



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
128 – 10th Avenue SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

February 27, 2004

The Honorable Ben Tolson
Mayor of Sultan
319 Main Street, Suite 200
Post Office Box 1199
Sultan, Washington 98294

RE: Comprehensive Plan Update

Dear Mr. Tolson:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the proposed amendments to Sultan's comprehensive plan we received on December 30, 2003. We recognize the substantial investment of time, energy, and resources these documents represent.

A local jurisdictions' comprehensive plan is the blueprint for how the community intends to develop over the course of the next several years. Comprehensive plans include narratives and analysis of existing and future conditions, broad vision statements for how the citizens see the future of their community, goals and policies to implement the community vision and specifics of how development will take place in the city. A comprehensive plan, under the Growth Management Act (GMA), is a plan used for the day-to-day operations of a city. Capital facility decisions need to be made consistent with the comprehensive plan. Development regulations must be consistent with and implement the comprehensive plan. Even individual permit decisions, although primarily guided by development regulations, are guided by the plan in the exercise of discretion within the regulations. In addition, the city's comprehensive plan should be viewed as a communication tool for the public to understand the vision of the community, what can be anticipated and how that vision is translated into the actions governing land use and development in the city. A comprehensive plan should be in a format the public can easily comprehend and that can guide day-to-day activities. Given these important purposes, it is essential that the plan contains sufficient information to guide actions implementing the plan, such as the crafting of development regulations, and capital budgeting decisions.

Although the comprehensive plan need not revisit decisions or reiterate all of the background information contained in the environmental documentation, the plan should contain information necessary to flesh out, fully describe and further develop the preferred alternative. Even if the same issues are addressed in the environmental documentation, the comprehensive plan must contain all the required information listed in RCW 36.70A.070. This is true because a DEIS will lay out and assess a range of alternatives. One cannot assess consistency between development regulations and a range of possible alternatives. After a final

EIS is adopted, the comprehensive plan will flesh out the preferred alternative. These issues need to be clearly identified within the comprehensive plan and will require the repetition of some information. The purpose of the comprehensive plan is to pull together all the information generated during the environmental review process and the planning processes and put it all in one place.

The comprehensive plan would be more understandable overall if a summary of the pertinent information, including the alternative chosen through the EIS process, were incorporated within the comprehensive plan. We suggest you include a narrative of the existing conditions and the vision for the community within each of your various elements (Environment, Land Use, Economic Development, Housing, Transportation, Utilities and Capital Facilities). These types of narratives provide the reader with some context of the City of Sultan and how the citizens see the future of their community.

We especially like the following:

- The maps produced for the City of Sultan with the various critical areas are excellent. They clearly depict the environmental challenges found within the city limits.
- We support the implementation task to create a critical areas overlay map to protect the functions and values of critical areas in the City of Sultan.
- We are pleased to see the City of Sultan develop a non-motorized transportation and trails plan. The map and policies supporting alternative transportation are an important step in making a livable community.
- We are impressed with the Design Resources chapter of your comprehensive plan. This chapter shows the importance the community places on Sultan's natural and historical features. We applaud you for developing policies that will strive toward protecting these important resources.
- We commend you for your public participation program as part of your comprehensive plan update process. Assessing the views of the public to help provide focus to comprehensive plan development is an important component of the GMA. We suggest you incorporate a narrative within your comprehensive plan to describe how the public was involved in the development of the comprehensive plan.

We have concerns about the following you should address before you adopt your plan:

- Within the Environmental Element, we recommend adding a policy stating that the best available science (BAS) will be used to protect the functions and values of critical areas. In addition, this policy should reference RCW 36.70A.172 and WAC 365-195, Section 9.

Additionally, we have recommended several options for jurisdictions to cite the BAS in their planning efforts: an appendix to the development regulation, within the development regulation itself, or within the findings of the adopting ordinance for the development regulations. If there is a departure from BAS based on local circumstances or other issues, these issues need to be discussed thoroughly as to why there is a departure, the implications of the departure, and any potential risks associated with this decision. These decisions should be located within the findings of the adopting ordinance. Our office has developed guidance to assist local jurisdictions with this effort. They include: *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* and *Critical Areas Assistance Handbook*. These are available on our Web site at

www.cted.wa.gov/growth (go to Resource Documents, then Technical Reports) or we would be glad to send them to you.

- Within the Environmental Element we recommend including a list of the critical areas required to be regulated under the GMA [RCW 36.70A.030(5)] found within the City of Sultan.
- CTED recommends a policy be included that wetlands be rated consistent with the Washington State Department of Ecology's (Ecology) *Wetlands Rating System for Western Washington* (Publication No. 93-074). The wetlands rating system the City of Sultan chooses must be technically supportable, should reflect the latest information on protection of functions and values of wetlands, and should be based on the BAS. See RCW 36.70A.172 and WAC 365-195-900 through 925.
- The Land Use Element fails to clearly show the general location of various land uses, the range of appropriate densities and their capacity to accommodate new growth. The GMA [RCW 36.70A.070(1)] requires the Land Use Element include population densities, building intensities, and estimates of future population growth. Many jurisdictions use tables that indicate the land use, the acreage in each land use designation, and the existing number of dwelling units and potential capacity in each land use designation, based on vacant and underdeveloped parcels. This provides a clear picture of the current density of development, and how population growth will be accommodated. It would also be helpful if the Land Use Element included a text description of the land use designations in Sultan, particularly the residential zones.

The various pages within the DEIS (94-103; 17-23; 110-115; 132-138) provide good background information on land capacity analysis; however, they do not lay out the communities preferred future land use designations showing the range densities envisioned for various areas of the city. This information will be essential for showing how the zoning ordinance is consistent with and implements the plan.

Jurisdictions should ensure that the predominant pattern of residential development within an urban growth area is at least four dwelling units per net acre unless recognized circumstances, such as significant environmental constraints, justify a lower density. This justification should be clearly explained within the comprehensive plan and the findings used to adopt the comprehensive plan. A number of Central Puget Sound Growth Management Hearings Board cases have discussed the issue of density. We recommend you review *Bremerton, et al v. Kitsap County*, No. 95-3-0039c (Final Decision and Order, October 6, 1995), *Benaroya, et al. v. City of Redmond*, No. 95-03-0072 (Final Decision and Order, March 25, 1996), *Litowitz v. City of Federal Way*, No. 96-3-0005 (Final Decision and Order, July 22, 1996), and *MBA v. Pierce County*, No. 02-3-010 (Final Decision and Order, February 4, 2003). These cases may be found on the Growth Management Hearings Board Web page - <http://www.gmhb.wa.gov>.

- We are concerned that the urban growth area (UGA) expansion is not being supported within the comprehensive plan. A discussion within the comprehensive plan and the findings adopting the comprehensive plan needs to thoroughly discuss the reasonable measures adopted by the City of Sultan and how this UGA expansion is the only remaining option in accommodating its allocated population [RCW 36.70A.215(1)(b)]. We suggest the city utilize the process described within the *Snohomish Countywide Planning Policies* as a way to describe reasons for UGA expansion (UG-13). For example, the city needs to describe how it has met its 50 percent population capacity for its UGA, how it has adopted and employed its reasonable measures, and how it has finally chosen the UGA expansion as its last means to accommodate its allocated population. In addition, a discussion of the land use impacts of this UGA expansion on SR-2 and how other capital facilities are being coordinated with the UGA expansion should be included within the comprehensive plan [RCW 36.70A.215]. For more guidance on UGA designation, we suggest you review RCW 36.70A.110 and

WAC 365-195-335 and *Issues in Designating Urban Growth Areas, Part I: Providing Adequate Urban Area Land Supply* and *The Art and Science of Designating Urban Growth Areas, Part II: Some Suggestions for Criteria and Densities*. (enclosed)

As your Capital Facilities Plan (CFP) will not be completed until later this year, we suggest you not adopt these amendments until the CFP is complete. The process of expanding a UGA needs to be thoroughly evaluated in conjunction with the ability to provide adequate public facilities and services to the entire UGA.

- The Housing Element does not indicate what strategies are being employed to accommodate its fair share of affordable housing and how it is meeting the requirement of Countywide Planning Policy HO-5.
- A policy should be included within your Transportation Element to reassess the Land Use Element if probable funding falls short of meeting existing needs. [RCW 36.70A.070(6)(a)(iv)(C)]

We have some suggestions for strengthening your plan amendments we encourage you to consider either in these or future amendments:

- The residential holding capacity (page 23) and the employment holding capacity (page 28) would be greatly strengthened if there were summaries of the tables. Again, thinking about this document as a communication tool for the public, it would be helpful to have the various terms defined, a narrative describing what the numbers mean and the results of these numbers.
- To strengthen your Housing Element, we suggest including a policy directing the treatment of a residential structure occupied by persons with handicaps the same as a similar residential structure occupied by a family or other unrelated individuals [RCW 36.70A.410].
- As you work toward completing your capital facilities plan (CFP), we suggest you incorporate policies to reassess the Land Use Element if probable funding falls short of meeting existing needs. In addition, ensure that the Land Use Element, Capital Facilities Plan Element and financing plan are coordinated and consistent [RCW 36.70A.070(3)]. Some examples of CFPs that we consider to be clear and might be useful to Sultan are as follows:
 - City of Olympia Capital Facilities Plan available on the Internet at <http://www.ci.olympia.wa.us/Admin/Financial/2003-2008CFPFinal.asp>
 - Issaquah Capital Facilities Plan also available on the Internet at http://www.ci.issaquah.wa.us/planning/compplan/02_Vol1/12_Cap_Fac.pdf
 - City of Seatac Capital Facilities Plan - enclosed
- Many jurisdictions in Washington are considering low impact development (LID) techniques to better manage stormwater on site and minimize the need for off-site storage and conveyance facilities. The Puget Sound Action Team guidebook, *Natural Approaches to Stormwater Management: Low Impact Development in Puget Sound*, showcases how local governments are implementing LID approaches in their communities. This and many other LID resources are available on the Internet at <http://www.psat.wa.gov/Programs/LID.htm>, and could be used to explore LID approaches for Sultan.
- To strengthen your Transportation Element, we suggest referencing the Appendix that indicates the levels of service standards for all locally owned arterials.

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- We really like the consistency matrix developed within your 1994 final comprehensive plan. This matrix is an excellent tool to show how the county-wide planning policies were used to develop the local comprehensive plan. An updated matrix would strengthen your plan.
- The Sultan plan does not include provisions for governing amendments, as required by RCW 36.70A.130 and WAC 365-195-630(2). CTED also recommends jurisdictions define what constitutes an emergency, when comprehensive plan amendments might be considered outside the normal annual amendment process.

Congratulations to you and your staff for the good work these amendments embody. If you have any questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3051 or Dave Andersen at (360) 725-3052. We extend our continued support to the City of Sultan in achieving the goals of growth management.

Sincerely,

A handwritten signature in black ink that reads "Wendy Compton-Ring". The signature is written in a cursive, flowing style.

Wendy Compton-Ring, AICP
Senior Planner
Growth Management Services

WCR:lw

cc: Rick Cisar, City Administrator/Planner
Dave Andersen, AICP, Planning and Review Team Manager, CTED