

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-3

DATE: September 10, 2009

SUBJECT: Set Public Hearing on Developer Agreement
Greens Estates Planned Unit Development (PUD) Subdivision

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE: The Developer of Greens Estate PUD is requesting a Developer Agreement to accompany their submittal of the Final PUD Application. RCW 36.70B.170(1) requires Developer Agreements to be adopted by Resolution (or Ordinance) after a Public Hearing.

STAFF RECOMMENDATION:

Staff recommends that Council set September 24, 2009 as the date for a Public Hearing on the proposed Developer Agreement for Greens Estate PUD.

SUMMARY:

Staff has been working with the Developer and the City Attorney to finalize a Developer Agreement. The Council received a Developer Agreement and a Resolution (Resolution 09-10) for adoption at the June 25, 2009 meeting.

At that meeting, Council asked Staff to clarify the relationship between the proposed Developer Agreement and the Utility Connection Policies and Fees before approving the Developer Agreement and the Greens Estate Final PUD.

The Council is now moving forward to adopt policies and procedures for utility connections. The Utility connection issue is now separated from the Developer Agreement and the Final PUD Approval. The City Attorney and the Developer's attorney have finalized a revised Developer Agreement.

Council is now in a position to proceed with a Hearing on the Developer Agreement as part of the process of approving the Final PUD. If the Council determines to proceed, Council will hold a Public Hearing and review Resolution 09-10 adopting the Developer Agreement.

ALTERNATIVES:

While Staff recommends that the Developer Agreement proposed by the Developer is appropriate and in the best interest of the Community, the Council can choose from the following alternatives:

1. Not set a Public Hearing, thereby removing the Developer Agreement from the process of Final Approval of Greens Estates PUD.
2. Defer the setting of a Public Hearing to a later date.