

BARCLAYS  NORTH INC.
A Developer of Distinction

BY FAX

November 16, 2004

Sultan Planning Commission
City of Sultan
PO Box 1199
Sultan, WA 98294

RE: Proposed Annexation Policy

Dear Commissioners:

On behalf of Barclays North, Inc., I would like to make the following comments on the proposed annexation policies:

Page 4, Section II, Subsections (3), (5), (6) – This information is best left to a review during the process after a development application has been received – not during the process of considering an annexation. These requirements could act a deterrent to some who may wish to annex, but have not contemplated development or are fearful of being required to invest in a significant number of studies or other information requested by the City. Additionally, what the City has broadly required here is equivalent to much of the information required of a development application, which costs a significant amount of money. This may not be feasible so early in the development process (when an application has yet to be developed and submitted) and when there is no assurance that annexation is likely to occur.

Page 4, Section II, Subsection (7) – This information should not be needed from an applicant so long as the City has already put together its comprehensive plan and planned for the areas of its UGA outside city limits. GMA precludes annexation of rural land. It is wrong to require a landowner to do additional studies when information already exists in the City's comprehensive plan that guides development of areas proposed for annexation.

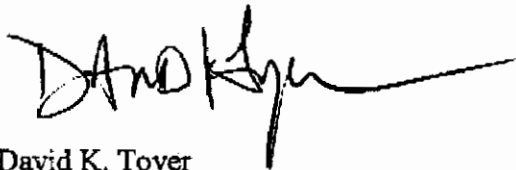
Page 5, Section V – What the city is requiring in its pre-annexation agreements is equivalent to the review of a development application prior to annexation. Moreover, it is an attempt to bind future development to particular conditions. This appears to be a blatant and illegal extension of the City's police powers. These requirements should be part of the development application process, not the annexation process.

Page 7, (4), bullet point (5) – The City's review of an annexation proposal under its development regulations is again a broad extension of the City's police powers. The City should not be reviewing each annexation proposal as if it were a development application.

We are greatly concerned with the City's proposed annexation policies. Further, we believe that if adopted, these policies will discourage or, at the least, delay annexation. If the City is planning for its entire UGA as part of its comprehensive planning process, then requiring information about specific, future development plans in areas proposed for annexation is totally unnecessary. Lastly, we would remind the City of the on-going litigation involving Stanwood and Arlington, where those cities have attempted to extend their police powers to require specific conditions of development as a part of annexation, and or as a part of the extension of utilities.

Should you have any questions, please feel free to contact me at any time. Thank you for your time and consideration.

Sincerely,



David K. Toyer
Vice President

CC:
Mr. Rick Cisar, City Administrator/Planner
Master Builders Association