

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1072-10**

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON, AMENDING SULTAN MUNICIPAL CODE
TITLE 16, UNIFIED DEVELOPMENT CODE TO ADD THE
TEXT OF THE PUBLIC AND INSTITUTIONAL P/I
OVERLAY ZONE AND AMENDING THE ZONING AND
LAND USE MAP TO PLACE THE P/I ZONE ON CERTAIN
PUBLIC AND GOVERNMENT-OWNED PROPERTIES,
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan has adopted a Unified Development Code (Zoning Code) in the form of Sultan Municipal Code (SMC) Title 16 and a Zoning and Land Use Map that indicates the location of the various zones established by Title 16 ; and

WHEREAS, the Unified Development Code may be amended and updated periodically according to public involvement procedures prescribed by SMC Chapter 16.134.050, Level IV Procedures; and

WHEREAS, the Planning Board conducted a Public Hearing on the P/I Zone on January 5, 2010 and work meetings on July 21, 2009; May 19, 2009; February 17, 2009; February 3, 2009; and January 20, 2009; and

WHEREAS, after consideration of extensive public input at the work meetings and the Public Hearing of January 5, 2010, the Planning Board has recommended that the Council adopt the text of the P/I Zone to be codified as SMC 16.12.070, Public and Institutional Overlay Zone and adopt amendments to the Zoning and Land Use Map to indicate the location of the P/I Zone as provided by SMC 16.134.050; and

WHEREAS, at its meeting of February 25, 2010, the City Council has reviewed the minutes of work meetings and Public Hearing conducted by the Planning Board, considered the public input offered at those meetings and Hearing, and considered the recommendation of the Planning Board; and

WHEREAS, the Council finds that zoning of public agency and government-owned properties through a Public and Institutional Overlay Zone is in the best interest of the agencies and governments that own said properties so that they can be effectively used and developed according to the various authorities and responsibilities of those agencies and governments; and

WHEREAS, the Council finds that zoning of public agency and government-owned properties through a Public and Institutional Overlay Zone, and indicating the location of such properties on the Zoning and Land Use Map is in the best interest of land owners in the vicinity of public agency and government-owned property to provide awareness and notice of the location and potential uses of such properties; and

WHEREAS, it is the intent of the City Council to proceed with adoption of the text of the Public and Institutional P/I Overlay Zone and amendment of the Zoning and Land Use Map to place the P/I Zone on certain public and government-owned properties,

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

Section 1. The CITY OF SULTAN MUNICIPAL CODE, TITLE 16, AND THE ZONING AND LAND USE MAP AS ESTABLISHED BY SULTAN MUNICIPAL CODE 16.08.020, ARE HEREBY AMENDED AS FOLLOWS:

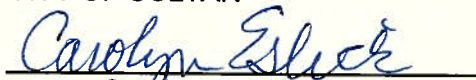
- A. Sultan Municipal Code Title 16, Unified Development Code is amended to include Section 16.12.070 to be known as the Public and Institutional P/I Overlay Zone as provided on **Exhibit A**.
- B. Sultan Municipal Code Chapter 16.08.010 is amended to include item G. Public and Institutional (P/I) Overlay Zone as provided on **Exhibit B**.
- C. The Land Use and Zoning Map as described in Sultan Municipal Code Chapter 16.08.020 is amended to show the location of property subject to the Public and Institutional (P/I) Overlay Zone as provided on **Exhibit C**.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

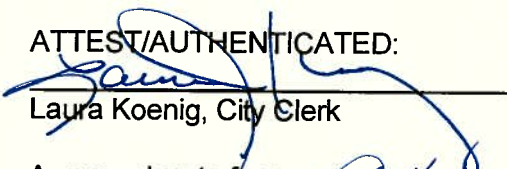
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF FEBRUARY, 2010.

CITY OF SULTAN



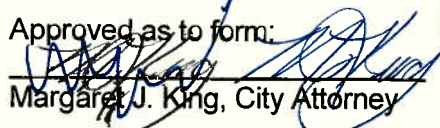
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Margaret J. King, City Attorney

Date of Publication: March 4, 2010
Effective Date: March 9, 2010

ORDINANCE 1072-10

EXHIBIT A: TEXT OF CODE ADDING

SECTION 16.12.070 Public and Institutional Overlay Zone

16.12.070 Public and Institutional Overlay Zone.

A. Purpose.

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

1. Providing a Zone in which uses serving public needs may be located with attention to the specific needs of such uses
2. Limiting residential and privately owned operations on P/I zoned land
3. Protecting adjacent properties from potential impacts of public uses.
4. Placement of this Zone on properties owned, managed, used, or intended to be used by public agencies such as schools, government facilities, social services, hospitals, libraries, utilities, etc.

B. Permitted Uses.

1. Public agency office
 - a. City Hall
 - b. School District Office
 - c. Fire District Office
 - d. Police Office and Dispatch Operations
 - e. Public Utility Office, and Dispatch Facility
2. Public Agency Support Facility
 - a. Archive Buildings
 - b. Inside storage
 - c. Parking Lots/ Parking Structures
 - d. Small-scale Communication towers and antennas
 - e. Public Information Kiosks and similar facilities for public posting of official communications
3. Public Parks, Playgrounds, Ball Fields (without large scale area lighting)
4. Nature Preserves
5. Public Access Trails and Interpretive Facilities, Wildlife Exhibit
6. Court Buildings
7. Public Stormwater management facilities
8. Public schools with fewer than 15 students on campus at any one time
9. Public Agency Animal Control Facility
10. Expansion of Existing Water and Wastewater Treatment Facilities
11. Public Agency Training Facility
12. Public Transit Facilities including Bus Stop, Transfer Station, Park & Ride Lot"
13. School Bus Base or Transfer Facility
14. Hospital
15. Public & Agency Medical Clinic
16. Library

C. Conditional Uses.

1. Large-scale communication towers and antennas for public or private use,
2. Public Parks, Playgrounds, Ball Fields when developed with large-scale area lighting,
3. Public or quasi-public schools more than 15 students including Junior College, College, or University
3. Placement of large scale area lighting in existing Public Parks, Playgrounds, Ball Fields
4. Public Agency utility yards and similar large-scale outside storage facilities
5. Private Storm water management facilities as part of a new subdivision or planned unit development proposal
6. Airport, Heliport
7. Fire Station
8. Jail
9. Stadium, Arena
10. Fairground
11. Secure Community Transitional Facilities
12. Zoo

D. Development and Design Standards.

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

1. Prior to filing an application for a use in the P/I Zone, the applicant shall schedule a pre-application conference as provided in SMC 16.10.060 B.
 - a. The applicable administrative procedures and development standards shall be discussed.
 - b. It shall be the responsibility of the applicant agency or organization to provide information on all known applicable Federal or State standards that affect land use issues such as required land area, parking, height requirements, noise, light, and transportation.
 - c. The Director shall prepare a letter summarizing the City's understandings of the meeting within 10-days of the meeting.
2. Development standards applicable to a P/I proposal shall be applied according to the following which are listed in hierarchical order:
 - a. Federal standards that over-ride local and state standards
 - b. State standards that over-ride local standards
 - c. All applicable standards of the SMC including but not limited to the following:
 - i. State Environmental Policy Act procedures if applicable
 - ii. Subdivision regulations if land is being divided
 - iii. Shoreline and Critical Areas Codes if applicable
 - iv. Flood Management Codes if applicable
 - v. Stormwater Management Codes
 - vi. Concurrency Management Standards and applicable impact and mitigation fees.
 - d. Setbacks: Where a proposed P/I use is adjacent to a residential district, the yard setbacks provided by that residential district shall constitute the minimum setback standards for the P/I use. Setbacks shall be increased from the minimum based on the project review process including the State Environmental Policy Act submittal and environmental and design review standards.

- e. Lot Size: Land areas required for a proposed use in the P/I Zone shall be based on the proposed use and its need for:
 - i. Area necessary to accommodate the use and all ancillary land uses that are normally and customarily provided in conjunction with the principal use, or as required by federal or state standards in excess of the SMC requirements.
 - ii. Setback from adjacent property for light, noise, building height, and other performance and spill-over considerations.
 - iii. Vehicle parking and maneuvering requirements. The standards of the SMC shall be the minimum requirement. Additional parking and maneuvering areas shall be provided as required by proper engineering design of the facility and/or federal or state standards that exceed the SMC requirements.
 - iv. Provision of all required environmental performance standards including but not limited to critical areas protection standards, stormwater management, and related requirements.

E. Initial Placement of Public/Institutional Overlay Zone.

- 1. When the P/I Overlay Zone is first placed on the Official Zoning Map, it shall be placed by legislative action of the City Council on behalf of the City and all districts, and agencies, that engage in services covered by the P/I Zone. This includes, but is not limited to:
 - a. City-owned buildings, service facilities, treatment plants, parks and open space, and other City operated/managed facilities.
 - b. School District facilities including public schools, administration facilities, play fields, stadiums, and undeveloped land owned by the District for future development.
 - c. Fire District facilities including fire stations, administration facilities, training facilities, and undeveloped land owned by the District for future development.
 - d. City-owned property leased or managed by quasi-public service agencies.
 - e. Land owned by governments, districts, or public utilities that is not currently developed and/or employed for public service but is intended to be developed and/or employed for public purposes in the future.
 - f. Not included in the initial placement of the P/I Zone is land that is in incidental ownership of the public entity and that is intended to be sold to the private sector within one year of the date that the initial P/I Zone is implemented.
- 2. The map amendment shall be to the Zoning Map only. The Comprehensive Plan Map shall remain unchanged. The existing zone shall be retained as an underlying Zone. If the P/I Overlay Zone is removed from the site by future action as provided in Item G below, the Zoning Map shall be returned to the Zone underlying the P/I Overlay Zone.

F. Placement of the P/I Overlay Zone after initial legislative placement of the Zone.

- 1. After the effective date of implementation of the P/I Overlay Zone, a government agency, or district that acquires land or facilities intended to be owned for more than one year, shall notify the City and request a Zone Map Amendment to place the P/I Overlay Zone on the property.
- 2. This Zoning Map Amendment shall be undertaken by the City at no expense to the agency requesting the amendment.
- 3. This is a mechanism to provide notice to the community and neighboring property owners that the current zoning and use of the property for typical private uses allowed under existing zoning is proposed to change to public use as provided by the P/I Overlay Zone.

G. Removal of property from the P/I Overlay Zone.

- 1. When a governmental agency, or district, no longer intends to utilize its property zoned P/I and intends to place it on the market for purchase and use by the private sector, the agency shall be responsible to apply for a Zone Map Amendment to remove the P/I Overlay Zone from the property.

2. The Zone applied to the property shall be the Zone underlying the P/I Overlay Zone called for by the Comprehensive Plan Map.
3. This is a mechanism to provide notice to the community and neighboring property owners that the intended public use of the subject property is no longer part of the agency's future plan and that the property is available for the range of private sector uses provided for in the Zone that applies to the property after removal of the Overlay Zone.

H. Definitions.

1. Agency (Governmental Agency): Federal, State, County, or City government or unit or department thereof, constituted as such under the Constitution of the United States, or the State of Washington.
2. District: Port, School, Fire, Electric Utility, Gas Utility, or similar sub-municipal governmental taxing unit or service provider constituted as such under the Constitution of the State of Washington.

EXHIBIT B

**OF ORDINANCE 1072-10
AMENDMENT TO CHAPTER 16.08
ADDING:**

**ESTABLISHMENT OF
PUBLIC AND INSTITUTIONAL ZONE
ITEM G. of SECTION 16.08.010**

Division II. Zoning Districts

**Chapter 16.08
ESTABLISHMENT OF ZONING DISTRICTS**

Sections:

- 16.08.010 Establishment of zoning districts.
16.08.020 Establishment of zoning maps.

16.08.010 Establishment of zoning districts.

The city of Sultan is hereby divided into six zoning districts as follows:

- A. Low/moderate density zone (LMD);
- B. Moderate density zone (MD);
- C. High density zone (HD);
- D. Urban center zone (UC);
- E. Highway-oriented development zone (HOD);
- F. Economic development zone (ED). (Ord. 630 § 2[16.02], 1995)
- G. Public and Institutional zone (P/I)