

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** A-2  
Resolution Number No. 07-02 A - Twin River Ranch Estates

**DATE:** February 22, 2007

**SUBJECT:** Resolution No. 07-02A accepting the Hearing Examiner's Recommendation, except his findings and conclusions concerning Police Level of Service (LOS) and denying the Dan Ramirez Planned Unit Development and Subdivision Application for a 22-lot Planned Unit Development (Twin Rivers Ranch Estates) and returning the Application to the Applicant for revision and denying the Applicant's Substantial Development Permit Without Prejudice.

**CONTACT PERSON:** Rick Cisar, Director of Community Development

**SUMMARY:** The City Council considered the Hearing Examiner's Recommendation on the Twin Rivers Ranch Estates Application at a Public Appeal Meeting and Closed Record Hearing on February 8, 2007. The City Council in consideration of the Twin River Ranch Estates Hearing Record and Exhibits, written comments received and the testimony provided at the Public Appeal Meeting and Closed Record Hearing and Public Appeal Meeting accepted the Hearing Examiner's Recommendation that :

- (1) the Twin Rivers Ranch Estates Planned Unit Development be DENIED;
- (2) that the Twin Rivers Ranch Estates Preliminary Subdivision be RETURNED TO THE APPLICANT FOR MODIFICATION as necessary to meet approval criteria;
- 3) Approval of a voluntary agreement to pay 1/16 proportionate share of a Police Officer to meet the the Police Level of Service (LOS) and Council's previous findings and conclusions on Police Concurrence;
- (4)and the Substantial Development Permit be DENIED WITHOUT PREJUDICE.

**The Hearing Examiner's Conclusion identifies the following issues;**

**Issue 1.** Two locational criteria for PUD's are not met:

- a. Sufficient proximity to facility Transit to access
- b. Location of the site to connect to pedestrian and bicycle system

**Issue 2.** The PUD fails to meet the usable open space requirements.

The usable open space does not meet the requirements of SMC16.10.140: requiring 15% open space or 55, 923 SF The project is only providing 49,929 SF The proposal cannot be approved until the usable open space has been increased to meet the PUD Standard.

**Issue 3.** The Development fails to meet two Shoreline Management Program Regulations for Recreational Uses and three Public Access Element Policies:

1. The parking lot does not provide safe and convenient access to the Park.
2. The Parking lot is not landscaped.

The access to the park provides to many opportunities to disturb the residents of the subdivision.

**Issue 4.** The Development fails to meet the Concurrency Level of Service LOS for Police Services. City Council has determined that the voluntary agreement to pay for 16% of one (1) Police Officer meets the concurrency LOS for Police Services.

**ALTERNATIVES  
& ACTIONS:**

The City Council, in considering Resolution Number 07-02 A for the Twin River Ranch Estates Development has the option to consider:

- (1) Adoption of the Resolution
- (2) Denial of the Resolution
- (3) Modify the Resolution

**ANALYSIS:**

**1. Alternative 1,** would Approve the the Hearing Examiner's Recommendation that:

- (1) the Twin Rivers Ranch Estates Planned Unit Development be DENIED;
- (2) that the Twin Rivers Ranch Estates Preliminary Subdivision be RETURNED TO THE APPLICANT FOR MODIFICATION as necessary to meet approval criteria;

(3) approval of a voluntary agreement to pay 1/16 proportion share of a Police Officer to meet the the Police Level of Service (LOS and Council's previous findings and conclusions on Police Concurrence; and

(4) and the Substantial Development Permit be DENIED WITHOUT PREJUDICE.

**2. Alternative 2 DENY** Hearing Examiner's Recommendation as modified by City Council

**3. Alternative 3** would require a motion by City Council directing the City Attorney and Staff to prepare a new Resolution with new Recommendations and Conditions as determined by the Council.

**FISCAL IMPACT:** Preparation and Processing of the Resolution.

**STAFF RECOMMENDATION** In consideration of City Council's review of the Twin River Ranch Estates Hearing Record and Exhibits, written comments received and the testimony provided at the Closed Record Hearing and Public Appeal Meeting, move to adopt Resolution No. 07-02 accepting the Hearing Examiner's Recommendation, except his findings and conclusions concerning Police Level of Service (LOS) and denying the Dan Ramirez Planned Unit Development and Subdivision Application for a 22-lot Planned Unit Development (Twin Rivers Ranch Estates) and returning the Application to the Applicant for revision and denying the Applicant's Substantial Development Permit Without Prejudice.

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**COUNCIL ACTION:**

**DATE:**

**ATTACHMENTS:**

- Resolution No. 07-02 A

**CITY OF SULTAN  
Sultan, Washington**

**RESOLUTION NO. 07-02 A**

**A RESOLUTION OF THE CITY OF SULTAN ACCEPTING THE HEARING EXAMINER'S RECOMMENDATION, EXCEPT HIS FINDINGS AND CONCLUSIONS CONCERNING POLICE LEVEL OF SERVICE AND DENYING THE DAN RAMIREZ PLANNED UNIT DEVELOPMENT AND SUBDIVISION APPLICATION FOR A 22-LOT PLANNED UNIT DEVELOPMENT (TWIN RIVERS RANCH ESTATES) AND RETURNING THE APPLICATION TO THE APPLICANT FOR REVISION AND DENYING THE APPLICANT'S SUBSTANTIAL DEVELOPMENT PERMIT WITHOUT PREJUDICE**

**WHEREAS** Dan Ramirez filed an application for approval of Twin Rivers Ranch Estates, a 22-lot Planned Unit Development (PUD) subdivision for single family development;

**WHEREAS** Dan Ramirez also sought the issuance of a Substantial Development Permit under the Shorelines Management Act and the City's shorelines regulations;

**WHEREAS** an open record hearing occurred before the City's Hearing Examiner on December 14, 2006 on a resubmitted application, the City Hearing Examiner issued a Recommendation dated December 27, 2006, and the applicant by letter of Christopher J. Knapp, attorney, dated January 4, 2007 appealed the Recommendation and requested a closed record hearing;

**WHEREAS** the application came before the City Council for a closed record hearing and appeal by the applicant on the "Recommendation" on February 8, 2007;

**WHEREAS** the City Council has determined based upon a review of the open record hearing to accept the Hearing Examiner's Findings of Fact and Conclusions of Law, except Findings of Fact 21-24 and 26, and Conclusions of Law 24-37.

**NOW, THEREFORE:**

**A.** The City Council accepts the Recommendation of the Hearing Examiner dated December 27, 2006, including the Findings of Fact and Conclusions of Law therein, excepting Findings of Fact 21-24 and 26, Conclusions of Law 24-37, where the Council makes its own Findings and Conclusions as follows:

Substitute Findings of Fact 21-24 and 26:

The City's existing level of service for police is below the adopted LOS in the comprehensive plan. The LOS failure for police, however, was not caused by this

proposed development, and further reduction in the LOS caused by this proposed development is modest by comparison to the existing deficiency.

The Council takes notice of the recommendation in the Prothman Report accepted by the Council in Ordinance 900-06. The City has adopted a utility tax applicable to its municipal utilities and a utility tax on cable television service. Other funding sources include potential developer loans to advance the receipt of payment of needed funds, and monies contributed by proposed development for their impacts on the LOS. The proposed development also will increase the assessed value of the property, bringing more real property tax revenues to the City. A combination of developer agreements and public funds will put in place the required public services for police concurrent with development impacts, and provide appropriate strategies for the six years from the time of development to achieve the necessary police LOS as now established or as subsequently revised.

The Council takes notice of the Applicant's offer at the open record hearing to deliver to the City a Developer Agreement to pay Applicant's incremental share for a police officer for one year.

This proposed development is deemed concurrent for police.

Substitute Conclusions of Law 24-37:

Based upon the Findings of Fact contained in this Resolution, the application is concurrent for police.

B. The Twin Rivers Ranch Estates Planned Unit Development is hereby denied and the application is hereby returned to the applicant for modification to meet approval criteria and to demonstrate compliance with the City's concurrency requirements. The Twin Rivers Ranch Estates Substantial Development Permit is hereby denied without prejudice.

**PASSED BY THE** Sultan City Council and **APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_ 2007.

**CITY OF SULTAN**

By \_\_\_\_\_  
Ben Tolson, Mayor

Attest:

By \_\_\_\_\_  
Laura Koenig, City Clerk

Approved as to form:

By \_\_\_\_\_  
Thom Graafstra, City Attorney