



AGENDA

CALL TO ORDER

ROLL CALL

FLAG SALUTE

ELECTION OF CHAIR AND VICE-CHAIR

OATH OF OFFICE FOR NEW CHAIR AND VICE-CHAIR

APPROVAL OF MINUTES

- a. October 27

PRESENTATIONS

PUBLIC COMMENT

COMMISSIONER COMMENTS

REPORT

- a. Action Items for Review
- b. Committee Reports
- c. Staff Reports

PUBLIC HEARING

- a. None.

GENERAL BUSINESS

- a. Developer Stimulus

PLANNING CALENDAR REVIEW

ADJOURNMENT



MEMO

DATE: November 13, 2009

TO: Planning Commission

FROM: Steve Roberge, Community Development Director

RE: November 18, Regular Planning Commission Meeting

URGENT

ACTION NEEDED

FOR YOUR INFORMATION

COMMENT

Our November meeting should be fairly brief. Following the election and swearing in of the 2010 chair and vice-chair we will hold the regular meeting. The regular meeting has two items of general business.

The first will be wrapping up questions and discussion on the Developer Stimulus. The second is review of the Commission's 2009 Work Plan and discussion of the 2010 Work Plan. A draft 2010 Work Plan will be provided at the meeting.

The Planning Commission Work Plan is set by Council. Generally the plan is adopted by Council in late February or March. It is usually adopted following the February joint Council, Planning and Parks Commission meeting.



CITY OF NEWCASTLE
PLANNING COMMISSION
REGULAR MEETING

COUNCIL CHAMBERS
CITY HALL

October 27, 2009
7:00 PM

Clerical Note: The October 21 meeting of the Planning Commission was canceled due to lack of a quorum. The meeting was rescheduled to Tuesday, October 27, 2009. B. Baker, Clerk

MINUTES

CALL TO ORDER	Kandy Schendel, Chair, called the meeting to order at 7:00 p.m.
ROLL CALL	Kandy Schendel, Chair, conducted roll call.
Commissioners present:	Kandy Schendel, Chair; Liz Thompson, Vice Chair; and Commissioners Kim Ellis, Larry Betsch, Beth Glynn, and Claudia Hirschey.
Commissioners absent:	Rob Lemmon and Kim Ellis. Their absences were excused.
Staff present:	Steve Roberge, Director of Community Development; Scott Logel, Associate Planner; and Bob Baker, City Clerk.
FLAG SALUTE	Commissioner Larry Betsch led the Flag Salute.
APPROVAL OF MINUTES	None.

PUBLIC COMMENT The Chair called for public comment.

Shel Neufeld, Newcastle, asked about a storm water survey being done by the City and wants the results. He's lived in the area since 1973 on 118th Ave. SE. The road has been in very poor condition since that time. New developments receive new roads. Theirs remain as it was in 1973. A mailbox across from him is in the middle of a 60-foot easement – in the middle of the road. Letters (to the City) have gone unanswered.

The speaker asks why he and his neighbors can get no action. Letters to the Council go unanswered and there's no continuity with Planning Commissioner members. He would like to sell his place in the future and the value of the neighborhood is down without improvements. People are frustrated with the inaction of the City of Newcastle. He asked where they can go from there and does it start with the Planning Commission.

COMMISSIONER COMMENTS

Commissioner Hirschey shared an article written by Todd Litman entitled, *Home Location Preferences and their Implications for Smart Growth*.

REPORTS

- | | | |
|----|--------------|-------|
| a. | Action Items | None. |
| b. | Committee | None. |
| c. | Staff | None. |

GENERAL BUSINESS

a. Low Impact Development (LID)

Mr. Roberge provided no staff report as the item has been discussed many times by the Commission. He invited comments/feedback and recommendations from commissioners.

Commissioner Hirsche is excited to see what results may come from L. I. D.

GLYNN MOVED; SECONDED; HIRSCHY TO RECOMMEND ADOPTION (TO THE CITY COUNCIL) OF THE PROPOSED CODE AMENDMENTS PROVIDING FOR LOW IMPACT DEVELOPMENT AS PROVIDED IN THE AUGUST PLANNING COMMISSION PACKET AND AMENDED IN THE SEPTEMBER PLANNING COMMISSION PACKET.

The motion carried 5-0.

b. Developer Stimulus Introduction

David Hoffman, Master Builders Association, Bellevue, thanked staff for reaching out to the building industry as they are in a tight time in the construction industry. In this region, the unemployment rate is between 20 and 35 percent – equivalent to Boeing numbers. At a time when budgets are cut and things are curbed due to lack of growth, people struggle to keep up with demands and they have to pay the price. It has caused builders to take approved projects and put them on a back burner due to a lack of funding – or further repressing the market. They, too, are laying off staff –and running on bare-bones budget. He was pleased to hear from City staff on this issue –and hearing them ask what can be done to help them. He met with Mr. Logel and spoke about Snohomish and King County ordinances – extending the validity of permits. Other, local municipalities are also offering such an invitation.

The Commissioners had no question for the speaker. Mr. Roberge introduced Jed Gonzales, who was here on his birthday.

Mr. Roberge noted this item will be considered again in the future and that all issues need not be settled – or questions answered – at this meeting. This is the first time draft language is being seen by the Commission.

Mr. Logel noted the commission will continue discussing developer stimulus actions (including the extensions to plat approvals and the delay of collecting impact fees); to obtain a better understanding of plat approval and impact fee processes; and to discuss proposed code amendments.

Actions recommended include:

1. Extending approved preliminary plats:
 - (proposed) Long plats to have 7 years instead of 5 to receive final plat approval.
 - (proposed) Short plats to have 5 years instead of 3 to receive final plat approval.

A plat is defined as “The physical instrument (e.g., map and application, etc.) used to subdivide land into separate units of ownership (i.e., lots).” The platting process also includes the construction of required infrastructure.

Extensions to the process would apply to both long and short plats. Long plats are subdivisions of land into 5 or more lots. Short plats are subdivisions of 4 or fewer lots.

A flow chart was shared outlining the plat approval process from start to finish. It begins with a “pre-app conference” and ends with final plat application and approval.

2. Delaying the collection of City Impact Fees:
 - (proposed) City Traffic Impact Fee collected at final inspection of building permit instead of permit issuance.
 - (proposed) City Parks/Recreation Fee collected at final inspection of building permit instead of final plat/site plan approval.

The proposed extension on the collection of fees is primarily a money and time saving issue. The primary reason is to give builders an incentive to "hang on" during times of distress and economic downturn.

Fees collected by the City are used to fund facilities related to roads, schools, and parks (that can be directly associated with the new development).

Impact fees collected by the City include traffic impact fee (2 fees possibly collected); 1) Fee for impacts to City roads (used by the City); and 2) a fee for impacts to Coal Creek Parkway (used by the City and King County).

City Impact Fee = \$1,700 single-family unit; and
\$1,200 per multi-family

County MPS = Amount varies depending upon project location; ranges between \$175 and \$1,245 per single family unit; and multi-family unit fees are multiplied by 60-percent.

School Impact Fees are collected by the City and used by the Issaquah School District. School Impact fees are assessed on residential developments. A fee is only required if an on-site recreation space is not provided for; and the fee itself is based on the square footage of park space – per lot/unit.

Parks and Recreation Impact Fees are:

- 1) used by the City for park space acquisition/expansion benefiting the development;
- 2) assessed when an on-site recreation space is not provided for; and
- 3) Collected on residential developments.

"Building Permit Issuance" occurs when a building permit application is approved, issued and the City otherwise approves the start of construction. Fees for road improvements are collected at building permit issuance. Fees for parks and recreation space are collected at the time of final approval for plats. Fees for schools are collected (for plats) 50-percent at final plat approval, and for all others – at the time of building permit issuance.

City actions to extend approvals and delay collection of impact fees are intended to provide relief to developments by:

1. Minimizing the amount of funds needed to be fronted by the developer prior to selling units; and
2. Allowing developers additional time to complete projects.

Recommendation:

1. Extend preliminary plats from 5 years to 7 years; and
2. Defer traffic and parks fees from building permit issuance to final inspection of the building permit – 4 to 6 months after permit issuance (typically);

Staff will offer deferral to those permits issued on/before 12/31/10.

Mr. Logel answered general questions and shared proposed language amendments for the Newcastle Municipal Code. Through the questions, the following information was learned:

1. Fee based on value of land – if fees are deferred, - for parks fee – fee established; yet traffic impact fee may change; final implications are still being discussed – deferring those fees;
2. Traffic Impact Fees- the only piece to be deferred is the City portion – not the County's portion.
3. Attachment A and B –State law mandates 5 year minimums. Until now, Mr. Roberge has never heard of anyone extending the timeframes.
4. Some jurisdictions were having fees assessed and certain criteria. This may change with legal rulings by a hearing examiner. Some provide the extension automatically; and some require request in writing and some seek hearing examiner approval for extension.
5. The City uses a hearing examiner for all plat approval requests.
6. The speaker noted – King and Snohomish Require fee to gain an extension;
-Both Councils decided DDES and Development will be self run based on fees generated from fees. Historically they've been self-funded organizations; yet problem have now arisen;
-Some charge a fee if they make it an automatically received extension;

King and Snohomish counties are different in that they deal with projects that are 100 to 500 SFR's vs. (in Newcastle) we don't have same level of projects; Staff time spent is far different here – than in the counties.

7. There are about 9 plats with 133 lots that could benefit from this extension. (10 lots and 3 short plats; 133 total lots could be affected.)
8. We can incentivize future projects, yet we are focused on currently existing projects.
9. We anticipate a review of this measure towards the end of 2010.
10. It's an opportunity to use as a marketing tool for the city if a project is delayed.
11. Staff's intent is to focus on projects already preliminarily approved.
12. Mr. Logel noted other jurisdictions' ordinances sunset- King County's, for instance, expires in 2011;
13. Mr. Roberge noted we are not going out that far; and should only go to 2010.
14. February 1 – there is one project in the works that may receive the extension.
15. Three cities did deferral of impact fees. This is a cutting-edge aspect of developer stimulus package.
16. Right now – we have one project that may be impacted.
17. Everyone is pushing projects out as far as they can right now.
18. Impact fee deferral – there are other jurisdictions considering it including Duvall, Arlington and Kenmore.

This matter will come to the commission at its November meeting; and a public hearing may be scheduled in December.

8:15 p.m. Vice Chair Thompson left the meeting; and a quorum still exists.

Mr. Roberge wants to ensure the commission has time to digest this matter and ask questions should they arise between now and then. The February date and other details will be discussed as well. Other information may include information on what other jurisdictions will do/are doing/have done.

PLANNING CALENDAR

The next meeting of the Planning Commission is scheduled for Wednesday, November 18, 2009. Developer Stimulus will be discussed once again. In December, the commission will discuss affordable housing and how it works. ARCH representatives will also make a presentation.

ADJOURN

8:20 p.m. **HIRSCHEY MOVED; BETSCH SECONDED; TO ADJOURN THE MEETING.**
The motion carried 4-0.

Robert H. Baker, CMC, City Clerk

Date Minutes Approved: November 18, 2009



MEMO

DATE: November 11, 2009
TO: Planning Commission
FROM: Scott Logel, Associate Planner
RE: Discussion of Developer Stimulus code amendments
CC: Steve Roberge

URGENT ACTION NEEDED FOR YOUR INFORMATION COMMENT

I. INTRODUCTION

The November 18th PC meeting will include continued discussion of the "Developer Stimulus" code amendments. The Developer Stimulus item included: 1) temporarily offering a two year extension to the validity of preliminary plat approvals; and 2) temporarily deferring the collection point of City impact fees (Traffic and Parks).

Changes Made to the Draft Code from Last Meeting

Following the last PC meeting discussion, it is recommended a written request procedure for extending plats be used as opposed to an automatic extension. The written request procedure is recommended because it provides the opportunity of an extension to approved preliminary plats, but will also allow the City additional protections to ensure the extension of plat approvals will not cause undue harm to public health, safety or welfare. In addition, the deadline for approved preliminary plats to be eligible to request the extension has been changed from February 1, 2010 to December 31, 2010 to make the "sunset date" for all the developer stimulus items consistent.

Remaining discussion item

A remaining topic of discussion from the October 27th PC meeting included the following question:

What are possible pros and cons of requiring a formal request and review process for each preliminary plat extension versus an automatic preliminary plat extension 'across the board'?

Response: A review of jurisdictions which have temporarily amended their codes to offer extensions to preliminary plats are fairly evenly split on whether an automatic extension was used or whether a requirement to request an extension and review of the request was used. Those that require a written request and review, also vary among the degree of review and criteria required.

The benefits to a written request procedure include:

- Enable more staff and applicant coordination on managing the status of the project.

- Provide an additional tool to collect outstanding invoices from the applicant.
- Provide for a review of the project's extension request so as to avoid creation or continuance of code violations or continuation of erosion and sedimentation problems.
- Enable a review of updated codes and requirements of the City, agencies with jurisdiction, and utility providers which have changed to a significant degree since initial approval that it would be contrary to the public interest to extend the life of the plat. Such factors could include:
 - New standards which would substantially affect the layout of the project in regards to stormwater design.
 - New physical conditions which could affect the adequacy of mitigation measures or impact fees to address the cost of mitigation at the end of the expiration period.
- In conjunction with the above, a review of changes to physical conditions in the vicinity of the plat (i.e. flooding, traffic, etc.), could be conducted to assess the necessity to require the updated standards intended to remediate those conditions.

The benefits to automatic extension include:

- Very limited staff time involved and no recovery of costs incurred.
- No additional fees or paperwork or documents required from the applicant.
- Automatic application of the extension could have less legal risk and is seen as more objective and less arbitrary as the extension benefit would apply across the board to all preliminary plats approved within a designated timeframe.

The cons of the two extension methods are essentially the opposites of the benefits stated above.

II. RECOMMENDATION

As mentioned previously, there were two notable changes to the draft amendments from the PC's last discussion on October 27th. Those changes included: 1) adding a written request and review requirement to be eligible for a plat extension; and 2) prolonging the eligibility deadline for preliminarily approved plats from February 1, 2010 to December 31, 2010. The following draft code language is recommended.

Developer Stimulus Action 1:

Extend validity of preliminary plat approvals: Preliminary plat approvals for long plats approved between January 1, 2005 and December 31, 2010 would be able to request an additional two years to reach final plat. In addition, preliminary plat approvals for short plats would also be eligible for a two year extension.

Proposed language to amend NMC 17.45 Subdivisions

17.45.120 Preliminary plat time limitation.

A. Preliminary plat approval shall be valid for 60 months, if any condition is not satisfied and the final plat is not recorded within the approval period, the preliminary plat shall be null and void, except for as follows:

1. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days to obtain additional information for the processing and recording of the final plat documents.
2. Preliminary plats approved between January 1, 2005 and December 31, 2010 may be extended for 24 months beyond the original expiration date (for a total of 84 months). An extension may be granted provided the applicant:
 - a. Submits a written request and applicable fee for processing the extended preliminary plat;
 - b. Submits the request no sooner than 3 years after the preliminary plat approval date. The request should be submitted no later than 90 days prior to expiration of the preliminary plat;
 - c. Has no outstanding invoices issued by the City for previous review of the plat at the time of the request; and
 - d. Satisfies the following:
 - i. An extension beyond 60 months will only be granted to a plat if the physical and regulatory conditions which were relevant to issuance of the preliminary plat approval have not changed substantially and no material detriment to the public welfare will result from the extension.

B. If the final plat is being developed in phases and the final plats for all the phases have not been recorded within the time limits provided in this section, preliminary plat approval for unrecorded phases shall become void. A preliminary plat for any unrecorded divisions must again be submitted to the director with a new application.

C. In granting administrative extensions authorized pursuant to subsection (A) of this section, the city may administratively impose additional conditions for final approval, consistent with current city-adopted ordinances and standards.

Proposed language to amend NMC 17.50 Short Subdivisions

17.50.110 Preliminary short subdivision time limitation.

A. The director's decision shall become final and effective 10 calendar days after the decision has been mailed, or upon completion of appeals filed pursuant to NMC 17.50.100.

B. Short subdivision preliminary approvals shall be valid for 36 months, if any condition is not satisfied and the final short plat is not recorded within the approval period the short subdivision approval shall be null and void, except for as follows:

1. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final short plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

2. Preliminary plats approved between January 1, 2005 and December 31, 2010 may be extended for 24 months beyond the original expiration date (for a total of 60 months). An extension may be granted provided the applicant:

a. Submits a written request and applicable fee for processing the extended preliminary plat;

b. Submits the request no sooner than 2 years after the preliminary plat approval date. The request should be submitted no later than 90 days prior to expiration of the preliminary plat;

c. Has no outstanding invoices issued by the City for previous review of the plat at the time of the request; and

d. Satisfies the following:

i. An extension beyond 36 months will only be granted to a plat if the physical and regulatory conditions which were relevant to issuance of the preliminary plat approval have not changed substantially and no material detriment to the public welfare will result from the extension.

C. All construction and site development activities related to the short subdivision are prohibited until the preliminary decision becomes effective or until authorized by any plan approval required as a condition of preliminary short subdivision approval.

Developer Stimulus Action 2:

Deferring collection of impact fees: Defer collection of impact fees (Traffic and Parks) used solely by the City. The temporary deferral would change the point of fee collection from the time the building permit is first issued until the point of final inspection of the building permit. This would allow a greater opportunity for the homebuilder to sell the unit and therefore generate revenue to cover the impact fees. The ordinance would be drafted to only allow deferral of impact fees for building permits issued on or before December 31, 2010.

Proposed language to amend NMC 16.15 Traffic Impact Fees

16.15.030 Assessment of impact fees.

A. The city shall collect impact fees in the amount established in the schedule in Attachment A, attached to the ordinance codified in this section and hereby incorporated by reference, from any applicant seeking a building permit from the city, or certificate of occupancy permit if a building permit is not required.

B. All impact fees shall be collected from the applicant prior to issuance of the building permit, or certificate of occupancy permit if no building permit is required, using the impact fee schedule then in effect or pursuant to an independent fee calculation accepted by the director pursuant to NMC 16.15.040. Except for the following:

1. For all building permits issued on or before December 31, 2010, impact fees shall be collected from the applicant prior to the final inspection of the building permit or certificate of occupancy permit if no building permit is required.

C. The director shall establish the impact fee rate for a land use that is not listed on the schedule in Attachment A. The applicant shall submit all information requested by the director for purposes of determining the impact fee rate pursuant to NMC 16.15.040. The cost per trip adopted in the schedule in Attachment A shall be the basis for establishing the impact fee rate.

D. For a change in use of an existing building or dwelling unit, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use. For any change in use that includes an alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use.

E. For building permits for mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the schedule in Attachment A.

F. The building department shall not issue any building permit, or certificate of occupancy if no building permit is required, except as pursuant to exception 1 in Subsection A above, unless and until the impact fee has been paid.

Proposed language to amend NMC 18.14 Development Standards - Design Requirements

18.14.240 On-site recreation— Collection and expenditure of fee-in-lieu-of space.

The fee-in-lieu-of recreation space shall be:

A. Paid to the city at the time of:

1. Subdivision or short subdivision recording of single detached and townhome developments, or

2. Prior to issuance of building permits for all other residential or mixed use development; or

3. When a fee-in-lieu of recreation space is required for a development having received final approval of any plat or any site plan prior to December 31, 2010, the balance of the fee shall be allocated equally to the dwelling units and shall be collected at the following time:

a. Prior to final inspection of the building permit for building permits issued on or before December 31, 2010.

B. Used by the city for the acquisition and improvement of city parks or public recreational facilities to serve the development; and

C. Expended through city council's capital budget and program appropriations.

Proposed language to amend NMC 17.20 Land Dedication or Reservation for Recreation Space or Fee in Lieu Thereof

17.20.030 Reservation, dedication or fee required.

Every subdivision ~~final approval~~ within any zone designated as residential by the city zoning code shall be ~~contingent upon reservation or dedication~~ required to reserve or dedicate of land for the parks, trails and recreational needs of its residents; or payment of a fee in lieu thereof in accordance with NMC 18.14.240. The developer may either reserve or dedicate

land, or make payment of a fee in lieu thereof, pursuant to this chapter. In-kind contributions may be substituted for all or any portion of the required payment, subject to the city manager's approval. This requirement is separate and apart from any open space requirement resulting from the lot averaging provisions of the city zoning code. This chapter shall not apply to development proposals of less than one acre. (Ord. 2005-305 § 1; Ord. 2000-209 § 9; Ord. 25 Exh. A (.38.020), 1994; Ord. 20 § 1, 1994. Formerly 17.65.020).

17.20.070 Park development fee in lieu of on-site recreation space.

Unless land within a proposed development proposal is dedicated or reserved in accordance with NMC 17.20.030 through 17.20.050, final approval of the subdivision shall be contingent upon payment of a park development fee from the developer to the city, if any, in accordance with NMC 18.14.120. The fee so collected shall be appropriated only for acquisition and development of park sites and recreational facilities within the park service area wherein the proposed development proposal is located. Such acquisition and development shall be consistent with any applicable parks plan. Expenditure of such fees shall only be through capital budget and program appropriations by the city council. Fees collected must be allocated to a specific neighborhood park or recreation project within five years of fee acceptance. (Ord. 2005-305 § 1; Ord. 25 Exh. A (.38.070), 1994; Ord. 20 § 1, 1994. Formerly 17.65.070).

