

October 7, 2008 PLANNING BOARD MEETING MINUTES

Meeting Called to Order at: 7:02 PM

*All members not yet present, meeting deferred for 30 minutes.*

Meeting Called to Order at: 7:54 PM

Roll Call:

**PLANNING BOARD MEMBERS PRESENT:**

FRANK LINTH  
STEVE HARRIS  
PAUL MCBRIDE- Absent  
KEITH ARNDT

**CITY STAFF:**

ROBERT MARTIN, DCD  
  
Carole Feldmann Pro-tem, SECRETARY

*Martin advises Planning Board member SCOTT ZAFFRAM resigned his position on the Planning Board.*

Linth: Asks for changes to the agenda, (none).

Martin: Presentations moved to Discussion Section Prioritized Work List Item D-1.

Linth: Action A-1 Approval of minutes not completed, deferred to next meeting 102108. We are here tonight to set a Public Hearing on proposed School Impact Fee and defers to Martin to give an overview.

Martin: The School District has the need to update its Capital Facilities Plan as required by statute. The Sultan School District's Capital Facilities Plan is incorporated into the City's Comprehensive Plan as a reference document. Sultan Municipal Code 16.116 codifies the authorities for assessing and administering School Impact Fees as authorized by statute. The Planning Board must conduct a Public Hearing on the plan and any proposed changes to the School Impact Fees. School District's are one of the two main entities authorized to collect impact fees. While Single Family dwellings will show a slight decrease in Impact Fees Multi-Family Units will almost double.

Harris: Questions the almost 100% jump, how did that happen and the response from such an increase.

Martin: The District hires a Professional Consulting Company and their analysis showed a decrease in single family units with school age children and a significant increase in school age children living in multi-family units. The district wanted to come and make a presentation to the board prior to the public hearing but I asked them to be at the public hearing.

Arndt: Where here to set the date for a hearing.

*Arndt: Requests that Opening Comments from Planning Board Members be added to the Agenda as he notices it missing from tonight's Agenda.*

Arndt: Will the Chair entertain a motion?

Linth: I move that we set a Public Hearing at the October 21, 2008 regular Planning Board meeting to take public comment on the Sultan School Districts proposed School Impact Fees.

Harris: 2<sup>nd</sup>s the Motion.

Linth: Any discussion? All Ayes.

Linth: Item A-3 is to set a Public Hearing on changes to Sultan Municipal Code 16.116.

Martin: The intent is to remove fees from the Sultan Municipal Code and have fees solely located in the Fee Schedule. This will limit the confusion of any fees overlooked in the Municipal Code by having all fees under one Schedule and can be changed all at one time. City Administrator as recommended as part of a house keeping item to get the fees out of the code so there are not two potentially different fees' one in the code and one in the fee schedule. SMC specifies fees that were not changed when the fee scheduled changed because they forgot they were there. By removing Appendix A of Section 16.116.110 which specifies fees in the code it would allow fees to be set by Resolution with the Annual Budget process. We also recommend modifying the language in SMC 16.116.110.A; to refer School Impact Fees as specified to the City of Sultan Fee Schedule.

Arndt: I move that we set a Public Hearing for October 21, 2008 to take public comment to amend SMC 16.116 which lists fees in the code be moved to the City of Sultan Fee Schedule.

Harris: 2<sup>nd</sup> the motion.

Linth: We have a motion and a second, any discussion? No, all in favor. All Ayes.

Moves to Item D-1 .

Martin: Item D-1 presents what he felt where the results, including the description of the project and approximate time included in short term, mid-term, long term prioritized work list. Each category was reviewed by members of the board and explained by Martin. Input was taken by the Planning Board Members and changes and commentary was added as necessary. Much discussion about the priorities short term long term and mid-term and reorganizing the proposed list submitted by Martin. This work list will come back to the Joint Meeting on November 18, 2008. Do we want to move long term high priority item 2 to mid-term high priority?

All yes.

Harris: Raised the question with regard to Planned Unit Development and moving it to a higher ranking given the Hearing Examiners decisions such as long term high priority.

Martin: The problems with the Planned Unit Development Code, pointing out the council and board were not administering it the way it is written. Most of the Hearing Examiners language is based on the fact there was not sufficient attention paid to the code. It was not whether the code was written well or not but you must follow the code. Prior councils were taking liberties with the code and not following code but agreeing to assist or agree with the developer. That is where most of the problems came from. We are addressing the Hearing Examiner on the PUD's as mid-term mid priority. We are fixing the

procedural part now. The Hearing Examiner will follow the way the Code is currently written, bad or good it needs to be followed until it is rewritten.

Arndt: Have we given you what you need to finalize this? Martin states yes. Then I move to close this discussion. 2<sup>nd</sup> by Harris, Linth agrees.

Linth: Moves on to Item D-2 Board Orientation and Education Process.

Martin: Jon Sitkin is an Attorney in Bellingham who deals primarily with Land Use issues. He presented the Attorney's aspect on the Planning Short Course provided to all members here this evening. I worked well with Jon, he has offered to come in and educate planning members on their roles and the process. All Planning Board Members will start receiving a monthly magazine, and a CD Library for training in a Power Point Presentation as been ordered. Mr. Sitkin's has agreed to allow us to use his training program to help educate everyone on their roles, rules and responsibilities.

Arndt. Book he borrowed pertained to Quasi-Judicial meeting types. Are there planning boards that retain the Quasi-Judicial responsibilities as opposed to those who are not?

Martin: Most jurisdictions are moving towards the Hearing Examiner handling the Quasi-Judicial actions. This conversion does away with the Quasi-Judicial process at the Planning Commission because of liability.

Mr. Martin mentioned that membership in the American Institute of Certified Planners (AICP) requires 30 annual training hours so he will bring additional planning board educational materials from these sessions.

Closing Comments:

Harris: Having dealt with government in other jurisdiction he wants to thank the manner in which the City of Sultan involves the public and listens to all their comments, he appreciates it.

Arndt: None

Linth: Moves to Adjourn, 2<sup>nd</sup> by Harris, All in favor.

Meeting adjourned at 10:25 PM

## Robert Martin

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**From:** Lucy Kelly [lucyk@coasttocoasthardware.net]  
**Sent:** Wednesday, December 10, 2008 2:56 PM  
**To:** 'Brad Lincoln'; robert.martin@ci.sultan.wa.us  
**Subject:** RE: Sultan Coast to Coast

Hi Brad,

Hope you're feeling better. When you get back to the office would you please still give Bob Martin a call. I just want to make sure all issues are resolved and no more time delays. Thank you.

Lucy

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**From:** Brad Lincoln [mailto:bradl\_gtc@earthlink.net]  
**Sent:** Wednesday, December 10, 2008 1:35 PM  
**To:** 'Robert Martin'; lucyk@coasttocoasthardware.net  
**Cc:** 'Edward Koltonowski'  
**Subject:** Sultan Coast to Coast

Bob and Lucy:

I probably should have made it clearer, but comment #1 and #2 were resolved by analyzing the Main Street intersection with just one lane on the Main Street approach. I looked back through the report I sent out on Monday and I found that the old analysis was attached showing separate lanes, although the information in the report is correct. I have attached a revised report that includes the correct analysis.

I am checking my e-mail and hope to be in the office tomorrow. Let me know if there are any further questions and I apologize for the confusion.

*Brad Lincoln, PE*  
Gibson Traffic Consultants, Inc.  
2802 Wetmore Ave, #220  
Everett, WA 98201  
(p) 425-339-8266  
(f) 425-258-2922

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008**

The joint meeting of the Planning Board and Sultan City Council was called to order in the Sultan Community Center by Chair Frank Linth and Mayor Eslick.

Planning Board Present: Linth, Arndt, Harris and McBride

Councilmembers present: Champeaux, Wiediger, Slawson, Flower, and Blair

**CHANGES/ADDITIONS TO THE AGENDA:**

Add: Action 2 – Cancel meetings

**PRESENTATIONS:**

**Public Officials Liability Workshop:** A Public Officials Liability workshop was provided by the City's insurance provider (CIAW) prior to the meeting.

**Flood Plain Management:** Chris Nelson, PE, and Karen McGinnis with Snohomish County Surface Water Management presented an overview of the new study by FEMA on the Skykomish River to verify and adjust floodplain levels, fill in gaps in floodplain designations and implement digital flood mapping.

The current maps are outdated and most of the FIRM maps are based on pre-1980 data and did not reflect what was happening during the floods. The County has worked with FEMA to develop new maps for the upper and lower Skykomish River. The upper Skykomish study was completed in 2006 and included 54 miles of detailed study and 16 miles of limited study. The study objectives were to update the flood maps and update the Flood Insurance Study. The factors that affect the hydrologic analyses were considered.

Larry Karpack, Northwest Hydraulic Consultants, provided an overview of the Hydrologic study and analyses used to develop the new floodplain maps and base flood elevations. There will be a public review process to review the floodplain maps. Using the USGS Gage data, the 100 year flood estimates were revised.

Karen McGinnis discussed the public review process for the new maps. Flood plain maps should be available to the Cities in February 2009. Public workshops and open houses will occur from March to June 2009. The final effective date for adoption of the new maps is September 2010.

**Council/Planning Board:**

**Flower:** The purpose of the study and the process is to justify raising the base flood elevation which will increase insurance rates. The dam at Spada Lake is not considered a part of the equation in the study but it has impacted the flooding as it is a storage area for water.

**Chris Nelson** advised the PUD dam at Spada Lake does not meet the FEMA criteria for flood storage and is therefore incidentally. It is not a dedicated storage area and there is no guarantee it would be available for back to back events. Levees that are not certified don't count either and are not considered in the FEMA floodplain mapping.

**Bruce Meeker**, PUD manager for the dam advised he appreciates the frustration of the public. PUD does draw the dam down during flood events to provide capacity for storage. The 2006 flood was a 100 year event for the Skykomish River but not for the Sultan River. The dam captured and held the water in 2006. The peak flows on the Sultan River are different from the Skykomish River. The FEMA policy issue impacts the community. There are flood benefits to the dam and the community needs to address the issues with FEMA.

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008**

Karen McGinnis: The study could increase the flood insurance rates. The residents can be grandfathered in at the lower rates if they contact their insurance agents. There are programs to provide funds to elevate homes to lower insurance costs. Existing buildings that complied with the building codes at the time they were built or remodeled would be grandfathered in.

Frank Linth: Will this raise the base flood line one foot? Why was the 2006 flood not a 100 year event? Did the water storage at the dam help? The river has changed over the past 100 years. They used to bring steamships up the Sultan River but can no longer do that as the river has filled in.

Chris Nelson and Larry Karpack advised the hydraulic modeling is not complete but the one foot rise is close to the estimated change. The water storage at the dam was a factor in the 2006 flood. The Skykomish River had a 100 year event but the Sultan River did not.

Slawson: Asked why we stopped dredging of the rivers?

Chris Nelson: The endangered species act created a moratorium on dredging.

Blair: In regards to the environmental issues, she was on the Salmon Recovery board and their recommendations have not been proven. More flooding occurs in residential areas and more pollutants are getting into the river. They may need to reevaluate the endangered species act. There used to be a slough that has been filled in and the water now goes other places. They need to consider the impact of these actions and consider opening those areas back up for flood control for the Skykomish. The graphs show the 100 year flood at different levels, which is correct? Are the conditions of the culverts taken into account for the study?

Larry Karpack advised the hydraulic model shows the 100 year flood at 59,000 cfs.

Champeaux: The hydraulic numbers in Gold Bar were discussed and he understands they can't consider the dam but they are not using the best available science if they are using 59,000 cfs which is 50% higher than what we have seen in the past 43 years. If they use the lower number, some residents may not need flood insurance.

Harris: The data is based on the 1990 flood when the dike broke, was that considered? Why are they using the 2006 event which was a freak occurrence of 14 inches of rain due to a pineapple express? How does the community protest the reports and revised maps?

Larry Karpack: The levy failure would not affect the flow and it was not considered in the study. The pineapple express occurs as a regular event. The 2006 flood came out to be a 100 year flood based on the data study. They did not select the flood, it fell into the criteria.

Chris Nelson: The draft maps will come out in 2009 the 90 day appeal period with FEMA will start. They must present physical evidence that the study is not correct.

Keith Arndt: The study is paid for by FEMA and the community is frustrated by the policy.

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008****Public:**

Craig Bruner: Is a certified flood plain manager and he is concerned about the flood plain in Sultan and the impacts to the community. FEMA has a process to follow and there may be additional environmental policy imposed on FEMA by the courts due to recent litigation. Future land use and climate changes will need to be considered.

Ed Boucher: FEMA is expanding on the elevations to pay for what is going on in other areas of the country. There are businesses that are reconsidering building because of the raised elevation requirements and the additional costs. If there is no new map or a revised elevation, who is telling the developers they must comply with the new elevations? Do they have to comply with the new requirements now?

Brian Park: Lives in Gold Bar and was present in 2006 when they presented the map changes to Monroe. FEMA was present and he requested information on the process to change the maps. They used a consultant to change the maps and the data used to develop the map was in a warehouse in Texas. The information needs to be available during the 90 day comment period. The difference between a 100 year flood and 500 year flood is six inches.

Chris Nelson: The city requested this meeting and he would recommend the City of Gold Bar set up a meeting also.

Bart Dalmasso: The flood waters came up again last week and the Federal government is not doing their job by not allowing the rivers to be dredged. Fishing is not as good as it used to be. The economy was an issue during the election and dredging would help the economy. Lives have been lost because of floods.

Roger Finley: Raises raise cattle on south side of river and the floods are getting worse. If they put a new channel in the river how would that impact them? They are getting more logs and debris in the floods now since the debris channels are gone.

Bruce Meeker: Asked what the estimated cost to the community will be if the rates are raised?

The information on the FEMA report and the study will be posted on the City and County web sites.

**Planning Board Work Plan:** The Planning Board prioritized the draft work program at the September 16, 2008 meeting. The work plan will provide a guide for Planning Board activities over the next two years. Staff has added an item that was addressed by the Growth Management Hearings Board regarding the lack of zoning on two city owned properties and the need for a public institution or public lands and uses zone. The work plan included:

**SHORT TERM, HIGH PRIORITY** (*Short Term, High Priority means start as soon as possible and complete as soon as possible*).

1. Planning Board orientation/education process including sponsorship of Planning Association of Washington "Planning Short Course" (started and ongoing).
2. Develop, implement, and maintain reliable methods of communication and liaison between Planning Board and City Council.

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008**

3. Review and revise the Public Participation Procedures in Sultan Municipal Code 16.134.010 with the intent to provide an organized and open system of citizen involvement in the planning program.
4. Prepare and adopt policies and procedures for 2011 Comprehensive Plan Update.
5. *Construct a "Public Institution" or "Public Lands and Uses" zone text and amend into Title 16, and apply that zone to appropriate properties including but not limited to currently "unzoned" city-owned properties through a Zone Map amendment.*

**SHORT TERM, MID PRIORITY** (*Short Term, Mid Priority means start before end of 2008 and complete within 3 months*)

1. Annual Comprehensive Plan Docket Process: formalize dates and procedures for consideration of proposals from Citizens, Planning Board, and City Council.

**MID TERM, HIGH PRIORITY** (*Mid Term, High Priority means start within 6 months and complete within 9 to 12 months*)

1. Revise the Development Permit Matrix System for Quasi-judicial and legislative responsibilities of the City Council including the schedule and time lines to complete the review process. Reduce Council's Quasi-judicial role in land use processes.

**MID TERM, MID PRIORITY** (*Mid Term, Mid Priority means start within 6 months and complete within 12 months*)

1. Revisions to Planned Unit Development Regulations and related Unified Development Code provisions.
2. Traffic Impact fees for commercial development.

**LONG TERM, HIGH PRIORITY** (*Long Term, High Priority means start within 12 months and complete within 24 months*)

1. Streamline Unified Development Code (Title 16), and Other Land Uses (Title 21) to provide for accurate, consistent, and efficient review and processing of applications.
3. Review Comprehensive Plan policies related to "retail over rooftops" as expressed through water and sewer allocation.
4. Adopt a "holding charge" for allocated water and sewer Certificates.
5. Review timing and collection of park impact fees (final plat vs. building permit).
6. Evaluate programs to encourage economic development by crediting a portion of the costs of transportation impact fees commensurate with the collection of increased retail sales tax from the business.

**LONG TERM, MEDIUM PRIORITY** (*Long Term, Medium Priority means address within 24 months*)

1. Engage County in discussion of Rural-Urban Transition Area (RUTA) as it relates to costs of utility development for City of Sultan.

**LONG TERM, LOW PRIORITY** (*Long Term, Low Priority means address as time and opportunity allow*)

1. Update Sign Code (Title 22) as a component of downtown revitalization.

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008**

Discussion was held on adding the quasi-judicial changes to the short term high priority list; traffic impact fees for commercial development; waiver of fees to encourage business development and the need have the Planning Board provide reports to the Council on the work accomplished.

**Comprehensive Plan Amendment Public Participation Policies:**

The issue before the Board is consideration of the proposed Citizen Involvement Program for 2011 Comprehensive Plan Update. Under current practice, and the February 22<sup>nd</sup> document, the Planning Board and the City Council both hold public hearings on all amendments to the development regulations regardless of how insignificant the change may be. Recently we completed a laborious series of staff reports and hearings to simply remove the Conditional Use Fee of \$800 from the Municipal Code and place it in the Fee Schedule. There is no statutory requirement to do this.

Further, we are required to provide notice of this type of insignificant action to all of the same agencies and entities that receive notice of major Comprehensive Plan Amendments and advertise twice in the legal notice column. This is not required by State Statute, and is a significant bottleneck and unwarranted expenditure of resources when making changes to implementing codes that do not adjust how Plan policies are applied.

The provision for two public hearings, one before the Planning Board and one before the City Council is a valid model for Comprehensive Plan Amendments and for code amendments that substantively change how Comprehensive Plan Policies are implemented.

It is not a valid model for changes like the Conditional Use Fee discussed above, or for procedural changes or format changes that do not change how Comprehensive Plan Policies are implemented.

The proposal is to have different procedure levels:

1. Typographic, format and layout changes.
2. Circumstances under which no additional public review and comments is provided.
3. Minor or procedural amendment of development regulations.
4. Substantive changes to amendments that are under review.
5. Adoption of amendments to the comprehensive plan, development regulations or new development regulations.

Discussion was held regarding public participation; notification to the public; providing written procedures to the public of the revised process; responsibility of the citizens and the difference between a party of interest and a party of record. The proposal is the minimum standards the city must follow; they can increase the requirements on a case by case basis.

**Quasi-judicial Process:**

The issue is to discuss draft amendments to Sultan Municipal Code to remove Quasi-judicial land use hearings and decisions from City Council and place all such actions in the Hearing Examiner section of the Code. This will eliminate the political mix from the land use actions. SMC 2.26, 16.28 and 21.04 will be amendment. The variance procedure will be moved to a new section of the code. Staff was directed to bring the matter back for action.

**ACTION ITEMS:**

**Planning Board Minutes:** On a motion by Planning Boardmember Arndt, seconded by Planning Boardmember McBride, the minutes of the September 9, 2008, September 16, 2008 and October 21, 2008 Planning Board meetings were approved as presented. All ayes.

**CITY OF SULTAN JOINT PLANNING BOARD AND COUNCIL MEETING – November 18, 2008**

**Cancel Meetings:** On a motion by Planning Boardmember Harris, seconded by Planning Boardmember McBride, the November 25, 2008 and December 2, 2008 meetings were cancel and staff was directed to provide proper notice. All ayes.

**COMMENTS**

**Linth:** There are no standard for property maintenance and the Planning Board or Council need to add the issue to the work plan.

**Adjournment:** On a motion by Planning Boardmember Harris, seconded by Planning Boardmember Arndt, the meeting adjourned at 10:10 PM.

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Carolyn Eslick, Mayor

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Frank Linth, Chair

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Laura J. Koenig, City Clerk