

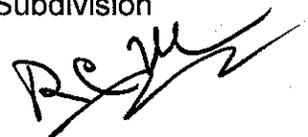
**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: July 24, 2008

SUBJECT: Resolution 08-22
Denial of Anderson Farm Planned Unit Development (PUD) Subdivision

CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:

1. Consider input received at the closed record hearing including recommendation of the Hearing Examiner.
2. Consider adoption of Resolution denying proposal.

STAFF RECOMMENDATION:

Staff recommends that the Council uphold the recommendation of the Hearing Examiner.

SUMMARY:

The Hearing Examiner has conducted an open record hearing on the Anderson Farm PUD. The Examiner found significant non-compliance with the Sultan Municipal Code (SMC) and has recommended denial of the proposal.

Upon receipt and full consideration of the written record of the Hearing Examiner proceeding, the City Council has conducted a closed record hearing on the proposal consisting of comments from the applicant and city staff.

It is necessary for the Council to take final action on the proposal as provided in SMC 16.10.090 (Attachment A). Action takes the form of adoption of a resolution.

ALTERNATIVES:

1. Do not adopt the resolution upholding the Hearing Examiner and denying the proposal. This would effectively keep the proposal vested and allow the applicant to proceed with the development.
2. Delay adoption of the resolution directing such action as the council believes would bring the proposal into conformance with the Sultan Municipal Code.
3. Adopt the resolution upholding the Hearing Examiner and denying the Anderson Farm PUD Subdivision. This would terminate City action on the proposal and allow the applicant to appeal the City's final decision if they so choose.

FISCAL IMPACT:

Allowing the development to proceed would result in 26 lots of residential development in the city, and payment of the appropriate impact mitigation fees as the property developed.

Denying the development will, in the opinion of staff, preclude significant ongoing problems associated with a development design that does not meet code standards. These include transportation, drainage, and facility demands that are not met by the development.

RECOMMENDED ACTION:

Uphold the Hearing Examiner by adoption of Resolution 08-22.

ATTACHMENTS:

Resolution 08-22

**CITY OF SULTAN
Sultan, Washington**

RESOLUTION NO. 08-22

A RESOLUTION OF THE CITY OF SULTAN ACCEPTING THE HEARING EXAMINER'S RECOMMENDATION AND DENYING THE GRANDVIEW INC. PLANNED UNIT DEVELOPMENT AND SUBDIVISION APPLICATION FOR A 26 LOT PLANNED UNIT DEVELOPMENT (ANDERSON FARMS)

WHEREAS Grandview Inc. filed an initial application for approval of Anderson Farms, a 26-lot Planned Unit Development (PUD) subdivision for single-family development;

WHEREAS an open record hearing occurred before the City's Hearing Examiner on May 6, 2008;

WHEREAS the Hearing Examiner's Findings of Fact and Conclusions of Law dated May 16, 2008, found that the proposed PUD Subdivision proposal had substantial and serious nonconformance with the Sultan Municipal Code;

WHEREAS based on the Findings of Fact and Conclusions of Law resulting from the testimony and evidence submitted at the open record hearing, and the Examiner's site view, the Sultan Hearing Examiner recommends that the Sultan City Council DENY the proposed PUD Subdivision

NOW, THEREFORE:

- A. The City Council accepts the Recommendation of the Hearing Examiner dated May 16, 2008, including the Findings of Fact and Conclusions of Law therein.
- B. The Anderson Farms Planned Unit Development is hereby denied.

PASSED BY THE Sultan City Council and **APPROVED** by the Mayor this ____ day
of _____ 2008.

CITY OF SULTAN

By _____
Carolyn Eslick, Mayor

Attest:

By _____
Laura Koenig, City Clerk

By _____
Council Member Flower

By _____
Council Member Champeaux

By _____
Council Member Blair

By _____
Council Member Slawson

By _____
Council Member Davenport-Smith

By _____
Council Member Doornek

By _____
Council Member Wiediger