

**CITY OF SULTAN  
Sultan, Washington  
RESOLUTION NO. 07-19**

**A RESOLUTION OF THE CITY OF SULTAN  
APPROVING THE HAMMER PLAT AND PLANNED  
UNIT DEVELOPMENT APPLICATION TO THE  
HEARING EXAMINER.**

**WHEREAS**, the Barry A. Hammer Bankruptcy Estate, Peter H. Arkison, Trustee filed an application for approval of the Hammer Preliminary Plat and Planned Unit Development;

**WHEREAS**, an open record hearing occurred before the City's Hearing Examiner on May 10, 2006;

**WHEREAS**, the Hearing Examiner made a recommendation on the application dated June 15, 2006;

**WHEREAS**, Steve Anderson, President of Group Four, Inc on behalf of the applicant the Barry A. Hammer Bankruptcy Estate, Peter H. Arkison, Trustee filed a request with the City Council on November 10, 2006 to remand the Hammer Preliminary Plat and Planned Unit Development back to the Hearing Examiner in order to respond to the issues identified in the recommendation.

**WHEREAS**, City Staff supported remanding the application back to the Hearing Examiner in order to address the issues in the examiner's recommendation.

**WHEREAS**, on November 21, 2006 the City Council conducted a Closed Record Hearing to review this matter.

**WHEREAS**, the City Council accepted the Applicants letter of November 10, 2006 formally requesting remanding the application back to the Hearing Examiner.

**WHEREAS**, the City Council on November 11, 2006 as requested by the Applicant and upon recommendation of staff to the Council remanded the application back to the Hearing Examiner so that the applicant could modify the application; .

**WHEREAS**,. the applicant submitted a revised application addressing the issues identified by the Hearing Examiner in his June 5, 2006 report;

**WHEREAS**, The Hearing Examiner held an open record hearing on July 24, 2007;

**WHEREAS**, the Hearing Examiner on August 2, 2007 issued a revised recommendation to Approve the Preliminary Planned Unit Development Subdivision with conditions, and

**WHEREAS**, a request for reconsideration of the Hearing Examiner's recommendation was not filed by the applicant, parties of record or the City.

**NOW, THEREFORE BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON AS FOLLOWS:**

**Section 1.** The City council accepts the recommendations of the Hearing Examiner dated August 2, 2007 and adopts the Findings of Fact, Conclusions of Law, and recommended decision of the Hearing Examiner as the Findings of Fact, Conclusions of Law and decision of the City Council.

**Section 2.** The Preliminary Planned Unit Development subdivision (Hammer PUD) FPPUD05-002 as shown on Exhibit A is approved and found to be in conformance with the adopted comprehensive plan and applicable zoning and development regulations of the City.

**Section 3** The applicant , Barry A. Hammer Bankruptcy Estate, Peter H. Arkison, Trustee shall satisfy all Conditions of Approval imposed on the Preliminary Planned Unit Development subdivision (Hammer PUD) as set out in the Recommendation dated August 2, 2007, a copy of which conditions are attached hereto as Exhibit A.

**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

**EXHIBIT A**

Preliminary Planned Unit Development Subdivision Maps  
Hammer PUD File Number FPPUD05-002

**EXHIBIT B**  
**CONDITIONS OF APPROVAL FPPUD05-002**  
**HAMMER PUD**

This Preliminary Subdivision and Planned Unit Development are subject to compliance with all applicable provisions, requirements, and standards of the Sultan Municipal Code, standards adopted pursuant thereto, and the following special conditions

**Preliminary Plat and General PUD Design—**

1. The general configuration, lot shapes and sizes, setbacks, site density, and areas of open space shall be as indicated on the resubmitted site plan (Exhibit 18) dated March 1, 2007, subject to these Conditions of Approval. Preliminary subdivision approval is granted to the entirety of the property as depicted on Exhibit 18. Preliminary Planned Unit Development – Single Family approval is granted only to Parcel B/C, comprised of Proposed Lots 1 – 72 and Proposed Tracts A – F as depicted on Exhibit 18. Exhibit 1.1.19 represents approved typical house plans for the Planned Unit Development. Revisions to approved preliminary Planned Unit Developments are regulated by SMC 16.10.160(D) and (E); revisions to approved preliminary subdivisions are regulated by SMC 16.28.360. The Final PUD map shall be recorded as an amendment to the underlying zoning following Final PUD approval. All subsequent conditions apply to the entire subdivision unless expressly stated to the contrary.

This subdivision may be recorded in phases or divisions. Recordation of any portion of Parcel B/C shall require simultaneous dedication of the north-south street and the North Connector rights-of-way through Parcel A to SR 2.

2. In accordance with SMC 16.28.340, the Developer shall prepare a Developer Agreement subject to Approval of the City. The agreement shall specify the requirements for construction of all infrastructure improvements, including plan submittals, inspections, bonding, private improvements, right-of-way improvements, and facilities associated with the PUD, including improvements to all common areas. The Developer Agreement shall also include commitments for payment of impact fees; dedication of native growth protection tracts; and monitoring guarantees for wetland, stream, and steep slope enhancements. Site construction drawings shall be designed consistent with the conditions of approval. Site work shall not begin until City approval of the Site Development Agreement.
3. Prior to issuance of a certificate of occupancy and/or occupancy of any residence within the subdivision, a combination of developer agreements and public funds, including additional tax adoptions (such as an increased real estate excise tax and a B & O tax), other funding sources (such as potential developer loans to advance the receipt of payment of needed funds), and monies contributed by the proposed development for its impacts on the LOS, shall put in place the required public services for police concurrent with the 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; or, in the alternative, the police services LOS in existence at the time of final building permit inspections shall be met before approval for occupancy is granted.

4. The Developer shall establish a Home Owners' Association to assume responsibility for maintenance of common areas. The Home Owners' Association shall be recorded with the plat. The wording and Conditions of the Home Owners' Association shall be subject to City approval prior to Final Plat.
5. The Developer/Owner shall maintain the landscaping, open space improvements, drainage facilities, private streets, and other common areas within the site for a two-year period following installation. Such maintenance shall be secured with a performance bond filed with the City. Subsequent to the two-year period, maintenance responsibility shall be passed to the homeowners association.

**Setbacks –**

6. The Developer shall meet privacy requirements of SMC 16.10.120(B)(1)(a) through placement or screening of windows or service yard requirements of SMC 16.10.120(B)(1)(c) to reduce side yard setbacks from 10 feet to 5 feet.

**Off-Street Parking**

7. In accordance with SMC 16.60.140, the minimum number of required off-street parking spaces for single-family dwelling units is two.

**Recreation and Open Space –**

8. The Developer shall dedicate Tracts G, L, N, and O to the City for open space and park purposes.

**Wetlands, Streams and Steep Slopes –**

9. Wetland impacts shall be mitigated in accordance with the revised Critical Areas Study and Innovative Development Design Plan dated February 26, 2007 (Exhibit 16). The Developer shall maintain and monitor wetland, steep slope, and stream mitigation twice yearly for a three-year period following installation and report to the City annually. Such mitigation shall be secured with a performance bond in the amount of \$15,021 filed with the City.
10. Final as-built site plans showing the location of all-new planting in the enhanced buffers shall be submitted to the City.
11. Specific best management practices for design and construction set forth in the Geotechnical Report (Exhibits 1.1.13, 1.2.4, and 15) shall be followed including: dry season excavation operations, direct stormwater runoff to approved drainage outlets, silt fences including at the top of the banks to mark the edge of construction and protect the slopes from sediment runoff, on-site monitoring,

required slope setbacks, and inspections during construction. All disturbed slope areas shall be revegetated as soon as feasible to minimize erosion potential.

12. The setback recommendations within the Geotechnical Report Dated 2-6-07 shall be followed for the 10-foot minimum setback from top of slope provided the foundations are extended in depth to satisfy the "Effective Setback recommendations".
13. Any work performed during wet weather shall protect exposed soils with approved coverings.
14. Prior to occupancy, the Developer shall install fencing on the edge of residential lots (5-24 and 29-34) adjacent to wetlands, streams, their buffers, or buffer average areas.
15. Prior to occupancy of the residence on each affected lot, one sign, at the minimum, per lot shall be placed adjacent to critical area buffers denoting habitat conditions.
16. Prior to final plat approval, a new culvert shall be installed or bonded for installation at Wagley's Creek in accordance with approval of a Hydraulic Project Approval by the state Department of Fish and Wildlife.
17. All recommendations within Exhibit 17 which have not been expressly incorporated herein are hereby incorporated by reference as if set forth in full.

**Water –**

18. The Developer/Owner is responsible for any necessary improvements to the City's water system in order to provide adequate water to the site. Construction and materials shall conform to the City of Sultan 2004 Water and Sewer Engineering Standards.

**Sewer –**

19. The Developer/Owner is responsible for any necessary improvements to the City's sewer system in order to provide sewer service to the site. Construction and materials shall conform to the City of Sultan 2004 Water and Sewer Engineering Standards.

**Surface Water Management –**

20. The Developer shall inspect weekly, maintain, and repair all temporary and permanent erosion and sediment control BMPs to assure continued performance throughout the construction phase. During wet weather construction, access roads and on-site utilities shall be phased to minimize open soil exposure.
21. Temporary stormwater management facilities shall be constructed before any significant amount of site grading commences.







**Transportation –**

22. Street trees shall be planted every 20 lineal feet along the entire local access road.
23. Final street design, including paving, sidewalks, frontage improvements, parking, and emergency access must be approved by the City Engineer prior to construction.
24. Street lighting shall be required on the local access streets. Prior to site development, the developer shall submit a detailed lighting plan that depicts continuous street illumination throughout the PUD to City staff for review and approval. SMC 16.10.120(B)(4)(a).
25. A 30 foot wide ingress, egress, and utilities easement across Tract D from Road A to the adjacent northern parcel shall be dedicated.

**Other –**

26. Fire hydrant locations shall be designated and shown on the plat engineering plans.
27. The Developer shall demonstrate sufficient water flow from the proposed fire hydrants for review and approval by the City Engineer and Fire District prior to the issuance of occupancy permits.
28. All utilities shall be placed underground.
29. Prior to construction, the Developer shall prepare a Construction Storm Water Pollution Prevention Plan for approval by the City Engineer. The developer shall provide a copy of the Department of Ecology, Construction Storm water General Permit, issued for this project.
30. During construction, the Developer shall ensure that trucks are cleaned before leaving the site. The developer shall provide street cleaning of Dogwood and Cedar Court, SR 2, and Sultan Basin Road during site clearing, grading and filling and shall promptly clean up any dirt, mud or other material deposited on public streets and shall be responsible for cleaning storm drains in public streets that are impacted by the construction.
31. All site improvements, including streets, sidewalks, bicycle lanes, frontage improvements, drainage improvements, open space landscaping and improvements, and other common area improvements shall be completed prior to Final Plat, with the exception of the final paving of streets. Alternatively, the City may approve a financial bond or assurance for items not completed prior to Final Plat. All site improvements, not including individual homes, must be installed prior to final inspection of the first home.

32. The existing house and structures shall be moved, demolished, or otherwise modified so that they are in compliance with the Sultan Municipal Code prior to the issuance of plat engineering permits.
33. Traffic, Parks and Recreation, and School Impact Fees and their administrative processing costs shall be paid in accordance with Chapters 16.112 and 16.116 SMC.
34. The Developer shall deactivate the Emergency Airstrip prior to any construction activity on or around the existing runway.
35. Development of the emergency/maintenance road from the PUD to SR 2 through Parcel A shall include the dedications and all construction activities required by the City on Sheet 3, Conceptual Roadway and Utilities dated March 1, 2007 (Exhibit 18.2). Lockable, removable bollards shall be constructed at the northern and southern ends of the emergency/maintenance road and keys shall be provided to the Police and Fire Departments. In addition, the frontage along SR 2 shall be widened to provide for a bus stop in conjunction with the pedestrian trail. The face of the final plat shall contain a notation that no development is allowed within Tracts H, I, J, K, and M until such time as the north-south road has been constructed to full commercial/industrial street standards from SR 2 north sufficient to provide access to Tract H.

**OR**

35. Development of the emergency/maintenance road from the PUD to SR 2 through Parcel A shall include the dedications and all construction activities required by the City on Sheet 3, Conceptual Roadway and Utilities dated March 1, 2007 (Exhibit 18.2). The north-south road and that portion of the North Connector which crosses the subject property shall be constructed to full commercial/industrial street standards from SR 2 north sufficient to provide access to Tract H. The remainder of the north-south road on the steep slope shall be considered as an emergency/maintenance road. Lockable, removable bollards shall be constructed at the northern and southern ends of the emergency/maintenance road and keys shall be provided to the Police and Fire Departments. In addition, the frontage along SR 2 shall be widened to provide for a bus stop in conjunction with the pedestrian trail.