;
c. Plantings contained in planting islands or strips having an area of at least one hundred (100) square feet and with a narrow dimension of no less than five (5) feet;
d. Ground cover to enhance and stabilize the planting area; and
e. At least seventy (70) percent of the trees shall be broadleaf.

18.84.090 Parking lot standards.

A. Provide a five-foot perimeter of Type L-IV landscape buffer around the perimeter of parking lots.
B. Provide a minimum of five (5) percent of the parking lot as Type L-IV landscaped area with no individual landscape area less than one hundred (100) square feet.
C. Provide Type L-IV landscaped areas at the ends of each row of parking spaces and one landscaped area for every ten (10) spaces within rows of parking spaces.
D. Provide six-inch protective curbs or wheel stops to protect landscaped areas from vehicular damage.

18.84.100 Planting Standards.

A. All trees must be planted where the soil is suitable nutritional quality to ensure growth. Where the soil is of poor quality an adequate sized hole must be excavated with the unsuitable soil removed and replaced with suitable soil.
B. Irrigation systems, root barriers and other mechanical devices may be required to assure planting viability.
C. Artificial lawn or shrubbery are not permitted in any landscaped areas.
D. Storm water drainage systems, including biofiltration swales, are not credited toward meeting minimum landscaping requirements.
E. All required plant materials must be compatible with the "USDA Hardiness Zone 7a" and shall not have characteristics detrimental to the public welfare such as susceptibility to disease and/or wind damage, thorns, excessive shedding of seed pods, fruit, large compound leaves, or other parts, or a tendency to interfere with utilities or public rights-of-way.

18.84.110 Existing vegetation.

A. The applicant may be required to retain significant vegetation on the subject property, to the maximum extent possible, where such vegetation is considered equal to or better than that required by this chapter. Significant existing vegetation includes but is not limited to:
   1. Significant trees: Any trees in good condition at least six (6) inches in diameter at four and one-half (4 ½) feet above grade.

2. Riparian vegetation within a critical water course or wetland site, subject to the city's critical areas ordinance.

B. Any person desiring to remove a tree that is six (6) inches at four and one-half feet above grade in connection with any new development shall first obtain approval from the director as provided in this Section.

C. The following criteria are considered in determining when to approve tree removal:
   1. The condition of the tree(s) with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures, fences and interference with utility facilities.
   2. Removal of the minimum number of trees reasonably necessary to achieve the proposed development.
   3. The ease with which the applicant can alter or revise the proposed development to accommodate existing trees.

18.84.120 Maintenance

All landscaping required by this chapter shall be maintained in a healthy growing condition by all property owners. Dead or dying trees or shrubs must be replaced immediately, and the planting area kept clear of weeds. All irrigation systems required by this chapter shall be maintained in good working order by the property owner.

18.84.130 Performance Assurance.

Landscaping must be installed prior to a certificate of occupancy, or covered by a performance security. If required landscaping cannot be installed by the time that a project is otherwise qualified for a certificate of occupancy, a developer may choose to provide a performance security to guarantee the installation of the landscaping according to the following provisions:

A. The amount of the security is one hundred fifty (150) percent of the projected cost of material and installation of the approved landscaping.

B. The required landscaping must be installed and completed as soon as weather permits, but not later than one year from issuance of the certificate of occupancy.

C. The City shall inspect the completed planting and make a finding of completion prior to release of the performance security.

18.84.140 Replacement Requirements.

Vegetation that is required to be planted or preserved by these standards must be replaced with equivalent vegetation if it is not living within two (2) years of the issuance of an occupancy permit. Preserved trees for which credit was awarded that die within one year from the date of issuance of an occupancy permit shall be replaced by the required number of living trees as established in these standards.

18.84.150 Maintenance Assurance.

For landscaping projects with a total project cost in excess of $10,000, a maintenance surety must be supplied to the city as follows:

A. A maintenance surety in the form of a bond, cash deposit, or other security acceptable to the city covering twenty (20) percent of the cost of the original plant materials is required for two (2) years following installation to ensure compliance with this code.

B. If a maintenance surety is required under this section, the property owner must provide the city with a non-revocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary maintenance work.

C. The maintenance surety may be used by the city to perform any maintenance, and to reimburse the city for documented administrative costs associated with the maintenance activity.

D. Upon completion of the two year maintenance period, the city shall promptly release the maintenance surety or any remaining portion thereof.

18.84.160 Shrub planting standards.

Shrubs required to be planted in accordance with these standards shall be a minimum of twenty four (24) inches in height from the top of the root collar at the time of planting. Spacing of individual plants shall depend on the types of shrubs that are to be installed.

18.84.170 Plant material standards.

A. Quality. Plant materials used in conformance with the provisions of these standards must be free of any disease at the time of planting. All plant materials examined by the city one (1) year from the date of their installation and found to be in a less than healthy and growing condition must be replaced by the owner, developer, or their agent.

B. Trees. All plant material designated as "trees" on an approved site plan must be species that are rated as having an average mature spread of crown of greater than ten (10) feet in the state of Washington. Tree species shall be a minimum of seven (7) feet in overall height measured from the top of the root collar at the time of planting. Trees of species whose roots are known to cause damage to roadways or other public works shall not be planted closer than twelve (12) feet to any roadway, water line or sewer line, unless the tree root system is completely contained within a barrier form, of which the interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four-inch thick concrete reinforced with No. 6 road mesh (six by six by six) or equivalent. A list of such tree species shall be maintained by the building and zoning official for the guidance of the public.

C. Shrubs and Hedges. Shrubs must be a minimum of two (2) feet in height when measured at the time of planting. Hedges, where required, shall be planted and

maintained so as to establish a continuous, unbroken, solid visual screen within a maximum of one year from the date of installation.

D. Vines. Vines must be a minimum of thirty (30) inches in length at the time of installation and may be used in conjunction with fences, screens, or walls.
E. Ground Covers. Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after installation.
F. Lawn Grass. Grass areas shall be planted in species successfully grown as permanent lawns in the state of Washington. Grass areas may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in areas subject to erosion.
G. No invasive or harmful species are allowed in any required planting area.

18.84.180 Existing plant material.

The director may adjust the application of these standards to allow credit for healthy plant material existing on site prior to development and maintained for the purpose of providing landscaping for the development. The building and zoning official must issue a written opinion finding such an adjustment is in keeping with and will preserve the intent of these standards. Plants detrimental or harmful to credited species must not be retained or planted.

18.84.190 Administrative Waiver.

The development review team may authorize waiver of the requirements in this chapter upon finding the following conditions satisfied:

A. The proposed project permit, use, or activity is consistent with the comprehensive plan and Zoning Code, and the granting of the waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the use or activity is situated;
B. The waiver is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the property where the use or activity is situated, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located, or because a project is a public improvement planned in accordance with the comprehensive plan; and
C. Written findings and conclusions are made which state the reasons for the waiver and determine that appropriate provisions are made in substitute for any and all waived requirements.

Chapter 18.88
FENCES

Sections:

18.88.010 Purpose
18.88.020 Fences, defined
18.88.030 Permit, required when
18.88.040 Application requirements
18.88.050 General standards
18.88.060 Retaining walls, fence height
18.88.070 Earthen berms, fence height
18.88.080 Dangerous fences
18.88.090 Residential zone fences
18.88.100 Commercial zone fences
18.88.110 Industrial zone fences
18.88.120 Public and Institutional Overlay Zone fences

18.88.010 Purpose.

The purpose of this Chapter is to establish the procedures and standards by which fences may be erected within the City of Sultan.

18.88.020 Fences, defined.

"Fence" means a barrier for the purpose of enclosing space or separating parcels of land.

18.88.030 Permit, required when.

All fences anywhere on the lot are subject to provisions of this Chapter and require a Development Authorization prior to construction or modification. Fence permits are to be processed under Level I procedures.

18.88.040 Application requirements.

A. A Development Authorization application for a fence shall include a general site plan showing:
   1. A drawing of the property with actual dimensions of property lines, particularly those which are the public right-of-way lines.
   2. Location of the proposed fence on the property, to include height and type of construction.
   3. North arrow and scale of drawing.

B. A legal description of the property may be required for accurate property identification.

C. The property owner is responsible to construct the fence according to the approved site plan.

18.88.050 General standards.

A. Fences must not conflict with requirements for Clearview Triangle in Chapter 18.90. For public safety reasons, no variances from these provisions are permitted.
B. Fences shall always be required to be built on private property and never on public right-of-way.
C. The property owner is responsible to identify the property line when proposing to construct a fence on said property line. A property survey may be required.
D. All fences must be constructed and maintained in a structurally sound manner. Fences which are structurally unsound and/or hazardous are subject to abatement.
E. Fences may be constructed of wood, masonry, wire or similar materials employed by standard building practice. Fences may also be formed of dense landscaping. Fences shall not be made of tires or similar salvage materials not originally designed as structural components of fences or buildings.
F. All fences (except dense landscaping) over six (6) feet require a Building Permit, as well as a Development Authorization (Chapter 18.12).

18.88.060 Retaining walls, fence height.

A. Any free-standing property perimeter wall which is not a retaining wall is considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill grade, but shall be a maximum of nine (9) inches above finished grade on the fill side of the wall.
B. Where a retaining wall is located on a line separating lots, the retaining wall may be topped by a fence of the height permitted in the particular yard in which the wall is located. The allowable height of the fence shall be determined by measuring from the finished grade of the wall.

18.88.070 Earthen berms, fence height.

Where an earthen berm is required, the size will be determined by the appropriate reviewing body. The berm may be topped by a fence, wall or hedge of the height permitted in the particular yard in which the berm is located. The height is measured from the highest finished grade of the berm.

18.88.080 Dangerous fences.

A. Barbed Wire and Similar Material:
    1. No fence containing barbed wire or similar material may be constructed or allowed to remain, if already constructed, upon property lines or property abutting streets, highways, alleyways, or any public right-of-way within residential zones. In Highway Commercial, Industrial and Manufacturing, Public and Institutional overlay, and Airport Approach overlay zones up to three (3) strands of barbed wire may be used on top of a fence abutting the

public right-of-way so long as the wire does not protrude beyond the property line.

2. Except as provided in item 1 above, all fences containing barbed wire or similar material must be setback at least five (5) feet from property lines and public rights-of-way.
3. Fences constructed with razor wire, ribbon wire and material(s) of similar design are prohibited.

B. Electric fences are not permitted in the city except when used to contain grazing animals in an area zoned to allow such a use. Electric fences must be set back at least five (5) feet from the property line and must be enclosed by additional fencing or other barriers which prevent access to the electric fence by small children

C. Within twenty (20) days of written notification from the City, all fences not in compliance with this section must be removed or brought into compliance by the owner or, upon failure to comply, the director is empowered to cause the removal of the fence, the cost of which shall be billed to and paid by the owner.

18.88.090 Residential zone fences.

The following fence height and location standards apply to interior and corner lots. Corner lots have two front yards (primary and secondary with the primary most commonly being the address side), two side yards and no rear yard.

A. Rear and Side Yards. Fences six (6) feet or less in height are permitted in side and rear yards, but shall not extend into the front yard setback.

B. Front Yard. From the front yard setback to the front property line, chain link, woven wire, and split rail fences five (5) feet or less in height are permitted. Fences of other materials and sight-obscuring fences must not exceed three and one-half (3-1/2) feet; except that, fence heights permitted for rear yards on through lots shall be as provided for secondary front yards.

1. Sight obscuring fences not exceeding five (5) feet in height are permitted to within five feet of the property line of the secondary front yard, provided that approved landscaping is installed and maintained between the fence and the property line.
2. All shrubs, trees and vegetation material used in conjunction with fences within the secondary front yard setback shall be permanently maintained in a healthy growing condition. Dead, diseased and dying material shall be replaced immediately. Planted areas shall be maintained clear of rubbish and debris.

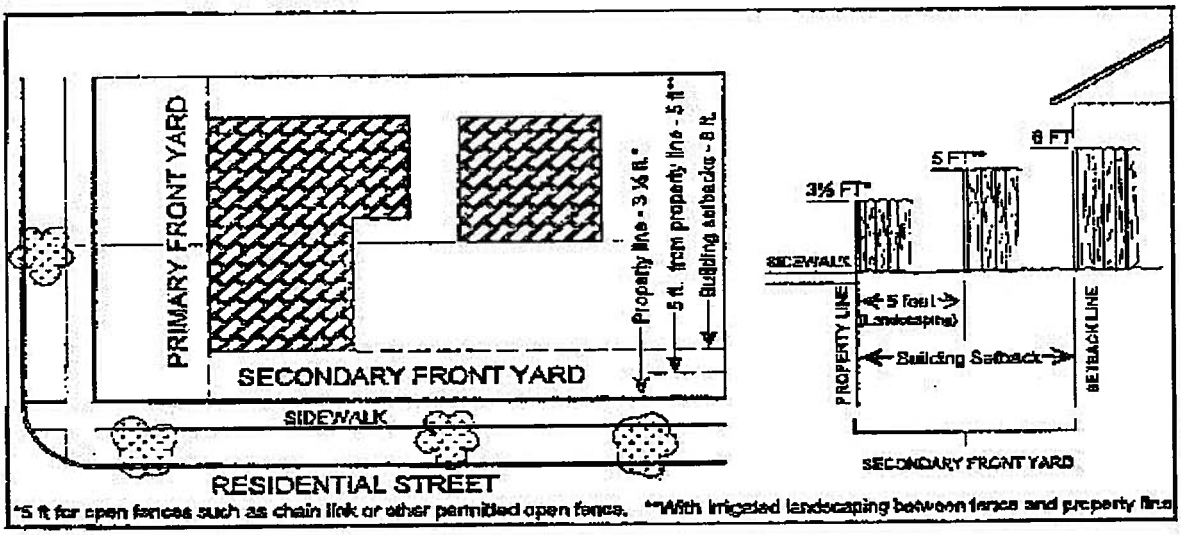


Figure 18.88-1: Fence Height Standards for Secondary Front Yards

C. Subdivision Border Fences. Border fences six (6) feet or less in height along streets bordering the subdivision may be permitted for new subdivisions under the following conditions:
   1. The subdivision must be designed for interior street access to all lots abutting the border street(s).
   2. The fence may be installed along the public right-of-way line provided there is a minimum of five (5) feet of landscaping between the fence and the street improvements (sidewalk, curb, gutter, street trees). Border fences can not extend into the primary front yard on corner lots.
   3. The type and design of the fence and landscaping will be reviewed and approved as part of the subdivision review process.
   4. If a funded Home Owners Association is established with recorded covenants, the covenants must provide that:
      a. Abutting property owners are responsible to the City for the permanent maintenance of the fence and landscaping between the fence and the border street improvements.
      b. All shrubs, trees and vegetation material used in conjunction with subdivision border fences must be permanently maintained in a healthy growing condition. Dead, diseased and dying material must be immediately replaced. Planted areas must be maintained clear of rubbish, debris and weeds.

D. Swimming Pool Fences. All swimming pools must be enclosed by a fence at least four (4) feet in height and of a type not readily climbed by children. The gate must be a self-closing and latching type with the latch on the inside of the gate not readily available for children to open.

18.88.100 Commercial zone fences.

A. Rear and Side Yards. The maximum height of fences in a rear yard or side yard behind the required setback is eight (8) feet. .
B. Front Yards. The maximum height of fences constructed within the front yard setback is six (6) feet. The maximum height of front yard fences behind the required front yard setback is eight (8) feet.
C. Swimming Pool Fences. See Section 18.88.090 D.

18.88.110 Industrial zone fences.

A. Rear, Side, Front Yards. Eight (8) feet is the maximum fence height in industrial zones, except as provided under Subsection B below for wrecking yards or junk yards. Fencing of other industrial areas shall comply with the outdoor storage standards specified in Subsection B below, and Chapter 18.126.
B. Fences for Wrecking or Junk Yards. Motor vehicle wrecking yards must be enclosed by a view obscuring fence or wall at least eight (8) feet high. A higher fence or wall may be required by the Director or the development review team. Such fence or wall must not extend into the "clearview triangle" as specified in Chapter 18.90. Such wall or fence will be painted or stained a neutral shade which blends with the surrounding premises, and such wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such wall or fence when used in combination with a security fence which is not sight obscuring. Any dead or dying portion of such hedge must be immediately replaced by the property owner .

18.88.120 Public and Institutional Overlay Zone fences.

Due to the wide variety of permitted uses within this district, the Director and/or development review team will determine appropriate fence height and setback requirements to provide reasonable light and noise protection for adjacent residential development.

Chapter 18.90
CLEARVIEW TRIANGLE

Sections:

18.90.010 Purpose.
18.90.015 Definitions.
18.90.020 Clearview triangle dimensions.
18.90.030 General requirements.
18.90.040 Exemptions.
18.90.050 Clearview triangles – Increase by development review team.
18.90.060 Adjustments.
18.90.070 Violations, deemed nuisance.
18.90.080 Abatement required.

18.90.010 Purpose.

The purpose of this Chapter is to establish Clearview Triangle requirements to help maintain pedestrian and vehicular safety. Clearview Triangle requirements apply to all zones, except Urban Center, and apply to public streets, private streets intersecting with public streets, alleys, railroad crossings, driveways, and curb cuts.

18.90.015 Definitions.

For the purpose of this Chapter, certain abbreviations, terms, phrases, words and derivatives shall be construed as follows:

A. All-way Stop Controlled means that all vehicles must come to a complete stop before entering the intersection and that vehicles yield to other vehicles having the right of way. This term applies to intersections with three, four, five or more intersecting streets.

B. Four-way Stop controlled means a four leg intersection where traffic on all four legs come to a complete stop before entering the intersection and that vehicles yield to other vehicles having the right of way.

C. Two-way Stop controlled means an intersection of at least two streets where the traffic on one street is required to stop while traffic on the other does not stop.

D. Uncontrolled Intersection means an intersection without any traffic control signs or signals, where traffic volumes are low and the basic rules of driving govern traffic entering the intersection.

18.90.020 Clearview triangle dimensions.

A. Uncontrolled Intersections. At uncontrolled intersections, the Clearview Triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street to a distance of fifty (50) feet from the corner point along the more traveled street and 50 feet from the corner point of the less traveled street. The third side of the triangle is the straight line connecting the two (2) fifty (50) foot sides. See Figure 18.90-1, Uncontrolled Intersection.

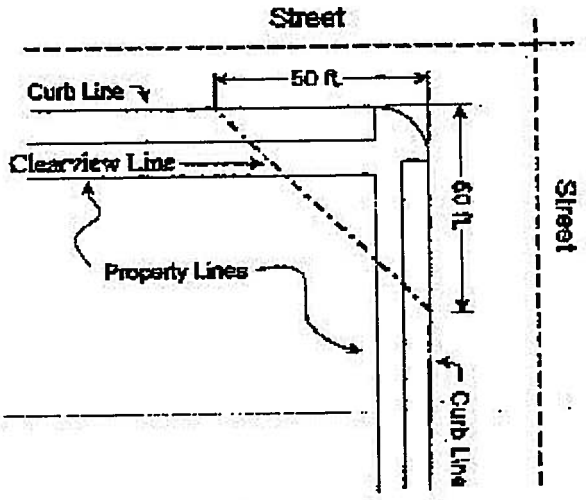


Figure 18.90-1 Uncontrolled Intersection

B. Controlled Intersections. At a two-way stop and yield controlled right angle intersections (signalized and all-way stop controlled are specifically excluded), the stop or yield controlled street side of the Clearview Triangle shall be a distance of fifteen (15) feet measured from the intersection of the extended curb line or the traveled right-of-way (if no curb exists). The major street side of the triangle shall be a factor of the posted speed of the major street as noted in Table 18.90-1 measured along the extended curb line or the traveled right-of-way (if no curb exists.) The third side of the triangle is the straight line connecting the above defined lines. (Refer to Figure 18.90-2, Controlled Intersection.) Where the intersection of the two streets forms an angle other than a right angle, the sight distance measurement along the major street shall be determined by the City Engineer based upon a traffic study. In no case will the acute angle sight distance be less than those shown in Table 18.90-1.

Table 18.90-1 Controlled Intersection
Major Street Distances

Posted Speeds (MPH)	Distance along Curb line
25	85 feet
30	110 feet
35	130 feet
40	180 feet

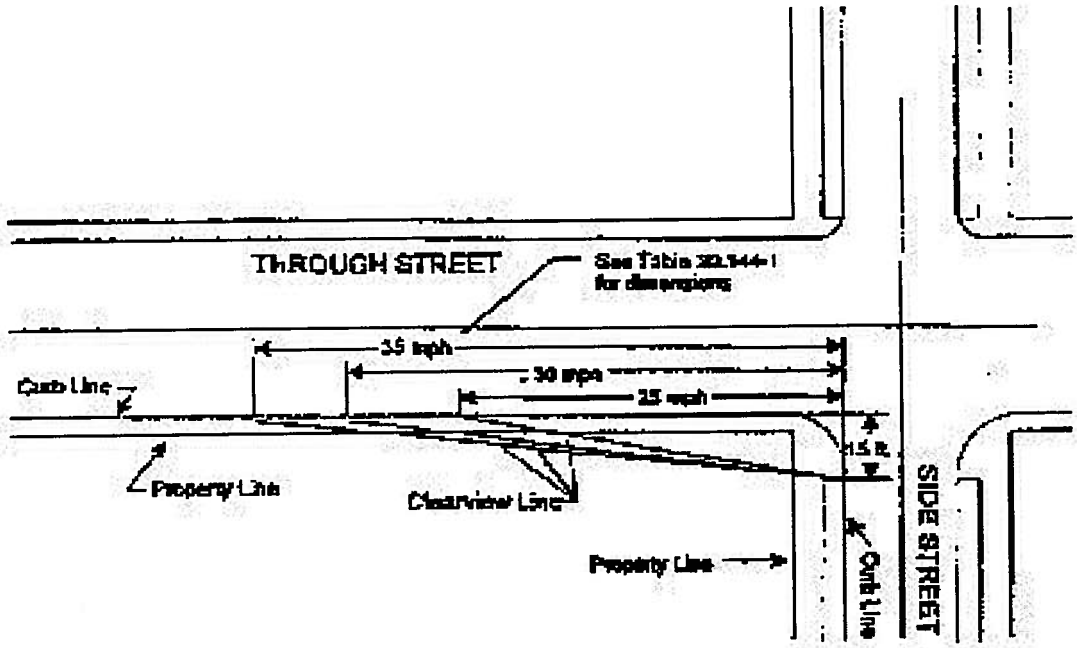


Figure 18.90-2, Controlled Intersection

C. Alley and Driveway Intersections with Public Right-of-Way.

1. All lots which abut alleys and all private driveways intersecting public right-of-way, alleys or private streets shall maintain a Clearview Triangle. The sides of the triangle forming the corner angle shall be fifteen (15) feet measured along the extended curb line (or the traveled right-of-way if no curbs exist) and along the edge of the driveway or alley. The third side of the triangle is the straight line connecting the two (2) fifteen (15) foot sides.
2. The area between the triangle and the edge of the traveled right-of-way of the street shall also be kept clear of visual obstructions as outlined in Section 18.90.030.
3. Figure 18.90-3, Alley or Driveway Intersection, illustrates the requirements of this Section.

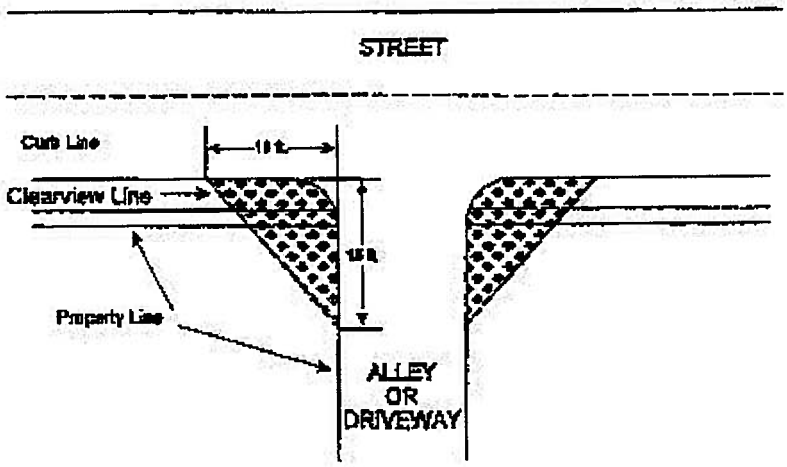


Figure 18.90-3, Alley or Driveway Intersection

18.90.030 General requirements.

No structure, fence, wall, hedge, natural growth, tree, sign, or other visual obstruction in excess of ten (10) inches in diameter or which materially impairs vision is allowed on the part of property located within a Clearview Triangle between a height of two and one-half (2-1/2) feet and ten (10) feet above the grade street centerline, or curb top if one is present. See Figure 18.90-4, Clearview Triangle Perspective.

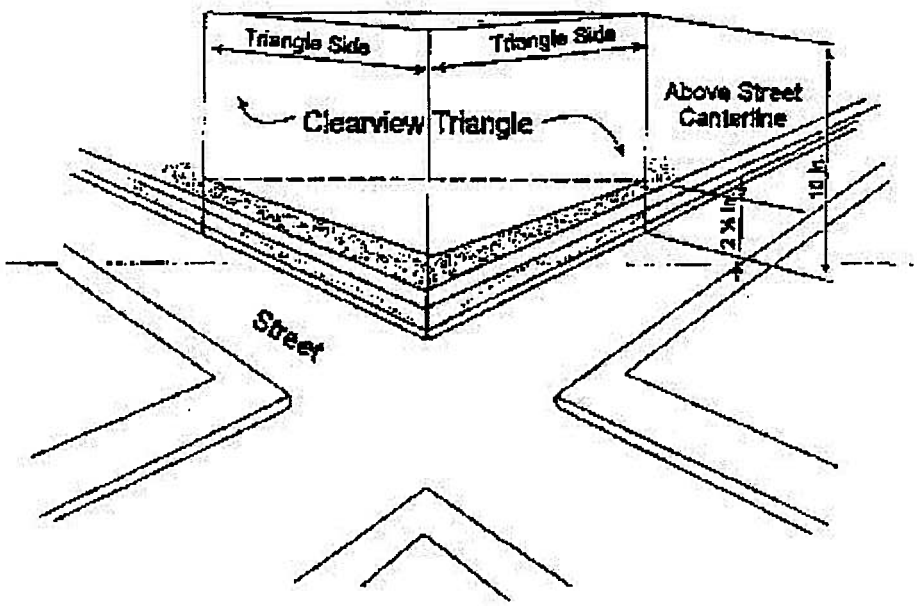


Figure 18.90-4, Clearview Triangle Perspective

18.90.040 Exemptions.

Clearview Triangle regulations of this Chapter do not apply to:

A. Buildings which were existing prior to passage of the ordinance codified in this Code;
B. Public utility poles;
C. Trees, so long as they are not planted in the form of a hedge and are trimmed to the trunk to a height of at least ten (10) feet above the grade level of the centerline of the intersection so as to leave, in all seasons, a clear and unobstructed cross view;
D. Official warning signs or signals;
E. Properties where the existing contour of the ground penetrates above the maximum two and one-half (2-1/2) feet height limitation noted in Section 18.90.030;
F. Properties located in the Urban Center zone;
G. Woven wire-chain link fences provided that there is no other landscaping or visual obstruction.

18.90.050 Clearview triangles – Increase by Development Review Team.

The clearview requirement may be increased by the development review team in areas with unusual characteristics. For example, streets permitting high speed travel or with excessive curves may require a larger field of vision.

18.90.060 Adjustments.

In the event street improvements change the width of the traveled way, or locations of curbs, Clearview Triangles must be adjusted to meet the requirements of this Chapter.

18.90.070 Violations, deemed nuisance.

Any structure, fence, wall, hedge, natural growth, tree, sign, or other object erected or placed in violation of the clearview triangle requirements of this Chapter, is declared a public nuisance.

Chapter 18.92
RESIDENTIAL DWELLINGS AND ACCESSORY STRUCTURES

Sections:

18.92.010 Purpose.
18.92.020 Residential Structures.
18.92.030 Accessory Structures.
18.92.040 Accessory Dwelling Units.

18.92.010 Purpose.

The purpose of this Chapter is to establish basic standards for residential structures and residential accessory structures.

18.92.020 Residential Structures.

All residential structures where allowed by Chapter 18.70, Table of Permitted Uses, must meet the following standards:

A. All modular or site-built residential structures must meet all applicable provisions of the International Building Code, the International Residential Code, and all ancillary codes as adopted by the City of Sultan through SMC Title 15.
B. All manufactured housing units shall only be used for residential occupancy. No manufactured housing unit shall be converted to storage or any other non-residential occupancy or accessory use.

18.92.030 Accessory Structures.

All accessory structures where allowed by Chapter 18.70, Table of Permitted Uses, shall meet the following standards:

A. An accessory structure is permitted only on property where a primary residence is in place and occupied in compliance with occupancy and dimensional standards of this and other applicable codes. No application will be accepted for review or permit issued for placement or construction of an accessory structure not already occupied by a primary residence.
B. All accessory structures of 120 square feet or larger require a building permit.
C. Accessory structures must observe reduced setbacks as provided in Chapter 18.82, "Table of Height, Setback, Area Dimensional Standards".
D. Accessory structures greater than 50 square feet require issuance of a Development Authorization.
E. Detached garages and other residential accessory buildings shall not exceed a footprint of 900 square feet or 60 percent of the floor area of the principal structure's footprint, whichever is greater. (The principal structure's footprint for purposes of this calculation includes attached garages, and excludes basement areas.)
F. Agricultural accessory buildings on properties greater than one acre in size are exempt from the standard in subsection A. of this section.

G. Accessory structures shall not be used as a place of human habitation unless expressly permitted by this title and city building and life safety codes and issuance of a Development Authorization as provided in Chapter 18.12.
H. No accessory structure shall occupy any part of a required front yard area, except as provided in Subsection I below:
I. Covered Parking Structures:
   Subsection H above notwithstanding, membrane-roofed or metal-roofed structures may be placed in driveways in front of garages or carports for the purpose of providing covered parking for vehicles under the following conditions and standards:
   1. Such structures are allowed as an outright use subject to issuance of a Development Authorization (See Chapter 18.12).
   2. All such structures require a building permit if over one hundred twenty (120) sq.ft. of coverage.
   3. Such structures specifically and solely used for parking may be located in front yard setbacks, but must maintain a setback of not less than five (5) feet from the front property line (See Chapter 18.82, "Table of Height, Setback, Area Dimensional Standards").

18.92.040 Accessory Dwelling Units (ADU).

The purpose of this section is to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this section shall be to permit additional living quarters within predominantly single-family residential neighborhoods in order to: make it possible for adult children to provide care and support to a parent or other relatives in need of assistance; provide increased security and companionship for homeowners; provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership; or to provide for the care of disabled persons within their own homes.

All accessory dwelling units allowed by Chapter 18.70, Table of Permitted Uses, shall meet the following standards.

A. An ADU may be created within, or detached from, any existing or new single-family dwelling as a subordinate use.
B. No more than one ADU is allowed on a legal lot of record.
C. The minimum lot size eligible for an ADU is the underlying zoning district minimum lot size plus 2,000 square feet.
D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU.
E. The property owner must occupy either the primary dwelling or the ADU as their principal residence for at least six (6) months of the year.

F. One (1) off-street parking space must be provided in addition to off-street parking that is required for the primary dwelling, and located behind the front yard setback.
G. The ADU must be designed to maintain the appearance of the primary dwelling as a single-family dwelling. Roof pitches, siding and windows of any new construction containing the ADU must be similar and complementary to the primary dwelling. If a separate outside entrance is necessary for an ADU located within the primary dwelling, that entrance must be located on the rear or side of the building.
H. An ADU must not exceed forty (40) percent of the habitable floor area of the principal dwelling, provided the gross floor area of the ADU is a minimum of three hundred (300) and a maximum of eight hundred (800) square feet of gross floor area.
I. The ADU must include a kitchen, bathroom and sleeping facilities.
J. Additions or construction of new ADU shall not exceed the allowable lot coverage.
K. Setbacks for accessory dwelling units are the same as those prescribed for the primary residential structure, not those prescribed for detached accessory structures.
L. An ADU, must be consistent in design and appearance with the primary structure.
M. An ADU cannot be subdivided or otherwise segregated in ownership from the primary dwelling unit.
N. Utilities for an ADU are metered jointly with the primary dwelling except as otherwise required by ordinance.
O. An address for an ADU is the same as the primary dwelling unit with a "B" added to the end of the address number.
P. The property owner must record a restrictive covenant with the Snohomish County Auditor's office for the subject property prior to final building inspection approval for the ADU. The recorded information must be signed by the property owner and countersigned as accepted and permitted by the City, and contain the following information:
    1. Identify the property and mailing address of the owner;
    2. State that the owner(s) resides in either the principal or accessory dwelling unit;
    3. State that the owner(s) will notify any prospective purchasers of the limitations of the ADU;
    4. State that the ADU shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit; and
    5. Agree to and provide for the removal of the ADU if any of the requirements of this chapter are violated.

CHAPTER 18.94
UTILITY REASONABLE USE EXCEPTION

Sections:

18.94.010 Purpose.
18.94.020 Reasonable Use Exception Limited.
18.94.030 New septic system reasonable use exception – Future sewer connection required.
18.94.040 New water well reasonable use exception – Future water connection required.

18.94.010 Purpose.

The purpose of this chapter is to provide reasonable alternatives for minimal development of properties that are not within reasonable economic proximity to existing city water and sewer utilities, and to provide standards for connection of such residences to city utilities when they become available.

18.94.020 Reasonable Use Exception Limited.

A. Reasonable use exceptions in this chapter are limited to development of one single family residence on one existing parcel.
B. Applications for development of multiple-family residences, commercial, or industrial development do not qualify for reasonable use exceptions of this chapter or any other reasonable use provision of this code.
C. Land divisions to create lots that are beyond the reach of city water and sewer services for the purpose of creating properties that will qualify for reasonable use exceptions are not permitted and will not be allowed to utilize the provisions of this chapter.

18.94.030 New septic system reasonable use exception – Future sewer connection required.

A. If the downstream boundary of the property is within three hundred (300) feet of the existing city sewer main, extension of the city sewer main as called for in the Comprehensive Plan and the City General Sewer plan will be required as a condition of the development permit and the extension must be completed, connected and approved prior to occupancy of the structure.
B. Where a property owner proposes to build one new single-family home on an existing lot zoned residential and existing city sewer main is more than three hundred (300) feet from the downstream boundary of the subject property, the property owner may apply for approval to construct and use an on-site sewage system, subject to approval by Snohomish County Health District. Such request must be submitted to and approved by the director.
C. If denial of the request to build an on-site sewage system would deny all reasonable use of the property, development of a single family residence served by an on-site septic system may be allowed which is consistent with the general

intent of this title and the public interest, provided that the director makes written findings supporting all of the following standards:

1. The subject property qualifies for a reasonable use exception according to the distance and other standards required above for such a designation.
2. Denial of the reasonable use application would deny all reasonable use of the property;
3. The proposed on-site sewage system does not pose an unreasonable threat to the public health, safety or welfare on or off the property.

D. The property owner must pay to the City the following charges at the time of issuance of a building permit:

1. The estimated cost for the collector sewer, as specified in the Comprehensive Plan and the General Sewer Plan, across the entire front of the property, as such cost is determined by the city engineer;
2. The current sewer facilities charge; and
3. The estimated project cost for 100 feet of the sewer main or interceptor needed to reach the property, as determined by the city engineer.

E. The property owner must also construct the necessary connection stub from the residence to allow future connection to the sewer main when sewer becomes available;

F. The property owner must execute and record an agreement binding himself and subsequent owners to connect the residence to the city sewer system within ninety (90) days of written notice from the City that the connection can be made.

G. Any decision of the director regarding this reasonable use exception is final unless appealed under Chapter 18.42.

18.94.040 New water well reasonable use exception – Future water connection required.

A. If the downstream boundary of the property is within three hundred (300) feet of the existing city water main, extension of the city water main will be required as a condition of the development permit and the extension must be completed, connected and approved prior to occupancy of the structure.

B. Where a property owner proposes to build one new single-family home on an existing lot zoned residential and existing city water main is more than three hundred (300) feet from the downstream boundary of the subject property, the property owner may apply for approval to an on-site well to serve the single residence, subject to approval by Snohomish County Health District. Such request must be submitted to and approved by the director.

D. If denial of the request to build an on-site water system would deny all reasonable use of the property, development may be allowed which is consistent with the general intent of this title and the public interest, provided that the director makes written findings supporting all of the following standards:

1. The subject property qualifies for a reasonable use exception according to the distance and other standards required above for such a designation.

2. Denial of the reasonable use application would deny all reasonable use of the property;
3. The proposed on-site well and associated water system does not pose an unreasonable threat to the public health, safety or welfare on or off the property.

D. The property owner must pay to the City the following charges at the time of issuance of a building permit:

1. The estimated cost for the water main, as specified in the Comprehensive Plan and the Water System Plan, across the entire front of the property, as such cost is determined by the city engineer;
2. The current water facilities charge; and
3. The estimated project cost for one hundred (100) feet of the water main needed to reach the property as specified in the Comprehensive Plan and the Water System Plan, as determined by the city engineer.

E. The property owner must also construct the necessary connection stub from the residence to allow future connection to the water line when city water becomes available;

F. The property owner must execute and record an agreement binding himself and subsequent owners to connect the residence to the city water system within ninety (90) days of written notice that the connection can be made.

G. Any decision of the director regarding this reasonable use exception is final unless appealed under Chapter 18.42.

Chapter 18.98
OFF-STREET PARKING AND LOADING STANDARDS

Sections:

18.98.010 Purpose.
18.98.020 Off-street parking and loading spaces required.
18.98.030 General provisions.
18.98.040 Existing parking facilities.
18.98.050 Off-street parking standards.
18.98.060 Computation of required spaces.
18.98.070 Location of Required Spaces
18.98.080 Minimum parking dimensions.
18.98.090 Site plan required.
18.98.100 Lighting Standards.
18.98.110 Design and construction.
18.98.120 Maintenance.
18.98.130 Drive-through facilities.
18.98.140 Off-street loading.
18.98.150 Installation time limit.
18.98.160 Motorcycle and compact car allowance.
18.98.170 Handicapped parking.

18.98.010 Purpose.

It is the purpose of this chapter to:

A. Assure that adequate space is provided for the parking, loading, and unloading of motor vehicles on developed property;

B. Provide minimum standards of space and parking arrangements and for the movement of motor vehicles into and out of such spaces;

C. Avoid or reduce traffic congestion on public streets by:

1. Keeping the need for on-street parking to a minimum; and
2. Controlling access to sites;

D. Enhance safety for pedestrians and motor vehicle operators;

E. Encourage the creation of an aesthetically pleasing and functionally adequate system of off-street parking and loading facilities;

F. To reduce impervious parking surface through shared or combined parking agreements;

G. To maximize the usage of parking lots.

18.98.020 Off-street parking and loading spaces required.

No off-street parking or loading spaces shall be placed, constructed, located, relocated, or modified after adoption of this code without first receiving a development authorization. All off-street parking and loading spaces which are not themselves a principal use are accessory uses and shall be subject to the same procedures and review requirements as the principal use. All off-street parking shall be provided in conformance with the provisions of this chapter.

18.98.030 General provisions.

A. The off-street parking and loading facilities required by this section must be completed prior to any change in the use or structures and prior to the occupancy of any new or enlarged structure.

B. Required off-street parking spaces are for residents, customers, patrons, and employees and must not be used for the storage of vehicles or materials, the parking of vehicles used in conducting the business, or for the sale, repair, or servicing of any vehicle.

C. Any area once designated for required off-street parking cannot be used for any other purpose unless and until equal facilities are provided elsewhere and a site plan has been approved to reflect the change, or the primary use of the property is changed to a use requiring less off-street parking.

D. The required front yard in the HDR zone will not be used for off-street parking for five or more cars unless the three-foot strip nearest the front property line is landscaped and a two-foot-high concrete, masonry, or decorative block wall, or wood fence, or a solid landscaping screen is provided. (For corner lots, see Chapter 18.90, Clearview Triangle.)

18.98.040 Existing parking facilities.

The following applies to existing parking facilities :

A. An existing use which does not have sufficient parking facilities to meet the requirements of this chapter, may continue to operate with the parking deficiency so long as no enlargement or other change is made to the use or structure which would require additional parking facilities;

B. When an existing use is enlarged so as to require additional parking facilities, the requirements of this chapter apply only to the enlargement;

C. When additional uses are placed on the same lot with the preexisting use or an enlarged lot of which the preexisting use lot is a part, the requirements of this chapter shall apply only to the additional use.

18.98.50 18.98.050 Off-street parking standards.

able of Off-Street Parking Standards. The parking standards in Chapter 18.100, Table of Off-Street Parking Standards, are hereby established as the parking standards for the uses indicated. These parking requirements are based on gross floor area. For the purpose of this chapter, gross floor area means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure, and including halls, lobbies, enclosed porches and fully enclosed recreation areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports, and off-street parking and loading spaces.

A. All required off-street parking is subject to the procedures of this code and the standards of this section; provided, however, that the required off-street parking

may be modified by the approving authority when the use can be shown to generate more or less traffic than anticipated by the Table of Off-Street Parking Standards in Chapter 18.100. The director shall prepare findings upon which such modification is based, and may submit a preliminary determination to the development review team prior to issuance of a permit. A permit for modification may be conditioned on alternate means of transportation such as public or private bussing or ride sharing. A developer agreement stating the alternate form of transportation and means of program maintenance shall be signed and recorded by the applicant prior to issuance of a permit. The agreement is binding and must provide that the developer will provide all necessary off-street parking as required by this section in the event of a change of use.

B. Uses Not Specified. Off-street parking requirements for uses not listed in the Table of Off-Street Parking Standards will be determined by the reviewing official based upon the requirement for similar uses.

18.98.060 Computation of required spaces.

The following rules apply in the determination of the number of required off-street parking spaces:

A. Fraction. If the number of off-street parking spaces required in the Table of Off-Street Parking Standards contains a fraction, the number will be changed to the next higher whole number.

B. Mixed Uses. When different uses occupy a single structure or lot, the total required parking spaces shall be the sum of the requirements of the individual uses.

C. Shared Uses. Owners of two or more uses, structures, or parcels of land within three hundred (300) feet of each other may share the same parking or loading area when the hours of operation do not overlap. The owners of two or more uses, structures, or parcels within three hundred (300) feet of each other may also share facilities concurrently, however, the total parking requirements is the sum of the requirements for each individual use.

D. Recorded Agreement. A parking agreement approved by the reviewing official must be recorded with the county recorder's office whenever two or more uses propose to share off-street parking facilities.

E. Storage Areas. Storage areas are included in gross floor area. However, the required off-street parking for storage areas is calculated at the rate of one space per five hundred (500) square feet, except when the parking standard for the principal use would require fewer parking spaces.

F. Tandem Parking. Parking spaces in tandem, having a single means of ingress and egress shall not be counted as two off-street parking spaces for satisfying the requirements of this chapter; except, for single-family dwellings each tandem space is counted as a required parking space.

18.98.070 Location of required spaces.

Off-street parking facilities must be located according to the following:

A. For single- and two-family dwellings, parking facilities and driveways must be located on the same building site as the buildings they serve.

B. For hospitals, convalescent, nursing or rest homes, parking facilities must be located one hundred fifty (150) feet or less from the buildings they serve.

C. For uses other than those specified above, parking facilities must be located four hundred (400) feet or less from the buildings they serve.

D. For uses other than single-family, duplex or triplex residential, all parking spaces must be served by a driveway. No vehicular backing or maneuvering movement from a parking space should occur within a public right-of-way other than an alley.

E. Parking facilities for commercial or industrial uses that are proposed to be located in residential zones shall be reviewed by the hearing examiner under Conditional Use procedures of Chapter 18.180.

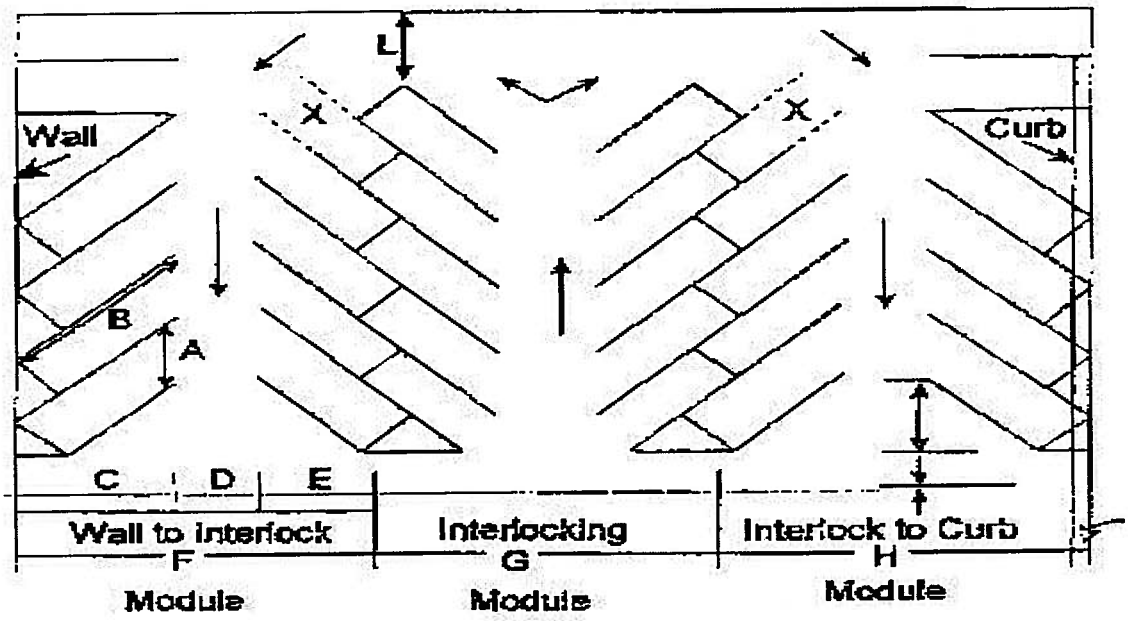
F. Recreational vehicles (campers, fifth wheelers, trailers, buses, conversions, etc.) must be parked off-street behind the required front yard setback in all residential zones at all times.

G. New development and redevelopment should locate parking lots behind buildings when possible.

18.98.080 Minimum parking dimensions.

Driveways and parking stalls must conform to Figure 18.98-2 and Table 18.98-1, Parking Stall Specifications, which is hereby adopted as the schedule of minimum parking dimensions.

Figure 18.98-1, Parking Stall Specifications



X =Stall not accessible in certain layouts

Parking layout dimensioning f for 9-ft stalls at various angles

Table 18.98-1, Parking Stall Specifications

		Angle			
Dimension	**On diagram**	**45°**	**60°**	**75°**	**90°**
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18.5
Stall depth to wall	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, wall to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	–	24.0	24.0	24.0	24.0

18.98.090 Site plan required.

A site plan for every new or enlarged off-street parking lot or motor vehicle sales area must be approved by the reviewing official prior to construction. The site plan must comply with the provisions for general and detailed site plans in Chapter 18.34 and Figure 18.98-2 and Table 18.98-1, Parking Stall Specifications, and shall show the proposed development, locations, size, shape and design of the parking spaces, curb cuts, lighting, method of on-site drainage, adjacent streets, circulation of vehicular and pedestrian traffic, signage, finished grade contours not to exceed one foot interval, landscaping, irrigation and other features of the proposed parking lot.

18.98.100 Lighting Standards.

Lighting must be provided to illuminate any off- street parking or loading space used at night. When provided, lighting must be directed to reflect away from adjacent properties.

18.98.110 Design and construction.

All off-street parking, including motor vehicle sales lots, must be constructed in the following manner.

A. Surfacing:

1. Required off-street parking, loading and maneuvering areas, motor vehicle sales lots and employee parking for industrial and commercial uses, having a capacity of more than five (5) vehicles must have paved surfaces of asphalt cement or concrete cement. Construction shall be as follows:
   a. Asphalt cement – Two (2) inches of asphalt cement over a four (4) inch select rock base on a stable substrate.
   b. Concrete cement – Four (4) inches of concrete cement over a two (2) inch gravel base on a stable substrate.
2. Industrial uses in industrial zones must have a paved area for employee parking as required in subsection (A)(1) of this section. All other areas used for maneuvering, loading access and parking of trucks or other vehicles or equipment associated with the industrial use may be surfaced with asphalt or other paved surface, or an all-weather gravel surface on a stable substrate.
3. Off-street parking facilities providing five (5) or fewer parking spaces may be surfaced with all-weather gravel on a stable substrate, or an equivalent surfacing acceptable to the reviewing official, so as to eliminate dust or mud, provided all spaces are improved with wheel stops.

B. Grading and Drainage. Grading and drainage must be provided so that all surface water is disposed of on site. Grading and drainage facilities must be designed according to accepted engineering standards.

C. Border Barricades. Any parking lot or motor vehicle sales area abutting the street property line must provide a concrete curb or timber barrier at least six (6) inches in height and located at least two (2) feet from the street property line.

The curb or barrier must be securely anchored. No curb or barrier is required across a parking lot separated from the street by a fence or hedge.

D. Markings. All parking spaces (except motor vehicle sales area) must be marked by durable painted lines at least four (4) inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot.

E. Minimum Parking Area Dimensions. Minimum parking area dimensions must be as provided in Figure.18.98-2, Parking Stall Specifications.

F. Slope. The slope of entrance and exit driveways providing access to public streets for off-street parking areas must not exceed ten (10) percent unless otherwise recommended by the development review team and approved by the city engineer.

G. Driveways and Maneuverability.

1. All required parking spaces, other than parking for single family and duplex residential, must be properly maintained with adequate ingress to and egress from each space without moving another vehicle.
2. Turning and maneuvering space must be located entirely on private property unless specifically approved by the development review team.
3. All parking spaces must be internally accessible to one another without re-entering adjoining public streets unless otherwise approved by the development review team.
4. Ingress and egress to and from any off-street parking area cannot be located closer than twenty (20) feet from point of tangent to an intersection or pedestrian crosswalk unless otherwise approved by the development review team.
5. The development review team may require ingress separate from egress to facilitate smooth and safe flow of traffic.
6. The number of curb cuts must be minimized to reduce the potential traffic flow conflict of vehicles and pedestrians.
7. All parking areas must have specific ingress and egress areas to the street not exceeding thirty (30) feet in width at the property line in commercial, industrial, and multifamily residential districts, and twenty (20) feet in width at the property line in single-family residential districts unless otherwise recommended by the development review team and approved by the city engineer.

18.98.120 Maintenance.

The owner or lessee of a required parking area must maintain the paved surface, drainage facilities, landscaping, lighting, and irrigation facilities in conformance with the standards of this chapter and the approved site plan.

18.98.130 Drive-through facilities.

The standards of this section are intended to reduce the negative impacts possibly created by drive-through facilities.. Of special concern are noise from idling cars and voice amplification equipment, lighting and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to: (A) reduce noise, lighting and visual impacts on abutting uses, particularly residential uses; (B) promote safer and more efficient on-site vehicular and pedestrian circulation and (C) minimize conflicts between queued vehicles and traffic on adjacent streets.

A. When These Standards Apply.

1. The standards of this chapter apply to all uses that have drive-through facilities, including vehicle repair and quick vehicle servicing.
2. The standards of this chapter apply only to the portions of the site development that contain the drive-through facility. The standards apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility.
   a. A drive-through facility is composed of two parts: the stacking lanes and the service area. A drive-through facility may also have a third component, an order menu, affecting the size and location of these two parts. The stacking lanes are the space occupied by vehicles queuing for the service to be provided.
   b. The service area is where the service occurs. In uses with service windows, the service area starts at the service window(s). In uses where the service occurs indoors, the service area is the area within the building where the service occurs.
   c. For other development, such as gas pumps, air compressors and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

B. Setbacks, Screening and Landscaping. All drive-through facilities must provide the setbacks and landscaping stated in this subsection.

1. Service areas and stacking lanes must be set back five (5) feet from all lot lines which abut residential zones and meet the landscaping and screening requirements of this code.
2. Service areas and stacking lanes must be set back five (5) feet from all street lot lines and meet the landscaping and screening requirements of this code.

C. Vehicular Access. All driveway entrances, including stacking lane entrances, must be spaced at least one hundred twenty-five (125) feet from adjacent intersections unless otherwise authorized by the director of engineering services. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

D. Stacking Lane Standards. These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not

impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

1. Gasoline Pumps. A minimum of thirty (30) feet of stacking lane is required between a lot line and the nearest gasoline pump. The applicant must demonstrate to engineering services that sufficient queuing area is available such that vehicles in queue do not interfere with adjacent street traffic.
2. Other Drive-through Facilities.
   a. Primary Facilities. A minimum of eighty (80) feet for a single stacking lane or eighty (80) feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Stacking lanes do not have to be linear.
   b. Accessory Facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

E. Stacking Lane Design and Layout. Stacking lanes must be designed so that they do not interfere with parking, parking access and vehicle circulation.

F. Stacking Lanes Identified. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping and signs.

G. Off-Site Impacts.
   1. When abutting land is zoned residential, drive-through facilities with noise-generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners and exterior air compressors.
   2. Lights and headlight impacts must be mitigated with directional lighting and visual buffering.

18.98.140 Off-street loading.

Off-street loading and unloading spaces are required for any use requiring frequent loading or unloading from trucks or other large vehicles.

A. Loading Space Size. The required loading space must be of adequate size to accommodate the maximum number and size of vehicles simultaneously loading or unloading at the structure. Each off-street loading space must have the minimum dimensions of twelve (12) feet in width and twenty-five (25) feet in length or as otherwise determined by the reviewing authority based on the dimensions and type of delivery vehicles serving the proposed use(s). On-site maneuvering space of not less than fifty-two (52) feet in length is required adjacent to the loading dock. The maneuvering space does not include any area designated for off-street parking.

B. Loading Space Location. Required off-street loading and related maneuvering space must be located on the subject parcel or directly abutting property. No

part of any vehicle using the loading space is allowed to project into the right-of-way of any public or private road.

C. Off-Street Loading – School and Day Care Centers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of any school or day care center having a capacity of thirteen (13) or more students or clients.

18.98.150 Installation time limit.

The installation and improvement of required off-street parking facilities must be completed to the required standards before a certificate of occupancy for a building is issued unless a written limited time extension to a specified date is authorized by the director.

18.98.160 Motorcycle and compact car allowance.

A. A maximum of thirty (30) percent of the total required off-street parking spaces may be permitted and designated for utilization by motorcycles and compact cars.

B. Each motorcycle and compact car space must be designated as such.

C. Dimensions of compact parking spaces shall be at least fifteen (15) feet long and seven and one-half (7-1/2) feet wide.

D. Motorcycle and compact car spaces must be placed together in a prime location to encourage their use.

18.98.170 Handicapped parking.

Handicapped parking must be provided in accordance with Chapter 19.27 RCW and WAC 51-10-7503.

Chapter 18.100
TABLE OF OFF-STREET PARKING STANDARDS

Sections:

18.100.010 Purpose.
18.100.020 Table of Off-street Parking Standards.

18.100.010 Purpose.

The provisions of this chapter apply to all development which generate a parking need. This includes the construction of new structures, the remodeling of existing structures and a change of use which increases on-site parking or loading requirements or which changes access requirements. In the event that a use permitted by Chapter 18.70 is not listed in Section18.100.020, Table of Off-Street Parking Standards, off-street parking standards will be determined as provided in Section 18.98.050.

18.100.020 Table of Off-street Parking Standards.

How to use Table of Off-Street Parking Standards:

A. Calculate the total gross floor area for the structure.
B. Determine the amount of gross floor area used for storage rooms.
C. Required off-street parking for storage rooms is one space per five hundred square feet.
D. Find the proposed use in the Table of Off-Street Parking Standards to determine the off-street parking requirement for the rest of the structure.

Example:

– The gross floor area of the structure is 3,000 sq. ft.

– 1,000 sq. ft. of the structure is used for storage. The parking standard for storage rooms is one space per 500 sq. ft. (Section 20.126.060.)

1,000/500 = 2 off-street parking spaces for the storage area.

– The proposed use is a shoe shop. According to the Table of Off-Street Parking Standards, shoe shops require one off-street parking space for each 300 sq. ft. of gross floor area.

2,000/300 = 6.6 or seven spaces since fractions of parking spaces are rounded up.

– The total required off-street parking for this use is:

2 spaces (for storage area) + 7 spaces (for the rest of the gross floor area) a total of 9 spaces

Table I8.100
Table of Off-Street Parking Standards

Land Use	Parking Standards
Agriculturally related industries:	
Packing processing plants	1 sp. for ea. 300 sq. ft. of gross floor area
Storage facilities	1 sp. for ea. 1,000 sq. ft. of gross floor area
Amusement and Recreation:	
Game rooms, card rooms, electronic game rooms	1 sp. for ea. playing table, or ea. 3 machines, whichever is greater
Horse racing tracks, speedways, grandstands	1 sp. for ea. 3 fixed seats or 54" of bench seating
Bowling alleys	5 sp. for each lane
Gymnasiums, exercise facilities	1 sp. for ea. 100 sq. ft. of gross floor area
Roller skating rink	1 sp. for ea. 250 sq. ft. of skating surface area
Swimming pools	1 sp. for ea. 150 sq. ft. of water surface area
Movie theaters	1 sp. for ea. 4 seats
Auditoriums, exhibition halls	1 sp. for ea. 100 sq. ft. of gross floor area
Community Services:	
Churches, synagogues, temples and funeral homes	1 sp. for ea. 3 fixed seat (or 54" of bench type seating) + 1 sp. for ea. 40 sq. ft. of general reception/ gathering area
Convalescent, nursing homes	1 sp. for ea. 2 beds + 1 sp. for each employee on maximum shift
Fire and police stations	1 sp. for ea. 200 sq. ft. of gross floor area

Halfway house (detention center)	1 sp. for ea. 2 beds
Hospital	1.5 sp. for ea. bed
Schools: Primary, Elementary Junior, Senior	 3 sp. for ea. classroom, or 1 sp. for ea. 3 seats (54" bench type seating) in the assembly area, whichever is greater Same as Primary/ Elementary and 1 sp. for ea. 4 students over 16 yrs
Junior or community colleges	1 sp. for ea. 400 sq. ft. of gross floor area
Juvenile detention centers	1.5 sp. for ea. bed
Libraries	1 sp. for ea. 100 sq. ft. of gross floor area
Museums, art galleries	1 sp. for ea. 10 sq. ft. of gross floor area
Preschools, daycare centers	1 sp. for ea. employee + 1 sp. for ea. 250 sq. ft. of gr. floor area
Vocational schools	1 sp. for ea. 400 sq. ft. of gross floor area
Manufacturing:	
All uses listed under manufacturing in Table 18.70	1 sp. for ea. employee per maximum shift
Residential:	
Each Residential Unit	2 spaces
Congregate Care Facilities	1 space for each residential unit
Retail Trade and Services:	
Addressing, mailing, and stenographic services	1 sp. for ea. 300 sq. ft. of gross floor area
Advertising agencies	1 sp. for ea. 300 sq. ft. of gross floor area
Automobile and truck,	1 sp. for ea. 500 sq. ft.

manufactured home, travel trailer sales	of showroom and 1 sp. for ea. 1,000 sq. ft. of retail sales floor area
Automotive: Automobile maintenance and service shops	2 sp. per service area including work bays
Car wash	1 sp. per wash bay
Paint and body repair	2 sp. per service area including work bays
Specialized repair shops	2 sp. per service area including work bays
Wrecking and dismantling yards	1 sp. for ea. 500 sq. ft. of gross floor area
Beauty and barber shops	1 sp. for ea. 75 sq. ft. of gross floor area
Bed and breakfast inns	1 sp. per ea. guest room and one space for each 2 employees. B&Bs shall also provide two spaces for the primary residence
Building and construction contractors	1 sp. for ea. 800 sq. ft. of gross floor area
Bulk retail, storage and warehousing (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances and similar sales)	1 sp. for ea. 500 sq. ft. of structure and covered storage area
Drug stores, Pharmacy	1 sp. for ea. 200 sq. ft. of gross floor area
Employment agencies (private)	1 sp. for ea. 200 sq. ft. of gross floor area
Farm supplies	1 sp. for ea. 800 sq. ft. of gross floor area
Financial institutions	1 sp. for ea. 200 sq. ft. of gross floor area
Furniture, home furnishings, appliance	1 sp. for ea. 800 sq. ft. of gross floor area
Hardware store	1 sp. for ea. 300 sq. ft. of gross floor area of structure and

	permanent outside display sales area
Health clubs and gyms	1 sp. for ea. 500 sq. ft. of gross floor area
Heating and plumbing equipment stores	1 sp. for ea. 400 sq. ft. of gross floor area
Heavy equipment, tractor and farm equipment repair	1 sp. for ea. 300 sq. ft. of gross floor area
Household appliance, small engine, TV and furniture repair	1 sp. for ea. 300 sq. ft. of gross floor area
Insurance agents, brokers and service agencies	1 sp. for ea. 200 sq. ft. of gross floor area
Liquor stores	1 sp. for ea. 300 sq. ft. of gross floor area
Lumber yards	1 sp. for ea. 400 sq. ft. of gross floor area of structure and covered storage area
Nursery	1 sp. for ea. 400 sq. ft. of gross floor area of structure and permanent outside display and sales area
Medical and dental laboratories, offices and clinics	1 sp. for ea. 200 sq. ft. of gross floor area
Motels and hotels	1 sp. for ea. guest room + 1 sp. for each 2 employees + standards for any associated use
Paint, glass and wallpaper stores	1 sp. for ea. 400 sq. ft. of gross floor area
Professional office building for use by accountants, architects, attorneys, etc.	1 sp. for ea. 200 sq. ft. of gross floor area
Radio and TV studios, offices	1 sp. for ea. 200 sq. ft. of gross floor area
Real estate offices	1 sp. for ea. 200 sq. ft. of gross floor area

Residential mini-storage	1 sp. for ea. storage space
Restaurants, cafes, drive-in eating facilities, and tasting rooms	1 sp. for ea. 100 sq. ft. of gross floor area
Retail trade establishments in Table but not listed above: – having less than 7,000 sq. ft. of G.F.A. – having more than 7,000 sq. ft. of G.F.A.	 1 sp. for ea. 300 sq. ft. of gross floor area 1 sp. for ea. 300 sq. ft. of G.F.A. up to 7,000 sq. ft.
Service stations	2 sp. for working/service area, including bays
Shoe repair and shoe shops	1 sp. for ea. 300 sq. ft. of gross floor area
Taverns and bars, dine, drink and dance establishments	1 sp. for ea. 75 sq. ft. of gross floor area
Transportation:	
Bus terminals, storage and maintenance facilities	1 sp. for ea. 500 sq. ft. of gross floor area
Air, rail and truck terminals	1 sp. for ea. 300 sq. ft. of gross floor area
Taxicab terminals, maintenance and dispatching centers	1 sp. for ea. 300 sq. ft. of gross floor area
Utilities:	
Utility services	1 sp. for ea. 800 sq. ft. of gross floor area
Wholesale Trade:	
Wholesale trade/warehouses	1 sp. for ea. 500 sq. ft. of gross floor area

Chapter 18.112
VEGETATION PROTECTION AND TREE MANAGEMENT

Sections:

18.112.010 Purpose.
18.112.020 Applicability.
18.112.030 Definitions.
18.112.040 Permit required.
18.112.050 Exemptions and limitation of Exemptions.
18.112.060 Roles and responsibilities – Homeowners' associations.
18.112.070 Prohibited tree cutting and clearing of natural vegetation.
18.112.080 Development Standards.
18.112.090 Permit application.
18.112.100 Application review.
18.112.110 Emergency tree removal.
18.112.120 Sureties.
18.112.130 Penalties.
18.112.140 Expiration and extension of permit.
18.112.150 Permit fees.
18.112.160 Appeals.

18.112.010 Purpose.

The purpose of this Chapter is to promote the health, safety and welfare by regulating land clearing and tree cutting in order to preserve and protect natural vegetation; to promote building and site planning practices that protect wetlands, watercourses and wildlife habitat; to minimize erosion and sedimentation; to minimize the need for and maintenance of drainage facilities; to minimize adverse effects on ground and surface waters; to enhance the appearance and character of the city; and to implement the comprehensive plan.

These purposes are achieved by and in support of the following:

A. Water Conservation. Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities.

B. Aesthetics. Improve the aesthetic appearance of commercial, industrial, and residential areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environments.

C. Environmental Quality. Improve environmental quality by recognizing the numerous beneficial effects of natural plant communities upon the environment, including:

1. Improving air and water quality through such natural processes as photosynthesis and mineral intake;
2. Maintaining permeable land areas essential to surface water management and aquifer recharge;

3. Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capabilities of trees and other natural vegetation;
4. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;

D. Preservation of Vegetation. Preserve existing natural vegetation and incorporate native plants, plant communities, and natural ecosystems into landscape design, wherever possible.

18.112.020 Applicability.

The provisions of this Chapter shall apply to the removal, cutting or clearing of trees and natural vegetation from all lots, parcels, and tracts within the corporate limits of the city of Sultan. No person, corporation, or other entity shall engage in tree cutting or land clearing without fully complying with the provisions of this chapter. Every action authorized or permitted under this Chapter requires a development authorization, exemption, or other authorized land development permit. This chapter, as applicable, will be referenced in the conditions of approval for land development.

18.112.030 Definitions.

A. "Developed lot" means a lot, parcel or tract of land upon which a structure(s) is located, which cannot be more intensively developed or further subdivided in accordance with the city's zoning and subdivision regulations.
B. "Diameter Breast Height" "DBH" means the diameter of a tree measured at four and one half (4 ½) feet above the ground.
C. "Drip line" means a tree's drip line is a line on the ground delineating the outermost extent of the tree's foliage in all directions.
D. "Ground cover" means small plants and shrubs, such as salal, ferns, mosses, grasses and trees of less than four inches diameter.
E. "Lots, parcels, and tracts" means any share, portion, piece or division of real property, whether developed, partially developed or undeveloped.
F. "Partially developed lot" means a lot, parcel or tract of land on which a structure(s) is located and which has sufficient area to accommodate increased development or may be further subdivided in accordance with the city's zoning and subdivision regulations.
G. "Significant tree" means a tree that is a minimum of six inches at the height of four and one-half feet diameter at breast height. The height shall be measured above the ground line on the upslope side of the tree.
H. "Undeveloped lot" means a lot, parcel, or tract of land upon which no structure exists and which may be further developed or subdivided in accordance with the city's zoning regulations.

18.112.040 Permit required.

A. Every person, corporation, or entity proposing to engage in activities regulated by this chapter must first apply for development authorization as provided in Chapter 18.12.

B. A permit is required for cutting trees or clearing natural vegetation when such activity includes any one or more of the following:
   1. Removal or cutting of trees larger than six inches in diameter (DBH); or
   2. Clearing or cutting operations on any native growth protection area or other environmentally sensitive area as provided in 18.112.030 C. above; or
   3. Clearing operations encompassing an area greater than 1,000 square feet unless exempted under Section 18.112.050 below.
   4. Removal of dead and/or hazard trees larger than six inches in diameter (DBH).

18.112.050 Exemptions and Limitation of Exemptions.

A. Limitation of Exemptions:
   1. No exemption shall be issued for any property, including residential lots and portions thereof, that are designated critical areas and other environmentally sensitive sites as provided by the Sultan Critical Areas Regulations.
   2. All removal of trees or vegetation from designated critical areas, native growth protection areas, erosion control areas, aquifer recharge areas, steep slope sites, wetlands, or other environmentally sensitive areas requires issuance of a Development Authorization as provided in this Chapter.

B. Permitted Exemptions:
   An exemption under this Chapter may be granted through issuance of written authorization from the director for clearing and cutting under one or more of the following conditions:
   1. When tree cutting and clearing of natural vegetation is conducted in conjunction with work authorized under a valid building permit or grading permit or active preliminary plat or binding site plan approval; provided, that the required information relating to tree preservation and retention has been reviewed and approved in writing as part of the permit for the project.
   2. For routine maintenance of public and private recreational facilities, except for trees and natural vegetation designated for retention as a condition of the development or building permit approval.
   3. For the removal of obviously dead or diseased trees or ground cover other than those trees or vegetation areas located in dedicated Native Growth Protection Areas or other environmentally sensitive areas designated as such under the Sultan Critical Areas Regulations.

C. When removing trees for construction of public roads or installation of public and private utilities.

D. Single family and duplex lots that are already developed with single family or duplex residential uses are exempt from the provisions of this chapter as follows:
   1. Removal of trees and vegetation on a developed residential lot one-half (1/2) acre or less in size does not require application or permit process as otherwise provided by this chapter.
   2. Removal of trees and vegetation on a developed residential lot greater than one-half (1/2) acre in size is allowed within a one hundred foot (100 ft.) radius of the home. The remainder of the property is subject to all other provisions of this chapter.

E. No trees or vegetation will be removed from any portion of any developed or undeveloped residential lot containing environmentally sensitive areas without issuance of a Development Authorization as provided in this Chapter.

18.112.060 Roles and responsibilities – Homeowners' associations.

A. This chapter is not intended to replace or alter any restrictions on tree cutting that may be a condition of private covenants, the role and responsibilities of private homeowners' associations in enforcing private restrictions, or the review and approval process of said associations.

B. Covenants and restrictions of homeowners' associations do not override the provisions of this Code. Land in a development with homeowners' covenants is subject to all aspects of this Chapter, regardless of whether the land is owned as individual lots or joint or common ownership.

C. Homeowners' associations are responsible for maintaining the integrity of native growth protection areas and other dedicated areas as indicated on the plat and in the covenants and agreements of the development.

18.112.070 Prohibited tree cutting and clearing of natural vegetation.

Tree cutting and clearing of natural vegetation is prohibited in each of the following circumstances; provided, that during the site development or building permit approval process a permit may be obtained for subsections A, C, D, or E of this section:

A. Designated street trees or other public trees within any roadway:

B. Trees within any buffer/cutting preserve or designated property buffer without the prior written approval of the director of community development.

C. On slopes with gradient in excess of 15% or on any unstable or erodible slopes regardless of gradient.

D. When any tree is identified on an approved tree preservation plan.

E. Within a regulated critical area or required critical area buffer in accordance with the provisions of Sultan Critical Areas Regulations.

18.112.080 Development Standards.

All trees and natural vegetation to be retained shall be protected from damage, filling, compaction, and undercutting during land development and building construction and such protection shall at a minimum comply with the following:

A. Barrier fencing must be erected and maintained continually at a line two (2) feet outside the drip line of individual trees or stands of trees and natural vegetation during all development and construction. Inspection by city staff of barrier fencing and lot topography shall be made during the plan review process, prior to issuance of building or grading permits.

B. Retaining walls or rockeries to preserve terrain elevation may be required where the grade level adjoining the trees or natural vegetation to be preserved is to be raised or lowered. Retaining walls and rockeries must be located at or outside the drip line of the subject trees.

C. No excavated soils can be placed in preservation areas or inside the drip line of trees to be preserved. No tracked machinery can be operated inside the drip line of trees to be preserved.

D. Desirable ground cover (including but not limited to those listed in Table 18.112-1) located in areas of natural vegetation and adjacent to trees to be preserved must be incorporated into the finished landscape plan to the greatest extent feasible.

Table 18.112.080 - 1

Examples of Desirable Ground Cover	
Common Name	**Scientific Name**
Oregon grape	Berberis nervosa
Sword fern	Polystichum munitum
Salal	Gaultheria shallon
Vinemaple	Acer circinatum
Salmonberry	Rubis spectabilis
Red huckleberry	Vaccinium parvifolium

E. Clearing and removal of nuisance vegetation such as blackberry, nettles, thistle, tree seedlings/saplings, noxious weeds and similar vegetation is allowed, provided that tracked machinery is not operated within the areas to be preserved or inside the drip line of trees to be preserved, and desirable ground covers are not destroyed in the process.

F. Failure to maintain the protective measures described above, or violation of conditions of permit approval, will result in the issuance of stop work orders, penalties, and fines.

18.112.090 Permit application.

A. An application for a development authorization for tree cutting and clearing on undeveloped or partially developed lots, tracts or parcels, not associated with a building permit, must contain the following:
   1. The name, address, and telephone number of the property owner.
   2. The name, address, and telephone number of the person who will perform the work.
   3. The address, plat name, and lot number if applicable.
   4. A site plan showing all of the following: existing or proposed streets, property buffers and cutting preserves, structures, slopes over twenty-five (25) percent in gradient, wetlands subject to the provisions of the Sultan Critical Areas Regulations, watercourses, and the location of all significant trees. All trees must be identified by a number or letter and/or stands of trees, including identifying by number and type the trees to be cut or area of land to be cleared.
   5. A description of the size and type of vegetation to be removed and the equipment to be used in removal.
   6. A plan for erosion control during and after the cutting or clearing with an estimate of the cost.
   7. A plan for the removal or disposition of the harvested trees, slash and debris.
   8. A plan for the preservation of trees and natural vegetation meeting the standards established in this chapter.
   9. A plan for the restoration of the site after cutting, clearing, and debris removal are completed, with an estimate of the cost of restoration.
   10. An environmental checklist for those projects subject to the State Environmental Policy Act (SEPA).

B. An application for a development authorization for tree cutting and clearing in association with building construction must be reviewed prior to issuance of a building permit and shall contain the following:
   1. The name, address, and telephone number of the property owner.
   2. The name, address, and telephone number of the person who will perform the work.
   3. Two site plans, comprising two separate drawings, and containing:
      a. The plat name, lot number, address, lot line dimensions, footprint of structure, proposed setbacks from property lines, driveways, and location of all significant trees.
      b. A schedule of trees to be retained and trees to be removed consistent with the conditions of plat or development approval. Also depict trees on adjacent lots within ten (10) feet of the subject lot.
      c. Present and proposed topography, retaining walls, rockeries, and any additional factors affecting finish grades and house placement.

d. All easements, property buffers, and cutting preserve areas.

C. The director may waive any of the submittal requirements of this section if he or she determines that the purposes of this Chapter can otherwise be met.

18.112.100 Application review.

The director, or his or her designee, shall review and have authority to approve all applications for cutting and clearing permits which meet the requirements of this chapter and may require as a condition of approval specific conditions reasonably necessary to carry out the purposes of this chapter.

18.112.110 Emergency tree removal.

In an emergency situation the removal of a tree(s) may occur without prior written approval from the director of community development. If feasible, notification to the city is required prior to emergency removal of trees, or immediately after an emergency situation is abated if it occurred after hours, or on holidays or weekends. The city shall be notified before disposal of emergency removals or grubbing of the stump (if emergency must be abated before city approval). Photos of the emergency situation should be taken prior to the emergency removal. If it is determined by the director that no emergency existed, the removal will be considered a violation and appropriate enforcement action taken.

18.112.120 Sureties.

The director of community development or his designee may require a surety to be posted to secure the applicant's obligation to comply with the conditions of the permit approval and to complete the required and necessary restoration of the property. The surety shall be equal to not less than one hundred and twenty-five (125) percent of the estimated cost of restoration or total project cost as determined by the director.

18.112.130 Penalties.

A. Any person who violates any of the provisions of this chapter, or any order made thereunder, or who removes trees or clear natural vegetation in violation of any statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, is subject to the penalties contained in Chapter 18.46, and/or Chapter 8.04.

B. As an alternative or in addition to the general penalty specified in subsection A of this section, a penalty in the amount of $1,000 may be assessed for each tree designated for retention that is damaged, destroyed, and/or removed. In addition, each such tree shall be replaced with three trees each having a minimum height of ten (10) feet at the time of planting. In the event that other specified conditions of development approval conflict with the penalties in this subsection, the more stringent will apply.

18.112.140 Expiration and extension of permit.
A permit issued for tree cutting or clearing of natural vegetation will expire six months from the date of issuance. The director may grant only one permit extension for up to six months before a new application must be submitted.

18.112.150 Permit fees.
Clearing and grading permits are subject to fees specified in the Sultan Annual Fee Schedule. Fees are payable upon application.

18.112.160 Appeals.
Appeals from permit decisions, administrative determinations, or penalties imposed pursuant to this chapter shall be governed by the procedures set forth in Chapter 18.42.

Chapter 18.114
RESERVED

Chapter 18.116
RESERVED

Chapter 18.118
MARIJUANA BUSINESSES

Sections:

18.118.010 Purpose and intent.
18.118.020 Definitions.
18.118.030 Medical Marijuana Dispensaries Prohibited.
18.118.040 Collective Gardens Prohibited.
18.118.050 Marijuana Retail Business Prohibited.
18.118.060 Locations.
18.118.070 Specific regulations.
18.118.080 No city liability – Indemnification.
18.118.090 Enforcement of violations.

18.118.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under RCW Title 69 and Chapter 314-55 WAC.

18.118.020 Definitions.

The following definitions apply to this chapter. Additional definitions related to marijuana businesses are contained in WAC 314-55-010 and RCW 69.50.101 and are adopted herein.

A. "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.
B. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours and is licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC.
C. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
D. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
E. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
F. "Marijuana business" means any business that handles marijuana and is subject to Chapter 314-55 WAC.
G. "Marijuana processing business" means any business that is licensed by the State Liquor Control Board to process, package, and label usable marijuana and marijuana-infused products for sale to wholesale marijuana retailers.
H. "Marijuana production business" means any business that is licensed by the State Liquor Control Board to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees.

I. "Marijuana retail business" means an establishment engaged in selling marijuana, marijuana-infused products, and marijuana paraphernalia to people for their personal or household use. It does not include businesses that produce or process marijuana and do not sell it directly for personal or household use.

J. "Medical marijuana collective garden" means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants.

K. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use.

L. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, or other playground equipment, owned and/or managed by a city, county, state, or federal government.

M. "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, and does not include trails.

N. "Public transit center" means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.

O. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

P. "Residence" means a building, dwelling unit or property where one or more persons may live or maintain an abode.

Q. "School, Elementary" means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

R. "School, Secondary" means a high school and/or middle school, i.e., a school that is recognized by the Washington State Superintendent of Public Instruction for the education of students, typically children, in grades seven to twelve.

18.118.030 Medical Marijuana Dispensaries Prohibited.

Medical Marijuana Dispensaries, as defined in section 18.118.020, are prohibited. Medical Marijuana Dispensaries shall not be located in any zone or on any property in the City of Sultan.

18.118.040 Collective Gardens Prohibited.

Medical Marijuana Collective Gardens, as defined in 18.118.020, are prohibited. Medical Marijuana Collective Gardens shall not be located in any zone or on any property in the City of Sultan.

18.118.050 Marijuana Retail Business Prohibited.

Marijuana Retail Businesses, as defined in 18.118.020, are prohibited. Marijuana Retail Businesses shall not be located in any zone or on any property in the City of Sultan.

18.118.060 Locations.

A. A marijuana business shall not be located within 1,000 feet of the perimeter of the grounds of any of the following entities as defined in this Chapter, or in SMC Chapter 18.04, or WAC 314-55-010:
   1. Elementary or secondary school;
   2. Playground;
   3. Recreation center or facility;
   4. Child care center;
   5. Park;
   6. Transit center;
   7. Library; or
   8. Game arcade where admission is not restricted to persons age 21 and older.

B. For purposes of subsection A of this section, the distance shall be measured as the shortest straight line distance from the property line of each entity identified in subsection A of this section to the property line of the marijuana business.

C. Marijuana production businesses and marijuana processing businesses are allowed only in the following areas:
   1. The Industrial and Manufacturing Zone (SMC 18.64) subject to the location limitations of Subsections A and B above;

D. Marijuana businesses are not permitted as a home occupation under SMC 16.48 and shall not operate at a residence as defined in this chapter.

E. The owner and/or operator of a marijuana business is responsible for documentation that the proposed location meets the requirements of this chapter.

F. Any site, building, or location upon which a marijuana business has been located without completing all of the requirements of this code is not authorized or legal. No claim of validity as a nonconforming use or other claim of vested property right for such use will be honored.

18.118.070 Specific regulations.

A. To operate within the City, each marijuana business is required to have a current business license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 SMC.

B. Marijuana businesses are subject to the signage requirements of WAC 314-55-155 and Chapter 22.06 SMC, whichever is more restrictive. No off-premises signage is allowed.

C. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

Chapter 18.122
FLAMMABLE AND COMBUSTIBLE LIQUIDS – EXPLOSIVES AND BLASTING AGENTS

Sections:

18.122.010 Purpose.
18.122.020 Exterior Storage of flammable and combustible liquids – Above ground,
18.122.030 Storage of flammable and combustible liquids –new bulk plants or terminals.
18.122.040 Bulk storage of liquefied petroleum gas.
18.122.050 Explosives and blasting agents.

18.122.010 Purpose.

The purpose of this Chapter is to establish use and siting regulations for flammable and combustible liquids and explosives as regulated by the International Fire Code.

18.122.020 Storage of flammable and combustible liquids – Above ground, outside of buildings.

A. Storage of flammable and combustible liquids above ground, outside of buildings as regulated by Chapter 33 and Chapter 34 of the International Fire Code is prohibited in all zones established by this Code except Highway Commercial (HC) and Industrial/Manufacturing (IM), provided that up to one hundred and ten (110) gallons may be stored for domestic purposes.

B. Domestic storage of up to one hundred and ten (110) gallons is a permitted accessory use in all zoning districts.

C. Storage of flammable and combustible liquids for industrial or commercial uses in Highway Commercial (HC) and Industrial and Manufacturing (IM) requires development review team review and approval as provided in Chapter 18.34.

18.122.030 Storage of flammable and combustible liquids – At new bulk plants or terminals.

A. The storage of flammable and combustible liquids at new bulk plants or terminals as regulated by Chapter 24 of the International Fire Code is prohibited in all zones as established in this Code except Industrial and Manufacturing (IM).

B. Storage of flammable and combustible liquids at new bulk plants requires Level III review.

18.122.040 Bulk storage of liquefied petroleum gas and other flammable gasses.

A. Bulk storage of liquefied petroleum gas as regulated by Chapter 38 of the International Fire Code, and other flammable gasses as regulated by Chapter 35 of the International Fire Code is prohibited in all zones as established in this Code except Industrial and Manufacturing (IM).

B. Bulk storage of liquefied petroleum gas requires development review team review and approval as provided in Chapter 18.34.

18.122.050 Explosives and blasting agents.

A. The manufacture, possession, storage, sale, transportation, and use of explosives and blasting agents as regulated by Chapter 33 of the International Fire Code is prohibited in all zones as established in this Code except Industrial and Manufacturing (IM).

B. The manufacture, possession, storage, sale, transportation, and use of explosives and blasting agents requires development review team review and approval as provided in Chapter 18.34.

Chapter 18.124
AUTOMOTIVE SERVICE STATION

Sections:

18.124.010 Purpose.
18.124.020 Definition.
18.124.030 Specific use standards.

18.124.010 Purpose.

It is the purpose of this Chapter to define automotive service station and to provide operation standards which are supplemental to specific development standards of the zone in which it is located.

18.124.020 Definition.

An automotive service station means a retail facility to provide motor fuel and other petroleum products, to motor vehicles, and may include: lubrication and minor repair service and incidental sale of motor vehicle accessories. Service stations may also provide charging stations for electric vehicles.

18.124.30 Specific use standards.

A. Servicing of motor vehicles outside of an enclosed building are limited to:
   1. Retail sale of petroleum products and/or electrical charging
   2. Automotive accessories; automobile washing and waxing;
   3. Tire changing and repair (excluding recapping);
   4. Battery service (excluding repair and rebuilding);
   5. Radiator cleaning and flushing;
   6. Detailing and steam cleaning;
   7. Installation of accessories.

B. Operations similar to the following are permitted, if conducted within a building:
   1. Lubrication of motor vehicles;
   2. Brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes;
   3. Wheel balancing;
   4. Testing adjustment, replacement, and servicing of fuel injectors, carburetors, coils, condensers, ignition parts, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, electrical wiring, water and fuel pumps, and coolant hoses.

C. Automotive service stations must be equipped with grease interceptor systems approved by the development review team.

Chapter 18.126
AUTOMOBILE IMPOUND YARD AND VEHICLE WRECKING YARD

Sections:

18.126.010 Purpose.
18.126.020 Definitions.
18.126.030 Specific use standards, Wrecking Yard.
18.126.040 Specific use standards, Impound Yard.
18.126.050 Unlicensed use prohibited

18.126.010 Purpose.

It is the purpose of this Chapter to define automobile impound yard and automobile wrecking yard, and to provide development and operation standards which are supplemental to specific development standards of the zone in which it is located.

18.126.020 Definitions.

A. "Auto Impound (Vehicle Impound)" means a business licensed by the City of Sultan and the State of Washington to take custody and provide storage of vehicles as provided by the standards of this code and RCW 46.55.

B. "Auto wrecker (Vehicle Wrecker)" means a business licensed by the City of Sultan and the State of Washington to dismantle or wreck motor vehicles or trailers, or to store sell, and/or dispose of dismantled or wrecked vehicles or their parts.

C. "Auto wrecking yard (Vehicle wrecking yard)" means a premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts as provided by the standards of this code and RCW 46.80.

D. "Auto wrecking" means the legally authorized dismantling of vehicles in properly licensed auto wrecking yards.

E. "Established place of business" means a building or enclosure which any motor vehicle wrecker or impound business occupies for the purpose of storing or wrecking vehicles and where books and records are kept and business is transacted.

18.126.030 Specific use standards, Wrecking Yard.

Every person or company issued a permit to engage in the business of motor vehicle wrecking within the city limits shall conduct such business in accordance with the following requirements:

A. Auto wrecking and/or storage of junk vehicles will only be conducted by a properly licensed business within a properly permitted and constructed auto wrecking yard as defined in 18.126.020 above and Section 18.88.110.

B. No auto wrecking and/or storage of junk vehicles is allowed in the city unless the operator and the premises are licensed by the City of Sultan and the State as required by RCW 46.80.

C. All wrecking, dismantling, disassembling or work substantially changing the form of any motor vehicle or trailer, and all storage of vehicles or part of vehicles, wrecked or to be wrecked, must be conducted entirely inside a building or buildings or on premises entirely enclosed by a solid fence, or wall at least (8) eight feet in height at the wrecker's established place of business. Such fence or wall shall at all times be maintained in good repair and in a neat, substantial and safe condition.
D. All gasoline, oil, coolant, and all other liquids must be drained from every vehicle and disposed of according to state and federal standards applicable to the material before such vehicle is wrecked, dismantled, disassembled, or substantially changed in form.
E. No petroleum products or any part of any vehicle is allowed to be burned.
F. No soil contamination from any petroleum, solvent, coolant, or metals is allowed to be present at any time.
G. Display of all vehicles, chassis, parts and accessories for sale by any motor vehicle wrecker is confined within the building or buildings or the fenced enclosure at the established place of business of such motor vehicle wrecker.
H. All records of vehicle custody, modification, dismantling, wrecking, sale, and disposal must be kept at the established place of business licensed by the City and the State for operation of the wrecking yard.

18.126.040 Specific Use Standards, Impound Yard.

Every motor vehicle impound business issued a permit to engage in the business of motor vehicle wrecking within the city limits will conduct such business in accordance with the following requirements:

A. No impound vehicle operations or storage may be conducted in the city unless the business is licensed as an impound business with the City and the State as provided by RCW 46.55.
B. Impound lots must be enclosed by a secured gated chain link (or similar material) fence not less than six feet high and not more than eight feet high.
C. No soil contamination from any petroleum, solvent, coolant, or metals is allowed to be present at any time.
D. All records of vehicle custody, modification, dismantling, wrecking, sale, and disposal must be kept at the established place of business licensed by the City and the State for operation of the impound yard.

18.126.050 Unlicensed Use Prohibited.

Storage, parking, impounding, wrecking, dismantling, disassembling, junking, sale or stockpiling of junk automobiles, motor vehicles, trailers, or motorized equipment in any way on any property that is not in conformance with the provisions of this chapter is a violation of this code and other applicable provisions of the Sultan Municipal Code, including but not limited to SMC Title 8, Health and Safety.

Chapter 18.128
DAY CARE CENTER, PRIVATE SCHOOL

Sections:

18.128.010 Purpose.
18.128.020 Specific use standards.
18.128.030 Review level requirements.

18.128.010 Purpose.

The purpose of this chapter is to provide development standards applicable to all day centers, child care facilities, and private schools. These standards are in addition to those required by the zone in which it is located.

18.128.020 Specific use standards.

A. All play yards must be surrounded by a sight obscuring fence at least four (4) feet high; provided that child care facilities for six (6) or fewer children are exempt from this requirement.
B. Outdoor play areas must have a minimum of 75 square feet per child.
C. Any day care center, child care facility, or private school serving thirteen (13) or more children must have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children; provided day care centers, child care facilities, or private schools located in the Urban Center Zone shall be permitted to address this standard through alternative means which resolve safety issues.

18.128.030 Review level requirements.

A. Day care centers or private schools for six (6) or fewer children are subject to Level I Review, see Chapter 18.18.
B. Day care centers or private schools for seven (7) to twelve (12) children are subject to Level II review, see Chapter 18.20.
C. Day care centers or private schools for thirteen (13) or more children are subject to Level III review, see Chapter 18.22.

Chapter 18.130
CHURCHES

Sections:

18.130.010 Purpose.
18.130.020 Specific use standards.

18.130.010 Purpose.

The purpose of this Chapter is to address development issues specific to churches which are supplemental to the development standards and criteria of the zone in which it is located.

18.130.020 Specific use standards.

A. Probable growth and need for future expansion of facilities shall be considered when evaluating the adequacy of a site proposed for a church.

B. Bell towers, spires, or similar architectural treatments may exceed the specified building height limitation provided in Section18.80, Building Height Exemptions, subject to the Conditional Use Permit process as provided in Chapter 18.180.

Chapter 18.132
CONVENIENCE STORES

Sections:

18.132.010 Purpose.
18.132.020 Specific use standards.

18.132.010 Purpose.

The purpose of this chapter is to address development issues specific to convenience stores as conditional uses in residential districts. Standards in this chapter are supplemental to the development standards and criteria of the residential district in which the use is located and the conditional use criteria of Chapter 18.180.Convenience stores are allowed as a conditional use in residential zones because they are considered to be a neighborhood service.

18.132.020 Specific use standards.

A. Convenience stores must be buffered on all sides other than street frontages by a six (6)foot sight-obscuring fence or hedge which must be maintained on an ongoing basis as a condition of occupancy and operation of the business.

B. As required by the City of Sultan Sewer Engineering Standards adopted by the city council, convenience stores with deep fryers must be equipped with approved grease traps. Traps must be maintained on an ongoing basis as a condition of occupancy and operation of the business.

C. Convenience stores with deep fryers must be equipped with ventilation and filtering hoods which prevent the odor of fry cooking from affecting adjacent residential property.

D. Due to the neighborhood service aspect of convenience stores in residential districts, no such store will be located closer than two thousand (2,000) feet from an existing store of this type.

Chapter 18.134
ELECTRIC VEHICLE INFRASTRUCTURE

Sections:

18.134.010 Purpose.
18.134.020 Definitions.
18.134.030 Applicability.
18.134.040 Process for review.
18.134.050 Design criteria.

18.134.010 Purpose.

The purpose of this Chapter is to establish "electric vehicle infrastructure" (EVI) regulations for the city to allow EVI .

18.134.020 Definitions.

The following definitions apply to this chapter:

A. "Battery exchange station" means a facility that will enable an electric vehicle with a replaceable battery to enter a drive lane and exchange the depleted battery for a fully charged battery or which provides battery maintenance services, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

B. "Charging level" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

   1. Level 1 is considered slow charging. Level 1 is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet.
   2. Level 2 is considered medium charging. Level 2 typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.
   3. Level 3 is considered fast or "rapid charging" or "DC fast" charge. Level 3 typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

C. "Electric vehicle (EV)" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose.

D. "Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

E. "Electric Vehicle Infrastructure (EVI)" means structures, machinery, and equipment designed to support an electric vehicle, including electric vehicle charging stations and battery exchange stations.

18.134.030 Applicability.

See Table of Permitted Land Uses, Chapter 18.70, "Automotive" for zoning districts allowing EVI.

18.134.040 Process for review.

A. All electric vehicle charging station installations require an electrical permit.
B. When installed in conjunction with an associated development proposal, review of the design criteria for new electric vehicle charging station(s) is processed in association with the underlying development permit(s).
C. When a Level 2 or 3 electric vehicle charging station is installed without any associated development proposal, the application is reviewed by the development review team as provided in Chapter 18.34.
Exception: development review team approval is not required for interior installations of electric vehicle charging stations in single-family attached and detached garages and multi-family tenant-use only garages.

18.134.050 Design criteria.

The following criteria must be applied to the location and design of all electric vehicle charging facilities:

A. Facility Design. Design must be appropriate to the location and use. Facilities must be readily identifiable by electric vehicle users,yet blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
B. Accessibility. When located within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment must be located so as not to interfere with accessibility requirements of WAC 51-50-005.
C. Queuing. Applicant must demonstrate that adequate parking spaces are available so that vehicles waiting to use a charging station space will not interfere with any pedestrian circulation or traffic movement.
D. Minimum Parking Requirements. An electric vehicle charging space may count in the calculation for minimum parking spaces that are required pursuant to other provisions of the zoning code.
E. Signage.
    1. Each charging station space must have posted signage indicating the space is for electric vehicle charging purposes.

2. Days and hours of operation must be listed on the sign if time limits or tow away provisions are enforced by the owner.
3. Information identifying voltage and amperage levels or safety information must also be posted.
4. A phone number or other contact information must be provided on the charging station for reporting when the equipment is not functioning or other problems are encountered.
5. All signage must be in compliance with SMC Title 22, Signs.

Chapter 18.136
WINERIES AND BREWERIES

Sections:

18.136.010 Purpose.
18.136.020 Definitions.
18.136.030 Uses permitted by zone.
18.136.040 Conditional use standards.

18.136.010 Purpose.

The purpose of this chapter is to establish standards for wineries and breweries in Commercial and Industrial zones.

Wineries and breweries are recognized as contributing to the economy and culture of the community. These provisions are the framework for local review of applications for wineries and breweries, the zones within which they are permitted, and the standards which apply to development in the various zones.

The facility types and review standards established in this chapter do not modify or supersede statutory regulation of wineries and breweries.

18.136.020 Definitions.

For purposes of this code, the following definitions of wineries, breweries, and distilleries are established.

A. Wineries.
   1. Type A Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, but without primary fruit processing or bulk fermentation.
   2. Type B Winery. Winery with emphasis on pedestrian-oriented retail sales and services and on-site tasting, with primary fruit processing or bulk fermentation.
   3. Type C Winery. Winery with either on-site primary fruit processing or bulk fermentation or both, with emphasis on industrial production rather than pedestrian-oriented access and commercial activity.

B. Breweries.
   1. Type A Brewery. Brewery with primary processing associated with restaurant.
   2. Type B Brewery. Brewery with primary processing with or without on-site tasting, not associated with restaurant.

C. Distillery.

   A distillery facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Washington State Liquor Control Board. Uses that are clearly incidental to the production of spirits

are allowed accessory uses to a distillery. On-site retail sales and samples may be permitted in conformance with Liquor Control Board standards.

18.136.030 Uses permitted by zone.

This table determines the level of review by which applications for various types of wineries, breweries, and distilleries will be processed. If a zone is not listed in the table, wineries, breweries, and distilleries are not permitted in that zone. If a listed zone contains the symbol "X" in a cell corresponding to a particular type of winery, brewery, or distillery as defined above, that type of facility is not permitted in that zone.

Level I review process is found in Chapter 18.18. Level III review process is found in Chapter 18.22

Table 18.136.030-1
Wineries and Breweries: Permitted Zones and Required Review Levels

	Urban Center	Highway Commercial	Industrial Manufacturing
Type A Winery	Level I	Level I	Level I
Type B Winery	X	Level III	Level I
Type C Winery	X	X	Level I
Type A Brewery	Level I	Level I	Level I
Type B Brewery	X	X	Level I
Distillery	X	X	Level I

18.136.040 Conditional use standards.

Where a use is specified as Level III in Table 18.136.030-1, the conditional use process of Chapter 18.180 applies. In addition to the general review criteria of 18.180, the following criteria/standards apply. These are to be addressed by the applicant, and carry the same importance in the review process as the general review criteria.

A. Traffic and material handling activities are of a scale typical of commercial deliveries in the area and zone within which the use is proposed.

B. Traffic and material handling activities do not disrupt vehicle and pedestrian traffic operations normally conducted in the area and zone within which the use is proposed.
C. Crushing and fermentation operations are managed such that by-products are contained and disposed of in a manner that does not generate spillover effects onto adjacent property, public spaces, or public right-of-way. Approval of connection to the City sanitary sewer system including any required pre-treatment system must be submitted as part of the conditional use application.
D. Mitigation of environmental effects including, but not limited to, noise, odors, insects, and reuse of water resources must be addressed.

Chapter 18.138
WIRELESS COMMUNICATION FACILITIES

Sections:

18.138.010 Purpose.
18.138.020 Definitions.
18.138.030 Permits and exemptions.
18.138.040 Permit applications.
18.138.050 Permit fees.
18.138.060 General siting criteria.
18.138.070 Amateur radio towers – Development standards.
18.138.080 Support structures and antennas – Development standards.
18.138.090 Wireless communications facilities – Development standards.
18.138.100 Removal of wireless communication facilities.
18.138.110 Special exceptions.

18.138.010 Purpose.

A. The purpose of this Chapter is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communications services to the residents of the City, in a manner which will facilitate the location of various types of wireless communication facilities in permitted locations that are consistent with the character of the City in general and the land use zones within which they are located.

B. In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this Chapter addresses the issues of appearance and safety associated with antenna support structures, alternative antenna support structures, wireless communication facilities, amateur radio towers, telecommunications monopoles, satellite dish antennas, and related equipment. It provides adequate siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Sultan businesses and institutions to stay competitive.

C. A wide range of locations and options for the provision of wireless technology which minimize safety hazards and visual impacts sometimes associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunication facilities, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. This Chapter, together with the provisions of the Uniform Building Code, the Electrical Code, and Chapter 12 of the Sultan Municipal Code, is also intended to protect the public rights-of-way from excessive invasion and disruption and to permit wireless communications service providers reasonable use of such rights-of-way for the purpose of providing wireless and wired communications services.

18.138.020 Definitions.

A. "Alternative antenna support structures" includes flat roofs of buildings that are 30 feet or more in height above the street grade upon which such buildings front, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, bill boards and commercial signs, and other man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.

B. "Antenna" means a specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. Antennas regulated by this Chapter include the following:

1. Omni-directional (or "whip") antennas, designed to receive and/or transmit signals in a 360 degree pattern, up to 20 feet in height or length, and up to approximately 5 inches in diameter;
2. Directional (or "panel") antennas, designed to receive and/or transmit signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees.

C. "Parabolic (or "dish") antennas" means generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction.

D. "Ancillary antennas" means antennas designed primarily to receive and transmit signals described as "personal wireless communications services", including global positioning satellite (GPS) data, "Personal Communications Service" ("PCS") technology, and "pagers."

E. "Antenna array" means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional antennas (whip), directional antennas (panel), parabolic (dish) antennas and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structureare included in the definition of antenna array.

F. "Antenna support structure" means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is significantly above the base of such structure; antenna support structures include the following:

1. "Lattice tower" which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;

2. "Monopole tower" which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

G. "Attached antenna" means a wireless communication antenna which is fixed to an alternative antenna support structure.

H. "Collocation" means the use of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider to accommodate wireless communications facilities of two or more wireless communications service providers.

I. "Equipment enclosure" means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

J. "Microcell" means a wireless communications facility consisting of antenna that is either:

1. Four (4) feet in height and with an area of not more than five hundred eighty (580) square inches, or
2. A tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

K. Satellite Dish.

1. Small: A "small satellite dish" is one with a diameter of one meter or less in all zoning districts except commercial and industrial zones, and two meters or less in commercial and industrial zones.
2. Large: A "large satellite dish" is one with a diameter of greater than one meter in all zones except commercial and industrial zones, and greater than two meters in commercial and industrial zones.

L. "Wireless communications facility" means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.

M. "Wireless communications service" means providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes, but is not limited to, FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR),

enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

N. "Wireless communications service provider" means every person who provides wireless telecommunications service, for rent, sale, lease, or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.

18.138.030 Permits and exemptions.

A. Permits Required:
Development Authorizations are required for all wireless communications facilities except for small satellite dishes.

B. Structural Permits: Building permits and mechanical permits, are required for all wireless communications facilities unless specifically exempted under subsection (C), Exemptions.

C. Exemptions: The following antennas shall be exempt from permit requirements:
   1. VHF and UHF receive-only television antennas: VHF and UHF receive-only antennas shall not be required to obtain Development Authorization or a building permit. VHF/UHF antennas shall be restricted to a height limit of no more than 15 feet above the existing or proposed roof.
   2. Small satellite dishes.

D. Renewal Required: A permit to develop and operate a wireless communications facility shall be effective for a period of five (5) years from the date of issuance.

18.038.040 Permit applications.

Any wireless communications service provider wishing to receive authorizations and permits to develop and operate a wireless communications facility in the City of Sultan must submit an application package to the department that contains the following information:

A. A Development Authorization Application signed by the property owner.

B. Name, address, contact person and contact information for the entity seeking authorization and permits, including copies of all current licenses and authorizations required to provide wireless communications services in the City of Sultan.

C. Complete description, including technical diagrams and specifications, photos, depictions, and plans of the proposed wireless communications facility or facilities, and a complete description of the services to be provided by such facilities.

D. A site map depicting the location of the proposed facility and drawings or renderings depicting the antenna support structure or alternative antenna support structure and its appearance from street level from north, south, east, and west perspectives. The drawings should be produced with the purpose of showing the proposed facility from adjacent and nearby properties as it will appear when

completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings.

E. A complete discussion of the following:
   1. Why the applicant selected the proposed site.
   2. If the applicant is proposing a site with no other wireless communications facilities present, explain why collocation is not technically feasible, or is otherwise unsuitable.
   3. A comparison of the service to be provided by the proposed facility with other like or similar services provided in the city, including service features, coverage patterns of wireless signals, plans for new or added services, potential interference with other like or similar services or with radio transmissions for emergency services, and related service issues; and
   4. A description of technologies and their availability to conceal, camouflage, or visually blend the proposed facility into its surroundings, and an explanation why certain technologies were selected or not selected as part of the proposed facility.

18.138.050 Permit fees.

Fees shall be charged as provided in the City of Sultan Fee Schedule.

18.138.060 General siting criteria.

A. The Table of Permitted Land Uses in Chapter 18.70 identifies the zoning districts and the Review Level for wireless communication facilities and related structures. The development standards in Chapters 18.82 and 18.86 address setback and other site specific factors. The siting criteria contained in this Chapter for wireless communication facilities and related structures are necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.

B. Co-location on existing antenna support structures or alternative antenna support structures is required if technically feasible and otherwise suitable for the proposed wireless communication services. Further, attachment of antennas to existing nonresidential structures and buildings primarily within industrial, commercial, and public/institutional zoning districts is preferable to additional antenna support structures. The City may request feasibility studies associated with applications for telecommunication facilities which demonstrate that locations on existing structures have been explored as the preferred siting alternative. The cost of such studies are the responsibility of the applicant.

C. The following sites must be considered by applicants as the preferred order for location of proposed wireless facilities including antennas, equipment, and equipment shelters. As determined feasible, and in order of preference, the sites are:

1. Existing antenna support structures and alternative antenna support structures: On any existing site or tower where a legal wireless telecommunication facility is currently located.
2. Industrial, Manufacturing: Structures or sites used exclusively for Industrial purposes. These are areas of more intensive land uses where a full range of public facilities are expected.
3. Publicly-Used Structures.
4. Other sites where wireless communication facilities are permitted under the Table of Permitted Land Uses in Chapter 18.70.

D. The City may retain various experts to review application materials submitted by an applicant, and to provide technical and other advice to the City in considering issuance of requested authorizations and permits. Topics on which the City may retain experts include, but are not limited to, collocation, visual screening or buffering of proposed facilities, radio signal coverage and the feasibility of providing the proposed services and comparison of the proposed services with existing or reasonably foreseeable services with like or similar features, and potential signal interference with other like or similar services or with radio communication systems for emergency services and related services, and similar wireless communication service issues.

1. If the City retains one or more experts on one or more topics related to an application package, the City shall develop a scope of work for each expert. This scope of work shall be made available to the applicant for a period of ten (10) days for review and comment. After ten (10) days, and after review of any input received from the applicant, the City may retain the expert(s) to perform the scope of work as finally determined by the City. The cost of all experts retained by the City under this subsection are the responsibility of the applicant, and must be paid in advance. The City will refund any amount paid by the applicant in excess of the actual amount due. The applicant must pay any amount owed in excess of the original amount.

2. The City will make available to the applicant all written reports and data produced under the scope of work, unless there is an applicable legal privilege or restriction on sharing such information with the applicant.

18.138.070 Amateur radio towers – Development standards.

A. Standards for All Zoning Districts.

1. Amateur radio towers reviewed under this Section must not be located within any easements, or setback areas including front yard, side and rear yard setbacks.
2. Mountings and amateur radio towers should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.

3. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
4. Screening of the bases of ground-mounted amateur radio towers must be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred (500) feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening must be maintained in a healthy condition. Bases of amateur radio towers must be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.
5. Amateur radio towers are not to be used for the purposes of signage or display.
6. Construction plans and final construction of the mounting bases of amateur radio towers covered by this Section must meet the structural design requirements of this Section and acquisition of a Building Permit.
7. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible.
8. Amateur radio towers must not be used or intended for use as the placement, construction, or modification of wireless communication facilities.
9. Amateur radio towers must not be used, or intended for use, to provide or offer wireless communication services for rent, sale, or lease, or in exchange for other consideration.
10. Height of amateur radio towers is determined by the zone in which the proposed tower is to be located in accordance with Section 18.138.090 except as permitted by subsection B. 2. of this section.

B. Additional Standards in Residential Zones – Amateur Radio Towers.
1. Towers must not be constructed or used for commercial use.
2. The height of a ground-mounted tower may not exceed sixty-five (65) feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the sixty-five (65) foot height limitation only when extended and operating. The combined structure of a roof-mounted tower and antennas must not exceed a height of twenty-five (25) feet above the existing roofline.
3. Towers must be located in what would customarily be considered the yard of the residence. Placement must avoid, to the extent possible, using land that is available for crops, pasturage or other agricultural use.
4. Towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

5. In residential zones, the base of a ground-mounted tower must be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening must be maintained in a healthy condition.
6. Applications must document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.

18.138.080 Support structures and antennas – Development standards.

A. The applicant must demonstrate that the proposed location was selected pursuant to the siting criteria of Section 18.138.060. Placement of an antenna support structure shall be denied if the antenna support needs can be met by collocation on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Placement of an attached antenna will be denied if the antenna support needs can be met by collocation on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Applications are required to provide documentation that comprehensive efforts to identify alternative locations were made.

B. Owners and operators of a proposed antenna support structure must provide information regarding the opportunity for the collocation of other antennas. If feasible, provision for future collocation may be required.

C. Antenna support structures reviewed under this Section must not be located within any required building setback areas.

D. Antenna support structures and attached antennas must not be used for the purposes of signage to display a message of any kind.

E. Applications for antenna support structures or for mounting an attached antenna upon an alternative antenna support structure must include one or more proposals on how industry-recognized concealment technology can be employed to mitigate the visual effects of the antenna and antenna support structure. It is expected that the structures and vegetation surrounding the proposed location will be taken into account so that appropriate site-specific concealment alternatives can be analyzed by the development review team.

F. Any fencing required for security must meet screening standards of Section 18.138.080(A)(4).

G. A Washington licensed professional engineer must certify in writing, over his or her seal, that both construction plans and final construction of the antenna support structure or alternative antenna support structure upon which an attached

antennas may be mounted are designed to reasonably withstand wind and seismic loads as established by the International Building Code.

H. All antenna support structures and attached antennas must be removed by the facility owner within twelve (12) months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
I. Antenna support structures and mounting attached antennas upon alternative antenna support structures may be conditioned to allow review for continued use at five year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of antenna support structures and mounting attached antennas upon alternative antenna support structures.
J. Attached antennas are not permitted to dominate the appearance of a structure.
K. Antenna support structures and attached antennas must be located at a point farthest from lot lines as feasible.
L. The base of a ground-mounted antenna support structures must be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening must be maintained in a healthy condition.
M. The combined antenna support structure and antennas must not extend more than fifteen (15) feet above the maximum building height allowed for the property in the zone for which it is proposed.

18.138.090 Wireless communications facilities – Development standards.

Development Standards for all Zoning Districts. The following standards apply to all wireless equipment, such as antennas and equipment shelters, exclusive of the antenna support structure. Antenna support structures are regulated by Section 18.138.090.

A. No wireless equipment reviewed under this Section is permitted to be located within any conflicting easements or required building setback areas.
B. Antennas mounted on alternative antenna support structures must not extend more than fifteen (15) feet above the existing or proposed roof structure.
C. No wireless equipment shall be used for the purposes of signage or message display of any kind.
D. Location of wireless communication antennas on existing buildings must be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antennas as viewed from any street or residential property.

E. Screening of wireless equipment must be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antennas and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred (500) feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening must be maintained in a healthy condition.

F. Any fencing required for security must meet screening standards of subsection Section 18.138.080(A)(4).

G. Construction plans and final construction of the mountings of wireless antennas and equipment shelters must be approved by the City's Building Division prior to any construction or site preparation. Applications must document that the proposed structure and any mounting bases are designed to reasonably withstand wind and seismic loads.

H. A wireless communication facility must be removed by the facility owner within twelve (12) months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

I. The antennas are not permitted to dominate the structure upon which it is attached and must be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.

18.138.100 Removal of wireless communication facilities.

A. Provider to Give Notice of Abandonment or Discontinuance of Service:

1. No less than thirty (30) days prior to the date that a wireless service provider plans to abandon or discontinue operation of a wireless communication facility or any significant component thereof, the provider must notify the city by certified U.S. mail of the proposed date of abandonment of a facility or discontinuance of operation of such facility.
2. Failure of a service provider to give such notice constitutes grounds for the city to declare the Development Authorization for the site to be suspended, thereby placing the facility in violation of Section18.138.030 of and Chapter 18.12 of this code.

B. Discontinued Service or Abandonment of Site – Removal Required:

1. Any wireless telecommunication facility which is abandoned and/or which does not provide service for at least four (4) months in any running six (6) month period is declared to be in violation of its Development Authorization and not meet its conditions of approval as provided in Chapter 18, Development Authorization.

2. A facility which is abandoned or discontinued must be removed within ninety (90) days of said abandonment or discontinuation of service. Any facility which is not timely removed in accordance with this subsection is declared to be a public nuisance.

C. Disrepair, Hazard, Nuisance, Improper Maintenance – Abatement Required:
   1. When the city determines that a wireless communication facility or any significant component thereof is in a state of disrepair, presents a safety hazard to the public, constitutes a public nuisance due to disrepair or improper maintenance, or is otherwise not properly maintained, the city shall notify the owner of the facility of such concern by certified mail. Such notice shall specify the problems and the expected resolution.
   2. By certified mail, the facility owner must specify the actions which will be undertaken to rectify the problems with the site. The city may accept or modify the proposed actions as it determines necessary. Such actions must be completed within sixty (60) days of the original date of notice provided in item 1 above.
   3. Failure to complete work specified by the city shall constitute a violation of the Development Authorization.

D. Responsible Parties Determined and Responsibility Assigned:
   1. The owner of the telecommunications facility, the lessee of the property upon which the facility is located (if different from the owner of the facility), and the owner of the property (if different from the owner of the facility and/or the holder of the lease) are individually, jointly, and severally responsible for removal of the facility as described in item B above.
   2. Should the responsible parties fail to remove a facility or component thereof, or resolve maintenance issues, as directed by the city pursuant to this Section, the city may remove the facility at the expense of the responsible parties.
   3. The city may pursue recovery of costs for its actions from any and all responsible parties through any means available in courts of competent jurisdiction.

18.138.110 Exceptions.

When adherence to all development standards of this Section would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a Special Exception may be permitted provided both criteria outlined below are met. Exceptions do not apply to variations from the Uniform Building Code.

A. The final approval authority for granting of the Exception is the same as that of the permit approving the antenna location. A request for an Exception is processed in conjunction with the permit approving the antenna location and does not require any additional application or fees.

B. In review of the Exception request, the approval authority must consider those standards having the least effect upon the resulting aesthetic compatibility of the antennas or tower with the surrounding environment. The approval authority must review setback, size, screening requirements, and height limits.

C. Exception Criteria.

1. The applicant must justify the request for an Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Exception is necessary.
2. The applicant for an Exception must demonstrate that the proposed materials, shape, and color of the antennas will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

D. Large Satellite Dish Antenna – Residential Zones – Exceptions.

1. Modifications to requirements for setbacks, size, screening and maximum height limit may be considered by Exception. If an Exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of eighteen (18) feet.
2. Only if these modifications would still block an electromagnetic signal, can a rooftop location be considered. If an Exception is sought to obtain a rooftop location, the diameter of the dish must be limited to six (6) feet and maximum permitted height is fifteen (15) feet above the roof line. The approval authority may require the applicant to place the antennas in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal.

E. Large Satellite Dish Antenna – Commercial and Industrial Zones.

1. Ground-mounted antennas. Exceptions to the setback, landscape and service area requirements, size and screening requirements are considered first. Only if these waived regulations would still block an electromagnetic signal, may an Exception from height requirements be considered. If an Exception is sought to vary from the height limit, the height of the dish is limited to a maximum of twenty (20) feet.
2. Roof-mounted antennas. The first exception to be considered is the center of roof requirement; the second exception is from the size, and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal may an Exception from height requirements be

considered. An Exception from the height limit is limited to a maximum of twenty (20) feet above the existing or proposed structure. The approval authority may require the applicant to place the antennas in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

F. Wireless Communication Facilities and Related Structures – Residential Zones – Exceptions Process Inapplicable. The Exception process does not apply and shall not be used to place, construct, or modify wireless communication facilities or related structures in residential zones.

G. Antenna Support Structures – Commercial, Public Reserve, and Industrial Zones – Special Exceptions.

1. An applicant of a proposed antenna support structure that exceeds height limits is required to apply for a Variance under provisions of Chapter 18.182.

Chapter 18.140
ESSENTIAL PUBLIC FACILITIES

Sections:

18.140.010 Purpose.
18.140.020 Scope.
18.140.030 Identification of essential public facilities.
18.140.040 Advisory committee.
18.140.050 Conditional use.
18.140.060 Timing.

18.140.010 Purpose.

The purpose of this chapter is to provide a cooperative and structured siting process for essential public facilities which is intended to implement the siting process established in the Countywide Planning Policies and adopted by the Sultan Comprehensive Plan.

18.140.020 Scope.

This chapter applies to the siting of essential public facilities. These procedures do not displace the provisions of Chapter 18.22 and 18.180 regarding Conditional Use Procedures, which apply to particular locations after development of site selection criteria and identification, analysis, and ranking of potential project sites in accordance with this chapter. The provisions of this chapter are deemed to be prerequisite steps in the conditional use process for essential public facilities.

A. This chapter does not apply to the siting of Group Housing for Handicapped Persons.

B. Sections 18.140.050 and 18.140.060 do not apply to siting of essential public facilities for which a statutory siting process exists which preempts the siting process established by this chapter.

18.140.030 Identification of essential public facilities.

A. Essential public facilities may be identified by state statute.

B. State agencies may identify essential public facilities by including them on the list of essential state public facilities maintained by the State Office of Financial Management.

C. The city may identify essential public facilities to be located in the city by scheduling such facilities in its comprehensive plan.

D. All other facilities offered for identification as essential public facilities must be submitted by interpretation request in accordance with Section 18.02.090. Such interpretation will be made with an opportunity for public input, without public hearing, and with a right of appeal to the hearing examiner.

1. For the purpose of making the threshold determination on whether a proposed project is an essential public facility, notice of application must be issued in accordance with Section 18.40.040.
2. Facilities offered for identification as essential public facilities by other local governments must be scheduled in their respective comprehensive plans.

18.140.040 Advisory committee.

When an essential public facility is identified and proposed to be located within the City, the local government(s) involved will appoint an advisory committee composed of citizen members selected to represent a broad range of interest groups.

The advisory committee consists of an odd number of members of no less than three (3) and no more than nine (9), unless membership is expanded as provided in this section. If the governing bodies cannot agree upon the size of the committee, it will be composed of seven (7) members, unless membership is expanded as provided in this section. If the governing bodies cannot agree upon the method of appointment of committee members, the local government for the area in which the facility is initially proposed to be located is allowed to appoint a simple majority of the committee members and all other local governments involved are allowed to appoint at least one (1) member.

18.140.050 Conditional use.

Once siting criteria are developed and potential project sites are identified, analyzed and ranked, the conditional use process, of Chapter 18.22 and 18.180 may be initiated for the highest ranked potential project site. If the highest ranked potential project site is unavailable or disapproved for a conditional use permit, the conditional use process may be initiated for the next highest ranked potential project site. The conditional use process may be initiated for lower ranked potential project sites in like manner if all higher ranked sites are either unavailable or disapproved for a conditional use permit. In addition to general review criteria and approval conditions considered during the conditional use process, such process shall also:

A. Evaluate the extent to which design features or operational conditions can eliminate or reduce unwanted project impacts;
B. Where appropriate, establish incentives or require amenities for siting in particular areas.
C. Consider such criteria and conditions of approval by law to be considered for the type of facility proposed.

18.140.060 Timing.

The siting process and conditional use process are each to be concluded as soon as practicable; provided, however, that such processes are concluded no later than such period(s) required by law.

DIVISION V: CONCURRENCY MANAGEMENT

Chapter 18.150
CONCURRENCY MANAGEMENT SYSTEM

Sections:

18.150.010 Purpose.
18.150.020 Definitions.
18.150.030 Exemptions.
18.150.040 Applications.
18.150.050 Acceptance of a concurrency application.
18.150.060 Nonbinding determinations.
18.150.070 Certificate of concurrency.
18.150.080 Standards for concurrency.
18.150.090 Facilities and services subject to concurrency.
18.150.100 Concurrency determination – Transportation.
18.150.110 Concurrency determination – Potable water.
18.150.120 Concurrency determination – Wastewater.
18.150.130 *Reserved.*
18.150.140 Concurrency determination – Parks and recreation.
18.150.150 Procedures for issuing a certificate of concurrency or denial letter.
18.150.160 Reporting and monitoring.

18.150.010 Purpose.

The purpose and intent of this chapter is to provide a regulatory mechanism to ensure that a property owner meets the concurrency provisions of the comprehensive plan for development purposes as required in RCW 36.70A.070. This regulatory mechanism will ensure that adequate public facilities at determined levels of service are available to support the development's impact.

18.150.020 Definitions.

The following definitions apply to this chapter:

A. "Certificate of concurrency" is a document issued by the community development director indicating that capacity to serve a proposed development was available to that development when the certificate was issued. The certificate of concurrency identifies available capacity based on the information submitted by the applicant and capacity information available to the city at the time the certificate was issued. A certificate of concurrency is not a guarantee that capacity will be available at the time of development or vesting of system charges, connection fees and/or impact fees. A certificate of concurrency does not vest a property in a future right to access the subject utilities.

B. "Capacity" refers to the ability or availability of the city's transportation, parks, water, and sewer facilities to accommodate new development or redevelopment without decreasing the city's adopted level of service standards.

C. "Available capacity" represents a specific amount of capacity that may be needed by new users of the city's transportation, parks, water, and sewer facilities.

D. "Needed Capacity" is capacity identified from the available capacity account to indicate the capacity needed to serve a particular development.

E. "Used Capacity" is capacity considered used once the proposed development permit is issued and the remains in the "Used Capacity" designation for the same period of time as the development approval with which the capacity certificate is issued.

18.150.030 Exemptions.

Any development that is categorically exempt from the requirement to prepare a threshold environmental determination or an environmental impact statement (EIS) pursuant to the State Environmental Policy Act (SEPA) is also exempt from the requirement to obtain a certificate of concurrency under this chapter.

18.150.040 Applications.

A. Each applicant for a development approval, except those exempted from concurrency, must submit an application for a certificate of concurrency along with the Development Authorization Application.

B. An application for a certificate of concurrency must be accompanied by the requisite fee, as determined by city council resolution. Applicants with projects requiring a certificate of concurrency are encouraged to schedule a pre-application meeting with the development review team prior to submitting a development or certificate of concurrency application.

C. An applicant for a certificate of concurrency must submit to the community development director the underlying development permit application requiring concurrency along with the following information on a form provided by the city:

1. Date of submittal.
2. Owner/applicant's name, address and telephone number and/or primary contact information if different from owner/applicant's contact information.
3. Project name.
4. Project development schedule.
5. Written consent of the property owner, if different from the developer.
6. Acreage of the property.
7. Legal description and parcel identification number(s) of property as required by the underlying development permit application together with an exhibit showing a map of the property.
8. Existing use of the property.
9. Proposed request of capacity by legal description, if applicable.
10. Proposed use(s) by land use category, square feet and number of units.
11. Proposed site design information, if applicable.
12. Phasing information by proposed uses, square feet and number of units, if applicable.

13. For transportation concurrency applications, a traffic study per SMC 18.150.100.
14. The applicants' proposed mitigation, if any, for the impact on the city's transportation facilities.
15. Parks. The applicants' proposed mitigation, if any, for the impact on the city's parks facilities.
16. For water concurrency applications, a water hydraulic report prepared by a licensed professional engineer including fire flow requirements and water meter sizing for commercial projects.
17. For sewer concurrency applications, a sewer hydraulic report prepared by a licensed professional engineer including wastewater composition for commercial projects.

18.150.050 Acceptance of a concurrency application.

A. The director or designee will notify an applicant for a certificate of concurrency within twenty-eight (28) days after receiving an application whether the concurrency application is complete or incomplete.

B. An application for a certificate of concurrency is "complete" when it meets the submission requirements listed in SMC 18.150.040. The determination of completeness will be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The community development director's determination of completeness will not preclude the official's ability to request additional information or studies.

C. Incomplete Applications. Whenever the city issues a determination that the certificate of concurrency application is not complete, the application will be returned to the applicant with a letter stating the application's deficiencies and measures necessary to submit a complete application.

D. Date of Acceptance. An application for a certificate of concurrency will not be officially accepted or processed until it is complete and the underlying development application has been determined to be complete. The director will accept and note the date of acceptance of the application for the certificate of concurrency.

E. No development approvals will be granted unless the applicant is eligible for and obtains a certificate of concurrency.

18.150.060 Nonbinding determinations.

A. A nonbinding concurrency determination may be made by the city prior to a request for development action or approval by submitting a request and any applicable fee. Information required to obtain a nonbinding concurrency determination is the same as that required by SMC 18.150.040. The community development director may require additional information in order to make a nonbinding concurrency determination. The nonbinding concurrency

determination may become a part of the staff recommendation regarding the requested development action.

B. Any nonbinding concurrency determination, whether requested as part of an application for development, is a determination of which public facilities and services are available at the date of inquiry, but does not reserve capacity for that development.

C. The city shall charge a processing fee to any individual who requests a nonbinding concurrency determination not associated with an application for development approval or development action. The processing fee is nonrefundable and non-assignable to any other fees. Such fee is set by resolution of the city council. The following types of development are exempt from paying the concurrency determination fee:

   1. Nonprofit agencies whose primary chartered purpose is to provide affordable housing; and
   2. Other governmental agencies.

18.150.070 Certificate of concurrency.

A. A certificate of concurrency must be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the certificate of concurrency is valid for twelve (12) months.

B. A certificate of concurrency is valid for the same term as the underlying development approval. If a development approval is extended, the certificate of concurrency is also extended for the same period of time.

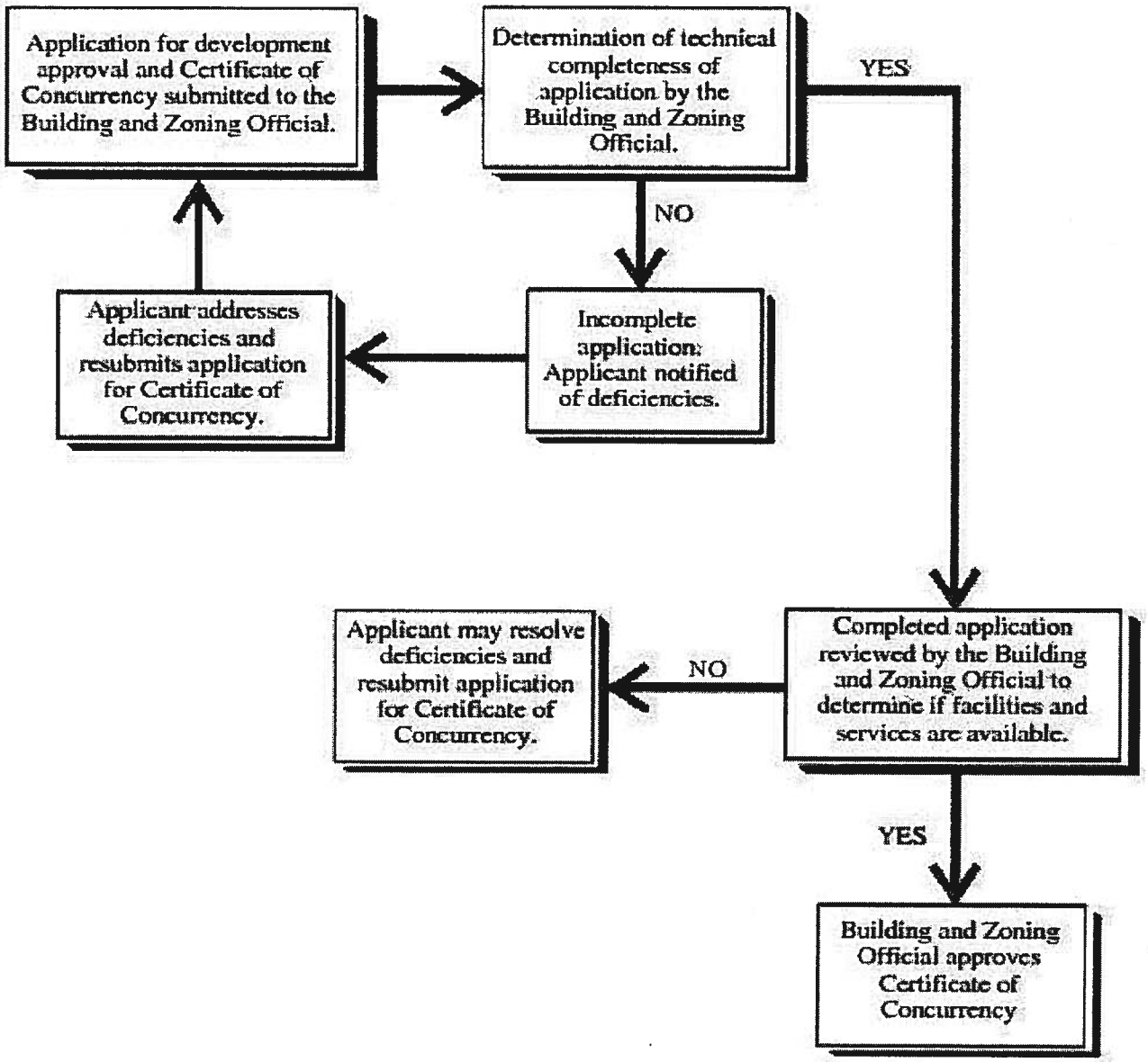
C. A certificate of concurrency may be extended by the building and zoning official to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

D. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued; provided, however, that the certificate of concurrency is valid only for subsequent development approvals for the same parcel that were obtained prior to expiration of a prior development approval as set forth in subsection (C) of this section.

E. A certificate of concurrency expires if the underlying development approval expires or is revoked by the city.

City of Sultan
Concurrency Review Process

Request for Development Approval Certificate of Concurrency (Binding)



18.150.080 Standards for concurrency.

The city of Sultan shall review applications for development and a development approval will be issued only if the proposed development does not lower the existing level of service (LOS) of public facilities and services below the adopted LOS in the comprehensive plan. A project is deemed concurrent if one of the following standards is met:

A. The necessary public facilities and services are in place at the time the development approval is issued; or

B. The development permit is issued subject to the condition that the necessary public facilities and services will be in place concurrent with the impacts of development; or

C. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the development. "Concurrent with the development" means that improvements or strategies are in place at the time of the development or that a financial commitment is in place to complete the improvements or strategies within ten (10) years of the time of the development. If the financial commitments that underwrite the planned public facilities include impact fees, the applicant must pay all impact fees when due under the applicable provisions of the Sultan Municipal Code.

18.150.090 Facilities and services subject to concurrency.

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the comprehensive plan:

A. Transportation;

B. Potable water;

C. Wastewater;

D. Parks and recreation.

18.150.100 Concurrency determination – Transportation.

A. Level of Service Standards. Transportation concurrency requires that the transportation impacts of land use development actions do not reduce the transportation levels of service (LOS) below the adopted standard.

1. The city's comprehensive plan adopts a level of service "D" standard for city arterials while retaining the Washington State adopted level of service "D" for US 2 in compliance with state requirements and standards for highways of statewide significance (HSS).
2. If the building and zoning official determines the proposed land use action will reduce the LOS below the adopted standard, either the development as proposed must be modified to reduce its transportation impact, or the corrective transportation improvements must be identified and constructed at the time of the development or within a six-year period.

B. Traffic Study. The developer shall prepare a traffic study. The level of detail and scope of a traffic study may vary with the size, complexity and location of the proposed development. A traffic study must be a thorough review of the immediate and long-range effects of the proposed development on the city's transportation system. The traffic study must include the following basic data:

1. Provide a site plan drawn to appropriate scale of the proposal showing the road system, rights-of-way, type of roads, access points and other features of significance in the road system;
2. Vicinity map showing transportation routes to be impacted by the development;
3. Type of dwelling units proposed (single-family, multiple-family, attached, detached, etc.) and trip generation rates for the development. In cases of activity other than residential, the same type of information will be required (commercial, industrial, etc.);
4. Volume of traffic expressed in terms of average daily traffic on the roadway network that can reasonably be expected to be used by existing traffic and traffic from the development expressed in terms of current average daily traffic along with directional distribution (D factor), peak hour demand (K ratio) and percentage of trucks (T factor), in the traffic stream;
5. Physical features of the road network involved, with regard to functional classification, capacity, safety and operations;
6. A level of service analysis of the road system that can reasonably be expected to bear traffic generated by the development:
    a. The level of service may generally assume conditions for two-lane highways without access control and at-grade intersections as defined in the Highway Capacity Manual;
    b. Level of service and volume to capacity ratio (v/c) is to be determined and indicated within the report, showing factors used and methodology;
    c. Volume figures used shall consist of:
        i. Current average daily traffic (ADT);
        ii. Projected ADT at completion of proposal;
        iii. Growth projection if completion is more than two years away;
7. The staged increase in traffic volumes on all transportation routes to be caused by the development as different phases are completed;
8. Traffic volumes must be projected for 10 years into the future and, if a future phase of the development will extend beyond 10 years, to the time of completion of future phases of the development;
9. Other similar data that may be required to provide a complete and thorough analysis.

C. The city may also require that the traffic study include other information necessary for a thorough review of the immediate and long-range effects of the proposed development on the transportation system.

D. Procedures. The following procedures are used to determine transportation concurrency:

1. The director will determine whether a proposed development can be accommodated within the existing or planned capacity of transportation facilities.
2. The director will determine if the capacity of the city's transportation facilities, less the capacity which is needed, can be provided while meeting the level of service standards set forth in the city's comprehensive plan.
3. The director's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.
4. The director will issue a transportation certificate of concurrency if capacity is available.
5. The transportation certificate of concurrency and underlying development application will be denied if the director determines that the proposed development will cause the level of service of a city-owned transportation facility to decline below the standards adopted in the comprehensive plan, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.
6. If the level of service failure is on an arterial roadway, the applicant may perform one of the following measures: modify the development proposal to lessen the traffic impacts; volunteer to construct transportation improvements to mitigate the impacts; withdraw the certificate of concurrency application or take other corrective measures approved by the director. Other corrective measures may include:
   a. Preparing a more detailed highway capacity analysis, as outlined in the Highway Capacity Manual, Special Report 20 (1985, as amended) or other traffic analysis following procedures outlined by the Washington State Department of Transportation (WSDOT). This more detailed study may include demand management strategies to accommodate the impacts of the proposed development such as increased public transportation service and ride-sharing programs.
   b. If the developer chooses to do a more detailed analysis as described above, the community development director will:
      i. Meet with the developer to review and accept or deny the more detailed highway capacity analysis methodology;
      ii. Review the completed alternative analysis for accuracy and appropriate application of methodology;

iii. If the alternative methodology, after review and acceptance by the director, indicates an acceptable LOS where the comprehensive plan indicates a LOS failure, the alternative methodology will be used, based on a binding or enforceable development agreement.

18.150.110 Concurrency determination – Potable water.

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. Standards for water system facilities are defined by WAC 246-290-100 and the "Water System Design Manual" published by the Washington State Department of Health.

1. The Water System Design Manual specifies that the minimum operating pressure in the water distribution system will not fall below thirty (30) pounds per square inch (PSI) at the water meter, which is normally the right-of-way line for the served property.
2. In accordance with the International Fire Code, the city has established the minimum fire flow standard as 1,000 gallons per minute for residential areas and 1,500 gallons per minute for nonresidential development.

C. The city will not extend water service to areas outside the urban growth area (UGA) except in the case where a property has a water supply emergency documented by the Snohomish County Health District.

D. The following procedures are used for determining water concurrency:

1. The director or designee will determine whether a proposed development can be accommodated within the existing or planned capacity of the city's water system.
2. The director will determine if the capacity of the city's water facilities, less the capacity which is needed, can be provided while remaining within the city's level of service standards, and if so, will provide the applicant with a water certificate of concurrency.
3. The director will deny the water certificate of concurrency and underlying development application if there is no capacity in the city's water system for the proposed project, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

18.150.120 Concurrency determination – Wastewater.

A. Level of Service Standards. Standards for sewer system facilities are defined by WAC 173-240-050 and the "Criteria for Sewerage Works Design" published by the Washington State Department of Ecology. The Department of Ecology issues an NPDES permit to the city with requirements for wastewater effluent quality and monitoring to ensure compliance with receiving water standards.

1. Designs for increasing the wastewater treatment plant capacity in three phases are described in the 2006 City of Sultan WWTP Upgrade Engineering

Report ("Engineering Report"). Until improvements are constructed, the size and design of the city's wastewater treatment plant limits the available sewer connections to accommodate future forecast flows and avoid violating the city's National Pollution Discharge Elimination System permit (NPDES) issued by the Department of Ecology.

2. The sewer system will be designed to contain all sewage and extraneous flow that enters during a 10-year, 24-hour storm event.
3. Sewer capacity will be calculated with the pipe flowing full at the design pipe slope under projected peak conditions. The minimum pipe slope will be sufficient to maintain a velocity of two feet per second under flowing full conditions.

B. No new on-site sewage systems will be allowed in the city limits except as provided under 18.94 where a property owner proposes to build one single-family home on an existing lot.

C. Where new sewer pipe is extended past a parcel with existing development using an on-site sewage system, the property owner will be required to pay the connection fee (general facilities charge) for the benefit conferred by the sewer pipe but will not be required to actually connect and pay monthly service charges unless or until the on-site system fails or the property owner wishes to connect.

D. The city of Sultan will provide level of service information as set forth in the city's comprehensive plan. In accordance with WAC 365-195-835 the following procedures are used to determine sewer concurrency:

1. The community development director or designee will determine whether a proposed development can be accommodated within the existing or programmed capacity of the city's sewer system.
2. The city will conduct an analysis of the remaining capacity of the city's sewer treatment facilities and the foreseeable demand. The proposed development will be analyzed with respect to its size and density, quantity of utility service required (average flow and peak periods), special treatment or hazards involved, and compliance with applicable requirements of the Sultan Municipal Code and other codes. Provision of sewer service to the property shall not jeopardize public health or safety.
3. The community development director will determine if the capacity of the city's sewer facilities and wastewater treatment plant, less the capacity which is needed, can accommodate the proposed development while allowing city sewer service to remain within the city's level of service standards. If so, the building and zoning official will provide the applicant with a sewer certificate of concurrency.
4. The community development director will deny the sewer certificate of concurrency and underlying development application if there is insufficient capacity in the city's sewer system, and improvements or strategies to

accommodate the impacts of development and provide the sewer capacity needed by the proposed development are not planned to be constructed concurrent with the development

18.150.130 Reserved.

18.150.140 Concurrency determination – Parks and recreation.

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. The following procedures are used for determining park concurrency:

1. The community development director will determine whether a proposed development can be accommodated within the existing or planned capacity of parks facilities.
2. The community development director will determine if the capacity of the city's parks facilities, less the capacity which is needed, can be provided while meeting the level of service standards set forth in the city's comprehensive plan.
3. The community development director's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.
4. The community development director will issue a parks certificate of concurrency if capacity is available.
5. The parks certificate of concurrency and underlying development application will be denied if the community development director determines that the proposed development will cause the level of service of a city-owned parks facility to decline below the standards adopted in the comprehensive plan, and improvements or strategies to accommodate the impacts of development are not planned concurrent with development.

18.150.150 Procedures for issuing a certificate of concurrency or denial letter.

A. Issuing a Certificate of Concurrency.

1. Prior to the issuance of a water and/or sewer certificate of concurrency, the applicant will pay an administrative fee, as determined by city council resolution, for each water and sewer connection required by the applicant.
2. A certificate of concurrency is a letter or other form prepared by the building and zoning official and sent to the applicant. If the applicant is not the property owner, the letter will also be sent to the property owner. The certificate of concurrency will include:
   a. Primary applicant contact information (name, address, phone number, e-mail, etc.).
   b. The property address.
   c. The parcel identification number(s).

d. Name of project.
e. The number and type of dwelling units, square footage of commercial or industrial floor area, specific uses, densities, and intensities for which application(s) were approved.
f. The effective date of the certificate of concurrency.
g. The expiration date of the certificate of concurrency.
h. Any mitigation required by the applicant at the applicant's cost for concurrency.
i. The number of water and sewer connections, if any, allocated by the city of Sultan and any deposit payments made by the applicant.

3. If a proposed development project is modified during the review process and results in an increased capacity need, then a new concurrency application, application fee, evaluation, and approval will be required prior to development approval and issuance of certificate of concurrency.

B. Denial Letter.

1. If the director determines there is a lack of concurrency, he/she will issue a denial letter which will advise the applicant that capacity is not available. If the applicant is not the property owner, the denial letter will also be sent to the property owner.
2. At a minimum, the denial letter will identify the application and options available to the applicant, such as the applicant's agreement to construct necessary facilities at the applicant's cost to maintain the city's adopted levels of service.
3. The denial letter will include a statement that the denial letter may be appealed to the hearing examiner in accordance with SMC 18.42 if the appeal is submitted to the building and zoning official within ten (10) days after the issuance of the denial letter. If an appeal is filed, future processing on the underlying development application will be stopped until the final decision on the appeal. This appeal is subject to the consolidation process.

18.150.160 Reporting and monitoring.

A. The director or designee is responsible for completion of annual transportation, water and sewer capacity availability reports. These reports will evaluate reserved capacity and permitted development activity for the previous period, and determine existing conditions with regard to available capacity for road, parks, sewer and water facilities.

B. The capacity report will include capacity used for the previous period and capacity available based on level of service standards and available information.

C. Capacity forecasts will be based on the most recently updated schedule of capital improvements, growth projections, fire flow, limits of the NPDES permit, public road facility inventories, and revenue projections. At a minimum the report should include:

1. A summary of development activity;
2. The status of capacity accounts;
3. Recommendations on amendments to the capital improvement plan, annual budget, level of service standards, and/or other comprehensive plan;
4. Available water flow, plant capacity and fire flow measures; and
5. Limits in the city's NPDES permit and finding of available capacity in the city's wastewater treatment plant.

D. The findings of the annual capacity availability report may be considered by the council during the budget process.

E. The director will use the findings of the capacity availability report to review development permit applications and capacity evaluations during the next period.

CHAPTER 18.152
DEVELOPMENT IMPACT FEES

Sections:

18.152.010 Purpose.
18.152.015 Definitions.
18.152.020 Imposition of impact fees.
18.152.030 Recreation facility impact fee formula.
18.152.040 Traffic impact fee formula.
18.152.050 Calculation of impact fee.
18.152.060 Collection of impact fees.
18.152.070 Impact fee exemptions.
18.152.080 Impact fee credits for other than traffic impact fees.
18.152.085 Traffic impact fee credits.
18.152.090 Appeals.
18.152.100 Impact fee fund.
18.152.110 Expenditures.
18.152.120 Refunds.
18.152.130 Impact fee as additional and supplemental requirement.

18.152.010 Purpose.

This chapter is enacted pursuant to the Washington State Growth Management Act, Chapter 36.70A of the Revised Code of Washington (RCW) et sequitur and RCW 82.02 et sequitur as now in existence or as hereafter amended.

It is the purpose of this chapter to:

A. Ensure that adequate facilities are available to serve new growth and development;

B. Promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities needed to serve growth; and

C. Ensure that impact fees are determined and collected through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.

18.152.015 Definitions.

The following definitions apply to this chapter:

A. "System improvements" means transportation capital improvements that are identified in the city's latest adopted comprehensive plan and are designed to provide services to the community at large.

B. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements.

C. "Frontage" means that portion of the development property adjacent to an existing or future roadway where access to the site or individual properties is permitted by the city.

D. "Frontage improvements" means all improvements as designed in the city comprehensive plan, city standards, or other adopted plan that can include roadway surfacing, curb and gutter, sidewalk, drainage, lighting, landscaping, and signs.

E. "Designated city official" means the public works director or their designee.

F. "Local access classified roadway" means the designated roadway cross section as included in the city's adopted standards, comprehensive plan, or a city area master plan.

G. "Developer" means any representative of a development that is the designated traffic impact fee payer.

18.152.020 Imposition of impact fees.

After the effective date of this code, any person who seeks to develop land within the city of Sultan by applying for a building permit is obligated to pay an impact fee in the manner and amount set forth in this chapter.

18.152.030 Recreation facility impact fee formula.

A. Findings and Authority. The demand for parks and recreation facilities is proportionate to the size of the user population. The larger a population grows, the greater the demand for city parks and recreation facilities. In order to offset the impacts of new residential development on the city's park system, the city has determined to adjust the current park impact fee consistent with city standards as new development occurs. Impact fees are authorized under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) to help offset the cost of capital facilities brought about by new growth and development. Impact fees imposed will be used to acquire and/or develop parks, open space and recreation facilities that are consistent with the capital facilities and park and recreation elements of the Sultan comprehensive plan and the Sultan Park Recreation and Open Space Plan (PROS Plan), an adopted appendix of the Sultan comprehensive plan.

B. The impact fee component for recreation facilities is calculated using the following formula:

$$\text{Fee} = (T/P \times U) - A$$

1. "Fee" means the recreation impact fee.
2. "T" means the total development cost of new recreation facilities. Such costs are adjusted periodically, but not more than once every year.
3. "P" means the new population to be served.
4. "U" means the average number of occupants per dwelling unit.

5. "A" means an adjustment for the portion of anticipated additional tax revenues resulting from a development that is pro-ratable to facility improvements contained in the capital facilities plan.

18.152.040 Traffic impact fee formula.

The impact fee component for traffic mitigation is calculated using the following formula:

$$TIF = F \times T$$

A. "TIF" means the traffic impact component of the total development impact fee.

B. "F" means the traffic impact fee rate per trip in dollar amounts. Such rate is established by estimating the cost of anticipated growth-related roadway projects contained in the capital facilities plan divided by the projected number of growth-related trips, as adjusted for other anticipated sources of public funds. Such rates are adjusted periodically, but not more often than once every year, to reflect changes in the prevailing construction cost index, facility plan projects, and anticipated growth.

C. "T" means the trip generated by a proposed development.

18.152.050 Calculation of impact fee.

A. The impact fee for nonresidential development is computed by applying the traffic impact fee formula set out in SMC 18.152.040. The impact fee for a residential development is computed by combining the results of the traffic impact fee and recreation facility impact fee formulae set out in SMC 18.152.030 and 18.152.040.

B. If development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each type of use.

C. Upon application by the developer of any particular development activity, the designated city official may consider studies and data submitted by the developer, and if warranted, may adjust the amount of the impact fee. Such adjustment is deemed warranted if it can be demonstrated that:

1. Due to unusual circumstances, the system improvements would not benefit the proposed development;
2. The public facility improvements identified are not related to the proposed development; and
3. The formula set forth for calculating the impact fee results in a fee that is not proportionate to the project's impacts.

118.152.060 Collection of impact fees.

A. The impact and administrative fees imposed under this code and identified in the city of Sultan's current fee schedule are due and payable at the time of issuance of a building permit for the development or issuance of an installation permit for a manufactured home or building except as provided in B below:

B. At the time of issuance of any residential building permit for a single-family residential building being constructed for resale, the applicant may elect to defer payment of the Traffic Impact Fee and Park Impact Fee according to the following provisions:

1. The developer must submit to the City Clerk a signed and notarized Deferred Impact Fee Application and Acknowledgement Form for each single detached dwelling unit, duplex, condominium unit, or multi-family residential building for which the applicant wishes to defer payment of the impact fees.
2. Upon acceptance and approval of the application by the City, the applicant must prepare, at applicant's expense, a covenant and lien providing for the following:
   a. Payment of the impact fees due to the City at the earlier of:
      i. Seven (7) calendar days after the date of sale or transfer of ownership of the subject property or dwelling unit.
      ii. The end of the twelfth (12^{th}) month after issuance of the original building permit.
   b. Provision that if the impact fees are paid through escrow at closing of sale, in the absence of an agreement between the buyer and the seller to the contrary, the impact fees are paid from the seller's proceeds.
   c. Provision that the seller bears strict liability for the payment of the impact fees.
   d. Requirement that the seller or seller's agent of the property subject to the covenant and lien is to provide written disclosure of the covenant and lien to a purchaser or prospective purchaser. Disclosure of the covenant must include the amount of impact fees payable, that the fees must be paid to the City within seven (7) calendar days of the sale.
   e. Provision making the applicant legally liable for payment of the impact fees if the fees are not paid by the earlier of: seven (7) calendar days after the date of sale or transfer of ownership of the subject property or dwelling unit; or the end of the twelfth (12^{th}) month after issuance of the original building permit.

3. At the applicant's expense, the covenant and lien will be recorded with the County recorder's office.

4. Payment of impact fees deferred under this subsection are paid by cash, escrow company check, cashier's check, or certified check.

5. Upon receipt of payment of impact fees deferred under this subsection, the City will execute a lien release for each single family dwelling unit, condominium unit, or multi-family residential building for which the impact fees have been received. Unless an agreement to the contrary is reached between the buyer and seller, the seller, at the seller's expense, is responsible for recording the lien release.

6. The director can not issue a building permit for any single detached dwelling unit, duplex, condominium unit, multi-family residential building until the impact fees have been paid or the signed and notarized deferred impact fee application and acknowledgement form and deferral fee have been received and accepted by the City.

C. Applicants electing to use the deferral process described in Subsection B above must provide the City with a copy of the recorded lien, and pay a two hundred fifty ($250) administrative fee for each individual lien filed.

18.152.070 Impact fee exemptions.

A. The replacement of a residential structure on a site within twelve (12) months of the demolition or removal of the prior residence.

B. The impact fee for an exempt development is calculated as provided for herein and paid with public funds by including such amount(s) in the public share of recreational facility improvements undertaken within the city of Sultan.

18.152.080 Impact fee credits.

A. The developer is entitled to a credit against the applicable impact fee component for the present value of any dedication of land for improvement to or new construction of any system improvements provided by the developer (or the developer's predecessor in interest), to system facilities that are/were identified in the capital facilities plan and are required by the city beyond those required for approval of the development proposal.

B. The amount of credit is determined at the time of building permit issuance (or site plan approval where no building permit is required). A credit against the applicable impact fee is limited to the total amount of the applicable impact fee for the particular development.

C. The developer is entitled to a credit against the traffic impact fee component for the present value of any dedication of land for improvement to or new construction of any system improvements provided by the developer (or the developer's predecessor in interest) whenever a particular system improvement is a condition of approval or terms of a voluntary agreement. A credit is limited to the total amount of the transportation impact fee for the particular development.

D. The initial amount of credit is determined by the designated city official at the time of building permit issuance or site plan approval where no building permit is required. The final amount of the credit may be adjusted with the approval of the designated city official to reflect actual costs.

E. Impact fee credit is determined as follows:

1. When a development frontage abuts a designated system improvement roadway, any credit for this roadway section will be reduced by the cost for the required frontage improvement. Land dedication is credited for any

additional right-of-way dedication exceeding the local access classified roadway right-of-way standard.

2. Credits are not given for project improvements that are primarily for the benefit of the development users or occupants, or that are not located on the frontage when identified in a city adopted plan. This could include access walkways to schools, centers, and parks. This could also include roadway or safety improvements not identified as system improvements.
3. Credits for land dedication are determined by an appraisal conducted by an independent professional appraiser chosen by the developer from a list of at least three such appraisers approved by the city. The cost of the appraisal is borne by the developer and not subject to a credit. The appraisal will only value the land dedicated and not any alleged damages to any abutting property.

F. Cost for facility construction for system and project improvements is based upon a construction cost worksheet provided by the city and completed by the developer, or the city may require actual costs provided by the developer's contractor.

G. For any residential portion of development, credit is determined on a per-dwelling unit basis. The credit per dwelling unit is determined by calculating the total impact fee credit for the residential portion of generated trips and dividing by the number of dwelling units. Credit will then be applied at the time of permit issuance for each dwelling unit.

H. No refund or future credit is allowed in the event that the calculated impact fee credit or actual construction costs exceed the amount of the impact fee.

18.152.090 Appeals.

A developer may appeal the impact fee determination to the director within twenty (20) days of the issuance of the determination of the impact fee through the following process:

A. The developer must submit a letter explaining the reason for the appeal. Any supporting documents cited in the letter must be included.

B. The director will review and respond to the developer within thirty (30) calendar days of the submittal of the appeal letter. The director may approve, request additional information, or deny the appeal.
   1. An approval will include an impact fee determination adjustment.
   2. Requested additional information must be provided by the developer to the city within twenty (20) calendar days or in a time frame as agreed upon by the director .
   3. A denial of an appeal will include an explanation of the reasons for denial.

C. If a developer is not satisfied with the director's determination, the developer may request a determination by the city's hearing examiner pursuant to Chapter 18.42.

D. Impact fees must be paid at time of permit issuance. If the developer has or will be appealing the impact fees, the developer must submit a letter of protest at the time the impact fee payment is made.

E. When impact fees have been paid and a determination of a fee reduction is made in the appeal process, a refund or credit for future site fees will be made. No refund will be allowed to exceed the amount of the total impact fees paid for a particular development.

18.152.100 Impact fee fund.

Impact fee funds will be created and established under SMC Title 3. The finance department will establish separate accounts and maintain records for each type of impact fee.

18.152.110 Expenditures.

Impact fees for system improvements are expended in conformance with the capital facilities plan. Impact fees must be expended or encumbered for a permissible use within ten (10) years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary and compelling reasons shall be identified in written findings by the City Council.

18.152.120 Refunds.

A. The current owner of property on which an impact fee has been paid may receive a refund of such fee if the city fails to expend or encumber the impact fees within six (6) years of collection,.

B. In determining whether there has been an encumbrance, impact fees must be considered encumbered on a first-in, first-out basis. The current owner likewise may receive a proportionate refund when the public funding of applicable service area projects by the end of such six (6) year period has been insufficient to satisfy the ratio of public to private funding. The city will notify potential claimants by certified mail (return receipt requested) deposited with the United States Postal Service at the last known address of each claimant.

C. The request for a refund must be submitted to the city council in writing within one (1) year of the date the right to claim a refund arises or within one (1) year of the date notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for refund has been made as herein provided, are retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection include any interest earned on the impact fees.

D. A developer may request and receive a refund, including any interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted. Fees for processing a refund are established by the Sultan Annual Fee Schedule.

18.152.130 Impact fee as additional and supplemental requirement.
The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. In cases where a developer is required to undertake dedication or construction of an off-site water, sewer, or transportation improvement contained in the city capital facility plan, the normal impact fee amount for that type of facility will be reduced by the value of the required off-site improvements.

18.152.140 Existing authority unimpaired.
Nothing in this chapter precludes the city from requiring the fee-payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with this chapter and with RCW 43.21C.065 and 82.02.100.

Chapter 18.154
SCHOOL DISTRICT IMPACT FEES

Sections:

18.154.010 Findings and authority.
18.154.020 Definitions.
18.154.030 School district eligibility.
18.154.040 School facilities plan requirements and procedures.
18.154.050 School impact fee.
18.154.060 Impact fee accounting.
18.154.070 Exemptions.
18.154.080 Credits.
18.154.090 Adjustments, waivers, appeals and arbitration.
18.154.100 Existing authority unimpaired.
18.154.110 Severability.

18.154.010 Findings and authority.

The City Council of the City of Sultan hereby finds and determines that new residential development in the city of Sultan will create additional demand and need for school facilities in the city of Sultan and that new residential development should pay a proportionate share of the cost of the school facilities needed to serve new residential development. Therefore, pursuant to Chapter 82.02 RCW, the City Council adopts this chapter to assess impact fees for school facilities. The provisions of this chapter are liberally construed in order to carry out the purposes of the City Council in establishing the impact fee program.

18.154.020 Definitions.

The following definitions apply to this chapter:

A. "Act" means the Growth Management Act, Chapter 36.70A RCW et seq. as now in existence or as hereafter amended.

B. "Building permit" means an official document or certification which is issued by the building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

C. "Capital facilities" means the facilities or improvements included in a capital budget.

D. "Capital facilities plan" means the capital facilities plan adopted by the board of directors of Sultan School District No. 311.

E. "Director" means the city of Sultan city planner/planning (community development) director.

F. "District capital facilities" means facilities owned or operated by District No. 311, or the facilities or improvements included in the district's capital budget and/or capital facilities plan.

G. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
H. "Fee-payer" is the responsible party for a land use or construction permit for residential development.
I. "Impact fee" means a payment of money imposed by the City of Sultan on the development of all residential improvements pursuant to this chapter as a condition of granting a land use permit and/or a building permit in order to pay for the school facilities needed to serve new residential growth and development. "Impact fee" does not include any permit fees, application fee, administrative fee for collecting and handling school impact fees, cost of reviewing independent fee calculations, or administrative fee required for an appeal pursuant to this chapter.
J. "Impact fee account" means the account established for the school facilities for which impact fees are collected.
K. "Independent fee calculation" means the school impact calculation, and/or economic documentation prepared by a fee-payer, or District No. 311, to support the assessment of an impact fee other than the fee schedule adopted in accordance with SMC 18.154.050(B).
L. "Interest" means the average interest rate earned by District No. 311 in the last fiscal year, if not otherwise defined.
M. "Land use permit" is a consolidated development approval or permit issued pursuant to the unified development code.
N. "Owner" means the owner of record of real property or the owner's authorized agent.
O. "Residential development" means a house, apartment, mobile home, manufactured home, modular home or other dwelling unit used as a permanent or temporary place of residence.
P. "Sultan School District" or the "district" means Sultan School District No. 311, Snohomish County, Washington.

18.154.030 School district eligibility.

A. School Capital Facilities Plan Required. The Sultan School District is eligible to receive school impact fees upon adoption by the city Council of a six-year school capital facilities plan (CFP). This action will also constitute adoption by the city of the schedule of school impact fees specified in such facilities plan as may be amended by the City Council. The district's plan must meet the applicable requirements of the State Growth Management Act (GMA) and SMC 18.154.040(A).
B. Expiration of District Plan. For purposes of school impact fee eligibility, the district's school CFP expires when an updated plan meeting the requirements of the GMA is adopted by the school district board.

C. Revising the School Capital Facilities Plan (CFP).
   1. The school district may initiate revisions to the school CFP or fee schedule prior to the expiration date of the City Council adopted school CFP. The revised plan must first be approved by the school board and then transmitted to the city. The district's revised plan will then be considered by the City Council as part of the city's annual comprehensive plan amendment process, unless the district school board declares, and the city finds, that an emergency exists.
   2. The Sultan City Council may, by resolution, recommend that the district initiate a review of the school CFP or impact fee schedule prior to the expiration date.
   3. The school CFP may include revised data for the impact fee formula and/or calculations, and a corresponding modification to the fee schedule.

18.154.040 School facilities plan requirements and procedures.

A. Minimum Requirements for the District's School Capital Facilities Plan. To be eligible for school impact fees, the district must submit a six-year school CFP to the city pursuant to the procedure established by this chapter. The plan must be consistent with the city's adopted comprehensive plan. The plan must contain data and analysis necessary and sufficient to meet the requirements of the state GMA and Chapter 82.02 RCW. The plan must provide sufficient detail to allow computation of the fees according to the formula contained in the school CFP.

B. Council Adoption. Following receipt of the school district's CFP or amendment thereto, the City Council will schedule a public hearing to consider adoption or amendment of said plan as part of the city's annual comprehensive plan amendment process.

C. If an updated school CFP has not been adopted by the City Council prior to the existing plan's expiration date the district is not eligible to receive school impact fees until the updated plan has been adopted by the Council.

18.154.050 School impact fee.

A. Fee Required. The city shall collect impact fees from any applicant seeking land use permit approval and/or a building permit from the city for any residential development within the city limits. This includes, but is not limited to, the development of residential land, and may include the expansion of existing uses which creates a demand for additional school facilities. The school impact fee is calculated in accordance with the formula established in the school CFP adopted by the City Council, and incorporated in full by this reference. The school impact fee due and payable is shown in the school CFP. The City Council may adjust the school impact fee, calculated in accordance with said formula, by a multiplier in order to determine the school impact fee due and payable by the applicant.

B. Impact Fee Schedule. The school impact fees specified in the district's school CFP and adopted by the City Council constitutes the city's schedule of school impact fees. The planning and community development department and the school district will keep available an information sheet summarizing the schedule of school impact fees applicable in the city for the convenience of the public.

C. Impact Fee Limitations.
   1. School impact fees are imposed for district capital facilities that are reasonably related to the development under consideration, must not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and must be used for system improvements that will reasonably benefit the new development.
   2. School impact fees must be expended or encumbered for a permissible use within ten (10) years of receipt by the district.
   3. To the extent permitted by law, school impact fees may be collected for district capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities; provided, that school impact fees shall not be imposed to make up for any existing system deficiencies.
   4. A developer required to pay a fee pursuant to RCW 43.21C.060 for district capital facilities are not required to pay a school impact fee pursuant to RCW 82.02.050 through 82.02.090 and this title for the same facilities.

D. Fee Determination.
   1. For all land use and building permits issued by the city, the applicability of school impact fees is determined at the time of building permit application. The amount of the school impact fee, and any administrative fee as set forth in the city of Sultan annual fee schedule, is based on the fee schedule in effect at the time of permit application.
   2. The city's cost of administering the impact fee program, as set forth in the annual fee schedule, is per dwelling unit and must be paid by the applicant to the city as part of the development/building permit fee. Impact fee charges are collected at the time of building permit issuance.

18.154.060 Impact fee accounting.

A. Collection and Transfer of Fees.
   1. School impact fees are due and payable to the City at the time of issuance of building permits for all development activities.
   2. The district will establish an interest-bearing account separate from all other district accounts in which to deposit the impact fees. The City will remit to the district all impact fees collected, with interest, if any. The district must deposit all impact fees received from the city in the impact fee account.

3. The district must institute a procedure for the disposition of impact fees and providing for annual reporting to the city that demonstrates compliance with the requirements of RCW 82.02.070, and other applicable laws.

B. Use of Funds.

1. School impact fees may be used by the district only for capital facilities that are reasonably related to the development for which they were assessed and may be expended only in conformance with the district's adopted school facilities plan.
2. In the event that bonds or similar debt instruments are issued for the advance provision of capital facilities for which school impact fees may be expended, and where consistent with the provisions of the bond covenants and state law, school impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this title.
3. The responsibility for assuring that school impact fees are used for authorized purposes rests with the district. All interest earned on a school impact fee account must be retained in the account and expended for the purpose or purposes for which the school impact fees were imposed, subject to the provisions of subsection (C) of this section.
4. The district must provide the city an annual report showing the source and the amount of school impact fees received by the district and the capital facilities financed in whole or in part with those school impact fees.

C. Refunds.

1. School impact fees not spent or encumbered within ten (10) years after they were collected, or longer where extraordinary or compelling circumstances exist and are identified in writing by the City Council, shall be refunded to the owner of the property for which the impact fees have been paid, upon receipt and review of an accurate claim submitted to the district, together with interest. In determining whether school impact fees have been encumbered, impact fees are considered encumbered on a first-in, first-out basis.
2. Refunds provided for under this section are paid only upon submission of a proper claim submitted to the district. Such claims must be submitted to the city or the district within one (1) year of the date the right to claim the refund arises.
3. Any impact fees for which no application for a refund has been made within the one-year period will be retained by the district and expended on the appropriate school facilities.

18.154.070 Exemptions.

A. The following are exempted from the payment of all school impact fees:
   1. Any form of housing permanently dedicated for senior citizens, defined as over 55 years of age, with the necessary covenants or declarations of restrictions recorded on the property.
   2. Replacement of a residential structure on a site within twelve (12) months of the demolition or removal of the prior residence.
   3. Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing dwelling where no additional units are created.
   4. All nonresidential construction.

B. The director is authorized to determine whether a particular development activity falls within an exemption identified in this section, or other applicable laws.

18.154.080 Credits.

A. The fee-payer must direct the request for a credit or credits to the director who will forward the request to the district. The district first determines the general suitability of the land improvements and/or construction for district purposes. The district then determines whether the land, improvements, and/or the facility constructed are included within the district's adopted capital facilities plan or the board of directors for the district may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the district's capital facilities plan. The district must forward its determination to the director, including cases where the district determines that the dedicated land, improvements, and/or construction are not suitable for district purposes. The director may adopt the determination of the district and must inform the applicant in writing of the adoption of the district's determination.

B. For each request for a credit(s), once the district has determined that the land, improvements, and/or construction would be suitable for district purposes, the district will select an appraiser. The appraiser is directed to determine for the district the value of the dedicated land, improvements, or construction provided by the fee-payer on a case-by-case basis.

C. The fee-payer must pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the district may be providing to the fee-payer in the event that a credit is awarded.

D. After receiving the appraisal, the district must provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or another adequate description of the project or development to which the credit may be applied. The applicant must sign, date and return a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate. The district must receive the signed letter before the impact fee credit will be awarded. The failure of the applicant to sign, date,

and return such document within sixty (60) calendar days voids the credit. The district must notify the city planner/planning director of the credit so that appropriate conditions can be placed on the approved plans and permit.

E. Any claim for credit must be made no later than twenty (20) calendar days after the submission of an application for a building permit.

F. For each request for a credit for significant past tax payments made for particular school system improvements, the fee-payer must submit receipts and a calculation of past tax payments earmarked for or proratable to the particular school system improvements.

18.154.090 Adjustments, waivers, appeals and arbitration.

A. Administrative Adjustment of Fee Amount.

1. An applicant for a building permit or the school district may submit a letter to the director requesting an adjustment to the impact fees imposed by this Chapter. The letter must be received within twenty (21) days of acceptance by the City of a complete building permit application. The director may adjust the amount or waive the entire fee, in consideration of studies and data submitted by the developer and the district, if one of the following circumstances exists:
   a. The school impact fee assessment is demonstrated to be incorrectly calculated; and/or
   b. Unusual circumstances of the development activity demonstrate that application of the school impact fee to the development would be unfair or unjust.
2. To avoid delay pending resolution of the adjustment or appeal, school impact fees may be paid under protest in order to obtain a development approval.
3. Failure to exhaust this administrative remedy precludes appeals of the school impact fee pursuant to subsection (B) of this section.

B. Appeals of Decisions – Procedure.

1. The director's final impact fee determination may be appealed to the hearing examiner under the provisions of Chapter 18.42 SMC, Administration, and Chapter 2.26 SMC, hearing examiner. The appeal provisions of Chapter 18.42 SMC shall govern appeals of mitigation requirements imposed pursuant to this chapter.
2. At the hearing, the appellant has the burden of proof, which must be met by a preponderance of the evidence. The impact fee may be modified upon findings supporting the criteria contained in subsection (A) of this section. Appeals are limited to application of the impact fee provisions to the specific development activity and the provisions of this Chapter are presumed valid.

C. Arbitration of Disputes. With the consent of the developer and the district, a dispute regarding imposition or calculation of a school impact fee may be resolved by arbitration.

18.154.100 Existing authority unimpaired.

Nothing in this chapter precludes the city from requiring the fee-payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with this chapter and with RCW 43.21C.065 and 82.02.100.

18.154.110 Severability.

If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding does not affect the validity or enforceability of any other section of this chapter.

Division V. Mobile/Manufactured Homes

Chapter 18.160
MOBILE / MANUFACTURED HOMES – GENERAL

Sections:

18.160.010 Purpose.
18.160.020 Applicability.
18.160.030 Definitions.
18.160.040 Class designation.
18.160.050 Minimum standards for manufactured homes on individual lots.
18.160.060 General siting requirements.
18.160.070 Replacement of a nonconforming manufactured home on an individual lot.
18.160.080 Replacement of existing or approved manufactured home on an individual lot.
18.160.090 Prohibited residential occupancy or use.
18.160.100 Manufactured Homes: Caretaker Residence.

18.160.010 Purpose.

It is the intent of this Chapter to set forth the terms and conditions under which manufactured and mobile single-family homes may be sited. It is the purpose of this Chapter to set forth terms and conditions applicable to manufactured homes equivalent to those for all other dwellings in order to not discriminate against the placement and use of manufactured homes.

The provisions established herein are intended to assure that the siting of mobile and manufactured homes in residential districts is harmonious with the surrounding residential uses and preserves the general character and integrity of the neighborhood. Nothing in this Chapter permits housing designs or construction standards that do not meet the standards of a historic district where applicable.

This Chapter is not intended to address the use of manufactured homes in commercial or industrial zones.

18.160.020 Applicability.

A. This Chapter applies to the siting of manufactured homes on individual lots in all residential zones in the City:
   1. Low Density Residential (LDR)
   2. Moderate Density Residential (MDR), and
   3. High Density Residential (HDR).
B. Manufactured homes are permitted in residential zones only as provided and further defined in this Chapter.

18.160.030 Definitions.

A. "Manufactured home" means a structure which is designed and built as a permanent dwelling unit but which is:
   1. Not constructed in accordance with the standards set forth in the International Building Code (IBC), the International Residential Code (IRC) and local codes applicable to site built homes, and

B. Is constructed with an integral frame of "I" beams or tubular steel which is the structural foundation of the home itself and which provides the attachment for transport assemblies used to tow the manufactured home to the point of use. This definition does not include modular homes, commercial coach, or recreational vehicles.

C. "Manufactured home, Class A" means a new multi-wide manufactured home certified as meeting or exceeding the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development and the "acceptable similarity" appearance standards in accordance with Section 18.160.050.

D. "Manufactured home, Class B" means a new manufactured home certified as meeting or exceeding the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development but does not satisfy the "acceptable similarity" appearance standards in accordance with Section 18.160.050.

E. "Manufactured home, Class C" means a used manufactured home certified as meeting the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development which upon inspection is found to be in good condition and safe and fit for human occupancy.

F. "Manufactured home, Class D" means used manufactured homes whether or not certified as meeting the U.S. Department of Housing and Urban Development Construction and Safety Standards or prior codes, found on inspection to be in poor condition and unsafe or unfit for residential occupancy. Class D manufactured homes shall not be placed within the City of Sultan.

G. "Manufactured Home Park" means a residential use in which more than one manufactured home is located on a parcel of land under single ownership.

H. "Manufactured home subdivision" means a platted subdivision in which lots are dedicated for placement of manufactured homes on individually owned lots.

I. "Mobile home" means any vehicle or similar portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles, which meets the standards of the Washington Department of Labor and Industries.

J. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes

applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

K. "Recreational vehicle" means a vehicular type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled, or driven. This definition includes, but is not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats, snowmobiles, go carts, motorcycles, and dune-buggies. Recreational vehicles designed as temporary living units are prohibited as permanent dwelling units. "Permanent" for the purpose of this section is defined as occupancy by a person for more than four (4) weeks in one consecutive twelve (12) month period.

18.106.040 Classification designation.

A. The Director or his designee will determine the classification of a manufactured home based on the definition of each classification, architectural elevations or photographs of all sides of the home, exterior dimensions, roof slopes, exterior finish, and where appropriate, an inspection of the manufactured home.

B. A class designation may be appealed to the Hearing Examiner as set forth in Chapter 18.42, Closed Record Appeals.

18.160.050 Minimum standards for manufactured homes on individual lots.

In addition to meeting the standards in Section 18.160.030, Class A manufactured homes are those new single-family dwellings (as defined in RCW 35.63.160) whose original design and construction have been determined, by the standards prescribed below, to be similar in design and appearance to site built housing at current construction standards:

A. Dimensions. The home is comprised of at least two fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long.

B. Roof Construction.

1. The pitch of the home's roof has a minimum vertical rise of four (4) feet for every twelve (12) feet of horizontal run.
2. The roof is finished with a type of shingle that is commonly used in standard residential construction, such as a composition or wood shake or shingle, or similar material.
3. The roof is constructed with a minimum designed snow load of thirty (30) pounds per square foot.

C. Exterior Finish. The exterior siding consists of wood, hardboard, aluminum, vinyl, plastic, steel, or other siding material (covered or painted, but in no case

exceeding the reflectivity of gloss white paint), plastic, steel (or other siding materials) comparable in composition, appearance, and durability to the exterior siding commonly used on conventional site-built International Residential Code (IRC) single-family residences.

D. Foundation. A continuous, permanent masonry/concrete foundation, interrupted only for required ventilation, flood compliance, and access, is installed under the home.

E. Insulation. Insulation must be thermally equivalent to the standards in the Washington State Energy Code.

F. Towing Apparatus Removed. The tongue, axles, transporting lights, and removable towing apparatus must be removed after placement on the lot and before occupancy.

18.160.060 General siting requirements.

Placement of manufactured homes in the City of Sultan is subject to the following general siting requirements:

A. Development Authorization Required. Any manufactured home placed in the city must first receive a development authorization. (See Chapter 18.12.)

B. Placement of Manufactured Homes as Permanent Dwelling Units.
   1. All manufactured homes sited on individual lots, not including lots in manufactured home parks, must be Class A, multi-wide.
   2. Manufactured homes placed on individual residential lots are subject to Level I review. (See Chapter 18.18.)
   3. Manufactured homes placed in an approved manufactured home subdivision are subject to Level I review. (See Chapter 18.18.)
   4. Manufactured homes placed in manufactured home parks may be Class A, B or C. Manufactured home placement in a manufactured home park is subject to Level I review. (See Section 18.160.050 for specific siting standards.)
   5. Class D manufactured homes must not be placed within the city of Sultan.

C. Placement of Manufactured Homes as Temporary Dwelling Units. Temporary placement of a manufactured home is allowed in any zoning district subject to Level III review. (See Chapter 18.168, Temporary Placement of Manufactured Homes for Elderly Care.)

D. Code Compliance. All manufactured homes must be installed in compliance with applicable city codes and applicable state codes.

E. All manufactured homes placed within the city must first be certified as meeting the 1974 National Mobile Home Construction and Safety Standards, U.S. Department of HUD and all subsequent amendments.

18.160.070 Replacement of a nonconforming manufactured home on an individual lot.

Level I review applies to an application to replace a nonconforming manufactured home with a conforming manufactured home. A nonconforming manufactured home being replaced by another manufactured home can only be replaced by a Class A manufactured home, and shall not be replaced by a Class B, C or D manufactured home.

18.160.080 Replacement of existing or approved manufactured home on an individual lot.

An existing or approved manufactured home on an individually owned lot can only be replaced with a site-built structure, or a Class A manufactured home. Class B, C or D manufactured homes can not be placed on individually owned lots except as caretaker residences as provided in Section 18.160.100 below.

18.160.090 Recreational Vehicles: Prohibited residential occupancy or use.

A. Recreational vehicles as defined in Chapter 18.04 are prohibited from connecting to residential sewer systems, water systems, or any permanent connections to other residential utilities. Recreational vehicles must not be used as a residence or occupied for temporary use for more than four (4) weeks in a consecutive twelve (12) month period, except as may be provided in Recreation Vehicle Parks.

B. No recreational vehicle or manufactured home can be used as an accessory structure to a residence or to accommodate a residential accessory use.

18.160.100 Manufactured Homes: Caretaker Residences.

A. As provided by Table 18.162.020, manufactured homes may be used as residential structures in the Highway Commercial and Industrial Manufacturing zones to house caretakers/guards employed by the business occupying the site. Level 1 review for such placement shall be approved by the Director upon written findings demonstrating compliance with the criteria and standards listed in B below.

B. The applicant/business owner shall provide written information to support the following criteria and standards:

1. The caretaker residence is required for protection of particularly valuable or vulnerable structures, products, or materials that are not sufficiently protected by typical fences, gates, alarm systems, and light systems.
2. The property and the business located thereon are arranged and constructed such that an on-site caretaker/guard will provide a significantly increased level of security and protection for the facility.
3. Periodic patrol by off-site security guards does not provide a reasonable and prudent alternative to on-site housing of a caretaker/guard.

C. A permit for placement of a manufactured home for a caretaker/guard is issued to the business making the application. The permit does not run with the land upon which the business is located.
D. If the business closes, or changes in such a way that the caretaker residence is no longer needed, the home shall be removed from the site within 60 days of the closure or change. .
E. A caretaker residence permit is to be issued as a temporary revocable permit based on the provisions of item C. and D. above. As a condition of the permit issuance, the applicant and property owner must sign a document agreeing to the above conditions and agreeing to remove the home at their expense as provided in C. and D. above, and agreeing to authorize the City to engage a contractor to remove said home and charge the property owner for such expenses, and to place a lien on the property to secure said payment.

Chapter 18.162
TABLE OF REVIEW LEVELS FOR MOBILE/MANUFACTURED HOMES

Sections:

18.162.010 Purpose
18.162.020 Table of review levels for mobile/manufactured homes.

18.162.010 Purpose

The purpose of this Chapter is to provide for placement of various types of manufactured housing in various zones and for various purposes. No manufactured home or recreational vehicle shall be occupied in the City of Sultan except as provided in Table 18.162.020.

18.162.020 Table of review levels for mobile/manufactured homes.

Table of Review Levels for Mobile/Manufactured Homes

	In Approved or Existing MH Parks	In Approved or Existing MH Subdivision	Highway Commercial (HC) and Industrial (IM) Caretaker (See Note 6)	On Individual Lots In Residential Zones		
				HDR	MDR	LDR
Class A, Multi-wide	1	1	1	1	1	1
Class B, Multi-wide	1	X	1	X	X	X
Class B, Single-wide	1	X	1	X	X	X
Class C, Single or Multi-wide which meets "acceptable similarity" appearance standards	1	X	X	X	X	X
Class D						
Manufactured Home Parks	N/A	N/A	X	3	3	3
Manufactured Home Subdivision	N/A	N/A	X	X	4	4
Recreational Vehicle, for residential use (5)	X	X	X	X	X	X

Key:
1. = Permitted Use, Level I Review
2. = Permitted Use, Level II Review
3. = Permitted Use, Level III Review
4. = Permitted Use, Subject to Subdivision Process, SMC 19.06, 19.08, 19.10

X = Not Permitted

Note (5): Recreational vehicles may be occupied temporarily as provided in Section 18.160.090.

Note (6): Manufactured homes permitted only as caretaker residence for commercial or industrial uses as permitted by Section 18.160.100.

Chapter 18.164
MANUFACTURED HOME PARKS

Sections:

18.164.010 Purpose.
18.164.020 Locations permitted.
18.164.030 Procedure for approval.
18.164.040 Application requirements.
18.164.050 Development standards for manufactured home parks and manufactured home placement.
18.164.060 Final manufactured home park plan approval.
18.164.070 Installation permit process.
18.164.080 Adjustments.
18.164.090 Expiration of manufactured home park approval.

18.164.010 Purpose.

It is the purpose of this Chapter to establish a procedure to accommodate the placement of manufactured homes in designated park developments where individual spaces are leased or rented and not sold to the occupants. It is a further purpose of this Chapter to establish specific performance standards for the design of such park developments and establish minimum siting standards for placement of manufactured homes.

18.164.020 Locations permitted.

Manufactured home parks are permitted as shown in Chapter 18.162, Table of Review Levels for Mobile/Manufactured Homes.

18.164.030 Procedure for approval.

Manufactured Home Park applications are administered according to this Chapter and Level III Review Procedure.

18.164.040 Application requirements.

A. Each application must contain detailed plans including the following:
   1. Scale and north arrow of plan.
   2. Boundaries and dimensions of the manufactured home park and number of acres included.
   3. Vicinity map showing the relationship of the development to adjacent properties.
   4. Location and dimensions of each space with such spaces designated by number or other designation.
   5. Location and dimension of each existing or proposed building.
   6. Location and width of roadways and pedestrian ways.
   7. Location and specifications of each lighting fixture for exterior lighting.
   8. Location of recreational and other common areas.

9. Location and type of landscaping, fences, walls, and other screening structures.
10. Location, arrangement, and design of all parking facilities.
11. Location of fire hydrants.
12. Enlarged site plan of typical space showing location of foundation, base, storage space, parking, utility connections, and other improvements.
13. Topography of the park site with contours indicated and a drainage plan.
14. Proposed public or private water and sanitary sewer systems.
15. Solid waste disposal system and structures.
16. Deed or preliminary title report certifying ownership.

18.164.050 Development standards for manufactured home parks and manufactured home placement.

The following standards and requirements govern the development of manufactured home parks and placement of manufactured homes.

A. Manufactured Home Class Designation:
All manufactured homes placed in a manufactured home park must be designated Class C or better (See Chapter 18.160).

B. Dimensional Standards:
1. No manufactured home park can be created on a parcel of less than one (1) acre in area.
2. All manufactured homes must be located at least twenty (20) feet from the perimeter of the park.
3. Spaces within the park must be a minimum of three thousand (3,000) square feet in size and thirty (30) feet in width.
4. Maximum area coverage permitted for each individual space is seventy-five (75%) percent.
5. Only one manufactured home is permitted per space.
6. Setback and separation requirements in manufactured home parks established after January 1, 2014:
   a. Manufactured homes and attached accessory structures: No closer than five (5) feet from lot line.
   b. Detached accessory structures: No closer than six (6) feet from any other structure unless an intervening fire wall is provided.
   c. Detached accessory structures 120 square feet or less: No closer than three (3) feet from a designated lot line.
   d. Detached accessory structures more than 120 square feet: No closer than five (5) feet from a designated lot line. No manufactured home may be placed closer than five (5) feet from any manufactured home park street.
7. Setback and separation requirements in manufactured home parks established before January 1, 2014:

a. Manufactured homes: No closer than three (3) feet from any designated lot line. No closer than six (6) feet from any other manufactured home, carport, or awning unless an intervening fire wall is provided.
b. Attached carports and awnings: No closer than three (3) feet from a designated lot line unless an integral automatic sprinkler system is installed in the manufactured home or an intervening fire wall is installed.
c. Detached accessory structures: No closer than three (3) feet from a designated lot line unless an intervening fire wall is provided. No closer than six (6) feet from another structure unless an intervening fire wall is provided.
d. Where previous installations have not met rear yard setback requirements, the rear yard setback for newly installed units shall meet or exceed the average of the rear yard of the abutting dwellings.
e. No manufactured home may be placed closer than five (5) feet from any manufactured home park street.

C. Park Streets:

1. All manufactured home parks shall have direct access to a dedicated street or State highway. Minimum frontage on a public street or State highway is sixty (60) feet. Additional access points may be required.
2. All drives within a park must be paved to a width of twenty (20) feet; drives along which parking is permitted must provide eight (8) additional feet in pavement width for each side upon which parking is permitted.
3. Drive pavements consist of four (4) inches of crushed rock base overlaid with one and one-half (1-1/2") inches of plant hot mix wearing surface. A two (2) inch asphalt base may be substituted for the four (4) inch crushed rock base.
4. Each manufactured home space must have direct access to an interior park drive and in no case can individual spaces have direct access to a street along the periphery of the park.
5. Curbs and gutters may be required as part of an overall drainage plan.
6. Emergency vehicle access and maneuvering shall be provided as required by the fire marshal's office.

D. Parking Space Requirements:

1. Two (2) paved or graveled (Four (4") inches of screened gravel or crushed rock size 1-1/2–0) off-street parking spaces, each with minimum dimensions of nine (9) by nineteen (19) feet, must be provided for each manufactured home space.
2. Paved parking for guests must also be provided in every manufactured home park based on a ratio of one (1) parking space for each four (4) manufactured home sites. Paving standards are the same as for mobile home park streets.

E. Landscaping/Screening:
   1. There must be screening on all sides of a park perimeter consisting of a sight-obscuring fence a minimum if six (6) feet in height or dense evergreen hedge as defined in section 18.84, designed to constitute a solid planting to a minimum height of six (6) feet.
   2. A minimum of fifteen (15%) percent of the gross park site area must be landscaped common open space usable as outdoor recreation area and developed for that purpose commensurate with the needs of the anticipated residents. Neither landscaped areas of individual spaces nor paved drives contribute to this percentage.

F. Park Maintenance:
   1. It is the responsibility of the park owner or manager to assure that all required landscaped areas and perimeter screening are perpetually maintained.
   2. It is the responsibility of the park owner or manager to keep the park free of unsightly brush, leaves, weeds, and debris.

G. Signs:
   1. Signs identifying a Manufactured Home Park are subject to the regulations of the underlying zone. See Division IV, Signs.

H. Additional Standards:
   1. All spaces must be provided with a foundation base in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 and rules, regulations adopted thereunder, including:
      a. Regulations and interpretations of the State of Washington Department of Labor and Industries adopted pursuant to U.S. Department of Housing and Urban Development rules.
      b. Information supplied by the manufacture of the manufactured home.
   2. Not more than ten (10%) percent of a manufactured home park area may be used to accommodate transient recreational vehicles.
   3. Electrical distribution and telephone service systems and all other utilities to each space shall be underground except for outlets and risers at each space.
   4. No installation permits can be issued without proof of an electrical permit.
   5. Adequate street lighting must be provided within the park.
   6. All manufactured homes placed within a park must provide foundation fascia of weather resistant materials installed around the entire perimeter of the base of the unit prior to occupancy.
   7. All removable towing devices must be removed.
   8. A designated storage area for recreational vehicles, boats, or trailers may be provided. If provided, a six (6) foot high, sight obscuring fence must be erected around the perimeter of such storage area. Storage of recreational vehicles, boats, or trailers on individual manufactured home spaces or required parking stalls is prohibited.

9. Use of recreational vehicles for permanent residences is prohibited.

18.164.060 Final manufactured home park plan approval.

Following Hearing Examiner approval, the developer must submit the Final Manufactured Home Park Plan to the city. The Final Manufactured Home Park Plan consists of an official survey of the exterior boundaries, roads, manufactured home spaces and common areas. Utility systems must be stamped by a certified engineer.

A. The Plan must also include all items 1 – 16 of Section 18.164.040.
B. The Plan must provide certification of approval of the community development director, the city engineer, and the fire marshal.

18.164.070 Issuance of an installation permit.

A. The Building Official can issue only manufactured home installation permits and certificates of occupancy which conform to the approved Final Plans of park development and all other applicable sections of this Chapter and other city ordinances and regulations.
B. No installation permit for manufactured homes can be issued prior to completion of manufactured home park improvements, including drives, screening, and landscaping of required common open spaces.

18.164.080 Adjustments.

No major changes such as rearrangement of spaces, blocks, or drives may be made to an approved manufactured home park plan without completing the procedures provided under this Chapter for original manufactured home park approval.

18.164.090 Expiration of manufactured home park approval.

A. If construction has not been started within one (1) year from the date of approval of the manufactured home park, or if construction has been commenced but work has been abandoned for a period of one (1) year or more, and if no extension has been granted as provided in subsection B of this Section, authorization granted for the park and all permits related thereto expire and are null and void.
B. The Director may approve a twelve (12) month extension provided:
    1. That termination of the manufactured home park approval would result in an unreasonable hardship to the developer of the land involved; or
    2. That unforeseen conditions and circumstances caused the delay in development; or
    3. That an extension of time will not be adverse to interests of neighboring property owners or the community.

Chapter 18.166
MANUFACTURED HOME SUBDIVISION

Sections:

18.166.010 Purpose.
18.166.020 Locations permitted.
18.166.030 Procedure for approval.
18.166.040 Development standards.
18.166.050 Issuance of an installation permit.

18.166.010 Purpose.

It is the purpose of this Chapter to establish a process to permit the placement of manufactured homes on individually owned lots in manufactured home subdivisions.

18.166.020 Locations permitted.

A manufactured home subdivision is permitted in zones as indicated in Chapter 18.162, Table of Review Levels for Mobile/Manufactured Homes.

18.166.030 Procedure for approval.

A. A manufactured home subdivision requires a Level IV Land Division Development Authorization. (See Sultan Municipal Code Chapter 19.28)
B. A manufactured home subdivision must be developed in accordance with all procedures and requirements of Sultan Municipal Code Title 19, Subdivision Code, Chapters 19.06, 19.08, and 19.10 and all procedural chapters relating to processing of subdivisions.
C. A manufactured home subdivision shall conform to all dimensional and development standards specified by the zone which applies to the property.

18.166.040 Development standards.

A. All manufactured homes placed in a manufactured home subdivision must be Class A, multi-wide.
B. All manufactured home subdivisions must contain ten (10) or more lots.

18.166.050 Issuance of an installation permit.

No installation permits can be issued and no buildings or structures or manufactured homes constructed or placed within a manufactured home subdivision until the subdivision has been reviewed and approved in accordance with Section 18.166.030 above.

Chapter 18.168
TEMPORARY PLACEMENT OF MANUFACTURED HOMES FOR CARE OF INFIRM OR ELDERLY PERSONS

Sections:

18.168.010 Purpose.
18.168.020 Locations permitted.
18.168.030 Placement standards.
18.168.040 Issuance of an installation permit.
18.168.050 Permit expiration.

18.168.010 Purpose.

It is the purpose of this Chapter to regulate the temporary placement of manufactured homes in the community for the provision of home care to infirm or elderly persons.

18.168.020 Locations permitted.

Temporary placement of manufactured homes for the purpose of this Chapter is allowed in Low Density Residential, Moderate Density Residential, and High Density Residential zones.

18.168.030 Placement standards.

In addition to meeting all other requirements of this Chapter and Code, the temporary installation of a manufactured home for home care of infirm or elderly persons must comply with the following standards and limitations:

A. Temporary placement of manufactured homes requires a Level III Development Authorization.
B. Manufactured homes placed under the provisions of the Chapter must be Class C or better.
C. The medical hardship for which home care is required must be certified by a physician.
D. The applicant property owner must certify that the person to reside in the home is a member of the applicant's family, and describe the relationship to the proposed occupant.
E. The manufactured home must be located in the side or rear yards, behind the front building line, and comply with the height and setback requirements of the zone in which the unit is to be located.
F. The manufactured home must be connected to city water and sewer according to the provisions of Chapter 18.94.
G. Only one manufactured home can be placed on a given lot under the provisions of this Chapter.
H. The applicant must, on an annual basis, renew his/her Development Authorization for the temporary placement of a manufactured home by certifying in writing to the Director that the conditions under which the original permit was

granted have not changed. The applicant's certification must be accompanied by a written statement from a physician verifying the continued medical hardship.

I. After a period of five (5) years the applicant must reapply with a complete application for approval under the provisions of a Level III Development Authorization. Only one extension will be approved to a maximum of ten (10) years.

J. As a condition of approval, the applicant must execute a binding contract authorizing the City to have the home removed should the applicant fail to do so when required by Section 18.168.050; or if the applicant fails to adhere to the authorization renewal requirements; or to any other standard of this Chapter. The binding contract must authorize the City to charge the applicant for costs incurred and/or to place a lien against the property for recovery of those costs.

18.168.040 Issuance of an installation permit.

No installation permit can be issued for the placement of a manufactured home as provided in this Chapter prior to the approval of the Development Authorization.

18.168.050 Permit expiration.

When the original need for the manufactured home ceases, the manufactured home must be removed within ninety (90) days.

DIVISION VII: DISCRETIONARY PERMITS

Chapter 18.180
CONDITIONAL USE PERMIT PROCEDURES

Sections:

18.180.010 Purpose
18.180.020 Conditional Use Required, Described.
18.180.030 Conditional Use Procedure.
18.180.040 General Review Criteria.
18.180.050 Specific Review Criteria.
18.180.060 Conditions of Approval.
18.180.070 Revocation.
18.180.080 Modification of Existing Conditional Uses.
18.180.090 Expiration of Approval
18.180.100 Performance Bond
18.180.110 Application for Rehearing
18.180.021 Appeals

18.180.010 Purpose.

It is recognized that certain uses, while generally appropriate to an area or zone, require special consideration prior to their being permitted at any particular location.

The Conditional Use process provides a formal process for the applicant, the community, city staff, and the Hearing Examiner to review and address the particular combination of circumstances involved in developing the proposed use at the proposed location.

The Hearing Examiner process is employed in the Conditional Use process to determine development conditions and improvements necessary for a conditional use to meet the approval criteria listed in Sections 18.180.040 and 18.180.050 below.

18.180.020 Conditional Use Required, Described

A. Development of any use listed as a Conditional Use in the Table of Permitted Land Uses, Chapter 18.70, or the expansion or alteration of an existing Conditional Use, is subject to issuance of a Conditional Use Permit as provided in this chapter.
B. Uses not listed as Conditional Uses in the Table of Permitted Land Uses, Chapter 18.70 are not to be applied for or approved under the provisions of this chapter.
C. Conditional uses are identified as Level III uses in the Table of Permitted Land Uses, Chapter 18.70. The purpose of this level of review shall be to insure that the use, if approved, will reasonably satisfy the criteria specified in Section 18.180.030 and 18.180.040. To accomplish this purpose, the Hearing Examiner may require

conditions of development as specified in this Chapter or any other applicable parts of local or state codes or statutes that are necessary to achieve compliance with applicable codes.

D. Uses listed as conditional uses in various zones in the Table of Permitted Land Uses, Chapter 18.70 are presumed to be valid uses in the particular zone, subject to the Hearing Examiner's findings and approval. To be meaningful to the final decision, citizen objection to a Conditional Use at the Hearing Examiner's public hearing must be based on criteria and standards that the objector asserts are not met by the proposal. Objection based on the use itself absent reference to specific criteria and/or required development standards is not cause for denial of the proposal.

E. There may be situations in which the conditions necessary to proper placement of a Conditional Use cannot be achieved at a particular site. For this reason, nothing contained herein shall be construed to require the Hearing Examiner to authorize a Conditional Use Permit.

18.180.030 Conditional use procedure.

A. A Conditional Use procedure shall be initiated by a property owner or his representative on forms provided by and filed with the Department, and accompanied by the appropriate administrative fee as specified by the Sultan Fee Schedule.

B. Conditional use applications shall be processed according to Level III Review procedures as specified in Chapter 18.22.

C. Public Notice for Conditional Use procedures shall be as specified for Level III processes in Chapter 18.36.

D. The Hearing Examiner shall hear and decide Conditional Use proceedings according to applicable provisions of Chapter 2.26.

18.180.040 General review criteria.

To determine approval of a conditional use proposal, the Hearing Examiner shall make findings and conclusions in support of all of the following criteria:

A. The proposed use meets or exceeds the development and performance standards that are required in the district in which it is located, and any specific standards for the particular use as provided in SMC 18.120 through 18.138, and all other applicable provisions of this Title ; and

B. The proposal meets all applicable standards of SMC Title 17, Environment; and

C. The proposal is designed and can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity; and

D. The proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and

E. The proposal's impacts can be appropriately mitigated through the application of conditions of approval; and

F. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

18.180.050 Specific review criteria.

A. Chapters 18.120 through 18.136 of this Title, Division III, Supplementary Use Provisions, provide additional specific criteria for certain uses. For any use specified in those Chapters, those specific criteria are to be addressed by the applicant and the Hearing Examiner and carry the the same importance and effect as the General Criteria Section 18.18.030 above.

B. To ensure the compliance of the above conditions, the Hearing Examiner shall have the authority to require and approve specific plans, to increase the requirements set forth above, and the requirements specified elsewhere in this Code. But in no case shall the Hearing Examiner have the authority to decrease the requirements of this Code through the Conditional Use Permit process. Any such decrease in the requirements of this Code shall only be granted upon the approval of a Variance request.

18.180.060 Conditions of approval.

To ensure that a Conditional Use proposal meets the general criteria, the Hearing Examiner may impose any of the following conditions as part of a Conditional Use Permit. Each condition imposed shall be accompanied by a finding which supports such a condition. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use.

A. The manner in which the use is conducted may be limited, including restricting hours of operation and imposing restraints to minimize such environmental effects as noise, vibration, air pollution, glare, or odor.

B. A special yard, other open space or lot area or dimension in excess of any specified minimum may be established.

C. The height, size, or location of a building or other structure may be limited.

D. The size, number, location, and nature of vehicle access points may be designated.

E. Required street dedication, roadway width, or improvements within the street right-of-way on adjacent streets may be increased.

F. The size, location, screening, drainage, surfacing, or other improvement of a parking or loading area may be designated.

G. An overall drainage plan of the property and construction of drainage ways, sumps, and other drainage structures may be required.

H. The number, size, location, height, and lighting of signs may be specified.

I. The location and intensity of outdoor lighting may be limited, and shielding may be required.

J. Screening, landscaping, or other methods to protect adjacent or nearby property from noise, light, traffic, or litter may be required. The Hearing Examiner may set standards for installation and maintenance.

K. The size, height, location, and materials for a fence may be specified.

L. Protection and preservation of existing trees, vegetation, or water resources shall be encouraged.

M. Other legally enforceable development and environmental protection standards as determined applicable and necessary.

18.180.070 Revocation.

A. The Hearing Examiner may revoke or modify a Conditional Use Permit under certain circumstances. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by fraud;
2. That the use for which such approval was granted has been abandoned;
3. That the use for which such approval was granted has at any time ceased for one (1) year or more; or
4. That the permit granted is being exercised contrary to the terms of the conditions of such approval, or in violation of any statute, resolution, code, law, or regulation.

B. Before a Conditional Use Permit may be revoked or modified, a public hearing shall be held. Procedures concerning public notice shall be the same as those required by this Code for the initial consideration of the Conditional Use Permit application.

18.180.080 Modification of existing conditional uses.

Modifications of existing conditional uses, or additions to such uses, shall require application for a conditional use permit as provided by this Chapter.

18.180.090 Expiration of approval.

A. A Conditional Use Permit shall be void after one (1) year from Hearing Examiner approval unless progress on the terms of the CUP have substantially begun within that time.

B. The Director may extend authorization for an additional period of six (6) months for reasons such as health, financial, or administrative problems incurred by the applicant during the permit period. The Director must make a finding that:

1. The delay is justified by circumstances beyond the applicant's control, and
2. That the six (6) month extension can reasonably be expected to remedy the circumstances.

18.180.100 Performance bond.

A performance bond or suitable guarantee may be required by the Hearing Examiner for any elements of the proposed project which the Hearing Examiner determines are crucial to the protection of the public welfare and are necessary to insure completion of required improvements.

18.180.110 Application for rehearing.

No application for a Conditional Use shall be considered by the Hearing Examiner within one (1) year of a denial of the same or similar request, unless in the opinion of the Hearing Examiner, new evidence or circumstances warrant reconsideration within that time.

18.180.120 Appeal.

Decisions by the Hearing Examiner for Conditional Uses may be appealed in accordance with Chapter 18.42, Closed Record Decision and Appeals.

Chapter 18.182
VARIANCES

Sections:

18.182.010 Description and purpose.
18.182.020 Minor variance.
18.182.030 Referral of minor variance.
18.182.040 Conditions for granting variance.
18.182.050 Reasonable Use Variance, Critical Areas Regulations Only.
18.182.060 Application filing requirements.
18.182.070 Expiration of approval.
18.182.080 Prohibited variance.
18.182.090 Performance bond.
18.182.100 Application for rehearing.
18.182.110 Appeal.

18.182.010 Description and purpose.

The purpose of this chapter is to establish the procedures and criteria that the city will use in making a decision upon an application for a variance from the provisions of the zoning code, consistent with Title 35A.63. RCW.

A. A variance is a mechanism by which the city may grant relief from the provisions of the zoning code where physical characteristics of the subject property render compliance with the dimensional or development standard requirements of this Code an unnecessary hardship, and where the purpose of the code and of the Comprehensive Plan can be fulfilled without fully complying with said dimensional or development standards.

B. A variance is not issued to allow a use that is not permitted in the zone that applies to the subject property. Such a "use variance" is not a valid application, and shall not be accepted or processed.

C. Application for a variance shall not be accepted or processed in cases where a zone change or zone text amendment is the appropriate administrative procedure.

18.182.020 Minor variance.

A. A Minor Variance is a variance of up to ten (10%) percent of any specified dimensional requirement of this Code, generally, but not specifically limited to yard setback requirements and building height limitations.

B. In accordance with Level I processing procedures, Chapter 18.18, the director may authorize a Minor Variance after making written findings in support of all criteria listed in Section18.182.040 C, below.

C. Application for a Minor Variance shall be made on forms provided by the department, and shall be accompanied by an application fee as provided in the Sultan Fee Schedule current at the time of application.

18.182.030 Referral of minor variance.

The director may, for stated cause, defer decision on a Minor Variance, and refer it to the hearing examiner. In such cases, the hearing examiner's decision shall substitute for the director's decision, and Level III procedures and appeal procedures shall be employed.

18.182.040 Conditions for granting variance.

In authorizing a Variance, the director (for Minor Variance applications) and the hearing examiner (for all applications other than Minor Variance) shall make written findings that the following conditions have been met:

A. Exceptional or extraordinary circumstances apply to the property itself such as lot size, shape, or topography, which do not apply generally to other properties in the same zone or vicinity, and result from a situation over which the applicant has no control.

B. The Variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

C. The granting of the proposed Variance will not be materially detrimental to property within the vicinity in respects such as: public safety, traffic, noise, health and sanitation, and hours of operation.

D. The granting of a Variance shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district.

E. It must be shown that a material hardship unwarranted within the intent of this Code will exist if the Variance is not granted, and that the hardship cannot be remedied by other means.

F. The hardship demonstrated must not be self-created, and must relate to the land itself and not to problems personal to the applicant.

G. The Variance permitted shall be the minimum Variance which will mitigate the hardship.

18.182.050 Reasonable Use Variance, Critical Areas Regulations Only.

A. Reasonable Use Variance Described:

In cases where implementation of the Stormwater Management Performance Standards, the Critical Areas Regulations, the Flood Damage Prevention Code, the Wellfield/Groundwater Protection Regulations, the Shoreline Master Program, and other environmental protection programs of the City, region, State, and Federal governments combine to prohibit all uses of a property, the property owner is entitled to use the property for the least intensive use available in the zone that applies to the property. This is referred to as a Reasonable Use Variance.

B. Reasonable Use Variance Procedure:
   1. A proposal for a Reasonable Use Variance must be supported by documentation that the applicable environmental management regulations combine to prevent all use of the subject property. This means that all scientific studies necessary to address all applicable environmental management codes have been undertaken by qualified professional consultants at the property owner's expense, and that their work has collectively determined that no use of the property is allowed by the applicable codes.
   2. In considering a Reasonable Use Variance, the hearing examiner shall make written findings regarding the following criteria:
      a. Based upon full implementation of all applicable environmental management regulations, there is no reasonable use of the property left if the requested variance is not granted;
      b. The need for the variance is not the result of actions of the applicant or property owner;
      c. The use proposed is the least intensive use available in the zone that applies to the property; and
      d. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905.

C. Upon completion of written findings that support all of the criteria in item B. 2. above, the Director is authorized to issue a Reasonable Use Variance authorizing development of the least intensive use allowed in the zone that applies to the subject property. (For example: The least intensive use available in a residential zone would be one single family residence on the subject parcel. A permit for a duplex, multi-family, or more intensive use will not be allowed.)

18.182.060 Application filing requirements.

A written application for a Variance shall be made to the Department on forms prescribed by that office. An application shall not be considered complete until the following is provided:

A. A completed application form accompanied by application fees as provided by the Sultan Fee Schedule;

B. Any other information determined necessary by the Director to adequately review the proposal.

18.182.070 Expiration of approval.

The hearing examiner shall prescribe a time limit within which the action for which the Variance is requested shall be begun or completed or both. Failure to begin or complete or both such actions within the time limit set shall void the Variance approval.

DIVISION VIII: NONCONFORMING SITUATIONS

Chapter 18.190
NONCONFORMING SITUATIONS

Sections:

18.190.010 Purpose and definitions
18.190.020 Continuation of nonconforming situations.
18.190.030 Conforming use protected.
18.190.040 Nonconforming lots.
18.190.050 Repair, maintenance and reconstruction.
18.190.060 Discontinuance of nonconforming situations.
18.190.070 Completion of nonconforming projects.
18.190.080 Sale of nonconforming use or structure.
18.190.090 Application for rehearing.
18.190.100 Appeal.

18.190.010 Purpose and definitions.

Within the districts established by this code, or amendments that may later be adopted, there exist lots, structures, and uses of lots or structures, which were lawful prior to adoption of this code, but which would be prohibited, regulated or restricted under the terms of this code. These preexisting lots, structures, and uses are called "nonconforming situations."

This Chapter provides for the regulation of these legal nonconforming situations and specifies the circumstances, conditions, and procedures under which such nonconformities shall be permitted to continue.

18.190.020 Continuation of nonconforming situations.

A. Unless otherwise specifically provided in this chapter and subject to the restrictions and qualifications set forth in this chapter, nonconforming situations that were otherwise lawful on the effective date of this code may be continued.

B. Nonconforming projects may be completed only in accordance with Section 18.190.070, Completion of Nonconforming Projects.

18.190.030 Conforming use protected.

Persons applying for uses permitted outright or conditionally, or persons operating such uses in a lawful manner, are held safe from objection or remonstrance by persons owning, occupying, or using nonconforming situations within the same zoning district.

18.190.040 Nonconforming lots.

A. When a nonconforming lot can be used in conformity with all the regulations applicable to the intended use, except that the lot is smaller than the required minimum set forth in Chapter 18.82, the lot may be used as proposed just as if it

were conforming; provided, no use (e.g., a duplex) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

B. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot be complied with, the applicant may apply for a variance prior to issuance of a development authorization and building permit.

18.190.050 Repair, maintenance and reconstruction.

A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

B. Major renovations or reconstruction, i.e., work estimated to cost over twenty-five percent of the replacement costs of the structure, may be done only in accordance with conditional use procedures (Level III), Chapter 18.22. In addition to the general criteria of Section 18.22.040, all the following criteria shall be met when repairs or reconstruction costs are greater than fifty percent of the replacement cost:

1. The proposed repair or reconstruction does not materially increase noise, odor, traffic, or other adverse effects on surrounding property that conforms to the provisions of the zone applicable to the property.
2. The proposed repair or reconstruction does not increase the nonconformity of the structure or use.
3. Expansion, enlargement, repair or reconstruction of a nonconforming residential accessory structure may be permitted under Level I processing when the nonconformity is a result of setback issues, and placement of accessory structures on the rear side property lines is a common neighborhood characteristic.

C. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building ordered by any official charged with protecting public safety.

18.190.060 Discontinuance of nonconforming situations.

A. A nonconforming situation shall become discontinued when:

1. The nonconforming use is replaced by an approved Level I, II, or III use allowed in the zone; or
2. It is succeeded by another use or structure that is less nonconforming; or
3. It is discontinued and not reestablished within six months; or
4. A nonconforming structure and/or a structure occupied by a nonconforming use is damaged by any cause, and application for a building permit to repair, rebuild, or replace the structure is not made within six months of such damage.

B. When a nonconforming situation is discontinued, the structure or use shall thereafter conform to the regulations for the district in which it is located;

provided, when discontinuance results from a lapse in use, the following shall apply:

1. Single-family residences may be vacant for a period greater than six months without losing nonconforming status provided tenants for the structure are continuously and actively sought.
2. When a nonconforming use or structure other than a single-family residence has been vacant or discontinued as applicable, for more than six months, the hearing examiner may consider an application for a different nonconforming use or structure following procedures outlined for a Special Use Permit, Chapter 18.192.

18.190.070 Completion of nonconforming projects.

When a Development Authorization has been issued for a structure or use which was legal prior to adoption of this code, the structure or use may be completed according to the approved plans even though the structure or use or both are nonconforming unless the date of the Authorization expires or activity ceases under a Building Permit.

18.190.080 Sale of nonconforming use or structure.

Property classed as nonconforming may be transferred without that fact alone affecting the right to continue the nonconforming situation.

18.190.090 Application for rehearing.

If an application for enlargement, extension, repair, or reconstruction of a nonconforming situation is denied, another application for enlargement, extension, repair, or reconstruction of the nonconforming situation shall not be filed within a period of one (1) year from the date of denial.

18.190.100 Appeal.

Decisions by the Hearing Examiner for Nonconforming Situations may be appealed in accordance with Chapter 18.42, Closed Record Decision and Appeals.

Chapter 18.192
SPECIAL USE PERMITS

Sections:

18.192.010 Purpose and definition
18.192.020 Development authorization applications
18.192.030 Review criteria
18.192.040 Inappropriate applications
18.192.050 Discontinuance of a special use permit
18.192.060 Change to a different use or structure
18.192.065 Expiration of approval
18.192.070 Reapplication
18.192.080 Fees
18.192.090 Appeal

18.192.010 Purpose and definition.

Property that loses its nonconforming status as a result of the restrictions of Section 18.190.A.3 or 18.190.A.4 may, over time, become a detriment to the neighborhood, simply due to the effects of abandonment. The purpose of this Chapter is to establish a process and review criteria by which a proposal may be considered, on a case-by-case basis, to replace a previously discontinued nonconforming situation with another use or structure which may not fully meet the current criteria of the district in which it is located. A permit which authorizes such a use or structure is called a special use permit.

18.192.020 Development authorization applications.

A special use permit request requires a Level III development authorization.

18.192.030 Review criteria.

Applications for a special use permit will be reviewed following the general review criteria decision process of Section 18.180.040 and conditions of approval of Section 18.180.060 used to evaluate conditional use requests. However, a special use does not enjoy the presumption that it is generally appropriate as does a conditional use. Therefore, in addition to the above, it is the burden of the applicant to:

A. Demonstrate that approval of the request will benefit the general welfare of the community; and
B. That options for conforming reuse of the structure are not demonstrated to be economically viable.

18.192.040 Inappropriate applications.

A special use permit application applies only to those situations involving the discontinuance of a nonconforming use status because of lapse in use (see Section 18.190.070.A.3 or 18.190.070.A.4. A special use permit shall not be granted in cases where the appropriate administrative procedure is one of the following:

A. A rezone or zone text amendment;

B. Conversion of an historic structure.

18.192.050 Discontinuance of a special use permit.

A special use permit shall become discontinued when:

A. The special use is replaced by an approved Level I, II, or III use allowed in the zone;

B. It is discontinued and not reestablished within eighteen months;

C. It is damaged and application for rebuilding or replacement is not made within six months of such damage; or

D. The use or structure which has been permitted is altered or modified or otherwise changed to such a degree that the use or structure is no longer in compliance with the conditions of the special use permit.

18.192.060 Change to a different use or structure.

A special use permit is granted based on criteria and development standards for a specific proposal; it may not be used for any other proposal which would otherwise need a special use permit. If a special use permit is discontinued, any future use of the property shall:

A. Conform to the current regulations of the zoning district in which it is located; or

B. Be permitted only after application and approval of another special use permit following the procedures outlined in this Chapter.

18.192.065 Expiration of approval.

A special use permit shall expire after one year unless terms of the permit have begun or have been substantially completed within that time required by the approving authority. The director may extend authorization for an additional period of six months for reasons such as health, financial, or administrative problems incurred by the applicant during the permit period. The director must make a finding that the delay is justified by circumstances beyond the applicant's control, and that the six-month extension can reasonably be expected to remedy the circumstances.

18.192.070 Reapplication.

No application for a special use permit shall be considered by the approving authority within one year of a denial of the same or similar request, unless the director first determines that new evidence or circumstances warrant reconsideration within that time.

18.192.080 Fees.

The fee for a special use permit shall be the same as the fee for a Conditional Use.

18.192.090 Appeal.

Decisions by the hearing examiner for special use may be appealed in accordance with Chapter 18.42, Closed Record Decisions and Appeals.

DIVISION IX: AMENDMENTS

Chapter 18.200
SITE-SPECIFIC MAP AMENDMENTS

Sections:

18.200.010 Purpose.
18.200.020 Characteristics of Site Specific Map Amendment.
18.200.030 Who may initiate.
18.200.040 Procedure.
18.200.050 Review criteria for site specific map amendment:
18.200.060 Submittal requirements.
18.200.070 Record of amendments.
18.200.080 Limits on reapplication.

18.200.010 Purpose.

The purpose of this Chapter is to establish the procedures for Site-Specific Map Amendments. A "site-specific map amendment" is a change in the Official Zoning Map from one existing zone to another existing zone.

18.200.020 Characteristics of Site Specific Map Amendment.

Site-specific map amendment applications shall only be accepted when the proposal meets all of the following:

A. The proposal involves reclassification of land from one existing land use zoning district to another existing zoning district.
B. The proposed zoning change is specific to a single property, or a contiguous group of properties under ownership of not more than three separate owners.
C. The subject land involved shall comprise a total of not more than 10 acres.

18.200.030 Who may initiate.

Site-specific map amendments may be initiated by:

A. The City Council by adoption of a motion;
B. The City Administrator by submittal of a staff request to and affirmation by the Council;
C. The Planning Board by adoption of a motion;
D. The Community Development Director by submittal of a staff request and affirmation by the Planning Board;
E. Any property owner or contract purchaser or authorized agent requesting a rezone of property in conformance with the restrictions listed in 18.200.020 above, and the requirements for Submittal provided in 18.200.060 below.

18.200.040 Procedure.

A. A site-specific map amendment is a quasi-judicial process which requires review according to the provisions of Chapter 18.24, Level IV Review.
B. The hearing examiner is the reviewing body/hearing body for a site-specific map amendment. Following a public hearing on the proposal, the hearing examiner's recommendation will be sent to the city council for its consideration.
C. The hearing examiner shall not recommend approval of an amendment request unless he/she makes written findings to that such request meets all of the criteria in 18.200.050 below.
D. Map Amendments Requiring Comprehensive Plan Amendments. If a map amendment requires a comprehensive plan amendment, then such amendments shall be processed concurrently. This combined process will occur in accordance with the comprehensive plan amendment process provided in Chapter 18.28 through the Comprehensive Plan Docket schedule.
E. The city council is responsible for the approval or denial of a site-specific map amendment according to the following:
    1. Within 30 days of receiving a recommendation on an amendment request from the hearing examiner the city council shall act on the request at a public meeting where it shall conduct a closed-record review of the findings and recommendation of the hearing examiner.
    2. The Council shall either; remand, grant, grant with modifications or deny the amendment request.
    3. Prior to granting an amendment, the city council must conclude that the request is consistent with the Review Criteria listed in Section 18.200.050 below.
    4. Amendments shall be official upon adoption of an ordinance granting the request.

18.200.050 Review criteria for site specific map amendment:

The decision on a proposed amendment shall be based on findings as they relate to the following:

A. The proposed amendment is consistent with applicable goals and policies of the comprehensive plan; and
B. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property; and
C. The property is suited for the uses allowed in the proposed zoning classification; and
D. Public facilities such as roads, sewer and water and other public facilities are adequate to support the proposed amendment; and
E. For amendments initiated under SMC 18.200.040(D), that there are changed conditions since the previous zoning, title adoption or title amendment to warrant the proposed amendment; and

F. The proposed amendment will promote the public health, safety, and general welfare.

18.200.060 Submittal requirements.

Application for a site specific map amendment shall be made on forms approved by the city, and shall include the following information:

A. A vicinity map, showing the location of the site in relation to nearby streets and properties;
B. A summary table (if available) of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with city regulations;
C. A written statement addressing the decision criteria as set forth in SMC 18.200.050;
D. A perimeter legal description of the property, including parcel number(s);
E. A statement to effect that the applicant or applicants are sole owners of the property;
F. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from SEPA review;
G. Payment of applicable fees, as provided by the Sultan Fee Schedule;
H. Any other pertinent information as required by the planning director or the prescribed application form.

18.200.070 Record of amendments.

All amendments to the zoning map will be recorded and indexed by the city clerk.

18.200.080 Limits on reapplication.

No application for a map amendment shall be considered within one year of denial of the same or similar request, unless in the opinion of the Planning Commission or the City Council new evidence or circumstances warrant reconsideration within that time.

Chapter 18.202
LARGE-SCALE MAP AMENDMENTS

Sections:

18.202.010 Purpose.
18.202.020 Characteristics of Large-scale Map Amendment.
18.202.030 Who may initiate.
18.202.040 Procedure.
18.202.050 Review criteria for large scale map amendment:
18.202.060 Submittal requirements.
18.202.070 Record of amendments.
18.202.080 Limits on reapplication.

18.202.010 Purpose.

The purpose of this Chapter is to establish the procedures for Large-scale Map Amendments. A "Large-scale map amendment" is a change in the Official Zoning Map from one existing zone to another existing zone involving multiple ownerships and/or large parcels that have the potential to be developed into a neighborhood scale development.

18.202.020 Characteristics of Site Specific Map Amendment.

Large-scale map amendment applications shall only be accepted when the proposal meets of the following:

C. The proposal involves reclassification of land from one existing land use zoning district to another existing zoning district, and either or both of B and C below;
D. The proposed zoning change is specific to a group of properties under ownership of more than three separate owners.
E. The subject land involved shall comprise a total of more than 10 acres.

18.202.030 Who may initiate.

Large-scale map amendments may be initiated by:

A. The City Council by adoption of a motion;
B. The City Administrator by submittal of a staff request to and affirmation by the Council;
C. The Planning Board by adoption of a motion;
D. The Community Development Director by submittal of a staff request and affirmation by the Planning Board;
E. Any property owner or contract purchaser or authorized agent requesting a rezone of property in conformance with the restrictions listed in 18.202.020 above, and the requirements for Submittal provided in 18.202.060 below.

18.202.040 Procedure.

A. A Large-scale map amendment is a legislative process which requires review according to the provisions of Chapter 18.26, Level V Review.

B. The planning board is the reviewing body/hearing body for a large-scale map amendment. Following a public hearing on the proposal, the planning board's recommendation will be sent to the City Council for its consideration. The planning board's recommendation shall include a recommendation as to whether the Council should conduct a second public hearing on the proposal prior to making its decision as provided in Chapter 18.26.

C. The planning board shall not recommend approval of an amendment request unless it makes written findings that such request meets all of the criteria in 18.202.050 below.

D. Map Amendments Requiring Comprehensive Plan Amendments. If a map amendment requires a Comprehensive Plan amendment, then such amendments shall be processed concurrently. This combined process will occur in accordance with the Comprehensive Plan amendment process provided in Chapter 18.28.

E. The city council is responsible for the approval or denial of a large-scale map amendment according to the following:

1. Within 60 days of receiving a recommendation on an amendment request from the planning board the city council shall act on the request at a public meeting where it shall conduct a closed-record review of the findings and recommendation of the planning board.
2. The planning board may recommend that the Council conduct a public hearing on the proposal according to provisions of Chapter 18.26.
3. The Council shall determine whether to hold a public hearing according to provisions of Chapter 18.26.
4. The Council shall either; remand, grant, grant with modifications or deny the amendment request.
5. Prior to granting an amendment, the city council must conclude that the request is consistent with the Review Criteria listed in Section 18.202.050 below, and affirm or modify the planning board's written findings.
6. Amendments shall be official upon adoption of an ordinance granting the request.

18.202.050 Review criteria for large scale map amendment:

The decision on a proposed amendment shall be based on findings as they relate to the following:

A. The proposed amendment is consistent with applicable goals and policies of the comprehensive plan; and

B. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property; and
C. The property is suited for the uses allowed in the proposed zoning classification; and
D. Public facilities such as roads, sewer and water and other public facilities are adequate to support the proposed amendment; and
E. For amendments initiated under SMC 18.200.040(E), that there are changed conditions since the previous zoning, title adoption or title amendment to warrant the proposed amendment; and
F. The proposed amendment will promote the public health, safety, and general welfare.

18.202.060 Submittal requirements.

Application for a large-scale map amendment shall be made on forms prescribed by the city, and shall include the following information:

A. A vicinity map, showing the location of the site in relation to nearby streets and properties;
B. A summary table of, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with city regulations;
C. A written statement addressing the decision criteria as set forth in SMC 18.202.050;
D. A perimeter legal description of the property, including parcel number(s);
E. A completed SEPA checklist (for environmental review), unless the proposal is categorically exempt from SEPA review;
F. Payment of applicable fees, as provided by the Sultan Fee Schedule;
G. Any other pertinent information as required by the planning director or the prescribed application form.

18.202.070 Record of amendments.

All amendments to the zoning map will be recorded and indexed by the city clerk.

18.202.080 Limits on reapplication.

No application for a map amendment shall be considered within one year of denial of the same or similar request, unless in the opinion of the Planning Commission or the City Council new evidence or circumstances warrant reconsideration within that time.

Chapter 18.204
ZONING TEXT AMENDMENTS

Sections:

18.204.010 Purpose.
18.204.020 Characteristics of a text amendment.
18.204.030 Who may initiate.
18.204.040 Procedure.
18.204.050 Review criteria for text amendment:
18.204.060 Submittal requirements.
18.204.070 Record of amendments.
18.204.080 Limits on reapplication.

18.204.010 Purpose.

The purpose of this chapter is to establish the procedures for Amendments to the text of this Title. A "Text Amendment" is a change to the language of the Zoning Code. Because such a change applies to all of the community, not just to a particular parcel or ownership of property, a text amendment is a Level V legislative action of the City Council.

18.204.020 Characteristics of a Text Amendment.

Text amendment applications shall only be accepted when the proposal meets of the following:

A. The proposal seeks to either modify of existing language, or addnew language;
B. The proposal seeks to implements policy of the Comprehensive Plan, or;
C. If the proposal involves new policy that is not contained in the Comprehensive Plan, it shall be processed according to 18.204.040 D. below.

18.204.030 Who may initiate.

Zoning text amendments may be initiated by:

A. The City Council by adoption of a motion;
B. The City Administrator by submittal of a staff request to and affirmation by the Council;
C. The Planning Board by adoption of a motion;
D. The Community Development Director by submittal of a staff request and affirmation by the Planning Board;
E. Any person requesting a change in conformance with the restrictions listed in 18.204.020 above, and the requirements for Submittal provided in 18.204.060 below.

18.204.040 Procedure.

A. A text amendment is a legislative process which requires review according to the provisions of Chapter 18.26, Level V Review.

B. The planning board is the reviewing body/hearing body for a text amendment. Following a public hearing on the proposal, the planning board's recommendation will be sent to the City Council for its consideration. The planning board's recommendation shall include a recommendation as to whether the council should conduct a public hearing on the proposal prior to making its decision as provided in Chapter 18.26.

C. The planning board shall not recommend approval of a text amendment request unless it makes written findings that such request meets all of the criteria in 18.202.050 below.

D. Text Amendments Requiring Comprehensive Plan Amendments. If a text amendment requires a Comprehensive Plan amendment, then such amendments shall be processed concurrently. This combined process will occur in accordance with the Comprehensive Plan amendment process provided in Chapter 18.28 through the Comprehensive Plan Docket schedule.

E. The City Council is responsible for the approval or denial of a text amendment according to the following:

1. Within 30 days of receiving a recommendation on an amendment request from the planning board the City Council shall act on the request at a public meeting where it shall conduct a closed-record review of the findings and recommendation of the planning board.
2. The planning board may recommend that the City Council conduct a public hearing on the proposal according to provisions of Chapter 18.26.
7. The Council shall determine whether to hold a public hearing according to provisions of Chapter 18.26.
8. The Council shall either; remand, grant, grant with modifications or deny the amendment request.
9. Prior to granting an amendment, the City Council must conclude that the request is consistent with the Review Criteria listed in Section 18.204.050 below, and affirm or modify the planning board's written findings.
10. Amendments shall be official upon adoption of an ordinance granting the request.

18.204.050 Review criteria for text amendment:

The decision on a proposed amendment shall be based on findings as they relate to the following:

A. The proposed amendment is consistent with applicable goals and policies of the comprehensive plan; and

B. For amendments initiated under SMC 18.204.040(D), that there are changed conditions since the previous zoning, title adoption or title amendment to warrant the proposed amendment; and
C. The proposed amendment will promote the public health, safety, and general welfare.

18.204.060 Submittal requirements.
Application for a text amendment shall be made on forms prescribed by the city, and shall include the following information:

A. The written language and/or graphic depiction proposed to be changed or added to the code;
B. A complete detailed written description of the reasons for the proposed amendment;
C. A detailed discussion of the potential positive and negative outcomes that the community will experience if the proposal is adopted;
D. A complete analysis of applicable Comprehensive Plan Policies that are in support of and in contradiction to the proposed amendment;
E. A description of the applicant's interest in the proposal;
F. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from SEPA review;
G. Payment of applicable fees, as provided by the Sultan Fee Schedule;
H. Any other pertinent information as required by the planning director or the prescribed application form.

18.204.070 Record of amendments.
All amendments to the zoning text will be recorded and indexed by the city clerk.

18.204.080 Limits on reapplication.
No application for a text amendment shall be considered within one year of denial of the same or similar request, unless in the opinion of the Planning Board or the City Council new evidence or circumstances warrant reconsideration within that time.

CHAPTER 18.206
PREZONE

Sections:

18.206.010 Purpose.
18.206.020 Applicabilty and Effect of Prezone.
18.206.030 Public Process.

18.206.010 Purpose.

The purpose of the prezone process, as authorized by RCW 35A.14.330, is to adopt proposed zoning regulations in the city's Urban Growth Area to become effective upon the annexation of such area at any future time. Such proposed zoning regulations are to be in the interest of health, safety, morals and the general welfare of the community.

The prezone process is intended to give notice to the public and property owners concerning the future intended zoning provisions that will apply to the land upon annexation to the city.

It is further intended to streamline the annexation process when property owners petition for annexation of prezoned areas in that the applicant(s) will not have to undertake the zoning process at their own initiative and expense. As the city has already prezoned the property, the petitioner(s) may proceed directly to the annexation process.

18.206.020 Applicability and Effect of Prezoning.

As determined appropriate, the City Council, upon advisement from the planning board, may act to prezone all or any portion of the city's Urban Growth Area.

A. The effect of prezoning is to establish, through the prescribed public process, the zoning that will apply to the land upon annexation prior to initiation of the annexation process.
B. The zoning of the land remains unchanged, and under Snohomish County jurisdiction until such time as the property is annexed.
C. Upon annexation of property that has been prezoned, the zone established by the prezone process becomes effective without further zoning map amendment processes.
D. Upon receipt of a petition to annex prezoned property, the City Council may determine that the existing prezone is no longer appropriate, and may direct a new zoning map amendment process according to Chapter 18.202 of this code prior to completion of the annexation process. Such action shall be at the expense of the city. The annexation petitioner shall not be responsible for fees related to this zoning amendment process.

18.206.030 Public Process.

A. As provided in RCW 35A.14.340, the City Council shall hold two public hearings on the proposed prezone. The required hearings shall be at least thirty (30) days apart.

B. The City Council shall schedule said public hearing process upon receipt of a recommendation from the planning board. The board's recommendation shall contain findings concerning the comprehensive plan policies that support and are implemented by the proposed prezone.

C. Prezoning is a Level VII Review procedure as provided in Chapter 18.30 of this title. Level VII process applies to prezoning processes except as modified in this Chapter.

Chapter 18.208
ANNEXATION

Sections:

18.208.010 Purpose.
18.208.020 Relationship to State Statutes.
18.208.030 Relationship to Comprehensive Plan.
18.208.040 Relationship to Prezone Process.
18.208.050 Public Notice of Annexation Proceedings.

18.208.010 Purpose.

The purpose of this chapter is to establish the procedures for annexation to the City of Sultan, and to integrate the Pre-zone process of Chapter 18.206 with the annexation process.

18.208.020 Relationship to State Statutes.

A. Property may be annexed to the city as authorized by Chapter 35A.14 RCW, as amended. Annexation is a Level VII process (Chapter 18.30), initiated as provided in Chapter 35A.14 RCW. Annexation proposals shall be initiated through forms approved by the department.
B. Annexations are exempt from State Environmental Policy Act (SEPA) review pursuant to RCW 43.21C.222, as amended.

18.208.030 Annexation Relationship to Comprehensive Plan.

Annexation of property shall be consistent with the land use and annexation policies of the Comprehensive Plan's Land Use Element. As soon as practicable upon initiation of annexation proceedings, the department shall determine whether or not the proposed annexation area has been prezoned, and whether or not such prezone designation(s) are consistent with and implement the Comprehensive Plan.

18.208.040 Annexation Relationship to Prezone Process .

A. Property within the Urban Growth Area which has been prezoned by a proposed zoning regulation pursuant to RCW 35A.14.330 and 35A.14.340, as those statutes may be amended, will automatically be zoned in conformance with the land use designation prescribed for that property by the City Council through the prezone process unless the proposed zoning designation is changed as provided herein.
B. Where property is prezoned, and the prezone designation is inconsistent with the Comprehensive Plan, the City Council, upon consideration of the annexation proposal, may determine zoning requirements as follows:
    1. The prezone designation for the property may be changed concurrently with annexation by a proposed zoning regulation pursuant to RCW 35A.14.330 and 35A.14.340, as those statutes may be amended; or

2. The prezone designation shall be applied upon annexation, and the zoning designation for the property shall be amended through the rezone process after annexation.

C. Where property has not been prezoned, the City Council upon consideration of the annexation proposal may determine the zoning requirements as follows:
   1. The city may adopt a zoning designation for the property pursuant to RCW 35A.63.100 which is consistent with and implements the Comprehensive Plan; or
   2. The property shall be deemed to be included in the Zoning Map as MDR, Moderate Density Residential.

D. The deemed zoning designation may be amended through the rezone process after annexation, and the department is directed to process such amendment(s) that may be necessary to make the zoning designation(s) for annexed property consistent with the Comprehensive Plan as soon as practicable following the effective date of the annexation.

18.208.050 Public Notice of Annexation Proceedings.

Public notice of annexation proposals shall be as provided generally in Chapter 18.40 and as provided specifically in Section 18.40.090.

Chapter 18.210
Comprehensive Plan Amendment Docket

Sections:

18.210.010 Purpose.
18.210.020 Definitions.
18.210.030 Docket Schedule.

18.210.010 Purpose.

A. This chapter provides the city of Sultan's public participation and notice procedures for action to amend the Sultan Comprehensive Plan.

18.210.020 Definitions.

A. "Comprehensive plan" means the comprehensive plan of the city of Sultan as provided for in Chapter 36.70A RCW.

B. "Comprehensive plan element" means any amendment to a portion of the comprehensive plan including appendices and supporting documents that are adopted by reference.

C. "Docket, Comprehensive Plan" means the schedule for consideration of amendments to the comprehensive plan .

18.210.030 Docket Schedule.

A. As provided by RCW 36.70A, comprehensive plans may only be amended once each year. This annual schedule is defined as the Docket.

B. The docket operates on an annual basis under the following schedule:

1. Applications for the comprehensive plan docket must be submitted by March 1st of each year for consideration in that year.
2. Applications to amend the Comprehensive Plan will be forwarded to the City Council with a staff review concerning the effect of the proposal and the staff recommendation as to whether it should be placed on the Docket.
3. The council shall determine the items to be placed on the Docket at or before the first regular City Council meeting in June of each year.
4. Items determined to be placed on the Docket shall be forwarded to the planning board, along with any information regarding City Council's intent Docket item.
5. The planning board will adjust its work program to accommodate docketed items, and address the items as the work program provides.
6. Not later than October of each year, the planning board will report to the City Council on status of docket items.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1

DATE: June 26

SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:
Attached are the minutes of the June 12, 2014 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:
Approve as submitted.

CITY OF SULTAN COUNCIL MEETING – June 12, 2014

Mayor Pro-tem Neigel called the regular meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: McCarty, Seehuus, Walker, Davenport-Smith, Neigel, Naslund and Beeler. Mayor Eslick arrived at 8 PM; Davenport-Smith left the meeting from 8 PM to 9:10 PM.

PRESENTATIONS:

Drug Education: Tessa Boury gave a presentation on the drug known as "Spice" (synthetic marijuana). Spice is a designer drug and a hallucinogen. There is a wide variety of herbal mixtures sprayed with chemicals to produce experiences similar to Marijuana. It has physical, emotional and social effects. It is legal in 28 states and in 2012, there were 4,000 calls made to poison control centers due to use.

COMMENTS FROM THE PUBLIC:

Ray George: Opposed to the purchase of vactor truck. Were told campaign signs are not allowed on Highway 2. Signs are out; will they be allowed in future elections?

Robert Keck: He received a letter regarding the hazard mitigation grant for property purchase. The person has issues with flooding and should be helped. The City wants to turn into public access location but it is near the tracks and no access to the river. What type of maintenance will be done? Will the city improve the road or will it be no hangout for the bums and thieves.

Kay George: Took friends out to the airport and they were impressed with the view and did not realize there were nice areas in the city. Dyer has industrial area and downtown is not nice. The port-a-potty on the highway should not be paid for by citizens. It was put in for use by the adjacent business owner and he should pay for it. Her neighbor was successful in getting people to quit peeing on her property.

Mark Willett: The property must be open space but there are options available. There is no developed property on either side of the property and it could be left natural. Open space means that there are no building allowed on the parcel. There are no plans or budget for a park on the property. As city property, people would be allowed to use the site.

Gerry Gibson: Written comments regarding the development code for steep slopes and increasing police protection were submitted.

COUNCILMEMBER COMMENTS

McCarty: Worked at the Folk Live Festival and this would be great event for Sultan. Sultan Sportsman Club held the fishing derby and 80 kids attended. At the Parks meeting, off lease dog parks were discussed for crime prevention because they are used 24/7 and people are around. Block watch discussed the use of bicycles for patrol. Gerry Gibson wanted to consider a closed gated community but they would then be responsible for the road maintenance. There is confusion on the signs on the highway – state law prohibits for safety concerns but the city may enact their own rules. On the FEMA, understands the neighbors don't want open space but the city will do what is best for everyone. Will put up more signage for the other parks.

Davenport-Smith: FEMA requires the city turn the property into open space and public access. The Feds want the city to push the sale of the property to eliminate flood lose.

CITY OF SULTAN COUNCIL MEETING – June 12, 2014

Naslund: Exciting week with graduation and student problems. Shindig is July 11th – 13th and carnival tickets are available. The Retreat has been cancelled. Police/Fire Committee is working on plan for the evacuation trail.

Beeler: Asked if the coffee stand has a restroom? If not, the city should not provide one at their expense. Requested the Council consider changing the day of the meeting to Tuesday. City finances – can buy vactor truck but can't use the money to fund a police officer. Spending where it is not needed is an opinion. Staff feels the vactor truck would be beneficial.

Mayor Eslick: Reviewed the volunteer report and noted in 2013 there were 27,522 volunteer hours by the various groups in Sultan – dollar value is $624,474. It is great to have a community working together.

Ken, Walker City Administrator:

1. Toilet: The Boon Town group decided to place a port-a-potty in the park and the business person was not considered. People are stopping to use the picnic area and there will be other improvements to encourage people to stop and shop at the business.
2. Looked for direction on creating an anti-loitering ordinance. Council want to involve the police and make sure it is enforceable.
3. Police expenditures: He met with Rob Beidler regarding the law enforcement budget and the city can add person if they want, however, Mr. Beidler feels the expenditures are appropriate and adequate and it would not be a wise spending of funds.
4. Nuisance ordinance is needed to clean up properties with junk in the right of way. Council supports drafting an ordinance and looking at all the problem properties.
5. Tuesday June 24th there will be a public hearing at the County on the proposed amendment to the comp plan to include the donut hole inside the city. This is the city park property.
6. FEMA buyout: The City sent letters to the residents about the buyout and that it will be public property. Receive comments from 3 people and they were opposed to the purchase.
7. Signs: WSDOT prohibits political signs on the right of way but the city has some options. Would not like signs but it is a council decision. Signs are allowed seasonally for fruit stand.
8. The Master Builders would like to delay the mitigation fee collection. The new development code provides for the delay.
9. The City received an AA- Bond Rating, the bonds sold at a premium and the average interest rate will be 3.27% thanks to the hard work on the part of all the staff members.

STAFF REPORTS – Written Reports Submitted and are on file in the Office of the City Clerk.

1) Code Enforcement
2) Police Report: Chief Beaton provided information on the calls for service over the past three years. The perception is crime is on the rise but the number of calls is actually down. There are problems in the city but more police officers are not needed; more Block Watch participation is needed. The priorities are safety and property damage and driving around to be seen is low on the list. Citizens need to report incidents. Need to provide information to the public and change the perception and need to make the police more visible.
   Council discussed the problems with the homeless and the number of services available to them in the City. The Mayor would like to hold a meeting with all the service providers and find solutions to the problems created.
3) Planning Board Minutes

CITY OF SULTAN COUNCIL MEETING – June 12, 2014

Councilmember Davenport-Smith left at 8 PM

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council. On a motion by Councilmember Seehuus, seconded by Councilmember Beeler, the consent agenda was approved as presented. McCarty – abstained; Seehuus – aye; Walker – aye; Davenport-Smith – not present, Neigel – aye; Naslund – aye; Beeler - aye.

1) Approval of the May 22, 2014 Council Meeting Minutes as on file in the office of the City Clerk.
2) Approval of Vouchers in the amount of $149,445.67 and payroll through May 23, 2014 in the amount of $63,557.12 to be drawn and paid on the proper accounts.

ACTION ITEMS:

Triad Contract for Design for Traveler's Park

The issue before the council is to authorize the Mayor to sign a contract with Triad Engineering & Planning Associates (Triad Associates) to prepare a Conceptual Park Master Plan for Traveler's Park on a pro-bono basis. The City of Sultan has hosted several "Boomtown" meetings to focus on economic development. One area of focus has been on improving Traveler's Park to improve its appearance and functionality to encourage residents and visitors to take greater advantage of the park.

It is important to have a vision and a guiding document for planning a City park. Staff approached Triad Associates (a land development consulting firm specializing in civil engineering, land planning, survey, and landscape architecture based in Kirkland) to request the preparation of a pro-bono Conceptual Park Master Plan. The purpose of the plan will be to provide a guidance document to generally explain concepts to the public, create interest, and to produce an exhibit for grant applications.

On a motion by Councilmember Naslund, seconded by Councilmember Neigel, the Mayor was authorized to sign a contract with Triad Associates to prepare a Conceptual Park Master Plan for Traveler's Park on a pro-bono basis. All ayes.

Ordinance 1198-14 Local Options Authorizing Ordinance

The issue before the Council is to adopt Ordinance 1198-14 to Authorize the Acquisition of Equipment and Execution of a Financing Contract with the State Local Options program to purchase a vactor truck.

At the April 10, 2014 Council meeting, the Council authorized staff to submit a Notice of Intent to the State Local Options program to purchase a vactor truck. The State accepted the Notice of Intent to purchase the vactor truck. In order to purchase the equipment in 2014, the city needs to proceed with the Authorizing Ordinance and submit the required credit application no later than June 20, 2014.

The estimated amount for the purchase is $210,000. The City will be contributing approximately $100,000 from the reserve fund. Prior to July 1, 2014, the city will need to provide the total requested financed amount to the state. The State will be issuing bonds in August of 2014 and will not have another issue until March of 2015. If it is the council's intent to purchase the equipment in 2014, the Council needs to pass the Authorizing Ordinance and approve the Local Agency Financing contract.

Discussion was held regarding a competitive bid process; use of the vehicle; the need to have the equipment available when needed; additional preventative maintenance options; safer option for staff.

Ordinance 1198-14 Local Options Authorizing Ordinance

On a motion by Councilmember Naslund, seconded by Councilmember Walker, Ordinance 1198-14 to Authorize the Acquisition of Equipment and Execution of a Financing Contract with the State Local Options program to purchase a vactor truck was adopted. All ayes except Councilmember McCarty who voted nay.

Ordinance 1197-14 – Geologically Hazardous Areas

The issue is to have first reading of Ordinance 1197-14, Geologically Hazardous Areas Code, SMC 17.10.300. Title 17 of the Sultan Municipal Code contains the City's environmental regulations. The Chapter includes regulations for erosion hazards and landslide hazards. The landslide hazard component of the chapter is outdated and does not contain sufficient standards to address how a steep slope is to be studied before it is developed. It only addresses sites of known landslides, not how to assess whether the proposed development may potentially cause landslides.

The proposed code provides standards for studies that need to be completed on a property that is proposed for development, either for subdivision development or construction of individual structures, on slopes. Two types of slopes are addressed: slopes that have landslide potential, and slopes that are overly steep slopes whether or not they have landslide potential. Professional studies are required of these sites to determine which category they fit into, and what restrictions or additional construction standards are required to permit safe development of the site.

Moratorium Repealed: A moratorium on issuance of building permits is currently in effect through Ordinance 1191-14. The moratorium was enacted to allow time for development of a geologically hazardous areas development code. The attached draft code accomplishes the conditions of the moratorium, and the moratorium is no longer required. Upon adoption of the Geologically Hazardous Areas Code, SMC Chapter 17.10.300, proper standards will be in place to allow building permits to be applied for and reviewed for remaining lots on the lower road, 142nd St. in Timber Ridge.

Street Closure Retained: Despite adoption of the Geologically Hazardous Areas Code, and repeal of the building moratorium, the upper road in Timber Ridge, 141st St. is not yet repaired. Public access to this street must remain closed until a repair plan is approved and construction of approved repairs is completed. The street is currently closed by order of Resolution 11-01. The attached draft Ordnance retains the effect of Resolution 11-01, and 141st St. remains closed until conditions of the Resolution are met. No building will be allowed on lots accessing 141st St. until repeal of Resolution 11-01.

Discussion:

Section 17.10.340 use the word may instead of shall. Will this allow staff to selectively waive? Ordinance will require a report from the engineers prior to waiver. There has been extensive legal review of the ordinance as well as review by geotechnical engineers.

On a motion by Councilmember Beeler, seconded by Councilmember Neigel, Ordinance 1197-14, Geologically Hazardous Areas code SMC 17.10.300, was introduced and passed on to a second reading. All ayes.

Councilmember Davenport-Smith returned to the meeting at 9:10 PM.

FEMA Buyout – Authorization to Proceed with Application

The issue before the Council is to submit a Hazard Mitigation Grant Application to the Military Department Emergency Management Division to purchase a Severely Repetitive Flood Loss property located at 800 Dyer Road, Sultan, WA.

CITY OF SULTAN COUNCIL MEETING – June 12, 2014

FEMA Buyout

The element of the program is to purchase structures that experience severe repetitive flood damage, demolish the structure and create City parkland or open space in perpetuity.
The property owners, Marc and Shannon Willett are willing sellers and eager to work on the bulk of this grant application, with minimal city staff time. They are also working closely with Sarah Davenport-Smith of SDS Municipal Consulting.
At Council's direction at the May 22, 2014 Council meeting, the Letter of Intent was sent to the Department of Military to apply for this grant. At that time, Council directed staff to come back to them for final discussion and vote on whether to apply for the grant.
Discussion: Will be open space but not a park; function of government is to help people; other property owners were not interested in selling; natural growth could be allowed.

On a motion by Councilmember Neigel, seconded by Councilmember Walker, the staff was directed to submit a Hazard Mitigation Grant application to purchase 800 Dyer Road, Sultan WA for the purpose of demolishing all structures on the property and create open space in perpetuity. All ayes with Councilmember Davenport-Smith abstaining and Councilmember Naslund voting nay.

PUBLIC COMMENTS

Kay George: It is clear the city will purchase a vactor truck but they need to buy the appropriate equipment and not over buy like they did with the mower for the water plant. Need to consider use and value.

Mark Willett: Thanks for helping him with the FEMA application. Hope neighbors are able to use as a community garden. It is a beautiful location with birds and wildlife. Good to see returned to native habitat.

COUNCIL RESPONSE TO COMMENTS

McCarty: Would like to see how vactor truck works to see if it saves money.

Adjournment: On a motion by Councilmember Beeler, seconded by Councilmember Walker, the meeting adjourned at 9:30 PM. All ayes.

_____
Carolyn Eslick, Mayor

_____
Laura J. Koenig, City Clerk

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM #: Consent 2

DATE: June 26, 2014

SUBJECT: Voucher Approval - 2014

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:
Attached are the vouchers for approval in the amount of $493,824.06 and payroll through June 6, 2014 in the amount of $77,508.25 to be drawn and paid on the proper accounts.

FISCAL IMPACT: $571,332.31

RECOMMENDATION:
Approve the payment of vouchers as submitted.

City Of Sultan
Voucher Approval
June 26, 2014

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered, or the labor performed as described hereon, and that the claim is just, due and an unpaid obligation against the City of Sultan, and that I am authorized to authenticate and certify to said claim.

_____
Laura J. Koenig, Clerk/Deputy Finance Director

We, the undersigned City Council of Sultan Washington, do hereby certify that the merchandise or services hereinafter specified have been received and the claims are approved for payment in the following amounts:

Payroll Check #29396-97	$	2,951.56
Direct Deposit #12	$	26,539.60
Benefits Check #29348,398-402	$	36,255.43
Tax Deposit #PR12	$	11,761.66
Accounts Payable Checks #29395,404-445	$	484,511.54
ACH Transactions - DOR	$	9,312.52
TOTAL	$	571,332.31

_____
Bob McCarty, Councilmember

_____
John Seehuus, Councilmember

_____
Rocky Walker, Councilmember

_____
Sarah Davenport-Smith, Councilmember

_____
Joe Neigel, Councilmember

_____
Marianne Naslund, Councilmember

_____
Jeffrey Beeler, Councilmember

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 6/18/2014 - 1:16 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
29404	06/18/2014	Alpine	Alpine Commercial Tire	1,239.69	0
29405	06/18/2014	amtest	AM Test	25.00	0
29406	06/18/2014	Aramark	Aramark Uniform Services - AUS We:	294.66	0
29407	06/18/2014	APP	Associated Petroleum Products Inc	1,123.48	0
29408	06/18/2014	blueline	Blueline	4,176.00	0
29409	06/18/2014	blueline	Blueline	6,453.38	0
29410	06/18/2014	Builders	Builders Exchange of Washington, Inc	70.95	0
29411	06/18/2014	Corin	Correctional Industries	696.86	0
29412	06/18/2014	dsquare	D-Square Energy Systems Inc	2,644.40	0
29413	06/18/2014	Herald	Daily Herald, The	25.80	0
29414	06/18/2014	PWTF	Department of Commerce	249,119.55	0
29415	06/18/2014	DOEWa	Department of Ecology	48.00	0
29416	06/18/2014	EvDC	Evergreen District Court	647.16	0
29417	06/18/2014	Eylander	Eylanders Sales & Service Inc	1,368.80	0
29418	06/18/2014	Frontier	Frontier	236.92	0
29419	06/18/2014	GBGeek	Gold Bar Geek	339.38	0
29420	06/18/2014	Gray	Gray & Osborne Inc.	2,261.31	0
29421	06/18/2014	Groco	Groco, Inc	2,401.28	0
29422	06/18/2014	Kenyon	Kenyon Disend PLLC	15,784.58	0
29423	06/18/2014	lowes	Lowes	38.37	0
29424	06/18/2014	Mailfin	Mail Finance	732.66	0
29425	06/18/2014	MotorTru	Motor Trucks Inc	847.27	0
29426	06/18/2014	NWCas	Northwest Cascade Inc	185.50	0
29427	06/18/2014	OASYS	Oasys Office Automation Systems	35.84	0
29428	06/18/2014	ofcdepot	Office Depot	105.69	0
29429	06/18/2014	Panther	Panther Backflow Testing	434.00	0
29430	06/18/2014	PUD 1	PUD	2,745.95	0
29431	06/18/2014	PSE	Puget Sound Energy	258.96	0
29432	06/18/2014	QBS	Quality Buisness Systems	66.06	0
29433	06/18/2014	rh2	RH2 Engineering, Inc.	1,100.38	0
29434	06/18/2014	SCcorrec	Snohomish County Corrections	2,774.43	0
29435	06/18/2014	SCpubwor	Snohomish County Finance	16,930.00	0
29436	06/18/2014	SRDTF	Snohomish County Sheriff	72,886.00	0
29437	06/18/2014	Snopac	Snopac	5,124.71	0
29438	06/18/2014	Springb	Springbrook Software	184.80	0
29439	06/18/2014	Toter	Toter	89,408.38	0
29440	06/18/2014	USBank	US Bank	74.00	0
29441	06/18/2014	BluBook	USA Blue Book	106.81	0
29442	06/18/2014	UULC	Utilities Underground Location Center	18.48	0
29443	06/18/2014	visa	Visa	50.86	0
29444	06/18/2014	visa	Visa	34.01	0
29445	06/18/2014	wlj	White Lightning Janitorial	660.00	0
			Check Total:	483,760.36	

PR12

Payroll

ACH Check Register

User: 'laura.koenig'
Printed: 06/10/2014 - 2:46PM
Batch: 1-6-2014
Include Partial: FALSE

Check Date	Check Number	Employee No	Employee Name	Amount
06/13/2014	0	001	Laura Koenig	1,927.75
06/13/2014	0	004	Donna Murphy	1,343.06
06/13/2014	0	005	Robert Martin	1,705.50
06/13/2014	0	007	Julie Addington	1,422.28
06/13/2014	0	010	Cindy Donk	1,486.75
06/13/2014	0	011	Janice Mann	1,122.08
06/13/2014	0	013	Rosemary Murphy	1,196.15
06/13/2014	0	015	Kenneth Walker	2,154.67
06/13/2014	0	019	Michael Matheson	2,695.56
06/13/2014	0	020	Connie Dunn	2,423.23
06/13/2014	0	025	John Harris	1,899.80
06/13/2014	0	028	Todd Strom	1,584.13
06/13/2014	0	049	Victoria Forte	738.32
06/13/2014	0	072	Carolyn Eslick	461.75
06/13/2014	0	120	Matthew Wood	1,422.54
06/13/2014	0	121	Jason Strauss	1,853.18
06/13/2014	0	123	John Keller	1,102.85

Total Employees: 17 Total: 26,539.60

PR12

Payroll

Computer Check Register

User: laura.koenig
Printed: 06/10/2014 - 2:35PM
Batch: 00001-06-2014 Computer

Check No	Check Date	Employee Information		Amount
29396	06/13/2014	024	Michael Williams	1,566.73
29397	06/13/2014	029	James Barns	1,384.83
Total Number of Employees: 2			Total for Payroll Check Run:	2,951.56

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 6/5/2014 - 3:27 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
29348	06/05/2014	Retire	Department of Retirement	5,927.57	0
			Check Total:	5,927.57	

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 6/12/2014 - 3:14 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
29398	06/12/2014	Retire	Department of Retirement	2,600.00	0
29399	06/12/2014	Retire	Department of Retirement	6,021.92	0
29400	06/12/2014	AWCben	AWC Employee Benefit Trust	19,937.14	0
29401	06/12/2014	AWCben	AWC Employee Benefit Trust	24.00	0
29402	06/12/2014	WATeamTr	Washington Teamsters Welfare Trust	1,744.80	0
			Check Total:	30,327.86	

Checks for Approval

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
29395	06/05/2014	UTILITY WATER FUND	Communication	USPS	225.35
29395	06/05/2014	UTILITY SEWER FUND	Communication	USPS	225.36
29395	06/05/2014	UTILITY GARBAGE FUND	Communication	USPS	225.35
29395	06/05/2014	STORMWATER UTILITY FUND	Communication	USPS	75.12
29398	06/12/2014	GENERAL FUND	Deferred Comp Payable	Department of Retirement	121.51
29398	06/12/2014	STREET FUND	Deferred Comp Payable	Department of Retirement	26.50
29398	06/12/2014	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	1.50
29398	06/12/2014	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	7.50
29398	06/12/2014	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	58.25
29398	06/12/2014	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	43.99
29398	06/12/2014	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	19.49
29398	06/12/2014	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	21.26
29398	06/12/2014	GENERAL FUND	Deferred Comp Payable	Department of Retirement	1,044.52
29398	06/12/2014	STREET FUND	Deferred Comp Payable	Department of Retirement	97.49
29398	06/12/2014	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	4.01
29398	06/12/2014	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	26.49
29398	06/12/2014	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	354.47
29398	06/12/2014	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	547.02
29398	06/12/2014	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	120.75
29398	06/12/2014	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	105.25
29399	06/12/2014	GENERAL FUND	PERS Payable	Department of Retirement	87.77
29399	06/12/2014	GENERAL FUND	PERS Payable	Department of Retirement	47.65
29399	06/12/2014	GENERAL FUND	PERS Payable	Department of Retirement	440.61
29399	06/12/2014	STREET FUND	PERS Payable	Department of Retirement	124.06
29399	06/12/2014	CEMETERY FUND	PERS Payable	Department of Retirement	19.72
29399	06/12/2014	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	27.11
29399	06/12/2014	UTILITY WATER FUND	PERS Payable	Department of Retirement	530.88
29399	06/12/2014	UTILITY SEWER FUND	PERS Payable	Department of Retirement	482.28
29399	06/12/2014	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	281.85
29399	06/12/2014	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	143.15
29399	06/12/2014	GENERAL FUND	PERS Payable	Department of Retirement	824.90
29399	06/12/2014	STREET FUND	PERS Payable	Department of Retirement	232.13
29399	06/12/2014	CEMETERY FUND	PERS Payable	Department of Retirement	36.98
29399	06/12/2014	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	50.79
29399	06/12/2014	UTILITY WATER FUND	PERS Payable	Department of Retirement	993.70
29399	06/12/2014	UTILITY SEWER FUND	PERS Payable	Department of Retirement	902.74
29399	06/12/2014	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	527.66
29399	06/12/2014	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	267.94

29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	55.77
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.66
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.87
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	3.24
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	31.24
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	25.75
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.11
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.34
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	26.52
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	8.95
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	3.93
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.50
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	187.85
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	104.07
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	61.06
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	38.80
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	50.31
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1.08
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1.08
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	1.06
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	55.77
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.66
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.86
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	3.23
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	31.23
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	25.74
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.14
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.35
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	35.07
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	11.40
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	4.80
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.83
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	198.04
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	110.33
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	77.51
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	47.23
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	939.80
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	366.31
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	137.16
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	31.61
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	4,391.83
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	2,783.49

29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	2,200.62
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1,047.71
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	50.32
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1.07
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1.07
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	1.07
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1,584.22
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	447.71
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	27.47
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	118.10
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1,015.21
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	802.37
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	389.10
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	407.29
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	1,261.46
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	26.85
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	26.85
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	26.83
29400	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.30
29400	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	3.11
29400	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.58
29400	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	0.64
29400	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	13.35
29400	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	AWC Employee Benefit Trust	10.88
29400	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	8.55
29400	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust	3.59
29400	06/12/2014	GENERAL FUND	Benefits - Disability Insuranc	AWC Employee Benefit Trust	513.24
29401	06/12/2014	GENERAL FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	1.79
29401	06/12/2014	UTILITY WATER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.88
29401	06/12/2014	UTILITY SEWER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.05
29401	06/12/2014	UTILITY GARBAGE FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.63
29401	06/12/2014	STORMWATER UTILITY FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.65
29401	06/12/2014	GENERAL FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	1.81
29401	06/12/2014	UTILITY WATER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.87
29401	06/12/2014	UTILITY SEWER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.03
29401	06/12/2014	UTILITY GARBAGE FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.65
29401	06/12/2014	STORMWATER UTILITY FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust	2.64
29402	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	36.35
29402	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	36.35
29402	06/12/2014	GENERAL FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	221.72
29402	06/12/2014	STREET FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	72.72
29402	06/12/2014	CEMETERY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	23.99

29402	06/12/2014	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	7.28
29402	06/12/2014	UTILITY WATER FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	475.46
29402	06/12/2014	UTILITY SEWER FUND	Med/Dental/Vis Payable	Washington Teamsters Welfare Trust	399.83
29402	06/12/2014	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	357.68
29402	06/12/2014	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust	113.42
29403	06/12/2014	UTILITY SEWER FUND	Capital - Buildings	Home Street Bank	85,073.54
29404	06/18/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Alpine Commercial Tire	1,239.69
29405	06/18/2014	UTILITY WATER FUND	Water - Testing	AM Test	25.00
29406	06/18/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	11.46
29406	06/18/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	11.46
29406	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.45
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.46
29406	06/18/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	11.46
29406	06/18/2014	STORMWATER UTILITY FUND	Uniforms	Aramark Uniform Services	0.79
29406	06/18/2014	UTILITY WATER FUND	Uniforms	Aramark Uniform Services	3.69
29406	06/18/2014	UTILITY SEWER FUND	Uniforms	Aramark Uniform Services	3.69
29406	06/18/2014	UTILITY GARBAGE FUND	Uniforms	Aramark Uniform Services	3.42
29406	06/18/2014	STREET FUND	Uniforms	Aramark Uniform Services	0.79
29406	06/18/2014	GENERAL FUND	Uniforms	Aramark Uniform Services	0.79
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.24
29406	06/18/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	10.61
29406	06/18/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	10.61
29406	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	10.61
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	10.61
29406	06/18/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	10.61
29406	06/18/2014	STORMWATER UTILITY FUND	Uniforms	Aramark Uniform Services	2.45
29406	06/18/2014	UTILITY WATER FUND	Uniforms	Aramark Uniform Services	11.41
29406	06/18/2014	UTILITY SEWER FUND	Uniforms	Aramark Uniform Services	11.42
29406	06/18/2014	UTILITY GARBAGE FUND	Uniforms	Aramark Uniform Services	10.60
29406	06/18/2014	STREET FUND	Uniforms	Aramark Uniform Services	2.44
29406	06/18/2014	GENERAL FUND	Uniforms	Aramark Uniform Services	2.45
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.24
29406	06/18/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	10.83
29406	06/18/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	10.83
29406	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	10.82
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	10.83
29406	06/18/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	10.83
29406	06/18/2014	STORMWATER UTILITY FUND	Uniforms	Aramark Uniform Services	0.88
29406	06/18/2014	UTILITY WATER FUND	Uniforms	Aramark Uniform Services	4.11
29406	06/18/2014	UTILITY SEWER FUND	Uniforms	Aramark Uniform Services	4.12
29406	06/18/2014	UTILITY GARBAGE FUND	Uniforms	Aramark Uniform Services	3.82
29406	06/18/2014	STREET FUND	Uniforms	Aramark Uniform Services	0.88

29406	06/18/2014	GENERAL FUND	Uniforms	Aramark Uniform Services	0.88
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.24
29406	06/18/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	11.57
29406	06/18/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	11.56
29406	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.57
29406	06/18/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.56
29406	06/18/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	11.57
29407	06/18/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	335.92
29407	06/18/2014	GENERAL FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	561.74
29407	06/18/2014	UTILITY SEWER FUND	Vehicle Operation Maintenance	Associated Petroleum Products Inc	41.01
29407	06/18/2014	UTILITY WATER FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	154.48
29407	06/18/2014	CEMETERY FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	10.11
29407	06/18/2014	STREET FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	10.11
29407	06/18/2014	GENERAL FUND	Vehicle Maintenance	Associated Petroleum Products Inc	10.11
29408	06/18/2014	STREET IMPROVEMENT FUND	4th Street Project	Blueline	4,176.00
29409	06/18/2014	STREET IMPROVEMENT FUND	High Ave Project	Blueline	6,453.38
29410	06/18/2014	STREET IMPROVEMENT FUND	Alder Avenue Project	Builders Exchange of Washington, Inc.	70.95
29411	06/18/2014	UTILITY WATER FUND	Office Supplies	Correctional Industries	26.93
29411	06/18/2014	UTILITY SEWER FUND	Office Supplies	Correctional Industries	26.94
29411	06/18/2014	UTILITY SEWER FUND	Office Supplies	Correctional Industries	26.93
29411	06/18/2014	STREET FUND	Office Supplies	Correctional Industries	26.93
29411	06/18/2014	GENERAL FUND	Office/Operating Supplies	Correctional Industries	107.73
29411	06/18/2014	UTILITY WATER FUND	Office Supplies	Correctional Industries	60.18
29411	06/18/2014	UTILITY SEWER FUND	Office Supplies	Correctional Industries	60.17
29411	06/18/2014	UTILITY SEWER FUND	Office Supplies	Correctional Industries	60.18
29411	06/18/2014	STREET FUND	Office Supplies	Correctional Industries	60.17
29411	06/18/2014	GENERAL FUND	Office/Operating Supplies	Correctional Industries	240.70
29412	06/18/2014	UTILITY WATER FUND	Repair and Maintenance	D-Square Energy Systems Inc	567.44
29412	06/18/2014	UTILITY SEWER FUND	Repair and Maintenance	D-Square Energy Systems Inc	803.62
29412	06/18/2014	UTILITY SEWER FUND	Repair and Maintenance	D-Square Energy Systems Inc	1,273.34
29413	06/18/2014	GENERAL FUND	Advertising and Legal Notices	Daily Herald, The	25.80
29414	06/18/2014	SEWER SYSTEM DEBT FUND	PWTF Principal Payment	Department of Commerce	107,675.72
29414	06/18/2014	SEWER SYSTEM DEBT FUND	PWTF Interest	Department of Commerce	3,230.27
29414	06/18/2014	WATER SYSTEM DEBT FUND	PWTF Loan Interest	Department of Commerce	6,232.53
29414	06/18/2014	WATER SYSTEM DEBT FUND	PWTF Loan Principle	Department of Commerce	41,550.23
29414	06/18/2014	WATER SYSTEM DEBT FUND	PWTF Loan Principle	Department of Commerce	16,008.77
29414	06/18/2014	WATER SYSTEM DEBT FUND	PWTF Loan Interest	Department of Commerce	720.39
29414	06/18/2014	SEWER SYSTEM DEBT FUND	PWTF Principal Payment	Department of Commerce	69,859.37
29414	06/18/2014	SEWER SYSTEM DEBT FUND	PWTF Interest	Department of Commerce	3,842.27
29415	06/18/2014	UTILITY SEWER FUND	Repair and Maintenance	Department of Ecology	48.00
29416	06/18/2014	GENERAL FUND	Miscellaneous - Court Filing F	Evergreen District Court	647.16
29417	06/18/2014	BUILDING MAINTENANCE FUND	Repair and Maintenance	Eylanders Sales & Service Inc	684.40

29417	06/18/2014	BUILDING MAINTENANCE FUND	Repair and Maintenance	Eylanders Sales & Service Inc	684.40
29418	06/18/2014	UTILITY SEWER FUND	Communication	Frontier	236.92
29419	06/18/2014	UTILITY WATER FUND	Miscellaneous	Gold Bar Geek	169.69
29419	06/18/2014	UTILITY SEWER FUND	Miscellaneous	Gold Bar Geek	169.69
29420	06/18/2014	STREET IMPROVEMENT FUND	Alder Avenue Project	Gray & Osborne Inc.	2,261.31
29421	06/18/2014	UTILITY SEWER FUND	Services - Sludge Hauling	Groco, Inc	2,401.28
29422	06/18/2014	GENERAL FUND	Legal - Litigation Fees	Kenyon Disend PLLC	15,784.58
29423	06/18/2014	GENERAL FUND	Office/Operating Supplies	Lowes	7.48
29423	06/18/2014	GENERAL FUND	Office/Operating Supplies	Lowes	30.89
29424	06/18/2014	UTILITY WATER FUND	Rentals	Mail Finance	202.87
29424	06/18/2014	UTILITY SEWER FUND	Rentals	Mail Finance	147.85
29424	06/18/2014	UTILITY GARBAGE FUND	Miscellaneous	Mail Finance	186.76
29424	06/18/2014	STORMWATER UTILITY FUND	Rentals	Mail Finance	195.18
29425	06/18/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Motor Trucks Inc	847.27
29426	06/18/2014	UTILITY SEWER FUND	Rentals	Northwest Cascade Inc	185.50
29427	06/18/2014	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29427	06/18/2014	UTILITY SEWER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.98
29427	06/18/2014	UTILITY GARBAGE FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29427	06/18/2014	STORMWATER UTILITY FUND	Repair and Maintenance	Oasys Office Automation Systems	5.98
29427	06/18/2014	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29427	06/18/2014	GENERAL FUND	Office/Operating Supplies	Oasys Office Automation Systems	5.97
29428	06/18/2014	GENERAL FUND	Office/Operating Supplies	Office Depot	29.96
29428	06/18/2014	GENERAL FUND	Office/Operating Supplies	Office Depot	12.41
29428	06/18/2014	GENERAL FUND	Office/Operating Supplies	Office Depot	8.23
29428	06/18/2014	UTILITY WATER FUND	Office Supplies	Office Depot	13.77
29428	06/18/2014	UTILITY GARBAGE FUND	Office Supplies	Office Depot	13.77
29428	06/18/2014	UTILITY SEWER FUND	Office Supplies	Office Depot	13.78
29428	06/18/2014	STORMWATER UTILITY FUND	Office Supplies	Office Depot	13.77
29429	06/18/2014	UTILITY WATER FUND	Repair and Maintenance	Panther Backflow Testing	434.00
29430	06/18/2014	STREET FUND	Utilities	PUD	47.76
29430	06/18/2014	GENERAL FUND	Utilities	PUD	146.70
29430	06/18/2014	UTILITY SEWER FUND	Utilities	PUD	2,551.49
29431	06/18/2014	GENERAL FUND	Utilities	Puget Sound Energy	66.67
29431	06/18/2014	STREET FUND	Utilities	Puget Sound Energy	13.33
29431	06/18/2014	UTILITY WATER FUND	Utilities	Puget Sound Energy	13.34
29431	06/18/2014	UTILITY SEWER FUND	Utilities	Puget Sound Energy	13.33
29431	06/18/2014	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy	13.34
29431	06/18/2014	GENERAL FUND	Utilities	Puget Sound Energy	13.33
29431	06/18/2014	GENERAL FUND	Utilities	Puget Sound Energy	41.88
29431	06/18/2014	GENERAL FUND	Utilities	Puget Sound Energy	37.62
29431	06/18/2014	STREET FUND	Utilities	Puget Sound Energy	11.53
29431	06/18/2014	UTILITY WATER FUND	Utilities	Puget Sound Energy	11.53

29431	06/18/2014	UTILITY SEWER FUND	Utilities	Puget Sound Energy	11.53
29431	06/18/2014	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy	11.53
29432	06/18/2014	GENERAL FUND	Office/Operating Supplies	Quality Buisness Systems	13.21
29432	06/18/2014	STREET FUND	Office Supplies	Quality Buisness Systems	13.21
29432	06/18/2014	UTILITY WATER FUND	Office Supplies	Quality Buisness Systems	13.22
29432	06/18/2014	UTILITY SEWER FUND	Office Supplies	Quality Buisness Systems	13.21
29432	06/18/2014	UTILITY GARBAGE FUND	Office Supplies	Quality Buisness Systems	13.21
29433	06/18/2014	UTILITY WATER FUND	Professional Service - General	RH2 Engineering, Inc.	1,100.38
29434	06/18/2014	GENERAL FUND	Miscellaneous - Jail Fees	Snohomish County Corrections	2,774.43
29435	06/18/2014	UTILITY GARBAGE FUND	Intergovernmental - Recycle	Snohomish County Finance	16,930.00
29436	06/18/2014	GENERAL FUND	Professional Service - SnoCty	Snohomish County Sheriff	72,886.00
29437	06/18/2014	GENERAL FUND	Intergovernmental - SNOPAC	Snopac	5,124.71
29438	06/18/2014	INFORMATION TECHNOLOGY FUND -	Professional Service	Springbrook Software	184.80
29439	06/18/2014	CR EQUIPMENT FUND	Capital - Equipment	Toter	89,408.38
29440	06/18/2014	UTILITY WATER FUND	Miscellaneous	US Bank	37.00
29440	06/18/2014	UTILITY SEWER FUND	Miscellaneous	US Bank	37.00
29441	06/18/2014	GENERAL FUND	Office/Operating Supplies	USA Blue Book	32.04
29441	06/18/2014	STREET FUND	Office/Operating Supplies	USA Blue Book	32.04
29441	06/18/2014	UTILITY WATER FUND	Operating Supply	USA Blue Book	21.36
29441	06/18/2014	UTILITY SEWER FUND	Operating Supplies	USA Blue Book	10.69
29441	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	USA Blue Book	5.34
29441	06/18/2014	STORMWATER UTILITY FUND	Operating Supplies	USA Blue Book	5.34
29442	06/18/2014	UTILITY WATER FUND	Miscellaneous	Utilities Underground Location Center	9.24
29442	06/18/2014	UTILITY SEWER FUND	Miscellaneous	Utilities Underground Location Center	9.24
29443	06/18/2014	GENERAL FUND	Travel and Seminars	Visa	50.86
29444	06/18/2014	UTILITY WATER FUND	Office Supplies	Visa	34.01
29445	06/18/2014	GENERAL FUND	Professional Services	White Lightning Janitorial	480.00
29445	06/18/2014	UTILITY WATER FUND	Operating Supply	White Lightning Janitorial	20.00
29445	06/18/2014	UTILITY SEWER FUND	Operating Supplies	White Lightning Janitorial	140.00
29445	06/18/2014	UTILITY GARBAGE FUND	Operating Supplies	White Lightning Janitorial	20.00
					599,912.94

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO:	**C - 3**
DATE:	June 12, 2014
SUBJECT:	Geologically Hazardous Areas Code, SMC Chapter 17.10
CONTACT PERSON:	Bob Martin, Community Development Director Mick Matheson, Public Work Director/City Engineer

ISSUE: Second reading and adoption of Ordinance 1197-14, Geologically Hazardous Areas Code, SMC 17.10.300

STAFF RECOMMENDATION:
Staff recommends that Council undertake second reading and move for adoption of Ordinance No. 1197-14.

ACTION STATUS:
The Council conducted first reading of this Ordinance at its regular meeting of June 12, 2014. This action comes to the Council on the Consent Agenda for approval without further discussion. Passing the Consent Agenda will adopt the Ordinance.

If council wishes to discuss or amend the document prior to consideration of a motion for adoption, the item will need to be removed from the Consent Agenda to the Action Agenda.

DISCUSSION:
Title 17 of the Sultan Municipal Code contains the City's environmental regulations. The Chapter includes regulations for erosion hazards and landslide hazards. The landslide hazard component of the chapter is outdated and does not contain sufficient standards to address how a steep slope is to be studied before it is developed. It only addresses sites of known landslides, not how to assess whether the proposed development may potentially cause landslides.

The proposed code provides standards for studies that need to be completed on a property that is proposed for development, either for subdivision development or construction of individual structures, on slopes. Two types of slopes are addressed: slopes that have landslide potential, and slopes that are overly steep slopes whether or not they have landslide potential. Professional studies are required of these sites to determine which category they fit into, and what restrictions or additional construction standards are required to permit safe development of the site.

When a developer's consultant submits the required geological studies, the proposed code calls for professional peer review of these reports at the developer's expense. This is done to provide the best assurance that the proposed development is safe if it is allowed to go forward.

The code also addresses two time periods and requires different standards for developments that were permitted in those two periods. This is done because the City had a steep slope code that was repealed in October, 2006. Developments that were approved after that date were not

reviewed in response to a code addressing steep slope development. The proposed code places any developments approved between October 2006 and adoption of this new Geologically Hazardous Areas code into a category called "Modified Slope Standard Developments".

Developments in slope areas that were approved prior to October 2006, or those applied for under the new code, are accepted for a level of study addressing the "normal" level of review called in 17.10.325 through 17.10.350. Developments in slope areas that were approved between October, 2006 and the date of adoption of this code are required to address the additional "Modified Slope Standard Developments" standards called for in 17.10.355 through 17.10.385. This is done to ensure that these developments fully address the hazard issues that may not have been addressed when the developments were reviewed and approved.

As this proposed code is a comprehensive treatment of slope and landslide issues, the current landslide hazard provisions of Section 17.10.200 will be repealed so as not to conflict with the new Geologically Hazardous Areas Code.

MORATORIUM AND STREET CLOSURE

Moratorium Repealed:

A moratorium on issuance of building permits is currently in effect through Ordinance 1191-14. The moratorium was enacted to allow time for development of a geologically hazardous areas development code. The attached draft code accomplishes the conditions of the moratorium, and the moratorium is no longer required. Upon adoption of the Geologically Hazardous Areas Code, SMC Chapter 17.10.300, proper standards will be in place to allow building permits to be applied for and reviewed for remaining lots on the lower road, 142nd St. in Timber Ridge.

The attached draft Ordinance repeals the building moratorium.

Street Closure Retained:

Despite adoption of the Geologically Hazardous Areas Code, and repeal of the building moratorium, the upper road in Timber Ridge, 141st St. is not yet repaired. Public access to this street must remain closed until a repair plan is approved and construction of approved repairs is completed.

The street is currently closed by order of Resolution 11-01. The attached draft Ordnance retains the effect of Resolution 11-01, and 141st St. remains closed until conditions of the Resolution are met. No building will be allowed on lots accessing 141st St. until repeal of Resolution 11-01.

ATTACHMENTS:

Attachment A: Draft Ordinance 1197-14

ATTACHMENT A
DRAFT

CITY OF SULTAN
WASHINGTON

ORDINANCE 1197-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING AN AMENDMENT TO SULTAN MUNICIPAL CODE CHAPTER 17.10 TO ADD A GEOLOGICALLY HAZARDOUS AREAS CODE REGULATING DEVELOPMENT ON STEEP SLOPES AND LANDSLIDE AREAS, REPEALING EXISTING CHAPTER 17.200, LANDSLIDE HAZARD AREAS, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Sultan Municipal Code contained Chapter 16.68, Hillside Development and Geologically Hazardous Area Performance Standards code, adopted by Ordinance 630 in 1995; and

WHEREAS, Chapter 16.68, Hillside Development and Geologically Hazardous Area Performance Standards, was repealed by Ordinance 918-06 on October 26, 2006; and

WHEREAS, Chapter 16.68, Hillside Development and Geologically Hazardous Area Performance Standards, was replaced by Chapter 16.80.200, Landslide Hazard Areas-Development Standards and Permitted Alterations; and

WHEREAS, certain developments in the City of Sultan were reviewed and approved after October 26, 2006, in the absence of a code addressing geologically hazardous areas; and

WEREAS, the previously repealed Chapter 16.68, was readopted by Ordinance 1159-12 as Section 17.10.200, for the purpose of providing a minimal code provision related to slope and landslide standards until a comprehensive geologic hazard code could by produced; and

WHEREAS, existing Section 17.10.200, Hillside Development and Geologically Hazardous Area Performance Standards, is found to not adequately define and provide standards for analysis and mitigation of landslide hazards and safety of development in the vicinity of steep slopes and landslide hazards; and

WHEREAS, existing Section 17.10.200 is found to conflict with the provisions of the Geologically Hazardous Areas code adopted by this Ordinance; and

WHEREAS, RCW 36.70A.170 and 36.70A.172 of the Washington Growth Management Act requires that critical areas be designated and protected using best available science; and

WHEREAS, Puget Sound Regional Council Multi-County Planning Policy EN-6 calls for environmental standards to be established and implemented using the best available science; and

WHEREAS, Snohomish County Planning Policy EN-4 calls for cities to identify and protect critical areas through appropriate land use policies; and

WHEREAS, Sultan Comprehensive Plan Goal EN-1 includes Program EN-1.1.4, calling for establishment of standards governing development of land subject to moderate or severe hazards including geologically hazardous areas; and

WHEREAS, City professional staff has consulted with qualified professional specialists in the fields of geology, geotechnical engineering, and land use law in development of the Geologically Hazardous Areas Code; and

WHEREAS, it is in the best interest of protecting the life, health and safety of property owners, developers, and the community in general that the City of Sultan have a comprehensive geologic hazard code providing for proper professional analysis of geologic hazards and peer review of studies and reports related to development of potentially hazardous landscapes;

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

Section 1. Adoption. There is hereby adopted an amendment to the Sultan Municipal Code consisting of Sections 17.10.300 through 17.10.390, to be referred to as the Geologically Hazardous Areas Code of the City of Sultan as follows:

17.10.300
Geologically Hazardous Areas

17.10.300 Purpose of Regulations
17.10.305 Designation and mapping of Geologically Hazardous Areas
17.10.310 General Provisions
17.10.320 Definitions
17.10.325 Performance Standards – Alteration of Geologically Hazardous Areas
17.10.330 Performance Standards – Geologically Hazardous Area Buffers
17.10.335 Minimum required application submittals
17.10.340 Review to determine compliance with engineering practice and best available science
17.10.345 Critical area report requirements for geologically hazardous areas
17.10.350 Issuance and denial of permits
17.10.355 Designation of "Modified Slope Standard Developments"
17.10.360 Alteration of Landslide Hazard Areas in Modified Slope Standard Developments

17.10.365 Studies and Reports Required for Modified Slope Standard Development Applications
17.10.370 Review to Determine Compliance with Engineering Practice and Best Available Science in Modified Slope Standard Developments
17.10.375 Declarations, disclosures, covenants and waivers
17.10.380 Site bonds and contractor general liability insurance for Modified Slope Standard Developments
17.10.385 Site access, professional/special inspection, monitoring during construction and final geotechnical report for development and residential construction in Modified Slope Standard Developments
17.10.390 Reasonable Use

17.10.300 – Purpose of Regulations.

A. The threat to public health and safety presented by geologically hazardous areas is increased when improper and incompatible development is sited in these areas. Such incompatible development may not only place itself at risk, but also may cause or increase the hazards to surrounding development and land uses. The purpose of this chapter is to designate geologically hazardous areas and to regulate development activities in or near geologic hazard areas to safeguard the public health, safety and welfare.

B. Several geologic conditions influence development on or adjacent to slopes including: slope inclination, soil types, underlying geology, groundwater and seepage, surface water runoff and vegetative cover. If such a site can be sufficiently stabilized through the construction of professionally-engineered on-site improvements, the City may be able to review and issue development permits. This chapter establishes the process by which the City may review proposed improvements whose purpose is to stabilize soils and facilitate subsequent development permit review.

C. It is the intent of this code that development in areas subject to geologic hazards shall be evaluated based on its impacts on the surrounding terrain and geological conditions, not in isolation. Management of the entire natural and man-made systems should be considered during the development review process.

17.10.305 – Designation and mapping of Geologically Hazardous Areas.

A. Geologically hazardous areas are landforms characterized by steep slopes and/or susceptibility to landslides, earthquakes or other geological processes. Properties containing landforms exhibiting one or more of the characteristics presented in Subsection 17.10.305(C) below are hereby designated as geologically hazardous areas and shall be subject to the provisions of this chapter.

B. The approximate location and extent of geologically hazardous areas are shown on the city's critical area maps within the comprehensive plan environmental element and/or on the Snohomish County Buildable Lands Report. These maps

shall be used as a guide for the city, applicants and/or property owners, and may be updated as new critical areas are identified. They do not provide a definitive critical areas designation.

C. Areas susceptible to one or more of the following types of hazards shall be designated as Geologically Hazardous Areas:

1. Landslide hazard areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. Landslide areas include areas with any one or more of the following characteristics:

   a. Areas of known landslides, earth movement, or containing evidence of past landslides or earth movement;

   b. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

   c. Areas potentially unstable because of stream incision and stream bank erosion, or in a stream's channel migration zone;

   d. Areas that are underlain or covered by mass wastage debris or landslide materials;

   e. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet and is greater than 1,000 square feet in area, except areas composed of consolidated rock and properly engineered manmade slopes/retained fill;

   f. Any areas where the subsurface soils, below 5 feet in depth, have less than 10 blows/foot ($n<10$) with a Standard Penetration Test (SPT) ASTM D1586-11, therefore, the soil would be described as very loose, loose, very soft, soft, or medium stiff.

2. Areas that have all of the following characteristics:

   a. Slopes steeper than 15 percent except that slopes of less than 15 percent may be considered landslide hazard areas if they have unstable soil and drainage characteristics;

   b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

   c. Wet season springs or ground water seepage.

3. Seismic hazard areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil

liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesion-less, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. Also including any areas where the subsurface soils, below 5 feet in depth, have less than 10 blows/foot (n<10) with a Standard Penetration Test (SPT) ASTM D1586-11, therefore the soil would be described as very loose, loose, very soft, soft, or medium stiff.

17.10.310 – General Provisions.

A. Alteration of geologically hazardous areas and buffers shall be prohibited except as expressly allowed in this chapter. The city may approve, condition or deny proposals based on the degree to which risks posed by geologically hazardous areas to public and private property and to health and safety can be mitigated. In an individual case, conditions may include limitations of or on proposed uses, density modification, alteration of site layout and other changes to the proposal determined appropriate by the director to effectively contribute to risk mitigation.

B. Where the director determines that potential significant adverse impacts cannot be effectively mitigated, or where the risk to public health, safety and welfare, property, or important natural resources is significant notwithstanding mitigation, the proposal shall be denied. The burden of proof shall be on the applicant.

C. The construction of professionally designed structures addressing the risks of earth movement, and employing feasible attendant measures (including but not limited to drainage improvements, specially designed foundations, retaining walls, removal of overburden and other improvements designed to minimize the risk of earth movement, prevent avoidable damage to structures, safeguard adjacent properties, limit risk to inhabitants, and to stabilize the structure in the event of movement) may mitigate and reduce the risk of earth movement on individual properties. Nothing herein shall relieve an owner of any obligation imposed by the State Building Code or city ordinance to take all reasonable and practical measures available to reduce or eliminate the risk or hazard.

D. The International Residential Code (IRC), and the International Building Code (IBC), as promulgated by the state of Washington and required to be adopted by the city, does not specify a standard regarding lot stability. The provisions of this chapter have been adopted in order to provide reasonable certainty in the permit issuance process. The purpose of these provisions is not to lessen the minimum requirements of the current adopted building code, but rather to define its requirements for city implementation.

E. These provisions were adopted in order to establish a policy that permits shall not be issued for any site where a substantial risk of earth subsidence and landslide hazard exist unless all the following apply:

1. The risks can be defined with reasonable scientific certainty according to the standards of the geotechnical engineering profession and found to be within the minimum factor of safety for the static and seismic conditions of at least 1.5 and 1.15 respectively.

2. Any hazard associated with the site is scientifically ascertained and fully disclosed through the permit process.

F. Notwithstanding any contrary provision of this chapter or the IRC/IBC, all applications for permits received for any site shall be governed by the provisions of this chapter. In addition to all other requirements of these sections, the restrictions and provisions of this chapter shall apply to all building, grading, fill and excavation permits (herein "permits"). Minor permits such as plumbing, mechanical, re-roof and interior alterations are exempt from the requirements of this chapter.

G. Nothing in this chapter should or shall be interpreted to guarantee issuance of a permit with respect to any site unless the requirements of this chapter, and the requirements of the IRC/IBC as amended and interpreted by this chapter, have been met.

H. No special duty created.

1. It is the purpose of this chapter to provide for the health, welfare and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

2. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis of any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any person to comply with the provisions of this chapter or be a reason or a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this chapter or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents, or employees.

17.10.315 – Applicability.

This Chapter contains two sets of standards that apply to different land development circumstances. The following provisions of Article III, Geologically Hazardous Areas, apply to the following development circumstances:

A. Subdivisions, Short Subdivisions, and Planned Unit Development, approved between October 26, 2006, and the effective date of this code are designated as "Modified Slope Standard Developments". Slope Alteration and construction for residential purposes in Modified Slope Standard Developments" is addressed in Sections 17.10.355, to 17.10.385 and are not subject to Sections 17.10.325 and 17.10.330.

B. Subdivisions, Short Subdivisions, and Planned Unit Development, approved prior to October 26, 2006, and Long Plat Subdivisions and Short Plats approved after the effective date of this code, and all individual parcels not included in approved Long Plat Subdivisions or Short Plats approved between October 26, 2006 and the effective date of this code, are subject to this Chapter, excluding all Sections that specifically provide standards for "Modified Slope Standard Developments".

17.10.320 – Definitions.

The following terms, when used within this chapter, shall have the following definitions:

A. "Alteration" shall mean modification of soil or vegetation by any means including mechanical, chemical application, or hand work, in any area designated, or having the potential to be designated as a geologically hazardous area under the provisions of this chapter.

B. "Architect" shall mean a person licensed to practice architecture by the state of Washington.

C. "Best available science" shall be determined in accordance with the criteria established in WAC 365-195-900, et seq.

D. "Building official" shall mean the building official of the city of Sultan.

E. "Director" shall mean the community development director or his or her designee.

F. "General contractor" shall mean a bonded, insured and registered contractor in the state of Washington. A general contractor shall maintain state-required bonding and shall carry general liability insurance in the minimum amount of $1,000,000. The general contractor shall have a current valid state contractor's license with the state of Washington and a city of Sultan resident or nonresident business license, whichever is applicable.

G. "Geologically Hazardous Area(s)" shall mean landforms exhibiting one or more of the characteristics presented in Subsection 17.10.305 C. above.

H. "Geologist" means a practicing geologist licensed in the state of Washington as a licensed geologist in responsible charge, including experience with landslide evaluation.

I. "Geotechnical engineer" means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington as a geotechnical engineer in responsible charge, including experience with landslide evaluation.

J. "Landform" means a geologic feature characterized by physical attributes such as elevation, slope, orientation, stratification, rock exposure, and soil type.

K. "Landslide hazard areas" means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

L. "Land surveyor" means a person who holds a Washington State land surveyor's license.

M. "Lead design professional" means the person designated by the applicant to oversee and coordinate the permit review process on behalf of the applicant.

N. "Minimized" or "Minimal" shall mean that the applicant has demonstrated to the satisfaction of the Building Official that the applicant has utilized best available science and commonly accepted engineering and architectural practice and has reduced, to the extent possible, the risks associated with development of the property.

O. "Modified Slope Standard Developments" means land within the boundaries of Long Plat Subdivisions and Short Plats, granted final approval by the City of Sultan between October 26, 2006, and January 23, 2014.

P. "Site" means the entire area within the boundaries, as described in a legal description, of the property that is to be developed under the permit for which the applicant has applied.

Q. "Slope" means the degree of tilt of a landform from the horizontal. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

R. "Stable" shall mean that the risk of damage to the proposed development, or to adjacent properties, from soil instability is within the minimum safety factors for the static and seismic conditions of at least 1.5 and 1.15 respectively and the Building Official has determined that the proposed development will not increase the potential for soil movement.

In order to meet the definition of "stable" the geotechnical report shall include identified hazards for the property and the mitigation measures proposed to reduce or correct the hazards along with measures taken to mitigate potential impacts from the remaining hazards, including all on- and off-site measures taken to correct or reduce the risk. These shall be fully disclosed to the applicant and future owners, heirs and assigns in the covenant required to be executed in accordance with provisions of this chapter, in which case the defined risk may be approved as an acceptable condition.

S. "Structural engineer" means a person licensed to practice structural engineering by the state of Washington.

T. "Structural fill" shall mean any fill placed below structures, including slabs, where the fill soils are intended to support loads without unacceptable deflections or shearing. Structural fill should be placed above unyielding native site soils compacted in accordance with an approved geotechnical report prepared utilizing best engineering science.

17.10.325 – Performance Standards – Alteration of Geologically Hazardous Areas.

A. Alteration of land with slopes over 40 percent shall be prohibited.

B. Alteration of slopes between 15 percent and 40 percent, and on slopes between 10 percent and 15 percent that have unstable soil or drainage characteristics, may be permitted pursuant to an approved critical area report and mitigation plan, developed according to the requirements of Section 17.10.345 that certifies the following:

1. The development will not increase or concentrate surface water discharge or sedimentation to adjacent sites beyond predevelopment conditions; and

2. The development will not decrease slope stability on the development site or on adjacent sites.

C. Development within a geologically hazardous area and/or buffer shall be designed to meet the following basic requirements. Alternative approaches may be allowed if it can be demonstrated through a geotechnical study that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

1. The proposed development shall not increase the risk of landslide occurrences;

2. Structures and improvements shall avoid geologically hazardous areas and other critical areas;

3. Structures and improvements shall minimize alterations to the natural contour of the slope; Foundations shall be tiered where possible to conform to existing topography;

4. Structures and improvements shall be located, and clustered, if appropriate, to preserve the most critical portion of the site and its natural landforms and vegetation;

5. The proposed development shall not result in greater risk to neighboring properties, or a need for increased buffers on neighboring properties;

6. The use of engineered retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes. Engineered retaining walls shall not exceed 15 feet in height and preferably should be less than eight feet in height. Engineered retaining walls over eight feet in height shall be allowed by the director only when it can be demonstrated that no other reasonable alternative exists. Riprap retaining walls should not exceed eight feet in height. Wherever possible, retaining walls should be designed as structural elements of the building foundation;

7. Development shall be designed to minimize impervious lot coverage. Use of common access drives and utility corridors is encouraged;

8. Disturbed areas of a site not used for buildings, roads and other improvements shall be replanted promptly pursuant to an approved landscape plan.

9. Significant vegetation and habitat should be preserved to the greatest extent feasible.

10. Removal of vegetation from geologically hazardous area or related buffer shall be prohibited unless otherwise provided through an approved alteration plan.

11. Limited pruning or selective removal of dead, diseased or damaged branches; and limited removal of specified branches that block views as shown on a professionally prepared landscape plan may be approved by the director if the activity will not adversely affect slope stability; and

12. Seasonal Restriction. Clearing shall be allowed only from April 1st to October 31st of each year; provided, that the city may extend or shorten the designated seasonal restrictions on a case-by-case basis depending on actual weather conditions.

D. Utility Lines and Pipes. Utility lines and pipes, including stormwater conveyance lines, shall be permitted in geologically hazardous areas pursuant to Reasonable Use provisions of Section 17.10.390. Engineering designs are required for all such installations. Such designs shall address all geologic hazards, providing industry standard safety factors.

E. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from a landslide hazard area shall be prohibited except as follows:

1. The discharge is conveyed via continuous storm pipe downslope to a point where the discharge will not create or contribute to erosion issues; or

2. The discharge is released at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or

3. The discharge is dispersed upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

F. Subdivisions. Applications for the division of land in geologically hazardous areas and associated buffers is subject to the following:

1. Land that is located wholly within a geologically hazardous area or its buffer may not be subdivided.

2. Land that is located partially within a geologically hazardous area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the geologically hazardous area and its buffer;

3. Access roads and utilities may be permitted within the geologically hazardous area and associated buffers if the director determines based on an approved critical area report and mitigation plan that the road will not increase the risk to adjacent sites and that no other feasible alternative exists.

4. Erosion control plans shall be required for all regulated activities within a geologically hazardous area. The erosion control plans shall be consistent with the provisions of the Stormwater Management Manual for Western Washington and prepared pursuant to a plan approved by the city engineer. A master drainage plan shall be prepared for large projects as required and approved by the city engineer.

5. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within a geologically hazardous area and related buffers.

17.10.330 – Performance standards – Geologically Hazardous Area Buffers.

In order to minimize the risk of damage to personal health and property due to a geologically hazardous area, a buffer of undisturbed vegetation as provided in this Section shall be maintained between all regulated activities and a geologically hazardous area. Activities, development and uses on sites containing geologic hazards shall meet the following buffer requirements:

A. A buffer shall be established from the top, toe, and edges of all slope or landslide hazard areas with 10 feet or more of vertical elevation change. The size of the buffer shall be sufficient to eliminate or minimize the risk of damage to persons or property resulting from landslide and erosion caused in whole or part by the activity, development, or use as determined by the director based upon the director's review of and concurrence with the geotechnical report prepared by a qualified professional and consistent with the following criteria:

1. For landslide hazard areas with slopes from fifteen (15) to thirty nine (39) percent, the minimum buffer shall be equal to one-half the height of the slope or a minimum of twenty five (25) feet, whichever is greater. The buffer may be reduced by twenty five (25) percent or to a minimum of twenty five (25) feet, whichever is greater, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas, developments, uses, and the subject critical area;

2. For slopes from fifteen (15) to thirty nine (39) percent that are not landslide hazard areas there is no specified minimum buffer. The buffer will be established by a qualified professional to the director's satisfaction.

3. For slopes forty (40) percent or greater that are not landslide hazard areas, the minimum buffer shall be equal to the height of the slope or twenty five (25) feet, whichever is greater. The buffer may be reduced to a minimum of fifteen (15) feet when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas and uses, and the subject critical area.

4. For landslide hazard areas with slopes forty (40) percent or greater, the minimum buffer shall be equal to the height of the slope or twenty five (25) feet, whichever is greater. The buffer may be reduced by fifty (50) percent or to a minimum of twenty five (25) feet, whichever is greater, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas and uses, and the subject critical area.

5. For slopes with a vertical elevation of twenty five (25) feet or less, the minimum buffer shall ab equal to one-half the height of the slope, regardless of the slope percent; provided that there are no other factors that pose a slope stability risk.

B. Development must maximize retention of existing vegetation in Geologically Hazardous areas and their buffer areas. Where removal of vegetation cannot be avoided in order to accommodate a permitted development or to stabilize a slope, an acceptable plan to fully revegetate and restabilize affected areas must

be provided as part of the development application, and approved as a condition of any permit issued.

C. To improve the functional attributes of buffer areas, the director may require that the buffer be enhanced through planting of natural vegetation, in the form of ground cover, shrubs or trees to assists in stabilizing the ground surface.

D. The buffer shall be maintained and preserved through a protective easement or other appropriate permanent protective covenant recorded with the County in a form approved by the city and providing for any necessary ongoing monitoring and maintenance.

E. Structures shall be set back such that construction activities and outdoor living areas do not infringe upon the required buffer edge.

17.10.335 – Minimum required application submittals.

A. The applicant shall submit a complete plan set submittal and permit application and specifications for the proposed development consisting of the following:

1. Site plan with topography and planned building locations:

   a. Map scale, north arrow, legal description, tax account parcel numbers, easements, and lot property lines.

   b. Building plans with cross sections sufficient to show foundation design.

   c. Existing grade contour lines, at two-foot intervals.

   d. All distances between existing structures on the site and approximate distances of existing habitable structures on adjacent sites within 25 feet of property lines (all adjacent sites which could affect or be affected by the proposed development shall be shown).

   e. Lowest footing or basement slab elevation of existing and proposed structures on the property and on adjacent properties to the extent that such information is reasonably available, and proposed finish floor elevations. A cross section of the planned conditions is required.

   f. The location of existing sanitary sewers, stormwater drainage facilities, wells, piezometers, subsurface drains, and other sewer/drainage facility components on, and adjacent to, the site.

   g. The location of all existing underground utilities on, and adjacent to, the site including, but not limited to, telephone, cable television, gas, electric and water utilities, vaults, fire hydrants and other cables, wires, meters and drainage pipes.

h. A separate topographical drawing shall be submitted showing proposed grade contours at two-foot intervals. This drawing shall include the bottom of proposed footing elevations including all stepped footing elevations.

2. Geotechnical Report including general and specific soils and geotechnical information developed pursuant to Section 1802 of the International Building, as that section now exists or may hereafter be amended by the State Building Code Council and/or the City of Sultan. (See subsection B. below for Geotechnical Report standards.)

3. Architectural and structural plans with design calculations, stamped and signed by licensed design professionals of the State of Washington.

4. Owner and professional declarations.

5. Acknowledgment that the approval and issuance of permit may require obtaining bonds, covenants and contractor general liability insurance in accordance with the detailed requirements stated below.

B. The Geotechnical Report required in item 17.10.335(A)(2). above shall include the following:

1. An analysis of material gathered through appropriate explorations and an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with the standards adopted by the American Society of Testing and Materials (ASTM) or other applicable standards utilizing best available science.

2. The report must provide subsurface data to support the engineer's conclusions regarding slope stability. The minimum factor of safety for the static and seismic conditions shall be at least 1.5 and 1.15, respectively. The geotechnical engineer shall provide documentation of how the horizontal acceleration value was obtained and derivation of the safety factors.

3. The geotechnical engineer shall confirm that the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer's own site observations.

4. The geotechnical report may be specifically written for an individual lot or it may be written for a group of contiguous lots within the same landform.

C. If any item in subsection "B" above is inapplicable to a particular project, a letter or a report shall be provided to the director stamped by the appropriate licensed design professional, with sufficient information or data to demonstrate why the

item is inapplicable. The director may utilize appropriate licensed consultants to determine if generally accepted engineering practice requires submission of an item otherwise not required in subsection B. above. When consultants are used to determine if generally accepted engineering practice requires submission of any otherwise required item, the cost of review shall be paid by the applicant.

D. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans with corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

E. The City may require submittal of bonds, frozen funds, or other instruments of credit as a surety for improvements required as a condition of a permit for development in a Geologically Hazardous Areas or their buffers (see Section 17.10.380A).

F. Prior to final issuance of a permit for a project subject to surety provisions of this code, the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the City Attorney and sufficient to guarantee construction of the improvements proposed to stabilize the site. The applicant shall submit a copy of the contractor's general liability insurance.

17.10.340 – Review to determine compliance with engineering practice and best available science.

A. The city may require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.

B. The professional peer review requirement set forth in Item A. above may be selectively waived at the reasonable discretion of the director, provided the responsible project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data supporting the position that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as if reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the

obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The determination of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science, and/or requires revisions to comply with the same, shall be final and binding upon the applicant and director.

17.10.345 Critical area report requirements for geologically hazardous areas

A. A critical areas report for geologically hazardous areas must meet the geotechnical report requirements of this chapter including all of the following standards:

1. It shall address the area of the proposed activity and all geologically hazardous areas within 200 feet of the project area or that have potential to affect or be affected by the proposal;

2. It shall contain an assessment of geological hazards including at a minimum all of the following information:

a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report; an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties; a review of the site history regarding landslides, erosion, and prior grading; and an evaluation of the vulnerability of the site to seismic and other geologic events. Soils analysis shall be performed in accordance with accepted classification systems in use in the region.

b. A recommendation for the minimum buffer and minimum building setback from all geologic hazards based upon the geotechnical analysis. The minimum buffer should not be less than those in Section 17.10.330.

c. When hazard mitigation is required, the report shall specifically address how the activity maintains or reduces the preexisting level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the preexisting conditions following abandonment of the activity.

B. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required

critical area report. Further updated analysis may be required if site-specific conditions so warrant in the director's discretion. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

C. Geotechnical studies for properties containing more than one type of hazard area shall meet the report requirements for each relevant type.

D. Monitoring Surface Waters. If the director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the director.

17.10.350 – Issuance and denial of permits.

A. Permit Issuance. In addition to the permit processes required for a particular project in any other applicable provision of the Sultan Municipal Code, all of the following requirements must be satisfied before any building, grading, fill or excavation permit will be issued in a geologically hazardous area under the provisions of this Chapter:

1. A geotechnical report has been submitted and approved;

2. Plans and specifications have been submitted incorporating the recommendations of the geotechnical report and said plans have been approved;

3. Any required declarations, disclosures, covenants and waivers have been submitted and approved;

4. Proof of any required bonds, cash deposits and general liability insurance have been submitted and approved by the city;

5. When peer review has been required, all submittals have been determined to have been prepared in accordance with generally accepted engineering practice;

6. Peer review concurrence for permit issuance has been received by the building official; and

7. All other applicable provisions of the Sultan Municipal Code, including but not limited to the other chapters of the Critical Areas Code, the Zoning Code, the Land Division Code, and the Stormwater Management Manual for Western Washington have been reviewed and approved by the appropriate city official.

B. Permit Denial. The reasons for permit denial shall be set forth in writing to the owner/applicant. In making a determination of permit denial, the director shall consider not only the land which is the subject of the application, but in addition, the surrounding area which may be adversely affected if the permit were granted. The following criteria shall result in the denial of issuance of any building, grading, fill or excavation permit:

1. The land on which any building, grading, filling, or excavation is proposed is in the determination of the director unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography, that the applicant is unable to mitigate per the requirements in section 17.10.325; or

2. The resulting development would increase the potential of soil movement resulting in an unacceptable risk of damage to adjacent properties or an unreasonable risk of damage to the proposed development; or

3. Existing or increased conditions of unacceptable/excessive flooding, seepage, high water table, or inadequate drainage; or

4. Presence or increase of other hazardous conditions posing an unreasonable risk to public health, safety, or welfare; or

5. The noted site dangers or geologic hazards are not minimized to the extent possible by the use of best available science and generally accepted engineering and architectural practice.

C. Appeal. The director's decision on any permit issued under this chapter constitutes the City's final decision, and may be appealed only to Snohomish County Superior Court in accordance with the Land Use Petition Act, Chapter 36.70C RCW.

17.10.355 – Designation of "Modified Slope Standard Developments."

A. The remaining sections of this Chapter (Sections 17.10.355 through 17.10.385) provide for additional development requirements on steep slopes in subdivisions and short subdivisions granted final approval between October 26, 2006, and January 23, 2014. Such developments shall be referred to as "Modified Slope Standard Developments."

B. Development on slopes exceeding 40% in Modified Slope Standard Developments may be proposed, reviewed, and permitted under the provisions of Sections 17.10.355 through 17.10.385. These sections do not apply to any property outside of the boundaries of specifically approved Subdivisions and Short Subdivisions approved during this specific period of time.

C. All other properties in the City, whether an individually owned lot of record, or a lot inside of a Subdivision or a Short Plat approved prior to October 26, 2006, or a Subdivision or a Short Plat approved after the effective date of this code are not "Modified Slope Standard Developments" and shall not apply for any development as Modified Slope Standard Developments.

17.10.360 – Alteration of Landslide Hazard Areas in Modified Slope Standard Developments.

A. Alteration of Landslide areas on slopes between 15% and 40% in Modified Slope Standard Developments shall be proposed and reviewed, under the provisions of Section 17.10.325.

B. Alteration of slopes for the purpose of construction of residential structures, or the infrastructure needed to support residential structures, on slopes exceeding 40% in Modified Slope Standard Developments shall be proposed and reviewed under provisions of Section 17.10.355 through 17.10.385.

C. Applications for alteration of slopes in Modified Slope Standard Developments and/or construction for purposes other than residential development or the infrastructure needed to support residential development in Modified Slope Standard Developments shall not be accepted for review.

17.10.365 – Studies and Reports Required for Modified Slope Standard Development Applications.

A. The geotechnical report for Modified Slope Standard Developments shall reference laboratory testing that will include ASTM Standard Tests sufficient to confirm the material properties used in design and the slope stability analyses. The report must provide subsurface data to support the engineer's conclusions regarding slope stability.

B. The geotechnical engineer shall confirm that the engineering design of the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer's own site observations. The geotechnical report may be specifically written for each individual lot or it may be written for a combination of multiple lots.

C. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans providing for stabilization and mitigation of identified slope hazards. This shall include corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

D. The plan set submittal shall include a statement from the geotechnical engineer who prepared the geotechnical report, stating that in his or her judgment the plans and specifications submitted for the project conform to the recommendations in the geotechnical report, and that the risk of damage to the proposed development, or to adjacent properties, from soil instability will be minimized subject to any conditions set forth in the report, and the proposed development will not increase the potential for soil movement.

E. For sites where the hazards are not mitigated or where the risks from deep-seated or large-scale earth movement cannot be practically reduced by individual lot owners, the geotechnical engineer shall prepare a statement identifying what design measures will be taken to mitigate the risk to structures, adjacent properties, and inhabitants in the event of deep-seated or large-scale movement. The statement shall specify any risks from earth movement that are not fully mitigated by design measures and include an opinion as to whether the site will be stable within the meaning of this chapter following installation of all proposed improvements.

17.10.370 – Review to Determine Compliance with Engineering Practice and Best Available Science in Modified Slope Standard Developments.

A. The city shall require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.

B. The professional peer review requirement set forth in Subsection A above may be selectively waived at the reasonable discretion of the director, provided the applicable project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The final recommendation of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science,

and/or requires revisions to comply with the same, shall be binding upon the applicant and building official.

D. As provided in 17.10.335(E), the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the City Attorney and sufficient to guarantee construction of the improvements proposed to address all identified hazards. The applicant shall also submit a copy of the contractor's general liability insurance.

17.10.375 – Declarations, disclosures, covenants and waivers.

A complete application for development under provisions for Modified Slope Standard Developments shall include the following:

A. A written declaration with the permit application that includes the statement that the accuracy of all information is warranted by the owner/applicant in a form satisfactory to the City Attorney and which releases and holds the city and its staff harmless from any liability associated with reliance on such submittals.

The declaration shall also state that the owner/applicant understands and accepts the risk of developing in an area with potential unstable soils and that the owner/applicant will advise in writing any prospective purchasers of the site, or any prospective purchasers or residential lessees of structures or portions of a structure on the site, of the slide potential of the area.

The owner/applicant shall also acknowledge that he, she or they understand and accept the need for future monitoring and maintenance of the property as described and called for in the final geotechnical report. While an application may reference the reports of prior public consultants to the city, all conclusions shall be those of the owner/applicant and his or her professionals.

B. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the director accompanying the plans and specifications, express agreement or disagreement with the recommendations in the geotechnical report and state that the revised plans and specifications conform to the new recommendations.

C. A disclosure letter or notation on the design drawings by the structural engineer of record stating that he has reviewed the geotechnical report(s), that he understands its recommendations, has explained or has had explained to the owner/applicant the risk of loss due to slides on the site, and that he has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused

by any risk of earth movement referenced in the report. The statement shall note any risks, hazards, and potential problems from earth movement that are not fully mitigated by design measures.

D. The owner shall execute a covenant (in a form provided by the city and satisfactory to the City Attorney) to be submitted with the application (with necessary fee as provided in the City of Sultan Annual Fee Schedule) to be recorded with the Snohomish County auditor. The director shall cause such completed covenant to be so recorded. A copy of the recorded covenant shall be forwarded to the owner. This covenant shall be a covenant running with the land and bind the owner/applicant and his/her successors and assigns, and shall at a minimum include:

1. A legal description of the property;

2. A statement explaining that the site is in a potential earth subsidence and landslide hazard area; that the risk associated with the development of the site is set forth in permit file No. _____ with the city of Sultan building department; that conditions or prohibitions on development may have been imposed by the city in the course of permit issuance; and referencing any features in the design which will require maintenance or modification to address anticipated soil changes. The covenant shall incorporate by reference the statements and conditions to be observed in the form proposed by the owner/applicant's geotechnical engineer, architect and/or structural engineer;

3. A statement waiving and releasing any and all claims by the owner/applicant, and promising to indemnify and hold harmless the city of Sultan, its officers, employees and City's contractors and consultants from any claims by the owner/applicant and/or any other person or entity may have for any loss or damage to people or property either on or off the site resulting from soil movement and arising from or out of the issuances of any permit(s) authorizing development on the site, as well as due to any act or failure to act by the indemnitor and/or its agents or successors in interest under or following issuance of the permit; and

4. The date of permit issuance and permit number authorizing the development.

17.10.380 – Site bonds and contractor general liability insurance for Modified Slope Standard Developments.

A. Site Bonding Requirements.

1. A surety bond, executed by a surety company authorized to do business in the state of Washington, as provided in Section 17.10.335 E., shall be posted by the owner/applicant or general contractor in the amount of 150% of the cost of required improvements as determined by the Applicant's landscape

architect or engineer, and as accepted by the City Engineer. This amount shall be sufficient to assure the restoration of any areas on the site, or in the surrounding area, disturbed or damaged by slides during construction, and to ensure completion of the work authorized by the permit, or, if the work is not completed, to assure that the site and surrounding area will be restored to a safe and stable condition at least equal to the safety and stability prior to commencement of work under the permit. The director will evaluate the characteristics of the site to determine if a surety bond is required and the amount of the bond. The bond will be exonerated upon occupancy approval of the building permit by the building official.

2. Structures, facilities, and activities subject to surety include, but are not limited to the following:

   a. Slope stabilization structures and landscaping/planting projects;

   b. Stormwater management and drainage features;

   c. Slope stability monitoring equipment and processes;

   d. Road and utility fixtures; and

   e. Similar features required for safe ongoing operation of the development and delivery of emergency services.

3. In lieu of the surety bond, the owner/applicant or general contractor may propose to file a cash deposit or an instrument of credit in a form satisfactory to the director in an amount equal to that which would be required in the surety bond, and similarly conditioned.

B. General Liability Insurance. The general contractor of record shall carry general liability insurance effective through issuance of the final certificate of occupancy in the minimum amount of $1,000,000, and which shall name the city as an additional insured, against any related injury, death, property damage and/or loss.

17.10.385 – Site access, professional/special inspection, monitoring during construction and final geotechnical report for development and residential construction in Modified Slope Standard Developments.

A. Site Clearing and Grading.

1. The owner/applicant or contractor for any type of development, including residential construction, shall secure the director's approval before entering a geologically hazardous site with excavating or other grading and clearing equipment to clear, remove trees or grade for any purpose, including the creation of access to the site.

2. The director may condition such access approval if warranted by site conditions and/or when discretionary approval permits are required. As part of the approval process the director may impose conditions that address site work issues; such measures could include but are not limited to limiting all excavation and drainage installation to the drier season between May and the end of September, or sequencing activities such as the installation of drainage systems well in advance of construction.

3. Requests for early site access in advance of building permit approval or in the time period between October 1st and April 30th for any purpose shall be submitted to the director accompanied by written concurrence of the owner/applicant's geotechnical engineer of record. The geotechnical engineer shall stipulate any additional precautions necessary to maintain site stability and control erosion.

4. The director may utilize peer review consultants to determine whether the request is based on generally accepted engineering practice and is reasonable with regard to time-frame to complete the work, types of equipment proposed to perform the work, length of exposure of slopes, and adequacy of site monitoring and temporary erosion control measures. When such peer review is utilized, the cost of such review shall be paid in full by the owner/applicant within 30 days of billing by the city.

B. Reporting Authority.

1. The owner/applicant shall retain a geotechnical engineer to monitor the site during construction. The owner/applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical report in the plan set submittal and who has reviewed the approved plans and specifications.

2. If a different geotechnical engineering consultant is retained by the owner/applicant, the new geotechnical engineer shall submit a letter to the director stating that he or she has read all reports and recommendations and reviews to date, and state whether or not he or she agrees with the opinions and recommendations of the original geotechnical report and peer review comments.

3. Further recommendations, signed and sealed by the new geotechnical engineer, and supporting data shall be provided should there be exceptions or changes to the original recommendations that would affect the approved plans.

C. Construction Monitoring, Special Inspections.

1. During construction, the geotechnical engineer shall monitor compliance with the recommendations in the geotechnical report including: site excavation, shoring, temporary erosion control, soil support for foundation, piles, subdrainage installation, soil compaction and other geotechnical aspects of the construction.

2. The specific recommendations contained in the geotechnical report shall be implemented by the owner/applicant unless the director approves a modification that substantially complies with the recommendations in the geotechnical report.

3. The geotechnical engineer shall document any omission or deviation from the approved geotechnical report and plans in a separate report submitted to the director.

4. All reports shall be submitted directly to the city on a weekly basis for review. Failure to submit required reports shall be grounds for issuance of a stop work order.

D. Final Construction Report.

1. The geotechnical engineer of record shall prepare and submit to the director a final written report stating that, based upon his or her professional opinion, site observations and final site grading, the completed development substantially complies with the requirements of the geotechnical report and with all geotechnical-related permit requirements as shown on the approved plans. (For purposes of this subsection, "Substantially complies" means that the completed development provides at least the level of stability and safety, on- and off-site, that is called for in the geotechnical requirements and reports required under Sections 17.10.365 and 17.10.370). Recommendations to the owner/applicant shall be included in the report for future monitoring and maintenance of the property including drainage, tightlines, catch basins, berms, retaining wall drainage, hazard mitigation improvements, slopes, vegetation, and permanent erosion control that affect slope stability over time.

2. Occupancy of a residence shall not be granted until the required report(s) has been reviewed and accepted by the director.

17.10.390 – Reasonable Use.

A. If the application of this chapter would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.

B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include all applicable analyses,

reports, and plans required by this chapter in addition to the information required in this subsection.

C. The director shall determine whether an exception request shall be granted based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria set forth below. The director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the following reasonable use exception review criteria:

1. The application of this chapter would deny all economically viable use of the property;

2. No other reasonable use of the property has less impact on the critical area;

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this chapter or its predecessor;

5. The proposal meets the review criteria set forth in this chapter;

6. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

7. The proposal includes measures designed to mitigate critical area impacts to 24the extent reasonably feasible.

D. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

Section 2. Repeal. Section 17.10.200 of the Sultan Municipal Code, Landslide Hazard Areas-Development Standards and Permitted Alterations, is repealed in its entirety.

Section 3. Moratorium Repealed. Ordinance 1191-14, an Ordinance enacting a building moratorium on the Plat of Timber Ridge, is hereby repealed in its entirety.

Section 4. Road Closure Remains in Effect. Resolution 11-01, a Resolution enacting closure of 141st St. SE (east of Sultan Basin Road) in the Plat of Timber Ridge, remains in effect and is not altered by repeal of Ordinance 1191-14.

Section 5. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of this code amendment.

ection 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Effective Date. This ordinance becomes effective five days (5 days) after publication.

ADOPTED BY THE CITY COUNCIL OF SULTAN, WASHINGTON THIS _____DAY OF _____, 2014, AND SIGNED INTO AUTHENTICATION THIS _____DAY OF _____ 2014.

APPROVED:

_____

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

_____

Danielle Evans, City Attorney

ATTEST/AUTHENTICATED:

_____

Laura Koenig, City Clerk

Introduction:
Final Action:
Posted:
Published:

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A-1

DATE: June 26, 2014

SUBJECT: 4th & High Construction Management Contract

CONTACT PERSON: Mick Matheson, P.E. – Public Works Director

ISSUE:

The issue before the council is to authorize the Mayor to sign a contract with The Blueline Group, LLC, to provide construction inspection and construction administration services for the 4th Street and High Avenue projects. The fee to complete these services is not to exceed $130,900 without prior written authorization by the City Council.

STAFF RECOMMENDATION:

Authorize the Mayor to sign a contract with The Blueline Group, LLC, to provide construction inspection and construction administration services for the 4th Street and High Avenue projects. The fee to complete these services is not to exceed $130,900 without prior written authorization by the City Council.

SUMMARY:

The City of Sultan has received grant funding for the design and reconstruction of transportation related improvements of 4th Street from Alder Avenue to Fir Avenue, and High Avenue from 1st Street to 4th Street. The City has received the following transportation grants:

Grant Source	
Transportation Improvement Board (4th Street)	$308,644
Transportation Improvement Board (High Avenue)	$516,835
Total	**$825,479**

The City selected The Blueline Group over four other consulting firms to prepare the design of 4thStreet and High Avenue projects based on their qualifications. The Blueline Group has completed the design drawings and specifications and the City has gone through the bidding process and is in the process of awarding the contract for construction.

The original contract for design services with The Blueline Group did not include construction inspection or administration services. To address this issue, the City selected three consulting firms from the Municipal Research & Services Center website with experience in construction management and requested a letter of interest. The firms selected were Gray & Osborne, The Blueline Group and Harris & Associates. Harris & Associates did not respond.

City staff conducted phone interviews with Gray & Osborne, and the Blueline Group and developed a rating sheet. The Blueline Group was the unanimous choice to provide construction inspection and administrative services for the 4th Street and High Avenue projects.

FISCAL IMPACT:

The $130,900 fee for construction inspection and construction administration is mostly covered by the Transportation Improvement grants and bond proceeds from the recently acquired sewer and water bond. The City is responsible for five percent of the construction inspection and construction services related to transportation improvements. This cost is estimated to be approximately $3,235 which will be funded using REET 2.

ALTERNATIVES:

1. Authorize the Mayor to sign a contract with the Blueline Group, LLC to provide construction inspection and construction administration for the 4th Street and High Avenue projects for an amount not to exceed $130,900 without prior written authorization by the City Council.
2. Do not authorize the Mayor to sign a contract with the Blueline Group, LLC and direct staff to areas of concern.

RECOMMENDED ACTION:

Authorize the Mayor to sign a contract with the Blueline Group, LLC to provide construction inspection and construction administration for the 4th Street and High Avenue projects for an amount not to exceed $130,900 without prior written authorization by the City Council.

ATTACHMENTS:
Attachment A: Construction Inspection and Construction Administration Contract

AGREEMENT FOR SERVICES BETWEEN THE CITY OF SULTAN AND THE BLUELINE GROUP, LLC

THIS AGREEMENT, is made by and between the City of Sultan (hereinafter referred to as "City"), a Washington Municipal Corporation, and The Blueline Group, LLC (hereinafter referred to as "Service Provider"), doing business at 25 Central Way, Suite 400, Kirkland, WA 98033.

WHEREAS, Service Provider is in the business of providing certain services specified herein; and

WHEREAS, the City desires to contract with Service Provider for the provision of such services for construction inspection and construction administration for the 4th Street and High Avenue project, and Service Provider agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Description of Work**. Service Provider shall perform work as described in Exhibit A, Scope of Work, which is attached hereto and incorporated herein by this reference, according to the existing standard of care for such services. Service Provider shall not perform any additional services without the express permission of the City.

2. **Payment**.

   A. The City shall pay Service Provider at the hourly rate set forth in Exhibit B, but not more than a total of one hundred thirty thousand nine hundred dollars ($130,900) for the services described in this Agreement. This is the maximum amount to be paid under this Agreement.

   B. Service Provider shall submit monthly payment invoices to the City after such services have been performed, and the City shall make payment within four (4) weeks after the submittal of each approved invoice. Such invoice shall detail the hours worked, a description of the tasks performed, and shall separate all charges for clerical work and reimbursable expenses.

   C. If the City objects to all or any portion of any invoice, it shall so notify Service Provider of the same within five (5) days from the date of receipt and shall pay that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion.

3. **Relationship of Parties**. The parties intend that an independent contractor - client relationship will be created by this Agreement. No agent, employee, representative or subcontractor of Service Provider shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Service Provider or his employees, agents, representatives or subcontractors. Service Provider will be solely and entirely responsible for his acts and for the acts of Service Provider's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that Service Provider performs hereunder.

4. **Project Name**. 4th Street and High Avenue Reconstruction Project

5. **Duration of Work**. Service Provider shall complete the work described in Exhibit A on or before August 1, 2015.

6. **Termination**.

   A. *Termination Upon the City's Option*. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon ten (10) days written notice to the Service Provider.

   B. *Termination for Cause*. If Service Provider refuses or fails to complete the tasks described in Exhibit A, or to complete such work in a manner unsatisfactory to the City, then the City may, by written notice to Service Provider, give notice of its intention to terminate this Agreement. After such notice, Service Provider shall have ten (10) days to cure, to the satisfaction of the City or its representative. If Service Provider fails to cure to the satisfaction of the City, the City shall send Service Provider a written termination letter which shall be effective upon deposit in the United States mail to Service Provider's address as stated below.

   C. *Rights upon Termination*. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by Service Provider to the effective date of termination, as described in the final invoice to the City. The City Administrator shall make the final determination about what services have been satisfactorily performed.

7. **Nondiscrimination**. In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, Service Provider, its subcontractors or any person acting on behalf of Service Provider shall not, by reason of race, religion, color, sex, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

8. **Indemnification / Hold Harmless**. The Service Provider shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees,

arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Service Provider and the City, its officers, officials, employees, and volunteers, the Service Provider's liability hereunder shall be only to the extent of the Service Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

9. **Insurance**. The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees or subcontractors.

A. Minimum Scope of Insurance. Service Provider shall obtain insurance of the types described below:

1. *Automobile Liability* insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. *Commercial General Liability* insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The City shall be named as an insured under the Service Provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO additional insured endorsement GC 20 10 10 01 and GC 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. *Workers' Compensation* coverage as required by the Industrial Insurance laws of the State of Washington.

4. *Professional Liability* insurance appropriate to the Contractor's profession.

B. Minimum Amounts of Insurance. Service Provider shall maintain the following insurance limits:

1. *Automobile Liability* insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. *Commercial General Liability* insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate and $2,000,000 products-completed operations aggregate limit.

3. *Professional Liability* insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

C. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

1. The Service Provider's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Service Provider's insurance and shall not contribute with it.

2. The Service Provider's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage. Service Provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Service Provider before commencement of the work.

F. Subcontractors. Service Provider shall include each subcontractor as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage shall be subject to all of the same insurance requirements as stated herein for the Service Provider.

10. Entire Agreement. The written provisions and terms of this Agreement, together with all documents attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement.

11. **City's Right of Supervision, Limitation of Work Performed by Service Provider**. Even though Service Provider works as an independent contractor in the performance of his or her duties under this Agreement, the work must meet the approval of the City and be subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof. In the performance of work under this Agreement, Service Provider shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to Service Provider's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

12. **Work Performed at Service Provider's Risk**. Service Provider shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at Service Provider's own risk, and Service Provider shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

13. **Ownership of Products and Premises Security**.

    A. All reports, plans, specifications, data maps, and documents produced by the Service Provider in the performance of services under this Agreement, whether in draft or final form and whether written, computerized, or in other form, shall be the property of the City.

    B. While working on the City's premises, the Service Provider agrees to observe and support the City's rules and policies relating to maintaining physical security of the City's premises.

14. **Modification**. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and Service Provider.

15. **Assignment**. Any assignment of this Agreement by Service Provider without the written consent of the City shall be void.

16. **Written Notice**. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

17. **Non-Waiver of Breach**. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

18. **Resolution of Disputes, Governing Law, Venue**. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall be referred to the City Administrator, whose decision shall be final. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for its reasonable attorney fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in Snohomish County, Washington.

19. **Severability**. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and Service Provider, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

IN WITNESS WHEREOF, **the parties have executed this Agreement on the day and year below written.**

Dated this day of , 20

CITY OF SULTAN

By: _____
Carolyn Eslick, Mayor

SERVICE PROVIDER

By: _____
Title: _____
Taxpayer ID #: _____

CITY CONTACT

_____
City of Sultan
319 Main Street, Suite 200
Sultan, WA 98294
Phone: 360.793.2231
Fax: 360.793.3344

SERVICE PROVIDER CONTACT

_____
_____
_____
_____
Phone: _____
Fax: _____

ATTEST/AUTHENTICATED

By: _____
City Clerk

APPROVED AS TO FORM

By: _____
Office of the City Attorney

PROJECT DESCRIPTION

The Blueline Group, LLC ("Blueline") will provide full-time inspection services and construction administration services for the City of Sultan's High Avenue and 4th Street Projects ("Project"). Specific project tasks for Construction Inspection Services and Construction Administration Services are anticipated to include the following:

SCOPE OF WORK

Blueline's scope of work for Construction Inspection Services and Construction Administration Services is anticipated to include the following:

CONSTRUCTION INSPECTION SERVICES

Services are anticipated to include:

1. Review plans/specifications and visit the site.
2. Review materials delivered to the site to review compliance with City approved submittals.
3. Provide inspection for all aspects of the construction activity to review Contractor compliance with the contract plans and specifications.
4. Coordinate pressure and purity testing with the City and Contractor for water main schedules.
5. Coordinate final connections with the City and Contractor for water main schedules.
6. Record and report the progress of the construction operations to the City throughout the duration of the contract.
7. Furnish the City with verification of all quantities of materials.
8. Provide final project inspection including punchlists.
9. Provide as-built redlines to supplement the Contractor's redlines.
10. Monitor the Contractor's traffic control operations to review compliance with City approved Traffic Control Plan.
11. Be responsive to requests from citizens and businesses.
12. Project Management (reviewing inspection reports, as-builts and invoicing).
13. Expenses associated with mileage to and from the project site for daily inspections and progress meetings.
14. Plotting expenses for the as-built drawings.

Deliverables (to be submitted weekly during construction):

- Inspector's Daily Reports.
- Records of Force Account Work.
- Weekly Tabulation of Quantities Placed (with all truck tickets attached).
- Construction Progress Photos.

Assumptions:

- The Contractor will provide construction staking for the projects.
- The Contractor will coordinate compaction testing.
- The Contract will be completed within 100 working days. Should the contract duration be extended beyond 100 working days, a fee estimate for extending inspections will be provided.

CONSTRUCTION ADMINISTRATION SERVICES

Services are anticipated to include:

1. Review plans and specifications and visit the site prior to the Pre-Construction Conference.
2. Attend Pre-Construction Conference.
3. Send out minutes from Pre-Construction Conference.
4. Review and approve Contractor progress schedules.
5. Review material submittals.
6. Review and approve contract pay estimates, and prepare pay requests for the City approval.
7. Prepare change orders, as needed.
8. Prepare and submit weekly reports (Statement of Working Days and Project Progress Chart)
9. Review intents/certified payroll.
10. Provide RFI log.
11. Coordinate changes to drawings or specifications as necessary to respond to field conditions (As needed – coordinating with the City Project Manager).
12. Monitor construction to determine contractor compliance and prepare associated documentation.
13. General consultation and coordination on an as-needed basis to address construction questions.
14. Assist with preparing punch lists and final inspection.
15. Prepare recommendation of project acceptance.
16. Attend and conduct construction meetings as required. Provide meeting minutes to attendees. We assume at this point that a construction meeting will be held approximately every two weeks.
17. Prepare and submit TIB closeout paperwork.
18. Prepare as-built drawings based on Contractor and Inspector provided info.

PROJECT TASKS

Specific Project tasks include the following:

Task 001 – High Avenue Road and Storm ..... Not to Exceed: $45,100

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for road and storm installation along the High Avenue portion of the project.

Task 002 – High Avenue Water ..... Not to Exceed: $7,500

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for water main installation along the High Avenue portion of the project.

Task 003 – High Avenue Sewer ..... Not to Exceed: $17,700

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for sanitary sewer installation along the High Avenue portion of the project.

Task 004 – 4th Street Road ..... Not to Exceed: $15,900

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for road installation along the 4th Street portion of the project.

Task 005 – 4th Street Storm ..... **Not to Exceed: $3,700**

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for storm installation along the 4th Street portion of the project.

Task 006 – 4th Street Water ..... **Not to Exceed: $16,800**

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for water main installation along the 4th Street portion of the project.

Task 007 – 4th Street Sewer ..... **Not to Exceed: $24,200**

Construction Inspection and Construction Administration Services (as detailed in the Scope of Work section above) for sanitary sewer installation along the 4th Street portion of the project.

GENERAL ASSUMPTIONS AND NOTES

- Scope and fees outlined above are based on the following information (any changes to these documents may result in changes to the fees):
  - Correspondence with Mick Matheson on June 6, 2014.
- Compaction testing will be billed to the Contractor by the materials testing firm hired by the Contractor.
- Time and expense items are based on The Blueline Group's current hourly rates.

Exhibit 'B' to the Contract Agreement for Professional Services
between The Blueline Group, LLC and the City of Sultan
for the High Avenue and 4th Street Construction Services, dated June 27, 2014

High Avenue and 4th Street Construction Services

Job Number: 14-169
Date: June 27, 2014

Prepared By: Deanna Martin, PE
Checked By: Ken Lauzen, PE

Task #	Task	Project Manager $150/hr		Construction Administrator $135/hr		Construction Inspector $100/hr		CAD Technician $95/hr		Total Hours	Total Cost	Total Cost (Rounded)
		Hours		Hours		Hours		Hours				
001	High Avenue Road and Storm	11	$ 1,650	38	$ 5,130	350	$ 35,000	10	$ 950	409	$ 42,730	$ 45,100
	Expenses										$ 2,400	
002	High Avenue Water	1	$ 150	7	$ 945	58	$ 5,800	2	$ 190	68	$ 7,085	$ 7,500
	Expenses										$ 400	
003	High Avenue Sewer	2	$ 300	14	$ 1,890	144	$ 14,400	2	$ 190	162	$ 16,780	$ 17,700
	Expenses										$ 950	
004	4th Street Road	5	$ 750	15	$ 2,025	120	$ 12,000	3	$ 285	143	$ 15,060	$ 15,900
	Expenses										$ 850	
005	4th Street Storm	1	$ 150	5	$ 675	25	$ 2,500	2	$ 190	33	$ 3,515	$ 3,700
	Expenses										$ 200	
006	4th Street Water	5	$ 750	13	$ 1,755	131	$ 13,100	3	$ 285	152	$ 15,890	$ 16,800
	Expenses										$ 900	
007	4th Street Sewer	7	$ 1,050	14	$ 1,890	196	$ 19,600	4	$ 380	221	$ 22,920	$ 24,200
	Expenses										$ 1,300	
	TOTAL	32	$ 4,800	106	$ 14,310	1024	$ 102,400	26	$ 2,470	1188	$ 130,980	$ 130,900

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Exhibit 'B' to the Contract Agreement for Professional Services
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High Avenue and 4th Street Construction Services

001	High Avenue Road and Storm	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	1.0	$ 150	2.0	$ 270	1.0	$ 100	0.0	$ -	4.0	$ 520
2	Inspection Preparation, Submittal Review	1.0	$ 150	6.0	$ 810	2.0	$ 200	0.0	$ -	9.0	$ 1,160
3	General Coordination, Attend Construction Meetings	8.0	$ 1,200	15.0	$ 2,025	0.0	$ -	0.0	$ -	23.0	$ 3,225
4	Field Inspections	0.0	$ -	0.0	$ -	341.0	$ 34,100	0.0	$ -	341.0	$ 34,100
5	Pay Estimates, RFIs, Drawing Changes as Necessary	1.0	$ 150	11.0	$ 1,485	0.0	$ -	4.0	$ 380	16.0	$ 2,015
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	2.0	$ 270	6.0	$ 600	6.0	$ 570	14.0	$ 1,440
7	TIB Closeout Paperwork	0.0	$ -	2.0	$ 270	0.0	$ -	0.0	$ -	2.0	$ 270
8	Expenses (Mileage & Plotting)										$ 2,400
	Total	11.0	$ 1,650	38.0	$ 5,130	350.0	$ 35,000	10.0	$ 950	409.0	$ 45,130
									001 Not to Exceed		$ 45,100

002	High Avenue Water	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	0.0	$ -	1.0	$ 135	0.0	$ -	0.0	$ -	1.0	$ 135
2	Inspection Preparation, Submittal Review	0.0	$ -	1.0	$ 135	1.0	$ 100	0.0	$ -	2.0	$ 235
3	General Coordination, Attend Construction Meetings	1.0	$ 150	3.0	$ 405	0.0	$ -	0.0	$ -	4.0	$ 555
4	Field Inspections	0.0	$ -	0.0	$ -	56.0	$ 5,600	0.0	$ -	56.0	$ 5,600
5	Pay Estimates, RFIs, Drawing Changes as Necessary	0.0	$ -	2.0	$ 270	0.0	$ -	0.0	$ -	2.0	$ 270
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	0.0	$ -	1.0	$ 100	2.0	$ 190	3.0	$ 290
7	TIB Closeout Paperwork	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -
8	Expenses (Mileage & Plotting)										$ 400
	Total	1.0	$ 150	7.0	$ 945	58.0	$ 5,800	2.0	$ 190	68.0	$ 7,485
									002 Not to Exceed		$ 7,500

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Exhibit 'B' to the Contract Agreement for Professional Services
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High Avenue and 4th Street Construction Services

003	High Avenue Sewer	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	0.0	$ -	1.0	$ 135	0.0	$ -	0.0	$ -	1.0	$ 135
2	Inspection Preparation, Submittal Review	0.0	$ -	2.0	$ 270	1.0	$ 100	0.0	$ -	3.0	$ 370
3	General Coordination, Attend Construction Meetings	2.0	$ 300	6.0	$ 810	0.0	$ -	0.0	$ -	8.0	$ 1,110
4	Field Inspections	0.0	$ -	0.0	$ -	142.0	$ 14,200	0.0	$ -	142.0	$ 14,200
5	Pay Estimates, RFIs, Drawing Changes as Necessary	0.0	$ -	4.0	$ 540	0.0	$ -	1.0	$ 95	5.0	$ 635
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	1.0	$ 135	1.0	$ 100	1.0	$ 95	3.0	$ 330
7	TIB Closeout Paperwork	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -
8	Expenses (Mileage & Plotting)										$ 950
	Total	2.0	$ 300	14.0	$ 1,890	144.0	$ 14,400	2.0	$ 190	162.0	$ 17,730
								003 Not to Exceed			$ 17,700

004	4th Street Road	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	1.0	$ 150	1.0	$ 135	1.0	$ 100	0.0	$ -	3.0	$ 385
2	Inspection Preparation, Submittal Review	1.0	$ 150	2.0	$ 270	1.0	$ 100	0.0	$ -	4.0	$ 520
3	General Coordination, Attend Construction Meetings	2.0	$ 300	5.0	$ 675	0.0	$ -	0.0	$ -	7.0	$ 975
4	Field Inspections	0.0	$ -	0.0	$ -	117.0	$ 11,700	0.0	$ -	117.0	$ 11,700
5	Pay Estimates, RFIs, Drawing Changes as Necessary	1.0	$ 150	4.0	$ 540	0.0	$ -	1.0	$ 95	6.0	$ 785
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	1.0	$ 135	1.0	$ 100	2.0	$ 190	4.0	$ 425
7	TIB Closeout Paperwork	0.0	$ -	2.0	$ 270	0.0	$ -	0.0	$ -	2.0	$ 270
8	Expenses (Mileage & Plotting)										$ 850
	Total	5.0	$ 750	15.0	$ 2,025	120.0	$ 12,000	3.0	$ 285	143.0	$ 15,910
								004 Not to Exceed			$ 15,900

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High Avenue and 4th Street Construction Services

005	4th Street Storm	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	0.0	$ -	1.0	$ 135	0.0	$ -	0.0	$ -	1.0	$ 135
2	Inspection Preparation, Submittal Review	0.0	$ -	1.0	$ 135	0.0	$ -	0.0	$ -	1.0	$ 135
3	General Coordination, Attend Construction Meetings	1.0	$ 150	2.0	$ 270	0.0	$ -	0.0	$ -	3.0	$ 420
4	Field Inspections	0.0	$ -	0.0	$ -	25.0	$ 2,500	0.0	$ -	25.0	$ 2,500
5	Pay Estimates, RFIs, Drawing Changes as Necessary	0.0	$ -	1.0	$ 135	0.0	$ -	0.0	$ -	1.0	$ 135
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	0.0	$ -	0.0	$ -	2.0	$ 190	2.0	$ 190
7	TIB Closeout Paperwork	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -
8	Expenses (Mileage & Plotting)										$ 200
	Total	1.0	$ 150	5.0	$ 675	25.0	$ 2,500	2.0	$ 190	33.0	$ 3,715
								005 Not to Exceed			$ 3,700

006	4th Street Water	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	1.0	$ 150	1.0	$ 135	1.0	$ 100	0.0	$ -	3.0	$ 385
2	Inspection Preparation, Submittal Review	0.0	$ -	2.0	$ 270	1.0	$ 100	0.0	$ -	3.0	$ 370
3	General Coordination, Attend Construction Meetings	3.0	$ 450	5.0	$ 675	0.0	$ -	0.0	$ -	8.0	$ 1,125
4	Field Inspections	0.0	$ -	0.0	$ -	128.0	$ 12,800	0.0	$ -	128.0	$ 12,800
5	Pay Estimates, RFIs, Drawing Changes as Necessary	1.0	$ 150	4.0	$ 540	0.0	$ -	1.0	$ 95	6.0	$ 785
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	1.0	$ 135	1.0	$ 100	2.0	$ 190	4.0	$ 425
7	TIB Closeout Paperwork	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -
8	Expenses (Mileage & Plotting)										$ 900
	Total	5.0	$ 750	13.0	$ 1,755	131.0	$ 13,100	3.0	$ 285	152.0	$ 16,790
								006 Not to Exceed			$ 16,800

Exhibit 'B' to the Contract Agreement for Professional Services
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for the High Avenue and 4th Street Construction Services, dated June 27, 2014

High Avenue and 4th Street Construction Services

007	4th Street Sewer	Project Manager		Construction Administrator		Construction Inspector		CAD Technician			
Item #	Description	$150/hr		$135/hr		$100/hr		$95/hr		TOTAL HRS	TOTAL FEE
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
1	Pre-Construction Meeting	1.0	$ 150	1.0	$ 135	1.0	$ 100	0.0	$ -	3.0	$ 385
2	Inspection Preparation, Submittal Review	0.0	$ -	2.0	$ 270	2.0	$ 200	0.0	$ -	4.0	$ 470
3	General Coordination, Attend Construction Meetings	5.0	$ 750	8.0	$ 1,080	0.0	$ -	0.0	$ -	13.0	$ 1,830
4	Field Inspections	0.0	$ -	0.0	$ -	191.0	$ 19,100	0.0	$ -	191.0	$ 19,100
5	Pay Estimates, RFIs, Drawing Changes as Necessary	1.0	$ 150	2.0	$ 270	0.0	$ -	1.0	$ 95	4.0	$ 515
6	Punchlist, Project Acceptance, and As-Builts	0.0	$ -	1.0	$ 135	2.0	$ 200	3.0	$ 285	6.0	$ 620
7	TIB Closeout Paperwork	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -	0.0	$ -
8	Expenses (Mileage & Plotting)										$ 1,300
	Total	7.0	$ 1,050	14.0	$ 1,890	196.0	$ 19,600	4.0	$ 380	221.0	$ 24,220
								007 Not to Exceed			$ 24,200

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A-2

DATE: June 26, 2014

SUBJECT: High Avenue & 4th Street Project Bid Award and Contract Approval

CONTACT PERSON: Mick Matheson, P.E. – Public Works Director

ISSUE:

The issues before the council are to award Bid Schedules A, B, C, D, E, F, and G (Base Bid) plus a five percent contingency for the High Avenue and 4th Street project to SRV Construction Inc.; and to authorize the Mayor to sign a contract with SRV Construction Inc., not to exceed $1,676,000 without prior written authorization from City Council.

ALTERNATIVES:

1. Award the base bid plus a five percent contingency for the High Avenue and 4th Street project to SRV Construction Inc.; and authorize the Mayor sign a contract with SRV Construction Inc. for an amount not to exceed $1,676,000.
2. Do not award the base bid to SRV Construction, Inc. for the High Avenue and 4th Street Project and direct staff to areas of concern.

STAFF RECOMMENDATION:

1. Award the base bid plus a five percent contingency for the High Avenue and 4th Street project to SRV Construction, Inc and authorize the Mayor sign a contract with SRV Construction, Inc. for an amount not to exceed $1,676,000.

SUMMARY:

The City of Sultan has received grant funding for the design and reconstruction of transportation related improvements of 4th Street from Alder Avenue to Fir Avenue, and High Avenue from 1st Street to 4th Street. The City has received the following transportation grants:

Grant Source	
Transportation Improvement Board (4th Street)	$308,644
Transportation Improvement Board (High Avenue)	$516,835
Total	**$825,479**

The sewer and water systems beneath 4th Street and High Avenue are reaching the end of their useful life. A decision was made to replace the sewer and water systems at the same time the roads were improved. The City pursued grant funding with Community Development Block Grant for these utility improvements but was not successful. Council directed staff to pursue bond funding for the sewer and water improvements, which is now in place.

Sewer & Water Bonds	
Sewer Bond (4th Street)	$293,535
Water Bond (4th Street)	$329,213
Sewer Bond (High Avenue)	$93,649
Water Bond (High Avenue)	$224,179
Total	**$940,576**

The City advertised the project for bid in the Everett Herald on May 21, 2014 and May 28, 2014. The public bid opening was held at Sultan City Hall on June 12, 2014. The City received **three** bids.

Contractor	**Bid (Including Tax)**
SRV Construction	$1,596,292.54
Kar-Vel Construction	$1,617,328.30
Larry Brown Construction	$1,647,750.81

The lowest responsive, responsible bidder is SRV Construction.

The bid was broken into seven schedules (Schedule A through Schedule G). This was necessary to keep track of improvements to 4th Street and High Avenue separately because the Transportation Improvement Board considers them two separate projects as they are being funded out of two different TIB programs. Also, TIB only pays for the transportation related improvements, so sewer and water needed to be tracked separately.

Schedule A – High Avenue Road & Storm
Schedule B – High Avenue Water
Schedule C – High Avenue Sewer
Schedule D – 4th Street Road
Schedule E – 4th Street Storm
Schedule F – 4th Street Water
Schedule G – 4th Street Sewer

A separate schedule was prepared for 4th Street Storm (Schedule E) because TIB will typically not pay for storm drainage improvements on overlay projects. In this case, after bids were opened, TIB agreed to pay for 95 percent of the storm improvements for 4th Street due to the sum of bids for Schedules D & E being less than TIB funds available for Schedule D.

FISCAL IMPACT:

The Road and Storm drainage improvements for High Avenue and 4th Street (Schedules A, D, and E) have adequate funding. The City is required to provide a five percent match for these improvements, and budgeted REET2 funds for this purpose. Additional REET2 funds are anticipated this year (in addition to those already budgeted for the required City match) in case of potential contingency funding.

The sewer and water improvements for both High Avenue and 4th Street which are to be funded with bond proceeds have a budget shortfall.

For the water improvements (Schedules B and F), the shortfall is $9,483. The Alder Avenue project that recently was awarded received $50,000 in unanticipated funding for water and sewer improvements. Half of the funding is available for water improvements ($25,000) which makes up for the shortfall and also allows room for contingency funding.

For the sewer improvements (Schedules C and G), the shortfall is $33,529. The Alder Avenue sewer funding available is $25, 000 leaving a shortfall of $8,529. This gap can be made up by deferring the Infiltration and Inflow study proposed for 2014 ($30,000) which also allows for contingency funding.

	Low Bid	Construction Management	Total Cost	Available Grant or Bond Funding	Required City Match	Shortfall
Schedule A High Ave. Road/Storm	$424,190	$45,100	$469,290	$445,825	$23,464	$0
Schedule B High Water	$217,000	$7,500	$224,500	$224,179	$0	$321
Schedule C High Sewer	$83,090	$17,700	$100,790	$93,649	$0	$7,141
Schedules D&E 4th St. Road/Storm	$254,715	$19,600	$274,315	$260,599	$13,715	$0
Schedule F 4th St. Water	$321,575	$16,800	$338,375	$329,213	$0	$9,162
Schedule G 4thSt. Sewer	$295,723	$24,200	$319,923	$293,535	$0	$26,388

With the proposed funding strategy, a five percent construction contingency is possible.

RECOMMENDED ACTION:

Award the base bid plus a five percent contingency for the High Avenue and 4th Street projects to SRV Construction, Inc. and authorize the Mayor sign a contract with SRV Construction, Inc. for an amount not to exceed $1,676,000 without prior written authorization from the City Council.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A-3

DATE: June 26, 2013

SUBJECT: 2015-2020 Transportation Improvement Plan

CONTACT PERSON: Mick Matheson, P.E., Public Works Director

ISSUE:
Authorize the Mayor to sign Resolution 14-07 approving the 6-year (2015-2020) Transportation Improvement Plan (Attachment A).

STAFF RECOMMENDATION:
Staff recommends the Council consider the public input received under Agenda Item H-1 of this meeting, consider the history of this action as described in Agenda Item H-1, and authorize the Mayor to sign Resolution 14-07 to adopt the 2015-2020 Transportation Improvement Plan.

BACKGROUND:
The background information is provided on Agenda Item H-1 of this agenda packet.

ALTERNATIVES:

1. Authorize the Mayor to sign Resolution 14-07 approving the 2015-2020 Transportation Improvement Plan as required by RCW 35.77.010.

2. Do not authorize the Mayor to sign Resolution 14-07 approving the 2015-2020 Transportation Improvement Plan and direct staff to areas of concern. This alternative would delay adopting the 2015-2020 TIP The council should take this action if there are questions and/or concerns regarding:

    - Consistency with the city's adopted comprehensive plan
    - Anticipated revenues
    - Project list, project expenditures, or project priorities

RECOMMENDATION:
Authorize the Mayor to sign Resolution 14-07 approving the 6-year (2015-2020) Transportation Improvement Plan.

ATTACHMENTS:

Attachment A:	Resolution No. 14-07 Approving the 2015-2020 Transportation Improvement Plan
Attachment B:	2015-2020 Transportation Improvement Plan
Attachment C:	RCW 35.77.010

ATTACHMENT A

CITY OF SULTAN
WASHINGTON

RESOLUTION NO. 14-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, APPROVING THE 2015-2020 TRANSPORTATION IMPROVEMENT PLAN.

WHEREAS, RCW 35.77.010 mandates that all local jurisdictions annually adopt and submit to the state a six-year program of transportation improvements known as the Local TIP; and

WHEREAS, the six-year local Transportation Improvement Plan (TIP) serves as a work plan for the development of local transportation systems and, as such, represents an important planning component under the State's Growth Management Act; and

WHEREAS, in 2011, the City revised the Capital Facilities Element and Transportation Element of its 2008 update to the 2004 Comprehensive Plan and the transportation capital projects are a subset of the Capital Facilities Element; and

WHEREAS, the 2015-2020 TIP is compliant because it is based on a compliant Transportation Element that meets the standards of RCW 36.70A.070(6); and

WHEREAS, an environmental review was conducted for the 2011 revised Capital Facilities Element and Transportation Element in accordance with the provisions of the Washington State Environmental Policy Act; and

WHEREAS, the 2015-2020 TIP provides a multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the six-year TIP required by RCW 35.77.010; and

WHEREAS, the 2015-2020 Transportation Improvement Plan will further and be consistent with the goals, objectives and policies of the City's Comprehensive Plan, including the County-Wide Planning Policies for Snohomish County. Additionally, the proposed revisions are consistent with the City's plans, policies and regulations for providing community facilities, including but not limited to utilities, transportation, parks, or schools; and

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

Section 1. Findings. The City Council makes the following findings with regard to the 2015-2020 TIP:

A. The 2015-2020 TIP is based on the 2011 Comprehensive Plan

B. The 2015-2020 TIP is compliant because it is based on a compliant Transportation Element that meets the standards of RCW 36.70A.070(6).

C. The 2015-2020 TIP provides a multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the six-year TIP required by RCW 35.77.010.

D. Pursuant to RCW 35.77.010, the City of Sultan is taking legislative action to approve the 2015-2020 TIP.

Section 2. Adoption. The attached Exhibit A is adopted as the 2015-2020 Transportation Improvement Plan of the City of Sultan and incorporated by reference the same as though it were fully set forth herein.

Section 3. Filing. The City Clerk is directed to file a copy of this Resolution with the Secretary of Transportation not more than thirty days after its adoption.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _26th___ DAY OF _____June_____, 2014.

CITY OF SULTAN

By: _____
Carolyn Eslick, Mayor

ATTEST:

By: _____
Laura Koenig, City Clerk

APPROVED AS TO FORM:

By _____
Danielle Evans, City Attorney

ATTACHMENT B

15-2020 Expenditures By Year

	Total Project Cost 20-yr CFP	2015	2016	2017	2018	2019	2020	2015-2020 Total Expenditure
limits	$550,000	$12,000	$12,500	$12,500	$12,500	$12,500	$13,000	$75,000
US2	$650,000	12,600	$63,000					$75,600
to 150	$124,000	$34,650	$231,000					$265,650
ir	$255,000	$255,000						$255,000
o 4th	$485,000	$485,000						$485,000
	$260,000		$39,000	$221,000				$260,000
ewalks	$130,000		$289,000					$289,000
id l with	$310,000		$100,000	$100,000	$110,000			$310,000
g ke	$4,000,000	$3,000,000	$1,400,000					$4,400,000
ent to ark.	$747,000	$81,000	$666,000					$747,000
	$7,511,000	**$3,880,250**	**$2,800,500**	**$333,500**	**$122,500**	**$12,500**	**$13,000**	**$7,162,250**

ATTACHMENT B

5-2020 Expenditures By Fund

	Street Fund	REET	Transportation Impact Fee	Grant	Debt	Surface Water Management	Rev Totals
	$75,000	**$574,027**	**$5,700,000**	**$7,074,500**	**$0**	**$0**	**$13,423,527**
							Expenditures
	$75,000						$75,000
t		$3,600		$72,000			$75,600
et		$16,000		$298,000			$265,650
		$13,000		$242,000			$255,000
t		$26,000		$459,000			$485,000
o				$267,500			$267,500
				$289,000			$289,000
n		$10,000		$300,000			$310,000
				$4,400,000			$4,400,000
				$747,000			$747,000
	$75,000	**$83,800**	**$0**	**$7,074,500**	**$0**	**$0**	**$7,169,750**

ATTACHMENT C

RCW 35.77.010
Perpetual advanced six-year plans for coordinated transportation program expenditures -- Nonmotorized transportation -- Railroad right-of-way.

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first-class city derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city transportation needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive transportation program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year plan for each city or town shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes. (3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the city's or town's jurisdiction.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: **A-4**

DATE: June 26, 2014

SUBJECT: Planning Board Appointment:

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:
Appointment of Ms. Lucy Hitchcock to a second term on the Planning Board.

SUMMARY:
Mayor Eslick has received the attached letter of interest from Ms. Hitchcock for appointment to a second term on the Sultan Planning Board.

ACTION:
The Mayor will announce her recommendation as provided by (SMC) 2.17.090.

The Council will be asked to confirm that appointment by motion.

ATTACHMENT:
Attachment A: Ms. Hitchcock's Planning Board Letter of Interest.

ATTACHMENT A

June 6, 2014

Carolyn Eslick, Mayor
City of Sultan, WA

Dear Mayor Eslick,

As my first full term on the Planning Board will expire on June 30, I am writing to ask to be re-appointed for a second term.

I have enjoyed my experience, have learned a lot about land use and participated in preparing two major documents under the guidance of Bob Martin, and have a better understanding of how the City of Sultan and the County of Snohomish work. Our Board has worked well and diligently together, including on the difficult issue of cannabis..

As the City is in a period of transition for Planning with new staff and one or two new Planning Board members, I think I can provide continuity at this time. There is a chance that my family will be taking a trip of one to two months together during the coming year. If this happens, I will give ample notice and either take a leave of absence or be replaced as you and the Council wish.

Thank you for this opportunity to get to know my new town, many of its characters, issues, and possibilities. I have been impressed by the clarity and transparency of its processes, the invitation for citizen participation, the abundance and goodwill of its volunteers and the care for its natural resources and beauty. I appreciate your commitment to nurture small businesses whose growing presence will add much to our quality of life here as well as economic opportunity for the owners and the city.

My personal priorities continue to be care for the natural environment and our existing parks and trails, as well as urging toward obtaining park facilities for the residents of the east side of town, providing programs for continuing education through the Sultan Library and the Salmon Festival, and bringing my life experience to service to the community in which I live.

Warm regards,

Lucy V. Hitchcock
lucyinskyvalley@frontier.com

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A - 5

DATE: June 26, 2014

SUBJECT: Zoning Code, SMC Title 18

CONTACT PERSON: Bob Martin, Community Development Director

ISSUE: First reading of Ordinance 1199-14, Adopting a new Zoning Code, Title 18, and repealing existing Unified Development Code, Title 16, repealing Title 21, Other Land Uses, and repealing Fence and Manufactured Home provisions of Title 15.

PLANNING BOARD RECOMMENDATION:
The Planning Board, after conducting a public hearing on the matter, unanimously recommends that the Council proceed with adoption of an ordinance adopting Title 18, Zoning Code.

STAFF RECOMMENDATION:
Staff recommends that Council undertake first reading of Ordinance No. 1199-14, an Ordinance adopting new Title 18, Zoning Code, including housekeeping amendments required in various locations of the Sultan Municipal Code at Titles 15, 16, and 21, as required to prevent and/or eliminate conflicts between the newly-adopted Title 18 and other portions of the existing Sultan Municipal Code.

DISCUSSION:
The Council is directed to Agenda Item PH-1 for a full presentation of the background on this proposal. Attachments to Agenda Report PH-1 provide the text of the Ordinances under consideration and the body of proposed Title 18.

ACTION:
Council action at this time is to consider the public input received at the hearing for Agenda Item PH-1, and address first reading of Ordinance 1199-14.

ALTERNATIVES:
Council alternatives on this proposal are as follows:

1. Move for first reading of the adoption ordinance 1199-14, which will schedule it for second reading on the Consent Agenda for the Council Meeting of July 10, 2014.
2. Direct staff to make changes to the proposed Title 18, and return at a later date for consideration of the adoption ordinances.
3. Suspend action on the proposal and retain the existing Sultan Municipal Code provisions relating to zoning and land development.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Action A 6

DATE: June 26, 2014

SUBJECT: Renewal of Interlocal Agreement - CDGB

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:
The issue before the Council is the renewal of the Interlocal Cooperation Agreement for "Urban County" Requalification with the U.S. Department of Housing and Urban Development (HUD).

SUMMARY:
Snohomish County is designated as an "Urban County" under the HUD Block Grant programs and receives direct annual grants from HUD. The cities and towns in the County have joined the Urban County Consortium through Interlocal Cooperation Agreements. The City applies for Community Development Block Grants (CDBG) funds as part of the consortium.

Every three years, HUD requires the County to re-qualify as an "Urban County" for continued receipt of the grant funds by renewing the Interlocal Cooperation Agreements. In order for the city to continue to participate in the Urban County Consortium the Council needs to approve the amendment to the agreement by July 10, 2014. The agreement is for the years 2015-2017.

RECOMMENDED ACTION:
Authorize the Mayor to sign the the renewal of the Interlocal Cooperation Agreement for "Urban County" Requalification with the U.S. Department of Housing and Urban Development (HUD).

Attachments: Interlocal Cooperation Agreement and Letter from the County

Snohomish County
Human Services

(425) 388-7200
FAX (425) 259-1444
M/S 305
3000 Rockefeller Avenue
Everett, WA 98201-4046

John Lovick
County Executive

May 29, 2014

The Honorable Carolyn Eslick
Mayor of City of Sultan
319 Main Street STE 200
Sultan, WA 98294

RE: Immediate Action Required
Renewal of Interlocal Cooperation Agreement for "Urban County" Requalification with the U.S. Department of Housing and Urban Development (HUD)

Dear Mayor Eslick:

This letter is to inform you that your 2012-2014 Interlocal Cooperation Agreement with Snohomish County will be automatically renewed for 2015-2017 provided that you execute the enclosed required amendment to the agreement, and unless you wish to pursue termination of the agreement, which must be done in writing.

Snohomish County is designated as an "Urban County" under the HUD Block Grant programs, and thereby receives direct annual grants from HUD under these programs. The programs include Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG). The funds are used to help meet affordable housing and community development needs in our community.

The cities and towns in the County have joined in the Urban County Consortium through Interlocal Cooperation Agreements. This increases the level of assured annual funding for use throughout the County and the participating cities and towns. We hope that you will continue to participate as a member of our Urban County Consortium.

Every three years, HUD requires Snohomish County to re-qualify as an "Urban County" for continued receipt of the grant funds by renewing the Interlocal Cooperation Agreements. Your current agreement for Federal Fiscal Years 2012, 2013, and 2014 extends through June 30, 2015. Under a notice from HUD (CPD-14-07), re-qualification must be done at this time in order to renew the agreement for Federal Fiscal Years 2015, 2016, and 2017 for the program grant period of July 1, 2015, through June 30, 2018.

If you intend to continue participating in the Urban County Consortium, you must execute the enclosed amendment to your Interlocal Cooperation Agreement and return the required documentation to Snohomish County by July 10, 2014. Although the original agreement contains an automatic renewal clause, HUD is requiring the agreement to be amended to incorporate certain revised language in order to re-qualify for receipt of the grant funds for 2015-

2017. Enclosed are two originals of the amendment which includes the required changes. A copy of the agreement which was renewed for 2012-2014 is also enclosed for your reference.

The amendment must be authorized by formal action of the City Council and signed by the authorized chief executive officer. We must receive back two signed originals of the amendment and a copy of the City Council's authorization (either a signed Motion or a certified copy of the Minutes of the Council meeting recording the authorization). Please mail these documents to Mary Jane Brell Vujovic at the address listed below. In order to meet our deadline for submission of the amendment and related documentation to HUD, we must receive this documentation by Thursday, July 10, 2014. Snohomish County will return one original for your records after execution by Snohomish County.

Upon renewal, membership in the Consortium will be binding for the 2015-2017 period. During that time, participating members of the Consortium may apply for funding under the CDBG, HOME, and ESG funds that come to our Consortium, but may not apply for funding under the State CDBG program (membership does not preclude the Urban County or the members from applying to the State for HOME or ESG funds, if the State allows). Conversely, a city or town which is not a member of the Consortium cannot receive Urban County funding, but may apply to the State.

If you intend to withdraw from the Urban County Consortium, you must notify both the County and HUD in writing by June 20, 2014, that you will be terminating the agreement at the end of the current period and will not participate for the 2015-2017 qualification period. The notice must be sent to the following people at the following addresses:

Mary Jane Brell Vujovic, Division Manager
Housing & Community Services
Snohomish County Human Services Department
3000 Rockefeller, M/S 305
Everett, WA 98201

and

Jack Peters, Director
Office of Community Planning & Development
U.S. Department of Housing and Urban Development
909 First Ave., Suite 300
Seattle, WA 98104-1000

We appreciate your current partnership and look forward to renewing this cooperative relationship. If you have any questions, I may be reached at (425) 388-7116 or maryjanebrell@snoco.org. You may also contact Sue Tracy, Human Services Specialist II, at (425) 388-3269 or sue.tracy@snoco.org.

Sincerely,

Mary Jane Brell Vujovic, Division Manager
Housing & Community Services

Enclosures

SNOHOMISH COUNTY HOUSING AND COMMUNITY DEVELOPMENT URBAN COUNTY CONSORTIUM

INTERLOCAL COOPERATION AGREEMENT AMENDMENT 1

WHEREAS, Snohomish County, a political subdivision of the State of Washington (hereinafter referred to as "County") and the City of Sultan, a political subdivision of the State of Washington "(hereinafter referred to as "unit of local government"), pursuant to the Interlocal Cooperation Act of 1967, entered into an Interlocal Cooperation Agreement (hereinafter the "Agreement") in 1999 together with other participating units of local governments in Snohomish County for the Snohomish County Housing and Community Development Urban County Consortium; and

WHEREAS, the purpose of the Agreement is to qualify as an Urban County for receipt of Community Development Block Grant (hereinafter "CDBG"), HOME Investment Partnership Program (hereinafter "HOME"), Emergency Solutions Grant Program (hereinafter "ESG") and such other funds as may be available from the U.S. Department of Housing and Urban Development as a result of the Urban County designation; and

WHEREAS, the original term of the agreement was for Federal Fiscal Years 2000, 2001, and 2002, and the Agreement has been automatically renewed for successive three-year terms through the current term for Federal Fiscal Years 2012, 2013, and 2014 in order to maintain the Urban County designation for receipt of CDBG, HOME, ESG and other grant funds; and

WHEREAS, in order to maintain the Urban County designation for receipt of CDBG, HOME, ESG and other grant funds for Federal Fiscal Years 2015, 2016, and 2017, the U.S. Department of Housing and Urban Development is requiring that the Agreement be amended to more clearly delineate the fair housing and civil rights obligations to which urban counties and units of local government are subject and to add a new requirement regarding the use of CDBG funds that was placed in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76; and

WHEREAS, other minor revisions to the Agreement are necessary to meet the current requirements for cooperation agreements in the Urban County Qualification Notice for Federal Fiscal Years 2015, 2016, and 2017;

NOW, THEREFORE, the County, and the unit of local government, hereby agree as follows:

1. Section 1 of the Agreement is amended to read:

   Each party authorizes the inclusion of its population and other demographic characteristics for purposes of qualification of Snohomish County as an Urban County as defined in the Act; joins together with all other participating units of general purpose

local government to qualify Snohomish County as an Urban County for Community Development Block Grant (hereinafter "CDBG"), HOME Investment Partnership Program (hereinafter "HOME"), Emergency Solutions Grant Program (hereinafter "ESG"), and such other funds as may be available from the U.S. Department of Housing and Urban Development as a result of the Urban County designation; agrees to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and shall take all necessary actions to carry out the provisions of the approved Snohomish County Consolidated Plan. This agreement contemplates that identical agreements will be executed between the County and other cities and towns in Snohomish County and that the population and demographic data from those other cities and towns will further enable the County to qualify for CDBG, ~~and~~ HOME, and ESG funding. Such other cities and towns which enter into identical agreements are hereinafter referred to as "participating units of local government."

2. Section 2 of the Agreement is amended to read:

Snohomish County, as the applicant and grant recipient entity, assumes full decision making authority, including final funding award selections, policy making, and preparation and filing of the Consolidated Plan and annual Action Plan with the U.S. Department of Housing and Urban Development (hereinafter "HUD"), to carry out activities funded from Federal Fiscal Year 2000, 2001, and 2002 appropriations for the CDBG, ~~and~~ HOME, and ESG programs and any program income generated from the expenditure of such funds, and also assumes all obligations of the applicant as provided in the Act and the regulations promulgated thereunder.

3. Section 3 of the Agreement is amended to read:

Through the execution of this Agreement, the unit of local government understands and acknowledges that ~~it is not eligible to apply to the State for CDBG or HOME funding from Federal appropriations~~ for the Federal Fiscal Years for which this Agreement is in effect, it is not eligible to apply for grants from Federal appropriations under the State CDBG Program; that it may ~~only participate in~~ receive a formula allocation under the HOME Program only through the Urban County~~,~~ and that it may not participate in a HOME Consortium except with Snohomish County, and that this does not preclude the Urban County or the unit of local government from applying to the State for HOME funds, if the state allows; and that it may receive a formula allocation under the ESG Program only through the Urban County and that this does not preclude the Urban County or the unit of local government from applying to the State for ESG funds, if the state allows.

4. Section 4 of the Agreement is amended to read:

Snohomish County and the unit of local government will take all required actions necessary to assure compliance with the Urban County's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended,

regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and ~~including the provisions of the Fair Housing Act,~~ affirmatively furthering fair housing. ~~Title VI of the Civil Rights Act of 1964, Section 109 of Title I of the Housing and Community Development Act of 1974~~ Both parties must comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and with other applicable laws.

5. Section 5 of the Agreement is amended as follows:

Snohomish County shall not provide CDBG, ~~or~~ HOME, or ESG funding in or in support of any participating unit of local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's action to comply with the County's fair housing certification.

6. Section 7 of the Agreement is amended as follows:

Pursuant to 24 CFR 570.501(b), the unit of local government is subject to the same requirements applicable to subrecipients ~~Snohomish County~~ including the requirement of cooperating through written agreement with Snohomish County as set forth in 24 CFR 570.503.

7. Section 14 of the Agreement is amended as follows:

This Agreement shall supersede all previous Urban County cooperation agreements and shall remain in full force and effect from July 1, 2000 to June 30, 2003, or thereafter until all CDBG, ~~and~~ HOME, and ESG funds received by the unit of local government from the County from Federal Fiscal Year 2000, 2001 and 2002 appropriations and any subsequent qualification periods under this Agreement and all Program Income generated by activities funded from those receipts are expended and all the activities assisted either with the original receipts or the Program Income are completed. Neither party may terminate or withdraw from this Agreement while this Agreement remains in effect as provided herein and by the Act and Regulations. However, in the event that there is a revision of the Act and/or the Regulations which would make this Agreement out of compliance with the Act or Regulations, both parties will review this Agreement to renegotiate those items necessary to bring the Agreement into compliance. Both parties understand and agree that refusal to renegotiate this Agreement will result in the effective termination of the Agreement as of the date it is no longer in compliance with the Act and/or Regulations as amended.

Each party shall adopt any amendment to the Agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period and to submit such amendment to HUD as provided in the urban county qualification notice. Failure to comply with the requirements of this paragraph will void the automatic renewal for such qualification period.

8. Section 15 of the Agreement is amended as follows:

At the end of the initial three year term, this Agreement shall automatically renew for an additional three year term, and thereafter at successive three year intervals, unless and until either of the parties gives Notice to the other, in the required manner, of its intention to terminate the Agreement at the end of the current term. Such Notice must be given in writing by a certain date that will be specified in instructions issued by HUD in advance of each succeeding three year term. The County shall inform the unit of local government in writing of that deadline date for Notice to terminate and its right not to participate, at least 30 days in advance of said date. In the event Notice of intent to terminate is given, the Agreement shall terminate after all CDBG~~, and~~ HOME, and ESG funds received by the unit of local government from the County from appropriations for the three Federal Fiscal Years of that current term, and all Program Income generated by activities funded from those receipts, are expended and all the activities assisted either with the original receipts or the Program Income are completed.

9. The following Section 16 is added to the Agreement:

The unit of local government may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act pursuant to the Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

10. All other terms and conditions of the original Agreement remain in full force and effect.

[Signature Page Follows.]

IN WITNESS WHEREOF, the undersigned parties have executed this **AGREEMENT**, this _____day of _____, 2014.

FOR_____ **ATTEST:**

BY_____ **BY**_____

TITLE_____ **TITLE**_____

FOR SNOHOMISH COUNTY **ATTEST:**

BY_____ **BY**_____

TITLE_____ **TITLE**_____

APPROVED AS TO FORM:

Rebecca Wendling 5/28/2014