

**SULTAN PLANNING BOARD  
AGENDA COVER SHEET**

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**ITEM NO:** A-3

**DATE:** April 6, 2010

**SUBJECT:** Recommendation to City Council:  
Removal of Title 16.10, Planned Unit Development (PUD) Code  
Adoption of Title 16.14, Lot Averaging Code

**CONTACT PERSON:** Robert Martin, Community Development Director

**ISSUE:**

Consider public input from Public Hearing (Item H-1 of this Agenda Packet) regarding removal of PUD Provisions of Sultan Municipal Code (SMC) Title 16.10 and creation of a Lot Averaging Code, Title 16.14, to take the place of PUD Provisions.

**STAFF RECOMMENDATION:**

Staff recommends that the Board consider the public input from the Hearing (Item H-1 of this meeting Agenda) and recommend to the City Council the creation of a Lot Averaging Code (SMC Chapter 16.14) and removal of the Planned Unit Development Code (SMC Chapter 16.10).

**BACKGROUND:**

At the August 18, 2009 meeting the Planning Board reviewed a Staff Report detailing the need for significant revision of the Planned Unit Development Provisions of the Sultan Municipal Code (SMC Chapter 16.10). The Board indicated that the need for significant modification was clear.

At its September 1, 2009 meeting the Board reviewed and discussed PUD Codes from Bothell, Mill Creek, Shelton, Tukwilla, and Walla Walla to become familiar with the Construction of Codes that provide for PUD as a type of development instead of an Overlay Zone.

At the September 15, 2009 meeting the Board began a more detailed review of draft language.

At the October 6, 2009 meeting the Board engaged in an extensive discussion of the intent and implementation of the draft PUD provisions. This discussion explored the types of development that could be approved under the Staff draft and the long-term implications for the Community of the various options.

At the November 10, 2009 meeting the Board reviewed revised Code and discussed implementation procedures for the Community. It was decided that the latitudes in a properly constructed PUD Code would be too difficult for the City to administer and that a Lot Averaging Code would accomplish the same result with greatly less difficulty. The Board moved to stop work on the Code and recommend to Council that Chapter 16.10 PUD be replaced by a Lot Averaging Provision.

At its December 10, 2009 meeting the Council, by consensus, accepted the Board's recommendation and directed that the Board undertake procedures to remove the PUD provisions from the Code and replace them with a Lot Averaging Provision.

At its January 5, 2010 meeting the Board received the Council's direction and began study of options for addressing removal of the PUD Provisions and was given resources to begin study of Lot Averaging. It was agreed that the PUD Code needs to be deleted and replaced by a Lot Averaging program. Staff was directed to proceed with that approach.

At its February 16, 2010 meeting the Board began review of the concept of Lot Averaging as a more effective replacement for the complex PUD Code. Variations from other jurisdictions were reviewed and a general direction on construction of a Lot Averaging Code was given to Staff.

At its March 2, 2010 meeting the Board reviewed the Staff Draft of a Lot Averaging Code and gave feedback for revision.

At its March 16, 2010 meeting the Board reviewed language revisions and detailed calculations for implementation of a Lot Averaging Code. The draft Lot Averaging Code was adjusted to provide for exclusion of the first 10% of undevelopable critical areas from the calculation and to set the maximum reduction in lot size at 25% of that required in the applicable Zone and set a Public Hearing on removal of the PUD provisions and adoption of Lot Averaging Provisions.

#### **DISCUSSION:**

Lot Averaging is a relatively straight-forward mechanism to accommodate the type of land that most developers will be dealing with in the Sultan area. Land that is comprised of restricted/ isolated Developable Land within a matrix of Wetlands and other Critical Areas is a ready-made situation for Lot Averaging.

Planned Unit Development Procedures, particularly as presented in SMC Title 16.10, are very complex and have not been administered or implemented well in the Community. The Council and the Board have determined that these provisions are not necessary or appropriate in Sultan. Prior to removal of these provisions, both bodies wanted a replacement Code that would accomplish recognition of the Critical Areas constraints presented by the Sultan landscape while not allowing the errors and abuses that were prevalent in implementation of the PUD Code.

At its March 16, 2010 meeting the Board reviewed options for calculating the allowances for reduced minimum lot size, the percentage of Critical Area exclusion permitted, and the minimum lot dimensions. The Board determined that:

1. Lots should be reduced no more than 25% from the minimum required in the applicable Zone.
2. The first 10% of undevelopable Critical Areas should be excluded from the calculation.
3. If a lot has less than 10% undevelopable Critical Areas, it does not qualify for the Lot Averaging Program.
4. Minimum lot width should be 40-feet, minimum lot depth should be 70-feet.

**Attachment A** presents the draft of the Lot Averaging Code as modified by the Board in the above details. Subject to public input and final Board modifications, this draft is ready for recommendation to the City Council for Adoption as new SMC Chapter 16.14.

Starting with its work in August 2009, and moving through to the Public Hearing at this meeting, the Board is in a position to make final changes and make a recommendation to the Council on this combined action; creation of a Lot Averaging Code and removal of the Planned Unit Development Code.

**STAFF RECOMMENDATION:**

Staff recommends that the Board consider the public input from the Hearing (Item H-1 of this meeting Agenda) and recommend to the City Council the creation of a Lot Averaging Code (SMC Chapter 16.14) and removal of the Planned Unit Development Code (SMC Chapter 16.10).

**ATTACHMENTS:**

Attachment A: Planning Board Draft of SMC Chapter 16.14, Lot Averaging