

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** H-3

**DATE:** October 22, 2009

**SUBJECT:** Conduct Public Hearing on Developer Agreement for 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 after a Public Hearing.

**STAFF RECOMMENDATION:**

Staff recommends that Council conduct the Public Hearing that was originally set for September 24, 2009, continued to the October 8, 2009 Meeting, and continued again to the October 22, 2009 Meeting.

**SUMMARY:**

Staff has been working with the Developer and the City Attorney to finalize a Developer Agreement. The Council received a Developer Agreement (**Attachment A**) and a Resolution 09-10 (**Attachment B**) 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 Development 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 (**Attachment B**), adopting the Developer Agreement.

**DISCUSSION:**

Beginning on **Page 3 of 17** of the proposed Developer Agreement (**Attachment A**), the Agreement lists Conditions of Approval from Resolution 08-03.

**Beginning on Page 9 of 17** of the Developer Agreement (**Attachment A**) at "VII Clarifications to Selected Conditions of Approval", the Agreement presents the clarifications and enhancements of the conditions of approval that are now proposed for adoption. Topic Highlights of this section are as follows:

- Item 1: Removes the requirement that the development accommodate the Police Level of Service Requirements as these requirements have been removed from the Comprehensive Plan and Impact Fee Structure.
- Item 2: Clarifies the Bonding process for Final Plat review.
- Item 3: Calls for an agreement regarding stormwater facilities at Final Plat.
- Item 4: Clarifies sidewalk easement standards.
- Item 5: Clarifies 20-foot requirement for city access to utility facilities.
- Item 6: Requires a maintenance bond for mitigation plans.
- Item 7: Allows the City to perform necessary maintenance of critical facilities if the homeowner's association fails to perform.
- Item 8: Clarifies setback language.
- Item 9: Clarifies setback language.
- Item 10: Clarifies Wetland Mitigation Planting language.

**Beginning on Page 11 of 17** of the Developer Agreement (**Attachment A**) at "VIII Plan Submittals, Review, Construction, Inspections, and Bonding", the Agreement presents clarifications and enhancements of some Administrative Provisions regarding Review and Approval Process and financial surety for Final Plat that are now proposed for adoption. There are no substantive changes in this Section that result in changes to the actual development as it will appear on the ground.

**STAFF RECOMMENDATION:**

Staff recommends that Council conduct the Public Hearing that was set for September 24, 2009, and continued to the October 8, 2009 Meeting, and continued again to the October 22, 2009 meeting.

**ALTERNATIVES:**

Council may choose from the following alternatives:

1. Continue the Public Hearing to a future date.
2. Cancel the Public Hearing, thereby indicating that the Final PUD Review should be conducted under the existing provisions of Resolution 08-03.
3. Direct Staff to continue work on the Developer Agreement and give direction as to what additional issues need to be addressed.

**ATTACHMENTS:**

Attachment A: Proposed Developer Agreement

Attachment B: Resolution 09-10