

Tami Pevey, Planning Board Secretary "a more completed draft will follow within the next 24 hours".

SULTAN PLANNING BOARD MEETING

319 MAIN STREET

October 2, 2007

 **DRAFT**

The meeting was called to order at 7:02 p.m. by Chairperson Schmidt.

Planning Board members Present: Sarah Davenport Smith, Charles Van Pelt, George Schmidt, and Jeff Cofer; absent: Kurt Latimore.

Staff Present: City Administrator Knight, Community Development Director Rick Cisar, and Planning Board Secretary Tami Pevey

COMMENTS FROM THE PUBLIC:

Jerry Gibson, 1102 Dyer Road – A few meetings ago there was a discussion on parks and levels of service; Mr. Gibson had located a survey the City of Monroe was doing and provided a copy to the board. He suggested the city could also use a survey for parks and police levels of service. He further stated the FYI section in the Everett Herald newspaper provided the name and phone number of the person handling the survey for the City of Monroe.

Josie Fallgatter, 13231 Trout Farm Road – Requesting when the planning board has an agenda packet this big it is placed on line so the public can review and be prepared with comments. She commented the new property disclosure law looked similar to the one Craig Bruner brought to the board a few months ago. Ms. Fallgatter touched base on several issues to include height of weeds, handrails, etc and is afraid the property maintenance code will be used against citizens who have garnered misfavor with the city. She also pointed out areas that are in place with the city that already don't comply. Ms. Fallgatter encouraged the board to handle property disclosure at the time of a new building. Fallgatter 9, requests the board put in place a public participation process that complies with the growth management act and encouraged the board to look at the draft ordinance the city attorney prepared in 2007 that Ms. Fallgatter provided to the board.

The joint meeting with the council to review the levels of service and it has to be done in conjunction with capital facilities plan.

Joseph Miller – attended open house on the comprehensive plan. Saw many things that were good, but one thing disturbed him. P44 and withdraw of evacuation route; the proposed continuation of Fir Street to connect the upper half to the lower half of Sultan. (He handed a paper to the board). He does have the cost for P44 as he was involved with engineering firms to find the cost and feels the cost is way off on the road as it stands right now. Way too low. Reviewed it with Councilmember Flowers and he backs him 100% on this issue.

CHANGES/ADDITIONS TO THE AGENDA

Development Director Cisar stated a change in the meeting schedule this month. Advised the board the 10/16/07 meeting would change to a joint workshop with the city council to discuss the levels of service for parks, police, and levels of transportation to be held on 10/25/07 at the high school.

P/C Schmidt – that's all we need to do and it will be timely.

Development Director Cisar – yes.

No further comment from the board.

COMMITTEE REPORTS AND STAFF PRESENTATIONS

Comprehensive Plan Open House

Development Director Cisar stated council approved last Thursday the ordinance on the non conforming use, as well as the school capital facilities plan and the increased school fees; both were projects the planning board worked very hard on; addressed the map to show the concerns the citizens had on the comprehensive plan project. Mr. Shockey will be responding to these comments after the close of open comments on 10/15/07. He advised the board comments had been coming in from the state department of ecology,

as well as fish & wildlife. He also included a letter received from the Snohomish County Fire District in the packet.

ACTION ITEMS:

09/11/07 MINUTES

Change on page 5 - Schmidt comment, "vote", not "building".

On a motion by P/C Cofer, second by P/C Van Pelt the minutes were approved with corrections; all in favor.

DISCUSSION:

PROPOSED NEW PROPERTY DISCLOSURE CODE

Development Director Cisar addressed the board in relation to the property disclosure code as provided in the agenda packet.

P/C Van Pelt – Requested Development Director Cisar show the Denali Ridge development picture and explain it.

Development Director Cisar – Denali Ridge is about 5 acres and all around is wetlands, there is a statement on the plat of the surrounding area.

P/C Davenport Smith – this property disclosure will be the responsibility of the seller?

Development Director Cisar – our intent is that the owner will be required to disclose it.

P/C Davenport Smith – for new developments going in the owner is the developer and they will be the one required to disclose the information?

Development Director Cisar – yes.

P/C Davenport Smith - the point is to know ahead of time what they are getting into.

Development Director Cisar – on the plat and the covenants.

P/C Davenport Smith – how do we enforce this to be carried out?

Development Director Cisar Go and modify the development code and make it a requirement.

Administrator Knight Question for the board is to what extent do you want public to be notified. The staff is looking for direction as what you would like to see and weigh it against what the city attorney says we can do.

P/C Van Pelt surprised the state hasn't addressed that already.

Administrator Knight not that she could find; what to address it up front and be proactive versus reactive.

P/C Davenport Smith thinks it's a good idea and wants to know how we would enforce this code and thinks we need to be practical about it.

Administrator Knight it's the law.

P/C Davenport Smith a lot of people don't.

Development Director Cisar very rarely does he have people check on a house. In regards to a flood zone..... We'll expand those provisions to our formal plats as well.

P/C Van Pelt even if we put that forward, there's nothing to stop the.....

P/C Cofer when I built in the county I had to file

Development Director Cisar and again Timber Ridge is the first development we requested they do that with....

P/C Schmidt so what's our wishes... just discussion.

Development Director Cisar Amending portion of our development code.....

P/C Davenport Smith I think it's a good idea to disclose all of this up front before folks buy; I just ask that you make it as practical as possible to implement for yourselves so that you actually can implement it.

Development Director Cisar During application process.....

P/C Van Pelt do you need some action by us tonight?

Development Director Cisar No, this is just a discussion. We'll come back with a draft ordinance and we'll continue from there.

PROPOSED NEW PROPERTY MAINTENANCE CODE

Development Director Cisar gave the background per the agenda item cover sheet. He explained the code lacks enforcement so the intent is to combine all the relevant sections of the code..... referred to page 23 regarding 302.8.1 Motor vehicles; He explained the city currently handles this on a complaint basis as staff doesn't have the time and man power to actively seek out violations. Discussing it this evening and with some direction will go to the city attorney.

P/C Cofer - Is there language to exclude commercial businesses; Alexander's Warehouse.

Development Director Cisar - That's an allowed use.....

P/C Van Pelt and this takes care of things like boats?

Development Director Cisar we would have to go back and expand the definitions and will work with the city attorney.

P/C Van Pelt

Development Director Cisar Some cities actually limit the number of cars that can park in the front....

P/C Davenport Smith - Part of it goes back to being practical; one thing that struck me is we're establishing a new department?

Development Director Cisar that's the way it's written, but we'll use the existing building department.

P/C Davenport Smith - and we had to take that down to 20 hours?

Development Director Cisar - yes.

P/C Davenport Smith - how will we be able to enforce this code with limited resources?

Development Director Cisar - Intent to get a code we can enforce and when we go to court we can win.....

P/C Davenport Smith - something you had mentioned earlier regarding vehicles and recreational vehicles in 302.8.1 it wouldn't be something the city wouldn't go around and check for?

Development Director Cisar - we would check it.....

P/C Davenport Smith - again, all I want to say is to make sure the city needs to make sure you have a code you can enforce, but you've got to be able to enforce it.

Development Director Cisar - you have to have the manpower; frustrating for staff as you write a letter, write another letter, refer it to the city attorney to write the letter..... Limitations here are with the code, not just the staff. Read through it and if you have any questions write it down and give me a jingle.....

P/C Van Pelt - I would hope that this is a good step at putting something like this in place and having an optimistic nature.....

P/C Cofer - does this also speak to the noise ordinance.

Development Director Cisar - Separate ordinance I'm going to address with the council.....

P/C Cofer- that might lend itself nicely to the property disclosure.

P/C Van Pelt - does this speak to the chainsaws at five o'clock in the morning?

Development Director Cisar - it does.....

P/C Cofer - I like the idea that it's condensed into one enforceable document. In our current situation, is it absolutely necessary? Is it a good investment, or limited resources at this point to pursue this?

Development Director Cisar -

P/C Schmidt - it will be a good process to go through.

Development Director Cisar - at least if we don't have the man power we have the code that can be enforced.

**DISCUSSION CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS
BOARD DECISION AND ORDER FALLGATTER - IX**

Development Director Cisar will delay adoption and approval of update and approval of comprehensive plan.....

Administrator Knight primary message that we had original intended to complete the update to the comprehensive plan at the end of December; but that has been

delayed..... Trying to get our arms around what is that scope of work and that's the discussion we had with the council last Thursday.....

P/C Van Pelt how close is the city with the six items remaining on the 2005 petitions?

Development Director Cisar

Administrator Knight ... the only thing we have completed on that list is.....

P/C Van Pelt but it sounded like four were close, but a couple were further away.

Administrator Knight

P/C Davenport Smith was the dyer/skywall petition included in the 2005 timeframe?

Development Director Cisar - I had a conversation with Mr. Gibson today.....

P/C Davenport Smith - but when they petitioned it was never really addressed?

Development Director Cisar - it was.....

Administrator Knight - just to provide some history and I was recently brought up to speed on..... does that make sense?

Jerry Gibson - a little bit.

Administrator Knight - I certainly understand your confusion in this matter?

Jerry Gibson - are entitled to an answer to the two things they've asked for. What we have is..... Not all these other convoluted things.....

Administrator Knight

P/C Van Pelt- when we're talking about roads, has the fire district complained or requested.....

Administrator Knight - not that I'm aware of.... and now they're commenting on the.....

P/C Van Pelt - I read part of the letter.....

Administrator Knight - I think the fire district's concern..... with the language the city staff put into the project description because what the project description.....

P/C Davenport Smith - so would our new property disclosure code address future issues like this?

Administrator Knight - I think that's excellent.....

P/C Van Pelt - yeah, but people reading the comprehensive plan.....

Administrator Knight - right, and it's something cities struggle with..... But until you go to the effort of engineering you don't know exactly where that road is going to go.....

Joseph Miller -..... there is really no geological..... if they project a road, that's where it's going.

Development Director Cisar - as far as the public process it hasn't ended..... still a lot of opportunity for public comment.....

P/C Van Pelt - will Mr. Shockey come to the October 25th meeting?

Development Director Cisar - he'll be here.....

Administrator Knight - we'd also like to have Eric Ireland from Perteeet.....

P/C Schmidt - I need some clarification on some things tonight; we had this..... Appears to be a very cavalier position; are we taking this serious enough? We've had..... why are we not getting this right..... What I want to hear is here's the plan.....

Administrator Knight - I completely agree and it goes back to Mr. Cofer's comments..... I want to make one clarification is the appeal..... I share your concerns..... how do we end up closing that gap..... what we're working on right now is the scope of work..... and what team do we need to have in place?..... Perhaps its time to put new players on the field.....

P/C Schmidt - will we be getting that analysis from you.....

Administrator Knight - that would be my goal..... What I can see right now looking out to the latter part of the first quarter of next year..... that's kind of the timeline I'm perceiving.....

P/C Schmidt - it helps a little bit; I think..... I'd like to see a plan of how we're going to do that..... speaking of costs regarding the sewer for citizens who are on septic.....

Administrator Knight - right, wasn't that interesting comment from the board.

P/C Schmidt - We need to have a plan on communicating to the citizens.....

Development Director Cisar - Show us how you're going to sewer the un-sewered areas.....

Administrator Knight - but that, as Ms. Fallgatter pointed out..... Bring back the plan so the board can see it, and we will certainly do that.

P/C Schmidt - to communicate to the public..... and here is your opportunity to interact.

DK it's very difficult to do.....

JC how are we going to pay for this?

DK excellent question.

JC and to what end?

DK I don't see where we have a choice..... because we cannot go anywhere until our comprehensive plan is compliant..... But until that happens we're treading water in place and not going anywhere.....

JC It's my understanding there are no other areas.

DK but trying to come up with that plan.....

JC when I read this I felt like I just walked into a brick wall.

DK me too.

SDS since we're trying to come into compliance with our comprehensive plan..... is there anyway to get some money back?

DK The problem is there's work that has not been done and that's the work we need to do..... I don't know, maybe Ms. Fallgatter has something to add.

Josie Fallgatter I would mostly agree with that.

DK

Josie Fallgatter I think some of the work that has been done is so nonsensical..... I think you're in the process of correcting that. Great questions from all of you, Can we get some money back and if you look by state law..... I can

provide you all copies if you want of my briefs that I submitted to the hearings board and part of the problem..... I know people think that I'm responsible.....

DK that was the comment that the fire district had.....

Josie Fallgatter Not stopping and doing it correctly is just a mess.....

DK that is the plan.

Josie Fallgatter going to fatigue the public..... As far as the fire department's concerns, I don't speak for them, but my understanding and this I think is the..... I think a lot of it comes down to the direction that is given to the consultants; I don't understand how the capital facilities plan could have been put together non compliantly. Jeff, I am just as upset as you at the amount of money that is spent..... You have to go through the entire process again..... I really think that the city needs to take a deep breath and figure out what they need to do, and how they're going to do it, and how much time it's going to take.....

CVP what happens is the consultant says yeah, I get it, I understand and he goes to his office and he rights something else out.

Josie Fallgatter I understand that when you say we're putting in a sewer line..... but I think that there are certain things that people in the industry know..... but just to completely ignore putting them in because you don't have to;

CVP maybe in the next life it can be Fallgatter and Fallgatter and you could be the consultant.

Loretta Storm why is anybody laughing; that's a great idea.

Josie Fallgatter we talked about it a year ago.....

SDS It just.....

Josie Fallgatter is meeting the compliance deadlines...

GS there's a comment that..... we need to be giving consultants a very clear picture.....

DK I think there may be a concern that staff is interfering.....

Josie Fallgatter But, yes.

DKthey have been given free reign..... but outside of that we are not.....

Josie Fallgatter Well, I think with Reid the direction was specifically that he wouldn't address the policy..... we're just bringing the comp plan into compliance.....

GS which we didn't get.

DK

Josie Fallgatter It has been, he did last year's capital facilities plan.....

DK I hear you saying we'd like to see that scope of work to ensure it's addressing the

GS ultimately, yes, but it.....

Josie Fallgatter he didn't do it for the city of sultan in my opinion, but I don't lay that all at his feet.....

DK and I think that goes back to comments we've had internally from staff..... there's a lot of work that we need to do still, I think,.....

Josie Fallgatter I agree with that..... And I think someone needs to figure out at what point the rooftops bring in the businesses.....

DK I want to go back to something you I would highly recommend we bring language back to the planning board.....

Josie Fallgatter I think that's a great idea, and along with that you give them the reason you voted the way you did just to help the council with their own decision making.

CVP mill creek is expanding and they are expanding only to encompass business.....

Josie Fallgatter Absolutely, and that was the recommendation.....

CVP

DK I appreciate the comments about Mill Creek, but Sultan is not Mill Creek and the average..... we don't have that here in Sultan. We are in a much different position than Mill Creek..... we have a different market place here and we have to recognize the market place we have.....

SDS I hear you when you say that we're not Mill Creek..... we've done that in other places, but I do agree with you.....

Josie Fallgatter I think the important message that Deborah is saying..... There definitely are some things that I think can be done.....

SDS

Josie Fallgatter

CVP

Josie Fallgatter the constraints on Gold Bar.....

JC but where's the retail tax? I keep thinking right now that sultan has one marketable aspect..... it's room to build.....

Josie Fallgatter

JC that doesn't fly either.....

Josie Fallgatter

Loretta Storm it's also a huge gift.....

Josie Fallgatter

Joseph Miller is Snoqualmie.....

CVP

Joseph Miller It is all regulated.....

CVP

Joseph Miller

GS It's all really good discussions; should we corral it and finish up here.

JC Duvall.....

Loretta Storm

JC

Loretta Storm

Josie Fallgatter The design standards.....

JC I guess my point of Duvall is it was once that anchor was establishing, everything took root and grew. We don't have an anchor, we're just adrift. Somebody save us.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Loretta Storm When I got the new comp plan draft a while back.....

DK where did you come across those comments?

Josie Fallgatter

Loretta Storm

RC

Loretta Storm

Josie Fallgatter as far as the docketing goes, has Mr. Dalmasso paid his \$1,000 fee for having his.....

Jerry Gibson The change of schedule to meet with council to talk about the levels of service to parks and police..... request substantial public notice on this.....

Regarding discussion item #1, proposed property disclosure code Item #2, proposed property maintenance code..... the current comprehensive plan says the reason for.....

PLANNING BOARD COMMENTS

SDS I really appreciate participation we had tonight, thank you. I would definitely be in favor of formalizing our motion process and bringing back to our city council..... in terms of a contract..... any way that the board can be involved in that.....

JC With postage due?

Adjournment

On a motion by PB/M SDS, seconded by PB/M CVP the meeting was adjourned; All in agreement. Planning Board meeting ended at 9:28 p.m.