

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Consent C 2

DATE: February 22, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the February 8, 2007 Public meeting and Closed Record Hearing on the Vodnick Lane PUD as on file in the office of the City Clerk.

RECOMMENDED ACTION: Approve as submitted.

MOTION: Move to accept the consent agenda as presented.

COUNCIL ACTION:

DATE:

CITY OF SULTAN COUNCIL MEETING – February 8, 2007

PUBLIC HEARINGS:

Vodnick Lane Planned Unit Development: The Public meeting and Closed Record Hearing on the Twin Rivers PUD was called to order by Mayor Tolson.

Councilmembers present: Champeaux, Wiediger, Slawson, Seehuus, Flower, Blair and Boyd. Mayor Tolson advised that the applicant is a friend and member of the church for which he is the pastor and Councilmember Wiediger noted that he is on the board for the church. There were no objections to the Council participation.

Staff:

Rick Cisar, Director of Community Development presented the staff report and the following exhibits for the record:

1. Affidavit of the hearing notice
2. November 2, 2006 Staff report and recommendation
3. November 17, 2006 Hearing Examiner recommendation
4. December 5, 2006 applicants Appeal of Hearing Examiners decision
5. Comments received from the Parties of Record on the Appeal Request.
 - a. Comments from Ron Kraut received on January 3, 2007
 - b. Comments from Josie Fallgatter received on January 4, 2007.

The Hearing Examiner held an Open Record Hearing on May 15, 2006, and a Remand Hearing on November 9, 2006 for the Preliminary Planned Unit Development Subdivision (Vodnick Lane) File Number RAFPPUD05-004.

Based on the Findings of Fact, Principles of Law, Discussion and Conclusions, the testimony and evidence submitted at the Hearing, the Hearing Examiner's site visit, the Hearing Examiner recommends that the Preliminary Planned Unit Development Subdivision (Vodnick Lane) File Number RAFPPUD05-004 be Approved subject to the 25 conditions as outlined on pages 28 through 31 of the Hearing Examiner's November 17, 2006 Recommendation.

The Applicant, Brick Yard Properties, LLC on, December 7, 2006 submitted an Appeal Request to the Hearing Examiner's Condition of approval #17 (Level of Service (LOS) Police Services) on page 30 of the Hearing Examiner's Recommendation. As noted in the Appeal, this Condition is inconsistent with prior determinations made by the City Council in the attached Resolution Numbers. 06-06, 06-07 06-09A, and 06-11 A.

The City Council, in considering the Vodnick Lane Development and Appeal Request, has the option to:

- (1) Approve the Hearing Examiner's Recommendation, or
- (2) Approve the project with the Applicants Appeal Request (page 2 of Appeal); or
- (3) Approve the request based on the Council's own set of Findings and Conclusions; or
- (4) Deny the request based on the Council's own set of Findings and Conclusions.

Public Comments:

Ron Kraut: Asked when the advertised appeal hearing would start. The Staff report provides alternatives and recommended actions but they are not consistent with the code requirements for the meeting. The matter should be remanded and the appeal heard at a public hearing. Publication is required ten days prior to the hearing and all parties of record must be notified.

CITY OF SULTAN COUNCIL MEETING – February 8, 2007

PUBLIC HEARINGS:

Vodnick Lane Planned Unit Development

Kerry Ourada: The Level of Service for police service has not been met. PUD's are not to be approved if they don't meet code. The Council must understand that they need to change the LOS before a PUD is approved or deny all of them.

Gerry Gibson: The Level of Service has not been met for parks. The City annexed 37 acres to meet the standards and the area is not accessible. The level of service for Police service is not concurrent and the City can't approve a PUD that does not meet concurrency. There are also issues with pedestrian access. The Hearing Examiner made a mistake in his recommendation.

Josie Fallgatter: The appeal is untimely as there is nothing to appeal as no decision has been made. According to the notice the Council is holding a closed record hearing and appeal. There are several options available to the Council on the appeal. They can concur with the Hearing Examiner, remand it back for further proceedings or the Council can hold a public hearing. Would like to have written findings and facts to determine which action the council will be taking. Finds it frustrating that the Council does not follow procedures. Concurrency needs to be in place at the time of development and if the Council lowers the level of service, the developers will not have to honor any agreements. The transit issues have not been addressed.

On a motion by Councilmember Blair, seconded by Councilmember Champeaux, the public meeting was closed. All ayes.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk