

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1B
DATE: June 10, 2010
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the May 27, 2010 Public Hearing on the Grandview Developer Agreement as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – May 27, 2010**PUBLIC HEARINGS:**

The Public Hearing on the Grandview Developer Agreement was opened by Mayor Pro-tem Slawson.

Councilmembers present: Pinson, Flower, Davenport-Smith, Blair and Beeler.

Grandview Developer Agreement:**Staff Report:**

The issue is the hearing on the proposed Development Agreement, as required by Revised Code of Washington (RCW) 36.70B.200, between the City of Sultan and Grandview Inc. for dedication of 1,147.95 sq.ft of private property for future widening of Sultan Basin Road, and delaying payment of impact fees for construction of a single-family residence to the time of issuance of the Certificate of Occupancy.

Grandview Inc. is awaiting issuance of a building permit for construction of a single-family residence at 13630 Sultan Basin Road. Staff has reviewed final site design plans and the structural plan review has been completed by Snohomish County. Due to the extreme prevalence of wetlands on the subject property, the five-acre parcel contains only one single-family residential building site in its south east corner fronting on Sultan Basin Road.

The City's improvement plans for Sultan Basin Road include widening in the area of the subject property. The City needs a three-foot strip of land on the full Sultan Basin Road frontage of the property for future improvement of the road. Grandview, Inc. owns the subject five-acre parcel with 382.65 lineal feet of frontage on Sultan Basin Road. The dedication proposed in this Development Agreement would constitute 1,147.95 sq.ft. of property.

As development plans were under review, contacts between City Staff and the Developer resulted in a mutual proposal that the City would delay payment of impact fees until Certificate of Occupancy and that Grandview, Inc. would dedicate the necessary three-foot strip for widening of Sultan Basin Road. (**Note:** The City is not permitted to require dedication of right-of-way when the application is for a single family residential building permit. The dedication proposed in this Agreement was suggested by Grandview with full understanding of the law and with full consent and no coercion by the City. As provided by statute, the City had originally proposed only that Grandview indicate the location of the necessary three feet for future widening on the site plan with provision for future negotiation and acquisition.)

RCW provides that local governments can engage in Development Agreements with Developers to set specific standards for a project that are outside of the City's normal Development Standards. RCW 36.70.170 establishes the authority to enter into Development Agreements and the scope of topics that may be covered by such Agreements. RCW 36.70B.200 requires that Development Agreements be approved by the City only after a Public Hearing and adoption of an Ordinance or Resolution affirming the provisions of the proposed Agreement. Appeal procedures for such Agreements are provided under RCW 36.70C.

The City can accept dedications of property for road purposes without a Development Agreement. The reason for this Development Agreement is that Grandview, Inc. has agreed to dedicate their private land to the City for road purposes in trade for delaying payment of the required impact fees. Impact fees are, according to current Code, due at the time of issuance of the building permit. Delay of the impact fee payments until Certificate of Occupancy is not

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provided by current Code provisions, but is allowed as part of a Development Agreement in RCW 36.70B.170.

Staff proposes to the Council that dedication of the 1,147.95 sq.ft. of property to the City for road purposes is a meaningful and appropriate mutual benefit for allowing delay of impact fee payments until Certificate of Occupancy.

Council discussion:

Delay of impact fees similar to the proposed revisions to state law; driveway access on to Sultan Basin Road; highest and best use of the 13,000 sq ft lot; wetland and building constraints on the property; no requirement for single family units to do sidewalk improvements.

Public Input

None

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

Steve Slawson, Mayor Pro-tem

Laura J. Koenig, City Clerk