



PLANNING BOARD AGENDA

PLANNING DEPARTMENT

April 2, 2024 - 7:00 PM

HYBRID/ZOOM MEETING

319 Main Street, Sultan WA 98294

I. Call to Order, Pledge of Allegiance

II. Roll Call

III. Approval/Changes to the Agenda

IV. Public Comments/Visitors

Anyone who wishes to speak on any matter not appearing on the agenda may do so at this time. Citizens are requested to keep Public Comments to a 3-minute maximum (3-minutes or less per person) to allow time for everyone to speak.

V. Approval of Minutes

Planning Board Meeting Minutes for February 6, 2024

VI. Public Hearings

1. Public Hearing 1-Code Update Minor & Major Adjustments to Approved Prelim Plats
2. Public Hearing 2 - Code Updates Fee in lieu of.

VII. Discussion Items

1. Joint City Council and Planning Board Meeting on April 4, 2024

VIII. Community Development Update

IX. Summary of Meeting Results and Actions for Next Meeting

X. Planning Board Member Comments

XI. Staff Comments

XII. Adjournment

Join Us by Zoom Meeting

The city of Sultan is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting:

<https://us02web.zoom.us/j/86759290886?pwd=dFRDUksyVXk1dzdmYUtkTlo1anFCZz09>

Meeting ID: 867 5929 0886

Passcode: 084666

Meeting ID: 867 5929 0886

DIRECTIONS FOR PROVIDING PUBLIC COMMENT

Written comments:

Written public comments should be emailed to the Planning Board Secretary, Cyd Donk.

Email: cyd.donk@ci.sultan.wa.us

Written Comments **must be received by 4:00 PM on the day of the meeting.**

Virtual Public Comments

Dear Community Members,

We wanted to inform you of an important update regarding virtual public comments at City meetings.

Starting in January 2024 all community members who wish to participate in virtual public comment during City meetings are required to register on the city website beforehand. This new registration process is designed to streamline and enhance the virtual public comment experience for everyone involved.

To register, please visit our city website at <https://ci.sultan.wa.us/205/City-Council> and follow the simple registration instructions. All virtual comment registrations **must be received by 4:00 PM on the day of the meeting.**

Once registered, the Chair will bring forward registered participants at the appropriate time for comments to be given.

We want to emphasize that community engagement is highly valued, and your input is crucial to the decision-making process. The three-minute timeframe for each public comment will remain in place to ensure an efficient and inclusive discussion.

Your participation is essential in shaping the future of our community, and we encourage you to continue sharing your thoughts and insights during City meetings.

If you encounter any difficulties with the registration process or have questions, please feel free to contact our City Clerk Tami Pevey for assistance. She can be reached via email at tami.pevey@ci.sultan.wa.us or via phone at (360) 793-1811.

Thank you for your ongoing commitment to making the City of Sultan a vibrant and thriving community.

PLANNING BOARD MISSION STATEMENT

The City of Sultan Planning Board's mission is to translate its knowledge of the community into recommendations on land use plans and codes that help the community to achieve its goals and desires for health, prosperity, and quality of life for present and future generations.

Planning Board Members

Janet Peterson, Chair
Mike Weidman, Pro-Tem
Judie Cyr
Emily Keyes
Unfilled Position

Community Development Staff

Hal Hart, Community Development Director
Cyd Donk, Secretary of the Board/Associate Planner
Mark Bond, Assistant Planner

ADA NOTICE: City of Sultan Community Center is ADA accessible. Accommodations for person with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360.793.2231. For additional information please contact the city at cityhall@ci.sultan.wa.us or visit our website at www.ci.sultan.wa.us

(360) 793-1311, FAX (360) 793-3344
Staff Email: planning.department@ci.sultan.wa.us



**SULTAN PLANNING BOARD MINUTES
HYBRID/REMOTE MEETING
March 19, 2024**

PLANNING BOARD MEMBERS PRESENT:

Janet Peterson
Michael Weidman
Emily Keyes
Judie Cyr

STAFF PRESENT:

Hal Hart, Planning Director
Cyd Donk, Associate Planner

CALL TO ORDER:

Call to Order at 7:05 p.m.

CHANGES TO THE AGENDA:

None.

APPROVAL OF MINUTES:

Minutes approved for the February 6, 2024, meeting. Motion to approve minutes as submitted by Weidman and seconded by Keyes. All Ayes.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

PRESENTATION:

Comprehensive Plan – Growth and Housing Target presentation by Framework to make recommendation to City Council on their March 28, 2024.

DISCUSSION AND STUDY ITEMS:

Staff presented and discussed the following code changes for the scheduled public hearing at the next Planning Board meeting scheduled for April 2, 2024.

1. Staff Report 1-Code Update Minor & Major Adjustments to Approved Prelim Plats
2. Staff Report 2 - Code Updates Fee in lieu of.

3. Staff Report 3 - Docket Process Code Amendments to 16.54 Off Street Parking/Loading Standards

Staff report number 3 will go to public hearing later.

SUMMARY OF MEETING RESULTS AND ACTIONS FOR NEXT MEETING:

- Next Joint City Council and Planning Board April 4, 2024.
- Next Planning Board meeting is on April 2, 2024, at 7:00 p.m.

PLANNING BOARD MEMBER COMMENTS:

None.

STAFF COMMENTS:

None.

ADJOURNMENT:

Weidman made a motion to adjourn, Cyr seconded. All Ayes

Meeting adjourned at 9:45 p.m.



Public Hearing - Staff Report No. 1
Planning Borad Meeting - March 19, 2024

SUBJECT Public Hearing - Minor & Major Adjustments to Approved Preliminary Plats

DATE	DEPT	CONTACT	PRESENTER	ITEM
04-02-2024	Community Development	Hal Hart Community Development Director	Hal Hart	Ordinance No.1395-24 Minor and Major Modifications to Approved Plats

Attachments: Attachment A. Comments from Government Agencies
Attachment B. (Draft Strikethroughs)

REQUESTED ACTION: Public Hearing to make a recommendation to the City Council to adopt the proposed code change.

DESCRIPTION AND BACKGROUND

Today’s Public Hearing is to consider changes to the Sultan Municipal Code relating to section 19.08.140 Adjustments of an Approved Preliminary Plat. The current code allows the Community Development Director or the “Director” to make minor modifications to plats that have been reviewed and approved by the Hearing Examiner. During the development process minor modifications or adjustments to a plat are sometimes required.

ANALYSIS

Concerns have arisen that in recent years the language governing this section was vague and could be clarified. The language found in 19.08.140 B Minor Modifications Defined stated that:

“For the purposes of this section, adjustment is those that have no substantial impact on neighboring properties, the general public or those intended to occupy or use the proposed development and not to exceed 10 percent of the lots square footage or dimensional requirements.”

New language is offered under this proposal: “If over time the number of minor modifications or changes cumulatively requested have a or will cause such cumulative changes meet the criteria for a major change.”

“For the purposes of this section, minor adjustments will not change more than 10 (ten) percent of the lots, square footage or dimensional requirements of the preliminary plat approved by the Hearing Examiner.”

Under Sultan Municipal Code section 19.08.140 the Community Development Director (or the “director”) will provide a memorandum with the findings of fact. The findings of fact shall be placed in the file for the permit to which it was granted. If over time the number of minor modifications or changes cumulatively requested have or will cause such cumulative changes meet the criteria for a major change, the next subsequent minor modification or adjustment shall be treated as a major adjustment.

New language is offered in the ordinance to assist decision making process:

“Further examples of minor adjustments include but are not limited to the following: Changes in individual lot sizes, a reduction in the number of lots if such reduction would result in less impacts to the environment or surrounding features, changes to phase order (i.e. Phase 3 becomes Phase 1).

The ordinance retains language that minor adjustments shall be reviewed for consistency with the code using five criteria under Section C.

All other adjustments are considered major adjustments and are to be approved through the Hearing Examiner.

New language has been created to identify examples of major adjustments.

“Examples of major adjustments include but are not limited to the following: additional lots, substantial changes to infrastructure, substantial changes to circulation pattern or street configuration with impacts beyond the subject preliminary plat, and any modification of the approved preliminary plat that would result in nonconformity with the code to which the preliminary plat vests. All major adjustments and the resulting plat are subject to the underlying zoning, dimensional, and density requirements in Sultan Municipal Code.”

If any of the above occurs the plat would be returned to the Hearing Examiner for his review and decision. One other example in Section E of the proposed ordinance was addressed:

“Any changes in housing type, for example a change from a single-family dwelling unit to a duplex is not considered a minor or major adjustment and requires the developer to resubmit a preliminary plat application.”

STAFF RECOMMENDATION

Send recommendation to City Council to adopt Ordinance Number 1395-24 Minor and Major Modifications to Approved Plats as written.

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1395-24**

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON, AMENDING SULTAN MUNICIPAL CODE
("SMC") 19.08.140, RELATING TO ADJUSTMENTS OF AN
APPROVED PRELIMINARY PLAT; PROVIDING FOR
SEVERABILITY; AUTHORIZING CORRECTIONS; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Department of Community Development has reviewed the code section authorizing minor and major adjustments to preliminary plats and wishes for the code to more clearly define what constitutes a minor or major adjustment; and

WHEREAS, the City Council adopts the amended code language as described below in order to clarify the intent of SMC 19.08.140.

NOW THEREFORE, THE CITY COUNCIL OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amending SMC 19.08.140, Adjustments of an Approved Preliminary Plat.

The City Council hereby amends SMC 19.08.140 of the Sultan Municipal Code as set forth in Attachment A which is hereby incorporated by this reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2024.

CITY OF SULTAN

Russell Wiita, Mayor

ATTEST/AUTHENTICATED:

Tami Pevey, City Clerk

Approved as to form:

Hillary Evans, City Attorney

Date of Publication:

Effective Date:

ATTACHMENT A

19.08.140 Adjustments of an approved preliminary plat.

A. Minor Adjustments Authorized. Minor adjustments may be made and approved by the director.

B. Minor Adjustments Defined. Minor adjustments in plats are permissible with the approval of the director. Such permission may be obtained through written request without a formal application or public hearing, but a payment of any additional fee will be set by resolution. For the purposes of this section, minor adjustments will not change more than 10 (ten) percent of the lots, square footage, or dimensional requirements of the preliminary plat approved by the Hearing Examiner. ~~For purposes of this section, adjustments are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and do not exceed 10 percent of the lots, square footage or dimensional requirements.~~ Each time a minor modification or change is approved, a memorandum from the director with findings of fact shall be placed in the file for the permit to which it ~~is~~ was granted. If over time the number of minor modifications or changes cumulatively requested have or will cause such cumulative changes meet the criteria for a major change, the next subsequent minor modification or adjustment shall be treated as a major ~~change~~ adjustment and be processed per subsection (D) of this section. All minor adjustments and the resulting plat are subject to the underlying zoning, dimensional, and density requirements in Sultan Municipal Code Title 16.

Further examples of minor adjustments include, but are not limited to, the following: Changes in individual lot sizes, a reduction in the number of lots if such reduction would result in less impacts to the environment or surrounding features, changes to phase order (i.e. Phase 3 becomes Phase 1).

C. Minor adjustments shall be reviewed for consistency with this chapter and the regulations of this title, as well as the following criteria:

1. The adjustment maintains the design intent or purpose of the original approval; and
2. The adjustment maintains the quality of design or product established by the original approval; and
3. The adjustment does not cause a significant environmental or land use impact on or beyond the site; and
4. The adjustment is not precluded by the terms of this title or by state law from being decided administratively; and

5. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat or short plat approval.

D. Major Adjustments. Major adjustments in subdivisions are permissible with the approval of the hearing examiner ~~or the director~~. Such permission may be obtained with a formal application and public hearing, if required, and a payment of any additional fee that will be set by resolution. For purposes of this section, major adjustments are those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and do not exceed 25 percent of the approved lots, square footage or dimensional requirements. Each time a major adjustment is approved, a memorandum from the director with findings of fact shall be placed in the file for the permit to which it ~~is~~ was granted. If over time the number of major amendments or changes cumulatively requested have or will cause such cumulative changes exceed the criteria for a major amendment, the next subsequent major amendment shall be treated as a new application and subject to all platting requirements set forth in this title. Examples of major adjustments include, but are not limited to, the following: additional lots, substantial changes to infrastructure, substantial changes to circulation pattern or street configuration with impacts beyond the subject preliminary plat, and any modification to the approved preliminary plat that would result in nonconformity with the code to which the preliminary plat vests. All major adjustments and the resulting plat are subject to the underlying zoning, dimensional, and density requirements in Sultan Municipal Code Title 16.

E. Any change in housing type, for example a change from a single-family dwelling unit to a duplex, is not considered a minor or major adjustment and requires the developer to resubmit a preliminary plat application.



**Public Hearing - Staff Report No. 2
Planning Board April 2, 2024**

SUBJECT	Public Hearing - Community Development
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DATE	DEPT	CONTACT	PRESENTER	ITEM
03-19-2024	Community Development	Hal Hart Community Development Director	Hal Hart	Ordinance No. 1396-24 Relating to SMC16.62.060 Payment in Lieu of On-Site Recreation Improvement

Attachments: Attachment A. Comments from Government Agencies
Attachment B. (Draft Strikethroughs)

REQUESTED ACTION: Public Hearing to make recommendation to City Council.

DESCRIPTION AND BACKGROUND

Today's Public Hearing is to consider changes to the Sultan Municipal Code relating to changes to this section of code. This action was brought about as the code as is currently written was not yielding the intended results for the City of Sultan.

Specific criteria are created and laid out below. The Community Development Director will be required to follow these as the new applications for development are made.

THE NEWLY PROPOSED CRITERIA

The intent of the proposed ordinance is to provide mechanisms whereby recreation areas and open space are integrated into the new developments as they are proposed within the City of Sultan. The final determination of feasibility is at the discretion of the Community Development Director per specific criteria that are laid out as follows:

1. A public park needing upgrades or maintenance is within a one-fourth mile walkshed using existing ADA accessible routes.
 - a. Distance to be measured furthest platted lot to existing public park.
 - b. Sultan PROS plan parks walkshed maps shall be used for determination.
 - c. Maintenance and upgrade needs include but are not limited to those listed in the PROS plan and the city's budgetary documents.

2. A public trail needed upgrades or maintenance is within a one fourth mile walkshed using

existing ADA accessible routes.

- a. Distance to be assured from the furthest platted lot to existing public park.
 - b. Sultan PROS plan trail walkshed map shall be used for determination.
 - c. Maintenance and upgrade needs include but are not limited to those listed in the PROS plan and the city's budgetary documents.
3. Developer agrees to create ADA – compliant pedestrian facilities to access public parks or trails.
- a. Length of connection shall not exceed one – half mile.
 - b. Distance from development to existing parks or trails is within a one-half mile walkshed.
 - c. Distance to be measured from the furthest platted lot to existing public park.
4. The policy goals of the Sultan PROs plan have been considered and are best addressed by a fee in lieu.

C. A fee in lieu of on-site recreation improvements may be permitted if all the following criteria are met. A fee in lieu of on-site recreation improvements is at the discretion of the community development director:

1. The applicant complies with the open space requirement per SMC 16.62.060
2. Compliance with all other requirements of this title or any other relevant titles makes full compliance with SMC 16.62.030 through 16.62.050 infeasible; provided, that no proposal may request to pay in lieu of all required recreation facilities: and
3. The payment of the fee will provide greater benefit to the residents of the project by providing needed capital improvements to an existing park for the development of a new park in the existing neighborhood or city.

D. The applicant shall make a request in writing to the community development director outlining how the request for payment in lieu of recreation improvements comply with the criteria listed in subsection (C) of this section. The community development director shall be responsible for reviewing the request and deciding whether payment in lieu is warranted.

E. The fee shall be based on the number of lots within the proposed subdivision. For subdivision over 10 lots the fees are calculated below.

1. First 10 lots will be at a rate of \$2,000 per lot.
2. Lots 21 to 30 will be at a rate of \$1,900 per lot.
3. Lots 31 to 40 will be at a rate of \$1,800 per lot.
4. Lots 41 to 50 will be at a rate of \$1,700 per lot.
5. Lots 51 to 60 will be at a rate of \$1,600 per lot.
6. Lots 61 to 70 will be at a rate of \$1,500 per lot.
7. Lots 71 to 80 will be at a rate of \$1,400 per lot.
8. Lots 81 to 90 will be at a rate of \$1,300 per lot.
9. Lots 91 to 100 will be at a rate of \$1,200 per lot.
10. Lots 100 and above will be at a rate of \$1,100 per lot.

CRITERIA EXAMPLE

Example Calculation for 35 lots:

1. 10 Lots at \$2,000 + 10 lots at \$1,900 + five lots at \$1,800 = \$48,000.

F. Fee collected per the provision of the section shall be used by the city for installation of capital improvements to an existing or new park in the existing neighborhood or city. Such fees shall be paid prior to final plat approval or divided among the lots and paid at the building permit issuance.

RECENT SUBDIVISION EXAMPLE OF URBAN FORM ANALYSES

Wyndham Highlands 1 Subdivision produced 171 housing units for the City of Sultan (see attached subdivision layout as an example). The city received \$148,000 in Park Impact Fees from this phase. New families within the subdivision phases have told staff at the Farmers Market last summer, that it would have been nice to have had a park that their families could utilize closer at hand. Under the criteria proposed, subdivisions such as this would be assessed using the adopted criteria creating recreational opportunities within the subdivision as well as tying improvements to others within the community.



Sultan Housing in Wyndham Highlands 1 is relatively affordable when compared to housing in Monroe, Stanwood, and Snohomish. Much more affordable than homes found in King County, Bothell, Woodinville, Duvall, Carnation, and Redmond. Smaller lots of 3,700 to 3,900 square feet come with sidewalks and plantings. The sidewalks are meant to lead homeowners to park and recreation opportunities/amenities per the PROS Plan. Community members have already expressed interest in developing Cricket grounds in the area.

WYNDHAM HIGHLANDS 1

PORTION OF THE SW1/4 AND THE SE1/4 OF THE SE1/4 OF SECTION 29, T28N-R9E, W.M., CITY OF SULTAN, SNOHOMISH COUNTY, WASHINGTON

APN 2002200400700

APN 2002200401500



CURVE DATA		
LINE	INT	TEG-INT
L1	21.90'	N89°31'01"E
L2	25.00'	S89°42'41"W
L3	25.00'	N89°42'41"E
L4	18.87'	N89°42'41"E
L5	23.57'	N89°42'41"E
L7	23.57'	N89°42'41"E

CURVE DATA		
CURVE	IDP	LENGTH
C1	1958.53'	25.00'
C2	1750.20'	4.77'
C3	9150.00'	39.71'
C4	8859.53'	39.83'
C5	9150.00'	39.71'
C6	8859.53'	39.83'
C7	9150.00'	39.71'
C8	8859.53'	39.83'
C9	9150.00'	39.71'
C10	5492.50'	14.00'
C11	414.20'	14.00'
C12	8859.53'	39.79'
C13	9150.00'	39.83'
C14	4108.49'	1.79'
C15	1353.00'	39.81'
C16	1274.25'	33.53'
C17	4108.49'	13.72'
C18	1245.27'	42.36'
C19	1209.26'	43.33'
C20	9150.00'	39.71'
C21	8859.53'	39.83'
C22	8859.53'	39.83'
C23	9150.00'	39.71'
C24	8859.53'	39.83'
C25	9150.00'	39.71'
C26	8859.53'	39.83'
C27	8859.53'	39.83'
C28	8859.53'	39.83'
C29	8859.53'	39.83'
C30	9175.00'	39.83'

STAFF RECOMMENDATION

Send recommendation to City Council to adopt Ordinance Number 1396-24 Fee in Lieu of as written.

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1396-24

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
AMENDING SULTAN MUNICIPAL CODE (“SMC”) 16.62.070,
RELATING TO PAYMENT IN LIEU OF ON-SITE RECREATION
IMPROVEMENT; PROVIDING FOR SEVERABILITY;
AUTHORIZING CORRECTIONS; AND ESTABLISHING AN
EFFECTIVE DATE

WHEREAS, the Department of Community Development has reviewed the code section allowing for payment in lieu of constructing recreational facilities and the Department wishes for the code to more clearly state that such payment in lieu is at the discretion of the City; and

WHEREAS, the City Council adopts the amended code language as described below in order to clarify the intent of SMC 16.62.070.

NOW THEREFORE, THE CITY COUNCIL OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amending SMC 16.62.070, Payment in Lieu of On-Site Recreation Improvement. The City Council hereby amends SMC 16.62.070 of the Sultan Municipal Code as set forth in Exhibit A which is hereby incorporated by this reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2024.

CITY OF SULTAN

Russell Wiita, Mayor

ATTEST/AUTHENTICATED:

Tami Pevey, City Clerk

Approved as to form:

Hillary Evans, City Attorney

Date of Publication:

Effective Date:

EXHIBIT A

16.62.070 Payment in lieu of on-site recreation improvement.

A. The intent of this chapter is to provide mechanisms whereby recreation areas and open space are integrated into development. As determined by the community development director, a payment in lieu of providing on-site recreation improvements is not always in the best interest of the city and each application for a payment in lieu will be reviewed on a case-by-case basis.

B. If providing the facilities and spaces as required in this chapter and in the city's parks, recreation, and open space (PROS) plan is infeasible, the applicant can, in limited circumstances, pay a fee in lieu of providing on-site recreation improvement. Final determination of feasibility is at the discretion of the community development director per the following criteria:

1. A public park needing upgrades or maintenance is within a one-fourth-mile walkshed using existing ADA accessible routes.
 - a. Distance to be measured from the furthest platted lot to existing public park.
 - b. Sultan PROS plan parks walkshed maps shall be used for determination.
 - c. Maintenance and upgrade needs include but are not limited to those listed in the PROS plan and city's budgetary documents.
2. A public trail needing upgrades or maintenance is within a one-fourth-mile walkshed using existing ADA accessible routes.
 - a. Distance to be measured from the furthest platted lot to existing public park.
 - b. Sultan PROS plan trail walkshed map shall be used for determination.
 - c. Maintenance and upgrade needs include but are not limited to those listed in the PROS plan and the city's budgetary documents.
3. Developer agrees to create ADA-compliant pedestrian facilities to access public parks or trails.
 - a. Length of connection shall not exceed one-half mile.
 - b. Distance from development to existing parks or trails is within a one-half-mile walkshed.
 - c. Distance to be measured from the furthest platted lot to existing public park.
4. The policy goals of the Sultan PROS plan have been considered and are best addressed by a fee in lieu.

C. A fee in lieu of on-site recreation improvements will ~~may~~ be permitted if all the following criteria are met. A fee in lieu of on-site recreation improvements is at the discretion of the community development director:

1. The applicant complies with the open space requirement per SMC 16.62.060;

ATTACHMENT A

2. Compliance with all other requirements of this title or any other relevant titles makes full compliance with SMC 16.62.030 through 16.62.050 infeasible; provided, that no proposal may request to pay in lieu of all required recreation facilities; and

3. The payment of the fee will provide greater benefit to the residents of the project by providing needed capital improvements to an existing park or for the development of a new park in the existing neighborhood or city.

D. The applicant shall make a request in writing to the community development director outlining how the request for payment in lieu of recreation improvements complies with the criteria listed in subsection (C) of this section. The community development director shall be responsible for reviewing the request and deciding whether payment in lieu is warranted.

E. The fee shall be based on the number of lots within the proposed subdivision. For subdivision over 10 lots the fees are calculated below:

1. First 10 lots will be at a rate of \$2,000 per lot.
2. Lots 21 to 30 will be at a rate of \$1,900 per lot.
3. Lots 31 to 40 will be at a rate of \$1,800 per lot.
4. Lots 41 to 50 will be at a rate of \$1,700 per lot.
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8. Lots 81 to 90 will be at a rate of \$1,300 per lot.
9. Lots 91 to 100 will be at a rate of \$1,200 per lot.
10. Lots 100 and above will be at a rate of \$1,100 per lot.

Example Calculation for 35 Lots:

10 Lots at \$2,000 + 10 Lots at \$1,900 + 5 Lots at \$1,800 = \$48,000.

F. Fee collected per the provisions of the section shall be used by the city for installation of capital improvements to an existing or new park in the existing neighborhood or city. Such fees shall be paid prior to final plat approval or divided among the lots and paid at time of building permit issuance.