

**CITY OF SULTAN  
COUNCIL MEETING – COMMUNITY CENTER  
November 3, 2016**

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

**CHANGES/ADDITIONS TO THE AGENDA**

**PRESENTATIONS**

- 1) Volunteer Spotlight – Fire District 5

**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**

**PUBLIC HEARINGS:**

- 1) Land Use Ordinances – Title 15, Building, Title 16, Zoning and Title 17 Environmental
- 2) 2017 Tax Levy
- 3) 2017 Preliminary Budget
  - 3.1 General Funds
  - 3.2 Public Works Funds
  - 3.3 Debt Service Funds

**CONSENT AGENDA:** The following items are incorporated into the consent agenda and approved by a single motion of the Council.

**ACTION ITEMS:**

- 1) Ordinance 1248-16 -2017 Tax Levy
- 2) Ordinance 1249-16- 2017 Police Bond
- 3) Ordinance 1244-16 - Zoning Code
- 4) Ordinance 1246-16 -Title 15 Building Code

**Executive Session:**

**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](mailto:cityhall@ci.sultan.wa.us) or visit our web site at [www.ci.sultan.wa.us](http://www.ci.sultan.wa.us)

# SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

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## SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

**ITEM NO:** P-1  
**DATE:** November 3, 2016  
**SUBJECT:** Volunteer Spotlight – Snohomish County Fire District 5 Volunteers

**CONTACT PERSON:** Donna Murphy, Grants and Volunteer Coordinator

**ISSUE:** To recognize Snohomish County Fire District 5 volunteers as the City of Sultan’s Volunteer Spotlight for November, 2016.

### SUMMARY:

Snohomish County Fire District 5 Volunteer Association was formed in 1911; the bylaws were written and adopted, for the first 80 years the association elected its chief and officers and was run by the volunteers. In 1992 the district annexed the city and the commissioners elected its first full time chief, after a number of chiefs in the first few years the commissioners hired Merlin Halverson as the full time chief for the district.



The Fire District’s Volunteer Association now has officers and been going strong for the past 10 – 15 years.

The President of the Association is Jeff Williams who was very excited to talk about all of the volunteer projects they’re involved in, such as holding fundraisers like rummage sales, sales of shirts and water bottles as well as battle of the badges held between the fire department and the sheriff’s department with the funds going to the Sultan Education Foundation as well as for firefighter training, purchasing CPR Dummies and scholarships for Sultan High School students who are interested in moving forward in the EMS, Fire Fighter, medical or police work.

The Volunteer Association takes part in the Christmas Tree Lighting, giving Santa and Mrs. Claus a ride to the event in a fire truck. They also host Santa at the Fire Station every year, serving cookies, hot chocolate and cider, and they’re always at the Easter Egg Hunt and donate money to buy candy and supplies for the tots. Every Halloween they hand out about \$300 worth of candy and safety bracelets at Trunk or Treat and having a fire engine at the event to hand out the candy and bracelets to the kids.

They apply for and receive grants for bicycle helmets and give them away to the kids who come to the station. They have an ongoing Life Jacket Check Out program for people to check out life jackets when going to the river and returning them at the end of the day.



Every year in August, the Volunteer Association hosts a Smoke Trailer and provides staff to be at National Night Out, and they talk about safety hazards.

They regularly go to the elementary school and talk about fire safety, strangers and bike safety. In fact, they were in the SHS Homecoming Parade last month.

They adopted US 2 for litter control from Wagley Creek to the Red Apple.

Jeff said they want to be part of the community and need more volunteers. The majority of the department is volunteers, with 5 full time firefighters and 30 volunteers. The volunteers work side by side with the full time firefighters at the training events, some of which are multi-district and some are in-district.

Some of the volunteers take part climb the Columbia Tower in Seattle along with the full time firefighters every year to raise money for Leukemia Lymphoma. They're going to sign up in 3 weeks for the event that will be held on 3/12/17.

When asked where he sees the Volunteer Association in 2 – 5 years, Jeff said they'll still be involved in training and part of the community. "I feel a lot of pride in being part of the community and grateful for the opportunities offered and I look forward to more." Jeff commented.

In all we do as an association, we get a lot of support and help from the district and its full time staff and are very grateful for every opportunity and wish to say thank you as well.

## SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

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ITEM NO: Public Hearing 1

DATE: November 3, 2016

SUBJECT: Zoning Code (Title 16) and Related Land Use Code Amendments (Chapters 12.08 and 15.08)

CONTACT PERSON: Brad Collins, Interim Planning Director

**ISSUE:**

The issue is to reopen the October 27, 2016 continued public hearing, receive public comment, close the public hearing and schedule the adopting Ordinances for a first reading on November 3, 2016, and a second reading and adoption on either November 17, 2016, or December 1, 2016, depending on any additional revisions to the Code Amendments in Title 16 and Chapters 12.08 and 15.08.

The old 1995 Unified Development Code (Title 16) that regulates land use zoning regulations requires more professional planning staff work than the City of Sultan's existing budget and staffing capacity can meet to make timely land development reviews. Accordingly, the zoning regulations have been rewritten to reduce the amount of staff time needed to process many conditional use permits in favor of permitted uses in more traditional residential, commercial, and industrial zones. The new Zoning Code (Title 16) and related land use code amendments are consistent with the intent of the Comprehensive Plan goals and policies. For consistency, other related land use regulations in Titles 12, 15, and 21 also have been revised and/or relocated to make the land use development review follow a simpler and more efficient permit process.

**COUNCIL COMMITTEE/PLANNING BOARD/WORK GROUP RECOMMENDATION:**

From February through September 2016, the Planning Board met often twice a month at public meetings and held public hearings on July 21, 2016, and August 18, 2016. At its joint meeting with the City Council on September 15, 2016, the Planning Board recommended approval of a new Zoning Code and other related land use code amendments for adoption by the City Council. The City Council held a public hearing on October 13, 2016, which was continued to October 27, 2016. While much of the zoning code language in Title 16 has been unchanged, the elimination of many conditional uses and the addition of more permitted uses in more traditional residential, commercial, and industrial zones represent the bulk of the new Zoning Code amendments.

**STAFF RECOMMENDATION:**

Following the close of the public hearing on the Code Amendments for Title 16 and Chapters 12.08 and 15.08, ending an extensive public review process, the City Administration recommends adoption of the Code Amendment Ordinances. .

The City staff proposed the initial zoning code amendments and concurs with the recommendation of the Planning Board as they have revised the staff proposals per the attached Ordinances, which has continued to be modified in response to public comments and questions arising in the review of the draft language. The minutes of the February through September 2016 Planning Board meetings and the ongoing drafts incorporating new language as the public review process has progressed provide documentation of how the new Zoning Code and other related land use code amendments are proposed to change.

**SUMMARY:**

The proposed new Zoning Code and other related land code amendments accomplish three things:

- Make the land development review, particularly for permitted and conditional land uses, simpler for the public and more efficient for the limited staffing capacity to process. These code amendments will save time and make the development review less costly for applicants. The code language in the Sultan Municipal Code will allow land uses to be permitted without the need for as many condition use permit approvals through the Hearing Examiner process, will reduce the need for staff interpretations, and will avoid confusion which leads public conflicts and appeals.
- Update the Zoning Code and other related land use codes to be consistent with the 2005/2009 and 2011/2015 Comprehensive Plan GMA updates, as well as legislative changes regarding the regulation of marijuana activities and wireless communication facilities. The New Zoning Code will assist implementation of the following Sultan Comprehensive Plan goals and policies: (a) “reduce the cost of housing development and support regional efforts to accommodate affordable housing for all demographic groups and income levels” (Housing Goal #5), (b) “streamline and simplify development regulations to minimize the cost of housing development” (Housing Policy 5.2), and (c) “facilitate local business development efforts, property investment projects, and programs that enhance Sultan economic opportunities” (Economic Development Goal #2).
- Exemplify zoning code text changes that have been studied for more than two years without reaching conclusions regarding desired changes that will simplify development regulations that may be discouraging implementation of Sultan’s Comprehensive Plan for housing development and economic development and stagnating healthy maintenance and growth of the City’s tax base.

**ALTERNATIVES:**

The primary alternative is to not adopt some or all of the zoning code and other related land use code amendments, particularly if the text changes fail to achieve the highest and best use of the residential, commercial, and industrial zones or if the added language does not adequately clarify and simplify the development regulations. The zoning code and other related land use code amendments should be decided on whether or not these code amendments maintain and grow the City's tax base through development that does not adversely affect the development of other properties.

**FISCAL IMPACT:**

The code amendments have no immediate impact on the City's budget. Future impacts would depend on two separate outcomes: 1) the maintenance and growth of the City's tax base with implementation the land use development regulations under the new Zoning Code and other related land use code amendments and 2) the efficiency and cost savings that may be found with permit processing demands on the limited capacity of the City's professional planning staff. It is the express intention to have both outcomes result in a positive growth of the City's tax base and in an efficient processing of land development applications within the limited capacity of the two person professional planning staff.

**DISCUSSION:**

City Council can continue the discussion that has been on-going for six months with the Planning Board and begun by the City Council at its joint meeting with the Planning Board on September 15, 2016.

**RECOMMENDED ACTION:**

Open and continue the public hearing on the new Title 16 Zoning Code, Title 15 Building and Title 17 Environment land use codes amendments and continue action for a first reading of the Code Amendments Ordinances to November 3, 2016.

**CITY OF SULTAN**  
**WASHINGTON**  
**ORDINANCE NO. 1244-16**

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**AN ORDINANCE OF THE CITY OF SULTAN,  
WASHINGTON RELATED TO ZONING REGULATIONS;  
REPEALING TITLES 16 AND 21 OF THE SULTAN  
MUNICIPAL CODE (SMC); ADOPTING A NEW TITLE 16  
SMC; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, in 1995, the City of Sultan adopted its Unified Development Code, codified in Title 16 of the Sultan Municipal Code, containing zoning and land use regulations for property within the City; and

WHEREAS, since 2008, the economic recession has significantly reduced development activity in the City, and the City has accordingly reduced staffing in its community development departments; and

WHEREAS, for the past year, City staff have been working on updating the zoning and land use regulations of the City to increase the efficiencies that limited staffing can use to meet the increasing demands for permitting (the “Zoning Code Update”); and

WHEREAS, the Zoning Code Update consolidates zoning regulations that were previously included in Title 21 of the Sultan Municipal Code;

WHEREAS, progressive drafts of the Zoning Code Update were reviewed by the Planning Board on January 21, 2016, February 8, 2016, March 17, 2016, April 21, 2016, May 3, 2016, May 19, 2016, June 2, 2016, June 16, 2016, July 21, 2016, August 18, 2016, and September 15, 2016; and

WHEREAS, the Zoning Code Update was submitted to the Washington State Department of Commerce (“DOC”) on July 15, 2016, in accordance with RCW 36.70A.106, and DOC completed its review of the Zoning Code Update on July 18, 2016; and

WHEREAS, the Planning Board held public hearings on the Zoning Code Update on July 21, 2016, and August 18, 2016; and

WHEREAS, the City Council held public hearings on the Zoning Code Update on October 13, 2016, and November 3, 2016; and

WHEREAS, the City issued a Determination of Non-Significance (DNS) on the Zoning Code Update on September 23, 2016, in accordance with the Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);

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

**Section 1. Repealer.** Title 16, “Unified Development Code,” and Title 21, “Other Land Uses,” of the Sultan Municipal Code are hereby repealed in their entirety.

**Section 2. New Title 16 SMC Adopted.** A new Sultan Municipal Code Title 16, entitled “Zoning Code,” is hereby adopted as set forth in the attached **Exhibit A**, which is incorporated herein by this reference.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**CITY OF SULTAN**

\_\_\_\_\_  
Carolyn Eslick, Mayor

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Laura Koenig, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Amy S. Mill, City Attorney

Filed with the City Clerk: \_\_\_\_\_  
Passed by the City Council: \_\_\_\_\_  
Date of Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**EXHIBIT A:**  
**Title 16**  
**ZONING CODE**

Chapters:

*Division I: General Provisions*

- 16.01 General Provisions**
- 16.04 Definitions**

*Division II: Zoning Districts*

- 16.10 Establishment of Zoning Districts**
- 16.12 Permitted Uses – Tables of Dimensional and Density Requirements**

*Division III: Site Development Regulations*

- 16.20 General Regulations**
- 16.24 Conditional Use Permits**
- 16.26 Nonconformances**
- 16.28 Variances**

*Division IV: Performance Standards*

- 16.30 Performance Standards – General**
- 16.34 Standards for Infill Development in Residential Areas**
- 16.38 Home Occupation Standards**
- 16.42 Manufactured Housing**
- 16.46 Nonresidential Performance Standards**
- 16.50 Marijuana Business Standards**
- 16.54 Off-Street Parking and Loading Standards**
- 16.58 Landscaping Standards**
- 16.62 Recreational and Open Space Standards**
- 16.66 Wireless Communications Facilities Standards**
- 16.68 Public Works Standards**

*Division V: Concurrency Management System*

- 16.70 Concurrency Management System**
- 16.72 Development Impact Fees**
- 16.74 School Impact Fees**
- 16.76 Impact Fee Deferral**

*Division VI: Administration*

- 16.80 Administration**
- 16.82 Public Hearings**
- 16.84 Amendments**
- 16.86 Amendments – Public Participation and Notice Procedures**
- 16.88 Rezones**

*Division VII: Enforcement*

**16.90 Suspension, Revocation or Failure to Obtain Permits**

*Division I: General Provisions*

**CHAPTER 16.01  
GENERAL PROVISIONS**

Sections:

- 16.01.010 Purpose and scope.**
- 16.01.020 Rules for construction of language.**
- 16.01.030 Declaration of nuisance.**

**16.01.010 Purpose and scope.**

The purpose of the unified development code is to establish standards, procedures, and minimum requirements for land use and development regulation in the City of Sultan and thereby achieve the following general intentions and purposes of the Sultan Comprehensive Plan:

- A. To establish regulatory procedures and standards for review and approval of all proposed development in the city.
- B. To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the city.
- C. To adopt a development review process that is:
  - 1. Efficient, in terms of time and expense relative to staff resources;
  - 2. Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the city; and
  - 3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the city.
- D. To implement the Sultan Comprehensive Plan by:

1. Establishing regulations and conditions governing the erection and use of buildings and other structures and the uses of land;

2. Securing safety from fire, panic, and other dangers;

3. Lessening automobile congestion on the streets;

4. Providing for adequate light and air;

5. Preventing the overcrowding of land;

6. Avoiding undue congestion of population and facilitating the adequate provision of transportation, potable water, sanitary sewage disposal, schools, parks, and other public requirements of the city;

7. Dividing the city into zoning districts, defining certain terms, designating the land uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements for new development;

8. Establishing a zoning map of permitted land uses in said zoning districts along specific property lines and natural boundaries, separate and distinct from the Comprehensive Plan Future Land Use Map;

9. Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the city;

10. Continuing a planning board, including the composition of the board's membership and powers and duties;

11. Defining the functions of the building and zoning official, planning board, and city council and other relevant agencies and departments with respect to the administration and enforcement of this zoning code and other development regulations.

E. To ensure that all development in the city will be served by adequate public infrastructure consistent with the Comprehensive Plan.

F. To require that all new land development activity contributes its proportional share of the funds, land, and/or public facilities necessary to accommodate the impacts that such new development has on public facilities and services, for which a rational nexus to the proposed new development exists, and for which the need is reasonably attributable to the proposed new development.

G. To enforce the development regulations in this zoning code.

**16.01.020 Rules for construction of language.**

The following rules of construction apply to the interpretation of this zoning code:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this zoning code and any caption, illustration, summary table, or illustrative table, the text shall control.

C. The word “shall” is always mandatory and not discretionary. The word “should” is permissive and is discretionary.

D. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates otherwise.

E. A “building” or “structure” includes any part thereof.

F. The phrase “used for” includes “arranged for,” “designed for,” “maintained for” and “occupied for.”

G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either/or,” the conjunction shall be interpreted as follows:

1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.

2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. “Either/or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

I. The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

J. The use of any gender-based pronoun shall not be construed to be gender-biased, but is only used for grammatical simplicity.

K. All references to “Uniform Development Code” or “UDC” shall be interpreted to mean “Zoning Code.”

L. All references to “community and economic development director” shall be interpreted to mean “planning director.”

**16.01.030 Declaration of nuisance.**

All violations of this zoning code are determined to be detrimental to the public health, safety and welfare, and are declared a public nuisance. All conditions which are determined by the building and zoning official or his duly authorized representative to be in violation of this title shall be subject to the provisions of this title and enforcement by lawful means as provided in this title.

**CHAPTER 16.04  
DEFINITIONS**

**Sections:**

- 16.04.001 Interpretation.**
- 16.04.010 “A” definitions.**
- 16.04.020 “B” definitions.**
- 16.04.030 “C” definitions.**
- 16.04.040 “D” definitions.**
- 16.04.050 “E” definitions.**
- 16.04.060 “F” definitions.**
- 16.04.070 “G” definitions.**
- 16.04.080 “H” definitions.**
- 16.04.090 “I” definitions.**
- 16.04.100 “J” definitions.**
- 16.04.110 “K” definitions.**
- 16.04.120 “L” definitions.**
- 16.04.130 “M” definitions.**
- 16.04.140 “N” definitions.**
- 16.04.150 “O” definitions.**
- 16.04.160 “P” definitions.**
- 16.04.170 “Q” definitions.**
- 16.04.180 “R” definitions.**
- 16.04.190 “S” definitions.**
- 16.04.200 “T” definitions.**
- 16.04.210 “U” definitions.**
- 16.04.220 “V” definitions.**
- 16.04.230 “W” definitions.**
- 16.04.240 “X” definitions.**
- 16.04.250 “Y” definitions.**
- 16.04.260 “Z” definitions.**

**16.04.001 Interpretation.**

As used in this Title 18, the terms or words in this chapter shall have the meanings ascribed herein.

**16.04.010 “A” definitions.**

1. “Abandonment” means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of

remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2. “Abutting” means having a common border with, or being separated from such common border by an alley or easement.

3. “Access” means a means of vehicular ingress and egress to a lot or parcel. For the purpose of this code, a lot shall abut by no less than 20 feet upon and have direct access to: (a) an opened, constructed and maintained public road; or (b) a private road in plat or short plat approved by the city of Sultan; or (c) an exclusive, unshared, unobstructed permanent access easement at least 20 feet wide.

4. “Access panhandle” means a strip of land designed to provide access to the lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning district.

5. “Access road” means a private or public road or street that provides direct access from abutting properties to a city collector or arterial road, as defined by the city’s comprehensive plan.

6. “Accessory building” means a subordinate building attached to or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, play house, laundry room, garden shelter, hobby room and mechanical room.

6A. “Accessory dwelling unit (ADU)” is a habitable living unit that provides the basic requirements of living, sleeping, cooking, and sanitation, and is subordinate to the principal dwelling unit in the same building or on the same premises.

7. “Accessory structure” means a detached, subordinate structure, located on the same lot, the use of which is clearly incidental to that of the main building or to the principal use of the land.

8. “Accessory use” means a use incidental and subordinate to the use of the main building on the same lot.

9. “Acre, gross” means a tract of land consisting of 43,560 square feet.

10. “Action” means a vote by a quorum of the planning commission, board of appeals, or city council upon a motion, proposal, resolution or order, and resulting in a collective decision by a majority of those voting members present. “Action” also means a decision by the building and zoning official when exercising his or her authority under this unified development code.

11. “Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

12. “Adjacent” means that which lies near or close to, not widely separated nor necessarily touching.

13. “Adjacent property owner” means any property owner of record, according to the records of the county assessor, whose property adjoins or abuts property proposed for division or any portion thereof, or whose property is within 300 feet of the property proposed for division.

14. “Adjoining” means that which is joined or united, and actually touching.

15. “Adult bookstore” means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas. For the purposes of the Zoning Code, an adult bookstore shall be deemed to be an adult entertainment establishment.

16. “Adult entertainment establishment” means any business which, as a substantial portion of its operations, offers for sale or viewing for any consideration any live performances, photographic or film depictions, or devices or paraphernalia that depict or are characterized by an emphasis on the depiction, description, or engagement in specified sexual activities or anatomical areas including male or female sexual organs, buttocks, or female breasts. (For the purposes of this definition, the term “paraphernalia” shall not be deemed to include condoms or other birth control measures.)

17. “Aesthetics” means a characteristic of development relating to its physical beauty.

18. “Affordable housing” means a residential dwelling unit with a monthly rent or monthly mortgage payment including property taxes and insurance, not to excess of one-twelfth of 30 percent of annual income for renters and one-twelfth of 40 percent of annual income for owners, which represents 50 percent (for very low income), 80 percent (for low income), or 120 percent (moderate income) of the median adjusted gross annual income for the household, as published by the U.S. Bureau of the Census for the city of Sultan.

19. “Aggrieved person” means any person, including the applicant, who, in connection with a decision or action of the building and zoning officer or the planning commission, board of appeals, and/or city council on an application for a development permit, takes issue with the decision rendered.

20. “Agricultural use” means the principal use of land for agricultural purposes, such as the tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying and/or animal husbandry, including all uses customarily incidental thereto; provided, that “agricultural use” does not include maintaining household gardens or keeping domestic pets.

20A. Air B&B. *See* “Bed and breakfast inn.”

21. "Airport" means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

22. "Alley" means any public thoroughfare for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

23. "Alterations" means any change, addition, or modification of type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed."

24. "Ambient" means, within the context of this code, an adjective that is generally attached to the term "air quality." Ambient air quality refers to the condition of the atmosphere within the environs of a particular use or geographic area.

25. "Amusement park or center" means a group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts, and such similar activities.

26. "Apartment" means a room or suite of rooms within an apartment building, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, cooking, and sanitation.

27. Apartment building or house. *See* "Dwellings, multiple-family."

28. "Appeal" means a request for a review of the City's interpretation of any provision of this title.

29. "Applicant" means any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

30. "Appropriate" means anything that is compatible with a facility's natural, cultural, or recreational resources, recognizing the purpose of the established area.

31. "Aquaculture" means the regulation and cultivation of water plants and animals for human use or consumption. Aquaculture may include hatcheries, marine crop production and other similar uses that occur in either fresh or salt water.

32. "Aquifer" means a groundwater bearing geologic formation or formations that contains sufficient amounts of saturated material to yield water.

33. "Aquifer recharge area" means a body of permeable materials that collects precipitation or surface water and transmits it to the aquifer.

34. Arcade.

a. “Game/video arcade” means any establishment, room, place, or business location in which there are available to the public more than three coin or token operated amusement devices or where a fee is charged for the operation of such devices.

b. “Structural arcade” means a permanently roofed arched covered continuous area or passageway at ground level, open to a street, plaza, open space, or building, that is accessible and open to the public.

35. “Area of shallow flooding” means a designated “AO” or “AH” zone on the city’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

36. “Area of special flood hazard” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

37. “As-graded” means the extent of surface conditions on completion of grading.

38. “Assessment” means an estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

39. “Auditor” means the Snohomish County auditor.

40. “Automobile parking area, public” means an open area, other than a street or private automobile parking area, designed to be used for the parking of two or more automobiles.

41. “Automobile parking area, private” means an open area, located on the same lot with a dwelling or hotel, for parking automobiles of the occupants of such buildings.

42. “Automobile service station” means a building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile service stations may include the following: customary space and facilities for the installation of such commodities on or in such vehicles; space for facilities for the storage, minor repair, or servicing of such vehicles, and space for car washing.

43. Automotive Repair Establishment.

a. “Major repair” means a retail sales and service establishment that provides for the painting, repainting, or retouching and/or major mechanical repairs and adjustments of motor vehicles such as engine overhauls, transmission overhauls, and the like which usually require more than one working day for service. No outdoor sales, repair or service work shall be allowed. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

b. "Minor repair" means a retail sales and service establishment that shall include only those repairs able to be effected within one working day, such as brake repair, engine tune-ups, oil changes, lubrications, front end alignments, transmission services, tire services, battery services, brake services, and the like. No outdoor sales, repair, or service work shall be allowed. Repair services of a major nature, including but not limited to engine or transmission overhauls or body work shall not be included within this definition. Outdoor storage or display of vehicles, parts, equipment, or tires shall not be included within this definition. The service or repair of trucks or other similar vehicles that exceed a one-ton rated capacity shall be prohibited. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

c. "Paint and/or body shop" means a building or other structure used for painting, repainting, or retouching and/or major non-mechanical bodywork and adjustment of motor vehicles.

44. "Automobile sales and service establishments, new or used" means an establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

45. "Automobile wrecking yard" means any 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.

46. "Awning" means any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

#### **16.04.020 "B" definitions.**

1. "Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents, or other characteristics in or of groundwater at a particular point in time and upgradient of an activity that have not been affected by that activity.

2. "Bakery or bakery shop" means an establishment where the majority of retail sale is of products such as breads, cakes, pies, pastries, etc., that are baked or produced and sold on premises.

3. "Bar or cocktail lounge" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a restaurant use wherein alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 20 percent of the gross receipts.

4. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

5. “Base flood elevation” means the height above mean sea level expected to be reached by the 100-year flood, as officially determined by the U.S. Army Corps of Engineers.

6. “Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

7. “Basin plan” means a plan and all implementing regulations and procedures, including but not limited to, land use management adopted by ordinance for managing surface and stormwater management facilities and features within individual sub-basins.

8. “Bed and breakfast inn” means an owner-occupied, single-family detached dwelling where meals and short-term lodging are provided for compensation to guests and other transient persons. An Air-B&B is a Bed and Breakfast Inn for the purposes of the Zoning Code. (*See* “Guest house.”)

9. “Bedrock” means the more or less solid rock in place either on or beneath the surface of the earth. It may be soft, medium, or hard and have a smooth, irregular surface.

10. “Bedroom” means a room other than a kitchen, dining room, living room, bathroom, or closet that is marketed, designed, or otherwise likely to function primarily for sleeping.

11. “Bench” means a relatively level step excavated into earth material on which fill is to be placed.

12. “Best management practice (BMP)” when associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to prevent contamination from contaminated land uses; for instance, monitoring and secondary containment for underground storage tanks.

13. “Billboard” means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

14. “Binding site plan” means a drawing and/or agreement which includes the following:

a. A record of survey and drawing(s) which identify the location of all proposed and required site improvements including but not limited to: streets, roads, easements, buildings, utilities, open spaces, parks, parking, landscaping, signs, drainage facilities, and other site improvements specified by the city of Sultan; and

b. “Development agreement” incorporating the conditions of approval, limitation for the use of the land, and improvement guarantees to ensure compliance of all conditions of approval for the binding site plan.

15. “Blight” means that concentration of forces which puts a building or neighborhood on its way to becoming a slum. A “blighted” area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces. Blight can be caused by unsightly, odor, unhealthy, noisy, and other conditions that adversely impact the surrounding environment, neighboring land uses, and property values in the community.

16. “Block” means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and non-subdivided acreage, watercourse, or body of water; or between any of the foregoing and any other barrier to the continuity of development.

17. “Boarding house” means a dwelling where meals or lodging and meals are provided for compensation to at least five persons and no more than 20 persons by prearrangement for definite periods of at least one month’s duration. A boarding house is to be distinguished from a hotel, motel, lodging house, and guest house..

18. “Bog/fen” means a wetland which accumulates organic soils, has little or no inflow and is characterized by acidophilic (acid loving/producing) vegetation such as sphagnum moss, Labrador tea and bog laurel.

19. “Bollard” means a post permanently affixed into the ground or pavement, at least two feet and no more than four feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

20. “Bond or performance security” means a surety bond, assignment of funds, escrow agreement, irrevocable letter of credit, or other financial security device acceptable to the director, which is required to assure that work is completed in accordance with all applicable requirements of this chapter.

21. “Boundary line adjustment” means the adjustment of boundary lines as defined and regulated by Chapter 19.16 SMC.

22. “Buffer” means an area adjacent to a critical area consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

23. “Buffer area” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

24. “Buildable area” means the space remaining after the minimum open space and yard setback requirements of this code have been complied with.

25. “Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

26. Building, Accessory. *See* “Accessory building.”

27. “Building official” means the officer designated by the city of Sultan to enforce and administer the International Construction Code, or his or her duly authorized representative.

28. “Building, completely enclosed” means a building designed and constructed with all exterior walls of the structure solid from the ground to the roof line, and containing no openings except for windows and doors that are designed to be closed.

29. Building, Elevated. *See* “Elevated building.”

30. “Building front” means that exterior wall of a building which faces a front lot line of the lot.

31. Building Height. *See* “Height, building.”

32. “Building, nonconforming” means a legally existing building that fails to comply with this unified development code (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.

33. “Building permit” means the document or certificate issued by the city of Sultan that verifies adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

34. “Building, principal or main” means a building in which is conducted the principal use of the lot on which it is situated.

35. “Building site or area” means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

36. “Building support structure” means any structure that supports floor, wall, or column loads and transmits them to the foundation. The term shall include beams, grade beams, or joists and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

37. “Bulk” means the term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

38. “Bulkhead” means a structure of timber, concrete, steel, rock or similar substance erected parallel to a shoreline for erosion control purposes.

39. “Bus and mass transit storage and maintenance facility” means any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

40. “Business service” means an establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.

**16.04.030 “C” definitions.**

1. “Canopy” means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

2. “Capital improvement” means any substantial physical facility built by expending public monies. The construction of schools, highways, public sewer and water systems, landscaping a park, or the purchase of and for a public building or use are all examples of capital improvements.

3. “Capital improvement program” means a government schedule of permanent improvements budgeting to match the government’s financial resources. The capital improvement program is usually projected five years in advance and updated annually.

4. “Carnival” means a temporary commercial entertainment with rides, games, etc. for the general public.

5. “Carrying capacity” means the maximum number of units that can be accommodated by a facility without reducing the efficiency of that facility. Carrying capacity is used to measure the ability of a facility to accommodate more units. For example, the carrying capacity of a roadway is the maximum number of vehicles that can pass over a given section of a lane in one direction during a given time period. For recreation areas, the carrying capacity is the number of persons that can utilize the elements (play equipment, basketball courts, benches, etc.) at any given point in time.

6. “Car wash” means a building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

7. “Carport” means space for the housing or storage of motor vehicles, recreational vehicles, or boats that has a roof and no more than two walls.

7A. “Casino or gambling establishment” means any establishment where gambling has been approved and is monitored by the State of Washington. *See* “Gambling establishment.”

8. “Cemetery” means a place for the burial or interment of dead persons or household pets.

9. “Census” means the official count of the population, its age, sex, and social and economic characteristics, conducted on a decennial basis by the Bureau of the Census of the U.S. Department of Commerce.

10. “Certificate of occupancy (occupancy permit)” means the official certification that a premise conforms to the provisions of this unified development code (and the building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or

additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.

11. “Channel, drainage” means a large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of stormwater runoff.

12. “Chattel” means moveable articles of personal property, such as household goods or removable fixtures.

13. Child Care Center. *See* “Daycare facility.”

14. “Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

15. “Clinic” means an establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.

16. “Club” means buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

17. Club, Private. *See* “Private clubs.”

18. “Clubhouse” means a building used to house a club or social organization, including clubs associated with golf courses.

18A. “Clustered housing” means housing developed on lots that are created through the land division regulations for lot averaging (SMC Chapter 19.44).

18B. Cocktail lounge. *See* “Lounge” and “Bar or Cocktail Lounge.”

18C. “Co-housing” means a complex of dwelling units that share a common kitchen and dining area for group meals or a common living area for socializing.

19. “Collector road” means a road that provides for traffic movement between arterial roads, and local (residential) streets, and direct access to abutting properties.

20. “Commercial kennel” means a building in which four or more domestic animals at least four months of age are kept commercially for boarding or treatment.

21. “Commercial use” means the use of any structure or property for a purpose directly related to the sale of goods, the furnishing of services of any kind, or used in conjunction with the adjacent littoral commercial property.

22. “Commercial vehicle home basing” means the parking and maintenance of two or more vehicles in operable condition on property wherein resides a person who uses them in his or her business.

23. “Commission” means the planning commission of the city of Sultan.

24. “Common area” means the total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

25. “Community center” means a place, structure, area, or other facility used for and providing social, fraternal, religious, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

26. “Compatible use” means a use that is capable of existing in harmony with other uses situated in its immediate vicinity.

27. “Completeness (of a permit application)” means the information, reports, and documents submitted by the applicant that address or discuss each of the areas required by the applicant form and/or as a result of the pre-application meeting. Completeness does not mean that the information, reports, and documents submitted are sufficient or adequate to assess the impact of the proposed development on the environment, but simply that the requested information, reports, and documents have been submitted.

28. “Comprehensive plan” means the goals, objectives and policies, documents and maps adopted by motion by the council to guide the physical development of the city; to coordinate city programs, services and controls, and to promote the general welfare.

29. “Concept plan” means a preliminary plan for the development of property, indicating contour lines; any significant existing natural features, such as rock outcroppings and stands of trees; proposed building layouts with approximate square footage of floor area; proposed off-street parking areas and, if required, off-street loading areas; and the proposed internal (within the lot) circulation system.

30. “Concession stand, agricultural or produce” means an open air structure, not to exceed 20 feet by 30 feet in its dimensions, and at which fresh eggs, fruits, vegetables, and/or other agricultural products may be sold from local farms to the public.

31. “Conditional use” means a use allowed in one or more zones as defined by this code but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible to other existing or permissible uses in the same zone.

32. “Condominium” means a form of ownership of property where the purchaser normally acquires title to a part of a building and/or a portion of land, and an undivided interest in the common areas and facilities; as distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths

and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this code.

33. “Confectionery” means an establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

34. “Conflict of interest” means any conflict between an individual’s private interests and his or her actions as a government employee or appointed or elected government official.

34A. “Congregate Care Facility” means a complex of facilities that provides a residence and a care component with varying degree of assistance from independent living arrangements to totally dependent assistance with all bodily needs. (*See* “Residential treatment facility.”)

35. “Conservation areas” means lands that are environmentally sensitive, naturally or culturally unique, valuable, or of other special interest that should be considered for protection from any activity that would significantly alter their ecological integrity, balance, or character. Conservation areas may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features.

36. “Construction” means the building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

37. “Contaminant” means a substance which, when distributed in the soil, renders the groundwater unpotable.

38. Contiguous. Lands are contiguous if they actually adjoin each other and share a common boundary.

39. Convalescent Home. *See* “Nursing, rest, or convalescent home.”

40. “Convenience store” means a retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising, usually sells a limited selection of items and brands of prepackaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as an automobile service station and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of an automobile service station. Additionally, any retail establishment that falls within this definition, but sells a substantial portion of its merchandise (more than 25 percent of its sales) described in the definition of an “adult entertainment facility” shall not be deemed to be a convenience store.

41. “Conversion” means the change of use or purpose to which a structure or building is put.

42. Corner Lot. *See* “Lot, corner.”

42A. “Cottage housing” means small dwelling units built on small lots together with consolidated common open space shared by all dwelling unit occupants through the conditions in the development approval process.

43. “Council” means the city council of the City of Sultan. (Where the term “commission” is used in the Washington State Department of Transportation editions for standard specifications for road and bridge construction, it shall be interpreted to mean the city council.)

44. Coverage, Ground. *See* “Lot coverage.”

45. “Critical areas,” at a minimum, means areas which include wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas, including unstable slopes; and associated areas and ecosystems.

46. “Critical species” means all species listed by the federal or state governments as endangered, threatened or sensitive, as designated by the State Department of Fish and Wildlife in Chapter 232-12 WAC.

47. “Cul-de-sac” means a local street having only one means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.

48. “Curb cut” means an indentation or depression through or into a raised curb forming a driveway or walkway.

49. “Curb level” means the level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

**16.04.040 “D” definitions.**

1. Daycare Facility. The following definitions shall apply to the various daycare facilities allowed in the different zoning districts:

a. “Daycare center” means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling of those individuals under whose direct care the child or children are placed which accommodates 13 or more children regardless of whether such services are provided for compensation.

b. “Family daycare home” means a residence used for the care of children located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer children, such numbers to include those children of the resident family. This definition shall apply regardless of whether the care is provided for compensation.

c. “Mini daycare facility” means a structure used for the care of children under the age of 12 located in a facility other than a family dwelling or located in the family dwelling of the person or persons under whose direct care the child or children are placed which accommodates 12 or fewer children including those of the resident family who are under the age of 12 years of age, regardless of whether said services are provided for compensation.

2. “Decision” means written notification to an applicant that his or her permit application has been approved or denied.

3. “Declaration of short subdivision” means a document indicating division of land as addressed in Chapters 19.12 and 19.14 SMC.

4. “Dedication” means the deliberate appropriation of land by an owner for the general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by approval of such plat for filing by the city.

5. “Deed” means a written instrument under seal by which an estate in real property is conveyed by the grantor to the grantee.

6. “Density” means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

7. “Department” means the department of public works of the city of Sultan.

8. “Design storm” means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

9. “Detention facility” means an above-ground or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

10. “Determination” means written notification to the issuing authority and all appropriate interested parties that the decision of the issuing authority has been affirmed or nullified.

11. “Developer” means any person, firm, partnership, association, corporation, company, or organization of any kind, engaged in any type of manmade change of improved or unimproved land.

12. “Development” means the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials,

including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure.

13. “Development right” means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

14. “Development, Substantial.” With regard to projects that have been initiated, substantial development shall constitute at least 10 percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.

15. “Director” means the planning director for land use decisions and public works director for public infrastructure decisions made through the authority vested with the City of Sultan. Where the “director” is referred to as the community development director, this use of the term “director” shall be the same as planning director.

16. “District, zoning” means any portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in the Zoning Code; and within which certain minimum and maximum dimensional requirements for dwelling unit density, for property line setbacks such as yards and other open spaces as required, for building heights and lot width and depth, and other conditions as required.

17. “Domestic pet” means a domestic animal normally kept inside and incidental to a residential dwelling unit. Included are dogs, cats, fish, birds, and guinea pigs; excluded are wild or exotic animals and other domestic animals such as horses, cows, chickens, ducks, geese, goats, pigs, sheep, or similar livestock associated with husbandry.

18. “Drainage” means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

19. “Drainage basin” means a geographic and hydrologic subunit of a watershed.

20. “Drive-in establishment” means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, or intended to permit consumption in the motor vehicle of food or beverages obtained by a patron of said business establishment (restaurants, cleaners, banks, etc.).

21. “Drive-in or drive-through facility” means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

22. “Driving range (golf)” means an unconfined recreational facility (i.e., without netting overhead or alongside the facility) situated on a plot of land at least 400 yards in length and a minimum of 300 feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least 100 yards in length and a minimum of 150 feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

23. “Driveway” means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

23A. “Duplex” means a building used or designed as a residence for two families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, sanitation in said building. Each dwelling unit shall have separate ingress/egress.

24. “Dwelling” means a building or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including hotels, motels, lodging houses, travel trailers, or recreation vehicles. (*See also* “dwelling, multiple-family” and “family.”)

25. “Dwelling, attached” means a dwelling having any portion of a wall in common with adjoining dwellings and includes townhouses and zero lot line houses.

26. “Dwelling, detached” means a dwelling that is entirely surrounded by open space on the same lot.

27. “Dwelling, duplex” means a detached building, designed for or occupied exclusively by two families living independently of each other, and shall not include a mobile home.

28. “Dwelling, multi-family” means a building or portion thereof, used or designed as a residence for three or more families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation in said building. This definition includes apartment buildings or houses but does not include hotels, motels, lodging houses, or guest houses.

28A. “Dwelling, principal or main” means a building in which is conducted the principal use of the lot on which it is situated.

29. “Dwelling, single-family” means a detached building designed for or occupied exclusively by one family.

30. “Dwelling unit” means any room or group of rooms located within a residential building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and sanitation.

30A “Dwellings, single-family detached (clustered)” means a development of single-family detached dwelling units that are clustered on small lots sharing pedestrian access through a common rear yard or joined rear yards.

**16.04.050 “E” definitions.**

1. “Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, “easement” may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

2. “Ecosystem” means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between them and their environment.

3. “Efficiency dwelling unit” means a dwelling unit consisting of one room exclusive of bathroom, kitchen, hallway, closets, or dining alcove, whether or not directly off the principal room.

4. “Effluent” means liquid sewage discharged by a collection network, various sewage treatment units, or a sewage treatment plant; also, the product discharged or emerging from a sewage treatment process.

5. “Elevated building” means a non-basement building constructed in such a manner as to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

6. “Elevation” shall mean:

- a. The vertical distance above or below a fixed reference level; or
- b. A flat scale drawing of the front, rear, or side of a building or structure.

7. “Emergency” means an unexpected situation that poses an immediate danger to life, health, or property and demands immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

8. “Emergency hazardous situation” means a condition that is an immediate and substantial danger to human health, safety, or welfare, or to the environment.

9. “Emergency shelter” means a facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

10. “Eminent domain” means the authority of the city of Sultan or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

10A. “Enclosed” means within the context of permitted or conditional uses of the Zoning Code that the use is inside a building and not visible from a public right-of-way.

11. “Engineer” means the superintendent of public works of the city of Sultan.

12. “Enlargement” means an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

13. “Environment” means the physical, social and economic conditions that exist within the area which will be affected by a proposed project.

14. “Environmental impact assessment or statement” means an informational report prepared by an applicant for a proposed development and made available to public agencies and the general public that, when required by this code, shall be considered by the building and zoning official prior to its approval or disapproval of an application for a development permit. Such report shall include detailed information about the existing environment in the area of a proposed development; the effects that a proposed development is likely to have on the natural and human environment; an analysis and description of ways in which the significant adverse impacts of such development are proposed to be mitigated and minimized; and an identification and analysis of reasonable alternatives to such development.

15. “Erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of “erected.”

16. “Erosion” means the detachment and movement of soil or rock fragments by water, wind, and/or gravity.

17. “Establishment” means an economic unit that is located in a building or other structure, where business is conducted or services are offered.

**16.04.060 “F” definitions.**

1. “Facade” means the front of a building, particularly that part of a building facing a street or courtyard.

2. “Facing or surface” means the surface of a sign upon, against, or through which a message is displayed or illustrated on the sign.

3. “Family” means one person or group of two or more persons living together and interrelated by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. The maximum number of nonrelated members constituting a family shall not exceed six persons.

4. “Fence” means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and is six feet or less.

5. “Fill” means earth or any other substance or material, including pilings placed in a submerged area.

6. “Filled lands” means all artificially made, filled, or reclaimed lands and marshes.

7. “Financial institutions” means establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

7A. “Fitness Centers” means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), wellness and physical training facilities, reducing salons, and weight control establishments.

8. “Flea market” means an occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

9. “Floating zone” means a zoning district that has been established but not mapped in a specific location. For a developer to be allowed to construct a use that is featured in a floating zone, he or she shall be required to meet minimum lot size criteria, as well as other requirements.

10. Flood, Base. *See* “Base flood.”

11. Flood Hazard, Special Area. *See* “Area of special flood hazard.”

12. “Flood Insurance Rate Map (FIRM)” means an official map of the city of Sultan on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

13. “Flood insurance study” means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary and floodway map, and the water surface elevation of the base flood.

14. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

15. “Flood, regulatory” means a flood that is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular watercourse. The regulatory flood generally has a flood frequency of approximately 100 years, as determined from an analysis of floods on a particular watercourse and other watercourses in the same general area.

16. “Flood, 20-year” means the highest level of flooding that, on average, is likely to occur once every 20 years.

17. Flooding, Shallow Area. *See* “Area of shallow flooding.”

18. “Floodplain area having special flood hazard” means that maximum area of the floodplain that, on average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

19. “Floodplain or flood-prone area” means a land area adjoining a river, stream, watercourse, or pond that is likely to be flooded.

20. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

21. “Floor” means the top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

22. “Floor area” means the sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multifamily dwelling, except that portion of said custodian’s dwelling unit which is in excess of 50 percent of the total basement area.

23. “Floor area ratio (F.A.R.)” means the horizontal area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments, by the net lot area. Where off-street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

24. “Floor area, usable” means any floor area within the outside wall of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

25. “Foster home” means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than six unrelated juveniles, adults or both.

26. “Frequently flooded areas” means the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

27. “Frontage, corner lot” means all the property on two sides of a street between two intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

28. “Fuel storage facility” means an area that is used or planned to be used for the storage of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks.

29. “Functional values” means those functions performed by a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this code, “functional values” for wetlands, streams and buffers are limited to the following elements:

a. Streams. Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.

b. Wetlands. Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base-flow maintenance, and groundwater discharge/recharge.

c. Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

30. “Funeral home” means a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation.

#### **16.04.070 “G” definitions.**

1. “Gambling establishment” means a casino, card room, or other business that has roulette, dice, various card games, slot machines and/or other games of chance or forms of betting and that been approved and is monitored by the State of Washington . *See* “Casino.”

2. “Garage” means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

3. “Garage, parking” means a building, or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.

4. “Garage, private” means an accessory building less than 1,000 square feet used primarily for the storage of self-propelled vehicles for the use of occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot for the occupants thereof within such garage, of commercial vehicles that otherwise may be used as private vehicles. However, this shall not be construed to include construction equipment or vehicles with a rated base curb weight in excess of 5,000 pounds.

4. “Garage, public” means any premises, except those described as a private or community garage, used principally for the storage of automobiles or other motor vehicles, for remuneration, hire, or sale, where any such vehicle may also be equipped for operation or repaired.

5. “Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety concerns.

6. “Golf course” means a tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.

7. “Governmental use” means public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the city, state, or federal government, special district, or agency.

8. “Grade” means the established grade of the street or sidewalk as prescribed by the department of public works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

9. “Gradient terrace” means an earth embankment or a ridge-and-channel constructed with suitable spacing and an acceptable grade to reduce erosion damage by intercepting surface runoff and conducting it to a stable outlet at a stable non-erosive velocity.

10. “Greenhouse” means an enclosed building, permanent or portable, that is used for the growth of small (i.e., less than 10 feet in height) plants.

11. “Gross leasable area (GLA)” means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord, and is the square footage amount used for determining required parking area. GLA includes all areas less common areas. (*See* “Common area”).

12. Ground Coverage. *See* “Lot coverage.”

13. “Ground floor area” means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

14. Ground Sign. *See* “Sign, ground.”

15. “Groundwater” means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

16. “Groundwater management” means the management and coordination of groundwater regulations, strategies, polices, and technical information for the protection and use of groundwater resources.

17. “Group care facility” means a facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

17A. “Group home” means a single-family detached dwelling providing a residence for a single household with the maximum number of nonrelated residents not to exceed six persons; examples include foster home, recovery home, and state-funded home caregivers of nonrelated children/aged/ handicapped/developmentally disabled/mentally-ill or other special class of persons.

17B. “Guest house” means an owner-occupied, single-family detached dwelling, containing a limited number of guest rooms; examples include bed & breakfast inn and air b&b.

17C. “Guest room” means a bedroom or suite of rooms that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. Guest rooms do not constitute a dwelling unit.

18. “Gutter” means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

**16.04.080 “H” definitions.**

1. “Halfway house” means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive confinement wherein supervision, rehabilitation, and counseling are provided to mainstream a person back into society.

2. “Hardship” refers, within the context of this code, to special conditions or circumstances existing that are peculiar to the location, size, and characteristics of the land, structure, or building involved and which are not applicable to the same degree to the lands, structure, or buildings in the same zoning district; or special conditions or circumstances that did not result from the action of the applicant; or from a literal interpretation of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

3. “Hazardous substances” means any substances or materials that, by any reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

4. “Health care facility” means an establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners such as opticians and chiropractors; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

5. “Health spa” means beauty, wellness, and health treatment establishments, including massage therapy with practitioners certified and licensed by the State of Washington.

6. “Hearing Examiner” means the Hearing Examiner duly appointed pursuant to Chapter 2.26 SMC.

7. “Height, building” means the vertical distance from the average curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade at the front of the building.

8. “Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

9. “Highway” means a major roadway or thoroughfare with intersections at grade and direct access to abutting property, primarily designed for through traffic, on a continuous route, and not having access control.

10. “Historic property” means a building, structure, object, area, or site that is significant in the history, architecture, archaeology, or culture of Sultan or the nation.

11. “Home occupation” means an economic enterprise carried on within an owner-occupied dwelling unit (which includes mobile homes), or accessory building, which is incidental and subordinate to the primary residential use of the dwelling unit as outlined in the residential performance standards of this code. A home occupation a) has no employees who are not also residents of the dwelling unit and b) may not have more than one client visiting the dwelling unit at any given time, both of which distinguish a home occupation from other businesses.

12. “Homeless shelter” means a facility that provides temporary housing for individuals or families which, due to personal adverse financial situations, have lost their homes. (*See* also “Residential treatment facility”).

13. “Homeowners’ association” means a private, nonprofit corporation of homeowners of a fixed area constituted for the purpose of owning, operating, and maintaining various common properties.

14. “Horticulture” means the science and art of cultivating flowers, fruits, vegetables, or ornamental plants.

15. “Hospital” means a facility providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities.

17. “Hotel” means any building containing more than six guest rooms used, or intended to be used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests,

whether rent is paid in money, goods, labor, or otherwise. It does not include buildings in which sleeping accommodations are provided for persons who are harbored or detained to receive medical, charitable, or other care or treatment, or provided for persons who are involuntarily detained under legal restraint. (*See* also “Motel” and “Lodging house.”)

18. House, Apartment. *See* “Dwelling, multiple-family.”

19. House, Boarding. *See* “Boarding house.”

20. House, Lodging. *See* “Lodging house.”

21. “House of worship/church/meeting hall” means a building or structure wherein persons regularly assemble for religious worship or secular gathering, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious or secular body organized to sustain worship or gathering.

22. Household. *See* “Family.”

22A. Housing, Cottage. *See* “Cottage housing.”

23. “Hydric soil” means soil that is saturated, flooded or ponded long enough to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined by following the procedure described in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, or subsequent amendments.

24. “Hydrogeologic site evaluation” means an evaluation which encompasses some or all of the following checklist items. It shall be prepared by a professional who has training and experience in hydrogeology:

a. Hydrogeologic Setting.

- i. Describe the geologic setting of the site and illustrate with geologic and soil maps;
- ii. Generally describe the lithology, stratigraphy, and areal distribution of soil and rock material in the area;
- iii. Discuss geologic features which may control groundwater movement such as faults, folds, joint patterns, igneous intrusions, etc.;
- iv. Describe the occurrence and movement of groundwater in the area. Generally discuss such topics as recharge and discharge, depth to groundwater, and regional groundwater flow patterns. Illustrative material such as water level maps or flow nets are recommended;
- v. Generally discuss groundwater quality trends, natural and human-induced, including discussion of cumulative changes over an area.

b. Water Quality Goals and Standards.

i. Describe the water quality goals, standards, and related measures associated with the aquifer(s) underlying the site, and for nearby surface waters;

ii. Discuss how water quality goals, standards, and related measures apply to contaminants from the site.

c. Site-Specific Hydrogeology.

i. Depict on an appropriately scaled map the location of well(s) (whether abandoned or active) and springs within 1,000 feet of the site, or within a five-year time of travel (whichever is greater);

ii. Prepare hydrogeological cross-sections through the site and surrounding area which illustrate available borehole and trench formation. Include references of other information used to prepare the cross-sections;

iii. Describe the nature of groundwater movement beneath the site. This description should consider the following:

(A) Areal distribution, stratification, and hydraulic conductivity of saturated and unsaturated earth materials;

(B) Probable migration pathways for wastewater released to the septic drainfields;

(C) An estimate of probable time of travel through the soil horizontally from a potential contaminant source;

iv. Describe how the contaminants of concern will be attenuated within the unsaturated zone;

v. Estimate the quantity and quality of water recharged to the saturated zone under anticipated operation;

vi. Describe the contaminant attenuation processes anticipated within any saturated zone upon which an estimate is based;

vii. Devise a system for monitoring groundwater quality. Describe what steps will be taken if monitoring results show considerably higher levels of contaminants than predicted.

25. “Hydrology” means the study of groundwater – its origin, occurrence, movement, and quality.

26. “Hydrologically isolated” means those wetlands which have no surface or subsurface water connection to another wetland, stream, river, or lake.

27. “Hydroperiod” means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.

**16.04.090 “T” definitions.**

1. “Illicit discharge” means all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to, sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.

2. “Illuminated sign” means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

3. “Immediate vicinity,” with regard to the built or man-made environment, refers to all development that is within 500 linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

4. “Impervious surfaces” means those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

5. “Improvement” means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

6. Improvement, Substantial. *See* “Substantial improvement.”

7. “Include” means to contain or comprise without limitation, to consider as part of a whole, or to take into account.

8. “Incompatible use” means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

9. “Indoor amusement” means establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three or more coin or token operated devices, such as pinball and video games.

10. “Indoor storage” means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than 35 percent of its gross floor area to indoor storage.

11. “Industrial park” means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

12. “Industry, heavy” means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

13. “Industry, light” means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly,

treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

14. “Infill development” means the addition of new housing or other buildings on scattered vacant sites in an existing built-up area.

15. “Infrastructure” means the roads, sewage system (including collection lines, treatment plants, and outfalls), water system (including distribution lines and wells), police and fire protection services, health care facilities, schools, electricity system, telephone system, cable television system, and solid waste disposal facilities.

16. “Institutional use” means a nonprofit corporation or establishment for public use.

17. “Intent” means the objective toward which any section of this unified development code strives or for which it exists.

18. “Interflow” means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface, for example, in a wetland, spring or seep.

19. “Interpretation,” within the context of this code, shall mean a finding or determination made by the building and zoning official as to the meaning or intent of any work, phrase, or section contained herein.

20. “Intersection” means any street, public way, court, or alley that joins another at an angle, whether or not it crosses the other.

21. “Irregular lot” means a lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

**16.04.100 “J” definitions.**

1. “Junkyard” means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structured steel materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars registered with the State of Washington and in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation.

**16.04.110 “K” definitions.**

1. “Kitchen” means any area used or intended or designed to be used for cooking or preparation of food.

**16.04.120 “L” definitions.**

1. “Laboratory” means a place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

2. “Land clearing” means the exposure of earth by the removal of vegetative cover of any kind.

3. “Land-disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.

4. “Land use” means the employment of a site or holding so as to derive revenue or other benefit from it; also the delineation by the government of the utilization to which land may be put so as to promote the most advantageous development of the city of Sultan.

5. “Landfill” means the depositing of soil, sand, gravel, shell, or other materials on or in any land area, or the artificial alteration of water levels for land reclamation purposes.

6. “Landscape” means the use of materials such as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn, artificial turf or combination of such materials.

a. “Landscape areas and features” means an area of land within a site or development including but not limited to street medians and planting strips; development or project entryways; off-street parking areas; and landscaped barriers and buffers.

7. “Landscape, perimeter” means a continuous area of land, required to be set aside along the perimeter of a lot, in which landscaping is used to provide a transition between uses and/or to reduce the environmental, aesthetic, and other impacts of one type of land use or activity upon another.

8. “Landscape plan” means a detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

9. “Landscape strip” means a strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

10. “Laundromat” means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

11. “Laundry plant” means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

12. “Laundry service” means a retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

13. “Livestock” means domestic animals, such as horses, cattle, pigs, goats, fowl, or poultry, kept for their services or raised for food and other products.

14. “Loading space” means an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

15. “Local,” for the purpose of this title, shall mean primarily within the state of Washington.

16. “Local road or street” means a roadway providing for direct access to abutting land, and for local traffic movements.

17. “Lodging house” means a building, other than a hotel or motel, containing six or less guest rooms used or intended to be used, rented, or hired out to be occupied only for sleeping purposes by guests. (*See also* “Hotel,” “Motel,” and “Guest house”).

18. “Lot” means a single tract of land legally created as a separate building site with a frontage on a street or access easement.

19. “Lot area” means the total horizontal area contained within the boundary lines of a lot.

20. “Lot, building” means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling unit grouping and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this code to be adequate as a condition of the issuance of a development permit for a building on such land.

21. “Lot, corner” means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

22. “Lot coverage” means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not to include at-grade off-street parking lots, terraces, swimming pools, pool deck areas, or walkways, roadways, or driveways.

23. “Lot depth” means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

24. “Lot, interior” means a lot other than a corner lot.

25. “Lot, legal building” means a recorded formal plat or short plat that has had final approval and is recorded with the Snohomish County auditor’s office. It must also meet:

- a. Current health requirements;

b. Current zoning lot size requirements, or those in effect at the time the lot was created;  
and

c. Access requirements in effect at the time the lot was created.

26. "Lot line, front," in the case of a lot abutting upon one street, shall mean the line separating such lot from such street.

27. "Lot line, rear" means, ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the building and zoning official shall designate the rear lot line.

28. "Lot line, side" means any lot line that, as defined by this code, does not constitute a front or rear lot line.

29. "Lot of record" means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds, or as a fraction of a section.

30. "Lot, through" means an interior lot having frontages on two parallel streets as distinguished from a corner lot, which has frontages on two perpendicular streets (also referred to as a "double-frontage lot").

31. "Lot width" means the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot width shall be considered as the average distance between such side lot lines.

32. "Lot, zoning" means a single tract of land located within a single block which (at the time of filing for a development permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

33. "Lounge" means a building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises.

#### **16.04.130 "M" definitions.**

1. "Major public community drinking water supply" means those public water systems that are permitted to withdraw an average daily amount of at least 100,000 gallons of groundwater.

2. "Manufactured home" means a single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance. It is a structure, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. (Note: Manufactured homes were formerly called "mobile homes" before the federal government assumed control of the

construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A manufactured home may be placed on any residentially zoned lot.

2A. “Manufacturing” means any industrial activity that takes raw materials to make a product, even products that may require more refinement to become a finished product. *See* “Industry, heavy” and “Industry, light.”

3. “Mobile home park” means land under single ownership and control designed and used for the temporary or permanent parking of two or more mobile homes for human occupancy.

4. “Mobile home space” means that portion of land in a mobile home park allotted or designed for accommodation of one mobile home.

5. “Marquee” means a sign, usually for a theater or similar use, that is part of the building, especially a canopy. *See* “Canopy.”

6. “Massage” means the manipulation of the superficial tissue of the human body with the hand, foot, leg, arm, elbow, face, head, neck, or back, whether or not such manipulation is aided by hydrotherapy or thermal therapy, or any electrical or mechanical device, or the application to the human body of a chemical or herbal preparation, and is not intended to be sexually arousing.

7. “Massage therapy clinic or health spa” means a business establishment offering massage by a practitioner certified and licensed by the State of Washington to relieve tension, provide relaxation, make muscles or joints supple, or stimulate circulation.

8. “Mean high water” means the average height of the high waters over a 19-year period, or for shorter periods of observation, the average height of the high water after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean high water may be defined as the average height of the high waters as established and accepted by the U.S. Army Corps of Engineers.

9. “Mean high water line” means the intersection of the tidal plane of mean high water with the shoreline.

10. “Mean low water” means the average height of the low waters over a 19-year period, or for shorter periods of observation, the average height of the low waters after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean 19-year value. Alternatively, mean low water may be defined as the average height of the low waters as established and accepted by the U.S. Army Corps of Engineers.

11. “Mean low water line” means the intersection of the tidal plane of mean low water with the shoreline.

12. “Mezzanine” means a floor level between two main floors of a building, usually immediately above the ground floor.

13. “Minimum living area” means the area within the outside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky, and not to include garages, carports, open porches, open breezeways, store rooms, screened-in porches, or basements.

14. “Mini-storage unit facility or mini-warehouse” means a building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit that are leased or owned for the storage of business and household goods or contractor’s supplies. These facilities shall not be used for any other use in the Zoning Code such as wholesale or retail operations.

15. “Mitigation” means an action or actions taken to lessen or to compensate for unavoidable adverse effects on environmentally sensitive or historic properties.

16. “Mixed-use development” means development of a combination of typically separated uses within a single development. A planned unit development could be an example of mixed-use development. Commercial centers or malls which include residential uses are another type of mixed-use development. Mixed-use development in an urban context often refers to development of multiple uses in a single building with more than one type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in a mixed-use development setting.

17. “Mobile home” means a single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the “mobile home” insignia of the Washington State Department of Labor and Industries. It is a dwelling transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured homes were formerly called “mobile homes” before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A mobile home may not be placed on a residentially zoned lot and must be located in a mobile home park.

17A. “Model home” means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat, which has not yet received final plat approval.

18. “Modular home” means a dwelling unit constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia indicating such compliance, and transported to the building site for final assembly and permanent foundation. This definition includes “prefabricated,” “panelized,” and “factory-built” units.

19. “Motel” means a building or group of buildings containing more than six guest rooms used or intended to be used, rented, or hired out to be occupied or that are occupied only for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. (*See* also “hotel” and “lodging house”).

20. Motorhome. *See* “Recreational vehicle.”

21. Multiple-Family Dwelling. *See* “Dwelling, multiple-family.”

22. “Mulch” means nonliving, organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

23. “Museum” means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art. Restaurants and gift shops may be included as part of any museum, so long as the square footage for these activities constitutes not more than 25 percent of the total floor area of the museum building.

**16.04.140 “N” definitions.**

1. “National Geodetic Vertical Datum” or “NGVD” means the National Geodetic Vertical Datum of 1988, which is a vertical control used as a reference for establishing varying elevations within the floodplain.

2. “National Register of Historic Places” means a list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

2A. “Natural hazards” means physical conditions found in nature that can be dangerous or cause great harm to occupants of an area that may be subject to flooding, landslides, earthquakes, wildland fires; severe winds and storms. Natural hazardous areas are required by the Growth Management Act to be identified in the City’s Comprehensive Plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

3. “Nature preserve” means an area designated to be maintained in an unimproved, natural state.

4. “Necessary” means anything that is deemed by the city of Sultan to be required to meet the needs of the general public.

5. “Net floor area” means the area actually occupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet rooms, mechanical areas, or other similar features.

6. “New construction” means structures for which the “start of construction” commenced on or after the effective date of this unified development code.

7. “Night club” means an establishment that has a capacity for at least 30 persons seated at tables or bar areas and that employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

8. “Noncombustible material” means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not burn or glow at or below that temperature.

9. “Nonconforming structure” means a structure that was legally constructed prior to the effective date of this code, but which would not be permitted as a new structure under the terms of

this code because such structure is not in conformance with the yard, height, lot coverage, or open space requirements of the zone in which it is located.

10. “Nonconforming use” means a utilization of land or structures or both, legally established prior to the effective date of this code, which would not be permitted as a new use in the zone in which it is located under the terms of this code.

11. “Notify” means to inform by either hand delivery or certified mail (except where otherwise specified) the applicant, his authorized agent or representative or the building and zoning official.

12. “Nuisance” means the use of property or course of conduct that interferes with the legal rights of others which causes damage, annoyance, inconvenience, or tends to injure the health, safety, or morals of the city’s residents.

13. Nursery, Plant. *See* “Plant nursery.”

14. “Nursing, rest, or convalescent home” means a private facility for the care of three or more children, aged, or infirm persons, or a place of rest for those suffering bodily disorders. Such facility does not contain equipment for surgical care or for the treatment of injury. (*See* “Residential treatment facility.”)

#### **16.04.150 “O” definitions.**

1. “Occupancy” means the physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this code that do not have authorization by virtue of a valid permit issued.

2. “Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

3. “Office park” means a tract of land that has been planned, developed, and operates as an integrated facility for at least three separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, aesthetics, and compatibility.

4. “Off-street parking” means the minimum off-street, on-site parking of vehicles that shall be provided under the terms of this code.

5. “On-site” means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

5A. “Open space or greenbelt areas” means delineating areas required by the Growth Management Act for separation of urban areas and rural areas. Open space areas are also delineating by the preservation of critical areas such as stream shorelines and wetlands and their buffers, steep slopes, wildlife habitat areas as new land development takes place. Open space and green belt areas and critical areas are required to be identified in the City’s Comprehensive Plan, and mitigation measures will be required for any new development that may be proposed to take place in or near these areas.

6. “Open space, common” means an area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development or for the preservation of critical areas per the City’s Comprehensive Plan and the requirements of the Growth Management Act.

7. Open Storage. *See* “Storage, open.”

8. “Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition exists on the effective date of this title, or as it may naturally change thereafter. In any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean higher high tide in areas adjoining saltwater, and the line of mean high water in areas adjoining freshwater.

9. “Ordinary residential improvements” means those structures and facilities which are commonly found with, and are incidental to the development and use of a single-family residence and are located landward of the ordinary high water mark including, but not limited to, garages, decks, driveways and serving utility systems.

9A. “Outdoor recreation facility” means any number of places with or without buildings where physical recreation is made available; examples include golf courses, driving ranges, tennis courts, baseball diamonds, other sports fields, skate board parks, walkways and trails, beaches, picnic areas, dog parks, Frisbee golf courses, sports stadiums, fishing areas, boating facilities, bicycling facilities, swimming pools and water parks, etc.

10. “Outdoor sales” means the selling of any goods, material, merchandise, or vehicles for more than 24 consecutive hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way. The display of said goods, material, merchandise, or vehicle shall, for the purpose of this code, constitute a sale.

11. Outpatient clinic. *See* “Clinic.”

12. “Overlay zone” means a zoning district within which certain uses of land and buildings are permitted and certain uses are prohibited; the certain uses of land and buildings that are permitted may also be permitted or conditional uses as specifically listed in other zones, although in some cases additional requirements beyond that required by the other zone may be imposed for the overlay zone uses.

13. “Owner-occupied” means the property owner is the principal occupant of a dwelling unit.

**16.04.160 “P” definitions.**

1. “Parcel” means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons. A parcel may be differentiated from a lot, particularly for tax purposes.

2. “Park, public” means an area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

3. “Parking lot” means an off-street facility used for the storage or parking of four or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use on an open-air grass, gravel, or paved surface.

4. “Parking space” means an area of not less than eight and one-half feet wide by 18 feet long, for each automobile or motor vehicle, such space being exclusive of necessary driving aisles, entrances, or exits, and being fully accessible for the storage or parking of permitted vehicles.

5. “Parking structure or garage” means a stand- alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

6. “Performance guarantee” means a financial device to insure that all improvements, facilities, or work required by this unified development code will be completed in compliance with the approved plans and specifications of a development.

7. “Permit” means any license, certificate, approval, or other entitlement for use granted by any public agency.

8. “Person” means any individual, organization, partnership, association, corporation, or other entity, including any utility, the city of Sultan, the governments of Snohomish County or the state of Washington, the government of the United States, any department, agency, board, authority, or commission of such governments, and any officer or governing or managing body of any of the foregoing.

9. “Personal service” means beauty parlors, shops or salons; barbershops; weight reducing studios; fitness centers; health spas; business establishments that provide electrolysis; manicures; massage therapy, and similar services for individuals.

10. “Physical or natural sciences” means one of the sciences dealing with inanimate matter or natural resources. For the purposes of this code, this term shall include, but not be limited to, foresters, geographers, ecologists, biologists, wildlife biologists, fisheries biologists, geologists, engineers, architects, landscape architects, soil scientists, horticulturists and agronomists.

11. “Planning commission” means the planning board of the City of Sultan established pursuant to Chapter 2.19 SMC.

12. “Plant communities” means a natural association of plants that are dominated by one or more prominent species.

13. “Plant nursery” means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to plant care and maintenance. The accessory items normally sold

include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

14. “Plat” means a map indicating boundaries or property lines of subdivided lots as addressed in SMC Title 19.

15. “Plat, final” means that map, plan, or layout of a subdivision of land as addressed in SMC Title 19.

16. “Plat, preliminary” means an approximate drawing showing the layout of a proposed subdivision as addressed in SMC Title 19.

17. “Plot” means a parcel of ground containing more than one lot upon which a building and its accessory buildings have been or may be erected.

18. “Potable water” means water that is intended for drinking, cooking, or domestic purposes, subject to compliance with state or federal drinking water standards.

19. “Premises” means land and all buildings and structures thereon a single lot.

20. “Preschool facility” means an educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four or more children between the ages of two and five years, and which operates on a regular basis.

21. “Preserve areas” means areas restricted for the protection and preservation of natural or cultural resources.

22. “Primary association” means a habitat area by critical species for rearing young, roosting, feeding, or foraging on a regular basis during the appropriate season.

23. Principal Building. *See* “Building, principal or main.”

24. Principal Use. *See* “Use, principal.”

25. “Private” means noncommercial use by the occupant and guests of the occupant.

26. “Private clubs” means organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

27. Private Garage. *See* “Garage, private.”

28. “Private parking” means parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met.

29. “Private road” means that easement or parcel created to provide the access from a city road to short platted lots, the maintenance of which is to be the responsibility of the lot owners.

30. “Professional office” means the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

31. “Professional service” means the conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

32. “Public agency” means the government of the United States, the governments of the state of Washington, Snohomish County, the city of Sultan, or any department, agency, board, authority, or commission of these governments, and any officer or governing or managing body of any of the foregoing.

33. “Public assembly, place of” means any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

34. “Public building” means any building held, used, or controlled exclusively for public purposes by any department or branch of government without reference to the ownership of the building or of the realty upon which it is situated.

35. Public Garage. *See* “Garage, public.”

36. “Public improvement” means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

37. “Public notice” means the legal advertisement given of an action or proposed action of the city of Sultan or its designee.

38. “Public use” means the use of any land, water, or building by a public agency for the general public, or by the public itself.

39. “Public utility” means any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.

#### **16.04.170 “Q” definitions.**

1. “Quarrying and associated activities” means operations that primarily involve surface mining or quarrying of nonmetallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Primary preparation plants of quarried material for construction and other special uses are also included in this definition.

#### **16.04.180 “R” definitions.**

1. “Ramps” means structures (usually paved surfaces) that facilitate the placement into or removal from the water of small boats capable of being carried on a trailer which is pulled by another vehicle.

1B. “Recovery home” means a single-family dwelling occupied by people recovering from substance addictions or addictive behaviors; the residents may be under supervision but are operating as a family household. *See* “Group home” and “Family.”

2. “Recreation areas or facilities” means any privately or publicly-owned passive or active park, playground, sports field, access easement, beach, or other recreation area. All recreation areas, facilities, and equipment provided and constructed shall meet the minimum requirements of the Consumer Product Safety Guidelines for Public Playgrounds and the American Society for Testing and Materials F1487.

3. “Recreational vehicle” means a vehicular-type unit primarily designed for recreational, camping, or travel use, that has either its own motive power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles include, but are not limited to, travel trailer, camping trailers, truck campers, motor homes, boats, all-terrain vehicles (ATVs), motorcycles and jet skis.

4. “Recreation vehicle park” means land under unified control and single ownership designed and improved to accommodate the temporary parking of two or more recreation vehicles. The term shall include campgrounds when designed to accommodate travel trailers, but does not include land zoned and used for the display or sale of travel trailers. For the purpose of this definition, “temporary parking” shall mean placement of a recreation vehicle on a single site for 180 days or less in any 12-month period.

5. “Related project” means any project that is existing, under construction, or for which permits have been sought; an impact or impact of which may add to or change an impact or impacts of a development proposal under consideration. A related project need not be owned or operated or operated in common with the development proposal under consideration.

6. “Remediation” means the cleanup and restoration of groundwater to some acceptable level.

7. “Requirements (water quality)” means a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of drywells, etc.

8. Residence. *See* “Dwelling.”

9. “Residential care facility” means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence or domestic abuse), recovery homes, and nursing homes/rest/ convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include:

- a. Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene;
- b. Care in emergencies or during temporary illness, usually for periods of one week or less;
- c. Supervision in the taking of medication; and
- d. Other services conducive to the residents' welfare.

10. "Residential use" means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

11. "Resort" means a hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

12. Rest Home. *See* "Nursing, rest, or convalescent home."

13. Restaurant. *See* "Retail food establishment."

14. "Retail food establishment" means any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry-out restaurants, drive-in restaurants, and catering services as follows. A cafeteria that is open to the general public and is not associated with a school, hospital, or other similar public or quasi-public institution shall be deemed a restaurant for purposes of this title.

a. "Restaurant" means an establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose method of operation includes any of the following:

i. Patrons place their order at their table from which displays (menus) describe the food and beverage available to them.

ii. Preparation, service and consumption of food and beverages takes place within a completely enclosed building, accommodating at least 50 percent of the establishment's permitted seating capacity.

iii. Outside table dining is permitted in areas permanently designated for such use, and shall not exceed 50 percent of the establishment's permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.

iv. Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.

b. “Fast food restaurant” means any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

c. “Drive-in restaurant” means any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment’s permitted seating capacity and whose design, method of operation, or any portion of whose business includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages may be served directly to the customer in a motor vehicle by any means that eliminates the need for the customer to exit the motor vehicle.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

iv. The kitchen is in excess of 50 percent of the total floor area.

v. A restaurant that provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of this title.

d. “Carry-out restaurant” means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:

i. Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

ii. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

iii. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

iv. The kitchen is in excess of 50 percent of the total floor area.

e. “Catering service” means any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume or near ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate catering services in conjunction with the hotel and restaurant uses.

15. “Retail sales area” means the area in square feet devoted exclusively for the sale or display of goods or commodities.

16. “Retail trade” means establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but are not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

17. “Retirement home” means a place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

18. “Right-of-way” means a street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

19. “Riparian wetlands” means those wetlands that:

a. Are located within 100 feet of the ordinary high water mark of a river or stream and are not hydrologically isolated from the river or stream; or

b. Are within or continuous to any 100-year floodplain of a river or stream.

20. “Road, private” means an easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

21. Roadway. *See* “Street, public.”

22. Rooming house. *See* “Lodging house.”

22A. Row house. *See* “Townhouse”.

#### **16.04.190 “S” definitions.**

1. “Salmonid” means a member of the fish family salmonidae including chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, searun cutthroat, cutthroat trout, brown and bull trout; brook and Dolly Varden char; kokanee and whitefish.

2. Sanitarium. *See* “Hospital.”

3. “Scenic corridor” means any strip of land adjacent to public roadways that is visible to the motoring public and has natural aesthetic significance.

4. “Scenic easement” means an easement, the purpose of which is to limit development or protect a view or scenic area.

5. “School” means a place for systematic instruction in any branch or branches of knowledge.

6. “School, elementary” means any school, public or private, intended for the education of children from kindergarten through the fifth grade.

7. “School, high” means any school, public or private, intended for the education of children from the ninth through the twelfth grade.

8. “School, middle” means any school, public or private, intended for the education of children from the sixth through eighth grade.

9. “Schools, other” means places for systematic instruction, to include college, trade, vocational/technical, art, music, dance, and business schools or similar type educational institutions.

10. “Screening” means a device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after 12 months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

11. “Seasonal parking facility” means a parking lot not employed for the regular needs of a business but used for a community celebration or festival, a fair, or other seasonal activity. It includes specifically a parking lot to provide parking and shuttle service to an athletic event, or for recreational activity such as skiing, rafting or fishing. To be a seasonal parking facility a parking lot may not be used for the permitted activity more than 30 days in a calendar year.

12. “Seating capacity” means the actual number of people that can be accommodated in an area based upon the number of seats, or one seat per 20 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the building code of the city of Sultan.

13. Self-service laundry. *See* “Laundromat.”

14. “Setback” means the horizontal distance between the front line, sideline, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with property or right-of-way lines. Where any building or structure is not built parallel to any property line, the setback distance shall be measured perpendicular from that part of the building or structure which is closest to the relevant property

line. The front, rear and side yard setbacks established for the various uses in the different zoning districts in this code are the lines beyond which no part of a building may project, except as may be otherwise provided in this code.

15. Shallow flooding, area of. *See* “Area of shallow flooding.”

16. Shelter, emergency. *See* “Residential treatment facility.”

16A. Shelter, homeless. *See* “Residential treatment facility.”

17. “Shopping center” means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

18. “Short plat” means the map or representation of a short subdivision as addressed in SMC Title 19.

19. “Short subdivision” means the division or re-division of land as addressed in SMC Title 19.

20. “Sidewalk” means that portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the city engineer. “Transition strip” means that portion of the public street abutting a tract of land lying between the traveled portion of the street and the property lines.

20A. “Sight clearance triangle” means an area at the intersection of streets, alleys, and driveways that must be kept free and clear of visual obstructions which impair the safety of pedestrians and moving vehicles traveling through such intersections. (*See* “Sight clearance triangle” standards and diagrams found elsewhere in the Sultan Municipal Code for precise dimensions that must be kept free and clear of visual obstructions.)

21. “Sign” means anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

22. “Sign, business” means a sign that directs attention to a business, commodity, service or activity conducted or offered upon the premises where the sign is located.

23. “Sign face” means the portion of a sign that is or may be used for copy.

24. “Sign, gross area” shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

25. “Sign, ground” means a sign supported by uprights or braces placed on or in the ground and not attached in any manner to a building or structure.

26. “Sign, group” means a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

27. “Sign, identification” means a sign on the premises bearing the name of a residential development, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, and bearing information identifying, but not describing occupancy of the premises on which such sign is located.

27A. “Sign, marquee” means a sign that projects from the building, usually over the sidewalk, on a building canopy and that is most commonly used with many lights to display cinema showings and theater performances. *See also* “canopy” and “marquee.”

28. “Sign, occupancy” means a sign on the premises bearing the name or address of the piece of property, the name of the owner or resident, and/or any permitted home occupation, and bearing information pertaining only to the premises on which such sign is located.

29. “Sign, outdoor advertising” means any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character, placed for outdoor advertising purposes on the ground or on any tree, wall, rock, post, fence, bush, building, structure, or thing whatsoever. The term “placed” as used in the definition of “outdoor advertising sign” and “outdoor advertising structure” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner.

30. “Sign, projecting” mean a sign other than a wall sign that is attached to and projects from a building.

31. “Sign structure” means any construction used or designated to support a sign.

32. “Significant natural area” means land and/or water areas of major environmental value, including fish or wildlife habitat areas, valuable biological or natural productivity areas, and unique or fragile ecological units or ecosystems that require special treatment and protection.

33. “Single-family detached dwelling(s) (clustered)” shall mean a single-family detached dwelling permitted in clustered development as a conditional use in certain designated zones of the city.

34. Single-family dwelling. *See* “Dwelling, single-family.”

35. “Single owner” means a person who or entity which alone has legal or equitable title to any property in question.

36. “Site plan” means a graphic and textual presentation of a development proposal in accordance with the appropriate sections of this unified development code.

37. “Slaughterhouse” means an establishment where animals are butchered for market.

38. “Slum” means a building or area that is deteriorating, hazardous, unsanitary, or lacking in standard facilities, including electricity, potable water and sanitary sewerage facilities. *See* “Blight.”

39. “Small animal husbandry (commercial)” means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.

40. “Small animal husbandry (noncommercial)” means the raising of small animals for the primary consumption of or used by the occupants of the premises.

41. “Soil” means the surface layer of the earth, supporting plant life.

42. “Soil removal” means removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

43. “Sole source aquifer” means an area so designated by the Environmental Protection Agency.

44. Special flood hazard, area of. *See* “Area of special flood hazard.”

45. “Spill” means the unpermitted release or escape of a regulated substance directly or indirectly to soils, surface waters, or groundwaters.

46. “Standards (groundwater)” means standards established by EPA regulations and/or state of Washington regulations, which are represented by health-based numbers such as the maximum contaminant levels (MCL).

47. “Storage, open” means the safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within 72 hours or for continuous replacement by same or similar goods or products.

48. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

49. “Story, first” means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story; provided, such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

50. “Stream” means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water during the entire year. This definition does not include watercourses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water runoff features, unless the artificially created watercourse contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created watercourse.

51. Street intersection. *See* “Intersection.”

52. “Street line” means the dividing line between any street, road or other thoroughfare and the adjacent lots.

53. “Street, public” means a street affording the principal means of access to abutting property, and dedicated to or maintained by the City of Sultan, Snohomish County, or the state of Washington, affording the principal means of access to abutting property and with a right-of-way or easement.

54. “Structural alteration” means any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

55. “Structural trim” means the molding, battens, capping, nailing strips, latticing, and platforms that are attached to a sign structure.

56. “Structure” means anything constructed or erected that requires permanent location on the ground or attachment to something having location. A building is always a structure; a structure may or may not be a building. (For the purposes of this code, the term “structure” shall not be construed to include any roadway, driveway, at-grade paved parking lots, parking garages, patio or courtyard, or any other paved surface, or swimming pool.)

56A. “Subordinate” means incidental to and less than half the size in building square footage as the principal use.

57. “Subdivision” means a division of land into lots, tracts, or other divisions as addressed in SMC Title 19. The word includes formal subdivisions of previously subdivided land. The word includes both short subdivision and formal subdivisions as defined in Chapter 58.17 RCW.

58. “Substantial expenditure.” With regard to projects that have been approved for development under the terms of this code, “substantial expenditure” shall constitute at least 10 percent of the total, expected cost to complete the project as it was approved. The total expected cost shall be derived from the cost figures used in the application for the building permit for the project, less the cost of the land.

59. “Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the assessed value of the structure. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall,

ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

60. “Surface water” means waters that flow over the land surface and frequently interact with groundwater.

61. “Swimming pool” means any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes and may be located either inside a building or outdoors.

**16.04.200 “T” definitions.**

1. “Tattoo parlor” means an establishment that provides the services to create an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin with practitioners certified and licensed by the State of Washington.

2. “Tavern” means a building where beer and/or wine is served to the public, which holds a tavern license from the Washington State Liquor and Cannabis Board as defined by RCW 66.24.330 and WAC 314-02-070.

3. “Technical review” means that review meeting conducted by the director(s) or the zoning administrator with the applicant and other personnel, when all reports, studies and other information are completed to inform the applicant of mitigation measures with which he or she may have to comply to receive preliminary plat approval.

4. “Temporary building or structure” means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

5. “Theater” means a building or part of a building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

6. “Toe of slope” means a point or line of slope in an excavation or cut where the lower surface changes to horizontal or meets the existing ground slope.

7. “Top of slope” means a point or line on the upper surface of a slope where it changes to horizontal or meets the original surface.

8. “Topography” means the drawing accurately on a map, lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface’s relief characteristics.

9. “Tour bus lot” means a paved parking area provided at hotels, various shopping areas, and tourist attractions for the accommodation of tour buses. Each parking space for a tour bus shall be 12 feet wide and 50 feet long, with appropriate additional space to accommodate all turning and maneuvering needs in a safe and efficient manner. A tour bus lot shall not be construed to include the overnight parking and/or storage for these vehicles, nor shall this definition include the cleaning or maintenance area for tour buses.

10. “Tower” means any structure whose principal function is to support an antenna, or has been built to store water or to provide air traffic control services, or is used in the recreational activity known as “bungee jumping.”

10A. “Towing yard(s)” means a place where motor vehicles registered with the State of Washington are taken for storage when they have been damaged or in some other way are temporarily inoperable and/or have been impounded.

11. “Townhouse” means a dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, is two or more stories, and which is attached to one or more other dwelling units by common walls which may be located on side lot lines.

12. “Tract” is used interchangeably with the term “lot,” or “block” particularly in the context of subdivisions, where one “tract” may be subdivided into several lots or blocks.

13. “Trailer” means a separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half- tracks, snowmobiles, and the like.

14. “Travel trailer” means a vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include recreational vehicles, motor homes, and truck campers.

15. “Trip” means a single or one-way vehicle movement.

16. “Trip end” means the origin or destination of a trip. Each trip has two ends that constitute a two-direction vehicle movement at the origin or destination of the trip.

17. “Trip generation” means the total number of trip ends produced by a specific land use or activity.

18. Trim. *See* “Structural trim.”

#### **16.04.210 “U” definitions.**

1. “Unstable slopes” means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit, mass movement of earth and which can be classified by the degree of steepness of a sloping area. *See also* “Natural hazards.”

2. “Use” means the purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

3. Use, accessory. *See* “Accessory use.”

4. Use, agricultural. *See* “Agriculture.”

5. Use, commercial. *See* “Commercial use.”

6. Use, nonconforming. *See* “Nonconforming use.”

7. “Use, principal” means the main use of land or buildings as distinguished from a subordinate or accessory use.

8. “Use, temporary” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

9. “Utilities easements” means rights-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

#### **16.04.220 “V” definitions.**

1. “Variance” means a modification of the terms of the Zoning Code to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

2. “Vehicle” means any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, and recreational vehicles.

3. “Vehicular use area” means that portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of internal traffic circulation areas, loading and unloading areas, and parking areas.

4. “Veterinary hospital or clinic” means a building used to provide health care services to animals.

5. “Video sales and rental” means commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

6. “Vulnerability” means the degree to which groundwater may become contaminated depending on the local hydrogeologic characteristics and amounts of potential groundwater contaminants present.

#### **16.04.230 “W” definitions.**

1. Wall, breakaway. *See* “Breakaway wall,” SMC 17.08.050.

2. “Warehouse” means a building used primarily for the storage of goods and materials.

3. “Water body” means surface waters including rivers, streams, lakes, marine waters, estuaries, and wetlands.

4. “Water park” means a commercial recreational facility that contains a variety of water-oriented activities such as, but not limited to, water slides and swimming pools. Such facilities may be found in association with a larger recreational activity.

5. “Water table” means the surface between the vadose zone and the groundwater, that is the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

6. “Watercourse” means a channel, natural or manmade, through which water flows either continuously or intermittently.

7. “Watershed” means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

8. “Wetland class” means any of the wetland class designations described in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979). Cowardin’s deep water and wetland classes include: rock bottom, unconsolidated bottom, aquatic bed, reef, rocky shore, unconsolidated shore, emergent wetland, scrub-shrub wetland, forested wetland, stream-bed and moss-lichen wetland.

9. “Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from nonwetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined or biofiltering swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities.

10. “Wholesale (trade)” means the sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

11. “Working days,” within the framework of the Zoning Code, the term “working days” is used as the unit of measure by which either the applicant/developer or a City of Sultan agency must complete a specified action. “Working days” refer to all days of the week, except Saturdays, Sundays, all official city of Sultan holidays, as opposed to calendar days that refer of all days in a week, month, or year.

**16.04.240 “X” definitions.**

(Reserved).

**16.04.250 “Y” definitions.**

1. “Yard” means an open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

2. “Yard, front” means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

3. “Yard, rear” means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

4. “Yard, side” means a yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be.

**16.04.260 “Z” definitions.**

1. “Zero lot line development” means a residential development of a minimum of eight units of zero lot line dwellings constitute such a development.

2. “Zero lot line dwelling” means a residential development approach in which a single-family dwelling is sited on one or more lot lines with no yard area along these lot lines. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development.

3. “Zone” means an area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.

4. “Zoning administrator” means the officer designated by the city of Sultan to enforce and administer this title, or his or her duly authorized representative.

5. Zoning district. *See* “District, zoning.”

*Division II: Zoning Districts*

**CHAPTER 16.10  
ESTABLISHMENT OF ZONING DISTRICTS**

Sections:

**16.10.010 Establishment of zoning districts.**

**16.10.020 Establishment of zoning map.**

**16.10.030 Default zoning designation.**

**16.10.010 Establishment of zoning districts.**

The city of Sultan is hereby divided into eight zoning districts and one overlay district as follows:

- A. Low Density Residential (LDR) Zone;
- B. Moderate Density Residential (MDR) Zone;
- C. High Density Residential (HDR) Zone;
- D. Neighborhood Commercial (NC) Zone;
- E. Urban Center (UC) Zone;
- F. Highway-Oriented Commercial (HOC) Zone;
- G. Manufacturing (M) Zone;
- H. Public Buildings, Parks and Open Spaces (PB/P/OS) Zone.
- I. Airport Approach Overlay (AA) Zone.

**16.10.020 Establishment of zoning map.**

A. The boundaries and identification of the zoning districts and overlay zone(s) established by this chapter are shown on the official zoning map of the city of Sultan, which is filed in the office of the city clerk/treasurer (with copies in the office of the building and zoning official). The zoning map is hereby adopted and incorporated by this reference as if fully set forth herein.

B. No building or land shall be used and no building shall be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the zoning map in which such building or land is located.

C. Interpretation of the Zoning Map.

1. Zoning district boundaries are shown as heavy solid lines on the zoning map and may be superimposed on lighter lines designating platted lot lines, streets, and other physically identifiable ground features, unless specific distances in feet or angles, bearings, radii, or other references to a boundary line located are specified.

2. Zoning district boundary lines, when located in streets or other public rights-of-way shall be interpreted as being located in the center line of such rights-of-way. When distances expressed as linear footage are shown between a zoning district and a street, the distance shall be interpreted as being between said boundary line and the center line of said street, unless otherwise specified.

3. Boundary lines between zoning districts which are interrupted on the zoning map to show street names or other identification numbers shall be interpreted as extending through such identification, unless otherwise specified.

4. When the exact location of a zoning district boundary line is not clear, it shall be determined by the building and zoning official, with due consideration given to the location as

indicated by the scale of the zoning map. When, for any reason, the streets or alleys as they actually exist on the ground differ from the depiction of said streets and alleys as they are shown on the zoning map, the building and zoning official may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of this title.

D. Zoning map amendments. The zoning map is separate and distinct from the Future Land Use Map (Sultan Comprehensive Plan Figure LU-1). Accordingly, amendments to the zoning map may be applied for independent from the annual docketing process required for amendments to the Comprehensive Plan Future Land Use Map. Zoning map amendments for large area rezones and revisions to existing zoning district boundaries shall be processed as development regulation amendments. Site-specific rezones that can be categorized as “spot zones” will not be considered a zoning map amendment.

#### **16.10.030 Default zoning designation.**

A. Annexed territories. Unless otherwise provided for in the annexation ordinance or in subsection (C) or (D) of this section, all new territory annexed to the City shall be designated as the City zoning district that most closely equates to the permitted county land uses in the annexation area at the time of annexation, regardless of the future land use designations that may be desired or indicated by the property owners or petitioners for annexation; provided, that nothing in this section shall prevent annexation petitioners from requesting that the City initiate a zoning designation for the annexation area concurrent with the annexation process pursuant to RCW 35A.14.330 through -.340.

B. Zoning map. Except as otherwise provided in subsection (D) of this section, any property for which a zoning district designation is not indicated on the official zoning map shall be designated as the same zoning district as the adjacent property. If an unclassified property is adjacent to multiple parcels with different zoning designations, the unclassified property shall be designated as the same zoning district as the adjacent property or properties with the greatest contiguous border(s). For the purposes of this subsection, “adjacent property” means adjacent property within the corporate limits of the City.

C. Previously annexed territory. Territory that has been annexed to the City prior to the adoption of this section, but for which no zoning district has previously been designated, shall be designated as the City zoning district that most closely fits the existing use of the property(ies) as of the effective date of the ordinance adopting this section.

D. Municipal property.

1. Territory that is annexed to the City solely for municipal purposes shall be designated as Public Buildings, Parks and Open Spaces Zone, unless otherwise provided in the annexation ordinance.

2. Any municipal property which would otherwise fall within the scope of SMC 16.10.030(B) shall be designated as Public Buildings, Parks and Open Spaces Zone, notwithstanding the zoning designations of adjacent properties thereto.

**CHAPTER 16.12**  
**PERMITTED USES – TABLES OF DIMENSION AND DENSITY REQUIREMENTS**

Sections:

- 16.12.010 Low Density Residential (LDR) Zone**
- 16.12.020 Moderate Density Residential (MDR) Zone**
- 16.12.030 High Density Residential (HDR) Zone**
- 16.12.040 Neighborhood Commercial (NC) Zone**
- 16.12.050 Urban Center (UC) Zone**
- 16.12.060 Highway-Oriented Commercial (HOC) Zone**
- 16.12.070 Manufacturing (M) Zone**
- 16.12.080 Public Buildings, Parks and Open Spaces (PB/P/OS) Zone**
- 16.12.090 Airport Approach Overlay (AA) Zone**

**16.12.010 Low Density Residential (LDR) Zone.**

A. Purpose. The purpose of the Low Density Residential Zone is to provide for low density (4.5+ units per acre) residential development of single-family and accessory dwelling units and other uses associated and accessory to large lot, low density residential development, with development patterns that provide for private yards and larger detached houses.

B. Permitted Uses.

1. Single-family detached dwellings;
2. Accessory buildings and structures to single-family detached dwellings;
3. Group home;
4. Accessory dwelling units;
5. Home occupations;
6. Guest houses containing four guest bedrooms or less.

C. Conditional Uses.

1. Elementary schools;
2. Clustered housing of single-family detached dwellings.

D. Table of Dimension and Density Requirements.

**Low Density Residential (LDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 7</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Single-Family Detached Dwellings <sup>6</sup>	4.5	9,600 sq ft	80	100	20	10	20	30	35
Single-Family Detached Dwellings (Clustered) <sup>3</sup>	4.5	9,600 sq ft	80	100	20	10	20	30	35
Group Homes	4.5	9,600 sq ft	80	100	20	10	20	30	35
Accessory Dwelling Units	*	n/a	80	100	20	10	20	30	35
Home Occupations	--	n/a	80	100	20	10	20	30	35
Accessory Buildings/Structures	--	n/a	80	100	20	10	20	30	35
Guest Houses <sup>1</sup>	4 guest rms	9,600 sq ft	80	80	20	10	20	30	35
Elementary Schools <sup>3</sup>	–	10 acres <sup>2</sup>	300	300	25	25	50	50	25

<sup>1</sup> Guest Houses shall not exceed a total of 4 bedrooms in the LDR Zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

<sup>6</sup> After 24 months and 1 day from the date of initial occupancy, the maximum lot coverage of a detached single-family dwelling unit may be increased from 35% to 40%.

<sup>7</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

\* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

**16.12.020 Moderate Density Residential (MDR) Zone.**

A. Purpose. The purpose of the Moderate Density Residential Zone is to provide for moderate density (6–9 units per acre) residential development of duplex, zero lot line townhouse, single-family and accessory dwelling units and other uses associated and accessory to small yard, moderate density residential development, with development patterns that provide for more affordable detached and duplex housing.

B. Permitted Uses.

1. Duplexes/ two-family dwellings;
2. Zero lot line, single-family attached dwellings;
3. Single-family detached dwellings;
4. Accessory buildings and structures to single-family and two-family dwellings;
5. Group homes;
6. Accessory dwelling units;
7. Home occupations;
8. Guest houses, containing six guest bedrooms or less.

C. Conditional Uses.

1. Elementary, middle, and high schools;
2. Clustered housing of single-family detached dwellings;
3. Pre-schools;
4. Daycare centers;
5. Houses of worship;
6. Community centers.

D. Table of Dimension and Density Requirements.

**Moderate Density Residential (MDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Duplexes/Two-Family Dwellings	8.7	10,000 sq ft	80	80	20	10	20	30	40
Single-Family Attached Dwellings (Zero Lot Line Dwellings) <sup>4</sup>	6.7	6,500 sq ft	60	80	20	20	20	30	40
Single-Family Detached Dwellings	6.7	6,500 sq ft	60	80	20	10	20	30	35
Single-Family Detached Dwellings (Clustered) <sup>3</sup>	6.7	6,500 sq ft	60	80	20	10	20	30	35
Group Homes	6.7	6,500 sq ft	60	80	20	10	20	30	35
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	35
Home Occupations	--	n/a.	60	80	20	10	20	30	35
Accessory Buildings/Structures	--	n/a	60	80	20	10	20	30	35
Guest Houses <sup>1</sup>	6 guest rms	6,500 sq ft	60	80	20	10	20	30	35
Day-Care Centers <sup>3</sup>	--	6,500 sq ft	60	80	20	10	20	30	35
Preschools <sup>3</sup>	–	6,500 sq ft	60	80	20	10	20	30	35
Elementary Schools <sup>3</sup>	–	10 acres <sup>2</sup>	300	300	25	25	50	50	25
Middle Schools <sup>3</sup>	–	15 acres <sup>2</sup>	300	300	25	25	50	50	25
High Schools <sup>3</sup>	–	15 acres <sup>2</sup>	500	500	50	50	50	50	25

Community Center <sup>3</sup>	–	0.5 acre	100	100	25	15	25	30	25
Houses of Worship <sup>3</sup>	–	1 acre	100	200	25	15	25	30	25

<sup>1</sup> Guest houses shall not exceed a total of 6 guest rooms in the MDR Zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks, except for the zero setback for joint side yard in Zero Lot Line Single-Family Attached Dwellings development.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other uses shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

<sup>6</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

\* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

**16.12.030 High Density Residential (HDR) Zone.**

A. Purpose. The purpose of the High Density Residential Zone is to provide for high density (9–24 units per acre) residential development of multi-family, two-family and single-family dwelling units and other uses associated with and accessory to common yard, high density residential development, with development patterns that provide for the greatest range of affordable housing options.

B. Permitted Uses.

1. Multi-family dwellings;
2. Duplexes/two-family dwellings;
3. Single-family dwellings, including attached and detached dwellings;
4. Accessory buildings and structures to residential uses;
5. Boarding houses;
6. Residential care facilities;
7. Group homes;
8. Accessory dwelling units;
9. Home occupations;
10. Guest houses containing eight guest bedrooms or less.

C. Conditional Uses.

1. Elementary, middle, and high schools;
2. Pre-schools;
3. Daycare centers;
4. Houses of worship;
5. Community centers.

D. Table of Dimension and Density Requirements.

**High Density Residential (HDR) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6, 7</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Multiple-Family Dwellings	24.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	100	100	25	10	25	30	45
Duplexes/Two-Family Dwellings <sup>1</sup>	12.4	7,000 sq ft	60	80	20	10	20	30	40
Townhouses (Attached Single-Family Dwellings) <sup>4</sup>	8.7	5,000 sq ft	60	80	20	10	20	30	40
Zero Lot Line Dwellings (Attached Single-Family Dwellings) <sup>4</sup>	8.7	5,000 sq ft	60	80	20	10	20	30	40
Single-Family Detached Dwellings	8.7	5,000 sq ft	60	80	20	10	20	30	40
Single-Family Detached Dwellings (Clustered) <sup>3</sup>	8.7	5,000 sq ft	60	80	20	10	20	30	40
Group Homes	8.7	5,000 sq ft	60	80	20	10	20	30	40
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Home Occupations	--	n/a	60	80	20	10	20	30	40
Accessory Buildings/Structures	--	n/a	60	80	20	10	20	30	40
Guest Houses <sup>1</sup>	8 guest rms	5,000 sq ft	100	100	25	10	25	30	45
Boarding Houses	10 rooms	10,000 sq ft	100	100	25	10	25	30	45

Residential Care Facilities	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Day-Care Centers <sup>3</sup>	--	5,000 sq ft	60	80	20	10	20	30	35
Preschool Facilities <sup>3</sup>	–	5,000 sq ft	60	80	20	10	20	30	35
Elementary Schools <sup>3</sup>	–	10 acres <sup>2</sup>	300	300	25	25	50	50	25
Middle Schools <sup>3</sup>	–	15 acres <sup>2</sup>	300	300	25	25	50	50	25
High Schools <sup>3</sup>	–	15 acres <sup>2</sup>	500	500	50	50	50	50	25
Community Centers <sup>3</sup>	–	1 acre	100	100	25	25	25	30	25
Houses of Worship <sup>3</sup>	–	1 acre	100	100	25	25	25	30	25

<sup>1</sup> Guest Houses shall not exceed a total of 8 guest rooms in the HDR Zone.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks, except for the zero setback for joint side yard in Zero Lot Line Single-Family Attached Dwellings development and no required side yard setback adjacent to another Townhouse Single-Family Dwelling.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

<sup>6</sup> No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

<sup>7</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

\* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

#### **16.12.040 Neighborhood Commercial (NC) Zone.**

A. Purpose. The purpose of the Neighborhood Commercial Zone is to provide for convenient location of small-scale commercial uses similar to home occupations and primarily serving local residents, thereby reducing longer vehicular trips and traffic congestion on city streets and encouraging pedestrian and non-motorized modes of transportation. Neighborhood commercial zones are intrinsically small nodes (less than 5 acres in size), interspersed within larger residential zones (not closer than 1 mile from each other).

#### B. Permitted Uses.

1. Retail sales stores (under 5,000 square feet) providing household staples:
  - a. Convenience stores and grocery stores;
  - b. Bookstores;
  - c. Gift shops;
  - d. Craft and art supply stores / picture and framing shops / artist galleries and studios;
  - e. Restaurant establishments (carry-out);
  - f. Coffee shops and espresso stands.
  
2. Personal service establishments, providing services to individuals:
  - a. Barbershop, hair salon, and beauty salon establishments;
  - b. Daycare centers;
  - c. Self-service laundromats.
  
3. Residential uses:
  - a. Multi-family dwellings;
  - b. Duplexes/two-family dwellings;
  - c. Single-family dwellings, including attached and detached dwellings;
  - d. Group homes;
  - e. Guest houses.
  - f. Boarding houses;
  - g. Residential care facilities;
  - h. Second-story residential dwellings over commercial/office development;
  - i. Accessory dwelling units;
  - j. Home occupations;
  - k. Accessory buildings and structures to residential uses.
  
4. Business service establishments:
  - a. Accounting services offices;
  - b. Financial services and insurance offices;
  - c. Legal services offices;
  - d. Real estate sales offices.

#### C. Table of Dimension and Density Requirements.

**Neighborhood Commercial (NC) Zone <sup>2</sup>**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>4, 5, 6, 7</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Single-Family Detached Dwellings	8.7	5,000 sq ft	60	80	20	10	20	30	40
Townhouses (Attached Single-Family Dwellings) <sup>4</sup>	8.7	5,000 sq ft	60	80	20	10	20	30	40
Duplexes/Two-Family Dwellings	12.4	7,000 sq ft	60	80	20	10	20	30	40
Multiple-Family Dwellings	24.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	100	100	25	10	25	30	45
Residential Over Commercial/Office	24.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	-	-	-	-	-	30	-
Group Homes	8.0	5,000 sqft.	60	80	20	10	20	30	40
Boarding Houses	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Residential Care Facilities	10 rooms	10,000 sq ft	100	100	25	10	25	30	45
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Day-Care Centers	--	5,000 sq ft	60	80	20	10	20	30	35
Retail Trade Establishments	-	2,500 sq ft	20	75	0	0	15	30	80
Personal Service Establishments	-	2,500 sq ft	20	75	0	0	15	30	80
Business/Professional Services Establishments	-	2,500 sq ft	20	75	0	0	15	30	80
Office Buildings	-	10,000 sq ft	75	75	0	0	35	30	60

<sup>1</sup> Guest Houses shall not exceed a total of 8 guest rooms.

<sup>2</sup> Neighborhood Commercial Zones shall not exceed 5 acres in size and shall not be located closer than 1 mile from an existing NC Zone.

<sup>3</sup> Conditional use.

<sup>4</sup> All site and development plans including lots within short and formal subdivisions shall show building envelopes based on minimum yard setbacks, except for no required side yard setback adjacent to another Townhouse Single-Family Dwelling.

<sup>5</sup> Eaves of a dwelling or accessory structure may project 12 inches from the line of the setback toward a property line when the setback is at least five feet, and 16 inches toward a property line when the setback is at least six feet. All other users shall conform to the requirements of the Uniform Building Code Sections 503.2 and 705.

<sup>6</sup> No portion of a building wall 10 feet to 20 feet in height shall be closer than 10 feet. No portion of a building wall 20 feet to 30 feet in height shall be closer than 15 feet.

<sup>7</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a "corner lot" with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a "through lot" with two front yards, both front yards shall have front yard setback requirements.

\* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

### **16.12.050 Urban Center (UC) Zone.**

A. Purpose. The purpose of the Urban Center Zone is to provide a mixed use downtown for high-density residential, commercial, office, and other central business district functions supported by a full range of pedestrian-oriented activities and urban services to establish a close-knit urban center.

“Mixed use” zoning means zoning that permits a combination of typically separated uses within a single development or in close proximity. Mixed use in an urban context refers to usually a single building or complex of buildings with more than one type of activity such as residential and commercial uses taking place within its confines. An example of such a type of development could have retail stores on the ground floor, offices above the ground floor, and residential units above the offices. Other combinations of uses may also occur in a mixed-use setting.

#### **B. Permitted Uses.**

1. Residential. Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- a. Single-Family attached and detached dwellings;
- b. Multiple-family dwellings;
- c. Boarding houses;
- d. Second-story and above residential dwellings over commercial and/or office development.

2. Hotels and Guest Houses. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

- a. Guest houses;
- b. Hotels;
- c. Lodging Houses;
- d. Motels.

3. Retail Trade Establishments. Establishments primarily engaged in providing finished products to individuals. However, no automobile-related retail trade facility, drive-in establishments (e.g., drive-in restaurants), or establishment that requires a large truck traffic volume because of the nature of its operation (e.g., building supplies, lumber yards, etc.) shall be allowed in this zone.

- a. Apparel and accessories shops;
- b. Book and stationery stores;
- c. Candy stores;
- d. Craft and artisan shops and studios;
- e. Dairy products stores;
- f. Electrical and electronic products stores;
- g. Florist shops;
- h. Furniture stores;
- i. Grocery stores (under 10,000 square feet);
- j. Boutique and gift shops;
- k. Household items stores;
- l. Office furnishings and equipment stores;

- m. Computer, telephone, and photographic equipment stores;
  - n. Sporting goods stores;
  - o. Retail food establishments (all types except drive-in restaurants);
  - p. Coffee shops;
  - q. Jewelry shops;
  - r. Pharmacy/drug stores;
  - s. Pawnshops;
  - t. Antique stores;
  - u. Theaters, art galleries, and museums;
  - v. Bars, taverns, and cocktail lounges;
  - w. Bakery shops;
  - x. Convenience stores;
  - y. Parking structures.
4. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.
- a. Barber shops;
  - b. Beauty salons;
  - c. Private clubs;
  - d. Health spas (including massage therapy with practitioners certified and licensed by the State of Washington);
  - e. Fitness centers and gymnasiums;
  - f. Bicycle repair shops;
  - g. Shoe repair shops;
  - h. Tailor shops;
  - i. Laundromats/laundry and dry cleaning establishments;
  - j. Daycare centers;
  - k. Funeral homes/mortuaries;
  - l. Banks;
  - m. Tattoo parlors (with practitioners certified and licensed by the State of Washington).
5. Business or Professional Service Establishments. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.
- a. Advertising agency offices;
  - b. Legal offices;
  - c. Accounting offices;
  - d. Finance, insurance, and real estate offices;
  - e. Employment offices;
  - f. Health care facilities/doctors' and dentists' offices;
  - g. Veterinary clinics (not to include animal kennels);
  - h. Travel agency offices;
  - i. Professional consultant offices;
  - j. Off-set printing and publishing/photocopying/photo processing shops.
6. Government and Community Services Facilities. Government agencies and entities that provide executive, legislative, judicial, regulatory, and administrative functions to the community.

Community service facilities that provide places of public assembly such as community centers and houses of worship.

- a. Post offices;
- b. Courthouses;
- c. Government offices;
- d. Public safety (police/fire) stations;
- e. Libraries;
- f. Community centers;
- g. Houses of worship;
- h. Public transit stations and bus stops.

7. Recreational Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- a. Urban parks;
- b. Playgrounds;
- c. Tot lots;
- d. Night clubs;
- e. Game/video arcades.

C. Performance Standards. All of the permitted and conditional uses in the UC zone shall comply with all of the standards for each use, as specified in the following table of dimensional and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

1. Residential performance standards (including subdivision regulations);
2. Nonresidential performance standards;
3. Off-street parking and loading standards;
4. Sign standards;
5. Recreational and open space standards;
6. Streams and wetlands standards;
7. Landscape standards;
8. Stormwater management standards;
9. Shoreline management standards;
10. Vegetation protection standards;
11. Floodplain protection standards;
12. Fish and wildlife areas protection standards.

D. Conditional Uses.

1. Personal service establishments;
2. Drive-thru banks;
3. Seasonal parking facilities;
4. Espresso stands;
5. Car washes;
6. Automobile service stations;
7. Automobile repair shops (conducted inside a building);
8. Farmers markets (regularly or seasonally scheduled on a weekly basis);

9. Mixed-use developments.

E. Table of Dimension and Density Requirements.

**Urban Center (UC) Zone <sup>1,2</sup>**

**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Single-Family Detached/Attached Dwellings	8.7	5,000 sq ft	70	80	20	10	25	30	50
Multiple-Family Dwellings	24.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	100	100	20	10	25	30	50
Duplexes/Two-Family Dwellings	12.4	7,000 sq ft	70	80	20	10	25	30	50
Boarding Houses	12 (rooms)	10,000 sq ft	70	80	20	10	25	30	50
Residential Care Facilities	12 (rooms)	10,000 sq ft	70	80	20	10	25	30	50
Residential Over Commercial/Office	24.0	10,000 sq ft for first 3 units + 2,000 sq ft additional lot area for each additional unit	-	-	-	-	-	30	-
Accessory Dwelling Units	*	n/a	60	80	20	10	20	30	40
Guest Houses	--	5,000 sq ft	70	80	20	10	25	30	50
Retail Trade Establishments	-	3,500 sq ft	20	75	0	0	15	30	90
Personal Service Establishments	-	2,500 sq ft	20	75	0	0	15	30	90
Business/Professional Services Establishments	-	2,500 sq ft	20	75	0	0	15	30	90

Post Offices	–	0.5 acre	100	200	0	0	35	30	40
Courthouses/Government Offices	–	0.5 acre	100	100	0	0	35	30	40
Office Buildings	–	10,000 sq ft	75	75	0	0	35	30	60
Public Safety (Police/Fire) Stations	–	0.5 acres	100	200	0	0	35	30	40
Libraries	–	10,000 sq ft	75	75	0	0	35	30	60
Houses of Worship	–	0.5 acre	100	100	10	25	35	30	35
Community Centers	--	0.5 acre	100	100	10	25	35	30	35
Urban Parks <sup>4</sup>	--	--	--	--	--	--	--	30	10
Theaters	–	8,000 sq ft	40	80	0	0	15	30	60
Museums/Art Galleries	–	5,000 sqft	40	80	0	0	15	30	60
Night Clubs	–	5,000 sq ft	40	80	0	0	15	30	60
Health Clubs	–	5,000 sq ft	40	80	0	0	15	30	60
Public Transit Stations/Off-Street Bus Stops	–	1 acre	100	200	25	25	25	30	25
Automobile Repair Shops (in-bldg) <sup>3</sup>	--	10,000 sq ft	75	75	0	0	15	30	60
Automobile Service Stations <sup>3</sup>	--	10,000 sq ft	75	75	0	0	15	30	60
Car Wash Facilities <sup>3</sup>	--	10,000 sq ft.	75	75	0	0	15	30	60
Farmers Markets(regularly or seasonally scheduled on a weekly basis) <sup>3</sup>	--	--	--	--	--	--	--	30	--
Mixed-Use Developments <sup>3</sup>	--	1 acre	100	200	0	0	15	30	90
Parking Structures <sup>3</sup>	–	10,000 sq ft	75	75	0	0	15	30	90
Seasonal Parking Facilities <sup>3</sup>	–	2,500 sq ft	50	50	0	0	15	30	90

- <sup>1</sup> New buildings in special flood hazard areas identified on FIRM maps shall be built to base flood elevations as determined by FEMA.
- <sup>2</sup> Pedestrian-oriented improvements and shared parking provisions are encouraged in lieu of on-site surface parking lots.
- <sup>3</sup> Conditional use.
- <sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.
- <sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.
- \* Units/Acre density will increase as an ADU is added on the lot of a principal single-family dwelling unit.

### **16.12.060 Highway-Oriented Commercial (HOC) Zone.**

A. Purpose. The purpose of the Highway-Oriented Commercial Zone is to provide a more intensive commercial zone that can accommodate large scale, automobile-oriented activities along Route 2.

#### B. Permitted Uses.

1. Hotels and Motels. Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

2. Retail Trade Establishments/Wholesale Trade Establishments. Large scale, automobile-oriented establishments primarily engaged in providing finished products to individuals and retailers.

- a. Pawnshops;
- b. Bakery shops;
- c. Apparel and accessories shops;
- d. Florist shops and plant nurseries;
- e. Book, stationery, and office supply stores;
- f. Electrical and electronic products shops;
- g. Furniture stores;
- h. Handicraft and art supply stores;
- i. Hardware and home building supply stores;
- j. Grocery stores and supermarkets;
- k. Household items stores;
- l. Office furnishings and equipment stores;
- m. Computer, telephone, and photographic equipment stores;
- n. Sporting goods stores;
- o. Automobile service stations;
- p. Car washes;
- q. Truck stops;
- r. Automobile and truck sales and services;
- s. Automobile rental agencies;
- t. Automotive parts store;
- u. Shopping centers;
- v. Mixed-use developments;
- w. Retail food establishments;
- x. Coffee shops and espresso stands;
- y. Convenience stores;
- z. Pharmacy/drug stores;
- aa. Bars/taverns/cocktail lounges;
- bb. Theaters/museums/art galleries;
- cc. Public transit terminals;
- dd. Recreational vehicle and boat sales and services;
- ee. Recreational vehicle and boat storage inside a building;
- ff. Other retail sales establishments (not including marijuana sales and distribution);

4. Personal Service Establishments. Establishments primarily engaged in providing services to individuals.

- a. Barber shops;
- b. Beauty salons;
- c. Health spas (including massage therapy with practitioners certified and licensed by the State of Washington);
- d. Fitness centers/gymnasiums;
- e. Private clubs;
- f. Funeral homes/mortuaries;
- g. Shoe repair shops;
- h. Laundromats/laundry and dry cleaning establishments;
- i. Daycare centers;
- j. Banks;
- k. Tattoo parlors (with practitioners certified and licensed by the State of Washington).

5. Business and Professional Offices. Establishments primarily engaged in rendering services to businesses or private individuals on a contract or fee basis.

- a. Advertising agency offices;
- b. Accounting offices;
- c. Legal offices;
- d. Finance, insurance, and real estate offices;
- e. Health care facilities/doctors' and dentists' offices;
- f. Employment offices;
- g. Travel agency offices;
- h. Professional consultant offices;
- i. Off-set printing and publishing/photocopying/photo processing shops;
- j. Hospitals and medical clinics;
- k. Veterinary clinics/animal kennels and shelters;

6. Government and Community Services Facilities. Government agencies and entities that provide administrative and related services to the community. Community service facilities that provide places of public assembly such as community centers and houses of worship.

- a. Libraries;
- b. Government offices;
- c. Post offices;
- d. Public safety (police/fire) stations;
- e. Community centers;
- f. Houses of worship;
- g. Public transit stations and bus stops.

7. Recreational and Entertainment Facilities. Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- a. Ballfields;
- b. Urban parks;
- c. Night clubs combined with a bar or restaurant, etc.;

- d. Game/video arcades.
- 8. Miscellaneous Associated Facilities.
  - a. Recreational vehicle parks;
  - b. Recreational vehicle and boat storage (within a building).

C. Conditional Uses.

- 1. Manufacturing.
  - a. Food processing in conjunction with retail sales of food/beverage products;
  - b. Light manufacturing of finished products for retail and wholesale delivery.
- 2. Seasonal parking facility;
- 3. Parking structures as part of retail trade shopping center or mixed-use development;
- 4. Private schools;
- 5. Farmers market;
- 6. Agricultural produce stands as part of a retail trade shopping center, farmers market, or community center;
- 7. Flea markets as part of a retail trade shopping center, farmers market, or community center.

D. Performance Standards. All of the permitted and conditional uses in the HOC zone shall comply with all of the standards for each use, as specified in the following table of dimensional and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

- 1. Nonresidential performance standards;
- 2. Off-street parking and loading standards;
- 3. Sign standards;
- 4. Hillside and geologically hazardous development standards;
- 5. Recreational and open space standards;
- 6. Streams and wetlands standards;
- 7. Landscape standards;
- 8. Stormwater management standards;
- 9. Shoreline management standards;
- 10. Vegetation protection standards;
- 11. Floodplain protection standards;
- 12. Wellfield/groundwater protection standards;
- 13. Fish and wildlife areas protection standards;
- 14. Industrial park master plan.

E. Table of Dimensional and Density Requirements.

**Highway-Oriented Commercial (HOC) Zone  
Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Retail/Wholesale Trade Establishments	–	10,000 sq ft	70	80	25	10	25	30	25
Personal Service Establishments	–	10,000 sq ft	70	80	25	10	25	30	25
Business/Professional Services Establishments	–	10,000 sq ft	70	80	25	10	25	30	25
Hotels and Motels	--	0.5 acre	100	100	25	10	25	30	35
Hardware/Home Building Supply Stores	–	1 acre	100	200	50	25	50	30	35
Lumberyards	--	1 acre	100	200	50	25	50	30	35
Hospitals//Medical Clinics/Health Care Facilities	–	0.5 acres	100	100	25	25	25	30	25
Shopping Centers	–	2 acres	200	300	25	25	50	30	40
Mixed-Use Developments	--	3 acres	200	300	25	25	50	30	50
Automobile and Truck Sales and Service Establishments	–	1 acre	100	200	25	25	25	30	25

Automobile Rental Establishments	-	10,000 sq ft	70	80	25	10	25	30	25
Automobile and Truck Repair Shops	--	0.5 acre	100	100	25	25	25	30	25
Automobile Service Stations/Car Washes	-	0.5 acre	100	100	25	25	25	30	25
Automotive Parks Parts Store	--	10,000 sq ft	100	100	25	25	25	30	25
Recreational Vehicle/Boat Storage (in-bldg)	--	0.5 acre	100	100	25	25	25	30	25
Recreational Vehicle/Travel Trail Parks	--	2 acres	200	300	25	25	25	30	25
Mobile Home Parks	--	2 acres	200	300	25	25	25	30	25
Veterinarian Hospitals/Animal Kennels	-	0.5 acre	100	100	25	25	50	30	40
Government Offices	-	10,000 sq ft	70	80	10	10	25	30	35
Courthouses	--	10,000 sq ft	70	80	10	10	25	30	35
Libraries	-	1 acre	100	100	25	20	25	30	40
Post Offices	-	1 acre	100	200	25	25	60	30	25
Public Safety (Police/Fire) Stations	-	1 acre	100	100	25	25	40	30	35
Public Transit Stations/Terminals	-	2 acres	200	200	50	25	50	30	20
Community Centers	--	1 acre	100	200	25	25	35	30	35

Houses of Worship	–	1 acre	100	200	25	25	25	30	30
Game/Video Arcades	–	10,000 sq ft	70	80	25	25	25	30	25
Night Clubs	–	1 acre	100	200	25	30	50	30	25
Casinos/Gambling Establishments	--	0.5 acre	100	200	25	30	50	30	25
Theaters/Museums/Art Galleries	-	0.5 acre	100	200	25	30	50	30	25
Ballfields <sup>4</sup>	–	2 acres	200	300	25	25	50	45	25
Urban Parks <sup>4</sup>	--	--	--	--	--	--	--	30	10
Agricultural Produce Stands <sup>1,3</sup>	–	--	--	--	--	--	--	30	25
Flea Markets <sup>1,3</sup>	–		--	--	--	--	--	30	25
Farmers Markets <sup>3</sup>	--	--	--	--	--	--	--	30	25
Limited Food/Beverage Processing Plants with Retail Sales of Food/Beverage Products <sup>3</sup>	–	1 acre	100	200	25	25	50	30	30
Limited Manufacturing Plants of Finished Products and Wholesale Delivery <sup>3</sup>	--	1 acre	100	200	25	25	50	30	30
Private Schools <sup>3</sup>	--	0.5 acre	100	100	25	20	25	30	40
Parking Structures <sup>2,3</sup>	–	0.5 acre	100	100	10	10	10	30	60
Seasonal Parking Facilities <sup>3</sup>	–	0.5 acre	--	--	--	--	--	N/A	N/A

<sup>1</sup> Conditional use subject to inclusion in a retail trade shopping center, farmers market, or community center.

<sup>2</sup> Conditional use subject to inclusion in a retail trade shopping center or mixed-use development.

<sup>3</sup> Conditional use.

<sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

### **16.12.070 Manufacturing (M) Zone.**

A. Purpose. The purpose of the Manufacturing Zone is provide for manufacturing and other industrial activities that may have associated adverse environmental impacts such as noise, lighting, odor, vibration, and hazardous waste.

#### B. Permitted Uses.

1. Personal Services.
  - a. Funeral homes/mortuaries;
  - b. Veterinarians/kennels and shelters.
2. Business and Professional Establishments.
  - a. Employment offices;
  - b. Medical waste handling facilities.
3. Government Facilities.
  - a. Government offices;
  - b. Regional postal facilities;
  - c. Police and fire stations.
4. Manufacturing. The processing or assembling of materials or substances into a finished product.
  - a. Food processing;
  - b. Freezer plants/cold storage/food mills/fertilizer production and storage;
  - c. Apparel and other finished products manufacturing and assembly;
  - d. Building construction yards and offices;
  - e. Electrical and electronic goods manufacturing and assembly;
  - f. Metal products manufacture, fabrication and assembly;
  - g. Furniture and fixtures manufacturing and assembly;
  - h. Computer equipment manufacture and assembly;
  - i. Leather products manufacturing;
  - j. Lumber and wood products processing;
  - k. Medical and optic goods/watches and clocks manufacture and assembly;
  - l. Printing, publishing, and allied industries;
  - m. Rubber/plastic products manufacturing;
  - n. Stone, clay, glass, and concrete products manufacturing;
  - o. Transportation equipment manufacturing and assembly;
  - p. Handicraft, craft, and artisan shops;
  - q. Home building supply.
5. Wholesale/Storage/Distribution. Establishments engaged in the storage, trucking, or transfer of household or commercial goods of any nature, or establishments engaged in the sale of large quantities of goods.
  - a. Wholesale commercial operations;
  - b. Equipment and machinery sales and storage;
  - c. Warehousing operations;
  - d. Freight distribution centers;

- e. Mini-warehouse/storage facilities;
  - f. Public transit storage and maintenance facilities;
  - g. Moving van and storage facilities;
  - h. Package delivery facilities;
  - i. Petroleum products storage and distribution centers.
6. Industrial Services. Establishments engaged in mechanical, personal, business, and repair services.
- a. Janitorial services offices;
  - b. Laundry plants.
7. Public Utilities. Activities that provide electricity, sanitary sewer, water, and other related services for public consumption.
- a. Electrical generating plants;
  - b. Sewage treatment plants;
  - c. Solid waste disposal transfer stations;
  - d. Electrical transmission lines.
8. Miscellaneous Associated Uses.
- a. Adult entertainment establishments;
  - b. Adult bookstores;
  - c. Automobile body and paint shops;
  - d. Auto rental establishments;
  - e. Auto rental storage and maintenance facilities;
  - f. Auto service stations and truck stop facilities;
  - g. Automobile and truck repair shops;
  - h. Bars/taverns/cocktail lounges;
  - i. Night clubs;
  - j. Private clubs;
  - k. Recreational vehicle and boat storage yards;
  - l. Recycling facilities;
  - m. Towing yards;
  - n. Junkyards;
  - o. Automobile wrecking yards.
- C. Permitted Accessory Uses.
- 1. Caretaker residence;
  - 2. Parking structures.
- D. Conditional Uses.
- 1. Airports, landing fields, and heliports;
  - 2. Seasonal parking facility;
  - 3. Secure community transitional facility (SCTF);
- E. Performance Standards. All of the permitted and conditional uses in the M zone shall comply with all of the standards for each use, as specified in the following table of dimensional

and density requirements, and any additional performance standards that may apply to the proposed development, which may include:

1. Nonresidential performance standards;
2. Off-street parking and loading standards;
3. Sign standards;
4. Hillside and geologically hazardous development standards;
5. Streams and wetlands standards;
6. Landscape standards;
7. Stormwater management standards;
8. Shoreline management standards;
9. Vegetation protection standards;
10. Floodplain protection standards;
11. Wellfield/groundwater protection standards;
12. Fish and wildlife areas protection standards;
13. Industrial park master plan.

F. Table of Dimension and Density Requirements.

**Manufacturing (M) Zone**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%)
		Area <sup>1</sup>	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Manufacturing Plants/Facilities	-	0.5 acre	100	200	25	25	35	75	65
Wholesale Storage/Distribution Facilities	-	1 acre	100	200	25	25	35	50	40
Warehousing Facilities	-	1 acre	100	200	25	25	35	50	40
Freight Distribution Centers	-	2 acres	200	200	25	25	35	50	30
Mini-Warehouse/Storage Facilities	-	1 acre	100	200	25	25	25	30	65
Public Transit Storage and Maintenance Facilities	-	2 acres	200	200	25	25	25	50	25
Moving Van and Storage Facilities	-	1 acre	100	200	25	25	35	50	40
Automobile Body and Paint Shops	--	20,000 sq ft	100	100	25	25	35	30	25
Auto Rental Establishments	-	10,000 sq ft	70	80	25	10	25	30	20
Automobile Rental Storage and Maintenance Facilities	--	0.5 acre	100	100	26	25	35	30	25
Auto Service Station	-	0.5 acres	100	100	25	25	25	30	25
Automobile and Truck Repair Shops	-	20,000 sq ft	100	100	25	25	35	30	25
Lumberyards and Mills	--	2 acres	200	200	25	25	35	50	30
Package Delivery Facilities	--	1 acre	100	100	25	25	35	30	40

Towing and Wrecking Services	--	0.5 acre	100	100	25	25	35	30	25
Janitorial Services	--	20,000 sq ft	100	100	25	25	25	30	25
Laundry Plants	--	20,000 sq ft	100	200	25	25	35	50	25
Electrical Generating Plants	--	25 acres	500	500	100	100	100	100	25
Sewage Treatment Plants	--	2 acres	200	200	50	50	50	30	35
Solid Waste Disposal/Transfer Stations	--	2 acres	100	200	25	50	50	30	25
Recycling Facilities	--	0.5 acre	100	100	25	25	25	30	25
Petroleum Products Storage and Distribution	--	5 acres	200	300	50	50	50	50	50
Business or Professional Service Establishments	--	10,000 sq ft	70	80	10	10	25	30	25
Medical Waste Handling Facilities	--	10,000 sq ft	70	80	10	10	25	30	25
Employment Offices	--	10,000 sq ft	70	80	10	10	25	30	25
Personal Services Establishments	--	10,000 sq. ft	70	80	10	10	25	30	35
Funeral Homes/Mortuaries	--	10,000 sq ft	70	80	10	10	25	30	35
Animal Kennels/Shelters	--	10,000 sq ft	70	80	10	10	25	30	35
Recreational Vehicle/Boat Storage Yard	--	0.5 acre	100	100	25	25	35	30	25
Private Clubs	--	20,000 sq ft	70	80	10	10	25	30	35
Night Clubs	--	1 acre	100	200	25	30	50	30	25
Bars/Taverns/Cocktail Lounges	--	10,000 sq ft	70	80	10	10	25	30	35
Adult Entertainment Establishments <sup>2</sup>	--	10,000 sq ft	70	80	10	10	25	30	35
Adult Bookstores <sup>2</sup>	--	10,000 sq ft	70	80	10	10	25	30	25
Government Offices	--	10,000 sq ft	70	80	10	10	25	30	35

Regional Postal Facilities	–	1 acre	100	200	25	20	60	30	25
Public Safety (Police/Fire) Stations	–	0.5 acres	100	100	25	25	40	30	35
Caretaker Residences <sup>4</sup>	–	4,500 sq ft	50	90	25	10	25	30	25
Parking Structure <sup>4</sup>	–	0.5 acre	100	100	10	10	10	30	60
Airports, Landing Fields and Heliports <sup>3</sup>	–	25 acres	500	500	100	100	100	50	20
Seasonal Parking Facility <sup>3</sup>	–	0.5 acre	--	-	--	--	--	N/A	N/A
Secure Community Transitional Facilities <sup>3</sup>	3 rooms	12,000 sq ft	100	100	25	25	25	30	25

<sup>1</sup> Lots existing prior to the adoption of this chapter need not meet minimum area requirements. All other dimension and density requirements shall apply.

<sup>2</sup> Adult entertainment establishments and adult bookstores shall not be located any closer than 400 feet from the nearest right-of-way line of State Route 2, nor shall any such establishment or bookstore be located within 1,000 feet of any school or house of worship.

<sup>3</sup> Conditional use.

<sup>4</sup> Accessory use.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

### **16.12.080 Public Buildings, Parks and Open Spaces (PB/P/OS) Zone.**

A. Purpose. The purpose of the Public Buildings, Parks and Open Spaces Zone is to recognize public places and provide zoning safeguards for properties devoted to public uses and uses that take place in a wide distribution and variety of zones throughout the Sultan community. The zone is applicable to property owned or managed by governmental agencies, special purpose districts, and privately owned open space preservation. This purpose is accomplished by:

1. Providing a zone in which uses serving public needs and critical area preservation may be located with attention to the specific needs of such uses throughout the community.
2. Identifying publicly owned and privately owned land uses with special zoning limitations.
3. Protecting adjacent properties from potential impacts of public uses, natural hazards, and critical area / open space preservation.
4. 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, special purpose districts, etc.

#### B. Permitted Uses.

1. Public agency offices.
  - a. Public schools;
  - b. Post offices;
  - c. Courthouses;
  - d. Municipal buildings/facilities;
  - e. Fire stations;
  - f. Police stations;
  - g. Public utility facilities.
2. Public agency support facilities.
  - a. Archive buildings;
  - b. Inside storage buildings;
  - c. Public parking lots/parking structures;
  - d. Small-scale communication towers and antennas;
  - e. Public information kiosks and similar facilities for public posting of official communications.
3. Public parks, playgrounds, ball fields (without large-scale area lighting).
4. Nature preserves and greenbelt open space areas.
5. Public access trails and interpretive facilities.
6. Public parks and recreation facilities.
7. Public stormwater management facilities.
8. Public agency animal control facilities.
9. Water and wastewater treatment facilities.

10. Public agency training facilities.
11. Public transit stations / off-street bus stops.
12. Public school bus base or transfer facilities.
13. Public hospitals and medical clinics.
14. Public libraries.
15. Cemeteries

C. Conditional Uses.

1. Large-scale communication towers and antennas for public or private use.
2. Public parks, playgrounds, ball fields (with large-scale area lighting).
3. Public agency utility yards and similar large-scale outside storage facilities.
4. High power electrical transmission facilities and substations.
5. Airports and heliports.
6. Jails and prisons.
7. Stadiums and arenas.
8. Public fairgrounds.
9. Public zoos.

D. Development and Design Standards. Many of the uses in the PB/P/OS zone are unique in the way that they use land and in the way that they affect neighboring properties. Many PB/P/OS uses are also subject to federal, state, and regional development and design standards that are beyond the influence of local zoning codes.

E. Definitions. The following terms and definitions apply for the purposes of this zoning district:

1. "Agency (governmental agency)" means federal, state, county, or city government, or unit or department thereof, constituted as such under the Constitution of the United States or the Washington State Constitution.

2. "District" means port, school, fire, electric utility, gas utility, or similar special purpose public taxing district or service provider constituted as such under the Washington State Constitution.

F. Table of Dimension and Density Requirements.

**Public Buildings-Park-Open Space (PB-P-OS) Zone**  
**Table of Dimension and Density Requirements**

Uses Permitted	Maximum Units/Acre	Minimum Lot Dimensions			Minimum Yard Setbacks (ft) <sup>5</sup>			Max. Bldg. Hgt. (ft)	Max. Lot Coverage (%) <sup>1</sup>
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear		
Elementary Schools	-	10 acres <sup>2</sup>	300	300	25	25	50	50	25
Middle Schools	-	15 acres <sup>2</sup>	300	300	25	25	50	50	25
High Schools	-	15 acres <sup>2</sup>	500	500	50	50	50	50	25
Post Offices	-	0.5 acre	100	200	0	0	35	30	40
Courthouses	-	0.5 acre	100	100	0	0	35	50	40
Municipal Buildings/Facilities	--	0.5 acre	100	100	0	0	35	50	40
Public Agency/Government Buildings	-	0.5 acre	100	100	0	0	35	50	40
Public Safety (Police/Fire) Stations	-	0.5 acres	100	200	0	0	35	50	40
Libraries	-	10,000 sq ft	75	75	0	0	35	50	60
Community Centers	--	0.5 acre	100	100	10	25	35	50	35
Public Parks <sup>4</sup>	--	0.5 acre	--	--	--	--	--	--	--
Public Recreation Facilities <sup>4</sup>	--	n/a	--	--	--	--	--	--	--
Public Transit Stations/Off-Street Bus Stops	-	1 acre	100	200	25	25	25	30	25
Public School Bus Base/Facilities	--	1 acre	100	200	25	25	25	30	25
Public Parking Structures	-	10,000 sq ft	75	75	0	0	15	30	90
Public Parking Surface Lots	--	1 acre	--	--	--	--	--	--	--
Public Hospitals/Medical Clinics	--	1 acre	100	100	0	0	35	50	40
Public Utility Facilities	--	1 acre	100	100	0	0	35	50	40

Public Agency Training Facilities	--	1 acre	100	100	0	0	35	50	40
Jails/Prisons <sup>3</sup>	--	0.5 acre	100	100	0	0	35	50	40
Airports/Heliports <sup>3</sup>	--	10 acres	--	--	--	--	--	100	--
Public Utility Yards/Outdoor Storage Facilities <sup>3</sup>	--	5 acres	--	--	--	--	--	--	--
Public Recreation Facilities (large scale w/ lighting) <sup>3,4</sup>	--	0.5 acre	--	--	--	--	--	--	--
Stadiums/Arenas <sup>3,4</sup>	--	5 acres	200	300	25	25	50	75	25
Public Fairgrounds <sup>3,4</sup>	--	10 acres	--	--	--	--	--	50	--
Cemeteries <sup>3</sup>		0.5 acres	--	--	--	--	--	--	--

<sup>1</sup> Buildable area calculation – Transfer of floor area. An owner of a site or property containing critical areas (streams or wetlands) may be permitted to transfer the available floor area attributed to the size of the critical area to the unconstrained portion of the same site or property, and reduce the parking requirements for the development by an area equal to the floor area transferred, subject to the following requirements:

- (a) The critical area or stream corridor and required buffers be dedicated to the City as an easement;
- (b) The minimum parking requirements for the proposed single-story land use, based on maximum lot coverage and net usable lot area, is provided.

<sup>2</sup> Plus one acre per 100 students.

<sup>3</sup> Conditional use.

<sup>4</sup> Minimum dimension requirements for recreational facilities shall be established by the building and zoning official, based on the recreation performance standards.

<sup>5</sup> All yards adjacent to public rights-of-way shall be considered front yards. In the case of a “corner lot” with two front yards, one front yard will be designated for only half the front yard setback requirements, depending on principal building or lot access or narrowest width of the lot as determined by the zoning administrator. In the case of a “through lot” with two front yards, both front yards shall have front yard setback requirements.

**16.12.090 Airport Approach Overlay (AA) Zone.**

A. 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 (FAR Part 77) applicable to the Sky Harbor Airport (S-86) approach patterns.

The restrictions of this zone are intended to protect the approach patterns 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.

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

C. Development and Design Standards. Reserved.

*Division III: Site Development Regulations*

**CHAPTER 16.20  
GENERAL REGULATIONS**

Sections:

- 16.20.010 Conflict with other laws and other legal documents.**
- 16.20.020 Permitted and prohibited uses.**
- 16.20.030 Minimum requirements.**
- 16.20.035 Compliance with FEMA bi-op provisions required for certain development applications.**
- 16.20.040 Permits in conflict with these regulations.**
- 16.20.045 New septic system reasonable use exception – Future sewer connection required.**
- 16.20.047 New water well reasonable use exception – Future water connection required.**
- 16.20.050 Construction begun prior to the adoption of the zoning code.**
- 16.20.060 Substandard lots.**
- 16.20.070 Erection of more than one principal structure on a lot.**
- 16.20.080 Permitted building area.**
- 16.20.090 Exceptions to height regulations.**
- 16.20.100 Accessory uses and structures.**
- 16.20.110 Building grades.**
- 16.20.120 Buildings to be moved to new lots.**
- 16.20.130 Building permits required.**
- 16.20.140 Building conversions.**
- 16.20.150 Design standards and specifications.**

**16.20.010 Conflict with other laws and other legal documents.**

Where other laws, codes (not including the previously adopted zoning code), or private restrictive covenants in recorded deeds, or any other legally binding agreements impose greater requirements, regulations, or restrictions than those contained herein, those other laws, codes, or covenants shall control, regardless of whether such laws or documents have been passed or created prior to or subsequently to the effective date of this unified development code.

**16.20.020 Permitted and prohibited uses.**

A. Permitted Uses. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than is permitted in the zoning district in which the building or structure or land is located; provided, that such regulations shall not prohibit the continuance of an existing use in accordance with the provisions of Chapter 16.26 SMC.

B. Prohibited New Uses. To promote consistency with the Growth Management Act, the following activities are expressly prohibited as a new use in the city; provided, that this subsection (B) shall not prohibit the continuance of an existing use in accordance with the provisions of Chapter 16.26 SMC:

1. Agricultural uses, as defined in SMC 16.04.010(20);
2. Gun clubs, skeet shoots, and target ranges;

3. Quarrying or mining operations, or the removal and processing of sand, gravel, rock, peat, black soil and other natural deposits.

**16.20.030 Minimum requirements.**

The regulations set forth in this unified development code shall be considered to be minimum requirements for the purpose of promoting the general public health, safety and welfare of the people of the city of Sultan.

**16.20.035 Compliance with FEMA bi-op provisions required for certain development applications.**

In response to federal requirements expressed through the Federal Emergency Management Agency (FEMA) biological opinion (bi-op) as a federal condition of maintaining eligibility for community participation in the National Flood Insurance Program (NFIP), certain developments as described in this section must undertake appropriate environmental analysis and document compliance with the federal Endangered Species Act (ESA) as follows:

A. Development subject to FEMA bi-op provisions is as the term “development” is defined in the 2010 FEMA Region X “Floodplain Management and the Endangered Species Act, A Model Ordinance April, 2011,” Section 2, Definitions.

B. Properties in the areas listed below are required to address the standards of the FEMA bi-op. Terms are as defined in the FEMA Region X “Floodplain Management and the Endangered Species Act, A Model Ordinance April, 2011,” Section 2, Definitions.

1. Floodway;
2. Channel migration zone plus 50 feet;
3. Riparian habitat zone (riparian buffer zone);
4. Other portions of the 100-year floodplain determined to be in the protected area.

C. Development applications for development within the protected area shall be accompanied by studies, reports, findings, and conclusions by qualified professional specialists as appropriate and necessary to document that the proposed development in the FEMA designated floodway, the channel migration zone plus 50 feet (as identified according to Ecology 2003), and the riparian buffer zone (as described by the Department of Natural Resources 2007 stream typing system and the Washington Department of Fish and Wildlife’s 1997 stream buffer guidelines) does not adversely affect water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A.2.)

D. Development applications for development within the FEMA designated 100-year floodplain but outside of the riparian buffer zone shall avoid, rectify, or compensate for any loss of floodplain storage. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A.3.b.)

E. Indirect adverse effects of development in the floodplain to stormwater, riparian vegetation, bank stability, channel migration, hyporheic zones, wetlands, etc., must be mitigated such that equivalent or better salmon habitat protection is provided. (As required by the Biological

Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A. 3.b.)

F. Development applications for development within the FEMA designated 100-year floodplain as provided in subsection (D) of this section shall use low impact development methods (generally requiring infiltration of all on-site stormwater), such as those methods described in the Low Impact Development Technical Guidance Manual for Puget Sound (Puget Sound Action Team and WSU/Pierce County Extension 2002) to minimize or avoid stormwater effects. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A.3.b.)

G. Any improvements or repairs to existing structures that result in a greater than 10 percent increase of the structure footprint must mitigate for any adverse effects to endangered species or their habitat as described in subsections (D) and (E) of this section. (As required by the Biological Opinion Reasonable and Prudent Alternative (RPA) Element 3 – Floodplain Management Criteria, Item A.)

**16.20.040 Permits in conflict with these regulations.**

Permits for the construction of buildings, or for the use of land or buildings that have been issued permits within three years from the adoption of this unified development code, and that are in violation with the regulations of this code shall be declared void, unless evidence is shown to establish that substantial expenditures have been made (see definition of substantial expenditures). Investment in real property shall not be construed as an expenditure toward construction. Unless actual construction work, including grading and excavation, is underway within three years after the adoption of this code, and construction is completed within six years from the adoption of this code, such permit(s) shall become void.

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

A. The purpose of this section is to allow reasonable use of the property where sewer infrastructure is not yet in place, while ensuring connection to sewer as soon as practicable.

B. Where a property owner proposes to build one new single-family home on an existing lot zoned for single-family residences and existing city sewer main is more than 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 community development director. If the downstream boundary of the property is within 300 feet of the existing city sewer main, extension of the city sewer main will be required as a condition of the development permit and the extension shall be completed, connected and approved prior to occupancy of the structure.

C. If denial of the request to build an on-site sewage 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 finds that:

1. This title would otherwise deny all reasonable use of the property;

2. The proposed on-site sewage system does not pose an unreasonable threat to the public health, safety or welfare on or off the property;

3. The property owner agrees to payment of:

a. The estimated cost for the collector sewer across the entire front of the property, as recommended by the city engineer;

b. The current sewer facilities charge; and

c. The estimated project cost for 100 feet of the sewer main or interceptor needed to reach the property, as recommended by the city engineer;

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

5. The residence must be connected to the sewer line within 90 days of notice that the connection can be made.

D. Any decision of the director regarding this reasonable use exception shall be final unless appealed.

**16.20.047 New water well reasonable use exception – Future water connection required.**

A. The purpose of this section is to allow reasonable use of the property where water infrastructure is not yet in place, while ensuring connection to the city water system as soon as practicable.

B. Where a property owner proposes to build one new single-family home on an existing lot zoned for single-family residences and existing city water main is more than 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 community development director. If the downstream boundary of the property is within 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 shall be completed, connected and approved prior to occupancy of the structure.

C. 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 finds that:

1. This title would otherwise deny all reasonable use of the property;

2. The proposed on-site well does not pose an unreasonable threat to the public health, safety or welfare on or off the property;

3. The property owner agrees to payment of:

a. The estimated cost for the city water main system across the entire front of the property, as recommended by the city engineer;

b. The current water system facilities charge; and

c. The estimated project cost for 100 feet of the water main or interceptor needed to reach the property, as recommended by the city engineer;

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

5. The residence must be connected to the water main within 90 days of notice that the connection can be made.

D. Any decision of the director regarding this reasonable use exception shall be final unless appealed.

**16.20.050 Construction begun prior to the adoption of the zoning code.**

Nothing in this unified development code shall be deemed to require any change in plans, construction, or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this code and upon which actual construction has been diligently carried on; and provided further, that such building or structure shall be completed within three years from the date of passage of this code.

**16.20.060 Substandard lots.**

Any lot in a single ownership, whose ownership was of record at the time of the adoption of this unified development code, does not meet the requirements for yards or other open space, may be utilized for single residence purposes; provided, the requirements for such yard, width, depth, or open space is within 75 percent of that required by the terms of this code. The purpose of this provision is to permit utilization of recorded lots that lack adequate width or depth, as long as reasonable living standards can be provided.

**16.20.070 Erection of more than one principal structure on a lot.**

More than one structure containing a permitted or permissible principal use may be erected on a single lot; provided, that yard, area, and other requirements of the Zoning Code shall be met for each structure as though it were on an individual lot or as may be otherwise specified in this code.

**16.20.080 Permitted building area.**

The principal buildings on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building area established for the principal building and in required yard areas as may be provided for in the Zoning Code.

**16.20.090 Exceptions to height regulations.**

The height limitations contained in the tables of dimensional and density requirements shall not apply to spires, belfries, cupolas, chimneys, elevator machine rooms, elevator shafts, antennas, water tanks, ventilators, roof mechanical penthouses solely for air handling equipment, or other

appurtenances usually required to be placed above the roof level and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limits prescribed by airspace height zones. Additionally, the height requirements shall not apply to an elevator shaft as stated above; provided, that said elevator shaft does not occupy more than 20 percent of the roof of the building on which it is located.

**16.20.100 Accessory uses and structures.**

No accessory uses or structures shall be located in any required yard except as provided for below:

A. In zoning districts, accessory uses and structures shall not be located in required front yards, but may be located in required side or rear yards, not less than five feet from the side or rear lot line; provided however, that accessory structures for the housing of persons, such as a garage apartment, shall not be located in any required front yard. Additionally, notwithstanding the minimum front yard setback requirement for single-family detached dwellings (including affordable) of 10 feet, any garage, whether attached or detached, shall have a minimum front yard setback requirement of 20 feet. It shall also be required that any off-street parking space or driveway be at least 20 feet in length.

B. On lots fronting on two or more streets or corner lots, accessory uses and structures shall not be located in any required yard abutting the street, but may be located not less than five feet from the lot lines of one, but not both required yards that abut upon an adjacent lot.

C. In all zoning districts, rooftop air conditioning and ventilating units shall be so screened as to not be visible from the immediate public right-of-way. This requirement shall not apply to single-family detached dwelling units.

**16.20.110 Building grades.**

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building into an improved drainage system meeting city standards.

**16.20.120 Buildings to be moved to new lots.**

Any building that has been wholly or partially erected shall not be moved and/or placed upon any premises until a permit for such removal shall have been obtained from the building and zoning official. When moved onto new premises, such building shall conform to all the provisions of the Zoning Code.

**16.20.130 Building permits required.**

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the building and zoning official's office. No building permit shall be issued except in conformity with the provisions of the Zoning Code, unless a written order in the form of a variance as provided by this code has been issued.

**16.20.140 Building conversions.**

No development permit shall be required if an existing building is converted from one use to another, so long as the proposed use is permitted in the zoning district in which the building is

located. Additionally, no development permit shall be required if an existing building containing rental apartments is converted to condominiums (or vice-versa), so long as either the total number of dwelling units within the building does not increase, or if they do increase, they do not exceed the density limits permitted in the zoning district in which the building is located, and all off-street parking requirements can be met.

**16.20.150 Design standards and specifications.**

A. The document entitled “City of Sultan Design Standards and Specifications” is hereby adopted by reference.

B. The design standards and specifications may be amended in accordance with sound engineering practices. A copy of such amendment shall be filed with the city council. Copies of the design standards and specifications and updates thereof may be secured from the city at fees fixed by the council.

C. All work performed under this unified development code shall conform to the design standards and specifications of the city and all other standard manuals used by the city in the administration of the code. The building official may recommend reasonable changes in the design standards for a seasonal parking facility. The hearing examiner in granting a conditional use permit for a seasonal parking facility may allow for a reasonable deviation in the design standards for a seasonal parking facility consistent with the criteria for allowing the conditional use.

D. Where not covered by the design standards and specifications, work and materials shall conform to current editions of the standard specifications for road and bridge construction, Washington State Department of Transportation and standard specifications for municipal construction, Washington State Chapter, APWA, where applicable.

E. Except where the design standards and specifications provide otherwise, signing and traffic control shall be in accordance with the current edition of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, as amended and approved by the Washington State Department of Transportation.

**CHAPTER 16.24  
CONDITIONAL USE PERMITS**

Sections:

- 16.24.010 Purpose.**
- 16.24.020 Uses requiring a conditional use permit.**
- 16.24.030 Application – Requirements and fees.**
- 16.24.040 Criteria.**
- 16.24.050 Expiration and renewal.**
- 16.24.060 Revocation of permit.**
- 16.24.070 Performance bond and other security.**
- 16.24.080 Resubmittal of application.**

**16.24.010 Purpose.**

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity. The uses approved under the provisions of this chapter may be located in zone districts listing the use as a “conditional use” under such conditions as the hearing examiner may approve.

**16.24.020 Uses requiring a conditional use permit.**

The following are the uses that require a conditional use permit (CUP):

A. All uses listed in the zoning districts as “conditional uses” require a conditional use permit in order to locate and operate or expand in an appropriate zoning district within the city.

**16.24.030 Application – Requirements and fees.**

A. Application for conditional use permits shall be filed with the city on forms prescribed by the planning director.

B. A filing fee in the amount set by the fee schedule adopted by the city council shall accompany all applications.

C. The hearing examiner will conduct public hearings on conditional uses and may deny, approve, or approve with conditions.

D. Conditional use applicants must adhere to all applicable public notification requirements.

E. The hearing examiner’s decisions on a conditional use permit may be appealed to Snohomish County Superior Court by a party with standing in accordance with the procedures of Chapter 36.70C RCW, or other court of competent jurisdiction as provided by law.

**16.24.050 Criteria.**

The following criteria shall apply in granting a conditional use permit:

A. The proposed conditional use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed conditional use or in the zoning district in which the subject property is situated;

B. The proposed conditional use shall meet or exceed the performance standards that are required in the zoning district that it will occupy;

C. The proposed conditional use shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design as approved by the planning director;

D. The proposed conditional use shall be consistent with the goals and policies of the comprehensive land use policy plan;

E. All measures have been taken to mitigate the possible adverse impacts which the proposed use may have in the zoning district in which the subject property is located.

**16.24.060 Expiration and renewal.**

A. A conditional use permit shall automatically expire one year after a notice of decision approving the permit is issued unless a development authorization or building permit conforming to plans for which the CUP was granted is obtained within that period of time.

B. A conditional use permit shall automatically expire unless substantial construction of the proposed development is completed within two years from the date a notice of decision approving the permit is issued.

C. The hearing examiner may authorize longer periods for a conditional use permit if appropriate for the project.

D. The hearing examiner may grant a single renewal of the conditional use permit if the party seeking the renewal can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application for a conditional use permit was granted. No public hearing is required for a renewal or minor modification of a conditional use permit.

**16.24.070 Revocation of permit.**

A. The hearing examiner may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by deception, fraud, or other intentional and misleading representations;

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 a period of one year or more;

4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation; or

5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

B. Any aggrieved party may petition the hearing examiner in writing to initiate revocation or modification proceedings.

C. Before a conditional use permit may be revoked or significantly modified, a public hearing shall be held. Procedures concerning notice and reporting for petition to revoke or significantly modify a conditional use permit shall be the same as required by this chapter for the initial consideration of a conditional use permit application.

**16.24.080 Performance bond and other security.**

A performance bond or other adequate and appropriate security may be required for any elements of the proposed project which the hearing examiner determines are crucial to the protection of the

public welfare. Such bond shall be in an amount equal to 125 percent of the cost of the installation or construction of the applicable improvements.

**16.24.090 Resubmittal of application.**

An application for a conditional use permit, which has been denied, may not be resubmitted within six months from the date of denial.

**CHAPTER 16.26  
NONCONFORMANCES**

Sections:

- 16.26.010 Nonconformances – Continuance.**
- 16.26.020 Nonconformances – Lots smaller than required minimums.**
- 16.26.030 Nonconforming lots – Setbacks.**
- 16.26.040 Nonconforming lots – Applicability.**
- 16.26.050 Nonconformances – Adjoining lots.**
- 16.26.051 Nonconforming accessory dwelling units.**
- 16.26.055 Nonconforming agricultural uses.**
- 16.26.060 Extension or enlargement of nonconforming situations.**
- 16.26.070 Nonconformances – Repair, maintenance and construction.**
- 16.26.080 Change in use of property where a nonconforming situation exists.**
- 16.26.090 Abandonment and discontinuance of nonconforming use.**
- 16.26.100 Destruction of nonconforming uses and/or buildings.**

**16.26.010 Nonconformances – Continuance.**

Unless otherwise specifically provided in the Zoning Code, nonconforming situations that were otherwise lawful on the effective date of this code may be continued.

**16.26.020 Nonconformances – Lots smaller than required minimums.**

When a nonconforming lot can be used in conformity with all of the requirements applicable to the intended use, except that the lot is smaller than the required minimums set forth in the dimensional and density requirements for each zoning district, then the lot may be used as proposed just as if it were conforming.

**16.26.030 Nonconforming lots – Setbacks.**

When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the zoning official may allow variances from the applicable setback requirements if he/she finds that:

- A. The property cannot reasonably be developed for the use proposed without such deviations;
- B. These deviations are necessitated by the size or shape of the nonconforming lot;
- C. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety; and

D. Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

**16.26.040 Nonconforming lots – Applicability.**

This chapter applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it.

**16.26.050 Nonconformances – Adjoining lots.**

If, on the date the Zoning Code becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this chapter. This requirement shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this chapter is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

**16.26.051 Nonconforming accessory dwelling units.**

A. Commencing on October 1, 2003, a registration period of six months, ending April 1, 2004, at 5:00 p.m. is hereby established for the registration of legal nonconforming and illegal detached and attached accessory dwelling units (ADU). No fees shall be charged for such registration. Accessory dwelling unit (ADU) is defined in SMC 16.150.010(6)(a). Upon receipt of the registration, the city shall develop a schedule for the inspection of such accessory dwelling units to determine compliance with the State Building and Fire Codes. An inspection of such structures by the state Electrical Inspector shall also be requested if no records of a prior electrical inspection are provided by the registrant.

B. Nonconforming Structures. An attached or detached ADU, which qualifies as a legal nonconforming structure as defined in SMC 16.150.140(9), shall be inspected to determine whether it was in compliance with the State Building and Fire Codes in existence at the date it was constructed. An applicant shall submit a final occupancy permit issued by the city of Sultan or Snohomish County, as appropriate, with respect to said ADU prior to the date said use was regulated by the agency with jurisdiction, as proof of its legal nonconformity or such other proof as may be reasonably available. Upon an adequate showing of nonconformity as determined at the discretion of the city, the ADU shall be required to meet the provisions of the State Building and Fire Codes which are applicable to any building or structure and are considered life safety codes. The city shall issue a certificate of noncompliance noting the size and characteristics of the ADU and the structure in which it is located in order to permit its use and continuation and to determine its compliance with the other provisions of SMC 16.25.010. Such registration of legal nonconforming structures may include both attached and detached units which were in conformance with the applicable provisions of law and ordinance at the date constructed.

C. Registration of Illegal Accessory Dwelling Units. ADUs which were not legal uses at the date constructed may be registered during the registration period set forth in subsection (A) of this section. Registration shall be accompanied by the fee established for the issuance of a permit for each ADU with such fees to be used to defray the cost of building, fire and other inspections. The city shall establish an inspection schedule for ADUs. Certificates of registration and permit shall be issued to the former illegal structure granting the privileges of a legal nonconforming structure subject to the provisions of SMC 16.25.010 upon certification that the structure is or has been brought into compliance with all current provisions of the State Building Code and city ordinance.

1. Once registered, a formerly illegal ADU shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this section; provided, however, that such ADU shall be subject to the permit review requirement of SMC 16.25.010 to the end that the city council reserves the right to impose additional conditions on the continued use and occupancy of the formerly illegal ADU if it is found to constitute a nuisance or present a hazardous condition, or to revoke such registration and permit if a nuisance or hazardous condition relating to the ADU is not abated.

2. The provisions of this subsection (C) shall apply to both attached and detached accessory dwelling units; provided, however, that such ADUs shall be registered and permitted to continue subject to the provisions of this section only if they were constructed in good faith by construction completed prior to December 31, 1999.

D. Legal nonconforming units shall receive a permit certificate confirming such status and listing the physical dimensions and other characteristics of the structure; provided, however, that the registration and permit of a formerly illegal ADU may be revoked and/or conditioned in accordance with the provisions of SMC 16.25.010.

E. Failure to register a structure within the time period established by the provisions of this section shall be considered to be presumptive proof that such a unit is an illegal unit and subject to abatement. The owner of such structure may overcome such a presumption only by presentation of substantial and competent evidence which establishes the legal nonconforming nature of such building by clear and convincing evidence that the structure was permitted by Snohomish County or the City of Sultan and was in complete compliance with the applicable provisions of state law and county or city ordinance, at the date such construction was initiated and was completed.

#### **16.26.055 Nonconforming agricultural uses.**

Since the adoption of these zoning regulations in 1995, the code has not permitted agricultural uses, including the keeping of livestock, as a new land use in the City of Sultan. Agricultural uses that were in existence prior to 1995 are allowed to continue their operations as legal nonconforming uses so long as pasture land is provided at a ratio of one half acre per domestic animal and proper fencing and sheltering is maintained in accordance with Chapter 6.08 SMC.

#### **16.26.060 Extension or enlargement of nonconforming situations.**

A. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use; or
2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other regulations such as parking requirements.

B. Subject to subsection (D) of this section, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by the Zoning Code, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased, and the equipment or processes used at a location where a nonconforming situation exists may be changed, if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other requirements of this section occur.

D. Notwithstanding subsection (A) of this section, any structure used for single-family detached residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

E. Notwithstanding subsection (A) of this section, whenever: (1) there exists a lot with one or more structures on it; and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (3) the off-street parking or loading requirements of this code that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for off-street parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable off-street parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite off-street parking if: (1) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (2) such off-street satellite parking is available within 500 feet of the site said satellite parking area is intended to serve, measured from property line to property line. If such off-street satellite parking is not reasonably available at the time the permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

#### **16.26.070 Nonconformances – Repair, maintenance, and construction.**

A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 25 percent of the appraised valuation of the structure to be renovated, may be done only in accordance with a permit issued pursuant to the Zoning Code.

B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a permit issued pursuant to the Zoning Code. This section does not apply to structures used for single-family detached residential purposes, which structures may be reconstructed pursuant to a permit just as they may be enlarged or replaced.

C. For purposes of subsections (A) and (B) of this section:

1. The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

2. The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection (A) or (B) of this section by doing such work incrementally. An itemized appraisal of the work shall be prepared by an independent professional and provided to the city by the applicant.

3. The “appraised valuation” shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

D. The planning director shall issue a permit authorized by this section if it finds that, in completing the renovation, repair or replacement work:

1. No violation of subsection (B) of this section will occur;

2. The permittee will comply to the extent reasonably possible with all provisions of this code applicable to the existing use (except that the permittee shall not lose his or her right to continue a nonconforming use); and

3. Compliance with a requirement of this code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

**16.26.080 Change in use of property where a nonconforming situation exists.**

A. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require an amendment in accordance with Chapter 16.128 SMC may not be made, except in accordance with subsections (B) and (C) of this section.

B. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, and all of the other requirements of this code applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this code is achieved, the property may not revert to its nonconforming status.

C. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of this code applicable to that use cannot reasonably be complied with, then the change is permissible if the city council approves an application authorizing the change. A permit may be issued if the planning director finds, in addition to any other findings that may be required by this code, that:

1. The intended change will not result in a violation of SMC 16.16.020; and

2. All of the applicable requirements of this code will be reasonably complied with. Compliance with a requirement of this code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And, in no case may an applicant be given permission pursuant to this section to construct a building or add to an existing building if additional nonconformities would thereby be created.

**16.26.090 Abandonment and discontinuance of nonconforming uses.**

A. If a legal nonconforming use is discontinued for a consecutive period of 180 calendar days, then that property may thereafter be used only in conformity with the current Zoning Code regulations.

B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 calendar days shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

**16.26.100 Destruction of nonconforming uses and/or buildings.**

A nonconforming use and/or building cannot be maintained if more than 50% of the assessed value of improvements on the subject property is lost by any form of destruction whether through man-made or natural causes. Then, the subject property may thereafter be used only in conformity with the current Zoning Code regulations.

**CHAPTER 16.28  
VARIANCES**

Sections:

- 16.28.010 Purpose.**
- 16.28.020 Variance process.**
- 16.28.030 Variance criteria.**
- 16.28.040 Variance appeal.**

**16.28.010 Purpose.**

It is the purpose of this chapter to establish review and approval procedures for unusual or unique physical hardships that may be encountered when improving a site specific piece of property. The criteria for granting a variance for the dimension requirements of the Zoning Code are intentionally stringent, and approval of a variance does not set precedent for any other variance. No variance for an exception to the uses allowed in a particular zoning district can be approved.

**16.28.020 Variance Process.**

An application of a variance can be made to the City of Sultan on a form provided by the planning staff. Information that may be required for variance review process and decision by hearing examiner can also be provided by the planning staff.

**16.28.030 Variance Criteria.**

No application for a variance shall be granted unless the hearing examiner finds:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which their application was filed is located; and

B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

C. That such variance is necessary:

1. Because of special circumstances set forth in the findings relating to size, shape, topography, location or surroundings of the subject property, 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; and

2. Because for reasons set forth in the findings, the variance as approved would contribute significantly to the improvement of environmental conditions, either existing or potentially arising from the proposed improvement.

**16.28.040 Variance Appeal.**

The decision of the hearing examiner on a variance application is final. Hearing examiner’s decisions may be appealed to the Snohomish County Superior Court by a party with standing in accordance with the procedures of Chapter 36.70C RCW, or other court of competent jurisdiction as provided by law.

*Division IV: Performance Standards*

**CHAPTER 16.30  
PERFORMANCE STANDARDS – GENERAL**

Sections:

**16.30.010 Administration.**

**16.30.020 Purpose.**

**16.30.010 Administration.**

The performance standards contained in Division IV of this Title 16 are adopted to set reasonable criteria for development to achieve the goals and objectives of the Sultan Comprehensive Plan. These standards shall be administered by the responsible governmental agency or department of the city.

**16.30.020 Purpose.**

The purpose of the performance standards in Division IV of this Title 16 is to describe those supplemental regulations which apply to specified land uses, over and above the dimension and density requirements imposed by Chapter 16.12 SMC. These performance standards regulate those land uses having characteristics that may, without the additional regulations, have adverse impacts on other permitted uses in a zoning district.

**CHAPTER 16.34  
STANDARDS FOR INFILL DEVELOPMENT IN RESIDENTIAL AREAS**

Sections:

**16.34.010 Purpose.**

**16.34.020 Standards for residential infill development.**

**16.34.010 Purpose.**

At the time of enactment of the unified development code, there are established residential developments which may have one or more vacant lots available for the location of new dwelling units. In addition, there may be residential developments that are under construction, have an approved master plan (site plan), or an approved subdivision plan. It is the intent of this section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of this code. This condition is known as residential infill development.

It is the overall intent of this unified development code to regulate the potential impact of new development. Residential infill development has the potential for negative impact on surrounding developed lots under this unified development code. It is the intent of this section to control and prevent such potentially negative impacts.

**16.34.020 Standards for residential infill development.**

The following standards shall apply to residential infill development.

A. For any residential structure, an application for building and other necessary permits shall be filed.

B. The proposed dwelling unit(s) shall conform to those dimensional standards in force at the time of development of the surrounding area.

1. If recorded plats, approved master (site) plans, or other documentation are available to provide information on previous standards, such documentation shall be used to determine applicable development standards for the proposed infill development. These may include, but are not necessarily limited to the following:

- a. Minimum lot dimensions and area;
- b. Minimum building size (gross floor area and building height);
- c. Minimum yard setbacks on front, sides, and rear;
- d. Accessory uses, such as storage buildings;
- e. Off-street parking requirements;
- f. Dwelling unit type (single-family detached, two-family, etc.);
- g. Stormwater retention;
- h. Dedication or reservation of easements, rights-of-way, or recreation areas;
- i. Landscaping and sight barriers; and
- j. Sidewalks.

2. Where documentation is not available concerning standards in effect at the time of initial development, the following procedure shall be used. All developed lots or parcels that abut the property proposed for development shall be considered in determining the average standards for development. The average standards for these abutting properties shall be the minimum standards for the proposed development. Average standards shall not include lot area nor lot dimensions. (For example, if a lot is abutted on three sides by single-family homes with seven-and-one-half-foot side yard setbacks, the proposed development should have seven-and-one-half-foot side yards. If the three abutting properties each have side yards of seven and one-half feet, five feet and five feet, then the minimum side yard for the proposed development should be seven and one-half, plus seven and one-half, plus five, plus five, plus five, plus five, divided by six, or 5.8 feet.)

Where there is any uncertainty on any applicable standards, the decision shall be in favor of the stricter standard.

## **CHAPTER 16.38 HOME OCCUPATION STANDARDS**

Sections:

**16.38.010 Purpose.**

**16.38.020 Standards.**

**16.38.010 Purpose.**

It is the intent in this chapter to allow for and to regulate the establishment of a home occupation located in a residential zone. It is also the intent in this section to regulate the operation of a home occupation so that adverse impacts resulting from the home occupation activities will be made less obtrusive on neighboring residential permitted uses.

**16.38.020 Standards.**

A home occupation is allowable as an accessory use in a principal dwelling unit or accessory building in any residential zone. All provisions of the Zoning Code pertaining to residential uses shall be met. In addition, all of the following standards shall apply.

A. Outdoor display or storage of materials, goods, supplies, or equipment related to home occupation shall be prohibited.

B. There shall be no changes to the exterior of the principal building or accessory building nor any visible evidence that the principal building or accessory building also contains a home occupation.

C. A home occupation shall not generate nuisances such as on-street parking, noise, electrical interference, or hazards.

D. There shall be no persons outside of the immediate household residing in the subject dwelling unit employed in the home occupation.

E. No more than one client of the home occupation business may visit the dwelling unit at any given time, and an off-street parking space must be provided for that client.

F. The maximum area devoted to a home occupation shall be no greater than 25 percent of the gross floor area of the principal dwelling unit.

**CHAPTER 16.42  
MANUFACTURED HOUSING**

Sections:

**16.42.010 Purpose.**

**16.42.020 Classifications of manufactured housing.**

**16.42.030 Standards for manufactured housing.**

**16.42.010 Purpose.**

It is the purpose of this chapter to allow for and to regulate the use of manufactured housing in the City of Sultan. Manufactured housing is important in the provision of low-cost and moderate-cost housing. Therefore, standards in this chapter are provided both to recognize the valid place of manufactured housing and to set forth necessary criteria on location and use of such housing.

**16.42.020 Classifications of manufactured housing.**

Manufactured homes are classified as follows for purposes of these standards.

A. A manufactured housing unit is a single-family dwelling, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. After June 15, 1976, manufactured homes must be constructed in accordance with U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bear the appropriate insignia indicating such compliance.

B. New manufactured housing certified as meeting U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, or used manufactured housing certified as meeting the HUD standards specified above and found on inspection to be in excellent condition and safe and fit for residential occupancy are single-family dwelling permitted uses.

**16.42.030 Standards for manufactured housing.**

Manufactured housing, as classified in SMC 16.42.020, is a single-family dwelling unit type and a permitted use in those zoning districts in which single-family dwellings are permitted. Such housing is subject to the building code and all standards in the Zoning Code that apply to residential land uses, including the subdivision regulations contained in SMC Title 19.

**CHAPTER 16.46  
NONRESIDENTIAL PERFORMANCE STANDARDS**

Sections:

- 16.46.010 Application.**
- 16.46.020 Categories of uses.**
- 16.46.030 Performance standards.**
- 16.46.040 Supplemental standards for drive-through facilities.**
- 16.46.050 Supplemental standards for mixed-use development.**
- 16.46.060 Supplemental standards for recreational vehicle parks.**
- 16.46.070 Supplemental standards for mobile home parks.**
- 16.46.080 Medical marijuana (cannabis) cooperatives prohibited.**

**16.46.010 Application.**

This chapter contains performance standards that apply to nonresidential uses. Nonresidential land uses regulated in this section include commercial, tourism, office, light and heavy industry, and certain public/semi-public uses. These standards regulate building development and are applied over and above those standards imposed by other sections of the Zoning Code. These supplemental standards are necessary for those land uses having characteristics that may have negative impacts without the additional regulations.

**16.46.020 Categories of uses.**

The following categories of land use shall be subject to the standards contained in this section.

A. Public/semi-public: institutional and public services facilities.

B. Offices.

C. Commercial establishments: general commercial enterprises, commercial recreational facilities, automobile-oriented commercial enterprises (gas stations, auto repair shops, tire shops, etc.), home building supply stores, plant and landscape nurseries, and shopping centers.

D. Industrial facilities: manufacturing, wholesaling, warehousing, distribution, and other industrial facilities.

E. Tourist facilities: hotels, motels, lodging houses, recreation facilities, and entertainment facilities.

#### **16.46.030 Performance standards.**

The development of a nonresidential use shall be allowed only in full compliance with the standards of this and other relevant sections of the Zoning Code.

A. Subdivision of Land. Any land proposed to be subdivided for the purposes of nonresidential activity shall adhere to all of the requirements for the subdividing of land in the city contained in SMC Title 19.

B. Building Placement.

1. There is no minimum required distance between adjacent buildings on the same lot; provided, that when a building exceeds two stories in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each story above two.

2. Certain nonresidential development in the UC zoning district may build up to the right-of-way line of the abutting roadway. These are enumerated in the table of dimensional and density requirements for the UC zoning district contained within the Zoning Code. However, buildings, signs, or other structures shall not be placed in the sight clearance triangle specified in the landscape performance standards in SMC 16.48.230.

3. Access driveways to any commercial development on an individual parcel in the HOC zoning district shall be at least 75 feet apart from each other, measured from centerline to centerline. However, where driveways are each one-way and each being no more than 12 feet wide, the two driveways shall be counted as a single unit of access for the purposes of the Zoning Code.

#### **16.46.040 Supplemental standards for drive-through facilities.**

A. Purpose. Supplemental standards are provided for uses with drive-through facilities to ensure protection from potential traffic hazards. These standards are to be applied in addition to all other applicable standards of the Zoning Code.

B. Standards.

1. Driveways proposed to service commercial development shall be separated 75 feet or more between properties. Where driveways are each one-way and each no more than 12 feet wide, the two driveways shall be counted as a single unit. When, because of existing development, it is mathematically impossible to achieve this requirement for a proposed commercial project, the applicant shall attempt to secure an access easement from an adjoining commercial development. If this is impossible to secure (as evidenced by a written denial by both adjoining property owners of the request), the building and zoning official may permit a waiver of this requirement. However, in doing so, any new access driveway shall be located as far as possible from all existing access drives.

2. Approach lanes for the drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.

3. Minimum linear distance for stacking of automobiles in the drive-through window lanes (measured from the commercial window at the building location):

- a. One drive-through window = 10 feet;
- b. Two drive-through windows = 10 feet;
- c. Three drive-through windows = 95 feet;
- d. Four drive-through windows = 80 feet;
- e. Five drive-through windows = 65 feet.

4. The minimum distance from the proposed drive-through facility to the right-of-way shall be 65 feet, where no turns are required. This distance shall be measured from the drive-through station farthest from the main building. Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet.

5. The minimum distance from a drive-through facility to any residential building shall be 25 feet. This distance shall be measured at the narrowest point between the main building, an off-street parking area, or vehicle lanes, whichever is closer.

6. Alleys or driveways in residential areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.

**16.46.050 Supplemental standards for mixed-use development.**

A. When a parcel of land is proposed to accommodate a building that contains two or more uses in the UC or HOC zoning districts it shall not be necessary for the minimum land area requirements for each use to be met.

B. However, where a building containing two or more uses is proposed to be built, the following conditions must be met:

1. Every use or activity proposed to be included must be a permitted use in the zoning district where the building is proposed to be built;

2. The minimum lot area, dimensional and density requirements (setbacks, lot coverage, etc.) for the most restrictive use proposed in the building must be met;

3. To compute the number of off-street parking spaces required for such a development, it will be necessary to calculate the requirements for each use and total them (unless it is demonstrated that certain proposed future uses shall not utilize the parking area at the same times, i.e., schools and churches); and

4. If off-street loading and unloading space(s) is required for any use, it must be provided.

**16.46.060 Supplemental standards for recreational vehicle parks.**

A. The maximum permitted gross density for any recreational vehicle park shall be 20 units per acre.

B. Space allocations for recreational vehicles shall be on a basis of 1,000 square feet per vehicle, the minimum dimensions of which shall be 32 feet wide by 30 feet long.

C. The space shall abut on a driveway not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

D. Recreation vehicles shall be parked on each space so that there will be at least 12 feet of clearance between RVs, six feet between RVs and any adjoining property lines, and 12 feet between RVs and any building or structure.

E. Each recreation vehicle strip shall include a strip of ground 10 feet wide along one side for automobile parking purposes.

F. All recreation vehicle park roads must be surfaced, at least with rock and gravel.

G. No less than 15 percent of the total site shall be defined recreational space. Said space shall be readily accessible to all patrons and shall be maintained in such a manner as to present a neat and clean appearance.

H. No rental of any recreational vehicle space shall be for a period to exceed two weeks.

I. Every recreational vehicle space shall meet health department minimum requirements with regard to provisions for potable water and sanitary sewage facilities.

J. Any recreational vehicle park may provide an office, convenience commercial store, and on-site residence for the manager of the operation. However, in no case shall the land area for these facilities exceed a total of 10,000 square feet.

**16.46.070 Supplemental standards for mobile home parks.**

A mobile home park is a permitted use in the Highway-Oriented Commercial (HOC) Zone and shall be allowed where all applicable standards below and other requirements of the Zoning Code are met. Mobile homes are allowed only in a mobile home park when all applicable standards

below are met. For a mobile home to be located in a mobile home park the following steps must be taken:

A. An application for approval to locate or relocate a mobile home shall be obtained from the City of Sultan.

B. Upon inspection by the City's building inspector, the mobile home must be found to be in excellent or good condition prior to the move. Criteria for determining condition shall be the same as those applied to housing inspections for health and safety. After moving or relocation of the mobile home, a second inspection shall be required to verify that the mobile home remains in no less than good condition. An occupancy permit shall not be issued until such conditions are met.

C. In addition, the following site design standards for mobile parks shall apply:

1. The minimum land area shall be five acres.

2. Every mobile home shall be located at least eight feet from any internal abutting street.

3. The minimum distance between a mobile home (including allowable accessory buildings) and an adjacent mobile home (including accessory buildings) shall be 15 feet. This distance shall be measured at the narrowest space between structures, whether they be the living units or accessory buildings (e.g., carport, storage building).

4. Provisions for utilities, public streets and access, private roads/driveways, and sidewalks/walkways shall be required in the design and development of a mobile home park.

D. Applications for mobile home parks are reviewed and approved or denied following the procedures for binding site plans in SMC 19.18 and 19.20.

**16.46.080 Medical marijuana (cannabis) cooperatives prohibited.**

A. Medical Marijuana Cooperatives Prohibited. Medical marijuana cooperative, regardless of compliance with RCW 69.51A.250 and WAC 365-55-410, are prohibited within the City of Sultan and shall not be located in any zone or on any property in the City of Sultan.

B. Enforcement. Enforcement of prohibitions, restrictions, and limitations on medical marijuana cooperatives will be pursued as provided by all applicable state and local laws.

**CHAPTER 16.50  
MARIJUANA BUSINESSES**

Sections:

**16.50.010 Purpose and intent.**

**16.50.020 Definitions.**

**16.50.030 Marijuana retailers prohibited.**

**16.50.040 Marijuana producers and/or processors permitted – Restrictions.**

- 16.50.050 Locations.**
- 16.50.060 Specific regulations.**
- 16.50.070 No city liability – Indemnification.**
- 16.50.080 Enforcement of violations.**

**16.50.010 Purpose and intent.**

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in RCW Title 69, and subject to requirements of Chapter 314-55 WAC.

**16.50.020 Definitions.**

The definitions contained in WAC 314-55-010 and RCW 69.50.101, as currently enacted or as subsequently amended, are hereby adopted by reference, and shall apply to the provisions of this chapter.

**16.50.030 Marijuana retailers prohibited.**

Marijuana retailers, as defined in RCW 69.50.101(aa), are prohibited. Marijuana retailers shall not be located in any zone or on any property in the city of Sultan.

**16.50.040 Marijuana producers and/or processors permitted – Restrictions.**

Marijuana producers, as defined in RCW 69.50.101(y), and marijuana processors, as defined in RCW 69.50.101(x), are permitted within the city of Sultan subject to the location restrictions and other specific regulations of this chapter.

**16.50.040 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:

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 producers and marijuana processors are allowed only in the following areas:

1. The economic development zone (SMC 16.12.060) subject to the location limitations of subsections (A) and (B) of this section.

D. Marijuana businesses are not permitted as a home occupation under Chapter 16.48 SMC 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 WAC 314-55-050, and this section.

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.

**16.50.060 Specific regulations.**

A. To operate within the city, each marijuana business is required to have a valid and 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. Marijuana business operations must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

D. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.

E. Marijuana producers and processors shall not allow odors to migrate beyond the interior of the structure where said production and/or processing is conducted.

F. Marijuana businesses are subject to all applicable requirements of the Sultan Municipal Code including but not limited to the building codes (Chapter 15.01 and 15.06 SMC), the fire code (Chapter 15.01 SMC), and environmental regulations (SMC Title 17) as now exist or as may be amended.

G. Marijuana businesses are subject to all applicable requirements of RCW Title 69 and Title 69A, and Chapter 314-55 WAC and other state statutes, as they now exist or as may be amended.

H. Nothing in this code is intended or should be considered as a limitation on the city from protesting the granting or renewal of a state-issued marijuana license.

**16.50.070 No city liability – Indemnification.**

A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and

demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

**16.50.080 Enforcement of violations.**

Violations of this chapter shall be subject to enforcement action as provided in Chapters 1.10 and 8.04 SMC, or, as applicable, the Uniform Controlled Substances Act, RCW Title 69. In addition, violations of this chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances.

**CHAPTER 16.54  
OFF-STREET PARKING AND LOADING STANDARDS**

Sections:

- 16.54.010 Purpose and intent.**
- 16.54.020 General requirements.**
- 16.54.020 Timing of the provision of required off-street parking and loading space.**
- 16.54.030 Requirement to retain off-street parking and loading space.**
- 16.54.050 Permitted reductions in off-street parking requirements.**
- 16.54.060 Location of off-street parking and loading space.**
- 16.54.070 Limitations on vehicular storage.**
- 16.54.080 Determination of seating capacity at places of assembly.**
- 16.54.090 Collective off-street parking provisions.**
- 16.54.100 Joint-use parking requirements.**
- 16.54.110 Requirements for certain establishments in the UC zoning district.**
- 16.54.120 Development and maintenance of off-street parking.**
- 16.54.130 Plan requirement.**
- 16.54.140 Minimum required off-street parking spaces.**
- 16.54.150 Off-street loading space requirements.**

**16.54.010 Purpose and intent.**

Off-street parking areas are required for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function.

Off-street loading areas are required for all uses (except residential) to provide adequate space off of city rights-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading.

**16.54.020 General requirements.**

No building or structure in any district shall be erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking and/or loading facilities as required by this code, nor shall any off-street parking or loading area, whether required by this code or voluntarily provided, be developed other than in the manner set

forth herein. Seasonal parking facilities are exempt from the requirements of this chapter and need not be developed in the manner set forth herein.

For the purpose of these standards, 153 square feet of area shall be deemed a parking space for one vehicle. The minimum dimensions for each parking space shall be eight and one-half feet wide by 18 feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be 10 feet wide by 20 feet long. On corner or through lots, (A) parking space may not be included within the area of any of required yards lying adjacent to either street, and (B) in no case shall any required off-street parking space be allowed to back out directly onto any arterial right-of-way (a residential garage or carport space shall be considered an off-street parking space).

The access aisles within any off-street parking area shall be a maximum of 24 feet wide. The primary internal circulation system of an off-street parking lot, where no parking spaces are provided directly off this internal roadway, shall have a maximum width of 30 feet.

All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

Required loading spaces shall not be construed as supplying off-street parking space. In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use that is mentioned, and to which said unmentioned use is similar, shall apply (this determination shall be made by the building and zoning official).

**16.54.030 Timing of the provision of required off-street parking and off-street loading spaces.**

Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time that an occupancy permit is requested at the completion of construction of any building or structure; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount off-street parking or loading spaces as required by this code. However, when the use of any building or land existing at the time of adoption of this code is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use.

**16.54.040 Requirement to retain off-street parking and loading space.**

The requirements for off-street parking and loading shall be a continuing obligation of the owner or his assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements. Whenever off-street parking is required and cannot be provided on the same lot as the principal building, and is located on another parcel or property

provided for and utilized for off-street parking, said parcel of property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during, or as long as off-street parking is required for such principal building, in accordance with the terms of this code.

**16.54.050 Permitted reductions in off-street parking requirements.**

Off-street parking space required under these standards may be reduced at the time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards.

**16.54.060 Location of off-street parking and loading areas.**

The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve. However, if the required off-street parking spaces cannot be provided, in whole or in part, on the same lot on which the principal building is located, such required off-street parking may be located on another lot or parcel of land within 1,000 feet of the premises to be served, provided:

A. The owner of such parking area enters into a written agreement with the City of Sultan providing that the land comprising the parking area shall never be disposed of, nor the use changed, except in conjunction with the sale of the building that the parking area serves, so long as the facility is required; and

B. The owner agrees to bear the expense of recording the agreement and agrees that said agreement shall bind his heirs, successors, and assigns.

**16.54.070 Limitations on vehicular storage.**

Except as otherwise provided in this chapter, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire.

**16.54.080 Determination of seating capacity at places of assembly.**

In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.

**16.54.090 Collective off-street parking provisions.**

Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two or more structures or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking.

**16.54.100 Joint-use parking requirements.**

A. Places of Public Assembly. Parking spaces already provided to meet off-street parking requirements of stores, office buildings, schools, and industrial establishments, situated on the same site as places of public assembly, and that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than 50 percent of the total requirements of parking spaces. Written agreement is required for such joint-use parking arrangements between the officials of the place of public assembly and the owner or manager of the other development and parking area on the site.

B. Mixed-Use Developments. In the case of mixed uses (such as shopping centers), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified above for joint use.

C. Shared Parking Agreement. Parking facilities may be cooperatively used by different land uses, when the times of the use of such parking spaces by each use are not simultaneous. A shared parking agreement signed by all parties who share the parking facilities and approved by the planning director (director) shall be required that binds the parking facilities and the parties until the agreement is dissolved by all parties and approved by the director. The total number of required parking spaces may be reduced from the requirements of Sultan Municipal Code Chapter 16.40, if it is demonstrated through a parking study that complementary uses, internal trip capture or uses with different peak parking needs justify the reduction in required parking spaces at all times. A covenant running with the land shall be made between the property owner (owner) and the City of Sultan (City) stating the responsibilities of the owner and shall be recorded with Snohomish County. A copy with the recording number and parking layouts and scheduled times of use by the specific uses sharing the on-site parking spaces shall be submitted as part of any permit application for development. When any shared parking agreement subject to the covenant is to be modified or terminated, the owner shall be responsible for notifying the Director and providing a revised site plan and schedule for meeting the parking requirements of all the development on the property subject to the covenant.

**16.54.110 Requirements for retail trade establishments, personal service establishments, business establishments, offices, hotels, motels, lodging houses, guest houses, night clubs, and health spas in the UC zoning district.**

To promote more compact urban settlements, the City of Sultan is encouraging the development of activity nodes that require less of a reliance on the private automobile. To that end, as can be seen in the tables of dimensional and density requirements for the UC zoning district, front and side yard setbacks are not required for retail trade establishments, personal service establishments, business establishments, offices, night clubs, and health spas. In furtherance of this goal, the off-street parking requirements for these categories of uses, as well as hotels, motels, lodging houses, and guest houses, as contained in the off-street parking table contained in this chapter, are reduced by 50 percent when they are proposed to be located in the UC zoning district.

**16.54.120 Development and maintenance of off-street parking areas.**

For every parcel of land hereafter used, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

A. Minimum Distances and Setbacks. No part of any off-street parking area containing five or more vehicle spaces, shall be closer than 10 feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard setback area required for such structure.

B. Bumper Guard and/or Bollard Requirements. There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

C. Off-Street Parking Area Surfacing Requirements. Any off-street parking area containing more than five vehicle spaces shall be surfaced with an asphaltic, bituminous, cement, or other properly bound pavement so as to provide a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the off-street parking area.

D. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

E. Entrance, Exit, and Maneuvering Space. Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum pavement width of 22 feet. This requirement shall not apply to single-family detached residences. The right turn radius on the side of the driveway exposed to entry or exit by right-turning vehicles shall be a minimum of 17 feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single-family detached dwelling units.

F. Other Design Requirements.

1. Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

2. Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.

3. The parking spaces shall be appropriately demarcated with painted lines or other markings.

4. Off-street parking areas shall be properly maintained in all respects. They shall be kept in good condition (free from pot holes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

5. Handicapped parking spaces shall be provided in all required off-street parking areas, at a rate of two percent of the total required parking spaces, but in no case less than one space, and adequately posted to be in conformance with all appropriate federal and state laws.

6. No speed-bumps shall be installed within 100 feet of the point of access from the off-street parking lot to the street.

**16.54.130 Plan requirement.**

A plan shall be submitted to the building and zoning official with every development permit application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking space, other spaces in excess of the requirements, access aisles, driveways, vehicle turn-around or backup areas, areas designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge.

**16.54.140 Minimum required off-street parking spaces.**

The minimum number of required off-street parking spaces shall be determined from the following table, except for the provisions enumerated in SMC 16.40.110. Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half shall be interpreted as one off-street parking space.

**Table 16.54-A**

<b>TABLE OF OFF-STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Parking Requirement</b>
<b>RESIDENTIAL DEVELOPMENT</b>	
Single-Family Detached and Attached Dwellings	2 spaces per dwelling
Two-Family Dwellings	2 spaces per dwelling unit, except that a one-bedroom unit shall require 1 space per unit
Attached Housing	2 spaces per dwelling unit, except that one-bedroom units shall require 1 space per unit
Multiple-Family Dwelling Units	1 space per one-bedroom unit and 2 spaces for each two- to four-bedroom unit 3 spaces for each five-bedroom or larger unit
Residential Treatment Facilities	3 spaces for each 5 beds, except for uses exclusively serving children under 16 years of age, in which case 1 space for every 3 beds shall be required
Boarding Houses	1 space per bedroom
Barracks	1 space for each 5 beds

Dormitories	1 space for each 4 beds
<b>RETAIL COMMERCIAL ESTABLISHMENTS</b>	
Hotels and Similar Uses Providing Overnight Accommodation	1 space for each room available for rent, plus 1 space for each 2 employees working at any one time
Convenience Stores	1 space per 150 square feet of gross floor area
Grocery Stores/Super Market/Drug Store/General Merchandise	1 space per 150 square feet of gross floor area
Other Retail Sales Establishments	1 space per 400 square feet of gross floor area
Eating and Drinking Establishments (no Drive-In or Fast Food)	1 space per 200 square feet of gross floor area
Drive-In or Fast Food Restaurant	1 space per 400 square feet of gross floor area
Auto Service Station	1 space per 200 square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces
Auto Repair/Maintenance/Tire Replacement Shops	1 space per 200 square feet of gross floor area
Auto Sales and Service Establishments (Display/Showroom Area Only)	1 space per 1,000 square feet of gross floor area plus 1 space for each employee
<b>PROFESSIONAL OFFICES AND BANKS</b>	
Business/Professional Offices and Banks	1 space per 250 square feet of gross floor area, plus 1 space for every 4 employees
<b>EDUCATIONAL FACILITIES</b>	
Preschools/Day Care	1 space per classroom, plus 1 space for each 10 students (based on the rated capacity of the facility)
Elementary and Middle Schools	1.75 spaces per classroom, plus 1 space for each 8 students (based on the rated capacity of the facility)
Secondary Schools	5 spaces per classroom, plus 1 space for each 5 students (based on the rated capacity of the facility)
Business/Trade/Vocational Schools	1 space per 200 square feet of gross floor area
<b>PUBLIC AND INSTITUTIONAL FACILITIES</b>	
Hospitals/Health Care Facilities	1 space per bed, or 1 space per 250 square feet of gross floor area, whichever is greater
Nursing, Rest, Convalescent Homes	1 space per bed
Post Offices	1 space per 50 square feet of gross floor area
Government Offices/Courthouses	1 space per 250 square feet of gross floor area

Public Safety Facilities	1 space per 200 square feet of gross floor area
Community Centers (public or private)	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Houses of Worship/Places of Public Assembly	1 space for every 4 seats (fixed seating) or 1 space per 50 square feet of gross floor area (no fixed seating)
Libraries	1 space per 500 square feet of gross floor area
<b>RECREATIONAL FACILITIES</b>	
Parks and Recreational Areas	1 space per 5,000 square feet of land area
<b>OTHER FACILITIES / DEVELOPMENT</b>	
Restricted Limited Manufacturing (new facility on vacant or cleared land)	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater.
Restricted Limited Manufacturing (conversion of existing improvements)	As practicable on the available lot, up to the greater of 1 space for any 2 employees on maximum shift or 1 space per 400 square feet of gross floor area. The acquisition of new or additional land shall not be required. <sup>(1)</sup>
Veterinarians/Kennels/Animal Hospitals	1 space per 300 square feet of gross floor area
Health Care Facilities	1 space for each 200 square feet of gross floor area
Museums/Art Galleries	1 space for each 300 square feet of floor area open to the general public
Dry Cleaners/Laundromat Enterprises	1 space per 200 square feet of gross floor area
Manufacturing/Assembling/ Fabrication Operation Plants	1 space for every 2 employees on maximum shift, or 1 space per 400 square feet of gross floor area, whichever is greater
Greenhouse/Nursery Facilities	1 space per 1,000 square feet of lot area used for storage, display, or sales, plus 1 space per 400 square feet of gross floor area
Warehousing/Storage/Wholesale Enterprises	1 space for every 2 employees on maximum shift, but not less than 1 space per 2,000 square feet of gross floor area

**16.54.150 Off-street loading space requirements.**

A. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least 12 by 50 feet with a 15-foot height clearance, and shall be provided as specified below for gross nonresidential (hotel rooms shall be defined as residential floor area for the purposes of this requirement) floor area, except that:

1. No spaces are required for structures with less than 10,000 square feet of gross floor area.
2. One space is required for structures with more than 10,000 but less than 20,000 square feet of gross floor area.
3. Additional off-street loading spaces shall be provided at a rate of one space for each additional 20,000 square feet or increment thereof.
4. No more than seven loading spaces shall be required, except for warehouse and industrial buildings.

B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

C. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.

D. For restricted limited manufacturing (conversion of existing improvements) off-street loading space shall only be required as specified in subsection A of this section to the extent practicable on the available lot. The acquisition of new or additional land shall not be required.

## **CHAPTER 16.58 LANDSCAPING STANDARDS**

### *Article I. Performance Standards*

- 16.58.010 Purpose.**
- 16.58.020 Enforcement.**
- 16.58.030 Installation.**
- 16.58.040 Maintenance.**
- 16.58.050 Existing plant material.**
- 16.58.060 Landscaping requirements for certain yard areas and vehicular use areas.**
- 16.58.070 Plant material standards.**

### *Article II. Design Standards*

- 16.58.080 Landscape design standards.**
- 16.58.090 Minimum tree and shrub planting or preservation requirements.**
- 16.58.100 Allocation of trees to satisfy minimum planting requirements.**

*Article III. Standards for Landscape Materials*

- 16.58.110 Tree planting standards.**
- 16.58.120 Tree species mix.**
- 16.58.130 Shrub planting standards.**
- 16.58.140 Use of larger tree sizes.**
- 16.58.150 Use of native plant materials.**
- 16.58.160 Use of adapted plant materials.**
- 16.58.170 Replacement requirements.**
- 16.58.180 Maintenance standards for cultivated landscape areas.**
- 16.58.190 Landscape plan requirements.**

*Article IV. Location Requirements*

- 16.58.200 Required landscaping adjacent to public rights-of-way.**
- 16.58.210 Perimeter landscaping relating to abutting properties.**
- 16.58.220 Parking area interior landscaping.**
- 16.58.230 Sight distance for landscaping adjacent to public rights-of-way and points of access.**
- 16.58.240 Adjustments of standards.**
- 16.58.250 Other applicable requirements.**

*Article I. Performance Standards*

**16.58.010 Purpose.**

The objectives of this chapter are to improve the appearance of certain setback and yard areas, including off-street vehicular parking and open-lot sales and service areas; and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and commercial businesses to thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities of the city.

**16.58.020 Enforcement.**

These standards shall be considered as minimum requirements and shall apply to all new development (except a seasonal parking facility, single-family detached dwelling units and duplexes to be built on their own lot and not part of a subdivision) in the city that received preliminary plat approval before the effective date of the ordinance codified in this chapter

**16.58.030 Installation.**

All landscaping shall be installed in a sound, professional manner with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable code requirements. Landscaped areas shall require protection from vehicular encroachment as hereinafter provided in SMC 16.104.220 and 16.104.230. The building and zoning official shall inspect all landscaping and no certificates of occupancy shall be issued until the landscaping meets the requirements provided herein.

**16.58.040 Maintenance.**

The owner, tenant and/or manager or agent of any property that is required to be developed in accordance with these standards shall be jointly and severally responsible for the maintenance of

all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris.

**16.58.050 Existing plant material.**

In instances where healthy plant material exists on a site prior to its development, in part or in whole, for the purpose of providing landscaping for off-street parking or other vehicular use areas, the building and zoning official may adjust the application of these standards to allow credit for existing plant material if, in his or her written opinion, such an adjustment is in keeping with and will preserve the intent of these standards.

**16.58.060 Landscaping requirements for certain yard areas and vehicular use areas.**

These standards apply to all areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, whether such vehicles, boats, or equipment are self-propelled or not; and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to activities of a drive-in nature, such as gasoline filling and/or service stations, grocery stores, banks, restaurants, and the like. The development of these activities shall conform to the minimum landscaping requirements hereinafter provided.

**16.58.070 Plant material standards.**

A. Quality. Plant materials used in conformance with the provisions of these standards shall be free of any disease at the time of planting. All plant materials shall be examined by the building, zoning official, city construction inspector one year from the date of their installation and any ground cover, shrubs, or trees found to be in a less than healthy and growing condition shall be replaced by the owner, developer, or their agent.

B. Trees. All plant material designated as “trees” on an approved site plan shall be species that are rated as having an average mature spread of crown of greater than 10 feet in the state of Washington. Tree species shall be a minimum of seven 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 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 (6 x 6 x 6) 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 shall be a minimum of two 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 shall be a minimum of 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 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.

## *Article II. Design Standards*

### **16.58.080 Landscape design standards.**

The following standards shall be considered the minimum requirements for the installation of all plant materials in the city of Sultan.

### **16.58.090 Minimum tree and shrub planting or preservation requirements.**

A. General. Trees shall not be placed so as to interfere with site drainage, or where they shall require frequent pruning to avoid interference with overhead power and utility lines. Unless otherwise provided in these standards, a minimum number of trees shall be planted or preserved on each site, as follows:

1. Single-Family Residential Lots. One tree shall be planted or preserved for every 5,000 square feet of area or fraction thereof of a single-family residential lot. Trees larger than the minimum size may be credited as indicated in Table 16.58-B contained in these standards.

2. Multifamily Residential or Nonresidential Lots. One tree shall be planted or preserved for every 2,000 square feet of lot area or fraction thereof of either a multifamily residential or nonresidential lot. Trees larger than the minimum size may be credited as indicated on Table B contained within these standards. Additional trees preserved on each lot shall only count for that lot/unit.

B. Wall treatment or landscaping shall be used to soften the impact of large blank walls of multifamily or nonresidential structures. The purpose of this requirement is to incorporate these large structures into the surrounding landscaping and to create a natural and enjoyable work and living environment. Screening or wall treatment shall be installed at a minimum of 10 feet in height and plant material installed shall meet the minimum height requirements of this section.

### **16.58.100 Allocation of trees to satisfy minimum planting requirements.**

A. Where Trees May Be Credited. Trees required to be planted or preserved by these standards shall be used to satisfy the following requirements of other sections of this unified development code, including:

1. Interior of parking or other vehicular use areas;
2. Perimeter of parking or other vehicular use areas; and
3. Perimeter buffers in multifamily residential or nonresidential areas.

B. Where Trees May Not Be Credited. Trees required to be planted or preserved by these standards that lie outside the property lines of the subject site may not be credited in the tabulation of the required number of trees to be provided.

C. General. In enacting this minimum tree planting requirement, it is the intent to require that a canopy of trees be developed throughout any site proposed for development. This subsection establishes a formula for allocating a certain number of trees to each subarea in a site development. Preservation areas are excluded from the total area in calculating the tree planting requirements as an incentive to preserve significant vegetation. The actual number of trees to be planted or preserved will be established on the individual site development plan(s).

D. Allocation Formula. The minimum number of trees required to be planted or preserved within a site shall be determined by applying the formula established in these standards in SMC 16.104.090. The minimum number of trees required to be planted in a subarea or phase shall be in proportion to the total number of trees required to be planted in the overall site development. This proportion shall be determined by calculating the percent of the subarea or phase relative to the total site proposed for development

*Article III. Standards for Landscape Materials*

**16.58.110 Tree planting standards.**

Immediately upon planting, trees shall be a minimum of seven feet in trunk height and shall have a minimum caliper of one and one-half inches measured from a height of six inches above the ground.

**16.58.120 Tree species mix.**

When more than 10 trees are required to be planted, a mix of species shall be provided. The number of species to be planted shall vary according to the total number of trees required. The minimum number of species to be planted is indicated in the following table. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

Table 16.58-A: Required Species Mix for New Site Development

<b>Required Number of Trees</b>	<b>Minimum of Species</b>
11 – 20	2
21 – 30	3
31 – 40	4
41 or more	5

**16.58.130 Shrub planting standards.**

Shrubs required to be planted in accordance with these standards shall be a minimum of 24 inches in height from the top of the root collar at the time of planting, and spaced 18 to 36 inches on center. Spacing of individual plants shall depend on the types of shrubs that are to be installed.

Exceptions and/or substitutions from this requirement may be approved by the building and zoning official to promote the use of slow growing or native plant material.

**16.58.140 Use of larger tree sizes.**

Credits for the use of larger trees than the minimum required size will be as indicated in the following table. Fractional measurements shall be attributed to the next lowest category.

Table 16.58-B: Calculation of Tree-Size Credits in New Site Development

<b>Crown Spread of Proposed Trees</b>	<b>and</b>	<b>Height at Planting of Proposed Trees</b>	<b>=</b>	<b>Number of Tree Credits</b>
14 or more feet	and	25 feet or more	=	4
10 – 13 feet	and	17 – 24 feet	=	3
6 – 9 feet	and	11 – 16 feet	=	2
less than 6 feet	and	10 feet or less	=	1

**16.58.150 Use of native plant materials.**

Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits and characteristics. Plants used in landscape design pursuant to this section shall, to the greatest extent possible be:

- A. Appropriate to the conditions in which they are to be planted;
- B. Have noninvasive growth habits;
- C. Encourage low maintenance, high quality design; and
- D. Be otherwise consistent with the intent of these standards.

**16.58.160 Use of adapted plant materials.**

The use of plant materials adapted to the vicinity of the development is encouraged to reduce water consumption, general maintenance, and the dependence on fertilizers and insecticides.

**16.58.170 Replacement requirements.**

Vegetation that is required to be planted or preserved by these standards shall be replaced with equivalent vegetation if it is not living within one year 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.

**16.58.180 Maintenance standards for cultivated landscape areas.**

The owner or agent of land subject to these standards shall be responsible for the maintenance of said land in good condition so as to present a healthy and neat appearance, and said land shall be kept free from refuse and debris.

**16.58.190 Landscape plan requirements.**

A. General. Prior to the issuance of any building permit for any development other than a single- or two-family home on its own lot, a landscape plan shall be submitted to the building and zoning official for review and approval.

B. Contents of Landscape Plans. Landscape plans shall:

1. Be drawn to scale of preliminary site plan and include dimensions and distances;
2. Delineate existing and proposed parking spaces and/or other vehicular use areas;
3. Designate by name and location all plant material to be installed or preserved in accordance with these or any other applicable standards;
4. Identify and describe all other landscape material and elements proposed to be used;
5. Show all landscape features, including areas of vegetation to be preserved in relationship to all existing or proposed building and/or any other improvements to the site;
6. Include a tabular summary clearly indicating the relevant statistical information necessary for the building and zoning official to determine compliance with the provisions of these standards. This information shall include gross acreage, square footage of vegetation preservation areas, the number of trees to be planted or preserved, square footage of paved areas, and such other information as the building and zoning official may require.

*Article IV. Location Requirements*

**16.58.200 Required landscaping adjacent to public rights-of-way.**

On the site of a building providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

A. A strip of land at least five feet in width, located between the abutting right-of-way and the off-street parking areas or other vehicular use area, which is exposed to an abutting right-of-way, shall be landscaped. Such landscaping shall include one tree for each 25 lineal feet or fraction thereof. Such trees shall be located between the abutting right-of-way and off-street parking or other vehicular use area and shall be installed in a planting area of at least 25 square feet, with one dimension being at least five feet. In addition, a hedge at least two feet in height shall be placed along the perimeter of such landscaped strip. The remainder of the required landscaped areas shall be planted with grass, ground cover, or other landscape treatment, excluding paving.

B. All property abutting a right-of-way, other than the required landscaped strip lying between the right-of-way and off-street parking or other vehicular use areas, shall be landscaped with, at a minimum, grass or other ground cover.

C. Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such access ways, however, may not be subtracted from the lineal dimension used to determine the number of trees required.

**16.58.210 Perimeter landscaping relating to abutting properties.**

A. On the site of a building or structure providing an off-street parking or other vehicular use area, where such areas will not be entirely visually screened by an intervening building or structure from any abutting property, that portion of such area not so screened shall be provided with a hedge that is determined to attain, at maturity, not greater than eight feet, nor less than three and one-half feet in height, to form a continuous screen between the off-street parking or other vehicular use areas and such abutting property. This landscaped barrier shall be located between the common lot line and the off-street parking or other vehicular use area exposed to the abutting property. All plant materials shall be installed in a planting strip not less than two and one-half feet in width.

B. Additionally, one tree shall be provided for each 25 lineal feet of landscape barrier, or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking or vehicular use area. Each tree shall be installed within a 25-square-foot planting area, and no dimension of this area shall be less than five feet. Each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required tree.

C. Exceptions. The provisions of this section shall not be required to be met in the following situations:

1. Where a proposed parking or other vehicular use area abuts an existing hedge, wall, or other durable landscaping barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this subsection; provided, that said barrier meets all applicable standards of this law, and protection against vehicular encroachment is provided for by hedges.

2. Where the abutting property is zoned or used for nonresidential activities, only the tree provision with its planting areas as prescribed in this section shall be required.

**16.58.220 Parking area interior landscaping.**

A. Off-street parking areas shall have at least 10 square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by any other section of this unified development code, and excluding all parking spaces that are directly served by an aisle abutting and running parallel to such a perimeter.

B. Additionally, other vehicular use areas shall have one square foot of landscaped area for each 100 square feet of paved area or fraction thereof for the first 10,000 square feet of paved surface, plus one square foot of landscaped area for each 200 square feet or fraction thereof of paved area for all pavement surfaces over 10,000 square feet.

C. Where the property contains both parking and other vehicular use areas (off-street loading space, for example), the two types of areas shall be separated for the purpose of determining the landscape requirements of the other vehicular use area. Each separate landscaped area shall contain a minimum of 50 square feet and shall have a minimum dimension along any one side of five feet.

D. Each separate landscaped area shall include at least one tree having a clear trunk of at least five feet, with the remaining area landscaped with shrubs, ground cover, or other vegetative material not to exceed three feet in height.

E. The total number of trees shall be not less than one for each 100 square feet or fraction thereof of required interior landscaped area. Such landscaped areas shall be located in such a manner as to visually divide and break up the expanse of parking.

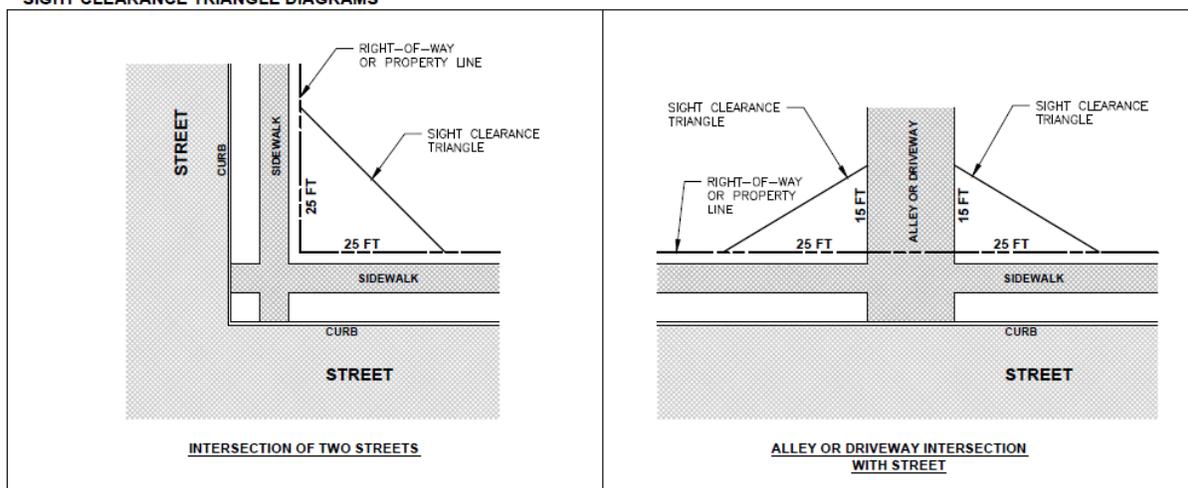
F. The front of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half feet in depth per abutting parking space and protected by wheel stops or curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space.

**16.58.230 Sight distance for landscaping adjacent to public rights-of-way and points of access.**

When a driveway or other vehicle access way intersects a public right-of-way, or when a subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangle areas described herein shall provide unobstructed cross-visibility at a level between three and six vertical feet; provided, however, that trees shall have their limbs and/or foliage trimmed in such a manner that no visual impediment exists within the cross-visibility area; and further provided, that any trees are located in such a manner as to create no traffic safety hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any access way pavement. The sight clearance triangle areas referred to above are shown on Figure 16.58-1, below.

**Figure 16.58-1**

**SIGHT CLEARANCE TRIANGLE DIAGRAMS**



**16.58.240 Adjustments of standards.**

The building and zoning official, upon receipt of an application for adjustment of the landscaping requirements provided herein, and executed and sworn to by the owner of the property concerned

or his authorized agent, shall have the authority and duty to consider and act upon such application. The applicant shall clearly and in detail state what adjustment of requirements are being requested and the reasons that such adjustments are warranted. The application shall be accompanied by supplemental data, such as sketches, surveys, and statistical information, as is deemed necessary to support the adjustment. The building and zoning official may approve, modify, or deny the requested adjustment, but shall approve or modify only if he or she determines that any adjustment would not be contrary to the public interest, would be in keeping with and preserve the intent of this chapter, and literal enforcement of the above standards would be impracticable and would result in an unreasonable and unnecessary hardship. The building and zoning official shall act upon any such application within 30 calendar days of its official submission by the applicant. If the department does not take any official action within the aforesaid 30-day period, or if there is no mutually agreed upon extension of the time beyond the 30 days, in writing, between the applicant and the building and zoning official, then the application shall be considered to be approved.

**16.58.250 Other applicable requirements.**

The provisions of these standards shall be subject to other applicable codes and regulations where such regulations are more restrictive and are not otherwise inconsistent with the provisions of these standards.

**CHAPTER 16.62  
RECREATIONAL AND OPEN SPACE STANDARDS**

Sections:

**16.62.010 Applicability.**

**16.62.020 Exemption.**

**16.62.030 Recreation standards – Purpose.**

**16.62.040 Recreation design requirements.**

**16.62.050 Types of recreation facilities to be provided.**

**16.62.060 Open space standards.**

**16.62.010 Applicability.**

Residential subdivisions of more than 10 lots and multiple-family residential developments of more than 10 dwelling units shall be required to provide active recreation facilities in accordance with the standards in this chapter. In addition to the recreation requirements, these larger residential developments shall meet the open space requirements of this chapter. The requirements of this chapter are in addition to park impact fee requirements of SMC 16.112.

**16.62.020 Exemption.**

Small residential developments of less than 11 dwelling units and subdivisions of less than 11 lots are exempt from the requirements of these standards.

**16.62.030 Recreation standards – Purpose.**

The City of Sultan has determined that it is important that each large residential development provide recreational facilities to serve the residents of such developments. This includes all residential developments over 10 dwelling units and subdivisions over 10 lots. If recreation areas

are to be dedicated to the public and transferred to the City of Sultan, the City shall have the right to impose further specifications relating to such dedication, approvals, and/or inspections to the park or open space.

**16.62.040 Recreation design requirements.**

A. Recreation areas shall be calculated in an amount equal to 75 square feet per person expected to reside in that development.

B. For purposes of these standards, one-bedroom dwelling units shall be deemed to house an average of 2.5 persons, two-bedroom units 3.0 persons, three-bedroom units 4.0 persons, and units with four and more bedrooms 5.0 persons. In residential subdivisions that are not approved as architecturally integrated developments (i.e., attached housing or multifamily apartment developments), each lot that is large enough for only a single-family or two-family dwelling unit shall be deemed to house an average of 4.0 persons.

C. Recreation facilities shall be a minimum of 2,000 square feet.

D. Recreation areas shall be landscaped and shall be provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residences. At a minimum, all recreation areas except those designated by the city council not to be necessary, shall have continuous landscaped buffers around their perimeters at least 10 feet wide and shall also provide protective fencing if deemed necessary by the city. The plant material selected to be planted within these buffer areas shall be such that they will provide a continuous vegetative screen mix of deciduous and evergreen shrubs and trees that shall reach a minimum height of six feet at maturity. All new vegetative material shall be guaranteed for a period of at least two years after installation and approved by the department of public works.

E. Each recreation area shall be centrally located and easily accessible by walkways so that it can be conveniently and safely reached and used by those persons residing in the subject residential development. Therefore, no recreation area shall be located more than 2,000 feet from any dwelling unit it is intended to serve. This distance shall be measured along the walkways and streets within the development, using the shortest route possible.

F. Each recreation area shall be constructed on land that is reasonably flat, dry, and capable of serving the purpose intended by these standards; provided, that recreation facilities shall not be placed within environmentally sensitive areas or their buffers.

G. Each development shall satisfy its recreation area requirements by installing the types of active recreational facilities that are most likely suited to an used by the age bracket and mobility of persons likely to reside in that development. Residential developments designed for families with children shall provide recreational facilities equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for adult supervision).

H. Table 1 indicates the number of required recreational facilities relative to the size of the residential project.

I. Where recreation facilities are provided, 25 percent of the facilities will be ADA accessible, pursuant to UBC Chapter 11, 1103.1.9.1, as adopted and amended by the City of Sultan.

J. All recreational areas and facilities and equipment provided and constructed shall meet the minimum requirements of the Consumer Product Safety Guidelines for Public Playgrounds and the American Society for Testing and Materials F1487.

**16.62.050 Types and number of recreation facilities to be provided.**

A. Each new development shall provide recreational facilities. The following tables identify the types of recreational facilities that fulfill the requirements of this Section 16.62.050, and the minimum number of required facilities based on dwelling units.

**Table 16.62-A  
Types of Recreational Facilities**

Facility Type	Description
A	Multipurpose court or playfield per City of Sultan requirements.
B	Playground area, consisting of four pieces of playground equipment including swings, slide, and climber designed for children under 8 years old.
C	Picnic area, consisting of three or more of each picnic tables with benches, barbecue facilities, and secure in-place trash containers. This picnic area shall have shade trees, one per table (in addition to required landscaping).
D	Hiking, jogging, and/or biking trails per City of Sultan requirements within the residential development and connected to public trails, where possible.
E	A swimming pool for the private use of residents of the development with a minimum of an 800-square-foot pool, a 3,200-square-foot deck, and as a minimum a perimeter fence as required by other codes.
F	A one-quarter mile running track (all weather surface).
G	Two lighted volleyball courts (all weather surface).
H	Ballfields.
I	Two lighted handball courts.
J	A minimum of two lighted tennis courts.
K	Exercise course per City of Sultan requirements.

**Table 16.62-B  
Minimum Required Recreational Facilities**

<b>Number of Dwelling Units</b>	<b>Minimum # of Recreational Facilities</b>
0 – 10	0
11 – 20	1
21 – 50	2
51 – 100	3
101 – 150	4
151 – 200	5
201 – 250	6
251 – 300	7
301 – 350	8
351 – 400	9
401 – 450+	10

B. For residential subdivisions of more than 100 lots and multiple-family residential developments of more than 100 dwelling units, at least one recreational facility shall be Type E–K. For residential subdivisions of more than 200 lots and multiple-family residential developments of more than 200 dwelling units, at least three recreational facilities shall be Type A–D; provided, that for the remaining number of required recreational facilities, one Type E–K recreational facility shall be equal to three Type A–D recreational facilities.

C. Any dedication off-site, improvements off-site, or financial contribution previously made shall be held, used, administered and/or returned in accordance with the terms of the developer agreement or terms of approval for the development under which the dedication, improvement or payment occurred.

**16.62.060 Open space standards.**

In addition to the recreation facilities requirement, at least 15 percent of the total land area of a residential subdivision of more than 10 lots shall be dedicated as open space tracts (or parcels of land). Open space tracts shall be conveyed to homeowners’ association by written instrument, or dedicated to the city under conditions subject to city approval, and the homeowners’ association will be responsible for any maintenance associated with the open space tracts. If the homeowners’ association fails to responsibly maintain an open space tract and the City of Sultan must take responsibility for maintenance to ensure public safety and/or environmental protection, the City can lien the properties of the individual homeowners to recover costs for such maintenance responsibilities.

A. Open Space Permitted Uses. Floodways and environmentally sensitive areas, lands with slopes of 25 percent or more, utility easements, and lands not included within lots to be developed and sold or dedicated for required public improvements may be recorded as open space tracts.

Environmentally sensitive areas shall be marked with native growth protection signs. At least 75 percent of the required gross open space area shall be free of structures or other improvements from the ground to the sky.

## **CHAPTER 16.66 WIRELESS COMMUNICATION FACILITIES STANDARDS**

Sections:

- 16.66.010 Purpose.**
- 16.66.020 Definitions.**
- 16.66.030 Exemptions.**
- 16.66.035 Eligible facilities modifications subject to Spectrum Act Section 6409(a).**
- 16.66.040 Development standards for micro-facilities.**
- 16.66.050 Development standards for mini-facilities.**
- 16.66.060 Development standards for macro-facilities.**
- 16.66.070 Development standards for monopole I and monopole II.**
- 16.66.080 Development standards for lattice towers.**
- 16.66.090 Design criteria.**
- 16.66.100 Submittal requirements.**
- 16.66.110 Permits required.**
- 16.66.120 Inspection requirements.**
- 16.66.130 Landscaping/screening.**
- 16.66.140 Non-use; abandonment; obsolescence.**
- 16.66.150 Violation – Penalty.**

### **16.66.010 Purpose.**

In addition to furthering the general purposes of the comprehensive plan and the Zoning Code, this section is to provide for a wide range of locations and options for wireless communication providers while minimizing the unsightly characteristics associated with wireless communication facilities and to encourage creative approaches in locating wireless communication facilities which will blend in with the surroundings of such facilities.

### **16.66.020 Definitions.**

For this chapter the following terms shall have the meaning ascribed to them below:

- A. “Abandonment” means:
  - 1. To cease operation for a period of 60 or more consecutive days;
  - 2. To reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days;
  - 3. To relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or
  - 4. To reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.
  
- B. “Antenna” means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and

includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, personal communications services, telecommunication services, and attendant base stations.

C. “Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

D. “Antenna support structure” means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting, receiving or radio frequency signals.

E. “Applicant” means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the city.

F. “Cell site” or “site” means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, parking, and may include other uses associated with and ancillary to personal wireless services.

G. “Co-location” means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

H. “COW” means cell on wheels.

I. “Design” means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.

J. “EIA” means Electronics Industry Association.

K. “Equipment enclosure” means a structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

L. “FAA” means the Federal Aviation Administration.

M. “FCC” means the Federal Communications Commission.

N. “Governing authority” means the city council of the city of Sultan.

O. “Macro-facilities” means larger than a micro-facility and are the largest wireless communication facilities allowed on monopoles I and II. Height can exceed 15 feet.

P. “Micro-facilities” means smaller than a macro-facility and can exceed a height of 10 feet.

Q. “Mini-facilities” means attached wireless communication facilities which consist of antennas equal to or less than 10 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than 50 square feet in the aggregate as viewed from any one point.

R. “Modification” means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

S. Monopole I and II.

1. “Monopole I” means a wireless communication facility which consists of a support structure, the height of which shall not exceed 60 feet.

2. “Monopole II” means a wireless communication facility which consists of a wireless communications support structure, greater than 60 feet (maximum of 150 feet per SMC 16.108.070) in height erected to support wireless communication antennas and connecting appurtenances.

T. “Mount” means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

1. “Building-mounted” means a personal wireless service facility mount fixed to the roof or side of a building;

2. “Ground-mounted” means a personal wireless service facility mount fixed to the ground, such as a tower;

3. “Structure-mounted” means a personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

U. “Personal wireless service facilities (facilities)” means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

V. “Provider” means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

W. “Screening” means a personal wireless telecommunication facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 75 percent of the height of the facility.

X. “Secondary use” means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.

Y. “Security barrier” means a wall, fence, or beret that has the purpose of seating a personal wireless service facility from unauthorized entry or trespass.

Z. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television-transmission towers, microwave towers, common-carrier towers; cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

AA. “Unlicensed wireless services” means commercial mobile services that operate on public frequencies and do not need an FCC license.

### **16.66.030 Exemptions.**

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

B. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

C. Radar systems for military and civilian communication and navigation.

D. Wireless radio utilized for temporary emergency communications and navigation.

E. Licensed amateur (ham) radio stations.

F. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.

G. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.

H. Subject to compliance with all applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility unless the repair activity exceeds 30 days.

I. A COW or other temporary personal wireless telecommunications facility shall be permitted for a maximum of 90 days or during an emergency declared by the city, or in some circumstances, a federal disaster.

### **16.66.035 Eligible facilities modifications subject to Spectrum Act Section 6409(a).**

All projects that meet the definition of an “eligible facilities request” as defined in 47 CFR 1.40001 shall be permitted in accordance with the provisions of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) and 47 CFR 1.40001. An application for an eligible facilities request shall provide information as required by the planning director. For the purpose of reviewing an eligible facilities request, the definitions and procedures of 47 CFR 1.40001 shall control and supersede any contrary definitions or procedures of this chapter.

**16.66.040 Development standards for micro-facilities.**

A. Micro-facilities are permitted in all zones.

B. A micro-facility shall be located on existing buildings, poles or other existing support structures. A micro-facility may locate on buildings and structures; provided that, the interior wall or ceiling immediately adjacent to the facility is not designated residential space.

C. Antennas equal to or less than four feet in height (except omni-directional antennas which can be up to six feet in height) are exempt from height limitation of the zone in which they are located. Structures which are nonconforming with respect to height may be used for the placement of omni-directional antennas providing they do not extend more than six feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

D. The micro-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

E. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

F. In single-family residential zones, micro-facilities for a specific wireless provider shall be separated by a distance equal to or greater than 1,320 linear feet from other micro-facilities of the same wireless provider.

**16.66.050 Development standards for mini-facilities.**

A. Mini-facilities are permitted in the highway oriented commercial (HOC), urban center (UC), and manufacturing (M) zones only.

B. The mini-facility may be located on buildings and structures; provided that, the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The mini-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Mini-facilities shall comply with the height limitation specified for all zones except as follows: Omni-direction antennas may exceed the height limitation by 10 feet and, in the case of nonconforming structures, the antennas may extend 10 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blend in architecturally with the building. Placement of an antenna on a

nonconforming structure shall not be considered to be an expansion of the non-conforming structure.

**16.66.060 Development standards for macro-facilities.**

A. Macro-facilities are permitted in highway oriented development (HOD), urban center (UC) and economic development (ED) zones only.

B. Macro-facilities may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

C. The macro-facility shall be exempt from review by the design review committee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.

D. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

E. Macro-facilities shall comply with the height limitation specified for all zones, except as follows: omni-directional antennas may exceed the height limitation by 15 feet, or, in the case of non-conforming structures, the antennas may extend 15 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

**16.108.070 Development standards for Monopole I and Monopole II.**

A. Monopole I or II shall be permitted in the highway oriented development (HOD) and economic development (ED) zones only.

B. Monopole facilities adjacent to residential zones, shall be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line (e.g., monopole I – 60 feet from nearest residential lot line and monopole II – 150 feet from nearest residential lot line).

C. Maximum Height Restrictions.

1. Monopole I – 60 feet maximum structure (75 feet total for 60-foot structure plus 15-foot antenna)

2. Monopole II – 150 feet maximum structure (165 feet total for 150-foot structure plus 15-foot antenna)

D. Co-location on an existing support structure shall be permitted.

E. Macro-facilities are the largest wireless communication facilities allowed on monopole I and II.

F. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole facility support structure shall be concealed, screened, camouflaged or placed underground and shall be subject to review by the design review committee using the procedures and review criteria specified in the SMC.

G. Monopole facilities shall be landscaped. Landscaping shall be approved by the design review committee and shall include, but not be limited to, low maintenance shrubs, trees for screening, and/or removal of excess foliage and vines.

H. Monopole facilities shall be separated from each other by a distance equal and greater than 1,320 feet.

**16.66.080 Development standards for lattice towers.**

A. Lattice towers are permitted in the manufacturing (M) zone only.

B. Lattice towers are only permitted if the wireless communications structure is built to accommodate two or more wireless communications facilities at the time of erection.

C. Lattice towers adjacent to residential zones shall be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line (i.e., 150 feet from nearest residential lot line)

D. Maximum Height Restriction. One hundred fifty feet maximum lattice structure (from surrounding natural grade). May extend antenna a maximum of 15 feet for a maximum facility height of 165 feet.

E. Macro-facilities are the largest permitted wireless communication facilities allowed on a lattice tower.

F. Co-location on an existing support structure shall be permitted without applying for an additional permit; provided, that there is no substantial change to the existing support structure.

G. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the lattice tower support structure shall be concealed, screened, camouflaged or placed underground. Lattice towers shall be subject to review by the design review committee using the criteria specified in this chapter.

H. Lattice towers shall be landscaped. Landscaping shall be approved by the design review committee and shall include but not be limited to: low maintenance shrubs, trees for screening, and/or removal of excess foliage and vines.

I. Lattice towers shall be separated from each other by a distance equal to or greater than 1,320 feet.

**16.66.090 Design criteria.**

A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons and would cause undue hardship.

B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

1. Setbacks shall meet requirements of the applicable above SMC 16.108.070 or 16.108.080.

2. Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way (ROW).

3. View Corridors. Due consideration will be given so that placement of towers, antennas, and personal wireless facilities do not obstruct or significantly diminish the view of the Cascade Mountains.

4. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

5. Lights, Signals, and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

6. Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

a. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

b. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other city ordinances.

c. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

d. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure are used. The use must be approved on a site plan or final development plan, as applicable.

7. Federal Requirements. All towers must meet or exceed current standards and regulation of the FAA, the FCC, and any other agency of the federal government with the authority to regulate

towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

8. **Building Codes – Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time-to-time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the owner's expense.

9. **Structural Design.** Towers shall be constructed to the EIA Standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

10. **Fencing.** A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide approved landscaping strip.

11. **Tower and Antenna Height.** The applicant shall demonstrate that the tower and antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. Variances may only be granted in cases of hardship pursuant to SMC 16.120.

12. **Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

13. **Required Parking.** If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city. Security fencing should be colored or should be of a design which blends into the character of the existing environment.

14. Tower separation. In no case shall towers be located closer than 1,320 feet from another tower whether it is owned or utilized by applicant or another provider.

15. Antenna Criteria. Antenna on or above a structure shall be subject to the following:

a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.

b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets.

c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building per SMC 16.108.040 and 16.108.060.

e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.

f. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.

g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the city, in the city's sole discretion.

h. For installation on buildings greater than 30 feet in height, see other applicable provisions of this chapter. In addition to the other requirements of this chapter, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:

i. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

ii. No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

iii. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if co-locating and an adequate screening structure are used.

iv. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

v. No portion of the antenna may exceed 15 feet above the height of the existing building.

i. If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

j. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with city ordinances.

k. No personal wireless service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city administrator may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

l. No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

m. No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

n. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

**16.66.100 Submittal requirements.**

Application for conditional use permit, administrative use permit, building permit, and other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of the Zoning Code and other applicable ordinances:

A. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;

B. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed colors) of the facility;

C. A signed statement indicating that:

1. The applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location; and

2. The applicant and/or landlord agree to remove the facility within 60 days after abandonment;

D. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

E. A site plan clearly indicating the location, type and height of the proposed tower and antenna, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures;

F. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.

G. Legal description of the parcel, if applicable;

H. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

I. A landscape plan showing specific landscape materials;

J. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;

K. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA Standards and all other applicable federal, state, and local laws and regulations;

L. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;

M. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

N. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;

O. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;

P. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering; access, and all other items required in this chapter. The site plan shall not be required if the antenna is to be mounted on an existing structure; and

Q. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city.

**16.66.110 Permits required.**

Where a tower or antenna support structure will be 60 feet or less in height, in addition to the other provisions of this chapter, an applicant will be required to obtain an administrative use permit. In the event that a proposed tower or antenna support structure will be located near a residential zone, or an unscreened tower in the urban center zone, or will be more than 60 feet in height, in addition to the other provisions of this chapter, an applicant will be required to obtain a conditional use permit per SMC 16.04. With respect to the placement of antenna on a tower or antenna support structure, the requirements for a conditional use permit or administrative use permit will be applicable based on the height of the tower and antenna or mount and antenna unless this chapter provides other requirements to the contrary.

**16.66.120 Inspection requirements.**

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC standards and within 60 days of the inspection file a report with the city administrator/manager. Submission of a copy of FCC required, and duly filed, safety inspection report, or the facility operator's maintenance reports for the prior 12 months in the event no FCC report is required for such year, shall satisfy the requirements of this section.

**16.66.130 Landscaping/screening.**

A. Landscaping. Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

B. Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.

1. A row of evergreen trees a minimum of six feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence.

2. A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

3. In the event that landscaping is not maintained at the required level, the city after giving 30 days advance written notice, may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.

**16.66.140 Non-use/abandonment/obsolescence.**

A. Abandonment. No less than 30 days prior to the date that a personal wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the city of Sultan by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the city within which to:

1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a tower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower which exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the provider's towers in the city or surrounding area then all of the towers within the city shall similarly be reduced in height.

3. Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the 60-day time period or additional period of time allowed by the city (in writing), the city may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility. At the earlier of 60 days from the date of abandonment without reactivating or upon completion of dismantling and removal, city approval for the facility shall automatically expire.

**16.66.150 Violation – Penalty.**

A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.

B. In addition to receiving any monetary remuneration, the city shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided at law or in equity.

**CHAPTER 16.68  
PUBLIC WORKS STANDARDS**

Sections:

**16.68.010 Purpose.**

**16.68.020 Established.**

**16.68.010 Purpose.**

It is the purpose of this chapter to establish standards for the engineering and the construction of water and sewer improvements in the city. The standards adopted shall be given a reasonable interpretation to ensure that the public health and safety are preserved.

**16.68.020 Established.**

The Water and Sewer Engineering Standards dated March 2004 on file with the city clerk of the city are hereby established as the water and sewer engineering standards for engineering and construction in the city from and after the effective date of the ordinance adopting this chapter.

*Division V: Concurrency Management System*

## **CHAPTER 16.70 CONCURRENCY MANAGEMENT SYSTEM**

Sections:

**16.70.010 Purpose.**

**16.70.020 Definitions.**

**16.70.030 Exemptions.**

**16.70.040 Applications.**

**16.70.050 Acceptance of a concurrency application.**

**16.70.060 Nonbinding determinations.**

**16.70.070 Certificate of concurrency.**

**16.70.080 Standards for concurrency.**

**16.70.090 Facilities and services subject to concurrency.**

**16.70.100 Concurrency determination – Transportation.**

**16.70.110 Concurrency determination – Potable water.**

**16.70.120 Concurrency determination – Wastewater.**

**16.70.130 Reserved.**

**16.70.140 Concurrency determination – Parks and recreation.**

**16.70.150 Procedures for issuing a certificate of concurrency or denial letter.**

**16.70.160 Reporting and monitoring.**

**16.70.010 Purpose.**

The purpose and intent of this chapter of the unified development code 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 acceptable levels of service are available to support the development's impact.

**16.70.020 Definitions.**

A. “Certificate of concurrency” is a document issued by the building and zoning official 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 is 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.

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. When a certificate of concurrency is issued, capacity is identified from the available capacity account to indicate the capacity needed to serve a particular development.

E. Used Capacity. Capacity is considered used once the proposed development is constructed and an occupancy permit is issued.

#### **16.70.030 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 apply for or obtain a certificate of concurrency under this chapter.

#### **16.70.040 Applications.**

A. Each applicant for a development approval, except those exempted from concurrency, shall submit an application for a certificate of concurrency along with the development approval 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 preapplication meeting with city departments prior to submitting a development or certificate of concurrency application.

C. An applicant for a certificate of concurrency must submit the following information to the building and zoning official (“official”), on a form provided by the city together with the underlying development permit application requiring concurrency:

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 16.108.100.
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.

**16.70.050 Acceptance of a concurrency application.**

A. The building and zoning official or designee will notify an applicant for a certificate of concurrency within 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 16.108.040. 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 building and zoning official'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 building and zoning official 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.

**16.70.060 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 to the building and zoning official. Information required to obtain a nonbinding concurrency determination is the same as that required by SMC 16.108.040. The building and zoning official 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 what 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 shall be nonrefundable and nonassignable to any other fees. Such fee shall be determined by resolution of the city council. The following types of development shall be exempt from paying the concurrency determination fee:

1. Nonprofit agencies whose primary chartered purpose is to provide affordable housing; and
2. Other governmental agencies.

**16.70.070 Certificate of concurrency.**

A. A certificate of concurrency shall 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 shall be valid for 12 months.

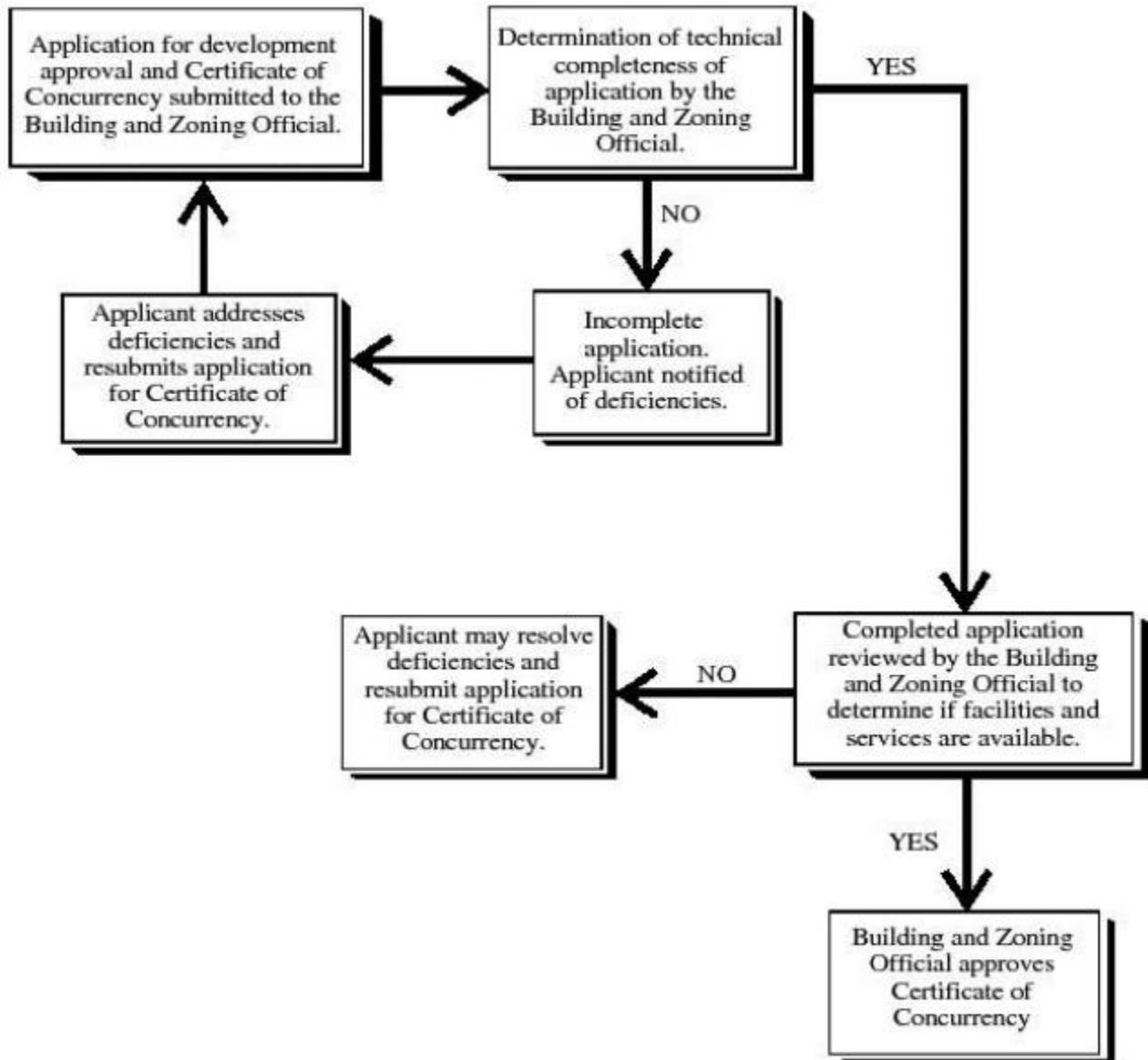
B. A certificate of concurrency is valid for the same term as the underlying development approval. If a development approval is to be extended, the certificate of concurrency shall also be extended for the same period of time that the development approval is extended.

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 will be 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 shall expire if the underlying development approval expires or is revoked by the city.

**Concurrency Review Process**  
**Request for Development Approval Certificate of Concurrency (Binding)**



**16.70.080 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 shall be 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” shall mean 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 six years of the time of the development. If the financial commitments that underwrite the planned public facilities include impact fees, the applicant shall have paid all impact fees when due under the applicable provisions of the Sultan Municipal Code.

**16.70.090 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.

**16.70.100 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 shall be a thorough review of the immediate and long-range effects of the proposed development on the city’s transportation system. The traffic study shall 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 shall 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 building and zoning official will determine whether a proposed development can be accommodated within the existing or planned capacity of transportation facilities.

2. The building and zoning official 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 building and zoning official's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.

4. The building and zoning official 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 building and zoning official 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 official. 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 building and zoning official 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 building and zoning official, 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.

#### **16.70.110 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 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 documented water supply emergency.

D. The following procedures are used for determining water concurrency:

1. The building and zoning official 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 building and zoning official 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 building and zoning official 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.

**16.70.120 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 SMC 16.16.045 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 building and zoning official 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 building and zoning official 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 building and zoning official 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.

**16.70.130 Reserved.**

**16.70.140 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 building and zoning official will determine whether a proposed development can be accommodated within the existing or planned capacity of parks facilities.

2. The building and zoning official 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 building and zoning official's determination of available capacity will be based on application materials, acceptable to the city, submitted by the applicant.

4. The building and zoning official 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 building and zoning official 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.

**16.70.150 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 building and zoning official determines there is a lack of concurrency, the official 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 16.120.100 if the appeal is submitted to the building and zoning official within 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.

#### **16.70.160 Reporting and monitoring.**

A. The building and zoning official or designee is responsible for completion of 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 building and zoning official will use the findings of the capacity availability report to review development permits and capacity evaluations during the next period.

**CHAPTER 16.72  
DEVELOPMENT IMPACT FEES**

Sections:

- 16.72.010 Purpose.**
- 16.72.020 Definitions.**
- 16.72.020 Imposition of impact fees.**
- 16.72.030 Recreation facility impact fee formula.**
- 16.72.040 Traffic impact fee formula.**
- 16.72.050 Calculation of impact fee.**
- 16.72.060 Collection of impact fees.**
- 16.72.070 Impact fee exemptions.**
- 16.72.080 Impact fee credits for other than traffic impact fees.**
- 16.72.085 Traffic impact fee credits.**
- 16.72.090 Appeals.**
- 16.72.100 Impact fee fund.**
- 16.72.110 Expenditures.**
- 16.72.120 Refunds.**
- 16.72.130 Impact fee as additional and supplemental requirement.**

**16.72.010 Purpose.**

This chapter of the unified development code is enacted pursuant to the Washington State Growth Management Act [Chapter 17 Law of 1990, 1st Executive Session, Chapter 36.70A of the Revised Code of Washington (RCW) et sequitur and Chapter 32 Laws of 1991, 1st Special Session, RCW 82.02.050 et sequitur, as not in existence of hereafter.]

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 imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.

#### **16.72.015 Definitions.**

The following definitions apply to this chapter:

A. “System improvements” means transportation capital improvements that are identified in the city’s latest adopted 20-year 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” shall include 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” shall be 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.

#### **16.72.020 Imposition of impact fees.**

A. 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 shall be obligated to pay an impact fee in the manner and amount set forth in this chapter.

B. The fee shall be determined and paid to the designated city of Sultan official at the time of issuance of a building permit for the development. For manufactured homes, the fee shall be determined and paid at the time of issuance of an installation permit.

#### **16.72.030 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.

B. The impact fee component for recreation facilities shall be calculated using the following formula:

$$\text{Fee} = (\text{T}/\text{P} \times \text{U}) - \text{A}$$

1. "Fee" means the recreation impact fee.
2. "T" means the total development cost of new facilities. Such costs shall be 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 pratable to facility improvements contained in the capital facilities plan.

**16.72.040 Traffic impact fee formula.**

The impact fee component for roads shall be calculated using the following formula:

$$\text{TIF} = \text{F} \times \text{T}$$

- 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 shall be 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 shall be 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.

**16.72.050 Calculation of impact fee.**

- A. The impact fee for nonresidential development shall be computed by applying the traffic impact fee formula set out in SMC 16.112.040. The impact fee for a residential development shall be computed by applying the traffic impact fee and recreation facility impact fee formulae set out in SMC 16.112.030 and 16.112.040, combining the results.
- 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 shall be 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.

**16.72.060 Collection of impact fees.**

Except as otherwise provided in Chapter 16.76 SMC, the impact and administrative fees imposed under this code and identified in the city of Sultan's current fee schedule shall be 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.

**16.72.070 Impact fee exemptions.**

A. The replacement of a residential structure on a site within 12 months of the demolition or removal of the prior residence.

B. The impact fee for an exempt development shall be 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.

**16.72.080 Impact fee credits for other than traffic impact fees.**

The developer shall be 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 as a condition of approval for the immediate development proposal.

The amount of credit shall be 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 shall be limited to the total amount of the applicable impact fee for the particular development.

**16.72.085 Traffic impact fee credits.**

The developer shall be entitled to a credit against the transportation 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 shall be limited to the total amount of the transportation impact fee for the particular development.

The initial amount of credit shall be 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.

Calculating a transportation impact fee credit shall be determined as follows:

A. 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 shall be credited for any additional right-of-way dedication exceeding the local access classified roadway right-of-way standard.

B. Credit shall not be 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.

C. Credit for land dedication shall be 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 shall be borne by the developer and is not subject to a credit. The appraisal shall only value the land dedicated and not any alleged damages to any abutting property.

D. Cost for facility construction for system and project improvements shall be 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.

For any residential portion of development, credit shall be determined on a per dwelling unit basis. The credit per dwelling unit shall be 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.

No refund or future credit will be allowed in the event that the impact fee credit calculated or actual construction costs exceed the amount of the impact fee.

#### **16.72.090 Appeals.**

A developer may appeal the impact fee determination to the designated city official within 20 days of the issuance of the determination of the impact fee. The following is the process:

A. The developer shall submit a letter explaining the reason for the appeal. Any cited documents in the letter shall be included.

B. The designated city official shall review and respond to the developer within 30 calendar days of the submittal of the appeal letter. The city representative can approve, request additional information, or deny.

1. An approval will include an impact fee determination adjustment.
2. Requested additional information must be provided by the developer to the city within 20 calendar days or in a time frame as agreed upon by the designated city official.
3. Denial of an appeal will provide an explanation of why this decision was made.

C. If a developer is not satisfied with the designated city official's determination, the developer may request a determination by the city's hearing examiner pursuant to SMC 16.120.100.

D. Impact fees must be paid at time of permit issuance. If the developer has or will be appealing the impact fees, the developer shall 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.

**16.72.100 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.

**16.72.110 Expenditures.**

Impact fees for system improvements shall be expended only in conformance with the capital facilities plan. Impact fees shall be expended or encumbered for a permissible use within 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 planning commission.

**16.72.120 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 10 years of collection, or such greater time as may be established in written findings by the city planning commission documenting extraordinary or compelling reasons for extension beyond six years. In determining whether there has been an encumbrance, impact fees shall 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-year period has been insufficient to satisfy the ratio of public to private funding. The city shall notify potential claimants by certified mail (return receipt requested) deposited with the United States Postal Service at the last known address of each claimant.

B. The request for a refund must be submitted to the city council in writing within one year of the date the right to claim a refund arises or within one 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, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include any interest earned on the impact fees.

C. A developer may request and shall 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.

**16.72.130 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; provided, that any other such city development regulation which would require the developer to undertake dedication or construction of a facility contained within the city capital facility plan shall be imposed only if the developer is given a credit against impact fees as provided for herein.

**CHAPTER 16.74  
SCHOOL IMPACT FEES**

Sections:

- 16.74.010 Findings and Authority.**
- 16.74.020 Definitions.**
- 16.74.030 School district eligibility.**
- 16.74.040 School facilities plan requirements and procedures.**
- 16.74.050 School impact fee.**
- 16.74.060 Impact fee accounting.**
- 16.74.070 Exemptions.**
- 16.74.080 Credits.**
- 16.74.090 Adjustments, waivers, appeals and arbitration.**
- 16.74.100 Existing authority unimpaired.**
- 16.74.110 Severability.**

**16.72.010 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 shall be liberally construed in order to carry out the purposes of the city council in establishing the impact fee program.

**16.72.020 Definitions.**

“Act” means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess. Chapter 36.70A RCW et seq. and Chapter 32, Laws of 1991, 1st Sp. Sess. as now in existence or as hereafter amended.

“Building permit” means an official document or certification which is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure, as specified in the Uniform Building Code.

“Capital facilities” means the facilities or improvements included in a capital budget.

“Capital facilities plan” means the capital facilities plan adopted by the board of directors of Sultan School District No. 311.

“Director” means the city of Sultan city planner/planning (community development) director.

“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.

“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.

“Fee-payer” is the responsible party for a land use or construction permit for residential development.

“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, an application fee, the administrative fee for collecting and handling school impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to this chapter.

“Impact fee account” means the account established for the school facilities for which impact fees are collected.

“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 16.116.050(B).

“Interest” means the average interest rate earned by District No. 311 in the last fiscal year, if not otherwise defined.

“Land use permit” is a consolidated development approval or permit issued pursuant to the unified development code.

“Owner” means the owner of record of real property or the owner’s authorized agent.

“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.

“Sultan School District” or the “district” means Sultan School District No. 311, Snohomish County, Washington.

**16.74.030 School district eligibility.**

A. School Capital Facilities Plan Required. The Sultan School District shall be 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 shall meet the applicable requirements of the State Growth Management Act (GMA) and SMC 16.116.040(A).

B. Expiration of District Plan. For purposes of school impact fee eligibility, the district’s school CFP shall expire when an updated plan meeting the requirements of the GMA is adopted by the school district board.

C. Revising the School 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 shall 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 school board of the district 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 capital facilities plan may include revised data for the impact fee formula and/or calculations, and a corresponding modification to the fee schedule.

**16.74.040 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 shall be consistent with the city’s adopted comprehensive plan. The plan shall 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 shall 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 facilities plan has not been adopted by the city council prior to the existing plan’s expiration date the district shall not be eligible to receive school impact fees until the updated plan has been adopted by the council.

**16.74.050 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 shall include, 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 shall be 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 shall be as 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 capital facilities plan and adopted by the city council shall constitute the city's schedule of school impact fees. The planning and community development department and the school district shall, for the convenience of the public, keep available an information sheet summarizing the schedule of school impact fees applicable in the city.

C. Impact Fee Limitations.

1. School impact fees shall be imposed for district capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall 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 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 shall not be 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 will be 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, shall be 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, shall be per dwelling unit and shall be paid by the applicant to the city as part of the

development/building permit fee. Impact fee charges shall be collected at the time of building permit issuance.

E. SEPA Mitigation and Other Review.

1. The city shall review development proposals and development activity permits pursuant to all applicable state and local laws and regulations, including the State Environmental Policy Act, Chapter 43.21C RCW, the State Subdivision Law, Chapter 58.17 RCW, and the applicable sections of the Sultan Municipal Code. Following such review, the city may condition or deny development approval as necessary or appropriate to mitigate or avoid significant adverse impacts to school services and facilities, to assure that appropriate provisions are made for schools, school grounds, and safe student walking conditions, and to ensure that development is compatible and consistent with the district's services, facilities and capital facilities plan.

2. Impact fees required by this title for development activity, together with compliance with development regulations and other mitigation measures offered or imposed at the time of development review and development activity review, shall constitute adequate mitigation for all of a development's specific adverse environment impacts on the school system for the purposes of this title. Nothing in this chapter prevents a determination of significance from being issued, the application of new or different development regulations, and/or requirements for additional environmental analysis, protection, and mitigation measures to the extent required by applicable law.

**16.74.060 Impact fee accounting.**

A. Collection and Transfer of Fees.

1. Except as otherwise provided in Chapter 16.76 SMC, school impact fees shall be due and payable to the city at the time of issuance of building permits for all development activities.

2. The district shall 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. The district shall deposit all impact fees received from the city in the impact fee account.

3. The district shall 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 shall 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 10 years after they were collected, or where extraordinary or compelling circumstances exist or if such other time periods as established pursuant to SMC 16.116.050 exist then the current owner of the property upon which impact fees have been paid may receive a refund of such fees, upon receipt of a proper and accurate claim submitted to the city or the district, together with interest. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis.

2. Refunds provided for under this section shall be paid only upon submission of a proper claim submitted to the city or the district pursuant to city or district claim procedures. Such claims must be submitted to the city or the district within one 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 this one-year period shall be retained by the district and expended on the appropriate school facilities.

#### **16.74.070 Exemptions.**

A. The following shall be 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 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 city planner/planning director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable laws.

**16.74.080 Credits.**

A. The fee-payer shall direct the request for a credit or credits to the city planner/planning director who shall forward the request to the district. The district shall first determine the general suitability of the land improvements and/or construction for district purposes. The district shall then determine 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 shall forward its determination to the city planner/planning director, including cases where the district determines that the dedicated land, improvements, and/or construction are not suitable for district purposes. The city planner/planning director shall adopt the determination of the district and shall 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 shall select an appraiser. The appraiser shall be 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 shall 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 shall 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 and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the district before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit. The district shall 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 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 shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular school system improvements.

**16.74.090 Adjustments, waivers, appeals and arbitration.**

A. Administrative Adjustment of Fee Amount.

1. An applicant for a building permit or the school district may, within 21 days of acceptance by the city of a complete building permit application, submit a letter to the city planner/planning director (director) requesting an adjustment to the impact fees imposed by this title. 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. It can be demonstrated that the school impact fee assessment was 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 shall preclude 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 16.120 SMC, Administration, and Chapter 2.26 SMC, Hearing Examiner. The appeal provisions of Chapter 16.120 SMC shall govern appeals of mitigation requirements imposed pursuant to this chapter.

2. At the hearing, the appellant shall have the burden of proof, which shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in subsection (A) of this section. Appeals shall be limited to application of the impact fee provisions to the specific development activity and the provisions of this title shall be 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.

#### **16.74.100 Existing authority unimpaired.**

Nothing in this chapter shall preclude 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.

#### **16.74.110 Severability.**

If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

**Chapter 16.76**  
**IMPACT FEE DEFERRAL**

Sections:

**16.76.010 Purpose**

**16.76.020 Applicability**

**16.76.030 Impact Fee Deferral**

**16.76.040 Deferral Term**

**16.76.050 Deferred Impact Fee Lien**

**16.76.060 Limitation on Deferrals**

**16.76.010 Purpose.**

The purpose of this chapter is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an impact fee deferral process for single-family residential construction, in order to promote economic recovery in the construction industry.

**16.76.020 Applicability.**

A. The provisions of this chapter shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including development impact fees and school impact fees as codified in Chapters 16.112 and 16.116 of the Sultan Municipal Code.

B. Subject to the limitations imposed in SMC 16.118.060, the provisions of this chapter shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this chapter, an “applicant” includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

**16.76.030 Impact Fee Deferral.**

A. Deferral Request Authorized. Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the closing of the first sale of the property occurring after the issuance of the applicable building permit, which request shall be granted so long as the requirements of this chapter are satisfied. If a deferral request is granted under this section, payment of the impact fees shall be due to the City within seven (7) calendar days after the date of sale or transfer of ownership of the property. Unless an agreement to the contrary is reached between the buyer and seller, the payment of impact fees due at closing of a sale must be made from the seller’s proceeds. In the absence of an agreement to the contrary, the seller bears strict liability for the payment of the impact fees.

B. Method of Request. A request for impact fee deferral shall be made in writing on a form provided by the City, and submitted contemporaneously with the associated building permit application. Any request for impact fee deferral must be accompanied by an administrative fee in an amount determined by resolution of the City Council.

C. Calculation of Impact Fees. The amount of impact fees to be deferred under this chapter shall be determined as of the date the request for deferral is submitted.

### **16.76.040 Deferral Term.**

The term of an impact fee deferral granted under this chapter may not exceed twelve (12) months from the date the building permit is issued (“Deferral Term”). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the Deferral Term, then full payment of the impact fees shall be due on the last date of the Deferral Term. Payment of impact fees deferred under this chapter shall be made by cash, escrow company check, cashier’s check, or certified check.

### **16.76.050 Deferred Impact Fee Lien.**

A. Applicant’s Duty to Record Lien. An applicant requesting a deferral under this chapter must, at his or her own expense, grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees as determined under SMC 16.118.030(C), against the property in favor of the City in accordance with the requirements of RCW 82.02.050(3)(c). The applicant or seller shall provide written disclosure of the deferred impact fee lien to a purchaser or prospective purchaser of the property, including the amount of impact fees payable and the requirement that the impact fees be paid at the time of sale.

B. Satisfaction of Lien. Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

### **16.76.060 Limitation on Deferrals.**

The deferral entitlements allowed under this chapter shall be limited to the first twenty (20) single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per year.

## *Division VI: Administration*

### **CHAPTER 16.80 ADMINISTRATION**

Sections:

**16.80.010 Purpose.**

**16.80.015 Administration – Enforcement.**

**16.80.020 Development permits required.**

**16.80.030 Permits, terms, and conditions.**

**16.80.040 When permit is not required or may be waived.**

**16.80.050 Application for development permits.**

**16.80.060 Regulations.**

**16.80.070 Criteria for approval of an application and issuance of a permit.**

**16.80.080 Occupancy permit.**

**16.80.090 Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate.**

**16.80.100 Calculation of time – Delivery – Notice to parties – Filing with the Board of Adjustment.**

**16.80.010 Purpose.**

It is the purpose of this chapter to establish administration procedures for land use decisions in the City of Sultan. The administration of the Zoning Code will be done by the planning staff under the direction of the planning director.

**16.80.015 Administration – Enforcement.**

A. The building and zoning official shall have the power to render interpretations of this title and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall conform to the intent and purpose of this title.

B. The building and zoning official, or his or her duly authorized representative, is authorized to utilize the procedures of Chapter 1.10 SMC to enforce against violations of any land use or other code within his or her administrative jurisdiction.

**16.80.020 Development permits required.**

To implement the purpose and scope of the Zoning Code, as described in SMC Title 16, development as defined and regulated by this title is required to be in conformance with the City of Sultan Comprehensive Plan and Zoning Code. A development permit must be approved by the City of Sultan and its designated agents prior to any physical alterations to any site specific piece of property including, but are not limited to, the following development actions:

A. Grading/Filling. Modification of land and landscape where grading and/or filling of more than 50 cubic yards of material is moved, whether from one parcel/ownership to another or within the same parcel/ownership.

B. Clearing of vegetation protected under SMC Title 17.

C. Constructing any building or other improvement that is not specifically exempt from requiring a building, fence, or other construction permit.

**16.80.030 Permits, terms, and conditions.**

A. Development Permit. Any development permit that is issued shall be subject to the terms and conditions imposed by the planning director to ensure that such development will be in accordance with the provisions of the City of Sultan Comprehensive Plan, Zoning Code, and Land Division Code.

B. Reapplication. If an application for a permit under the Zoning Code is denied, the applicant may not submit another such application for development of the same property sooner than 120 calendar days after the date of such denial.

C. Permit Commencement and Expiration. Any development approved pursuant to the Zoning Code shall be commenced, performed, and completed in compliance with the provisions and conditions of the permits for such development stipulated by the planning director, hearing examiner, or city council.

Any development approved by a permit under the Zoning Code shall be commenced within 36 months from the date such permit is issued. Failure to complete substantial development within such period shall cause the permit to lapse and render it null and void. No extensions shall be granted. For purposes of this section, a permit shall be considered issued on the date it is signed by the planning director or hearing examiner.

D. Evidence of Ownership or Legal Interest. Upon filing an application, the applicant shall be required to show evidence in writing of his or her legal interest in and the right to perform development upon all property on which work would be performed if the application is approved, including submission of all relevant legal documents. Where the applicant is not the owner of the property, the owner must co-sign the application before it will be accepted for filing. The applicant shall have the burden of demonstrating to the satisfaction of the planning director the current validity of the legal interest upon which he or she bases any part of the application before such application can be deemed to be complete.

**16.80.040 When a permit is not required or may be waived.**

A. Notwithstanding any provision in the Zoning Code to the contrary, no minor development permit shall be required pursuant to the Zoning Code for activities related to the repair or maintenance of an object or facility, where such activities shall not result in an addition to or enlargement or expansion of such object or facility. However, this does not preclude the requirement for a building permit or other development permit for such activity.

B. Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a development permit prior to initiating such action under this section may be waived by the planning director or other authorized City official. The applicant shall notify the planning director in writing of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. This shall be done within 30 days following the disaster, accident, or other emergency. However, this shall not preclude the requirement for building permits or other development permits for such activity.

**16.80.050 Application for development permits.**

All applications for development permits under the Zoning Code shall contain at least the following information; provided, however, that the applicant may request a waiver of any of the following requirements. Unless the applicant can prove to the satisfaction of the planning staff that a waiver is appropriate, he or she shall supply the following information:

A. Four copies of a site plan, one of which shall be a mylar reproducible of the property to a scale of 100 feet to one inch, prepared by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

1. Topographical features showing present grades and any proposed grades if present grades are to be altered. Unless otherwise required by the planning director or public works director, contours at an interval not greater than five feet shall be shown;

2. Property boundary lines and dimensions including any platted lot lines within the subject property of the development permit;

3. Location and dimensions of all existing and proposed buildings, including height in stories and feet and including total square feet of ground area coverage;

4. Location and dimensions of all existing and proposed driveways and entrances, minimum yard dimensions, and where relevant, relation of yard dimensions to the height of any side of any building or structure;

5. Location and dimensions of parking stalls, access aisles, and total area of lot coverage of all parking areas and driveways;

6. Location and dimension, including height clearance, of all off-street loading areas;

7. Location, designation and total area of all usable open space, including use of any paved areas as distinguished from grass, sodded, or other landscaped areas;

8. Location and height of fences, walls (including retaining walls), or screen planting, and the type or kind of building materials or planting proposed to be used;

9. Proposed surface stormwater drainage treatment facilities;

10. Location of easements or other rights-of-way; and

11. Location and designation of any open storage space.

B. Four copies of a location map at a scale of 200 feet to one inch showing, at a minimum, the uses of all property within 200 feet of the subject property, including the following:

1. All streets, alleys or other public rights-of-way, public parks and places and all lots and lot lines, drainage ways, waterways, and easements;

2. All structures and the principal use of each structure, including the type of residential, commercial, or industrial use; and

3. All off-street parking and loading areas as may be significant to the application in question.

C. Any other information as may be required by the planning director to determine that the application is in compliance with the Zoning Code shall be furnished, including but not limited to wetlands, aquifer or groundwater recharge zones, floodplains, elevations, profiles, perspectives, sign placement, vegetation, landscaping, or any other material necessary for a complete understanding of the application.

D. A statement in writing signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with the provisions of this section shall be good cause to deny the application and/or to revoke any permit which may have been issued for any building or use of land.

**16.80.060 Regulations.**

The planning director shall, in the manner required by law and after public hearings, adopt such rules and regulations pertaining to the issuance of permits as it deems necessary. The planning director may thereafter, in the manner required by law, and from time to time, after public hearings, modify or adopt additional rules and regulations as deemed necessary to carry out the provisions of the Zoning Code; provided, any such rules and regulations issued pursuant to this code may be amended or repealed by the city council in accordance with the appropriate provisions of the Sultan Municipal Code. Such regulations shall include but are not limited to the following:

A. Procedures for the submission, review and approval or denial of permit applications, and the form of application for permits. The planning director shall devise a temporary application form that shall be used upon enactment of the Zoning Code until such time as rules and regulations are adopted;

B. Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved;

C. The payment of reasonable application, processing, permit and other fees necessary for the proper administration of the permitting process;

D. Standards, in addition to those set out in this code, for determining whether a project requires a major project permit;

E. Requirements for the conduct and continuance of public hearings and the methods of providing public notice on major project permits. A public notice shall, at a minimum, state the nature and location of the proposed development, the time and place of the public hearing, the date of the public hearing (which shall be, in any event, at least 10 working days following the date that the hearing was first advertised), and shall be advertised in a newspaper of general circulation, and, in addition, be given to the applicant, any person who requests such notification in writing, any person who the planning director determines would be affected by or interested in such development, and the owner(s) of any/all lot(s) within 500 feet of the site of the proposed development. Additionally, a sign shall be posted on the property at least 10 working days prior to the date of the public hearing by the planning director at a location that can be easily seen by the general public indicating the date, time, and location of the public hearing and the purpose for which the hearing is being held;

F. Contents of permits;

- G. Notifications of decisions on applications;
- H. Notices of completion and certificates of acknowledgment of compliance;
- I. Modification and revocation of permits; and
- J. Transfer or assignment of permits.

**16.80.070 Criteria for approval of an application and issuance of a permit.**

A. A development permit under the Zoning Code shall be granted by the planning director or the hearing examiner; provided, based upon substantial evidence in the record, it is found that the development complies with each of the following criteria:

1. The development is consistent with the goals, policies, requirements, and performance standards of this unified development code and other applicable laws and regulations;
2. The development project as proposed incorporates, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development; and
3. The applicant has presented certification that the applicant has filed and paid all taxes, penalties and interest, and that the applicant has satisfactorily made agreement to pay the taxes.

B. The issuance of a land use development permit shall also require that the applicant agree in writing to:

1. Comply and perform to all conditions of approval; and
2. Carry out minimum improvements in accordance with the provisions of this unified development code and all standards of this title.

C. Improvement Guarantees. Contemporaneous with the issuance of a permit, or upon approval of a plat, subdivision or other approval to divide land, to ensure the applicant's compliance with subsection (B) of this section and to guarantee future compliance and performance, the applicant shall:

1. Comply with all conditions of approval and carry out all minimum improvements as required by the city engineer;
2. If acceptable or required by the city engineer, furnish the city with a bond or other security sufficient to secure the estimated cost of construction and installation of all required road and other improvements to the satisfaction of the city engineer and/or council and compliance with the conditions of approval. The amount and time limitation of any bond or other device shall be determined by the council within 30 days of permit issuance or approval. The principal shall complete construction and installation of all improvements and comply with all conditions of

approval by the date stated in the security, and in the event that such does not occur, the full amount of the security shall be forfeited to the city. The council may forfeit all or any portion of the security before its expiration date, if the applicant is not making reasonable efforts to complete the work within the term of the security;

3. Furnish a maintenance bond or other security satisfactory to the council securing to the city the successful operation of the improvements and any mitigation as required by the conditions of approval for an appropriate period of time up to two years after completion of improvements, or final plat approval, as the case may be. Upon expiration of the stated period and successful performance of the improvements and mitigation, this maintenance bond shall be released and exonerated.

D. Surety Requirement. Any bond as provided herein shall be assured by two or more sureties acceptable to the city engineer or with a surety company as surety. The city is empowered to enforce such bonds by all appropriate legal and equitable remedies.

**16.80.080 Occupancy permit.**

A. No land area shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the planning director or his/her designee, stating that the premises, building, or other development complies with all provisions of this code; except that in the case of an alteration that does not require vacating the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or in the case of a new structure, before its completion, a conditional occupancy permit may be issued.

B. No change or extension of use or no alteration shall be made in a nonconforming use of a building or land or water area without a building permit having first been issued by the planning director or his/her designee that such change, extension or alteration is in conformity with the provisions of this code.

C. As-Built Plan Submittals. After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

1. To the city as-built drawings reflecting any changes to previously approved construction drawings. No changes in improvements may be made without prior approval of the city council;

2. To the utility superintendent and fire department, two copies of the plat and drawings showing the actual location of all mains, hydrants, valves and other fire improvements;

3. A statement sworn to by the subdivider and his registered engineer that the drawings show the actual location of the improvements required to be shown therein. No occupancy permit shall be issued until any and all required as-built plans have been submitted and approved by the director of community development.

D. Within 10 days from the date that an applicant requests, in writing, that an occupancy permit be issued on his/her development project, the planning director shall render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the planning director shall so notify the applicant including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof and the planning director has not informed the applicant of approval or denial in writing, it shall be deemed that the planning director approves the request and the applicant may legally occupy the premises.

**16.80.090 Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate.**

Notwithstanding any provision of the Zoning Code to the contrary, any aggrieved person may file an appeal of a decision or action by the planning staff taken pursuant to the Zoning Code within 10 calendar days thereof with the Board of Adjustment and such appeal shall be governed solely by the provisions of this section.

A. Procedure on Appeal. The Board of Adjustment, after having been duly notified that an appeal has been filed, shall be scheduled for a public hearing, and the city to give public notice of a public hearing on the appeal in a newspaper of general circulation. Such public notice shall be in the same form and shall have the same filing date requirements as prescribed in Chapter 16.124 SMC. The city shall also serve persons notice of such hearing who own property within 300 feet of the subject property, the applicant for the development permit, the aggrieved person (if different than the applicant), any person who has requested in writing to be notified of such public hearing date, the planning director and the Board of Adjustment.

B. Effect of Filing on Appeal. The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed, unless the planning director certifies in writing to the Board of Adjustment and the applicant that a stay poses an imminent peril to life or property, in which case the stay shall not stay further proceedings. The Board of Adjustment may review such certification and grant or deny a stay of the proceedings.

C. Public Hearing. A public hearing on an appeal shall be held by the Board of Adjustment within 35 working days after the appeal is filed with city, and an action shall be taken by the Board of Adjustment within 15 working days after the conclusion of such public hearing. The Board of Adjustment may reverse, affirm or modify the decision, determination or interpretation appealed and, in so modifying, shall be deemed to have all of the powers of the planning director, from whichever the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant. The Board of Adjustment shall notify the planning director, the applicant for the permit, and the person or persons who filed the appeal of its decision by certified mail. Such notice shall be sent within five working days of the Board of Adjustment action.

D. Rights of Parties. Consistent with rules adopted by the city for the Board of Adjustment, appeal hearings before the Board of Adjustment shall allow the parties to:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;

3. Impeach any witness regardless of which party first called them to testify;
4. Rebut evidence against them;
5. Represent themselves or be represented by anyone of their choice who is lawfully permitted to serve in such capacity.

**16.120.100 Calculation of time – Delivery – Notice to parties – Filing with the Board of Adjustment and the city.**

A. Whenever this title states that an action or notice must be given in a certain number of calendar days, if the last calendar day for the action or notice is a weekend day or a federally recognized holiday, then the last calendar day shall be construed to include the first working day after the weekend or holiday; and the deadline shall be 5:00 p.m. current local time of that first working day.

B. Whenever this title states that an action or notice must be given “within” a period of time from a decision, action or notice, the first calendar day for the counting of the calendar days shall be as follows:

1. If the number of days involved is less than 15 calendar days, the first day shall be:
  - a. If the notice or decision is personally served on the party, then the day after service;  
and
  - b. If the notice or decision is mailed, then the third day after the date the notice or decision is deposited into the United States mail properly addressed with required postage;
2. If the number of days involved is 15 calendar days or more, the first day shall be:
  - a. If the notice or decision is personally served on the party, the day after service; and
  - b. If the notice or decision is mailed, then the day after the notice or decision is deposited into the United States mail properly addressed with required postage.

C. Each decision or notice shall contain a statement concerning rights to contest or appeal the decision or notice and among other information the statement shall state the date of the notice or decision; the date the appeal, contest or appeal period is expected to begin; the last date and time to file an appeal or notice when the party to whom the notice must go is open for business; and the location to file an appeal or notice.

D. In the event the statement specified in subsection (C) of this section contains an error, the party relying on the statement shall be entitled to the longer time. Therefore, if the “last date” in the statement is earlier than the time as calculated under this section, the party shall be entitled to the time provided by this section. But if the “last date” in the statement is later than the date that would be calculated under this section, the party shall be entitled to, and the actual time shall be extended to, the date and time set out in the statement; provided, however, that if the error is in the statement of the year, the correct year shall apply.

E. Whenever this title states that something must be filed with the Board of Adjustment, filing shall be accomplished by filing with the clerk/treasurer of the city. The date of filing shall be the date of actual delivery to, or receipt of mail by, the city clerk/treasurer.

## **CHAPTER 16.82 PUBLIC HEARINGS**

Sections:

**16.82.010 General regulations on public hearings.**

**16.82.020 Transcription of testimony.**

**16.82.030 Appearance of parties.**

**16.82.010 General regulations on public hearings.**

A. The city shall, at applicant's expense as provided in the annual fee schedule, no less than 10 days before the public hearing (1) mail notice to each taxpayer of record within 300 feet of any portion of the boundary of the proposed project; provided further, that owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property that are owned by the owner of real property proposed to be subdivided shall also be notified; and (2) post on the subject property at least two signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. The property shall remain posted until all appeal periods have expired. Signs for posting shall be provided to the applicant by the city at a cost identified in the annual fee schedule. Such mailing and posting shall be evidenced by submittal of a verified statement regarding the date of mailing and date and location of posting.

B. The city clerk/treasurer or designee shall provide notice of hearing, no less than 10 days before the public hearing, in the following manner:

1. Publication of one notice in the official newspaper of the city;

2. In the case of a subdivision, the clerk/treasurer shall mail notice to any city or county whose municipal boundaries are within one mile of the proposed subdivision; to the Department of Transportation on every proposed subdivision located adjacent to the right-of-way of a state highway and to any other federal, state, or local agency as deemed appropriate by the city clerk/treasurer.

C. All hearing notices required by this section shall include the date, time, and place of the public hearing, and a description of the location of the proposal in the form of either a vicinity location sketch or a written description, other than a legal description. For those public hearings under Chapter 16.128 SMC, the city shall e-mail notice to known parties of interest or in the alternative mail notice in self-addressed stamped envelopes provided by known parties of interest.

**16.82.020 Transcription of testimony.**

In the hearing before the planning board, hearing examiner or city council, all testimony, objections thereto and thereon shall be taken down by a reporter employed for that purpose or recorded by a recording machine set up for that purpose.

**16.82.030 Appearance of parties.**

Upon the hearing before the planning board, hearing examiner or city council, any party may appear in person or be represented by an agent or attorney, or may present testimony through submission of written comments.

**CHAPTER 16.84  
AMENDMENTS**

Sections:

**16.84.010 Scope of amendments.**

**16.84.020 Initiation of amendments.**

**16.84.030 Authority of the city council to amend the Zoning Code.**

**16.84.040 Reconsideration of application denied by the city council.**

**16.84.010 Scope of amendments.**

Any provision of the Zoning Code, as well as the boundaries of the various zoning districts established herein, may be amended by the city council, after due public notice and hearing, where parties in interest and citizens shall have an opportunity to be heard, subject to the provisions of this chapter.

**16.84.020 Initiation of amendments.**

Amendments to the Zoning Code, including zoning maps, may be initiated by petition of any property owner, the building and zoning official, planning board, or by the city council.

**16.84.030 Authority of the city council to amend the Zoning Code.**

A. Every proposed amendment to the Zoning Code, including changes in the zoning district maps or boundaries, shall be referred to the city council.

B. The city council shall schedule a public hearing no later than 60 calendar days from the date it is officially notified of a request for an amendment to the Zoning Code.

C. Upon submission of a petition for a Zoning Code amendment, the city council shall give due public notice and conduct a public hearing, wherein the parties in interest and citizens shall have the opportunity to be heard, under the requirements contained in the Zoning Code in SMC 16.124.

D. If the Zoning Code amendment request is one that would call for a revision to the zoning map(s), the city council shall first examine the adopted 20-year land use plan to determine if the request is consistent with the long-range land use plan for the city of Sultan.

E. Additionally, the city council shall contact, in writing, and receive, in writing, statements from the relevant city of Sultan departments and authorities to inform them as to the availability and capacity of the roadway, water, sewer, and electrical power systems to accommodate the level of development that could occur if the Zoning Code amendment were to be granted. If statements are not available at the time of the public hearing, those city departments shall have an opportunity

to make oral statements at said hearing. If no statement, written or oral, is given by any city department, it shall be assumed that they concur with the requested amendment.

F. Having taken into account the conditions and requirements set forth in subsections (C) and (D) of this section, the city of Sultan shall render a decision on the zoning amendment request.

G. If a request to amend the Zoning Code is made to the city council that goes beyond what is shown on the adopted 20-year land use plan (e.g., the land is currently shown as being in the LDR zoning district, the land use plan shows the area ultimately being designated in the MDR zoning district, but the applicant is requesting that his property be rezoned to the HDR zoning district), the city council shall refer the matter to the planning board for review and recommendation to the City Council before the Council takes action on the zoning amendment.

**16.84.040 Reconsideration of application denied by the city council.**

Whenever the city council, after hearing all the evidence presented upon any application under the provisions of the Zoning Code, denies same, they shall not hold further hearings on a renewal application for the same matter by the same applicant or applicants, their successors or assigns, for a period of one year from and after denial thereof, except and unless they shall find and determine from the information supplied by a request for a rehearing, that changed conditions have occurred relating to the application and that a reconsideration is justified. If the rehearing is denied, the application shall not be reopened for at least one year from the date of the original action.

**CHAPTER 16.86  
AMENDMENTS – PUBLIC PARTICIPATION AND NOTICE PROCEDURES**

Sections:

**16.86.010 Purpose.**

**16.86.020 Procedure Level I.**

**16.86.030 Procedure Level II.**

**16.86.040 Procedure Level III.**

**16.86.050 Procedure Level IV.**

**16.86.060 Unintentional procedural errors.**

**16.86.070 Definitions.**

**16.86.010 Purpose.**

A. This chapter provides the city of Sultan’s public participation and notice procedures for legislative land use actions. It does not provide procedures for any site-specific quasi-judicial land use action.

B. The public participation procedures established in this chapter are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations, of proposed amendments to comprehensive plans and development regulations as required and limited by RCW 36.70A.035 and 36.70A.140.

C. It is the intent and policy of the city of Sultan to provide its citizens with full opportunity to interact and participate in the process of guiding the future land use and development of the community. Further, it is the intent of the city to have processes and procedures that allow for effective and efficient management of actions at different levels of importance and interest to the public.

D. To provide appropriate opportunity for meaningful public involvement and to provide for effective operations, this chapter differentiates between various processes and provides for levels of public participation, notice, and review and adoption procedures that are commensurate with the action being undertaken as described and provided for in RCW 36.70A.035.

#### **16.86.020 Procedure Level I.**

A. Applicability. Procedure Level I applies to circumstances under which no additional public review and comment period is provided. This procedure is as provided in RCW 36.70A.035 (2)(b)(i), (ii), (iii), (iv), and (v).

B. This procedure applies to amendments to a proposed change in the comprehensive plan or development regulations when the opportunity for public review and comment on the original proposed change has passed. The amendment to the proposed change will be acted on without further notice or public input if one or more of the following conditions pertain to the amendment:

1. Actions where an environmental impact statement has been prepared under Chapter 43.21 RCW for the pending resolution or ordinance and the proposed change in the pending ordinance or resolution is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment when the original notice and proposed ordinance or resolution was released for public comment;

3. The proposed change only corrects typographical errors, corrects cross references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

4. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

5. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

C. Step 1. No additional opportunity for public review is provided for actions meeting one or more of the five descriptions in subsections (B)(1) through (B)(5) of this section.

D. Step 2. Make the proposed change in the ordinance or resolution under consideration and proceed with the procedure (Level II, III, or IV) that is applicable to the action under consideration.

#### **16.128.030 Procedure Level II.**

A. Applicability. Procedure Level II applies to amendments to a proposed change in the comprehensive plan or development regulation when the proposed change has already been provided public notice and public input, and the opportunity for input on the original proposed change has passed, and provisions of RCW 36.70A.035(2)(a) apply to the amendment.

B. This procedure applies to amendments to a proposed change in the comprehensive plan or development regulations when the opportunity for public review and comment on the original proposed change has passed and the proposed amendment does not meet the conditions of RCW 36.70A.035(2)(b)(i), (ii), (iii), (iv), and (v) as described in SMC 16.128.020.

C. Step 1. Proposed amendment is initiated by:

1. City council.
2. Planning board.
3. City staff.

D. Step 2. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

E. Step 3. Public hearing is scheduled before planning board (this can occur during or after CTED review).

F. Step 4. Publish the planning board public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

- a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);
- b. Post at City Hall and Post Office;
- c. Post on city website, and other available sites of known interest;
- d. Post on public access channel when available;
- e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;
- f. Post on city utility bills when available subject to billing schedule.

G. Step 5. Planning board conducts a public hearing.

H. Step 6. Planning board recommendation on amendment and public input received at the hearing are forwarded to city council.

I. Step 7. City council considers planning board recommendation and public input received at planning board public hearing.

J. Step 8. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

K. First and second reading may be combined at council option.

L. Step 9. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

M. Step 10. If adopted, the ordinance amending the regulation(s) is published, and effective five days after publication date.

N. Step 11. Copies of revised regulation(s) are distributed to interested parties.

**16.86.040 Procedure Level III.**

A. Applicability. Procedure Level III applies to amendments to the comprehensive plan or existing development regulations that address only procedures, or administrative provisions without substantively changing the effect of the comprehensive plan or the development regulation as regards its implementation of the comprehensive plan (as described in RCW 36.70A.035(2)(b)(iii)).

B. Level III actions are changes that do not materially affect the types of uses allowed on the ground and do not materially alter the criteria, standards, or conditions under which those uses are reviewed and determined to be allowed or not allowed.

C. Examples of Level III Actions.

1. Changes in required application information.
2. Changes in application procedures.
3. Adjustment of notice periods or application review periods.
4. Changes in application processing procedures.
5. Changes in bonding requirements.
6. Changes in public dedications and similar language or depictions required on plats and other developer documents.
7. Procedural changes mandated by state statute.
8. Changes in appeal procedures.

9. Changes in notice procedures or time lines.

10. Similar standards or procedures that do not make a substantive change in the effect of the comprehensive plan or the effect of the development regulation.

D. Step 1. Proposed amendment is initiated by:

1. City staff.
2. City council.
3. Planning board.
4. Member of the public.

E. Step 2. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

F. Step 3. A public hearing is scheduled before planning board (this can occur during or after CTED review).

G. Step 4. Publish the planning board public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

- a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);
- b. Post at City Hall and Post Office;
- c. Post on city website, and other available sites of known interest;
- d. Post on public access channel when available;
- e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;
- f. Post on city utility bills when available subject to billing schedule.

H. Step 5. Public hearing conducted before the planning board.

I. Step 6. Planning board recommendation on amendment and public input received at the hearing are forwarded to city council.

J. Step 7. City council considers planning board recommendation and public input received at planning board public hearing.

K. Step 8. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

L. First and second reading may be combined at council option.

M. Step 9. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

N. Step 10. If adopted, the ordinance amending the regulation(s) is published, and effective five days after publication date.

O. Step 11. Copies of revised regulation(s) distributed to interested parties.

**16.86.050 Procedure Level IV.**

A. Applicability. Procedure Level IV applies to:

1. Adoption of amendments to the comprehensive plan and its elements as provided in RCW 36.70A.035(1).

2. Adoption of substantive new development regulations or amendment of existing development regulations as provided in RCW 36.70A.035(1).

B. Step 1. Proposed amendment is initiated by:

1. City staff.
2. City council.
3. Planning board.
4. Member of the public.

C. Step 2. Prepare public information binders for public review at City Hall, reception area, and the Sultan Branch of the Sno-Isle Regional Library. Update binders as additional information becomes available throughout the review process.

D. Step 3. SEPA checklist on proposed amendment(s) is prepared by staff/applicant and mailed to the applicable reviewing agencies for 14-day comment period. Mailing includes:

1. Determination (by SEPA official).
2. Checklist.
3. Proposed amendment(s).
4. Examples of reviewing agencies are:

- a. Department of Ecology;
- b. Corps of Engineers;
- c. Department of Fisheries;
- d. Snohomish County;
- e. Washington State Department of Transportation;
- f. Tulalip Tribes;
- g. Department of Community Trade and Economic Development (CTED).

E. Step 4. SEPA determination including comment period is:

1. Published in the Everett Herald not less than 10 days prior to hearing (WAC 365-195-600).
2. Posted at City Hall.
3. Posted at the Post Office.
4. Posted on city website, and other available sites of known interest when available.
5. E-mailed to parties of interest who have requested a notice when e-mail address is available.
6. Posted in the public information binder on public review and public document and notice table in City Hall reception area.

F. Step 5. Proposed amendment is mailed or e-mailed to state Department of Community Trade and Economic Development (CTED) for their 60-day review period. City advises CTED of the proposed public hearing schedule for amendment.

G. Step 6. Public hearing is scheduled before planning board (this can occur during or after CTED review).

H. Step 7. Publish the planning board public hearing date:

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.
2. Publication and notice shall be provided as follows:
  - a. Everett Herald not less than 10 days prior to hearing (WAC 365-195-600);
  - b. Post at City Hall and Post Office (required by SMC);

- c. Post on city website, and other available sites of known interest when available;
- d. Post on public access channel when available;
- e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;
- f. Post on city utility bills when available subject to billing schedule.

I. Step 8. Public hearing conducted before the planning board.

J. Step 9. Planning board recommendation on amendment forwarded to city council. Document includes a statement as to whether or not the planning board recommends that the council hold a second public hearing.

K. Step 10. Upon receipt of the recommendation from the planning board the council, by motion, determines whether to hold a second public hearing on the proposal.

L. If council decides to hold a second public hearing, proceed to Step 11.

M. If council decides to proceed without a second public hearing, and take action based on review of the planning board's record, proceed to Step 13.

N. Step 11. Publish the city council public hearing date.

1. As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

2. Publication and notice shall be provided as follows:

- a. Everett Herald (not less than 10 days prior to hearing, WAC 365-195-600);
- b. Post at City Hall and Post Office (required by SMC);
- c. Post on city website, and other available sites of known interest when available;
- d. Post on public access channel when available;
- e. Agenda e-mailed to parties of interest who have requested notification when e-mail address is available;
- f. Post on city utility bills when available subject to billing schedule.

O. Step 12. City council conducts second public hearing and considers planning board recommendation. Proceed to Step 14.

P. Step 13. City council considers planning board record including staff report, all public input (written and verbal testimony), and planning board findings and recommendation and acts on the proposal. Proceed to Step 14.

Q. Step 14. First reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

R. First and second reading may be combined at council option.

S. Step 15. Second reading of ordinance on city council agenda/meeting. (Public comments are taken on agenda items by city council.)

T. Step 16. If adopted, the ordinance amending the regulation(s) is published and effective five days after publication date.

U. Step 17. Copies of revised regulation(s) distributed to interested parties.

**16.86.060 Unintentional procedural errors.**

As provided in RCW 36.70A.140 and WAC 365-195-600, errors in exact compliance with these established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**16.86.070 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. “Development regulations” means ordinances and codes adopted by the city council that implement the comprehensive plan through land use regulations that establish uses or standards for development of land uses.

D. “Docket, comprehensive plan” means the schedule for consideration of amendments to the comprehensive plan or comprehensive plan elements. The docket operates on an annual basis under the following schedule:

1. Applications for the comprehensive plan docket must be submitted by April 1st of each year for consideration in that year.

2. The planning board will transmit initial recommendations to the council by July 30th of each year. The recommendations will consist of findings on the policy issues and the planning board recommendation on inclusion of the particular proposal on the council’s adopted version of the docket for the year.

3. By October 1st, the council will commit to adding the proposal to the docket for further staff work and planning board action.

4. Note. The once-per-year annual docket process does not apply to amendments to development regulations that implement the comprehensive plan.

E. Legislative Land Use Actions. Actions taken by the city council that applies to the entire community such as: amendment of the text of the unified development code, or actions that apply to significant geographic portions of the community such as amendment of the official zoning map that affects neighborhoods or larger areas.

F. Quasi-Judicial Land Use Actions. Actions taken by the hearing examiner or other authorized hearing authority that apply to a single property or a small number of specific properties such as a conditional use or a change of zone on one or a few properties in a group.

## **CHAPTER 16.88 REZONES**

Sections:

- 16.88.010 Scope.**
- 16.88.020 Who may apply.**
- 16.88.030 Review requirements.**
- 16.88.040 Conditional rezones.**
- 16.88.050 Signatures on petition for change of zone classification.**
- 16.88.060 Notice.**
- 16.88.070 Submittal requirements.**
- 16.88.080 Zoning map change.**
- 16.88.090 Fees.**
- 16.88.100 Periodic updating of zoning map.**
- 16.88.110 Hearing and notice for zoning map updates.**

### **16.88.010 Scope.**

The requirements of this chapter apply to proposed rezones, which are changes in the zone districts by amendment to the official zoning map that apply to parcels of property within the corporate city limits of Sultan.

### **16.88.020 Who may apply.**

The property owner or the city may apply for a zone reclassification of property.

### **16.88.030 Review requirements.**

The planning commission shall provide a recommendation to council and council shall approve, deny, or modify the proposed rezone. At least the following factors shall be considered in reviewing a proposed rezone:

A. Comprehensive Plan. Whether the proposal is consistent with the comprehensive plan;

B. Zoning Ordinance. Whether the proposal is consistent with the purposes of the zoning ordinance, and whether the proposal is consistent with the purposes of the proposed zone district;

C. Surrounding Area. The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property;

D. Changes. Whether there has been sufficient change in the character of the immediate or surrounding area or in city policy to justify the rezone;

E. Suitability. Whether the property is economically and physically suitable for the uses allowed under the existing zoning, and under the proposed zoning. One factor could be the length of time the property has remained undeveloped compared to the surrounding area and parcels elsewhere with the same zoning;

F. Value. The relative gain to the public health, safety, and welfare compared to the potential increase or decrease in value to the property owners.

**16.88.040 Conditional rezones.**

An applicant may propose conditions to be imposed by contract on a rezone. If the applicant wishes to take this approach, the proposed conditions shall be reviewed at all public hearings on the rezone.

**16.88.050 Signatures on petition for change of zone classification.**

A property owner desiring a change in the zone classification or in the boundaries of the zone shall submit a petition carrying the signatures of not less than 51 percent of the owners of property within 300 feet of the property under consideration, provided that:

A. Either spouse may sign as owner, and any partner of a partnership or any officer or agent of a corporation may sign as owner; provided, that if two or more persons sign for one ownership it shall count as one ownership;

B. Each ownership shall be counted only once, regardless of its size or value;

C. An ownership shall be counted only once, regardless of the number of parcels under identical ownership within the 300-foot limit and regardless of whether or not all such identical ownerships are contiguous or noncontiguous;

D. Any parcel, any part of which is within the 300-foot limit, shall be counted;

E. The signature shall indicate knowledge of, and not endorsement of, the proposed change. Upon refusal by an owner to sign, the applicant may submit an affidavit to the effect that the party was contacted but refused to sign.

**16.88.060 Notice.**

Notice of rezone hearings (and text changes) before the planning commission shall be the same as set forth for proposed amendments to the comprehensive plan (Chapter 16.124 SMC) for newspaper publication, posting of property, and notification to adjacent property owners within a 300-foot radius of the area proposed for rezone.

**16.88.070 Submittal requirements.**

Application for a zone reclassification of property(ies) shall be made on forms prescribed by the city, and shall be accompanied by the following information; provided, that the planning director may waive any of these items, upon written request by the applicant and a finding that the item is not necessary to analyze the application:

A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvement, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site; this information may be shown on several sheets if needed for readability;

B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

C. A summary table 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;

D. A written statement addressing the decision criteria;

E. A legal description of the property, including parcel number;

F. A statement to effect that the applicant(s) are the sole owners of the property;

G. Photographs of the site;

H. A complete SEPA checklist (for environmental review), unless the project is categorically exempt from SEPA review;

I. A list of other permits that are or may be required for development of the property (issued by the city or by other governmental agencies), insofar as they are known to the applicant;

J. A list of other city permits that are to be processed concurrently with this permit (i.e., subdivision of land, boundary line adjustment, major development permit, etc.);

K. Payment of rezone application fee as set in the document titled “Fee Schedule for the City of Sultan” and adopted yearly by city ordinance.

**16.88.080 Zoning map change.**

Following approval of a reclassification of property, the city shall amend the zoning map of the city to reflect the change in land use zone.

**16.88.090 Fees.**

As set in the document titled “Fee Schedule for the City of Sultan” and adopted yearly by city ordinance, applicant shall pay required rezone application fee upon submittal of the rezone

application. There shall be an additional fee of \$100.00 for an appeal to the council's decision, to be paid at the time of appeal application filing. See SMC 16.120.100 for appeal process.

**16.88.100 Periodic updating of zoning map.**

From time to time, but at least every five years, the city council shall update the zoning map of the city and make that map the final authority regarding land uses in the city.

**16.88.110 Hearing and notice for zoning map updates.**

In order to effect the purposes of SMC 16.88.090, the city council shall from time to time hold a public hearing to receive any comments or objections to the zoning map as then existing. At least 10 days but no more than 20 days prior to the hearing, notice of the hearing and its purpose shall be given by publication in the official newspaper of the city. The notice shall specify that any objections to the zoning map as then constituted, which are based on discrepancies between the map and any zoning ordinance passed by the council, or with the comprehensive plan, must be made at such hearing or the zones as shown on the current zoning map will become the zones for the city notwithstanding any prior action of the council or any other provisions of the Sultan Municipal Code.

*Division VII: Enforcement*

**CHAPTER 16.90  
SUSPENSION, REVOCATION, OR FAILURE TO OBTAIN PERMITS**

Sections:

**16.90.010 Suspension – Cause**

**16.90.020 Revocation – Cause**

**16.90.030 Failure to obtain permit.**

**16.90.010 Suspension – Cause**

A. The building and zoning official or duly authorized representative may temporarily suspend any permit issued under the Zoning Code for:

1. Failure of the holder to comply with the requirements of the Zoning Code or rules or regulations adopted thereunder; or
2. Failure to comply with any notice and order issued pursuant to the Zoning Code.

B. Such permit suspension shall be issued in writing and shall be effective upon either service or posting of the notice upon the permit holder or his agent. C. Notwithstanding any other provision of this code, whenever the building and zoning official or duly authorized representative finds that a violation of this code, or rules and regulations adopted thereunder, has created or is creating a dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

**16.90.020 Revocation – Cause.**

A. The building and zoning official or duly authorized representative may permanently revoke any permit issued under the Zoning Code for:

1. Failure of the holder to comply with the requirements of any land use ordinance, or rules and regulations promulgated thereunder, including the Zoning Code; or

2. Failure of the holder to comply with any notice and order issued pursuant to the Zoning Code; or

3. Interference with the building and zoning official or duly authorized representative in the performance of their duties; or

4. Discovery by the building and zoning official or duly authorized representative that a permit was issued in error or on the basis of incorrect information supplied to the city.

**16.90.030 Failure to obtain permit.**

The failure to obtain a required permit is a violation of the code subject to enforcement under SMC 16.80.015(B) and Chapter 1.10 SMC. Civil penalties for failure to obtain any required permit shall begin to accrue on the first day activity subject to the permit requirement is commenced and shall cease to accrue on the day the permit is obtained.

**CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1246-16**

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**AN ORDINANCE OF THE CITY OF SULTAN,  
WASHINGTON RELATED TO LANDSCAPING AND  
FENCE REGULATIONS; AMENDING CHAPTERS 12.08  
AND 15.08 OF THE SULTAN MUNICIPAL CODE;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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WHEREAS, on November 17, 2016, the City Council adopted Ordinance No. 1244-16, the City Zoning Code; and

WHEREAS, City staff have prepared certain land use regulations in conjunction with the updated Zoning Code (“Proposed Amendments”), which together increase the efficiencies that limited staffing can use to meet the increasing demands for permitting and code enforcement; and

WHEREAS, the Proposed Amendments were crafted and reviewed by the Planning Board in conjunction with the proposed Zoning Code on January 21, 2016, February 8, 2016, March 17, 2016, April 21, 2016, May 3, 2016, May 19, 2016, June 2, 2016, June 16, 2016, July 21, 2016, August 18, 2016, and September 15, 2016; and

WHEREAS, the Proposed Amendments were submitted to the Washington State Department of Commerce (“DOC”) in conjunction with the proposed Zoning Code on July 15, 2016, in accordance with RCW 36.70A.106, and DOC completed its review of the Zoning Code Update on July 18, 2016; and

WHEREAS, the Planning Board held public hearings on the Proposed Amendments in conjunction with the proposed Zoning Code on July 21, 2016, and August 18, 2016; and

WHEREAS, the City Council held a public hearing on the Proposed Amendments in conjunction with the proposed Zoning Code on October 13, 2016, October 27, 2016, and November 3, 2016; and

WHEREAS, the City issued a Determination of Non-Significance (DNS) on the Landscaping Amendments in conjunction with the proposed Zoning Code Update on September 23, 2016, in accordance with the Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);

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

**Section 1. SMC 12.08 (Maintenance of Planting Strips), Amended.** Sultan Municipal Code Chapter 12.08, “Maintenance of Planting Strips,” is hereby amended to read as follows:

**CHAPTER 12.08  
MAINTENANCE OF PLANTING STRIPS**

Sections:

**12.08.010 Abutting owner to maintain planting strips.**

**12.08.020 Enforcement.**

**12.08.010 Abutting owner to maintain planting strips.**

It shall be the responsibility and obligation of any owner, tenant or person in possession of any lot in the city of Sultan to cut the grass within the planting strip(s) on each side of the sidewalk abutting such lot and to remove all growth from such sidewalk.

**12.08.020 Enforcement.**

The requirements of this chapter 12.08 shall be enforced under the provisions of Chapter 1.10 SMC.

**Section 2. SMC 15.08 (Fence Standards), Amended.** Sultan Municipal Code Chapter 15.08, “Fence Standards,” is hereby amended to read as follows:

**CHAPTER 15.08  
FENCE STANDARDS**

Sections:

**15.08.010 Purpose.**

**15.08.015 Definition.**

**15.08.020 Permit Required.**

**15.08.030 Residential design standards.**

**15.08.040 Commercial design standards.**

**15.08.010 Purpose.**

The purpose and intent of these fencing standards is to create aesthetic fencing that is uniform along frontages with characteristics similar to the existing neighborhood. No fence or wall shall create a hazard to the general public.

**15.08.015 Definition.**

Except as otherwise defined in this chapter, all terms shall have the meaning ascribed in Chapter 16.04 SMC.

**15.08.020 Permit required.**

A permit is required for all new fences over three feet in height above the ground constructed within the city of Sultan. All permit fence applications shall be accompanied by the required fee and shall include a site plan drawn to scale indicating property lines, easements, abutting rights-of-way, adjacent driveways, location and height of fence and all structures including fire hydrants and power poles within 10 feet of proposed fence.

**15.08.030 Residential design standards.**

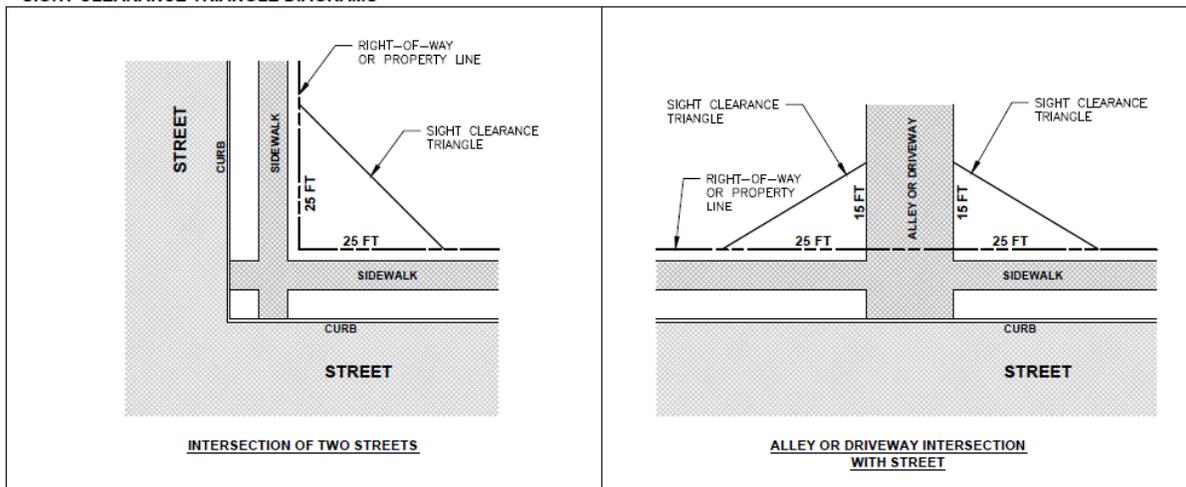
A. Fences may be installed on property lines in residentially zoned lots; provided, that fences in front yards may not exceed three feet in height. It shall be the property owner’s responsibility to determine the location of all property lines.

B. Fences installed on or across an easement in favor of the city of Sultan easement shall be removed by the property owner, or may be removed by the city of Sultan, a city agent, or a city contractor at the property owner’s expense, upon request of the city for the purposes of the easement.

C. The height of all fences within 15 feet of any right-of-way, street, access easement, or driveway or within 25 feet of any intersection of two streets as measured from the edge of the right-of-way shall not exceed three feet, so as to allow a sight clearance triangle as depicted in Figure 15.08-1.

**Figure 15.08-1**

**SIGHT CLEARANCE TRIANGLE DIAGRAMS**



D. A minimum six-foot-high fence with a 16-foot-wide service access shall be placed around open storm drainage retention/detention systems as required by the 2014 Stormwater Management Manual for Western Washington.

E. When a retaining wall three feet in height or greater is contiguous to and below a proposed fence, the proposed fence may be constructed for the purposes of safety not greater than four feet above the top of the retaining wall or the finished grade, whichever is less, without a variance.

F. Fence height shall be measured from the top of the fence to the lowest grade of the ground on the property owner's side.

G. Supporting fence posts shall be installed into the ground at a distance equal to one-third of the distance of the fence height; provided, that supporting fence posts for privacy fence (solid board) shall be installed at a distance equal to 40 percent of the fence height.

H. No fence, structure, or landscaping may be constructed or maintained if it creates a safety or sight hazard to users of the street or to nearby property. Electrical, barbed wire, and any material that may cause a safety hazard shall be prohibited, unless the applicant can prove that the fence is necessary for legal nonconforming agricultural uses.

**15.08.040 Commercial design standards.**

In all other zones, fences and walls may be installed up to a height of eight feet; provided, that the following requirements are met:

A. Where commercially or industrially zoned property has street frontage across from residential property, there shall be a setback of one foot for each foot in height of the fence or wall. This setback will be densely landscaped to provide a vegetative barrier. A landscaping plan will be submitted to and approved by the planning director prior to construction of the fence or wall. All installed landscaping materials will be maintained in a healthy state.

B. A landscaped side yard setback area shall not be required for fences or walls if the commercial or industrially zoned property adjoins or abuts similarly zoned property.

C. The height of all fences within 15 feet of any right-of-way, street, access easement, or driveway or within 25 feet of any intersection of two streets as measured from the edge of the right-of-way shall not exceed three feet, so as to allow a sight clearance triangle as depicted in Figure 15.08-1.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**CITY OF SULTAN**

\_\_\_\_\_  
Carolyn Eslick, Mayor

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Laura Koenig, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Amy S. Mill, City Attorney

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

# CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: Public Hearing PH 2

DATE: November 3, 2016

SUBJECT: Public Hearing Setting the tax levy for the 2017 Property Taxes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**ISSUE:**

The issue before the Council is to hold a public hearing on the proposed use of 2017 property taxes and to have the first reading of Ordinance 1248-16 (Action A-1) which sets the property tax levy for the 2017.

**SUMMARY:**

In accordance with RCW 84.55.120, a taxing district with regular levies must hold a public hearing on the proposed increase and use of property tax funds. The ordinance must be adopted and filed with the County on or before November 30<sup>th</sup>.

Based on the levy calculation for the City's estimated 2017 assessed value of \$400,884,804 the levy rate would be \$1.64 per thousand of assessed property value. The maximum amount allowed under state law for the City is broken down as follows:

Statutory Levy Rate	\$3.60 per \$1000 of assessed value
Less Fire District	-\$1.50
Less Library District	-\$ .50
City maximum	\$1.60

Ordinance 1248-16 sets the regular property tax levy for 2017 with the amount to be assessed for collection at \$659,193. Based on the \$1.60 per thousand, the amount the city may collect in 2017 is \$614,416. The City levies at the full amount and the difference allows the County to collect the full amount the City is entitled to based on the final assessed value calculated in late December. If the other taxing district do not levy at the full amount, the city will be able to collect the difference.

In 2016, the City had a 11% increase in assessed values. In 2017, the City will have a 7% increase in assessed value. The calculated increase will be 10% for an increase of \$60,512.

The proposed distribution of taxes for 2017 will be:

PROPERTY TAX	GENERAL FUND 001	STREET FUND 101	GO COM. CENTER FUND 203	Total Regular Property Tax	GO POLICE BOND FUND 205
	<b>0.81</b>	<b>.072558</b>	<b>.072558</b>		<b>.0434</b>
689,106	558,175	50,000	50,000	659,193	29,913

The amount of property taxes allocated to the Community Center bond payments has been reduced by \$25,000 due to the increase in available REET funds. The increase in funding for the General Fund will be used for the Comprehensive Plan update and for building maintenance.

Attachments: A. Ordinance 1248-16 – 2017 Property Tax Levy

**CITY OF SULTAN  
SULTAN WASHINGTON  
ORDINANCE 1248-16**

AN ORDINANCE OF THE CITY OF SULTAN FIXING THE AMOUNT OF TAXES TO BE LEVIED ON TAXABLE PROPERTY WITHIN THE CITY OF SULTAN FOR THE YEAR 2017

**WHEREAS**, the City of Sultan has met and considered its budget for the calendar year 2017; and

**WHEREAS**, the City Council of the City of Sultan after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Sultan requires a regular levy in the amount of \$659,193, which is an increase in property tax revenue from the previous year, based on amounts resulting from the increase in assessed values, addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the district and in its best interest; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN

Section 1 Tax: That an increase in the regular property tax levy is hereby authorized for the 2017 levy in amount of \$60,512 which is a percentage increase of 10.1075% from the previous year. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property and any increase in the value of state assessed property, and any additional amounts resulting from any annexations that have occurred and refunds made.

Section 2 Severability: If any provisions of this ordinance or its application to any person or circumstance are held invalid, the remainder of the ordinance or applications of the provisions of the ordinance to other person or circumstances is not affected.

Section 3 Effective Date: This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY ADOPTED this 17<sup>th</sup> day of November, 2016

\_\_\_\_\_  
Carolyn Eslick, Mayor

Attest:

\_\_\_\_\_  
Laura J. Koenig, City Clerk

Approved as to form:

\_\_\_\_\_  
Amy Mill, City Attorney

Published:

**SULTAN CITY COUNCIL  
AGENDA COVER SHEET**

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**ITEM NUMBER:** Public Hearing 3.1

**DATE:** November 3, 2016

**SUBJECT:** General Fund Budgets

**CONTACT PERSON:** Laura Koenig, Finance Director  
Ken Walker, City Administrator

**ISSUE:**

The issue before the council is to discuss the preliminary 2017 Budget for the General Funds.

**SUMMARY:**

Even in an era of slowly increasing revenues, the city has an obligation to provide services to the community. Some services are mandated such as floodplain management, Growth Management Act planning, financial reporting, and building inspection. Other services such as public safety, economic development, code enforcement and park maintenance are optional.

Whether a service is mandatory or optional, the city has a choice about the level-of-service or level of investment to make when providing services to the community. The budget themes identify areas of strategic investment over the next five years to coincide with the five year forecast.

Previous budget themes have anticipated increasing revenues. This budget forecast anticipates an increase in General Fund revenues for the next three years (2016 to 2018). The increase is primarily due to the increase in building and development activity.

Strategic investments are needed in order to ensure the city is positioned to attract new development when the economy recovers. Failing to invest now could put the city in the position of falling so far behind that future investment will not be attracted to the Sultan community and will go elsewhere. This could lead to a spiraling decline of the community rather than slow but steady improvement.

The General Fund is largest single fund in the City (approximately \$2.1 million in 2017). The General Fund is supported by taxes and fees and generally has no funding restrictions. The general fund supports city administration, finance, building and planning, public safety and code enforcement; and parks. The general fund and street fund share revenue sources including property taxes and utility taxes.

**ATTACHMENTS:** A. Preliminary 2017 Budget Message  
B. Preliminary 2017 General Fund Budgets

# City of Sultan

## 2017 Budget Message



Since first taking office as your Mayor in 2007, my goals have always been to make city government more efficient and accountable to its citizens. This includes reducing costs wherever possible, supporting businesses, and providing the best service to the citizens of Sultan. We live in a terrific community with high standards. We face some daunting issues, but I believe we are up to the challenge.

I am pleased to report we have been able to accomplish these goals. The recovery is starting to solidify after a slow beginning. While Sultan has lagged behind some of our sister cities to the west, we are starting to see the beginning of a turnaround. Housing starts are at a sustainable level, and property values have in value for three consecutive years. While the recovery uniform, we have been able to build a stronger foundation during the lean times that are carrying us

forward and with a solid foundation for the future.

We have consistently managed to maintain essential city services. The 2017 budget keeps intact all of the services and programs our community depends on and values including 24/7 police protection, animal control services, park maintenance and street repair. In the last quarter of 2016 we have added a full time Planning Department Director to address increased building and development in our community. The 2017 budget calls for an increased focus on downtown business development and support of existing businesses. We have been able to complete some major projects and road improvements by leveraging our resources with multiple grants from the state and federal governments. Garbage Utility Services have been improved and updated providing rate relief for residential customers. We are constantly evaluating all activities in an effort to improve service while minimizing costs.

In June of 2014, I called a community task force meeting, bringing social service providers and citizens together to address street level problems facing our community. With awesome volunteers and dedicated staff, we have begun to address some of these problems. During 2015 the Sultan Task Force evolved into the Sultan Community Alliance, focusing on parks and public places, social services and safety, education, and building a community through planned quarterly activities. The goal is to improve the quality of life for all Sultan residents. We have just scratched the surface, but with a concerted effort, I am confident Sultan will continue to make progress.

This budget is our guideline for the upcoming year. It provides a good clear picture and road map of what we plan to do, how we plan to do it, and what the results should look like. This document is the result of many hours of hard work and planning. This budget message provides a brief overview of the highlights and changes that are included in the 2017 budget, along with information about previous goals and accomplishments. More details are available in the 2017 Budget Summary and throughout the final budget document.

## Budget Background

The budget is adopted annually and amended throughout the year to keep current with changes in both revenues and expenditures. The budget is a guidance tool used for government priorities and spending. It is not a static document that sits on a shelf. The budget is used by me, the city council and city staff to guide our decision-making. I encourage you and everyone who has a stake in our success to review the 2016 Budget Summary and ask questions.

The city's budget is divided into several separate and distinct funds:

- General Fund – General governmental services including finance, economic development, planning, building inspection, police protection and park maintenance.
- Street Fund – Street operations, maintenance and repair.
- Utility and Enterprise Funds – Operating funds for water, sewer, garbage, storm water and cemetery.
- Capital Improvements – New construction and major repair and maintenance for taxpayer owned assets.
- Debt Service – Transfers from the operating funds to pay for capitalized public improvements.
- Miscellaneous Funds – Rainy-day and contingency funds, equipment replacement, drug enforcement task force, community improvement and others.

The 2017 budget anticipates collecting \$6.1 million in revenues, and spending approximately \$5.9 million to provide services to the Sultan community including water, sewer, storm water, garbage, streets, cemetery and facility maintenance.

The general fund collects property taxes and provides general government services such as police, building and planning, code enforcement, animal control, and park maintenance. The General Fund anticipates collecting \$2,118,484 in revenues and spending \$2,111,833. Almost 56% of the city's expenditures in the general fund support police and public safety.

We continue to strive to provide the best possible service with the limited resource available, however, I do not believe we have any areas that can be looked upon as “fat” or not needed. To run a successful government, qualified people and sound equipment are needed to get the job done. The city continues to wrestle with the reduction in the property tax allocation to the General Fund. As part of succession planning for long time employees that will retire in the next five years, the council will consider staffing changes to reduce costs and continue quality service to the citizens. This will significantly improve the discrepancy between General Fund revenues and expenditures.

### 2017 Budget Revenues and Expenditures

Funds	Revenue	Expenditures	% of Budget
General Funds	\$2,237,884	\$2,231,233	33%
Public Works – Street, Cemetery, Water, Sewer, Garbage, Storm	\$3,618,531	\$3,713,906	54%
Debt Service Funds	\$882,914	\$881,274	13%
TOTALS	\$6,739,329	\$6,826,413	

## Our Accomplishments

It is important for us to acknowledge our recent successes. Our volunteer program continues to be the best in the Skykomish Valley. Sultan residents, businesses and community members dedicated 14,437 hours of community service valued at \$418,529 to the city in 2016. Our community and commitment to serving each other is strong. We successfully completed the reconstruction of portions of 4<sup>th</sup> and 5<sup>th</sup> Street between US 2 and Alder, VIC window replacement, city hall phone system upgrade, up flow clarifier at the water treatment plant, an Inflow and Infiltration study, Gohr Road water main, acquisition of new park property, a FEMA flood mitigation by out, a PROS survey and major zoning code rewrite. Water and sewer mains were replaced or lined as appropriate while the streets were addressed.

The city will complete several planned capital investments in 2017 to improve our community and support businesses. The most significant project is to update the comprehensive plan to reflect the change in population allocation. Additional important project includes the proposed Sultan River Pedestrian and Bicycle Bridge project. The culvert replacement project at Dyer Road is shovel ready and will proceed when all construction funding is secured.

The total business licenses issued in Sultan during 2016 was 329. The city has issued 18 single family permits, and 93 miscellaneous permits for mechanical, plumbing, roof, right-of-way and other construction activities. A new restaurant on Main Street is scheduled to be completed in 2017 and the Boys and Girls Club Phase II Gymnasium should be started in 2017.

A 2009 telephone survey of Sultan residents indicated economic development and public safety were the top two priorities. Under my leadership, the city has stepped up its role in nurturing new businesses. This year I hosted 4 business workshops, conducted 12 business spotlights and the sixth annual business fair in conjunction with Winterfest. These events were provided free of charge. Nurturing new businesses in Sultan is a top priority of mine since you elected me as your mayor in 2007. I plan to continue this program during my next year in office.

I continue to support the changes we have made to improve the business climate in Sultan. I have worked hard to create a pro-business, can-do attitude at city hall. The outlook is "what can we do to help" and think this will continue to grow stronger.

I have stepped up my efforts to connect with the community by hosting a weekly "Coffee with the Mayor" hour at Galaxy Chocolates to have an open forum to discuss topics of public interest. These meetings have been well attended and provide another outlet for community outreach.

I am proud to call Sultan my home and am honored to represent the city as the Mayor. I will continue to listen and have town hall style meetings in the future. I will also continue to encourage people to get involved and be a part of the solution. I will keep the city council and the public informed to the best of my ability and make recommendations where I see fit.

I appreciate the hard work by the dedicated volunteers, staff, appointed members of the city's planning board, and council members. By coming together and focusing on Sultan's future, we can all play a part in making our city the terrific place we love. I look forward to working with all of you to make Sultan a better place to live, work and play.

*Mayor Carolyn Eslick*

## GENERAL FUNDS

### GENERAL FUNDS OVERVIEW

- 001 GENERAL FUND
- 100 GENERAL FUND CONTINGENCY
- 109 COMMUNITY IMPROVEMENT FUND
- 113 BUILDING MAINTENANCE FUND
- 114 INFORMATION TECHNOLOGY FUND (IT)
- 115 INSURANCE CLAIMS FUND

The City has six different funds that have General Fund (general government) functions. These include the General Fund, General Fund Contingency Fund, Community Improvement Fund, Building Maintenance Fund and Information Technology (IT) Fund, and Insurance Claim Fund.

### 2017 BUDGET SUMMARY

Fund	Fund Name	REVENUE	EXPENSE	DIFFERENCE
001	General Fund	\$2,118,484		
	Legislative		\$37,474	
	Executive		\$68,827	
	Finance/Administration		\$91,049	
	Grants		\$49,023	
	Legal		\$57,699	
	Other Governmental		\$99,000	
	Law Enforcement		\$1,056,367	
	Law Enforcement - Court		\$128,000	
	Emergency Management		\$10,600	
	Code Enforcement		\$54,728	
	Planning and Community Development		\$188,543	
	Building		\$101,212	
	Public Health		\$1,200	
	Library		\$6,500	
	Park/Recreation		\$137,111	
	Miscellaneous (Transfers Out)		\$24,500	
	<b>Total Expenditures</b>		<b>\$2,111,833</b>	<b>\$6,651</b>
100	General Fund Contingency	\$0	\$0	\$0
109	Community Improvement Fund	\$1,500	\$1,500	\$0
113	Building Maintenance Fund	\$26,900	\$26,900	\$0
114	Information Tech Fund (IT)	\$91,000	\$91,000	\$0
115	Insurance Claim Fund	\$0.00	\$0.00	\$0
<b>Total General Funds</b>		<b>\$2,237,884</b>	<b>\$2,231,233</b>	<b>\$6,651</b>

# GENERAL FUND

## FUND 001

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The General Fund is the largest fund in the City. The general fund is supported by taxes and fees and generally has no funding restrictions. The general fund and street fund share revenue sources including property taxes and utility taxes.

The fund collects approximately \$2.1 million in revenues to cover expenditures for the city council, city administrator, land use planning and building, public safety, code enforcement, animal control, economic development and parks maintenance. The public safety budget is approximately 56% (\$1,184,367) of the general fund expenditures.

The city's total payroll expenditures for 2017 are approximately \$1,947,949. Only \$599,813 (31%) of staff salaries and benefits are charged to the general fund. The remaining costs are allocated to the street fund and enterprise funds. The full time employees (FTE's) for the General funds for the past six years as remained verily consistent as shown on the following chart:

<b>Funds</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
General	4.29	4.65	4.04	4.16	4.92	4.81
Building Maintenance	0.11	0.33	0.20	0.12	0.16	.17
Parks	0.83	0.89	0.72	1.15	0.87	1.90
Total	5.23	5.87	4.96	5.43	5.95	6.88

The city's general fund budget is built around the city's long-range strategic plan approved by the city council at the budget retreat in 2017. The strategic plan ensures the city's resources are aligned to achieve the city council's long-range goals. The city council identified four strategic goals:

- Public Safety;
- Economic Development;
- Community Development
- Fiscal Responsibility.

### **Balancing the 2017 Budget**

The 2017 general fund budget is balanced using a combination of expenditure reductions and revenue reallocations between the general fund, street fund and enterprise funds. The proposed budget does not recommend level of service cuts.

Each year the city updates its five-year revenue and expenditure forecast. Based on the revenue and expenditure forecast, the city will experience significant impacts to the general fund in 2017. These impacts are:

- 1) A 7.31% increase in property assessments in 2017.
- 2) A \$153,705 debt service payment for the city hall building. The bonds will be paid in full in 2018.
- 3) An increase in utility taxes.
- 4) An increase in building permit activity

The proposed budget uses a “balanced scorecard” approach to maintain levels-of-service in finance, grants/economic development, community development, building services, public safety, parks, street and building maintenance.

The 2017 proposed budget has been increased by \$148,770 from the 2016 adopted budget. The major areas of change include:

- The need to fund the payments on the Community Center bonds has been offset by the increase in property tax, REET and building permits
- The Law Enforcement contract negotiations were completed in 2015 and a new five-year contract has been signed. The 2017 budget includes \$7,500 for officer training.
- The Community Development Director’s position will be replaced with a Planner Director and will be filled for 2017.
- Building activity has continued to increase since early 2014.
- Contributions of \$500 per month will be made to support the Visitor Information Center.
- Continue to charge the enterprise funds rent for the use of facilities owned by the general fund (\$56,011)

### **Revenue Assumption and Changes**

General fund revenues are broken into six categories. Following is a brief overview of the key revenues proposed in the 2017 General Fund budget.

Taxes	\$1,572,099
License/Permits	\$116,500
Intergovernmental	\$213,269
Charges for Service	\$34,150
Fines/Forfeits	\$14,800
Misc Revenue	\$56,656
Interfund Revenue	\$56,010
Total	\$2,118,484

### **Property Tax**

The Snohomish County Assessor has notified the City of Sultan that the assessment value of existing property for Property Taxes Payable in 2017 will increase by 7.31%

The city reached its maximum levy rate of \$1.60/\$1,000 assessed value in 2011. Property tax revenues are divided between the General Fund, Street Fund, Police Bond Fund (voter approved) and the general obligation bond for the community center (councilmatic). This will limit the actual amount of revenue collected and will provide banked capacity for future years.

### **B&O Tax on Utilities**

The City collects taxes for telephone, gas, electrical, water, sewer and garbage utilities.

The collection of utility tax is significantly and consistently exceeding projections. In 2017, the city anticipates receiving \$523,846 in taxes.

#### Utility Taxes

In prior years, the city council approved changing the percentage of Electric Utility Tax allocated between the Street Fund and the General Fund. City staff recommends continuing the 70/30 split between the General Fund and the Street Fund. The funds are used to make monthly payments on the street lights. General Fund Utility taxes are expected to keep pace with inflation.

#### Liquor Revenue

Changes in state law have resulted in an impact to liquor profit revenues. The general fund revenue in 2017 will be approximately \$66,582.

#### Building Permits:

Twenty (20) residential building permits are anticipated in 2017. The city's major source of variable revenues are land use and building permit fees. The city is required to use building permit revenues to support building permit services including land use permit processing, building plan review, building and infrastructure inspections and overhead. Building permit revenue continues to be steady. Due to the recent changes in collection of impact fees, the reserve funds may not receive revenues in 2017 if the residence does not sell.

#### Miscellaneous - Investment Interest.

Code cities may apportion some investment earnings from funds commingled for investment purposes to the general fund rather than the participating funds unless restricted by law (RCW 35.39.034). Utility funds, bond covenants or other provisions may require that the interest be allocated to the utility fund. Investment interest is anticipated to be minimal in 2017. Since investment interest is nominal, interest earned from the utility funds is now allocated to the fund in which it is earned rather than transferring the interest revenues to help balance the general fund.

#### Operating Transfer In.

In 2012, the City began charging the enterprise funds (water, sewer, garbage, stormwater, streets and cemetery) \$56,011 "rent" for the use of the public works shop and city hall owned by the general fund. The general fund "owns" city hall and the public works shop buildings located on First Street. City staff established a market rate rent for city hall (\$.876/square foot) and the public works shop building (\$.438/square foot) based on the city's lease with the post office for the building at US 2 and 4<sup>th</sup> Street.

#### Interfund Rents

Rents are charged to the Street, Cemetery, Water, Sewer, Garbage and Stormwater funds based on the following calculations:

<b>Total Rents</b>	<b>Square Feet</b>	<b>\$/Sqft</b>	<b>Less "Credits for GF use</b>	<b>Adjusted Total</b>
Shop	4939	.876	(\$9,780)	\$31,727
City Hall	4228	.438	(\$20,160)	\$24,285
<b>Total</b>				<b>\$56,011</b>

#### Sales Tax Revenues:

Sales Tax revenues are fairly consistent for the City. The city anticipates a slight increase in 2017.

2017 Budget		001 GENERAL FUND				
Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
001-000-308-80-000	Beginning Fund Balance	66,924	0	246,887	0	55,000
01-000-311-10-000	Real/Personal Property Tax	360,403	336,250	398,570	462,636	510,000
001-000-313-11-000	Local/Retail Sales and Use	254,064	319,692	376,363	350,000	382,193
001-000-313-71-000	Sales Tax - Criminal Justice	67,305	70,839	74,231	60,000	75,000
001-000-316-41-000	B & O Electric	174,957	184,848	188,928	178,000	209,000
001-000-316-42-000	Water Utility Tax	57,625	58,537	62,786	63,396	63,000
001-000-316-43-000	B & O Gas	56,679	60,381	46,011	50,000	61,862
001-000-316-44-000	Sewer Utility Tax	77,294	76,557	78,732	79,800	82,014
001-000-316-46-000	B & O Cable	56,529	67,119	72,414	63,000	75,560
001-000-316-47-000	B & O Telephone	106,521	92,015	91,744	93,000	76,800
001-000-316-48-000	Garbage Utility Tax	35,503	36,250	32,881	33,000	31,170
001-000-316-81-000	Gambling Tax	2,221	2,899	7,171	3,500	5,500
	Total Taxes	1,249,101	1,305,386	1,429,832	1,436,332	1,572,099
001-000-321-91-000	Cable Franchise Fees	61,317	49,481	49,636	52,000	54,500
001-000-321-99-000	Business License	14,567	14,804	16,638	15,000	16,100
001-000-322-10-100	Buildings, Structures	14,827	39,897	106,630	97,500	36,000
001-000-322-10-200	Permits - Other	6,425	12,999	14,185	9,000	6,500
001-000-322-30-000	Animal Licenses	1,729	1,327	964	1,000	1,300
001-000-322-90-000	Non Business Permits	3,316	1,860	1,519	1,000	2,100
	Total License/Permits	102,181	120,368	189,572	175,500	116,500
001-000-334-04-200	Plan Grant - Dept of Com.	16,970	9,000	4,050	4,500	-
001-000-335-03-910	PUD Privilege Tax	26,945	28,398	28,719	29,000	32,000
001-000-336-00-980	Local Government Assistance	68,517	98,113	110,840	70,000	94,940
001-000-336-06-210	Criminal Justice Funding	1,121	1,225	1,247	1,310	1,507
001-000-336-06-025	CJ Contracted Services (Law)	0	0	-	0	7,936
001-000-336-06-260	CJ Special Programs	2,750	2,969	3,045	2,894	3,554
001-000-336-06-510	DUI Cities	847	839	707	700	750
001-000-337-00-100	Snolsle Utilities					6,000
	Marijuana	0	0	-	0	2819

001-000-336-06-510	Liquor Excise	0	0	53,577	20,732	22,696
001-000-336-06-950	Liquor Board Profits	45,010	50,162	-	40,295	41,067
	Total Intergovernmental	162,160	190,706	202,183	169,431	213,269
001-000-341-81-000	Copies and Certifications	120	191	148	300	400
001-000-341-91-000	Candidate Filing Fees	144	18	264	0	-
001-000-341-99-000	Passport Fees	7,011	9,210	7,595	7,000	8,700
001-000-345-81-000	Zoning and Subdivision Fees	21,912	3,400	1,350	4,000	7,000
001-000-345-83-000	Plan Check Fees	14,660	14,032	31,166	30,000	15,000
001-000-345-85-010	Administrative Fees	0	490	3,010	2,500	1,050
001-000-345-89-010	Prof. - Hearing Examiner	0	100	-	0	-
001-000-345-89-000	Other Environment Protection	1,420	1,000	1,300	1,000	2,000
		45,266	28,442	44,833	44,800	34,150
001-000-353-10-100	District Court	15,557	14,036	15,213	13,000	12,000
001-000-353-10-300	Violations Bureau	1,222	1,006	745	1,500	1,000
001-000-354-10-000	Parking Infractions	0	90	60	100	-
001-000-359-90-000	Animal Control Fines	861	783	1,056	700	800
001-000-359-90-010	Animal Control Fees	103	163	423	300	1,000
	Total Fines/Forfeits	17,742	16,078	17,497	15,600	14,800
001-000-361-11-000	Investment Interest	377	437	1,893	1,000	1,000
001-000-361-40-000	Sales Tax Interest	80	92	218	180	300
001-000-362-40-000	Rents and Royalties	49,838	54,391	47,000	54,860	52,856
001-000-367-11-010	Contributions/Donations	7,738	300	8,110	5,000	1,500
001-000-369-90-000	Miscellaneous /NSF fees	25,638	5,007	19,537	11,000	1,000
	Total Miscellaneous	83,671	60,226	76,757	72,040	56,656
001-000-397-10-100	Operating Transfer In	51,380	56,010	56,011	56,011	56,010
		51,380	56,010	56,011	56,011	56,010
	<b>Total Revenues</b>	<b>1,778,426</b>	<b>1,777,215</b>	<b>2,263,573</b>	<b>1,969,714</b>	<b>2,118,484</b>

## GENERAL FUND EXPENDITURES

### Legislative/Executive Overview

The Executive, Legislative and Administrative budgets work together to develop a vision, fund programs to achieve the vision and harness the city's resources to implement projects and programs to improve the City of Sultan. The City of Sultan operates under the Mayor-Council form of government with a strong mayor. The Mayor-Council form of government consists of two separate and coequal power centers, each directly elected by the people: the Mayor as Chief Executive, and the Council as the municipal legislature.

The 2017 budget reflects an increase for Legislative (Mayor and Council) salaries and benefits based on the recommendation of the Salary Commission in 2017.

The 2017 budget includes \$500 in operating/office supplies for the mayor to recognize citizen's personal contributions and individual staff members for work above and beyond the normal job requirements. The budget includes \$7,000 to provide training to the Mayor and Council members.

### **Council and Executive 2017 Budget**

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
005	<b>Legislative</b>					
001-005-511-60-100	Salaries and Wages	7,700	6,112	6,256	7,998	22,962
001-005-511-60-200	Benefits	1,017	800	479	612	612
001-005-511-60-310	Office/Operating	534	135	357	100	900
001-005-511-60-311	Office/Operating - Mayor	52	35	1,158	500	500
001-005-511-60-430	Travel and Seminars	4,809	5,096	5,082	5,000	7,000
001-005-511-80-490	Voter Registration	5,812	4,805	5,064	5,070	5,500
	Total Legislative	19,926	16,984	18,396	19,280	37,474
Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
010	<b>Executive/Administrative</b>					
001-010-513-10-100	Salaries and Wages	23,001	45,920	43,371	45,035	51,386
001-010-513-10-200	Benefits	6,576	16,532	14,686	16,542	14,791
001-010-513-10-420	Communication	707	1,086	1,300	900	150
001-010-513-10-430	Travel and Seminars	2,511	2,590	1,398	2,000	2,500
001-010-513-10-490	Miscellaneous	50	50	-	100	-
	Total Executive	32,845	66,178	60,754	64,577	68,827

## **Finance Department**

The services provided by the Finance and City Clerk's Office include financial management, clerical assistance to the Council, records management, risk management and legal assistance. The General Fund supports a portion of Finance and Clerk functions. Financial and clerical functions are provided to all funds and expenditures for salaries, benefits and operating expenses are shared by all the funds.

### **Finance 2017 Budget**

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted</b>	<b>2017 Proposed</b>
015	Finance Administration					
001-015-514-23-100	Salaries and Wages	35,668	38,434	46,641	61,128	54,386
001-015-514-23-200	Benefits	15,671	16,700	19,896	27,907	23,356
001-015-514-23-320	Office Supplies	551	448	247	300	150
001-015-514-23-412	Audit Costs	7,032	3,731	9,366	6,000	9,500
001-015-514-23-430	Travel and Seminars	1,274	1,259	1,707	1,500	1,500
001-015-514-23-491	Bank Fees	921	908	619	800	1,200
001-015-514-23-490	Miscellaneous Expense	665	1,063	697	1,000	750
001-015-518-60-460	Judgments/Settlements	0	12,750	-	-	-
	Total Finance	61,782	75,293	79,174	98,635	91,049

## **Grants & Economic Development Department**

The duties of the Grant and Economic Development Department are to assist with the planning and coordinating the annual grant/loan application process for all new grants and loans; organize and conduct interdepartmental and agency meetings to identify and prioritize project funding needs, assist the Mayor with economic development programs and oversee the volunteer program.

### **Grants/Economic Development 2017 Budget**

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted</b>	<b>2017 Proposed</b>
020	Grants					
001-020-514-60-100	Salaries and Wages	24,537	22,244	17,826	18,774	31,277
001-020-514-60-200	Benefits	8,538	7,654	5,037	7,547	13,496
001-020-514-60-311	Economic Development	614	1,187	250	2,000	2,000
001-020-514-60-320	Office Supplies	47	62	51	100	-
001-020-514-60-430	Travel and Seminars	510	288	-	750	750
001-020-514-60-491	Volunteer Program	957	835	1,549	1,000	1,500
	Total Grants	35,203	32,271	24,713	30,171	49,023

## Legal Services

The city contracts with the law firm of Kenyon Disend for general legal services. The law firm of Weed, Graafstra and Benson provides legal assistance with LID issues and public records requests. A portion of the City Clerk's wages are allocated for assistance with lawsuits and risk management. In 2015, legal fees had a significant decrease due to settlements in ongoing litigation.

### **Legal Services 2017 Budget**

<u>Account</u>	<u>Description</u>	<u>2013 Actual</u>	<u>2014 Actual</u>	<u>2015 Actual</u>	<u>2016 Adopted</u>	<u>2017 Proposed</u>
025	Legal Services					
001-025-515-30-100	Salaries and Wages	3,835	3,895	4,060	4,449	5,220
001-025-515-30-200	Benefits	1,543	1,557	1,620	1,894	2,079
001-025-515-30-411	Legal - Litigation Fees	34,370	119,173	52,285	35,000	50,000
001-025-515-70-510	Crime Victim Services	404	150	312	500	400
	Total Legal	40,152	124,775	58,277	41,843	57,699

### Other Government Services:

Other government services are shared expenses that cannot be specifically allocated to a particular budget. Budget items include general office supplies, utility costs, communication, insurance, organization dues and legal notices.

### **2017 Budget**

<u>Account</u>	<u>Description</u>	<u>2013 Actual</u>	<u>2014 Actual</u>	<u>2015 Actual</u>	<u>2016 Adopted</u>	<u>2017 Proposed</u>
035	Other Governmental Services					
001-035-518-90-310	Office/Operating Supplies	9,820	12,121	10,617	10,000	10,500
001-035-518-90-340	Books and Periodicals	5,528	4,710	1,261	1,300	2,500
001-035-518-20-490	Organization Dues	3,670	1,091	5,824	8,600	6,000
001-035-518-90-410	Professional Services	6,154	7,013	4,223	4,000	8,000
001-035-518-90-420	Communication	6,591	6,364	5,694	6,000	6,000
001-035-518-90-440	Advertising and Legal Notices	1,165	2,592	2,024	2,000	2,000
001-035-518-90-460	Insurance	36,174	54,780	43,063	47,000	50,000
001-035-518-90-470	Utilities	4,489	5,436	5,713	5,500	6,200
001-035-518-90-480	Repair and Maintenance	619	318	8,344	500	500
001-035-518-90-490	Miscellaneous	1,453	501	971	1,000	7,300
	Total Other Gov.	75,662	94,926	87,735	85,900	99,000

## LAW ENFORCEMENT OPERATING BUDGET

The police operating budget includes funding to support city staff time for managing the violations bureau (traffic infractions), the professional services contract with the Snohomish County Sheriff's Office and intergovernmental services including SnoPac and the city's proportionate share of the 800 MHz system. Law enforcement agency fees for court costs, prosecuting attorney and jail fees are also covered in the law enforcement budget. Combined, the Law Enforcement and Law Enforcement Agency fees are \$1,184,367. This is approximately 56% of the city's general fund budget.

### Law Enforcement 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
040	Law Enforcement					
001-040-521-20-100	Salaries and Wages	2,003	2,121	1,014	2,411	1,376
001-040-521-20-200	Benefits	856	954	364	1,619	975
001-040-521-20-210	Disability Insurance	12,034	6,666	6,184	6,600	7,000
001-040-521-20-490	Miscellaneous	0	0	6,233	5,100	7,500
001-040-521-20-411	Professional Service - SnoCty	909,980	877,762	909,530	929,725	958,516
001-040-521-20-500	Intergovernmental - SNOPAC	59,731	62,488	60,456	63,000	65,000
001-040-521-20-510	Intergovernmental - 800 MHZ	14,651	14,915	13,751	13,800	16,000
	Total Law	999,254	964,907	997,531	1,022,255	1,056,367

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
045	Law Enforcement Agency Fees					
001-045-521-90-491	Misc- Court Filing Fees	5,756	7,036	8,786	7,000	7,000
001-045-521-90-412	Professional Prosecutor	9,187	8,146	10,560	50,000	54,000
001-045-521-90-411	Public Defender Attorney	17,040	21,670	22,390	22,800	27,000
001-045-521-90-492	Miscellaneous - Jail Fees	34,036	26,182	63,752	40,000	40,000
	Total Law Agency	66,018	63,034	105,488	119,800	128,000

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
050	Emergency Services					
001-050-525-50-310	Operating Supplies	0	75	620	100	2,000
001-050-525-50-480	Repair and Maintenance	0	1,292	-	1,000	3,200
001-050-525-10-510	Depart of Emergency Mgmt	5,177	5,240	5385	5400	5400
	Total Emergency	5,177	6,607	6,005	6,500	10,600

## PLANNING DEPARTMENT

The Planning Department coordinates all planning and land use activities, development regulations, environmental review, building permit process, inspection activities, animal control, and community standards/nuisance abatement codes within the city. The Department leads the Comprehensive Plan development and administration. The Comprehensive Plan is the city's guiding document, describing the vision for the city's future, directing budget and development decisions, and describing the long-term goals and policies for the city.

### Planning 2017 Budget

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted</b>	<b>2017 Proposed</b>
065	Planning and Development					
001-065-558-60-100	Salaries and Wages	77,095	69,482	36,076	37,675	99,007
001-065-558-60-200	Benefits	30,599	29,232	15,445	19,744	45,236
001-065-558-60-310	Office/Operating Supplies	75	125	10	200	200
001-065-558-60-411	Professional Services	531	43,223	18,685	125,000	40,000
001-065-558-60-420	Communication	305	357	126	500	500
001-065-558-60-430	Travel and Seminars	935	627	936	1,500	1,500
001-065-558-60-440	Advertising and Legal Notices	535	497	575	600	600
001-065-558-60-490	Miscellaneous	855	2,262	597	700	1,500
	Total Planning	110,929	145,804	72,451	185,919	188,543

### Building Division

The Building Division manages the application, plan review, inspection, and certification of occupancy for all manner of construction projects in the community. Sultan development regulations and related elements of state and federal laws are enforced through inspections and meetings with property owners to insure code compliance. Non-compliance can result in a STOP WORK order and in some instances, a citation.

The Building Division contracts with the Snohomish County Building Division for plan review and inspection services. The City takes in the permit application and handles the site development components while sending the structural plans to the County. When the plan review is complete, the City issues the permit and coordinates the inspections. The plan review and inspection functions are handled on an on-demand at-cost basis.

## Building Department 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
070	Building and Community Dev.					
001-070-558-50-100	Salaries and Wages	23,761	9,238	15,595	46,877	43,928
001-070-558-50-200	Benefits	11,809	5,173	9,368	30,982	28,634
001-070-558-50-310	Operating Supplies	196	936	290	250	250
001-070-558-50-340	Books and Periodical	0	0	170	100	900
001-070-558-50-410	Professional Services	0	0	-	500	3,000
001-070-558-50-420	Communication	856	863	697	300	500
001-070-558-50-430	Travel and Seminars	690	625	1,610	1,500	1,000
001-070558-50-490	Miscellaneous	160	255	230	200	-
001-070-558-50-510	SnoCty Plan/Building Service	8,477	21,372	33,356	23,000	23,000
	Total Building	45,948	38,462	61,315	103,709	101,212

## Code Enforcement Division

The 2017 budget provides for continuation of the full time Community Services Officer position providing support for Animal Control Services and Land Use Code Enforcement. The job of the code enforcement officer (CSO) is an important part of the effort to provide a safe and healthy environment for the public.

## Code Enforcement 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
060	Code Enforcement					
001-030-554-30-100	Salaries and Wages	20,289	25,454	49,503	27,878	28,327
001-030-554-30-200	Benefits	5,465	6,759	20,505	21,870	23,201
001-030-554-30-310	Office/Operating Supplies Vehicle	2,767	1,106	1,643	1,000	2,000
001-030-554-30-360	Operation/Maintenance	337	7,364	514	500	200
001-030-554-30-410	Professional Services	124	124	2,129	2,000	500
001-030-554-30-430	Travel and Seminars	25	250	-	1,000	500
	Total Code	29,007	41,056	74,293	54,248	54,728

## **Public Health and Library:**

The General Fund has budget departments for Public Health. The City annexed into the Sno-Isle Library District in 2009. The City pays for insurance and building maintenance and utilities. Sno-Isle reimburses the city for 50% of the electrical and gas utility bills.

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted</b>	<b>2017 Proposed</b>
<b>075</b>	<b>Public Health</b>					
001-075562-50-510	Intergovernmental	1,063	753	1,327	1,200	1,200
	Total Health	1,063	753	1,327	1,200	1,200
<b>080</b>	<b>Library</b>					
001-080-572-20-470	Utilities	6,696	5,802	5,784	6,500	6,500
	Total Library	6,696	5,802	5,784	6,500	6,500

## **PARKS**

The public works department, with the assistance of community volunteers, maintains the city's parks, open spaces and trails. The city has over 168 acres of parks, open spaces and trails. This provides a high level of service (35.74 acres/1,000 residents).

The parks operating budget is part of the city's general fund budget. Revenues dedicated to the parks budget are used to support staff and resources to maintain the city's six parks, trails and open space areas. The parks budget "competes" with other general fund priorities such as finance, planning, building, code enforcement, animal control and public safety.

The 2017 budget includes increased staffing to maintain Sultan's parks. The Council has set a goal to enhance economic development and to beautify the downtown and highway corridors.

## **Park 2017 Budget**

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted</b>	<b>2017 Proposed</b>
<b>085</b>	<b>Parks and Recreation</b>					
001-085-576-80-100	Salaries and Wages	32,985	40,278	38,781	44,825	73,903
001-085-576-80-200	Benefits	12,598	14,781	16,172	21,265	36,436
001-085-576-80-220	Uniforms	339	154	340	250	800
001-085-576-80-310	Office/Operating Supplies	3,678	4,117	7,652	4,500	7,500
001-085-576-80-350	Small Tools/Minor Equipment	1,263	782	1,795	1,000	1,000
001-085-576-80-360	Vehicle Maintenance	1,546	1,263	1,390	1,600	1,400
001-085-576-80-370	Vehicle Repair	488	457	1,506	600	500
001-085-576-80-420	Communication	638	738	824	800	800

001-085-576-80-430	Travel and Seminars	15	265	266	300	372
001-085-576-80-450	Rentals	0	0	137	-	-
001-085-576-80-460	Insurance	3,035	0	-	-	-
001-085-576-80-470	Utilities	117	3,167	3,954	3,300	4,000
001-085-576-80-480	Repair and Maintenance	109	10	110	3,000	2,500
001-085-576-80-490	Miscellaneous	146	199	658	100	100
001-085-594-80-640	Capital - Equipment	73	0	53	3,000	4,800
001-085-597-55-000	Operating Transfer Out	1,000	0	3,000	7,000	3,000
	Total Parks	58,028	66,212	76,637	91,540	137,111

**Interfund Transactions:**

Includes the transfers to the IT fund

**2017 Budget**

<u>Account</u>	<u>Description</u>	<u>2013 Actual</u>	<u>2014 Actual</u>	<u>2015 Actual</u>	<u>2016 Adopted</u>	<u>2017 Proposed</u>
E90	Interfund Services					
001-090-597-55-000	Operating Transfer Out -100	27,121	0	6,798	14,695	-
001-090-597-55-000	Operating Transfer Out -113	0	0	-	8,500	12,500
001-090-597-55-001	Operating Transfer Out - 114	9,000	9,000	9,000	12,000	12,000
		36,121	9,000	15,798	35,195	24,500

**The total for the General fund expenditures for 2017 is:**

	<u>2013 Actual</u>	<u>2014 Actual</u>	<u>2015 Actual</u>	<u>2016 Adopted</u>	<u>2017 Proposed</u>
<b>Total Expenditures</b>	<b>1,623,812</b>	<b>1,752,066</b>	<b>1,745,676</b>	<b>1,967,272</b>	<b>2,111,833</b>
<b>Fund Balance</b>	<b>154,614</b>	<b>25,150</b>	<b>517,897</b>	<b>2,442</b>	<b>6,651</b>

# General Fund Contingency

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## 100 General Fund Contingency

In 2006, the City established a General Fund Contingency and General Fund Reserve Fund with the intent of providing an emergency fund. The intent of the funds is to provide reserves for unexpected events or emergencies.

RCW 35A.33.145 provides that “the total amount accumulated in such fund at any time shall not exceed the equivalent of thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the city at such time”. The current assessed value of the property for 2016 is \$368,901,951 (estimate). This currently limits the amount allowed to be accumulated in the fund to \$138,338.

Transfers for 2017 will be completed as part of the annual report closeout process. The fund has a current balance of \$123,166.

## 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
100-000-308-80-000	Beginning Fund Balance	55,642	65,760	65,919	-	-
100-000-361-11-000	Investment Interest	118	158	449		
100-000-397-40-400	Operating Transfer In	10,000	0	56,798	14,695	-
	Total Revenue	65,760	65,918	123,166	14,695	-
Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
100-100597-60-000	Operating Transfer Out	0	0	-	-	-
	Total Expense	0	0	0	0	-
	Ending Fund Balance	65,760	65,918	123,166	14,695	-

## 109 Community Improvement Fund

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The Community Improvement Fund is used to track revenues and expenditures for community oriented programs and improvements. The City partners with the School District and VOA to operate and fund the Safe Stop program.

The City will contribute \$1,500 in 2016 from Criminal Justice Special programs funds.

### 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
109-000-308-80-000	Beginning Fund Balance	254,205	151,476	80,760	-	-
109-000-336-06-260	CJ Special Prog - Safe Sto	1,421	1,470	1,522	1,500	1,500
109-000-361-11-000	Investment Interest	323	194	-		
109-000-397-10-100	Operating Transfer In	0	0	-		
	Total Revenue	255,949	153,140	82,282	1,500	1,500
Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
109-109-594-90-640	Capital Outlay	104,190	70,881	1,500	-	-
109-109-571-10-310	Supply - Safe Stop	283	1,500	905	1,500	1,500
109-109-597-10-000	Operating Transfer Out	0	0	80,000		
	Total Expense	104,473	72,381	82,405	1,500	1,500
	Ending Fund Balance	151,476	80,760	-123	0	-

## 113 BUILDING MAINTENANCE AND REPAIR FUND

The City of Sultan owns, operates and maintains a variety of buildings housing government and non-profit organizations. City facilities include city hall, public works field and food bank, public works shop, police station, post office, and visitor information center.

The Building Maintenance Fund amount in 2017 from the Utility tax collections will be approximately \$14,100. It covers anticipated normal, routine maintenance expenditures of approximately \$24,000. The annual expenditures include fire protection inspections, HVAC inspections, elevator maintenance and inspection, labor and industries inspections, light bulb replacements, etc.

Building Maintenance expenditures being proposed in 2017 are limited to basic maintenance. Maintenance activity is proposed to be limited to light bulb and ballast replacement, janitorial services, elevator maintenance, fire extinguisher maintenance services, fire alarm testing services, and servicing the Community Center HVAC system.

### 2017 Budget

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
113-000-308-80-000	Beginning Fund Balance	11,357	47,617	9,244	12,000	-
113-000-316-41-000	Utility Tax - Electrical	7,873	8,318	8,502	8,700	9,200
113-000-316-43-000	Utility Tax - Gas	1,763	2,013	1,530	2,200	2,200
113-000-316-47-000	Utility Tax - Telephone	3,314	3,113	3,194	3,800	2,700
113-000-361-11-000	Investment Interest	80	7	363	200	200
113-000-397-40-400	Operating Transfer In	78,502	28,000	116,500	8,500	12,500
	Total Revenues	102,889	89,068	139,332	35,400	26,900

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
113-113-518-30-100	Salary and Wages	13,354	12,972	12,294	10,060	10,968
113-113-518-30-200	Benefits	4,857	4,452	4,447	4,427	5,568
113-113-518-30-310	Operating Supply	23,050	2,823	2,059	1,000	700
113-113518-30-480	Repair and Maintenance	6,429	11,890	8,510	9,500	9,600
113-113594-00-620	Capital - Buildings	7,003	53,617	15,254	10,000	-
	Total Expenditures	54,693	85,754	42,564	34,987	26,900
	Ending Balance	48,196	3,314	96,768	413	0

## 114 Information Technology (IT) Fund

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### **IT Fund:**

In 2009, the city began the process of standardizing computers and servers in all city departments. The information technology fund was created to track the cost of information technology services. Revenues are provided from interfund transfers from the operating budget.

Funds have been set aside funds in the 2017 budget to accumulate for future purchases and upgrades to the server system. The city purchased laptops for the Mayor and Council in 2015.

Large expenditures such as upgrading software and computers are saved for over several years with the interfund payments held in the information technology fund until sufficient revenues are collected.

The City will upgrade the Springbrook Financial system from V7 to V18 in 2017. The cost of the upgrade is \$25,000.

### **2017 Budget:**

Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
114-000-308-80-000	Beginning Fund Balance	8,479	2,541	36,004	-	17,134
114-000-361-11-000	Investment Interest	5	86	248	150	150
114-000-397-50-500	Operating Transfer In	44,494	60,100	64,100	67,100	73,716
	Total Revenue	52,978	62,727	100,352	67,250	91,000
Account	Description	2013 Actual	2014 Actual	2015 Actual	2016 Adopted	2017 Proposed
114-114-518-80-310	Operating Supply	1,502	0	-	-	-
114-114-518-80-410	Professional Service	33,329	24,296	27,212	27,000	30,000
114-114-518-80-480	Repair and Maintenance	12,855	375	2,102	1,000	1,000
114-114-594-80-640	Capital - Equipment	2,751	2,053	3,160	10,500	60,000
	Total Expense	50,437	26,724	32,474	38,500	91,000
		2,541	36,004	67,877	28,750	0

## **115 Insurance Claim Fund**

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The purpose of the Insurance Claim fund is to track revenues and expense associated with claims filed by the City against a third party for damages to City property or unforeseen disasters.

The City does not budget for insurance claims and losses. A budget amendment is completed in November to cover any cost incurred during the year.

**SULTAN CITY COUNCIL  
AGENDA COVER SHEET**

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**ITEM NUMBER:** Public Hearing 3.2  
**DATE:** November 3, 2016  
**SUBJECT:** Public Works Funds Expenditures  
**CONTACT PERSON:** Mick Matheson, P.E., Public Works Director

**ISSUE:**

- Review the proposed expenditure budgets for the operating funds
- Determine if additional expenditures are needed
- Determine if expenditures should or can be delayed

**PUBLIC WORKS FUNDS**

The City's goal is to lead a well equipped and effective staff in serving the Citizens of Sultan. As the City continues to grow and develop so will the Public Works Department in providing services in a professional manner.

The Public Works Department serves the citizens of Sultan with a wide variety of services, as well as being an integral part of Sultan governmental offices. The divisions within Public Works operations and maintenance are Streets, Cemetery, Water, Sewer, Garbage and Stormwater. Public Works is also responsible for maintenance of the parks and city buildings. Those budgets included in the General Fund portion of the budget.

The City has 6 Public Works Operating Funds:

- 101 Street
- 103 Cemetery
- 400 Water
- 401 Sewer
- 402 Garbage
- 406 Storm

With the exception of the Street Fund (which is technically part of the General fund and tax supported) the funds are enterprise funds and must be self-supporting.

**2017 STREET OPERATING FUND**

The Street Fund is used to repair and maintain the City's streets, sidewalks, alley ways, trails, signs, and vegetation (street trees and grass strips). The City has approximately 31 miles (62 lane miles) of roadways and trails, 600 signs, and 150 trees.

Although the Street Fund is not a part of the city's general fund budget, the two funds share operating revenues. The Street operating budget is supported by property taxes, utility taxes, B & O taxes and the motor vehicle excise tax which is dedicated solely to the Street Operating Fund.

### **Street Fund Operating Expenditures**

The Street Fund has a surplus of \$146.01.

The \$20,000 expenditure for professional services to update the Transportation Element of the City's Comprehensive Plan is now proposed to be paid using General Fund monies in lieu of Street Fund Operating dollars.

An expenditure of \$5,000 is planned to start dealing with street sweeping debris that has accumulated at the Public Works yard that must be incinerated or disposed of at an approved waste receiving site.

The Street Funds proposed proportionate contribution to the Equipment replacement fund (Operating Transfer Out to Fund 104) is \$3,000. This contribution proposes a set aside of \$3,000 for a side arm mower.

Salaries and benefits are increased by \$11,997 in 2017 in anticipation of receiving a Transportation Improvement Board grant for the 1<sup>st</sup> and 8<sup>th</sup> Street projects.

Similar to 2016, the Public Works Director is projected to be spending less time in the Street Fund than in past few years as development activity is picking up, and more time is likely to be spent working with developers and providing plan review services.

Street fund expenditures in 2016 such as a chip seal project, matching funds for TIB grants, and speed cushions are anticipated to be funded using REET 2 instead of operating funds.

The Street Fund is an annual problem. Revenues generated to supply the fund are simply not adequate to meet maintenance expenditures. The City of Sultan has traditionally relied on grants to pay for Transportation projects and traditional funding sources are drying up. The Community Block Grant (CDBG) program is now only available for properties west of the Sultan River. **The downtown area of Sultan is no longer eligible for CDBG grants.** The Surface Transportation Program (STP) that funded the design of the Sultan River Pedestrian Bridge and the Sultan Basin Overlay project had a rural set-aside for communities of less than 5,000 residents. The Federal Highway Administration that administers STP grants recently made the determination that Sultan, Gold Bar, and Index **are no longer rural** and are not eligible for a rural set-aside.

The bottom line is that Sultan residents will need to pay more in the future to maintain their street system. Several Snohomish County cities (Snohomish, Monroe, Stanwood) have adopted Transportation Benefit Districts in order to increase revenue to maintain streets. Council should consider taking this step in 2017.

**STREET FUND**

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
101-000-308-80-000	Beginning Fund Balance	\$25,262	\$17,091	\$0	\$0
101-000-311-10-000	Real and Personal Property Tax	\$21,535	\$28,713	\$53,177	\$50,000
101-000-316-41-000	B & O Electric	\$37,894	\$38,730	\$36,000	\$37,521
101-000-316-43-000	Utility Tax Gas	\$4,701	\$3,580	\$4,000	\$4,000
101-000-316-47-000	Utility Tax Telephone	\$7,104	\$7,003	\$7,500	\$7,000
101-000-322-40-000	Street/Curb Permits -ROW	\$1,850	\$1,700	\$2,000	\$2,000
101-000-336-00-710	Multimodal Trans - City	\$0	\$0	\$0	\$5,103
101-000-336-00-870	Motor Vehicle Excise Tax	\$96,125	\$98,301	\$100,948	\$105,753
101-000-361-11-000	Investment Interest	\$38	\$108	\$400	\$200
101-000-397-10-100	Operating Transfer In	\$0	\$22,500	\$0	\$0
		<b>\$194,508</b>	<b>\$217,727</b>	<b>\$204,025</b>	<b>\$211,577</b>

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
101-150-542-30-100	Salaries and Wages	\$66,809	\$76,248	\$81,377	\$89,474
101-150-542-30-200	Employee Benefits	\$23,707	\$28,476	\$35,487	\$39,387
101-150-542-30-220	Uniforms	\$195	\$506	\$700	\$900
101-150-542-30-310	Office/Operating Supplies	\$3,793	\$6,438	\$4,710	\$5,680
101-150-542-30-320	Office Supplies	\$2,158	\$1,857	\$1,750	\$1,700
101-150-542-30-350	Small Tools/Minor Equipment	\$925	\$1,425	\$1,000	\$1,470
101-150-542-30-360	Vehicle Operation/Maintenance	\$1,286	\$1,359	\$2,050	\$1,800
101-150-542-30-370	Vehicle Repair	\$564	\$1,543	\$1,000	\$5,000
101-150-542-30-410	Professional Services	\$3,983	\$9,577	\$0	\$2,000
101-150-542-30-420	Communication	\$2,848	\$3,238	\$3,300	\$3,300
101-150-542-30-430	Travel and Seminars	\$991	\$844	\$650	\$920
101-150-542-30-460	Insurance	\$11,828	\$7,039	\$8,000	\$7,100
101-150-542-30-490	Miscellaneous	\$2,520	\$1,531	\$200	\$200
101-150-594-30-630	Capital - Improvements	\$0	\$0	\$0	\$0
101-150-594-30-640	Capital - Equipment and Signs	\$729	\$3,641	\$5,000	\$6,500
101-150-597-30-000	Operating Transfer Out - 104	\$0	\$0	\$15,000	\$3,000
101-150-597-50-010	Operating Transfer Out - 114	\$3,500	\$3,500	\$3,500	\$3,500
101-160-542-30-480	Repair and Maintenance	\$0	\$372	\$500	\$500
101-160-542-63-470	Utilities	\$35,271	\$39,308	\$34,000	\$34,000
101-160-542-66-310	Snow and Ice Control	\$0	\$0	\$0	\$0
101-160-542-67-310	Street Cleaning	\$0	\$0	\$0	\$5,000
		<b>\$161,107</b>	<b>\$186,902</b>	<b>\$198,224</b>	<b>\$211,431</b>

DIFFERENCE

\$146

## 2017 CEMETERY OPERATING FUND

### Cemetery Fund Operating Expenditures

The Cemetery Fund has a surplus of \$316.25.

Salaries and benefits are currently proposed to be decreased by \$3,637 in 2017. It is anticipated that the City will hire two seasonal employees with minimal overlap in 2017 to help maintain the cemetery. Seasonal employees have a lower salary than full time Public Works employees and receive no benefits. Having seasonal employees working more at the cemetery and less time by more experienced staff members results in a savings to the cemetery fund.

Professional services are a "pass-through" cost and lowering this expenditure will not solve the issue.

### CEMETERY FUND

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
103-000-308-80-000	Beginning Fund Balance	-\$9,982	-\$8,470	\$2,304	\$0
103-000-343-60-000	Cemetery Fees	\$20,844	\$41,699	\$25,000	\$20,168
103-000-361-11-000	Investment Interest	\$12	\$69	\$400	\$200
103-000-367-11-000	Contributions - Cemetery Impro	\$0	\$0	\$0	\$0
		<b>\$10,874</b>	<b>\$33,298</b>	<b>\$27,704</b>	<b>\$20,368</b>

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
103-103-536-10-010	Salaries and Wages	\$10,295	\$11,297	\$10,207	\$7,848
103-103-536-10-200	Benefits	\$4,251	\$5,060	\$5,097	\$3,819
103-103-536-10-220	Uniforms	\$0	\$156	\$200	\$0
103-103-536-10-310	Operating Supplies	\$29	\$8	\$400	\$150
103-103-536-10-320	Office Supplies	\$0	\$0	\$0	\$0
103-103-536-10-340	Items for Resale	\$2,183	\$2,770	\$1,000	\$500
103-103-536-10-350	Small Tools/Minor Equipment	\$0	\$0	\$0	\$335
103-103-536-10-360	Vehicle Operation/Maintenance	\$359	\$398	\$800	\$400
103-103-536-10-370	Vehicle Repair	\$0	\$0	\$0	\$0
103-103-536-10-410	Professional Services	\$3,751	\$9,943	\$8,000	\$5,000
103-103-536-10-420	Communication	\$0	\$0	\$0	\$0
103-103-536-10-460	Insurance	\$1,500	\$1,446	\$1,500	\$1,500
103-103-536-10-480	Repair and Maintenance	\$0	\$0	\$0	\$0
103-103-594-10-620	Capital - Buildings	\$0	\$0	\$0	\$0
103-103-594-10-640	Capital - Equipment	\$0	\$0	\$0	\$0
103-103-597-40-000	Operating Transfers Out	\$0	\$500	\$500	\$500
103-900-508-80-000	Ending Fund Balance	\$0	\$0	\$0	\$0
		<b>\$22,368</b>	<b>\$31,579</b>	<b>\$27,704</b>	<b>\$20,052</b>

DIFFERENCE

\$316

## 2017 WATER OPERATING FUND

### Water Fund Operating Expenditures

The Water Fund is \$82,321 out of balance due to a number of factors.

There is an estimated \$35,000 expenditure for Professional Services for the completion of the 2017 Water System Plan Element of the Comprehensive Plan Update.

The City is also planning a rate study for Water with Katy Isaksen & Associates. The current plan is to adopt a new water rate for 2017 in November 2016 to bring the 2017 Water Operating fund into balance. Ms. Isaksen is scheduled to provide Council with a presentation at the November 17, 2016 council meeting. The City will work with Ms. Isaksen in 2017 to prepare a longer term rate study with the idea of increasing rates to fund Capital Improvements identified in the 2017-2027 Water Capital Improvement Plan. The 2017 rate study is proposed to be funded using Capital Reserves (not operating funds).

The current budget shows a \$11,500 Operating Transfer Out for Equipment Replacement (104). This involves setting money aside to go towards the purchase of a used utility truck (\$2,500), a side arm mower (\$6,000), a replacement lawn mower (\$2,000), and a bucket truck (\$1,000). Council may choose to remove these expenditures from the operating budget.

Salaries and benefits are increased by \$31,723 in 2017. The City Administrator is projected to spend additional time associated with the rate study and the financial chapter of the Water System Plan. Public works staff are projected to spend additional time reviewing and helping produce the Water System Plan.

Capital Equipment has increased by \$11,000 in 2017 due to a proposed expenditure for small motors, breakers, samplers, etc.

### WATER FUND

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
400-000-308-80-000	Beginning Fund Balance	-\$438,831	-\$526,412	\$59,745	\$0
400-000-337-00-000	Startup Water District	\$0	\$36,203	\$0	\$36,000
400-000-341-82-100	Engineering Review Services	\$0	\$1,607	\$0	\$0
400-000-343-40-000	Water Service	\$976,467	\$1,053,648	\$1,056,068	\$1,020,625
400-000-343-40-100	Authorization to Bill Rentor	\$0	\$485	\$0	\$500
400-000-343-40-200	Late Fees - Water Service	\$0	\$22,134	\$0	\$17,000
400-000-359-10-000	Turn On/Off Fees	\$7,584	\$9,550	\$9,000	\$9,500
400-000-361-11-000	Investment Interest	\$835	\$1,353	\$500	\$500
400-000-369-90-000	Miscellaneous	\$43,877	\$0	\$25,000	\$4,000
400-000-379-10-000	Water Connection Charges	\$7,801	\$18,950	\$15,600	\$6,000
400-000-397-10-100	Operating Transfer In	\$0	\$0	\$0	\$0
		<b>\$597,733</b>	<b>\$617,517</b>	<b>\$1,165,913</b>	<b>\$1,094,125</b>

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
400-400-534-80-100	Salaries and Wages	\$294,358	\$335,693	\$334,344	\$353,760
400-400-534-80-200	Benefits	\$131,893	\$149,197	\$159,512	\$171,819
400-400-534-80-220	Uniforms	\$907	\$1,471	\$1,400	\$1,600
400-400-534-80-310	Operating Supply	\$49,029	\$70,518	\$64,885	\$60,705
400-400-534-80-320	Office Supplies	\$3,141	\$2,760	\$2,700	\$4,000
400-400-534-80-350	Small Tools/Minor Equipment	\$6,171	\$2,098	\$10,500	\$12,890
400-400-534-80-360	Vehicle Operation/Maintenance	\$6,220	\$8,799	\$7,825	\$6,825
400-400-534-80-370	Vehicle Repair	\$498	\$1,201	\$1,000	\$5,000
400-400-534-80-410	Professional Service - General	\$21,283	\$50,466	\$100,000	\$25,000
400-400-534-80-411	Professional Service - Other	\$0	\$0	\$0	\$10,000
400-400-534-80-420	Communication	\$10,337	\$12,015	\$10,000	\$10,000
400-400-534-80-430	Travel and Seminars	\$4,133	\$7,087	\$5,205	\$4,080
400-400-534-80-450	Rentals	\$1,772	\$1,604	\$1,000	\$1,000
400-400-534-80-460	Insurance	\$49,530	\$40,579	\$47,000	\$47,000
400-400-534-80-470	Utilities	\$34,235	\$19,709	\$35,000	\$20,000
400-400-534-80-471	Water Service - Everett	\$4,569	\$19,391	\$7,000	\$7,500
400-400-534-80-480	Repair and Maintenance	\$20,476	\$10,392	\$30,975	\$28,975
400-400-534-80-490	Miscellaneous	\$8,280	\$8,311	\$9,250	\$9,249
400-400-534-80-491	Water - Testing	\$4,085	\$4,480	\$5,000	\$5,000
400-400-534-80-510	Taxes - Excise	\$51,480	\$57,073	\$53,000	\$56,400
400-400-594-80-620	Capital - Buildings	\$624	\$1,797	\$500	\$0
400-400-594-80-640	Capital - Equipment	\$10,572	\$3,132	\$6,500	\$17,500
400-400-597-20-000	Operating Transfer Out - 412	\$133,088	\$109,476	\$115,864	\$122,251
400-400-597-20-050	Operating Transfer Out - 403	\$50,000	\$171,700	\$172,650	\$148,405
400-400-597-30-010	Operating Transfer Out - 104	\$8,000	\$0	\$0	\$11,500
400-400-597-30-030	Operating Transfer Out - 409	\$18,500	\$0	\$0	\$0
400-400-597-50-020	Operating Transfer Out - 114	\$25,803	\$13,000	\$13,000	\$19,184
400-400-597-50-040	Operating Transfer Out - 001	\$0	\$16,803	\$16,803	\$16,803
		<b>\$948,984</b>	<b>\$1,118,753</b>	<b>\$1,210,913</b>	<b>\$1,176,446</b>
	DIFFERENCE				-\$82,321

## **2017 SEWER OPERATING FUND**

### **Sewer Fund Operating Expenditures**

The Sewer Fund has a surplus of \$3,040.

Salaries and benefits are increased by \$43,595 in 2017. The City Administrator is projected to spend additional time associated with the rate study and financial chapter of the General Sewer Plan. Public works staff are projected to spend additional time reviewing and helping produce the General Sewer Plan.

The Public Works Director is projected to spend more time working with the new Wastewater Treatment Supervisor in 2017 due to the retirement of the former Supervisor. In addition, the new Wastewater Treatment Plant Supervisors negotiated wage at the time of hire will be implemented to be competitive with others in the industry with the same certifications necessary to operate the Wastewater Treatment Plant.

The Public Works Director, City Administrator, and Finance Director are projected to be involved in the development of a Latecomers Agreement for a sanitary sewer extension on 1<sup>st</sup> Street from High Avenue to Trout Farm Road dependent on the City receiving Transportation Improvement Board funding for the transportation element of this project.

A \$27,000 Professional Services expenditure is proposed to finalize the General Sewer Plan in 2017.

The City will be working with Katy Isaksen & Associates in 2017 to conduct a rate study for Sewer. Rate study expenditures are proposed to be paid with Sewer Capital Reserves (not operating funds).

An \$11,000 increase is proposed in 2017 for Vehicle Repair.

A \$50,000 Capital Equipment expenditure is proposed for the purchase of a remote controlled main line camera.

The current budget shows a \$34,000 Operating Transfer Out for Equipment Replacement (104). This involves setting money aside to go towards the purchase of a utility truck (\$25,000), a side arm mower (\$6,000), a replacement lawn mower (\$2,000), and a bucket truck (\$1,000).

Based on Council direction at the September 17, 2016 budget retreat, \$75,600 is proposed as an Operating Transfer Out to Fund 207 (LID Guaranty and Bond Fund).

**SEWER FUND**

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
401-000-308-80-000	Beginning Fund Balance	-\$484,041	-\$510,192	\$0	\$0
401-000-341-82-100	Engineering Service	\$0	\$1,607	\$0	\$0
401-000-342-00-200	Sewer Inspection Fee	\$2,250	\$11,000	\$5,000	\$3,750
401-000-343-50-000	Sewer Service	\$1,277,056	\$1,311,683	\$1,325,039	\$1,333,757
401-000-343-50-200	Late Fees - Sewer Service	\$0	\$15,281	\$0	\$9,000
401-000-361-11-000	Investment Interest	\$1,191	\$2,259	\$500	\$500
401-000-369-90-000	Miscellaneous	\$41,359	\$0	\$17,500	\$0
401-000-369-91-000	Rebate	\$0	\$3,938	\$0	\$0
		<b>\$837,816</b>	<b>\$835,575</b>	<b>\$1,348,039</b>	<b>\$1,347,007</b>

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
401-401-535-80-100	Salaries and Wages	\$253,334	\$269,532	\$275,957	\$310,596
401-401-535-80-200	Benefits	\$100,982	\$108,249	\$121,272	\$143,038
401-401-535-80-220	Uniforms	\$995	\$1,127	\$1,300	\$2,000
401-401-535-80-310	Operating Supplies	\$15,941	\$14,021	\$41,085	\$39,930
401-401-535-80-320	Office Supplies	\$3,498	\$2,789	\$3,000	\$4,000
401-401-535-80-350	Small Tools/Minor Equipment	\$1,173	\$2,731	\$6,650	\$13,460
401-401-535-80-360	Vehicle Operation Maintenance	\$3,006	\$3,503	\$10,800	\$7,800
401-401-535-80-370	Vehicle Repair	\$301	\$1,084	\$2,000	\$13,000
401-401-535-80-410	Professional Service	\$26,491	\$50,912	\$97,000	\$40,000
401-401-535-80-411	Services - Sludge Hauling	\$14,097	\$5,048	\$10,000	\$20,000
401-401-535-80-413	Professional - Engineers	\$4,129	\$0	\$0	\$13,000
401-401-535-80-420	Communication	\$11,273	\$12,823	\$13,000	\$13,000
401-401-535-80-430	Travel and Seminars	\$2,611	\$1,881	\$3,405	\$3,180
401-401-535-80-450	Rentals	\$7,523	\$6,248	\$13,226	\$6,000
401-401-535-80-460	Insurance	\$65,780	\$54,071	\$56,000	\$58,000
401-401-535-80-470	Utilities	\$40,699	\$42,810	\$40,000	\$40,000
401-401-535-80-480	Repair and Maintenance	\$51,258	\$42,371	\$67,575	\$49,500
401-401-535-80-490	Miscellaneous	\$7,457	\$7,598	\$4,754	\$12,000
401-401-535-80-491	Sewer - Testing	\$1,682	\$1,968	\$1,500	\$1,700
401-401-535-80-510	Taxes - Excise	\$28,603	\$29,776	\$30,000	\$32,400
401-401-594-80-620	Capital - Buildings	\$87,799	\$1,510	\$0	\$20,000
401-401-594-80-640	Capital - Equipment	\$26,063	\$341	\$30,000	\$81,000
401-401-597-20-000	Operating Transfer Out - 413	\$324,608	\$183,182	\$181,756	\$72,655
401-401-597-20-040	Operating Transfer Out - 403	\$50,000	\$171,700	\$172,650	\$68,245
401-401-597-30-010	Operating Transfer Out - 104	\$34,000	\$37,000	\$35,000	\$34,000
401-401-597-30-030	Operating Transfers Out - 407	\$65,000	\$100,000	\$70,000	\$132,400
401-401-597-50-020	Operating Transfers Out - 114	\$35,403	\$18,600	\$18,600	\$20,660
401-401-597-50-040	Operating Transfer Out - 001	\$0	\$16,803	\$16,803	\$16,803
401-401-597-50-040	Operating Transfer Out - 207	\$0	\$0	\$0	\$75,600
		<b>\$1,263,705</b>	<b>\$1,187,677</b>	<b>\$1,323,333</b>	<b>\$1,343,967</b>

DIFFERENCE

\$3,040

## 2017 GARBAGE OPERATING FUND

### Garbage Fund Operating Expenditures

The Garbage Fund has a \$914 surplus.

Salaries and benefits are increased by \$252 in 2017 primarily due to an increase in benefit costs; labor costs are down from 2015 due to the reduction in staff required to operate the garbage service after the City purchased the new garbage truck with an automated lift arm.

The budget shows a \$37,500 Operating Transfer Out for Equipment Replacement (104) to go towards the future purchase of a new garbage truck.

#### GARBAGE FUND

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
402-000-308-80-000	Beginning Fund Balance	-\$31,516	-\$99,904	\$0	\$0
402-000-316-48-000	Garbage State Tax	\$20,580	\$19,333	\$20,064	\$18,500
402-000-321-91-000	Garbage Franchise Fees	\$3,256	\$3,263	\$3,500	\$3,800
402-000-333-03-100	Coordinated Prevention Grant	\$2,211	\$3,878	\$1,600	\$1,600
402-000-343-70-000	Garbage/Solid Waste	\$592,059	\$545,478	\$557,340	\$531,895
402-000-343-70-100	Recycling Charges	\$166,456	\$175,191	\$177,816	\$180,196
402-000-361-11-000	Investment Interest	\$814	\$1,172	\$500	\$500
402-000-362-20-000	Dumpster Delivery Charges	\$21,136	\$20,665	\$20,940	\$20,950
402-000-369-90-000	Miscellaneous	\$531	\$339	\$500	\$0
		<b>\$775,528</b>	<b>\$669,414</b>	<b>\$782,260</b>	<b>\$757,441</b>

Account Number	Description	2014 Actual	2015 Actual	2016 Adopted Budget	2017 Budget Requested
402-402-537-80-100	Salaries and Wages	\$146,406	\$153,036	\$137,507	\$136,852
402-402-537-80-200	Benefits	\$63,126	\$69,253	\$69,887	\$70,794
402-402-537-80-220	Uniforms	\$718	\$862	\$1,000	\$1,400
402-402-537-80-310	Operating Supplies	\$2,804	\$4,571	\$5,000	\$3,750
402-402-537-80-320	Office Supplies	\$2,592	\$2,463	\$2,400	\$4,000
402-402-537-80-350	Small Tools/Minor Equipment	\$1,054	\$1,808	\$2,000	\$2,485
402-402-537-80-360	Vehicle Operation/Maintenance	\$19,247	\$15,628	\$16,000	\$22,600
402-402-537-80-370	Vehicle Repair	\$7,404	\$724	\$7,000	\$3,000
402-402-537-80-380	CPG Grant - Clean UP	\$897	\$3,061	\$1,600	\$1,600
402-402-537-80-410	Professional	\$4,105	\$19,143	\$9,700	\$1,000
402-402-537-80-420	Communication	\$8,053	\$7,981	\$8,500	\$8,500
402-402-537-80-430	Travel and Seminars	\$800	\$1,354	\$1,400	\$680
402-402-537-80-460	Insurance	\$33,461	\$27,999	\$31,000	\$31,000
402-402-537-80-470	Utilities	\$2,077	\$1,983	\$2,000	\$2,000
402-402-537-80-480	Repair and Maintenance	\$9,061	\$2,068	\$3,000	\$1,975
402-402-537-80-490	Miscellaneous	\$2,490	\$3,503	\$2,600	\$2,700
402-402-537-80-500	Intergovernmental - Recycle	\$143,517	\$147,135	\$150,000	\$151,728

402-402-537-80-510	Intergovernmental - Disposal F	\$182,982	\$183,098	\$192,000	\$192,000
402-402-537-80-520	Taxes - Excise	\$30,050	\$28,402	\$30,000	\$31,000
402-402-594-80-620	Capital Outlay - Buildings	\$0	\$1,510	\$0	\$3,000
402-402-594-80-640	Capital Outlay - Equipment	\$14,009	\$0	\$10,000	\$15,000
402-402-597-30-000	Operating Transfer Out - 104	\$31,000	\$50,000	\$60,000	\$37,500
402-402-597-50-010	Operating Transfer Out - 114	\$32,803	\$16,000	\$16,000	\$15,160
402-402-597-50-040	Operating Transfer - 001	\$0	\$16,803	\$16,803	\$16,803
		<b>\$738,657</b>	<b>\$758,383</b>	<b>\$775,397</b>	<b>\$756,527</b>

DIFFERENCE

\$914

## **2017 STORMWATER OPERATING FUND**

### **Stormwater Fund Operating Expenditures**

The Stormwater Fund is \$17,470 out of balance.

Salaries and benefits are decreased by \$7,243 in 2017.

The City is planning a rate study for Stormwater with Katy Isaksen & Associates. The current plan is to adopt a new stormwater rate for 2017 in November 2016 to bring the 2017 Water Operating fund into balance. Ms. Isaksen is scheduled to provide Council with a presentation at the November 17, 2016 council meeting. The City will work with Ms. Isaksen in 2017 to prepare a longer term rate study with the idea of increasing rates to fund Capital Improvements identified in the 2017-2027 Stormwater Capital Improvement Plan. The 2017 rate study is proposed to be funded using Capital Reserves (not operating funds).

The current budget shows a \$33,500 Operating Transfer Out for Equipment Replacement (104). This involves setting money aside to go towards the purchase of a used utility truck (\$2,500), a side arm mower (\$5,000), a street sweeper (\$25,000), and a bucket truck (\$1,000).

#### **STORMWATER FUND**

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
406-000-308-80-000	Beginning Fund Balance	-\$7,588	-\$21,931	\$0	\$0
406-000-343-10-000	Stormwater Utility Fee	\$165,910	\$172,106	\$175,164	\$187,813
406-000-361-11-000	Investment Interest	\$89	\$393	\$200	\$200
		<b>\$158,411</b>	<b>\$150,568</b>	<b>\$175,364</b>	<b>\$188,013</b>

<b>Account Number</b>	<b>Description</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Adopted Budget</b>	<b>2017 Budget Requested</b>
406-406-531-10-100	Salaries and Wages	\$77,912	\$86,735	\$67,459	\$62,830
406-406-531-10-200	Benefits	\$33,682	\$37,479	\$32,800	\$30,186
406-406-531-10-220	Uniforms	\$217	\$319	\$400	\$600
406-406-531-10-310	Operating Supplies	\$1,608	\$526	\$2,500	\$5,400
406-406-531-10-320	Office Supplies	\$14	\$162	\$500	\$200
406-406-531-10-350	Small Tools/Minor Equipment	\$859	\$1,555	\$1,150	\$1,910

406-406-531-10-360	Vehicle Operation Maintenance	\$386	\$1,348	\$2,000	\$1,300
406-406-531-10-370	Vehicle Repair	\$301	\$799	\$500	\$11,000
406-406-531-10-410	Professional Service	\$0	\$0	\$14,500	\$30,500
406-406-531-10-420	Communication	\$1,543	\$1,754	\$1,800	\$1,800
406-406-531-10-430	Travel and Seminars	\$298	\$556	\$1,190	\$840
406-406-531-10-450	Rentals	\$976	\$781	\$600	\$0
406-406-531-10-460	Insurance	\$9,013	\$8,724	\$9,000	\$9,000
406-406-531-10-480	Repair and Maintenance	\$211	\$639	\$1,320	\$1,320
406-406-531-10-490	Miscellaneous	\$279	\$1,909	\$184	\$184
406-406-531-10-510	State Excise Tax	\$2,487	\$2,608	\$2,700	\$3,600
406-406-594-80-640	Capital Outlay - Equipment	\$0	\$1,707	\$0	\$2,500
406-406-597-20-010	Operating Transfer - 410 Cap	\$10,136	\$0	\$17,000	\$0
406-406-597-50-020	Operating Transfers Out - 114	\$9,601	\$4,000	\$4,000	\$3,212
406-406-597-50-040	Operating Transfer - 001	\$0	\$5,601	\$5,601	\$5,601
406-406-597-60-030	Operating Transfer Out - 104	\$2,130	\$0	\$9,500	\$33,500
		<b>\$151,655</b>	<b>\$157,202</b>	<b>\$174,704</b>	<b>\$205,483</b>

DIFFERENCE

-\$17,470

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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Agenda Item #: Public Hearing PH 3.3  
 Date: November 3, 2016  
 SUBJECT: 2017 Budget - Debt Service Funds  
 CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**Issue:**

The issue before the Council is discuss the 2017 budgets for the Debt Service funds.

**Summary:**

The City has General Obligation debt bonds for construction of the Community Center issued in 1999 and for the 2004 bonds for Police Equipment. The City pledges the assets of the city (property taxes) to pay the general obligation bonds for the Community Center. The Police equipment bonds were a voted issue and additional property tax is assessed to make annual payments.

The Water and Sewer Funds have revenue bonds and Public Works Trust Fund (PWTF) loans for capital projects. The assets of the Water and Sewer Utility are pledged to make payments. The source of funding for payments can be user fees from rate payments, connection fees and reserve funds.

**203 Limited GO Tax Bond Fund:**

The General Obligation Tax bonds for the Community Center/Library are a General Fund obligation. In 1999 the City issued bonds for the construction of the Community Center/Library. This was a council approved bond issue, not a voted issue. The bonds will mature in 2018. The finance issue the city will face with this bond is the escalating principle payment for the remainder of the bond.

The bond payments must be made from property taxes, real estate excise tax (REET 1) funds or other general fund sources. In 2017, property taxes and Real Estate Excise (REET) will be used make the payments.

REET funds receipts are higher than expected and the current balance in the fund is approximately \$80,000. REET funds will be transferred to the bond fund in 2017 to cover approximately \$105,000 of the \$154,000 bond payments.

The 2017 Budget will include funds from property tax and REET funds to cover bond payments. It is anticipated that only \$50,000 of property tax revenues will be need for bond payments. This is a \$25,000 reduction from the 2016 Budget.

The current outstanding debt for the Community Center is:

<b>Community Center Bonds</b>				
Payment Schedule		<b>2017</b>	<b>2018</b>	<b>Total Due</b>
GO Bonds Community Center	Principle	140,000	150,000	290,000
Non Voted Issue	Interest	13,705	7,125	20,830
	<b>Total</b>	<b>153,705</b>	<b>157,125</b>	<b>310,830</b>

**203 LIMITED GO TAX BOND  
FUND**

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed Budget</b>
203-000-308-80-000	Beginning Fund Balance	46	414	2,222	10,358	0	0
203-000-311-10-000	Property Taxes	109,443	101,662	128,688	115,304	75,000	50,000
203-000-361-11-000	Investment Interest	229	223	25	36	300	100
203-000-397-20-000	Operating Transfer In	25,000	35,000	20,000	30,000	75,000	105,000
		134,718	137,299	150,935	155,698	150,300	155,100

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed Budget</b>
203-203-514-20-410	Professional Services	302	302	302	479	400	400
203-203-591-15-710	Bond - Principal	95,000	100,000	110,000	120,000	130,000	140,000
203-203-592-15-800	Bond - Interest	39,003	34,775	30,275	25,270	19,750	13,705
		134,304	135,077	140,577	145,749	150,150	154,105
		414	2,222	10,358	9,949	150	995

**205 Police GO Bond Fund:**

In 2004 the City issued bonds to pay for the 800 MHz communication system and for capital improvements to the Police Station. This was a voted issue and an additional levy on property located within the city limits. An ordinance will be adopted as part of the budget process to levy the required taxes to meet the annual payment. The bonds will mature in 2024.

<b>Police Equipment Bonds</b>					
Payment Schedule		<b>2017</b>	<b>2018</b>	<b>2019-24</b>	<b>Total Due</b>
GO Bonds Police Equipment	Principle	20,000.00	20,000.00	160,000.00	200,000.00
Voted Issue	Interest	9,912.50	9,002.50	29,493.00	48,408.00
	Total	29,912.50	29,002.50	189,493.00	248,408.00

**205 POLICE GO BOND FUND**

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
205-000-308-80-000	Beginning Fund Balance	25,909	22,632	18,612	18,263	0	0
205-000-311-11-000	Property Tax	25,877	29,538	32,432	31,682	30,803	29,913
205-000-361-11-000	Investment Interest	107	97	44	65	400	400
		51,894	52,267	51,088	50,010	31,203	30,313

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
205-205-514-20-410	Professional Services	302	302	302	479	400	400
205-205-591-21-700	Bond Payment - Principal	15,000	20,000	20,000	20,000	20,000	20,000
205-205-592-21-800	Bond Payment - Interest	13,960	13,353	12,523	11,673	10,803	9,913
		29,262	33,655	32,825	32,151	31,203	30,313

508-80-000	Ending Fund Balance	22,632	18,612	18,263	17,859	0	0
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**403 Water Revenue Bond Fund:**

Water/Sewer Revenue Bonds were issued in 1996 to fund system improvements. The assets of the Water and Sewer Utility Funds were pledged as security for the bonds. The funding source for the bond payment is a transfer from the Water and Sewer Utility Funds. Each fund will contribute \$60,000 towards bond payments. Water and Sewer revenue bonds were used to fund Main Street and Eighth Street main line upgrades and replacement. The bonds will mature in 2016.

The City refinanced the bonds which lowered the interest payments in 2012-2016. The overall savings on the refinancing was \$41,783. The bonds were paid in full in 2016. This will reduce debt payments by \$125,000 for 2017.

In 2014, the city issues \$2,870,000 in Water/Sewer Utility Bonds to finance the Booster Pump Station, Lift Station upgrades and water, sewer and storm lines on Alder, 4<sup>th</sup> and High streets.

The total payment due for 2017 is \$216,650. Based on the projects financed by the bonds, Water funds will pay 60% of the payments and Sewer and Storm will pay the other 40%.

Water/Sewer Revenue Bonds							
2014 Issue		2017	2018	2019	2020	2021-33	Total Due
W/S Revenue Bonds	Principle	120,000	125,000	125,000	130,000	2,175,000	2,675,000.00
	Interest	96,650	94,250	90,500	86,750	730,460	1,098,610.00
Total Revenue Bond Debt		216,650	219,250	215,500	216,750	2,905,460	3,773,610.00

Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
403-000-308-80-000	Beginning Fund Balance	57,351	74,767	75,414	2,088,122	0	
403-000-361-11-000	Investment Interest	188	167	7,275	1,054	400	800
403-000-391-20-000	Bond Proceeds	0	0	2,981,720	0	0	0
403-000-397-30-300	Operating Transfer In (400/401)	130,000	127,000	100,000	343,400	345,300	216,650
		187,539	201,934	3,164,409	2,432,575	345,700	217,450

Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
403-403-514-20-410	Professional Services	320	0	10,481	958	400	400
403-403-591-80-720	Bond - Principal	105,000	120,000	120,000	195,000	245,000	120,000
403-403-592-80-830	Bond - Interest	7,454	6,520	5,230	147,891	100,300	96,650
403-403-597-00-100	Transfer Out	0	0	940,576	1,799,920	0	0
		112,774	126,520	1,076,287	2,143,769	345,700	217,050
	Ending Balance	74,766	75,414	2,088,122	288,806	0	400

**412 Water Debt Service Fund:**

The purpose of this fund is to provide for the payment of debt service incurred by the Water Utility System for capital projects. The fund has outstanding debt for the previous the connection to the Everett Waterline and for the second reservoir.

The funding for debt service has been from operating fund transfers. For 2017 the debt service payments will be made from the operating fund (Water Utility Fund – 400). The Public Works Trust Fund (PWTF) loan documents pledge the assets of the Water Utility for repayment of the loan

The following details the debt schedule for the water system. The loans for the water reservoir and water filtration plant will be paid in full in 2018. The loan for the Regional Waterline will not be paid in full until 2022. The city should consider paying on the balance of \$64,836 in 2019.

<b>WATER DEBT SERVICE SCHEDULE</b>		<b>2017</b>	<b>2018</b>	<b>2019-22</b>	<b>Total Due</b>
PW 98-791-063	Principle	41,550	41,550	0	83,100
Water Reservoir	Interest	2,493	1,247	0	3,740
	Total	44,043	42,797	0	86,840
SFF 97-78-897-076	Principle	57,147	57,147	0	114,294
Water Filtration Plant	Interest	4,572	2,286	0	6,858
	Total	61,719	59,433		121,152
PW 02-691-PRE 119	Principle	16,009	16,009	64,036	96,054
Regional Water Supply line	Interest	480	400	800	1,680
	Total	16,489	16,409	64,836	97,734
<b>Total Water Service Debt</b>		<b>122,251</b>	<b>118,639</b>	<b>64,836</b>	<b>305,726</b>

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
412-000-308-80-000	Beginning Fund Balance	35,810	32,575	32,945	33,024	10,000	
412-000-361-11-000	Investment Interest	78	70	79	49	0	100
412-000-397-10-100	Operating Transfer In	137,000	137,000	133,088	109,478	115,864	122,251
		172,888	169,645	166,112	142,551	125,864	122,351

<b>Account</b>	<b>Description</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
412-412-591-34-780	State Revolving Fund Principal	57,147	57,147	57,147	57,148	57,147	57,147
412-412-591-34-781	PWTF Loan Principle	57,559	57,559	57,559	57,559	57,559	57,559
412-412-592-34-831	State Revolving Fund Interest	9,606	13,715	11,429	8,674	6,858	4,572
412-412-592-34-830	PWTF Loan Interest	16,001	8,279	6,953	5,627	4,300	2,973
		140,313	136,701	133,088	129,008	125,864	122,251
	Ending Balance	32,575	32,944	33,024	13,543	0	100

**413 Sewer Debt Service Fund:**

The purpose of this fund is to provide for the payment of debt service incurred by the Sewer Utility System for capital projects. The fund has outstanding debt for the I & I Reduction program. The loan payments for the Sewer Plant upgrades was paid in full in 2016. This reduced the annual debt payments for this fund by \$108,000 per year.

The funding for debt service is from current customers. For 2017, the debt service payments will all be made from the operating funds (Sewer Utility Fund – 401). The PWTF loan documents pledge the assets of the Sewer Utility for repayment of the loan.

		2017	2018	2019	2020	2021-24	Outstanding Total
<b>PW 04-691-064</b>							
<b>Sewer I &amp; I Project</b>	<b>Principle</b>	69,859.37	69,859.37	69,859.37	69,859.37	279,437.52	558,875.00
<b>Interest rate .02%</b>	<b>Interest</b>	2,794.38	2,445.07	2,095.79	1,746.48	3,492.97	12,574.69
	<b>Total</b>	72,653.75	72,304.44	71,955.16	71,605.85	282,930.49	571,449.69

Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
413-000-308-80-000	Beginning Fund Balance	68,995	69,396	70,913	72,594	0	
413-000-361-11-000	Investment Interest	167	151	174	188	0	100
413-000-397-10-100	Operating Transfer In	425,700	216,032	194,744	183,182	181,757	72,655
		494,862	285,579	265,831	255,964	181,757	72,755

Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
431-413-591-35-700	PWTF Principal Payment	385,868	177,535	177,535	177,535	177,536	69,860
431-413-591-35-780	State Revolving Fund Principal	27,483	27,953	8,217	21,474	0	0
413-413-592-35-831	State Revolving Fund Interest	1,148	679	415	161	0	0
413-413-592-35-830	PWTF Interest	10,966	8,499	7,073	5,176	4,221	2,795
		425,466	214,666	193,239	204,346	181,757	72,655
	Ending Balance	69,396	70,913	72,592	51,618	0	100

**207 LID Bond Fund - Sewer Debt**

The LID Bond payments are made by the benefited property owners who receive annually billing statements in December. The LID (Local Improvement District) project is a sewer line from the Sultan Basin Road to Rice Road that was constructed in 1997 that runs parallel to Wagley Creek. Payments on the bonds are from assessment against the benefitted properties. The LID payments are for 18 years and are considered a lien against the property. The bonds will mature in 2021. The City obligations under LID 97-1 have been paid in full.

The problem the city will face over the next five years of the bond is the lack of any payments due from the Hammer property. The total principal assessment for this property was \$591,900. With accrued principal, interest and penalties, the total outstanding payments are \$1,002,495.

The anticipated payments from other properties in the LID for principal payments on the bonds are \$423,600. There is \$230,000 in the bond fund from properties that have paid the assessments in full over the past year (this amount also includes interest and penalties).

The City will need to consider how they will make the payments on the outstanding LID debt. It is not in the best interest of the city to default on the debt or to continue to make interest payments on the outstanding bonds.

The Sewer fund will have an additional \$108,000 per year that will not be allocated to debt service. Staff recommended the following options during the budget retreat:

1. Make additional principal payments on the outstanding PWTF loan for I & I. This would pay off the loan in 3 ½ years instead of 8 years.
2. Transfer the funds to the sewer reserve fund for future capital projects.

- Transfer the funds to the LID bond fund to cover the unpaid assessments on the Hammer property.

The Council opted to transfer funds from 401, Sewer Operating, into the fund to cover future bond payments.

LID 97-1							
	2016	2017	2018	2019	2020	2021	Total Due
Principle	205,000	205,000	205,000	205,000	205,000	205,000	1,230,000
Interest	0	68,162	68,162	68,162	68,162	68,162	340,810
Total	205,000	273,162	273,162	273,162	273,162	273,162	1,570,810

**207 LID GUARANTY AND BOND FUND**

Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
207-000-308-80-000	Beginning Fund Balance	422,149	361,269	297,857	313,785	117,189	97,000
207-000-361-11-000	Penalties	5,266	0	1,096	0	1,000	500
207-000-359-90-100	Investment Interest	895	685	856	1,520	800	800
207-000-361-40-000	Interest Payments	67,313	43,170	50,872	30,859	47,733	45,000
207-000-368-10-000	Principal Payments	112,578	86,814	119,258	151,321	122,278	66,045
207-000-397-00-000	Operating Transfer - 401	0	0	0	0	0	75,600
		608,201	491,938	469,939	497,484	289,000	284,945
Account	Description	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Budget	2017 Proposed
207-207-514-201-410	Professional Services	1,565	3,690	1,877	9,123	4,000	1,000
207-207-591-35-790	Principal - Special Assessment	205,000	205,000	205,000	0	205,000	205,000
207-207-592-35-820	Interest - Special Assessment	109,368	99,528	89,278	78,825	80,000	78,900
		315,933	308,218	296,155	87,948	289,000	284,900
	<b>Ending Balance</b>	292,269	183,720	173,784	409,536	0	45

**CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Action A 1

DATE: November 3, 2016

SUBJECT: First Reading of Ordinance 1248-16, Setting the tax levy for the 2017 Property Taxes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**ISSUE:**

The issue before the Council is to have the first reading of Ordinance 1248-16 (Attachment A) which sets the property tax levy for the 2017.

A public hearing was held during the Council meeting. Refer to Public Hearing 2 – 2017 Property Tax Levy for additional details.

**STAFF RECOMMENDATION**

Introduce Ordinance 1248-16 setting the 2017 property tax levy for a first reading.

Attachments: A. Ordinance 1248-16 – 2017 Property Tax Levy

CITY OF SULTAN  
SULTAN WASHINGTON  
ORDINANCE 1248-16

AN ORDINANCE OF THE CITY OF SULTAN FIXING THE AMOUNT  
OF TAXES TO BE LEVIED ON TAXABLE PROPERTY WITHIN THE  
CITY OF SULTAN FOR THE YEAR 2017

**WHEREAS**, the City of Sultan has met and considered its budget for the calendar year 2017;  
and

**WHEREAS**, the City Council of the City of Sultan after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Sultan requires a regular levy in the amount of ~~\$659,193~~, which is an increase in property tax revenue from the previous year, based on amounts resulting from the increase in assessed values, addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the district and in its best interest; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN

Section 1 Tax: That an increase in the regular property tax levy is hereby authorized for the 2017 levy in amount of \$60,512 which is a percentage increase of 10.1075% from the previous year. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property and any increase in the value of state assessed property, and any additional amounts resulting from any annexations that have occurred and refunds made.

Section 2 Severability: If any provisions of this ordinance or its application to any person or circumstance are held invalid, the remainder of the ordinance or applications of the provisions of the ordinance to other person or circumstances is not affected.

Section 3 Effective Date: This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY ADOPTED this 17<sup>th</sup> day of November, 2016

\_\_\_\_\_  
Carolyn Eslick, Mayor

Attest:

\_\_\_\_\_  
Laura J. Koenig, City Clerk

Approved as to form:

\_\_\_\_\_  
Amy Mill, City Attorney

Published:

**CITY COUNCIL  
AGENDA ITEM COVER SHEET**

ITEM NO: Action A-2

DATE: November 3, 2017

SUBJECT: Adoption of Ordinance 1249-16 setting the 2017 tax levy for the 2004 GO Police Bond

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**ISSUE:**

The issue before the Council is the introduction of Ordinance 1249-16 (Attachment A) which sets the 2017 tax levy for the 2004 General Obligation Police Bond. The amount of the levy for 2017 is \$29,913.

**SUMMARY:**

In 2004 the City issued bonds to pay for the 800 MHz communication system and for capital improvements to the Police Station. The ordinance setting the annual levy amount for the bond payments is adopted as part of the budget process.

This was a 20-year bond issue with average payments of \$31,000 per year. Additional property taxes are levied annually to cover the cost of the bonds. The average cost per household is \$16.00 per year.

Revenues: \$29,913 - tax levy on real property  
Expenses: \$29,913 - bond principal and interest

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
205-000-308-80-000	Beginning Fund Balance	22,632	18,612	18,263	0	0
205-000-311-11-000	Property Tax	29,538	32,432	31,682	30,803	29,913
205-000-361-11-000	Investment Interest	97	44	65	400	400
		52,267	51,088	50,010	31,203	30,313

<b>Account</b>	<b>Description</b>	<b>2013 Actual</b>	<b>2014 Actual</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Proposed</b>
205-205-514-20-410	Professional Services	302	302	479	400	400
205-205-591-21-700	Bond Payment - Principal	20,000	20,000	20,000	20,000	20,000
205-205-592-21-800	Bond Payment - Interest	13,353	12,523	11,673	10,803	9,913
		33,655	32,825	32,151	31,203	30,313
508-80-000	Ending Fund Balance	18,612	18,263	17,859	0	0

The Bond payment schedule follows:

<b>Police Equipment Bonds</b>					
Payment Schedule		<b>2017</b>	<b>2018</b>	<b>2019-24</b>	<b>Total Due</b>
GO Bonds Police Equipment	Principle	20,000.00	20,000.00	160,000.00	200,000.00
Voted Issue	Interest	9,912.50	9,002.50	29,493.00	48,408.00
	Total	29,912.50	29,002.50	189,493.00	248,408.00

**STAFF RECOMMENDATION**

Move to introduce Ordinance 1249-16 setting the 2017 Tax Levy for the General Obligation Police bond for a first reading and pass it on for a second reading.

**Attachments:**           A. Ordinance 1249-16 Police bond Levy

**CITY OF SULTAN  
SULTAN WASHINGTON**

**ORDINANCE 1249-16**

AN ORDINANCE OF THE CITY OF SULTAN FIXING THE AMOUNT OF TAXES TO BE LEVIED FOR THE GENERAL OBLIGATION BONDS AS APPROVED BY THE VOTERS ON TAXABLE PROPERTY WITHIN THE CITY OF SULTAN FOR THE YEAR 2017

WHEREAS, Proposition No. 1 Emergency Radio System and Health and Safety Bonds was approved by the voters on September 14, 2004, and

WHEREAS, that election allowed bonds to be issued and a regular property tax to be levied each year for a maximum term of 20 years, and

WHEREAS, the bonds have been issued and taxes need to be collected, now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN that Snohomish County tax the City's taxpayers for the year 2017 for a total of Twenty nine thousand nine hundred thirteen dollars and 00/100 (\$29,913) so as to cause collection of these funds to cover the cost of the required bond debt service payments.

Effective Date: This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY ADOPTED this 17<sup>th</sup> day of November 2017.

\_\_\_\_\_  
Carolyn Eslick, Mayor

Attest:

\_\_\_\_\_  
Laura J. Koenig, City Clerk

Approved as to form:

\_\_\_\_\_  
Amy Mill, City Attorney

Adopted:

Published:

## **SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET**

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ITEM NO: Action 3 – Ordinance 1244-16  
DATE: November 3, 2016  
SUBJECT: New Zoning Code (Title 16)  
CONTACT PERSON: Brad Collins, Interim Planning Director

### **ISSUE:**

The issue is to conduct the first reading of Ordinance 1244-16 and to schedule a second reading and adoption on either November 17, 2016, or December 1, 2016, depending on any additional revisions to the Code Amendments in Title 16 that may be needed following the close of the public hearing.

The old 1995 Unified Development Code (Title 16) that regulates land use zoning regulations requires more professional planning staff work than the City of Sultan's existing budget and staffing capacity can meet to make timely land development reviews. Accordingly, the zoning regulations have been rewritten to reduce the amount of staff time needed to process many conditional use permits in favor of permitted uses in more traditional residential, commercial, and industrial zones. The new Zoning Code (Title 16) and related land use code amendments are consistent with the intent of the Comprehensive Plan goals and policies. For consistency, other related land use regulations in Titles 12, 15, and 21 also have been revised and/or relocated to make the land use development review follow a simpler and more efficient permit process.

### **COUNCIL COMMITTEE/PLANNING BOARD/WORK GROUP RECOMMENDATION:**

From February through September 2016, the Planning Board met often twice a month at public meetings and held public hearings on July 21, 2016, and August 18, 2016. At its joint meeting with the City Council on September 15, 2016, the Planning Board recommended approval of a new Zoning Code and other related land use code amendments for adoption by the City Council. The City Council held a public hearing on October 13, 2016, which was continued to October 27, 2016. While much of the zoning code language in Title 16 has been unchanged, the elimination of many conditional uses and the addition of more permitted uses in more traditional residential, commercial, and industrial zones represent the bulk of the new Zoning Code amendments.

**STAFF RECOMMENDATION:**

Following the close of the public hearing on the new Zoning Code (Title 16) ending an extensive public review process, the City Administration recommends a first reading and scheduling adoption of the Ordinance 1244-16.

**SUMMARY:**

The proposed new Zoning Code (Title 16) accomplishes three things:

- Make the land development review, particularly for permitted and conditional land uses, simpler for the public and more efficient for the limited staffing capacity to process. These code amendments will save time and make the development review less costly for applicants. The code language in the Sultan Municipal Code will allow land uses to be permitted without the need for as many condition use permit approvals through the Hearing Examiner process, will reduce the need for staff interpretations, and will avoid confusion which leads public conflicts and appeals.
- Update the Zoning Code to be consistent with the 2005/2009 and 2011/2015 Comprehensive Plan GMA updates, as well as legislative changes. The new Zoning Code will assist implementation of the following Sultan Comprehensive Plan goals and policies: (a) “reduce the cost of housing development and support regional efforts to accommodate affordable housing for all demographic groups and income levels” (Housing Goal #5), (b) “streamline and simplify development regulations to minimize the cost of housing development” (Housing Policy 5.2), and (c) “facilitate local business development efforts, property investment projects, and programs that enhance Sultan economic opportunities” (Economic Development Goal #2).
- Exemplify zoning code text changes that have been studied for more than two years without reaching conclusions regarding desired changes that will simplify development regulations that may be discouraging implementation of Sultan’s Comprehensive Plan for housing development and economic development and stagnating healthy maintenance and growth of the City’s tax base.

**ALTERNATIVES:**

The primary alternative is to not adopt some or all of the zoning code amendments, particularly if the text changes fail to achieve the highest and best use of the residential, commercial, and industrial zones or if the added language does not adequately clarify and simplify the development regulations. The zoning code amendments should be decided on whether or not these code amendments maintain and grow the City’s tax base through development that does not adversely affect the development of other properties.

**FISCAL IMPACT:**

The code amendments have no immediate impact on the City's budget. Future impacts would depend on two separate outcomes: 1) the maintenance and growth of the City's tax base with implementation the land use development regulations under the new Zoning Code and 2) the efficiency and cost savings that may be found with permit processing demands on the limited capacity of the City's professional planning staff. It is the express intent to have both outcomes result in a positive growth of the City's tax base and in an efficient processing of land development applications within the limited capacity of the two person professional planning staff.

**DISCUSSION:**

City Council can continue the discussion that has been on-going for six months at the Planning Board and begun by the City Council at its joint meeting with the Planning Board on September 15, 2016.

**RECOMMENDED ACTION:**

Open and close the public hearing on the new Zoning Code (Title 16) and conduct the first reading of the Ordinance 1244-16 and schedule the second reading and adoption of the Ordinance to November 17 and/or December 1, 2016, City Council meetings.

## **SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET**

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ITEM NO: Action 4 – Ordinance 1246-16

DATE: November 3, 2016

SUBJECT: Related Land Use Code Amendments (Titles 12 & 15)

CONTACT PERSON: Brad Collins, Interim Planning Director

**ISSUE:**

The issue is to conduct the first reading of Ordinance 1246-16 and to schedule a second reading and adoption on either November 17, 2016, or December 1, 2016, depending on any additional revisions to the Code Amendments in Titles 12 & 15 that may be needed following the close of the public hearing.

The old 1995 Unified Development Code (Title 16) that regulates land use zoning regulations requires more professional planning staff work than the City of Sultan's existing budget and staffing capacity can meet to make timely land development reviews. Accordingly, the zoning regulations have been rewritten to reduce the amount of staff time needed to process many conditional use permits in favor of permitted uses in more traditional residential, commercial, and industrial zones. The new Zoning Code (Title 16) and related land use code amendments are consistent with the intent of the Comprehensive Plan goals and policies. For consistency, other related land use regulations in Titles 12, 15, and 21 also have been revised and/or relocated to make the land use development review follow a simpler and more efficient permit process.

**PLANNING BOARD RECOMMENDATION:**

From February through September 2016, the Planning Board met often twice a month at public meetings and held public hearings on July 21, 2016, and August 18, 2016. At its joint meeting with the City Council on September 15, 2016, the Planning Board recommended approval of a new Zoning Code and other related land use code amendments for adoption by the City Council. The City Council held a public hearing on October 13, 2016, which was continued to October 27, 2016. While little of the code language in Titles 12 & 15 has been changed, revisions were made to be consistent with code amendments made in the new Title 16 Zoning Code and to protect public safety.

**STAFF RECOMMENDATION:**

Following the close of the public hearing on the Code Amendment (Titles 12 & 15) ending an extensive public review process, the City Administration recommends a first reading and scheduling adoption of the Ordinance 1246-16.

**SUMMARY:**

The proposed related land use code amendments (Title 12 & 15) accomplishes two things:

- Simplify the provision for City action required to maintain the planting (amended from parking) strips, since the City no longer has a City Council streets and alleys committee to determine maintenance actions.
- Clarify the height of fences allowed in front, side, and rear yards or in special areas such as around storm drainage ponds and within sight clearance triangles to protect public safety.

**ALTERNATIVES:**

The primary alternative is to not adopt some or all of the related land use code amendments, particularly if the text changes fail to adequately clarify and simplify the development regulations. The related land use code amendments should be decided on whether or not these code amendments are consistent with the new Zoning Code and are necessary to protect public safety in special areas where fences are erected on private property.

**FISCAL IMPACT:**

The code amendments have no immediate impact on the City's budget. The primary concerns are to limit the liability of the City related to protection of public safety where dangerous situations can be created in the development of private property.

**DISCUSSION:**

City Council can continue the discussion that has been on-going for six months at the Planning Board and begun by the City Council at its joint meeting with the Planning Board on September 15, 2016.

**RECOMMENDED ACTION:**

Open and close the public hearing on related land use code amendments (Titles 12 & 15) and conduct the first reading of the Ordinance 1246-16 and schedule the second reading and adoption of the Ordinance to November 17 and/or December 1, 2016, City Council meetings.