

## SULTAN CITY COUNCIL

### AGENDA ITEM COVER SHEET

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ITEM NO: Consent C 1D  
DATE: February 14, 2008  
SUBJECT: Council Minutes  
  
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the January 24, 2008 Twin Rivers Ranch Estate Preliminary Subdivision Closed Record Hearing as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION:

Move to accept the consent agenda as presented.

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COUNCIL ACTION:

DATE:

## **CITY OF SULTAN COUNCIL MEETING – January 24, 2008**

### **PUBLIC HEARINGS:**

The Closed Record hearing on the Twin Rivers Ranch Estates Preliminary Subdivision was called to order by Mayor Eslick. Councilmembers present: Champeaux, Wiediger, Slawson, Davenport-Smith, Flower, Blair and Doornek.

There were no objections to the Council participation.

**Staff:** The Staff report was presented by Erin Martindale, Pertee Engineering.

The issue before the City Council is to conduct a Closed Record Hearing to consider the Hearing Examiner's Recommendation dated December 20, 2007 (Exhibit 1) for the Twin Rivers Ranch Estates Preliminary Subdivision in accordance with SMC 2.26.150(C), (D), (E), and (F). The Hearing Examiner recommended approval of the Preliminary Subdivision subject to Conditions. The approval also includes Plat Modifications to waive access to public shoreline requirements and to allow a longer-than-standard cul-de-sac; a Conditional Use Permit to allow clustered houses, and a Shoreline Substantial Development Permit for the subdivision, within the shoreline zone for the Skykomish River.

This project has undergone several revisions since its initial inception. The first application was for a 22-lot Planned Unit Development of single-family residences. This application was remanded by the City Council to the Hearing Examiner to allow the Applicant to modify the application and respond to the issues raised by the Hearing Examiner. A revised PUD was submitted subsequent to this remand, which was denied by the Hearing Examiner and the City Council. The current project under consideration was submitted subsequent to that denial. It proposes a 16-lot cluster subdivision. This requires approval of a Preliminary Subdivision, Conditional Use Permit to cluster lots, and a Shoreline Substantial Development permit for development on the shoreline of the Skykomish River.

The Applicant also requests two Plat Modifications, one to forgo the public access requirements to water bodies, and another to extend the cul-de-sac beyond that maximum length allowed in the City's Design Standards and Specifications.

The Hearing Examiner conducted an Open Record Hearing on December 11, 2007 for the Twin Rivers Ranch Estates Preliminary Subdivision located at 210 Foundry Drive, between the BNSF track and the Skykomish River. The Hearing Examiner's Report and Recommendation dated December 20, 2007, recommends that Council approve subject to conditions.

There were several issues raised at the public hearing that are included as discussion in the Hearing Examiner's Recommendation that this staff report will review to give Council background. They are organized as they appear in the Hearing Examiner's Report.

1. There is a neighboring property to the west of Twin Rivers Ranch Estates that has a preliminary approved short plat with on-site septic.

This neighboring project is conditioned to remove the septic and install sewers when they become available. The Twin Rivers Ranch Estates project will bring sewers to the property line-neighboring project. The City Engineer and Public Works Director will determine as part of the permitting process for Twin Rivers Ranch Estates whether the neighboring project will be required to install sewers with that short plat. There is another on-site septic shown on the plans for the Twin Rivers Ranch Estates property. This septic system is shown on the plans to be removed as part of this project.

**CITY OF SULTAN COUNCIL MEETING – January 24, 2008**

No further action is required of the Applicant, subject to inspection of the removed septic system during site development.

2. A Riparian Management Zone is shown on the plans.
3. Snohomish County adopted the Snohomish County Shoreline Master Program (SMP) in 1974. The Twin Rivers Ranch Estates project is subject to the 1993 Amendments to the SMP. All development is subject to the Shoreline Master Plan. The Snohomish County Code includes requirements for Riparian Management Zones. However, the City of Sultan has not adopted these RMZ's, and this project is not subject to those County requirements.
4. The City's Transportation Improvement Plan (TIP) was found to be noncompliant with the Growth Management Act (GMA) by the Central Puget Sound Growth Hearings Board on June 29, 2006.
5. The TIP was found to be noncompliant with GMA because the TIP was not consistent with the adopted Transportation Element. Several other appeals to the Hearings Board also found the TIP and Comprehensive Plan noncompliant with GMA. This project cannot be denied due to noncompliance of the TIP because the TIP has no impact on the concurrency requirements of SMC 16.108. Concurrency is not based on the provisions of the TIP. No further action is required of the Applicant on this issue.
6. The sewer pipe is required to extend underneath BNSF railroad tracks. The City will be the lead agency in permitting the sewer extension under BNSF tracks in accordance with the Utility Agreement the City has with BNSF. There was some doubt at the public hearing that the project could obtain approval from BNSF to extend the sewer under the railroad. However, this is not a reason to deny preliminary approval. The City and the Applicant will be required to obtain this approval before any permits are issued by the City for Twin Rivers Ranch Estates.
7. The recreation area (Tract 997) will be relocated from where it is shown on the plans. At the public hearing, staff asked the Applicant to move the recreation area to protect a neighboring property owner. The Applicant wanted flexibility in moving it to another location during the permitting phase of this project. The Hearing Examiner stated there is a need to have a more defined location in order to evaluate the project against the Conditional Use Permit (CUP) criteria, under SMC 21.04.052. The CUP is required in order to cluster the subdivision under SMC 16.80.230, Density/floor area calculations and transfer of density/floor area. The Applicant, staff and Hearing Examiner agreed that the recreation area would be located between proposed lots 9 and 10 or between proposed lots 10 and 11. The Applicant will be required to show the recreation tract located to one of these locations with submittal for permit approval.
8. The internal road and Foundry Drive will not align. The proposed rights-of-way of the internal cul-de-sac road and Foundry Drive will align. However, the pavement on Foundry Drive hugs the west edge of the right-of-way, while the internal road will be centered within the right-of-way in conformance with the City's Design Standards.

## **CITY OF SULTAN COUNCIL MEETING – January 24, 2008**

The lanes of traffic will be off-set from one another. The City's consultant Traffic Engineer recommends that the offset be as small as practicable, and that stop signs be installed for the east and west traffic.

The City is planning on improving the railroad crossing on Foundry Drive, with grant funds that have been made available. The Applicant is also funding improvements to the Foundry Drive/Skywall Drive/325<sup>th</sup> Street SE intersection south of the tracks and improving the approaches to the crossing.

The Hearing Examiner has included a recommended condition of approval, Condition #17, which requires improvements to the crossing to make it safe. Staff is recommending that this condition be slightly revised, without changing the intent. The proposed revision would remove the word "widened" and add the phrase "as determined by the City Engineer" to the second sentence. With these proposed improvements and conditions, the alignment will be as closely aligned and as safe as practicable, as recommended by the City's consultant Traffic Engineer. The Applicant will be required to show the necessary improvements and meet the required conditions at the time of permit submittal.

9. Traffic impact fee credits are proposed for improvements to the Foundry Drive/Skywall Drive/325<sup>th</sup> Street SE intersection.

The Applicant has stated his intention to apply for traffic impact fee credits for the improvements at the intersection of Foundry Drive, Skywall Drive and 325<sup>th</sup> Street SE. SMC 16.112.080 allows for credits to the traffic impact fees for improvements to facilities that are identified in the Capital Facilities Plan. As the Hearing Examiner states, the traffic impact fee amount is determined at the time of building permit issuance. The credit will also be determined at the time of the first building permit issuance and applied to all the building permits for this project. At that time, in order to receive the credit, the improvements to this intersection will be required to be within the Capital Facilities Plan in order for the Applicant to receive the credit. No further action is required of the Applicant. The traffic impact fee and associated credits will be determined for this project at the time of the first building permit issuance.

10. The cul-de-sac is longer than the maximum allowed.

The Applicant proposes a cul-de-sac that is 386 feet long. The City's Design Standards and Specifications do not allow a cul-de-sac longer than 300 feet. The Design Standards also give the City Council authority to allow modifications when they are in the public interest, when they are based upon sound engineering judgment, and when they meet requirements for safety, function, appearance and maintainability. In this case, the length modification meets those requirements, as explained by the Hearing Examiner. There is no reason to stub the street to the east or west property lines, and reducing the length of the roadway by eighty-six (86) feet would produce multiple panhandles or shared private roads, or further reduce the lot yield below what is reasonable.

Staff and the Hearing Examiner support the length modification for this project, due to the circumstances on the site. No further action is required of the Applicant on this issue.

11. Public access to water bodies is not proposed.

SMC 16.28.260(C) requires that all subdivisions provide public access to publicly owned or controlled bodies of water. The Applicant has proposed that this public access to the Ordinary High Water mark not be provided.

## CITY OF SULTAN COUNCIL MEETING – January 24, 2008

This modification is supported by Staff and the Hearing Examiner due to lack of adequate parking for public access and lack of connectivity to other publicly accessible areas on the shoreline. This area will be available for the subdivision residents, but not for public access. No further action is required of the Applicant on this issue.

### 12. Police LOS is not met.

The Hearing Examiner recommends a condition (Condition #32) be placed on the project that requires that the Police LOS be met prior to occupancy of the units of this development. The Applicant agreed during the Open Record Hearing that the Police Services LOS in existence at the time of final building permit inspection would be met before approval of occupancy could be granted. The Applicant accepted this condition, and is not appealing it, because they anticipate that the Police LOS requirements will be revised in the time it would take to develop the plat, obtain final approval, and start building residences. No further action is requested of or by the Applicant. The Council should be aware that accepting this condition of approval on two applications (Hammer and Twin Rivers Ranch Estates), as well as Greens Estates, also being considered tonight, will further set the policy that this condition will be applied to all future applications that are subject to this Code provision.

### 13. Revisions to Water and Sewer Conditions.

The Applicant and staff recommend changes to Conditions 10 and 11 of the Hearing Examiner Recommendation. This includes the following changes:

Condition #10 is revised to state:

The Applicant/Developer is responsible for any improvements to the City's water system which are necessary to provide adequate flow to the site. The Developer/Owner shall be required to relocate and extend on-site water lines as shown on Exhibit 1H, Sheet P3, Preliminary Sewer, Water and Storm Drainage Plan, as deemed necessary by the City Engineer.

Condition #11 is revised to state:

"The Applicant/Developer is responsible for any necessary extension and improvements to the City's sewer system in order to provide sewer service to the site. The Developer/Owner shall be required to relocate and extend on-site sewer lines as shown on Exhibit 1H, Sheet P3, Preliminary Sewer, Water and Storm Drainage Plan, as deemed necessary by the City Engineer. The City will be the lead in the permitting process with the BNSF Railroad."

These revised conditions will meet the intent of the Hearing Examiner's Recommendation, as well as provide more certainty to the Applicant and the public on what will be provided by this project. The Applicant will be required to show compliance with these conditions at the time of permit submittal.

### Applicant:

David Gibson, representative for the applicant, advised that the application is not a Planned Unit Development and there will be no access to the river.

**CITY OF SULTAN COUNCIL MEETING – January 24, 2008**

**Public Input**

Kay George: Skywall Drive is the only plat effected by this proposal. Public access to the river was an issue that has been resolved. Glad to have the railroad tracks fixed.

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

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk