



MEETING AGENDA
May 19, 2016
7:00 PM

City of Sultan Council Chambers
319 Main Street, Sultan WA 98294

Call to Order, Pledge of Allegiance, Roll Call

Changes to the Agenda

Public Comments

Citizens are requested to keep Public Comments to a 3-minute maximum (3 minutes or less per person) to allow time for everyone to speak.

Planning Board Member Comments

Approval of Minutes

- May 5, 2016 Meeting

Open Public Hearing if Applicable
Hearing and Action Items

Discussion Items:

- D-1: SMC Sections 16.104; 16.108; 16.120; 16.128; 17.16 and 17.18
- D-2: PROS Plan - Discuss Updating Schedule

Summary of Meeting Results and Actions for Next Meeting

Public Comments on Agenda Items Only

Planning Board Member Comments

Adjournment

PLANNING BOARD MISSION STATEMENT

The City of Sultan Planning Board's mission is to translate its knowledge of the community into recommendations on land use plans and codes that help the community to achieve its goals and desires for health, prosperity and quality of life for present and future generations.

Planning Board Members
Lucy Hitchcock, Chair
Sean Gosselt, Chair Pro-Tem
Tom Green
Gloria Reedy
Janet Peterson

Community Development Staff
Brad Collins, FAICP
Cyd Sparks, Secretary of the Board

ADA NOTICE: City of Sultan Community Center is ADA accessible. Accommodations for person with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360.793.2231. For additional information please contact the City at cityhall@ci.sultan.wa.us or visit our website at www.ci.sultan.wa.us

(5-19-16)

SULTAN PLANNING BOARD MINUTES
May 5, 2016

PLANNING BOARD MEMBERS PRESENT:

Lucy Hitchcock
Janet Peterson
Tom Green (arrived at 7:07p.m.)
Sean Gossett, Excused Absence
Gloria Reedy, Excused Absence

STAFF PRESENT:

Brad Collins FAICP,
Interim Planning Director
Cyd Sparks, Secretary of the Board

Peterson moves to excuse Reedy's absence for health reasons and Gossett's for work-related reasons, Green seconds. All Ayes.

CALL TO ORDER:

Call to Order at 7:12 p.m.

CHANGES TO THE AGENDA:

None.

PUBLIC COMMENTS:

None.

PLANNING BOARD MEMBER COMMENTS:

Peterson – She was amazed at the amount of work Collins gave them in the last two meetings. Congratulations Brad!

Green – the greenbelt area he was talking about at the last meeting was between the Middle and High School.

APPROVAL OF MINUTES:

April 21, 2016 Minutes – Approved with corrections making “HE” to Collins and “We” to Planning Staff. Green moved to approve the Minutes as corrected. Seconded by Peterson. All Ayes.

DISCUSSION AND STUDY ITEMS

D-1 Zoning Code Update - SMC Sections 2.25; 2.26; 16.01; 16.08; 16.17; 16.18; 16.19; 16.20; 16.48; 16.52; 16.56; 16.58; 16.60; 16.72; 16.104; 16.108; 16.120; 16.128; 17.16 and 17.18

Collins goes over the Code Sections with the Board Members. After discussion:

- Chapter 2.25.100A should be modified to say “.....makes application to a writ of prohibition or a writ of mandamus filed in Snohomish County Superior Court”.
- Chapter 2.26 - correction under 2.26.010A .take out “more” in first sentence. 2.26.010B delete “...appeals from administrative decisions,” and in 2.26.020 after “...construction code, and other City codes.” 2.26.100 have city attorney check language “ ... and the planning board and/or city council findings and recommendations.”
- Chapter 16.01 – change this or the unified development code to the Zoning Code here and in all other places in the Zoning Code.

- Chapter 16.08 – There are now 8-Districts instead of 7. Changes include: LMD/LMR Low Moderate Density; MD/MDR Moderate Density Residential; HD/HDR High Density Residential; NC/Neighborhood Commercial; UC/Urban Center; HOC/Highway oriented Commercial; ED/M-Manufacturing and P/B/P/OS- Public Buildings, Parks and Open Space.
- Chapter 16.17 Conditional Use Permits brought into the Zoning Code (SMC 21.04) add “CUP” to designated word use in 16.17.020.
- Chapter 16.18 Nonconforming – discussion of words; situations versus use. Change this unified development code referenced in Sections 16.18.010 and 16.18.050 to the Zoning Code. 16.18.070 D. change director of community development to planning director and #2 “will” to “shall.” 16.18.080 C change director of community development to planning director and 2 “will” to “shall.”
- Chapter 16.19 Variances (SMC 2.26). Capitalization questions, try to unify throughout the Zoning Code amendments, generally without capitalization except for City of Sultan and the Zoning Code, and a few other proper nouns of named entities or objects. For example, position titles such as hearing examiner and planning director should be considered generic not proper nouns of a specified individual or entity.
- Chapter 16.20 Performance Standards – General – refers to all kinds of things. 16.20.020 add the word “the” before Zoning Code.
- Chapter 16.48 Home Occupation Standards – not a Conditional Use, it’s a permitted use now as long as it follows the standards. 16.48.020 take out the word “conditional” put back in the words “an accessory” use. Hitchcock asks Collins to take a look at Title 18 Table for Home Occupations and introduction for the home occupation definition. Hitchcock likes the way it is written. Chapter 16.48 will change to 16.24.
- Chapter 16.52 Manufactured Housing - This deals with manufactured homes not mobile homes. Planning Staff took mobile homes out of this chapter and put it into the Zoning Code as a permitted use; it is not a residential performance standard. (Note: mobile home parks was placed in nonresidential performance standards as 16.56.070) Chapter 16.52 will change to 16.28.
- Chapter 16.56 Nonresidential Performance Standards – added Mobile Home Parks as 16.56.070. Need to resolve the Marijuana Standards in Chapters 16.56 and 16.58. Sections 16.56.070.C4 and 16.56.070C (i.e., old C which should be renumbered 16.56.070D, if not deleted following further review) reference SMC Title 19-Subdivision Standards for Mobile Home Parks – check into this for relevancy.
- Chapter 16.58 Marijuana Business Standards – Hitchcock asks what the difference is between a dispensary and retail shop. They are both prohibited in Sultan. Planning staff explains the difference and goes over some history. Hitchcock questioned the identification in 16.58.050 of locations which are prohibited versus where else in the Zoning Code a marijuana business is allowed. Change economic development zone to Manufacturing in 16.58.050 Locations C.1.
- Chapter 16.60 Off-Street Parking & Loading Standards. Discussion over parking requirements. In the Table of Off-Street Parking Requirements, moving Hotels & Similar Uses Providing Overnight Accommodations from Residential Development to Retail Commercial Establishments. Peterson questioned only 1 parking space for each 2 employees and thought it should be 1 for 1. Discussion also on sidewalks and bicycles. Also in the Table under “Two-Family Dwelling” add”a” one-bedroom”...
- Chapter 16.72 Recreation & Open Space. Change the word “less than” to “fewer than”. Chapter 16.72.040G change in the second sentence ..”an”... to “and”. Changes to Table 1 included matching them to Sultan’s characteristics rather than specific high/professional standards for various sports facilities. Change A.,B., and H to

Ballfields and number as H. Look into changing or removing the “standards” for each sports facility to make it more buildable for Sultan. 16.72.060 discussion of the open space standards and homeowners associations to make sure the City is not left being responsible for the open space if the homeowners fail to do so. Hitchcock suggested adding language to specify that the City of Sultan can lien the homeowners’ properties if the open space is not maintained and the City must take responsibility for public safety and/or environmental protection reasons. Change “will” to “shall”.

The PROS Plan survey tabulations completed by Hitchcock and Peterson were discussed and will continue for surveys completed by the Middle School and High School students.

ACTIONS FOR NEXT MEETING:

- PB Minutes for May 5, 2016
- Finish reviewing Chapters 16.104; 16.108; 16.120; 16.128; 17.16, 17.18 and add more sections of the Zoning Code to review at the next meeting..

PUBLIC COMMENTS:

PLANNING BOARD COMMENTS:

ADJOURNMENT:

Green moves to adjourn the meeting and seconded by Peterson. All Ayes.

Adjourned at 9:09 p.m.

Chapter 16.104

LANDSCAPING **STANDARDS**

(5-19-16)

Sections:

Article I. Performance Standards

16.104.010 Purpose.

16.104.020 Enforcement.

16.104.030 Installation.

16.104.040 Maintenance.

16.104.050 Existing plant material.

16.104.060 Landscaping requirements for certain yard areas and off-street parking and other vehicular use areas.

16.104.070 Plant material standards.

Article II. Design Standards

16.104.080 Landscape design standards.

16.104.090 Minimum tree and shrub planting or preservation requirements.

16.104.100 Allocation of trees to satisfy minimum planting requirements.

Article III. Standards for Landscape Materials

16.104.110 Tree planting standards.

16.104.120 Tree species mix.

16.104.130 Shrub planting standards.

16.104.140 Use of larger tree sizes.

16.104.150 Use of native plant materials.

16.104.160 Use of adapted plant materials.

16.104.170 Replacement requirements.

16.104.180 Maintenance standards for cultivated landscape areas.

16.104.190 Landscape plan requirements.

Article IV. Location Requirements

[16.104.200 Required landscaping adjacent to public rights-of-way.](#)

[16.104.210 Perimeter landscaping relating to abutting properties.](#)

[16.104.220 Parking area interior landscaping.](#)

[16.104.230 Sight distance for landscaping adjacent to public rights-of-way and points of access.](#)

[16.104.240 Adjustments of standards.](#)

[16.104.250 Other applicable requirements.](#)

Article I. Performance Standards

16.104.010 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. (Ord. 718-00; Ord. 630 § 2[16.10.140(A)], 1995)

16.104.020 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. (Ord. 765-01 § 13; Ord. 718-00; Ord. 630 § 2[16.10.140(B)], 1995)

16.104.030 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. (Ord. 718-00; Ord. 630 § 2[16.10.140(C)], 1995)

16.104.040 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. (Ord. 718-00; Ord. 630 § 2[16.10.140(D)], 1995)

16.104.050 Existing plant material. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.140(E)], 1995)

16.104.060 Landscaping requirements for certain yard areas and off-street parking and other vehicular use areas. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.140(F)], 1995)

16.104.070 Plant material standards. [SHARE](#)

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 (six by six by six) or equivalent. A list of such tree species shall be maintained by the building and zoning official for the guidance of the public.

C. Shrubs and Hedges. Shrubs 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. (Ord. 718-00; Ord. 630 § 2[16.10.140(G)], 1995)

Article II. Design Standards

16.104.080 Landscape design standards. [SHARE](#)

The following standards shall be considered the minimum requirements for the installation of all plant materials in the city of Sultan. (Ord. 718-00; Ord. 630 § 2[16.10.150], 1995)

16.104.090 Minimum tree and shrub planting or preservation requirements. [SHARE](#)

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 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. (Ord. 718-00; Ord. 630 § 2[16.10.150(A)], 1995)

16.104.100 Allocation of trees to satisfy minimum planting requirements. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.150(B)], 1995)

Article III. Standards for Landscape Materials

16.104.110 Tree planting standards. SHARE

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. (Ord. 718-00; Ord. 630 § 2[16.10.160(A)], 1995)

16.104.120 Tree species mix. SHARE

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 A

Required Species Mix for New Site Development

Required Number of Trees	Minimum of Species
--------------------------	--------------------

11 – 20	2
21 – 30	3
31 – 40	4
41 or more	5

(Ord. 718-00; Ord. 630 § 2[16.10.160(B)], 1995)

16.104.130 Shrub planting standards. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.160(C)], 1995)

16.104.140 Use of larger tree sizes. [SHARE](#)

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 B

Calculation of Tree-Size

Credits in New Site Development

Crown Spread of Proposed Trees	and	Height at Planting of Proposed Trees	= of Tree Credits
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	and	10 feet or	= 1

feet less

(Ord. 718-00; Ord. 630 § 2[16.10.160(D)], 1995)

16.104.150 Use of native plant materials. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2 [16.10.160(E)], 1995)

16.104.160 Use of adapted plant materials. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.160(F)], 1995)

16.104.170 Replacement requirements. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2 [16.10.160(G)], 1995)

16.104.180 Maintenance standards for cultivated landscape areas. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.160(H)(1)], 1995)

16.104.190 Landscape plan requirements. [SHARE](#)

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. (Ord. 718-00; Ord. 630 § 2[16.10.140(H)(1)(a)], 1995)

Article IV. Location Requirements

16.104.200 Required landscaping adjacent to public rights-of-way. SHARE

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 accessways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such accessways, however, may not be subtracted from the lineal dimension used to determine the number of trees required. (Ord. 718-00; Ord. 630 § 2[16.10.170(A)], 1995)

16.104.210 Perimeter landscaping relating to abutting properties. SHARE

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.

B. 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. (Ord. 718-00; Ord. 630 § 2[16.10.170(B)], 1995)

16.104.220 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. (Ord. 718-00; Ord. 630 § 2[16.10.170(C)], 1995)

16.104.230 Sight distance for landscaping adjacent to public rights-of-way and points of access.

 SHARE

When an accessway intersects a public right-of-way, or when a subject property abuts the intersection of at least two public rights-of-way, all landscaping within the triangular 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 hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any accessway pavement. The triangular areas referred to above are shown on the diagram entitled "Sight Triangle Requirements" which indicate the clearances required for the different street types. (Ord. 718-00; Ord. 630 § 2[16.10.170(D)], 1995)

16.104.240 Adjustments of standards.

 SHARE

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. (Ord. 718-00; Ord. 630 § 2[16.10.170(E)], 1995)

16.104.250 Other applicable requirements.  **SHARE**

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. (Ord. 718-00; Ord. 630 § 2[16.10.170 (F)], 1995)

Chapter **216.108**

WIRELESS COMMUNICATIONS FACILITIES STANDARDS

Sections:

216.108.010 Purpose.

216.108.020 Definitions.

216.108.030 Exemptions.

216.108.040 Development standards for micro-facilities.

216.108.050 Development standards for mini-facilities.

216.108.060 Development standards for macro-facilities.

216.108.070 Development standards for monopole I and monopole II.

216.108.080 Development standards for lattice towers.

216.108.090 Design criteria.

216.108.100 Submittal requirements.

216.108.110 Permits required.

216.108.120 Inspection requirements.

216.108.130 Landscaping/screening.

216.108.140 Non-use/abandonment/obsolescence.

216.108.150 Violation – Penalty.

216.108.010 Purpose. 

In addition to furthering the general purposes of the comprehensive plan and ~~SMC Title 16, the Unified Development Code (UDC) the Zoning Code~~, this section is ~~included in the Sultan Municipal Code~~ 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. (Ord. 720-00)

216.108.020 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 (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 ~~216.108.070~~) 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. (Ord. 720-00)

216.108.030 Exemptions. [SHARE](#)

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. (Ord. 720-00)

216.108.040 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. (Ord. 720-00)

216.108.050 Development standards for mini-facilities. 

A. Mini-facilities are permitted in the highway oriented ~~development-commercial~~ (HOC~~D~~), urban center (UC), and ~~economic development (ED)-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. (Ord. 720-00)

216.108.060 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: omnidirectional 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 non-conforming structure shall not be considered to be an expansion of the nonconforming structure. (Ord. 720-00)

216.108.070 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. (Ord. 720-00)

216.108.080 Development standards for lattice towers.  SHARE

A. Lattice towers are permitted in the ~~economic development (ED)~~ 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. (Ord. 720-00)

216.108.090 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 [216.108.070](#) or [216.108.080](#).

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 is 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 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 Chapter 16.120 SMC](#).

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 [216.108.040](#) and [216.108.060](#).

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. (Ord. 720-00)

216.108.100 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 ~~Sultan Municipal Code and SMC Title 16, Unified Development Code, Zoning Code~~ and other applicable ordinances:

A. Photosimulations 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. (Ord. 720-00)

216.108.110 Permits required. SHARE

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, ~~Chapter per SMC216.04 SMC~~. 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. (Ord. 720-00)

216.108.120 Inspection requirements. SHARE

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. (Ord. 720-00)

216.108.130 Landscaping/screening. SHARE

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. (Ord. 720-00)

216.108.140 Non-use/abandonment/obsolescence. 

A. Abandonment. No less than 30 days prior to the date that a person¹ 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. (Ord. 720-00)

216.108.150 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. (Ord. 720-00)

Division VI. Administration

Chapter 16.120
ADMINISTRATION

Sections:

[16.120.010](#) ~~Repealed. Purpose.~~

~~[16.120.020](#) Repealed.~~

[16.120.0205](#) Development permits required.

[16.120.030](#) Permits, terms, and conditions.

[16.120.040](#) When permit is not required or may be waived.

~~[16.120.050](#) Repealed.~~

[16.120.0560](#) Application for development permits.

[16.120.0670](#) Regulations.

[16.120.0780](#) Criteria for approval of an application and issuance of a permit.

[16.120.0890](#) Occupancy permit.

[16.120.1090](#) Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate.

[16.120.1010](#) Calculation of time – Delivery – Notice to parties – Filing with the ~~hearing examiner~~Board of Adjustment.

[16.120.010](#)~~Continuation of planning commission. Purpose.~~

~~Repealed by Ord. 904-06. (Ord. 630-5-2[16.08.010(1)], 1995)~~

~~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.~~

~~[16.120.020](#) Planning commission – Powers and duties.~~

~~Repealed by Ord. 904-06. (Ord. 630-5-2[16.08.010(2)], 1995)~~

[16.120.0205](#) Development permits required.

To implement the purpose and scope of ~~this title~~ the Zoning Code, as described in ~~Chapter 16.01~~SMC Title 16, development as defined and regulated by this title is required to ~~apply for and receive a~~

~~development permit be in conformance with the City of Sultan Comprehensive Plan and Zoning Code under the provisions of this chapter. Development required to receive a A development permit must be approved by the City of Sultan and its designated agents prior to any development processes physical alterations to any site specific piece of property includeing, but are not limited to, the following development actions:~~

- ~~A. 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. (Ord. 1158-12 § 1)~~
- ~~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.~~

16.120.030 Permits, terms, and conditions. 

A. Development Permit. Any development permit that is issued shall be subject to the terms and conditions imposed by the ~~community development planning~~ director to ensure that such development will be in accordance with the provisions of ~~this unified development the City of Sultan Comprehensive Plan Zoning Code, and Subdivision Code.~~ *land*

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 ~~this 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 ~~community development 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 ~~community development 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 ~~community development 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2 [16.08.020(2)], 1995)

16.120.040 When permit is not required or may be waived. 

Chenby

A. Notwithstanding any provision in ~~this unified development the Zoning Code~~ to the contrary, no minor development permit shall be required pursuant to ~~this 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 community development planning director or other authorized City official. The applicant shall notify the community development 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(3)], 1995)

~~16.120.050 Development permit approval process.~~ 

~~Repealed by Ord. 1051-09. (Ord. 770-01 § 6; Ord. 715-00; Ord. 630 § 2[16.08.020(4), (5)], 1995)~~

16.120.056 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 community development director's office planning staff that a waiver is appropriate, he or she shall supply the following information:

A. ~~Ten~~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 community development 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. TenFour 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 community development planning director to determine that the application is in compliance with ~~this unified development~~ 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(7)], 1995)

16.120.070 Regulations. 

The community development 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 community development 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 this unified development the Zoning Ceode; 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 community development planning director shall devise a temporary application form that shall be used upon enactment of this unified development the Zoning Ceode 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 community development 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 community development 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.020(8)], 1995)

16.120.080 Criteria for approval of an application and issuance of a permit. 

A. A ~~land use~~ development permit under the Zoning Code shall be granted by the ~~community development planning~~ director or the hearing examiner; provided, ~~that it is found~~, 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 779-02; Ord. 630 § 2[16.08.030], 1995)

16.120.090 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 community development 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 community development 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 community development 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 community development 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 ~~community development planning~~ director has not informed the applicant of approval or denial in writing, it shall be deemed that the ~~community development planning~~ director approves the request and the applicant may legally occupy the premises. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 630 § 2[16.08.040], 1995)

16.120.100 Appeals of development permit decisions, enforcement and abatement proceedings, appeals of notices and orders to correct and/or abate. 

Notwithstanding any provision of ~~this unified development the Zoning Code~~ to the contrary, any aggrieved person may file an appeal of a decision or action by the ~~community development director planning staff~~ taken pursuant to ~~this the Zoning Code~~ within 10 calendar days thereof with the ~~hearing examiner Board of Adjustment~~ and such appeal shall be governed solely by the provisions of this section.

A. Procedure on Appeal. The ~~hearing examiner Board of Adjustment~~, after having been duly notified that an appeal has been filed, shall ~~authorize 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 ~~community development planning~~ director and the ~~planning Bboard 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 ~~community development planning~~ director certifies in writing to the ~~hearing examiner 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 ~~hearing examiner 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 ~~hearing examiner Board of Adjustment~~ within 20-35 working days after the appeal is filed with ~~the examiner city~~, and an action shall be taken by the ~~hearing examiner Board of Adjustment~~ within 15 working days after the conclusion of such public hearing. The ~~hearing examiner 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 ~~community development planning~~ director, from whichever the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant. The ~~hearing examiner Board of Adjustment~~ shall notify the ~~community development 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 ~~hearing examiner's Board of Adjustment~~ action.

D. Rights of Parties. Consistent with rules adopted by the ~~hearing examiner city for the Board of Adjustment~~, appeal hearings before the ~~hearing examiner 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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 769-01 §§ 1, 2, 3; Ord. 630 § 2[16.08.050], 1995)

16.120.110 Calculation of time – Delivery – Notice to parties – Filing with the ~~hearing examiner~~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 ~~hearing examiner~~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. (Ord. 1057-09 § 1; Ord. 1051-09 § 1; Ord. 790-02)

**Chapter 16.128
AMENDMENTS**

Sections:

16.128.010 Scope of amendments.

16.128.020 Initiation of amendments.

16.128.030 Authority of the city council to amend the ~~unified development Zoning Code~~.

16.128.040 Reconsideration of application denied by the city council.

16.128.010 Scope of amendments. 

Any provision of ~~this unified development 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. (Ord. 630 § 2[16.11.010], 1995)

16.128.020 Initiation of amendments. 

Amendments to ~~this unified development the Zoning Code~~, including zoning maps, may be initiated by petition of any property owner, the building and zoning official, planning ~~commissionboard~~, or by the city council. (Ord. 630 § 2[16.11.020], 1995)

16.128.030 Authority of the city council to amend the unified development code. 

A. Every proposed amendment to the ~~unified development 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 ~~this unified development the Zoning Code~~.

C. Upon submission of a petition for a ~~unified development 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 ~~this unified development the Zoning Code~~ in ~~SMC Chapter 16.124 SMC~~.

D. If the ~~unified development 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 ~~unified development 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 ~~unified development Zoning Ce~~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 LMD zoning district, the land use plan shows the area ultimately being designated in the MD zoning district, but the applicant is requesting that his property be rezoned to the HD zoning district), the city council shall refer the matter to the planning ~~commission board to~~for review and recommendation to the City Council~~concurrency requirements~~. (Ord. 630 § 2[16.11.030], 1995)

16.128.040 Reconsideration of application denied by the city council. SHARE

Whenever the city council, after hearing all the evidence presented upon any application under the provisions of ~~this unified development the~~ Zoning Ce 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. (Ord. 630 § 2[16.11.040], 1995)

Chapter ~~176.176~~

VEGETATION PROTECTION STANDARDS

Sections:

[176.176.010 Purpose.](#)

[176.176.020 Applicability of vegetation protection regulations.](#)

[176.176.030 Land clearing/vegetation protection and preservation.](#)

[176.176.040 Site design standards.](#)

[176.76.010 Purpose.](#) 

It is the purpose of this chapter of the ~~unified development code~~ [Title 17](#) to promote the health, safety, and welfare of existing and future residents and visitors by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping, for the following reasons:

A. Water Conservation. Promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of native plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.

B. Aesthetics. Improve the aesthetic appearance of commercial, industrial, and residential areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environments.

C. Environmental Quality. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:

1. Improving air and water quality through such natural processes as photosynthesis and mineral intake;
2. Maintaining permeable land areas essential to surface water management and aquifer recharge;
3. Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capabilities of trees and other vegetation;
4. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;
5. Encouraging the conservation of limited fresh water resources through the use of native plants and various planting and maintenance techniques.

D. Land Values. Maintain and increase the value of land by requiring a minimum amount of landscaping to be incorporated into development.

E. Human Value. Provide direct and important physical and psychological benefits to the residents of Sultan through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

F. Preservation of Vegetation. Preserve existing natural vegetation and incorporate native plants, plant communities, and natural ecosystems into landscape design, wherever possible.

G. Improve Design. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping, and encouraging water and energy conservation. (Ord. 630 § 2 [16.10.070(1)], 1995)

176.176.020 Applicability of vegetation protection regulations. [SHARE](#)

These standards shall apply to any new ~~property~~ development or to the expansion of existing development on land in the City of Sultan. Seasonal parking facilities shall be exempt. Single-family detached homes ~~or duplexes~~ proposed to be built on their own individual lots shall be exempt as noted. The building and zoning official shall not issue a permit provided for herein in violation of these standards. (Ord. 765-01 § 11; Ord. 630 § 2 [16.10.070(2)], 1995)

176.176.030 Land clearing/vegetation protection and preservation. [SHARE](#)

A. General.

1. Objectives of these Standards. The objectives of these standards in limiting land clearing are:

- a. To control the use of irrigation water in open space areas by promoting the preservation of existing native plant communities.
- b. To control the removal of existing vegetation in advance of the approval of land development plans.
- c. To limit the removal of existing vegetation when no comparable vegetation plan to that required under this section has been prepared for the site.

2. Preservation of Existing Native Vegetation. Existing native vegetation and plant communities shall be protected and incorporated into the site plan wherever feasible. Certain natural plant communities shall be given special protection as determined by the planning commission-city and shall be protected and preserved as total entities, including understories.

3. Vegetation Removal Permits and Fees. Permits for the removal, relocation, or replacement of vegetation covered herein shall be obtained by submitting an application on a form prescribed by the building and zoning official.

B. Application Procedure for a Vegetation Removal Permit within Proposed Development for which a Separate Building Permit or Preliminary Plan Approval is Requested.

1. **Preliminary Review.** As a precondition to the filing or receiving of any application for a building permit (except for a single-family detached dwelling unit on its own lot and not part of an overall subdivision for which approval is being sought), the applicant shall make application for a vegetation removal permit and obtain a preliminary approval from the building and zoning official.

2. **Required Generalized Vegetation Inventory.** Each application for a vegetation removal permit shall be accompanied by a generalized vegetation inventory which shall consist of:

a. **Generalized Vegetation Inventory.** A generalized vegetation inventory showing the approximate location and extent of vegetation on the site. The inventory shall be based on the most current available information. For nonresidential and multifamily development (i.e., attached housing, apartments, condominiums, planned unit developments, etc.), the inventory may be in the form of a field survey and shall include photographs illustrating typical areas of existing vegetation. The generalized vegetation inventory shall be prepared at the same scale as the proposed site development plans to clearly illustrate the relationships between the areas of existing vegetation and proposed site improvements.

b. **Generalized Written Assessment and Evaluation.** The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities that have been identified on the site. For all nonresidential and multi-family **development** projects, the assessment and evaluation shall be prepared by a person knowledgeable in the identification and evaluation of vegetative resources, such as a biologist, ecologist, horticulturist, landscape architect, landscape contractor, certified nurseryman, or other person having similar recognized skills and/or experience.

3. **Preliminary Approval.**

a. **Issuance for Lots with Minimal Vegetation Disruption.** Where the building and zoning official has verified that significant vegetative removal activity is not involved in a proposed development, a preliminary approval certificate shall be issued forthwith.

b. **Issuance for Lots with Significant Vegetation Disruption.** A decision to grant or deny a preliminary approval certificate shall be made by the building and zoning official within **130** working days of ~~the a complete application being filed with the city applicant's submission.~~ Preliminary approval for an applicant involving significant vegetation removal activity shall be granted only if the building and zoning official finds that all reasonable efforts have been undertaken in the layout and design of the proposed development to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the development by the incorporation of existing vegetation in the design process. Relocation or replacement of existing vegetation may be required as a condition of the issuance of a preliminary approval certificate.

4. **Certification of Substantial Compliance.** Prior to the issuance of any development permit upon property which has received a preliminary approval certificate, the building and zoning official shall certify that the final construction plans substantially comply with the preliminary plans as they affect existing vegetation. Any proposed substantial deviation from the preliminary site plan as it affects

existing vegetation shall be subject to a new review according to the same criteria and procedures as the original preliminary review.

5. Time Limitation. A vegetation removal permit shall be subject to the same time limitation rules as are applicable to its accompanying development permit.

6. Final Inspection. No final occupancy permit shall be issued until the relocation or replacement of vegetation, as required by the vegetation removal permit, has been completed and final approval has been given by the building and zoning official.

C. Application Procedure for Vegetation Removal Unrelated to Development Permit Applications.

1. Applicability. Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application to the building and zoning official prior to the removal, replacement, or relocation of vegetation from or on the following types of property:

a. All vacant or undeveloped sites; ~~or~~

b. All lands located ~~in the LMD zoning district~~ public property, including rights-of-way and easements;
and

c. All lands located in dedicated open space tracts, critical areas and critical area buffers, and natural hazard areas.~~and~~

~~e. Existing residential development in which~~ Landscape plant materials that are to be planted or rearranged for existing residential development on the same lot shall be exempt from these provisions.

2. Required Generalized Vegetation Inventory. Each application for a vegetation removal permit shall be accompanied by a generalized vegetation inventory which shall consist of:

a. Generalized Vegetation Inventory. A generalized vegetation inventory (including a map of the property) showing the approximate location and extent of vegetation on the site shall be prepared. For existing nonresidential and multifamily development, the inventory may be in the form of a field survey, and shall be accompanied by photographs illustrating typical areas of vegetation. This inventory shall be prepared at a scale that clearly illustrates the relationships between the areas of vegetation and the existing site improvements.

b. Generalized Written Assessment and Evaluation. The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities that have been identified on the site. The assessment shall include an evaluation of the character and quality of the plant communities identified, including their rarity, viability, and such other physical characteristics and factors which may affect their preservation. For projects other than single-family detached residences, on individual lots and not part of an overall subdivision for which approval is being sought, the assessment and evaluation shall be prepared by an individual knowledgeable in the identification and evaluation of vegetative

resources, including but not limited to a biologist, ecologist, horticulturist, landscape architect, nurseryman or landscape contractor.

3. Application Review. Upon receipt of a proper application, the building and zoning official shall perform a review, which may include a site inspection, and ~~forward a recommendation to the planning commission. The planning commission~~ shall render a decision on the application within 130 working days of ~~its receipt of a complete application being filed with the city.~~

4. Circumstances Justifying Issuance. Vegetation removal permits shall be issued in the following circumstances:

a. Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is so close to existing structures or public rights-of-way as to endanger said structures, creates unsafe vision clearances, or constitutes a ~~health~~ safety hazard; or

b. Where the affected vegetation will be ~~relocated~~, replaced with an acceptable substitute planting, relocated, or otherwise preserved.

5. Relocation and Replacement. As a condition to the granting of a vegetation removal permit under subsection (C)(4) of this section, the applicant may ~~be required~~ choose to either:

a. Relocate vegetation, which would otherwise be destroyed, to another location on the site; or

b. Replace vegetation, which would be destroyed, with acceptable substitutes elsewhere on the site.

In determining the most suitable location, replacement, or root-pruning of vegetation, the building and zoning official shall consider the needs of the intended use of the property (if no immediate use is planned by the applicant, the zoning district's permitted uses shall be used), together with an evaluation of the following:

i. Existing vegetation cover on the site and on adjacent properties;

ii. Quantity of vegetation to be removed from the entire site;

iii. The type, size, and condition of the vegetation proposed to be removed;

iv. The feasibility of relocating the particular vegetation in question; and

v. Topography and stormwater drainage patterns on the site.

6. Time Limitation. Permits shall expire and become null and void if work authorized by such permits is not commenced within 90 calendar days from the date of issuance of the permit, or if such work, when commenced, is suspended or abandoned at any time for a period of 90 calendar days. If work has commenced and the permit becomes null and void or expires, a new permit covering the proposed vegetation removal shall be required prior to the initiation of any vegetation removal activity.

D. Vegetation Protection.

1. **General.** During construction, all reasonable steps necessary to prevent the destruction or damage of vegetation shall be taken. Damaged or destroyed vegetation must be replaced by vegetation having similar landscape architectural benefits (i.e, shade cover, height, coverage, watering requirements, etc.), as specified by the building and zoning official, prior to occupancy or use, unless approval for their removal has been granted under permit.

2. **Endangered or Threatened Species or Native Vegetation in Erosion Control Areas.** Under no circumstances, including single-family homes on their own lot, shall there be any removal of any endangered or threatened species, nor shall any native vegetation be removed from any erosion control areas.

3. **Filling, Construction Debris, and Construction Equipment.** During construction, unless otherwise authorized by the vegetation removal permit, no excess soil, additional fill, equipment, or construction debris shall be placed within the drip line (root zone protection area) of any vegetation that is required to be preserved in its present state. Additionally, no construction equipment shall be allowed within any root zone protection area.

4. **Attachments.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any vegetation during construction. (Ord. 630 § 2[16.10.070(3)], 1995)

16.76.040 Site design standards. [SHARE](#)

A. **Creative Site Development Concepts for Water Conservation.** Creative site development concepts shall be used to promote water conservation. Water needs may be reduced by providing for:

1. The preservation of existing plant communities;
2. The re-establishment of native plant communities;
3. Limited amounts of lawn grass areas;
4. The use of native plant materials;
5. The use of shade trees to reduce transpiration rates of lower story plant materials;
6. Site development that retains stormwater runoff on the site;
7. The use of pervious paving materials; and
8. Other environmentally sensitive site development concepts.

B. **Minimum Open Space Requirements.** Minimum open space requirements for any proposed use shall meet the standards set forth for that particular use in this unified development code for the zoning district in which the use is to be located.

C. **Preservation of Existing Plant Communities.**

1. **General.** All existing plant communities shall be preserved to the extent that they can be incorporated into the required open space. Existing plant communities that are specified on the approved landscape plans to remain shall be preserved in their entirety. In most cases, the preservation of existing plant communities will decrease the cost of initial site development, decrease future water and maintenance needs, and benefit the aesthetic appearance of the property.

2. **Existing Native Plant Communities Required to Remain.** Where existing viable, healthy native plant communities exist on a site proposed for development, at least 25 percent of the required open space shall be in the form of preserved natural plant communities.

3. **Open Space Credit for the Preservation of Existing Natural Plant Communities.** Portions of existing, viable, healthy native plant communities (the determination to be made by the building and zoning official), over and above the minimum required to be preserved, that are preserved in a natural state, and are capable of sustaining life with adjoining site development, or the proposed installation of native plant species, shall be credited as open space at one and one-half times the actual area of the protected plant community. The minimum size of a preserved plant community eligible for the open space credit shall be 4,000 square feet.

4. **Required Management Plan.**

a. **General.** For all areas of preserved plant communities greater than 10,000 square feet in area, the owner shall submit for the approval of the planning commission, a narrative management plan, indicating the manner in which the owner will preserve these native plant communities. The narrative shall include:

i. Whether or not the existing vegetation is to be preserved in the existing species composition;

ii. If applicable, the manner in which the composition of existing plant material is to be preserved (hand removal of invasion species, prescribed burning, etc.);

iii. The schedule for the removal of exotic nuisance species;

iv. The schedule for the removal of debris; and

v. Any other information that may be required by the planning commission that is reasonable and necessary to determine that the management plan meets the requirements of these standards.

b. **Requirement for Owner's Covenant with the City of Sultan for the Maintenance of Preserved Plant Communities Receiving Open Space Credit.** To receive open space credit for areas of preserved vegetation, the owner shall covenant with the city of Sultan that the preserved plant community will be maintained as per the accepted management plan. (Ord. 630 § 2[16.10.070(4)], 1995)

Chapter 176.1896

SHORELINE MANAGEMENT*

*Code reviser's note: Ord. 915-07 adopts the City of Sultan Shoreline Master Program, replacing the county provisions previously adopted by Ord. 630.

**CITY OF SULTAN
PLANNING BOARD COVER SHEET**

ITEM NO: D-2
DATE: May 3, 2016
SUBJECT: PROS Plan - Discuss Updating Schedule
CONTACT PERSON: Brad Collins FAICP

DISCUSSION:

Discuss updating schedule for the PROS Plan.