SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A-2

DATE: August 14, 2008

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

CONTACT PERSON: Robert Martin, Community Development Director D.Bright

ISSUE:

1. Consider input received at the Closed Record Hearing including recommendation of the Hearing Examiner.
2. Consider adoption of Resolution 08-22 accepting the Hearing Examiner's Recommendation to deny the application for the Grandview Inc. Planned Unit Development and Subdivision Application for a 26-Lot Planned Unit Development.

STAFF RECOMMENDATION:
Staff recommends that the Council adopt Resolution 08-22 accepting the Hearing Examiner's Recommendation to deny the application for the Grandview Inc. Planned Unit Development and Subdivision Application for a 26-Lot Planned Unit Development.

SUMMARY:
The Hearing Examiner has conducted an Open Record Hearing on the Grandview Inc. (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 on August 14, 2008 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 B). Action takes the form of adoption of a Resolution.

ALTERNATIVES:

A. Reverse the Hearing Examiner and approve the proposed preliminary PUD and Subdivision.

B. Recommend revisions that might bring the proposal into conformance with the issues raised by the Hearing Examiner, thereby continuing action on the project until the proposal meets the standards.

CITY OF SULTAN
Sultan, Washington

RESOLUTION NO. 08-22

A RESOLUTION OF THE CITY OF SULTAN, WASHINGTON 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 FARM)

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

WHEREAS an open record hearing occurred before the City's Hearing Examiner on May 5 and May 6, 2008; and

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

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; and

WHEREAS the Sultan City Council held a closed record hearing on August 14, 2008;

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 Farm 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

Attachment A

G. Provisions for maintenance of all open spaces or common property, including conditions whereby the city may enforce any provisions or requirements needed to insure the meeting of PUD objectives. (Ord. 793-02 § 1)

16.10.080 Preliminary PUD process review.

A. The preliminary PUD application shall be reviewed by the hearing examiner with a recommendation to the city council pursuant to the provisions of Chapter 2.26 SMC. All procedures for completeness, for administrative, hearing examiner and city council review and for notices of application, hearing, and decision shall be governed by those provisions of the municipal code.

B. SEPA review shall be conducted concurrently with the PUD application as provided in Chapter 17.04 SMC. (Ord. 793-02 § 1)

16.10.090 Authority to approve, condition or deny preliminary PUD.

A. The hearing examiner may recommend approval, denial or approval with modifications or conditions deemed reasonable and necessary to protect the public interest, mitigate impacts of the proposed development, and to ensure compliance with the standards and criteria of this chapter and the policies of the comprehensive plan.

B. The hearing examiner recommendation shall include, at a minimum, findings and conclusions regarding the preliminary PUD's compliance with the criteria for location and approval for the particular type of preliminary PUD listed in SMC 16.10.100 (retail PUDs), SMC 16.10.110 (residential PUDs). A preliminary PUD shall be recommended for approval if, together with reasonable modifications or conditions, the project is determined to comply with the requirements of these sections. A preliminary PUD shall be recommended for denial if, even with reasonable modifications or conditions, the project is determined to not comply with the requirements of these sections.

C. After receipt of a hearing examiner recommendation on the preliminary PUD pursuant to Chapter 2.26 SMC, the city council shall conduct a closed record hearing at which it shall consider the findings, conclusions, and recommendation of the hearing examiner. The hearing examiner recommendation notwithstanding, the city council shall have the right and ability, based exclusively on the record that was presented before the hearing examiner, to agree or disagree with the findings, conclusions and recommendation of the hearing examiner and shall further have the right and ability, based upon the record that was presented to the hearing examiner, to make such additional or different findings and conclusions that the city council believes are supported by evidence in that record.

D. Any decision of the city council on the preliminary PUD shall be final and no further local administrative appeal shall be permitted. This preliminary PUD decision of the city council may be appealed to superior court, pursuant to the requirements of Chapter 36.70C RCW and SMC 16.120.050. (Ord. 793-02 § 1)

16.10.100 Criteria for location and approval – Retail center PUDs.

A preliminary retail center PUD shall only be approved if, with reasonable modification and/or conditions, the city finds that the proposed preliminary PUD complies with the following criteria for location, use and design, for each of the identified types of PUDs.

A. PUD-PCvR – Planned Convenience Retail.

1. Comprehensive Plan. The proposed preliminary PUD-PCvR site must be identified as having potential for a planned convenience retail center in the comprehensive plan's retail policies or an adopted subarea or neighborhood plan. PUD-PCvRs can only be located in the general vicinity mapped in the comprehensive plan map and where it meets the specific location criteria.

2. Other Location Criteria.

a. The site is located on a collector street and the site is also located with respect to streets or other transportation facilities such that these streets and transportation facilities can provide direct access to the PUD-PCvR without requiring traffic to use minor local access streets in residential neighborhoods. Street types are defined in the subdivision regulations, Chapter 16.28 SMC.

b. The site is located at least one mile from any other existing or zoned convenience retail center and any other retail center.

c. Adjacent properties are not zoned for retail development or are not currently developed with retail uses, unless these adjacent properties are proposed to be incorporated into the PUD-PCvR.

d. The market analysis submitted with the application demonstrates a minimum population of 1,000 within one mile from the site.

e. The site is located such that it can connect to an existing off-site pedestrian and bicycle circulation system to facilitate non-motor vehicle access to the PUD-PCvR.

Attachment B