

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 3

DATE: August 28, 2008

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the August 14, 2008 Closed Record Hearing on the Anderson Farm Planned Unit Development as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION:

Move to accept the consent agenda as presented.

CITY OF SULTAN COUNCIL MEETING – August 14, 2008

PUBLIC HEARINGS:

The Closed Record hearing on the Anderson Farm Planned Unit Development (PUD) was called opened by Mayor Eslick. Councilmembers present: Champeaux, Wiediger, Slawson, Flower, Blair and Doornek.

No Council member had any conflict of interest, would have a financial gain or received outside communication regarding the project. There were no objections to the Council participation.

Staff:

Robert Martin, Community Development Director, provided the staff report.

To comply with SMC 16.10.080 C. it is necessary to conduct a Closed Record Hearing to review and to accept, modify, or reject the Hearing Examiner Recommendation. The Council decision is final, and may only be appealed to superior court under provisions of RCW Chapter 36.70C.

Council is charged with reviewing the record of the proceeding and taking brief testimony from Staff, and the applicant. There were no filed appellants in response to the Hearing Examiner's denial recommendation, so there are no appellants from which to take testimony. The general public is welcome to observe the hearing, but may not testify.

City Staff determine that the Anderson Farm Planned Unit Development did not meet significant requirements of the applicable codes and development standards. A report recommending denial was prepared for the Public Hearing conducted by the Hearing Examiner on May 6, 2008. The Hearing Examiner agreed with many of the Staff findings, and rejected some of them. The Hearing Examiner has recommended that the City Council deny the application.

The Hearing Examiner's summary included the following:

"The proposal does not meet most of the review criteria for approval as a preliminary subdivision." "The question then is whether Anderson Farm should be returned for correction or simply denied. This proposal is so far from acceptable that the Examiner recommends that it be denied".

1. The areas of deficiency listed by the Hearing Examiner are:
 - a. Open Space
 - b. Drainage ways
 - c. Streets and roads
 - d. Alleys
 - e. Other public ways
 - f. Transit stops
 - g. Potable water supply
 - h. Sanitary wastes
 - i. Parks and recreation
 - j. Playgrounds
 - k. Schools and schoolgrounds
 - l. Safe walking conditions
 - m. Utility consistency

The Hearing Examiner's recommendation:

"Based upon the preceding Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing, and the Examiner's site view, the Examiner RECOMMENDS DENIAL of the proposed preliminary subdivision and planned unit development of *Anderson Farm*." May 16, 2008 (emphasis in original).

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Applicant:

Bill Foster, Attorney for the applicant: He has been a land use attorney for 30 years and has never seen a 54 page decision from John Galt. As noted by the Hearing Examiner, this is a difficult site that is separated by a road and contains degraded and irregularly shaped wetlands. The wetlands are defined as critical areas but because they are degraded they don't perform the function of a wetland which made planning difficult. There have been staff changes over the course of the project and issues with getting information in a timely manner for adequate response from the applicant. The applicant is trying to put 26 homes on the site and would like to proceed with the project. The Hearing Examiner presented an option of returning the proposal to staff to work through the issues and they would like to encourage the Council to consider that option.

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

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk