

SULTAN PLANNING BOARD MEETING

319 MAIN STREET

October 2, 2007

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.

In regards to discussion in relation to Fallgatter 9, Ms. Fallgatter requested 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 as a guideline to make sure the process is idiot proof. In regards to the joint meeting with the council to review the levels of service she reminded the board that it has to be done in conjunction with the capital facilities plan.

Joseph Miller – attended the 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 the engineering firms to find the cost and feels the cost is way off on the road as it stands right now; costs are 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.

PB 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

PB Schmidt noted a change on page 5 - Schmidt comment, "vote", not "building".

On a motion by PB Cofer, second by PB 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.

PB 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.

PB Davenport Smith -- this property disclosure will be the responsibility of the seller?

Development Director Cisar -- It would be our intent that we adopt a code where the owner will be required to disclose it.

PB Davenport Smith -- For these new developments going in the owner is the developer and they will be the one required to disclose the information?

Development Director Cisar – yes.

PB Davenport Smith - The point is to know ahead of time what they are getting into.

Development Director Cisar – On the plat and the covenants.

PB 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 The question before the board is to what extent do you want the 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.

PB Van Pelt surprised the state hasn't addressed that already.

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

PB Davenport Smith Thinks the idea is good 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.

PB Davenport Smith A lot of people don't.

Development Director Cisar Stated that very rarely does he have people check on a house with his office. Another issue is a flood plain; he requires the information to be placed on a plat, or statements of impact fees during a short plat. We'll expand those provisions to our formal plats as well.

PB Van Pelt even if we put that forward, there's nothing to stop the new buyer from calling his attorney and saying I'm unhappy with the cows next door.

PB Cofer when I built in the county land I had to file with the court an acknowledgement that I was building next to harvest land and at any given point it could be noisy or dusty and that had to be done before they would talk to me about building.

Development Director Cisar and again Timber Ridge is the first development we requested they do that. Mr. Cisar pointed out other developments that are concerned about placing a disclosure.

PB Schmidt so what's our wishes, just discussion.

Development Director Cisar We brought this before the council subcommittee and they directed us to proceed with some kind of ordinance to make that amendment. We wanted to bring this to the planning board as well to give you an update that we're amending a portion of the development code and of course looking at a public hearing for that.

PB 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 We can require as part of the application requirements to just disclose any potential adverse land use.

PB 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 and add some teeth in there to give the ability to abatement and lien when non compliance occurs. Referred to page 23 regarding 302.8.1 Motor vehicles

and gave several examples of current problems within the city; He explained the city currently handles property maintenance issues 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.

PB Cofer - Is there language to exclude commercial businesses such as Alexander's proposed automotive recycling.

Development Director Cisar - That's an allowed use and referred to the code addressing it.

PB 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.

PB Van Pelt The reason I asked that is on Lewis Street in Monroe someone parked two boats; one on one side of the street, and the other on the other side and they keep moving them around.

Development Director Cisar In most areas when you see the storage of recreational vehicles they are parked in the back; Some cities actually limit the number of cars that can park in the front so the front doesn't end up looking like a parking lot.

PB 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.

PB Davenport Smith - and we had to take that down to 20 hours?

Development Director Cisar yes.

PB Davenport Smith How will we be able to enforce this code with limited resources?

Development Director Cisar Until such time as we bring it back to a level where we have one inspector and our building activity brings us back, then we'll have a building inspector and he will handle this. The intent to get a code we can enforce and when we go to court we can win. Again we're going to handle this from complaints from residences, not actively seeking them out.

PB Davenport Smith something you had mentioned earlier regarding vehicles and recreational vehicles in 302.10, you mentioned it's something people do a lot, but it wouldn't be something the city wouldn't go around and check for?

Development Director Cisar - we would check it but realize if you have a recreational vehicle in the winter time they're plugged in. They're keeping them warm, that's just common sense.

PB 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.

PB Van Pelt - I would hope that this is a good step at putting something like this in place and being of an optimistic nature I look forward to Sultan having a better financial situation.

PB Cofer - does this also speak to the noise ordinance.

Development Director Cisar – This section does, but there is a separate ordinance I'm going to prepare for the council that addresses dancing and live music. You couldn't have that unless you have council authorization. Addressed an ongoing concern with

two locations that have dancing and live music, but also have residential close to the businesses.

PB Cofer- that might lend itself nicely to the property disclosure.

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

Development Director Cisar - it does talk about construction equipment, when they can and can't start.

PB 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 of our limited resources at this point to pursue this?

Development Director Cisar – We've talked to city council about various situations we've had and council gave us direction to pursue this issue.

PB 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 updated that can be enforced.

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

Development Director Cisar – Provided the board with a copy of the hearings decision on Fallgatter 9 and found that our city's capital facilities plan is inconsistent and invalid. The board's recommendation is that we have to go back and look at our sewer, parks, storm water and we must contain in those documents an adequate needs assessment that identifies the needs population and ensure we have the capacity for 2025. The key is that the needs analysis has to be completed for sewer and storm water. It means it will delay the adoption and approval of updates to the comprehensive plan. He explained the issue further to include the re-docketing of 2005 petitions due to this delay and the work staff will be doing, providing a checklist of the items.

Administrator Knight The primary message is that we had originally intended to complete the update to the comprehensive plan at the end of December; but that has been delayed. Staff is trying to get our arms around what is that scope of work and has had various discussions with council and subcommittees to define that scope of work. Ms. Knight gave the board an update on those discussions and questions raised, advising them there is much more to come.

PB Van Pelt - How close is the city with the six items remaining on the 2005 petition?

Development Director Cisar - Walked through the checklist included in the packet required in order to finish the 2005 petitions and explained a majority of the work is either in the process and/or pending adoption.

Administrator Knight – Added that many things still needed to be tied together.

PB Van Pelt but it sounded like four were close, but a couple were further away.

Administrator Knight – Right, but the furthest away is Mr. Dalmasso's request to look at density zoning on Highway 2 and she explained that cannot be reviewed until the comprehensive plan has been put to rest before his and other issues can be completed.

PB Davenport Smith - Was the Dyer/Skywall petition included in the 2005 timeframe?

Development Director Cisar – Explained he had a conversation with Mr. Gibson today and he indicated to Mr. Gibson he should come into the office and fill out a petition if they feel more comfortable to have it docketed formally through council.

PB Davenport Smith - But when they petitioned it was never really addressed?

Development Director Cisar - it was; it was taken to council and it was docketed and will be included in the transportation plan update, which we have and the board has looked at that. But again you have the draft SEIS out for comment and our recommendation is

it becomes an emergency vehicle access and the final decision will be up to the council. He will help them amend their motion so it is clear on what their intent is.

Administrator Knight - Just to provide some history and I was recently brought up to speed on is that in 2005 the city docketed the items it was still doing work on, and the city is required to do a docket annually; You must submit your petition by a certain deadline and then the planning board reviews that, but the city actually does a docket process and the city did that this year, but we did not do that in 2006, so Mr. Gibson and the Dyer residents filled a petition in 2006, but never actually filled out that docket form, so it was never brought to the planning board or the council in a formal process as was done at the most recent city council meeting. It was a procedural error on the part of the city, so from a staff prospect to fix that error the city is going to go through the formal process even though it is past the deadline and ask the council to amend the docket to include the request of the Dyer residents to correct the error made by city staff. Does that make sense?

Jerry Gibson - a little bit.

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

Jerry Gibson – We are entitled to an answer to the two things they've asked for. What we have is a twisted around different option, and it should go through the regular normal established process; not all these other convoluted things that have been added to it.

Administrator Knight – I certainly appreciate the clarification on this item.

PB Van Pelt- when we're talking about roads, has what the fire district complained or requested been put to bed?

Administrator Knight - not that I'm aware of; and now they're commenting on the transportation elements in the comprehensive plan.

PB Van Pelt - I read part of the letter but they were concerned about a road running through their property and we had made an action here that went forward to city council. I don't know whether it got any action or if that situation was settled.

Administrator Knight - I think the fire district's concern was with the language the city staff put into the project description, because what the project description read was the road would not bisect their property and it was the word bisect that the fire department objects to. Staff meant bisect, as in not to cross in any point on it, but the fire district read that to mean you can cross anywhere but in the middle. The second thing they are concerned about is that the line still shows on the map and again it would be going back and repositioning it to show it not crossing their property. I can understand their sensitivity to the issue since they had previously attempted to purchase a piece of property that the city ended up putting a roadway on.

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

Administrator Knight - I think that's excellent. One of the things you see in Snohomish County at the end of a cul-de-sac is a sign there stating roadway extension, because people buy a house thinking they're on this nice quiet cul-de-sac and then the next thing they know a roadway is coming through there. I think something along those guidelines would be appropriate. One of the things that are difficult is that comprehensive plans are on a 10,000 foot level. Many things come into play when you actually work to place a road into an area.

PB Van Pelt - yeah, but people reading the comprehensive plan don't read it at 10,000 feet, they read it at zero.

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

Citizen Joseph Miller - The City of Issaquah they struggle with certain things to, but it isn't an exact science. There is really no geological obstacle that can stop a road if the cost is not prohibited. If they project a road, that's where it's going.

Development Director Cisar - as far as the public process, it hasn't ended and it's not going to end with the 45 day comment period. We'll be coming back and conduct a public hearing before it is forwarded to the city council. The city council will in turn conduct a public hearing or hearings before the adoption so there is still a lot of opportunity for public comment on any element of the plan. Any comments received now will become part of the EIS and Mr. Shockey will be commenting and responding to those comments.

PB Van Pelt - Will Mr. Shockey come to the October 25th meeting?

Development Director Cisar - he'll be here; he will be talking about level of service.

Administrator Knight - we'd also like to have Eric Ireland from Pertteet at that meeting as well. Part of the reason for the meeting on the 25th is more public outreach because we don't want to come to the end and have it appealed because we did not do enough public outreach and education as far as here are the changes and speaking very plainly about what those changes mean.

PB Schmidt - I need some clarification on some things tonight; we had this response from the Growth Hearings Board decision and it appears to me that we just glossed over it and it appears to be a very cavalier position; are we taking this serious enough? We've had very clear public comment over the course of this planning board, we've had a city attorney involved, a consultant involved; why are we not getting this right? What I want to hear is here's the plan and to the degree of which we need to do this work and the timetable it's going to take because the next time it goes I want it to be done right, and it needs to be clear and done well. So how are we going to that?

Administrator Knight - I completely agree and it goes back to Mr. Cofer's comments earlier in the year and if we keep doing what we've been doing and insanity is expecting different results from the same actions; I want to make one clarification is the appeal we had on the capital facilities plan was on the capital facilities plan we adopted in 2006. So it's not on the capital facilities plan we're currently working on. I share your concerns.

Ms. Knight when on to explain to the board the issues at hand and explained that perhaps it's time to put new players on the field.

PB Schmidt - will we be getting that analysis from you and then once we have that we will schedule out a work plan to achieve that?

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 so we won't have adoption until the early part of 2008. It won't be a cheap fix because we need the best that's out there at this point.

PB Schmidt - it helps a little bit; I think I'd like to see a plan of how we're going to do that and it can be an evolving plan. Speaking of costs regarding the sewer for citizens who are on septic in city who eventually at some point will be required to go on the city sewer system?

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

PB Schmidt - We need to have a plan on communicating to the citizens that this is going to happen sometime in the future.

Development Director Cisar – That's a discussion the board is having is showing us how you're going to sewer the un-sewered areas.

Administrator Knight - but that, as Ms. Fallgatter pointed out that it has to be placed into your capital facilities plan. Ms. Knight explained the elements to the board that must be reviewed when figuring it out and placing it in the capital facilities plan and she explained it is not an analysis that can happen quickly. What I hear you say is bring back the plan so the board can see that, and we will certainly do that.

PB Schmidt – And once we have that I really want that brochure to communicate to the public to say here's where we're at and here is your opportunity to interact.

Administrator Knight And it's difficult because these are concepts the general public isn't familiar with when you're talking about levels of service and trying to explain what that means; it's very difficult to do that.

PB Cofer how are we going to pay for this?

Administrator Knight excellent question.

PB Cofer and to what end?

Administrator Knight 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. We're going to have to tighten our belts and reduce expenses in other areas.

PB Cofer It's my understanding there are no other areas.

Administrator Knight I'm good with a plan, but trying to come up with that plan I'm just not sure and I need clarification on the scope.

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

Administrator Knight me too.

PB Davenport Smith since we're trying to come into compliance with our comprehensive plan and with GMA and with our current consulting team we haven't been able to get there, is there any way to get some money back?

Administrator Knight It's not so much that the work that has been done is not usable, it's all usable. 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.

Administrator Knight Where would you not agree?

Josie Fallgatter I think some of the work that has been done is so nonsensical that it's not usable; such as the way that parks and recreation counts in and I think you're in the process of correcting that. Great questions from all of you. Sarah, I have asked the same question. Can we get some money back and if you look by state law part of the duty of the mayor is to see that contracts are enforced, and when they aren't to see that the city enforces them. The city paid Berryman and Henagar three times to complete the water and sewer plans and there are certain parts of them that are non workable. I can provide you all copies if you want with my briefs that I submitted to the hearings board and part of the problem with the water and the sewer plans are that they have policies that say we aren't going to tell you how much this costs because we're not going to pay for it. The developers will pay for it at the timing of their choice. So when you're looking at the unsewered areas such as up Gohr Road. George, I believe up where you live its unsewered, the sewer plan didn't show that line running up the road and up to that development up on the hill there. Those plans have now; and I disagree with the board, and I understand why they did this. Those were challenged in Fallgatter 5 and ruled noncompliant because they weren't consistent with the comp plan and the thing that the board picked on there was the obvious thing. The population and the service boundaries didn't match; and I mean that was just such a no brainer and there was such a huge discrepancy between we're going to supply sewer service to 7,000 people, but we're going to have 11,000 people. The board didn't go onto my other issues that I raised in there. Namely that the policy of those plans was not going to say what that infrastructure cost because the city wasn't going to pay for it. So now you have a plan where I think this plan is unusable because as long as those stand that way they are going to be in conflict with the comprehensive plan because once it's compliant that capital facilities plan has to show we need to run a sewer up Gohr Road and this is what it will cost. So if your policy is not to include that information and you have to include that information, what do you do? I mean its baggage; I think the city did not get it's monies worth in those plans and it paid three times to have them done. I know people think that I am responsible for all this money that the city has to pay. Jeff, I really appreciate your question at what cost and to what end. Bringing in new consultants; Reid Shockey was the new consultant and I raised these issues and I was dismissed. Deborah, you're comment that the CFP that was appealed in Fallgatter 9 isn't the same

one that is in the plan now, but if the one that's in the plan now isn't correct and you've released that for your 45 day EIS and comment period once you change that again; I mean how do you keep the public abreast of what you're doing.

Administrator Knight that was the comment that the fire district had; and others had. I think we're going to have to go out and do educate and outreach until you have a finished project.

Josie Fallgatter Not stopping and doing it correctly is just a mess. I don't know the answer to this part, but even having this plan out for review now; how can it stand? Does the city need to stop with that process until they gather that information?

Administrator Knight that is the plan now.

Josie Fallgatter my other concern is that you are going to fatigue the public. I mean you see over and over again comprehensive plan amendment. It becomes white noise. As far as the fire department's concerns, I don't speak for them, but my understanding, and this I think is a really crucial issue for you guys, they thought when they addressed you that you made a motion to change that language and they walked away thinking their problem was solved and then when it got to council the language apparently was not what the motion that was made here said and I've brought this up before and this is a problem before I was on the planning commission. Something will get changed from this room two weeks later. Why is that, and when I was on the planning commission we decided once we made a motion it needed to come back so we could see the final motion and the chairman could sign it. Apart from some procedure like that you have no control over it unless you go to the council meetings and read their agendas and see what they are being proposed. As far as the specific language of bisecting their property; that is because the word bisect means to cut into two equal halves, so any action by the city absent an even division of that property would be allowed in the comp plan. Especially in light of the fact that the map continues to show a line running through their property. So if you did a 40/60 split on the property you could essentially put a road right through the middle of it, but it would be consistent with the language in the comp plan. That's their concern. As far as the docketing process goes, the items that were in that original 2005 docketing by the city; those were the original

items that got appealed in Fallgatter 5. Jeff and I had done an appeal; it was the third one that we had done right after the comp plan was adopted and those were the issues that were raised. The water and sewer plan were inconsistent. Actually I think we just didn't have a water and sewer plan at the time, but the city entered into a settlement agreement with us. Rather than going before the hearings board we were going to save everyone a bunch of money, the city just agreed that they would fix those things. Those 2005 items are hanging around two years later and have not been done. The water and sewer plans were done. They were found non compliant. The city changed the population targets. They still don't produce a workable document. My two cents for what it's worth, 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 noncompliant. Jeff, I am just as upset as you at the amount of money that is being spent over and over. I think you're on the verge of doing that again with the way these items are being docketed. If you get the plan compliant and then change your zoning you have to go through the entire process again of doing your EIS, of doing your needs assessment. I mean if you change that industrial property to mixed use housing and you want to put 600 houses up there, what does that do to your infrastructure. 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. This meeting that's coming up with the council on the levels of service, it's meaningless if it isn't done in the context of the comprehensive plan, the capital facilities plan, the land use plan; all the parts have to be there and they all have to work together.

PB Van Pelt what happens is the consultant says yeah, I get it, I understand and away he goes to his office and he doesn't get it and he writes something else out.

Josie Fallgatter I don't know. I mean some of the stuff is technical, but some of it is just not technical. Everybody thinks I'm all about the numbers and once it's a plan you can't deviate from it. I understand that when you say we're putting in a sewer line and it's going to cost this much money, it's not going to cost that much money. Invariably it will end up costing you more, that's sort of a given. But I think that there are certain things that people in the industry know. If you have a sewer line and its twelve inch you know roughly how much per foot it is. But just too completely ignore putting them in because you don't have to. I don't know, Charles.

PB Van Pelt 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. Obviously the mayor and council don't care too much for me because I'm the cop that stopped them for speeding.

PB Davenport Smith It just seems like we should put everything on hold until we put our ducks in a row. It doesn't make any sense to keep on going ahead with all these things until we know what we need to do.

Josie Fallgatter and the pressure there is meeting the compliance deadlines with the hearings board. You know they gave the city the exceptional one year for coming into compliance and it didn't happen. From the standpoint of the board I don't think they care how long it takes, they just mandate that you get it done right.

PB Schmidt there was a comment just made with Charles and Josie that I think is going to be really important for the city working with consultants and coming up with a plan is that we need to be giving consultants a very clear picture and a scope of work as to what we want them to be doing for us. I don't know what the last scope of work included, but just sitting here thinking it's kind of like they were just kind of reshuffling what was already done in a more presentable format when; and maybe that's why they didn't hear the concerns that were brought up about the issues that we now have to go on and fix that should have been fixed this last time.

Administrator Knight I think there may be a concern that staff is interfering in with what the consultant is doing, given them direction not to do the complete scope of work. Is that what I'm hearing?

Josie Fallgatter Well, I think I was trying to be circumspect, but yes.

Administrator Knight And I think what I want to say from a staff perspective I have not seen that since I have been at the city since this last November. That at this point the consultant has pretty much been given free rein to do whatever he or she needs to get done in order to be sure we become complaint. They are the technical experts in this comprehensive plan effort, and in the extent that we can provide information to help them we are doing that, but outside of that we are not giving them a policy direction.

Josie Fallgatter Well, I think with Reid the direction was specifically that he wouldn't address the policy. And I know when George when you brought up the fact that the goals and the policy were unreadable, his response was that we're not changing that because we're not making any policy changes, we're just bringing the comp plan into compliance and I think that was the broad umbrella was achieve compliance.

PB Schmidt which we didn't get.

Administrator Knight Well, the work that Reid has been doing hasn't been delivered yet.

Josie Fallgatter It has been, he did last year's capital facilities plan; and I and Jeff Kirkman had met with him and gone over our concerns with what needed to be done.

Administrator Knight I think that goes back to changing team members and making sure we have the right team members and are we getting what we want. I hear you saying we'd like to see that scope of work to ensure its addressing the things that we've talked about here.

PB Schmidt ultimately, yes, but it seems that there needs to be a collaborative process working with staff to ensure that we put forth a request for a scope of work that meets our needs. We've identified the things that are critical to have in a scope of work that they just have to do and we're going to hold them accountable for. And it's not a nebulous get us into compliance.

Josie Fallgatter And don't misunderstand my comments, I do not think in any way that Reid Shockey is an inferior consultant. It was my understanding that he has brought up other cities into GMA compliance, so I don't want to impugn his reputation in anyway.

He didn't do it for the city of sultan in my opinion, but I don't know that I lay that fully at his feet. The scope of work that was written, somebody didn't understand what needed to happen when that was written. You know, it was basically the water and sewer plans are already done so we don't have to deal with that.

Administrator Knight and I think that goes back to comments we've had internally from staff between those that are optimistic and the information that we need to become compliant is already there, and I'm less optimistic is that there's a lot of work that we need to do still to become compliant. We're going to have to go out and do more analysis to ensure we have the body of work that supports what it is we want to have in the final product.

Josie Fallgatter I agree with that, and I think one area where the technical analysis needs to be done has to do with the funding sources. The city is operating on a premise that we get more rooftops and then the building will come. We get more rooftops and then they'll be producing property taxes, and I think someone needs to figure out at what point the rooftops bring in the businesses, and even more specifically what tax revenues will be generated by those new properties and how much increased service will be necessary due to those.

Administrator Knight I want to go back to something you said earlier just about bringing back the language to the planning board before forwarding it to council. It was something I also thought of and I would highly recommend we bring language back to the planning board as it was my language that caused the issue with the fire district. This would ensure we wouldn't have that error in the language final to approval to the council. Believe me, it's extremely embarrassing.

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

PB Van Pelt Mill creek is expanding and they are expanding only to encompass business and what he told me was rooftops cost you 115% just to maintain them,

businesses are about 35%; so with that whole cost situation they were going for businesses only and try to expand the city and the city is expanding rapidly.

Josie Fallgatter Absolutely, and that was the recommendation of Tom Beckwith, our consultant from 2002 to 2004, and if you look at the comprehensive plan that was the growth strategy that we were suppose to implement; and the city council and the mayor and city staff chose not to do that. They've been pursuing the rooftops as a means of bringing in the economic. If you're familiar at all with Mill Creek, they have set some very high standards for the quality of development. Just design standards and that kind of thing. She discussed the market that was required to do extra work to meet the standards.

PB Van Pelt And I understand they are going to put in another one of those business structures in that area; so they are really...

Administrator Knight I appreciate the comments about Mill Creek, but Sultan is not Mill Creek and the average household income and the average education degree that people achieve is significantly different in Mill Creek than what you see 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.

PB Davenport Smith I hear you when you say that we're not Mill Creek; but still some of these cities around us are doing well, we can still glean ideas and messages they are sending. I mean we've done that in other places, but I do agree with you it's two very different places but there are certain things the two cities can do that are alike.

Josie Fallgatter I think the important message that Deborah is saying is the city has discretion. That is really the missing piece that I don't think the city understands they do have in planning under the growth management act. We can have design standards; make it look attractive, desirable. There definitely are some things that I think can be done. The other thing I wouldn't dismiss is that the development that we have had in the last few years really has brought in more highly educated people with higher incomes.

PB Davenport Smith It's different; we're changing.

Josie Fallgatter Yes, it is a changing dynamic.

PB Van Pelt Well, I think as Monroe grows and expands it's going to squeeze and grow and we're going to see some dramatic changes; and going back to Mill Creek for just a moment; the reason I brought that up is just what a house will produce and what a business will produce. I have no conception that we are comparable with Mill Creek.

Josie Fallgatter and I think even as much as Monroe is squeezing up is the constraints on Gold Bar and they don't have sewer system, it's going to be tougher for their businesses because they don't have the sewer, so I think that opens up the opportunities for Sultan to have the businesses and I think we've got a great opportunity to pursue manufacturing. You know we have some very talented people here that can do metal working and different trades like that that can bring in living wage jobs.

PB Cofer but where's the retail tax? I keep thinking right now that sultan has one marketable asset. We have one thing that Monroe doesn't have and it's room to build. Now if you were opening a retail store and you sold widgets and your market research said 10% of all households in this demographic will buy a widget and there's 4000 of those households here and there's 40000 of them there, why would you put a retail store here when there's not the population to support it. It just seems like a catch 22.

Josie Fallgatter it absolutely is Jeff.

PB Cofer In the same respect, we lose money on every house but we'll make it up in volume. That doesn't fly either. I go around and around with this and...

Josie Fallgatter Right, so it would be helpful to figure out at what point that business comes in because some places are destined to be bedroom communities. Who knows, the constraints on Hwy 2. People have always talked about bringing in a Wal-Mart. How can you handle the traffic those traffic impacts when the state is saying maybe twenty years from now we'll look at widening the road. I am not saying no retail, but I am saying somehow we need to make it the kind of retail that we can handle. It's

not just a space requirement, it's an infrastructure requirement and the constraint is US 2.

Loretta Storm it's also a huge gift.

Josie Fallgatter I'm not saying that; yeah, look at the bakery. I mean that guy gets a gift every Saturday morning. I'm just saying within the planning framework you have to juggle all these things. We've got one way in and one way out. You can get to Mill Creek a couple of different ways.

Discussion continued for several more minutes between board members and public regarding other cities such as Duvall and Snoqualmie and ways they've have regulated the growth and managed the infrastructure in those cities.

PB Schmidt it's all really good discussions, should we corral it and finish up here.

PB Cofer When we have this discussion my mind always comes back to Duvall. Duvall was a dumpy little town with one way in and out, technically two, but still limited access. Two lane highway bisects the town. But somehow they persevered and they plopped down a Safeway which had an extraordinary design standard and suddenly the town prospered around that with a similar design standard. The downtown corridor was revitalized with a theme and you drive through Duvall now and you think this is a pretty nice place. It can be done. I guess my point of Duvall is that 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 and was reviewing my comments back in 2003, it was almost as if those comments as presented could have been written today.

Administrator Knight where did you come across those comments?

Josie Fallgatter they're in back of the industrial park master plan.

Loretta Storm Rick, you mentioned you've had comments from DOE and Fish & Wildlife on the draft; what other agencies, and have you supplied those comments to the board and are they available for review?

Development Director Cisar yes, the comments have been forwarded to Reid Shockey and are here at city hall for public review.

Josie Fallgatter As far as the docketing goes, has Mr. Dalmasso paid his \$1,000 fee for having his comprehensive plan amendment request docketed? I know this is an unpopular topic, but I would like to see the procedures followed. As far as having Mr. Gibson come in and formally do the correct procedure, which I don't understand why he wasn't told the correct procedure last year after it came to the city's attention that he needed to do that; but Deborah's already pointed out he's missed the deadline to do that. Creating all of these procedures doesn't do anything unless they're followed. Somehow they need to be idiot proofed so the public know what they are and how to do them.

Jerry Gibson The change of schedule to meet with the council to talk about the levels of service to parks and police; it's a hot topic and you all have asked and inquired that we should find out what the public wants on a couple of these issues. It seems like it's kind of premature to get together with the council and talk about this stuff. I really request that there's substantial public notice on this. People are interested. Regarding discussion item #1, proposed property disclosure code, when the seller's selling property if they make that disclosure about a particular problem that it's going to be in extra fine print. Anything the city can do to make that right out in the open and should be done in a meaningful way, rather than in a document that nobody looks at. Item #2, the proposed property maintenance code; we're at a time when we need that retail space and we've got properties around town that are rat infested and we've talked about the cars. Something should be done about that. How are we going to attract businesses with the various eyesores in town? I hope we get to something that has some teeth in it so we can do something about these places. Issues regarding not giving direction to consultants, a perfect example is with the current revamping of the comprehensive plan.

In regards to the Dyer/Skywall with respect to the current comprehensive plan says the reason for this road connection is to anticipate and add to a grid system. Dyer and Skywall are separated from the rest of the city by the railroad tracks and the highway. The cost is 2.3 million dollars. Somewhere along the lines the words have been changed to provide emergency access for public safety. It's not for public safety. Public safety is over on Skywall where people have to get out by boat. Wording has been changed. Whose words are those? Staff, they're not Mr. Shockey.

PLANNING BOARD COMMENTS

PB Davenport Smith I really appreciate the participation we had tonight, thank you. I would definitely be in favor of formalizing our motion process and bringing back to the city council and have the chairperson sign it and formalize it. If ever we are divided I don't think there is anything wrong in saying why we voted for it or against it. The council and public needs to know in order to make an informed decision. In terms of a contract, when we get a new contract for any consultant the product is only as good as it is written for that product to be and it sounds like some of the issues are at that level; writing the scope of work for the consultants and if there is any way that the board can be involved in that so that we get a good contract. She went on to explain she does that at her work and she doesn't have to be a technical expert; she knows what piece should be completed at her level and when she doesn't receive that piece, she knows the contract hasn't been completed. As far as the property maintenance code, an enforceable code is always a good thing. You don't want a code you can't enforce but I do have to say in my experience when you start giving yourself so many requirements and you don't have the ability to enforce them you become a paper tiger. You've got to be practical.

PB Van Pelt Good comments Sarah. I appreciate everybody's comments tonight; it was practically like a hearing board meeting tonight.

PB Cofer Speaking to our contractual performance from some of our consultants there's a saying that we use in the automotive field that speed costs money, how far are you willing to go. Are these contracts and are the consultants trying to work in the frame

of a budget. Are we just getting what we paid for, or are we not getting the value of our money.

PB Schmidt I too would thank everyone for the level of participation and comments tonight. Do we need to excuse Kurt?

Development Director Cisar Why don't you do that as a separate motion?

PB Cofer seems excusable to me.

Discussion on proper rules

Motion by PB Cofer, second by PB Vanpelt to excuse PB Latimore's absence. All in favor.

PB Schmidt comments were good about getting these materials on the web; that's very helpful to me when I am out of town as sometimes I don't get them until Monday night.

Discussion amongst members and staff about packets being posted on the website and the delivery process being timely.

Adjournment

On a motion by PB Davenport Smith, seconded by PB VanPelt the meeting was adjourned; All in agreement. Planning Board meeting ended at 9:28 p.m.