

**City of Sultan  
Staff Report and Recommendation  
To the Hearing Examiner  
May 11, 2006**

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**Twin River Ranch Estates Preliminary PUD and Plat  
File Number FPPUD-05-006**

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## **I. Application Information and Process**

### a. Request

The Applicant requests approval to create 22-single-family detached lots on approximately an 8.57 acre site as a PUD Single-Family (PUD-SF) Overlay. The project is located in the City of Sultan's Low/Moderate Density Residential (LMD) Zone. The site is located south of the BNSF RR and Skywall Drive Right-of-Ways and north of the Skykomish River in the City of Sultan in Snohomish County Washington. The proposed lot size of this development ranges from 5,005 SF up to 8,452 SF.

### b. Applicant

Dan Ramirez  
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Sultan, WA 98294

### c. Engineer

Jim McDaniel, PLS  
Harmsen & Associates  
P.O. Box 516  
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d. City Planner's

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e. Parcel Numbers

270804-002-036-00  
270804-002-034-00  
270804-002-035-00  
270804-002-035-00

f. Project Description

This project is being proposed as a Preliminary PUD and Plat for a detached single-family development called Twin Rivers Ranch Estates. This development will include one existing single-family residence and associated structures zoned as Low/Moderate Density Residential. The existing residence will remain and the associated structures will be demolished/removed.

The proposed development contains four separate parcels. The main access for the site will be from Foundry Drive to Skywall Drive onto a new roadway within the Plat. The Developer plans to improve the railroad crossing for Foundry Road to reduce the abrupt grades on either side of the railroad tracks. The City has applied for a Grade Crossing Protection Grant through the Utilities and Transportation Commission to assist in improving the crossing. Skywall Drive will be upgraded with new paving, curb, gutter and sidewalk along the south side. Skywall Drive will not be extended westerly to connect to Dyer Road as part of this proposal. There will be approximately 400-feet of new public road and a cul-de-sac constructed within the development. The Applicant is requesting that the road right-of-way within the Plat be reduced to 50 feet due to its short length and because it will not be extended beyond the Plat. The reduction of the right-of-way width is supported and recommended by the Community Development Director and City Engineer.

This project is projected to begin in Summer 2006 and be completed by Fall of 2006. Construction will proceed as a single phase development. Home construction on the single family lots is expected to commence in Winter 2006 to Summer, 2007. The project is described further in the Application materials and site plan.

g. Location

The site is located at 210 Foundry Road, along the south side of Skywall Drive, south of Foundry Road within the Northwest ¼ of Section 4, Township 27 North, Range 8 East, W.M. in the City of Sultan, Snohomish County, Washington.

h. Existing Site and Surrounding Land Uses

The site currently contains one single-family home and associated accessory buildings (a detached garage and detached outbuildings) on the eastern portion of the property. All of the existing accessory structures will be removed as part of this proposal. The site is relatively flat with a slope into the swale on the east side of the property.

The river frontage along the south property line and the swale along the east property line are considered environmentally sensitive, which are outlined in the *Critical Areas Study, Habitat Management Plan and Mitigation Plan* prepared by Wetland Resources, Inc, dated November 2005. In order to protect these areas, they are being placed within either a "Conservation Open Space" (Tract 999) or "Usable Open Space" (Tract 998) and protected from development. Access to the tracts and Skykomish River are provided by a ten foot wide easement from the internal street.

The site is currently zoned as Low/Moderate Density Residential (LMD). The surrounding area to the east is an older plat, on the west is a residential subdivision and to the north is industrial development (Romac Industries on the north side of the railroad property). The area to the north is zoned Economic Development (ED) and the property to the east and west, are zoned Moderate Density (MD).

i. Utilities, Fire, and School Districts

Water Source: City of Sultan

Sewer Service: City of Sultan

Fire District: Snohomish County Fire Protection District No. 5

School District: Sultan School District No. 311

j. Related Permits and Reviews

Development of the site will require building, grading, fill, storm water, water, sewer, power and telephone, shorelines and demolition permits, in addition to PUD and Plat Approval. Permits by other Agencies may also be required.

k. Procedure for PUD Approval

The City's Regulations for Planned Unit Developments (PUD), Chapter 16.10 of the Sultan Municipal Code (SMC), requires that PUD Approval be processed pursuant to Chapter 16.120 SMC, with review done by the City Planner, with input from the City Engineer, Public Works Director, and the Building Official. In accordance with SMC 16.10.080, PUD's are reviewed by the Hearing Examiner with a Recommendation to City Council. After receipt of the Hearing Examiner's Recommendation, the City Council will hold a Closed Record Hearing and make the Final Decision, in accordance with SMC 16.10.090.

Following Council Preliminary PUD Approval, the Applicant is required to file an Application for Final PUD Approval within 12-months in accordance with SMC 16.10.150 and 160.

l. Procedure for Plat Approval

The City's Subdivision Regulations, Chapter 16.20 SMC, provide the standards and process for Preliminary Plat Review. In accordance with SMC 16.28.330, the Hearing Examiner shall hold a Public Hearing, make written findings and make a Recommendation to the City Council. The City Council may either approve, disapprove or return the proposed subdivision for modification at a Closed Record Hearing following the Hearing Examiner's Recommendation, in accordance with SMC 16.28.340. Council Approval of a Preliminary Plat is valid for up to five (5) years in accordance with SMC 16.28.340.

m. Review Criteria

The review criteria for preliminary plats are set forth within SMC 16.28.330(A):

- A. The Hearing Examiner shall ... consider and review the proposed plat with regard to:
1. Its conformance to the general purposes of the Comprehensive Plan and Planning Standards and Specifications as adopted by the laws of the State of Washington and the City of Sultan;
  2. Whether appropriate provisions are made ... for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, transit stops, parks and recreation, playgrounds, schools and schoolgrounds;
  3. The physical characteristics of the subdivision site and may disapprove because of flood, inundation or swamp conditions. It may require construction of protective improvements as a Condition of Approval; and
  4. all other relevant facts to determine whether the public use and interest will be served by the ... subdivision.

"The [PUD] District is an alternative to conventional land use regulations, combining use, density and site plan considerations into a single process." [SMC 16.10.010(A)] The PUD is an "overlay zone", applied "only after a site-specific and project-specific review." [SMC 16.10.020 and .010(A), respectively]

The SMC provides for both Retail Center PUDs and several types of Residential PUDs. [SMC 16.10.030] The general review criteria for PUDs are set forth at SMC 16.10.090(B):

The Hearing Examiner Recommendation shall include, at a minimum, findings and conclusions regarding the Preliminary PUD's compliance with the criteria for location and Approval for the particular type of Preliminary PUD listed in SMC 16.10.100 (retail PUDs), SMC 16.10.110 (residential PUDs). A Preliminary PUD shall be Recommended for Approval if, together with reasonable modifications or conditions, the project is determined to comply with the requirements of these Sections. A Preliminary PUD shall be Recommended for Denial if, even with reasonable modifications or conditions, the project is determined to not comply with the requirements of these Sections.

n. Application History

The Application for Preliminary PUD was received by the City on October 7, 2005. The Application was deemed complete on December 28, 2005.

**II. Land Use and Zoning**

a. Zoning

The site is zoned as Low/Moderate Density Residential (LMD). Single-family detached homes in the LMD zone are subject to the following zoning requirements per SMC 16.12.020:

Use	Max. Units per Acre	Min. Area	Min. Width	Min. Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Bldg. Hgt.	Max. Lot Coverage
Single-Family Detached Dwellings	4.0	10,890 sq. ft.	80 ft	80 ft	20 ft	20 ft. total Min. 10 ft each side	20 ft	30 ft	35%

Density

Density is proposed to be approximately two and one-half (2.5) dwelling units per acre (22 homes over 8 acres). The allowable density is 4-dwelling units per acre or 32-units.

Lot Size and Coverage

The Applicant proposes lot sizes that range from 5,005 SF to 8,452 SF with an average lot size of about 5,805 SF and lot coverage of 35% (P1 of plan set dated 3/13/06). Based on the site plan, the Applicant appears to propose a minimum lot widths ranging from 61-feet of 20-feet (at front property line). All of the proposed lots meet the 80-foot lot depth requirement.

In accordance with SMC 16.10.120(B) (2), “The Hearing Examiner, for the purpose of promoting an integrated project that provides a variety of housing types and additional amenities, may recommend reductions in the area of individual lots and increases in the lot coverage with in a PUD from the required lot area and coverage for the zoning district; provided, and such modifications shall be compensated by open space areas elsewhere in the PUD.”

Front Yard Setbacks

The Applicant proposes twenty (20) foot front yard setbacks.

Side Yard Setbacks

The Applicant proposes side yard setbacks of five (5) feet. Per SMC 16.10.120(B)(1)(a), side yards may be reduced to a zero lot line, so long as a five (5) foot minimum is maintained between dwelling units.

Rear Yard Setbacks:

According the site plan, the Applicant proposes ten (10) foot rear yard setbacks. Per SMC 16.10.120(B) (1) (d), the minimum rear yard requirement is intended to provide privacy for the outdoor area behind the dwelling unit. Where physical elements such as fences, screens, or open space are provided, rear yard setbacks may be reduced to 10-feet.

The Preliminary Site Plan submitted indicates that Lots 11, 12, and 13 have no open space located adjacent to the rear yard setback. The site plan submitted does not indicate that fences, screens or open space are proposed for the rear yards for Lots 11, 12, and 13 as provided for by SMC 16.10.120 (B)(1)(a). In addition, an existing water line easement is shown on the plan that crossed through Lots 5 thru 11. The existing waterline and easement will be abandoned and relocated to connect to a new water line in new street serving the Development as shown on the preliminary sewer, water and utility plans.

SMC 16.10.110(B) (3) (b) requires setbacks to be comparable/compatible to existing development or zoning of adjacent properties. Lots 17 thru 22 and Lot 1 are adjacent to Economic Development (ED) Zoning to the north, across Skywall Drive. Due to the separation created by the intervening right-of-way and rail road, the proposed front yard setbacks of 20-feet appear adequate.

Lots 11, 12, 13, and 22 are adjacent to a Moderate Density Residential (MD) Zone to the east and west. The *Table of Dimensional and Density Requirements* (SMC 16.12.020) requires rear yard setbacks of 20-feet for the MD Zone. The rear yard setback for Lots 11, 12, 13 and 22 should be a minimum of twenty feet in order to meet this Code Requirement. However, a reduction of the rear yards to 10-feet as provided for in SMC 16.10.120 (B) (1) (a) may be considered by the Applicant. The remaining lots are internally located within the PUD and are not adjacent to off-site properties with different zoning requirements.

b. Comprehensive Plan Designation

The site is designated “Residential Low/Moderate Density” by the City of Sultan Comprehensive Plan. The proposed use of the site as single family residential at a density of approximately two and one-half (2.5) dwelling units per acre is consistent with the Comprehensive Plan.

c. Off-Street Parking Requirements

The minimum number of required off-street parking spaces shall be determined by the Table in SMC 16.60.130. Single family dwelling units in the LMD zone are required to provide 2 parking spaces per dwelling unit. At 22-units, this project requires 44-parking spaces.

The SEPA Checklist submitted October 7, 2005, states that the project will provide at least two on-site spaces per dwelling unit. Proper signage will be needed to clearly indicate where parking is restricted.

d. Recreation and Open Space

All PUDs are required to provide Open Space in the amount of 20% of the gross land area of the site, per SMC 16.10.140. A minimum of 15% of the gross area must be “useable open space.” The percentage of gross area counted toward the open space requirement is limited for “buffer open space” (2%) “constrained open space” (2%) and “unusable detention open space” (5%).

In a letter to the City dated November 17, 2005, the Applicant states that 50.5% of the gross area will be open space (approximately 4 out of 8.5 total acres), and that the project will include 25.8% usable open space (approximately one acre) in the form of a trail (with picnic tables) along the southern edge of the site and a tot lot located between Lots 14 and 15. The Tot lot, trail and picnic tables and grills on Tract 998 meets the requirements of SMC 16.72.050.

SMC 16.10.140(A) (4), states that buffer open space may contain usable open space. "Usable open space" is defined as "areas...for development as active and passive recreation..." Therefore, it is understood that buffer areas may be counted toward usable open space if they include improvements to support active or passive recreation. The applicant has identified the remaining open space as "Conservation Open Space", which equals approximately 3 acres (74.2%).

### III. Wetlands, Streams, Steep Slopes, and Shorelines

Within the City of Sultan, wetlands are subject to regulations per SMC 16.80.030. The Preliminary Site Plan submitted to the City shows that there are no wetlands on-site. This is confirmed in the *Critical Area Study, Habitat Management Plan and Mitigation Plan*, prepared by Wetland Resources, Inc. dated November 30, 2005.

#### a. Streams

Sultan's standard stream buffer widths are listed in chapter SMC 16.80.040. The Skykomish River is classified as a Type 1 Stream and is considered a "Shoreline of Statewide Significance". The required buffer for a Type 1 Stream is 100-foot wide, as measured from the Ordinary High Water Mark (OHWM). Pursuant to Snohomish County Code (SCC) requirements (as adopted by the City of Sultan) the area 200-feet landward from the OHWM of the Skykomish River is designated as "shoreline." A portion of the Development will occur within the 200-foot shoreline designation area and the 300-foot Riparian Management Zone (RMZ). Within this 200-foot area, portions of 7-new single-family residences are proposed (Lots 4-10 are shown with the building footprint for each structure encroaching into the required setback/buffer area). The Applicant's Wetland Ecologist has determined that a Shoreline Substantial Development Permit is necessary for these lots because the proposed improvements will exceed \$2,500 (pursuant to SCC Chapter 30.44). A letter from the Applicant's Representative (letter to City dated February 24, 2006 from Jim McDaniel, PLS), requests that the public access improvement project should be exempt from this requirement because the approval being requested is for the public access improvements only and that (SSC) 30.44.110 provides for and exemption of \$5000.00.

#### b. Stream Mitigation

As presented in the *Mitigation Plan*, the Applicant is proposing to offset the identified impacts by implementing the Recommendations outlined in the Plan. In summary, the Applicant's proposal includes the following critical area impacts and mitigation pursuant to SMC 16.80.070 and SCC 30.44:

- No significant trees within shall be removed.

- The Applicant shall plant additional conifer trees within the outer 20-feet of the 150-foot Fish and Wildlife Habitat Conservation Area (FWHCA), resulting in a total of 10,600 square feet of buffer area to be planted.
- The Applicant proposes to mitigate the 2,400 square feet of buffer impacts by dedicating equal area of additional buffer along the 150-foot FWHCA.
- Maintenance, a three-year monitoring period, and a Performance bond recommendation of \$2,500.00

The Applicant proposes clustering the residential lots and preserves significant physical features. The Wetland Ecologist concludes that although the Applicant is proposing to construct several single-family homes and associated infrastructure in proximity to a salmonid bearing stream and a pedestrian trail within the 150-foot FWHCA, the Development is not likely to adversely affect threatened salmonids or their habitats. This is because no significant trees will be removed, minor vegetation impacts within the FWHCA will be mitigated, and all storm water runoff within the 300-foot Riparian Management Zone will be infiltrated.

The City's Wetlands Ecologist, Patricia Bunting, concurs with Mitigation Plan prepared by Wetland Resources, Inc and notes the addition of NGPA signage along the top of the slope as indicated on the plan.

The Applicant's Geotechnical Engineer concludes that from a geotechnical standpoint, the site is compatible with the Planned Development.

#### **IV. Water, Sewer, and Stormwater Management**

##### **a. Water Availability**

According to SMC 16.10.070(8) new developments must show evidence of adequate water availability as stated in RCW 19.27.097. The City of Sultan Public Works Department has issued a letter stating water availability to the site on January 19, 2005. This letter states that the developer/owner may need to build improvements to the City's water system in order to provide water to the site.

##### **b. Sanitary Sewer Availability**

According to SMC 16.10.070(7) new Developments must show evidence of Sewer Availability. The City of Sultan Public Works Department has issued a letter stating Sewer Availability to the site on January 19, 2005. This letter states that the Developer/Owner of the site may need to build improvements to the City's sewer system in order to provide sewer service to the site.

c. Storm Water Management

Per SMC 16.92.010, the City of Sultan adopts the most recent Department of Ecology Stormwater Management Manual for the Puget Sound basin. According to the *Preliminary Storm Drainage Analysis* prepared for this project by Harmsen & Associates, Inc., the Applicant proposes to construct a biofiltration swale located adjacent to the existing drainage swale on the easterly portion of the Plat. All storm water from the development will be collected and conveyed to the biofiltration swale. The *Report* states that the proposed design of the stormwater management facility was prepared using the requirements of the Washington State Department of Ecology *Storm Water Management Manual for Western Washington*, August, 2001.

The Environmental Checklist prepared for this project states that filter fabric will be placed, prior to construction, down slope of all graded areas to intercept runoff during construction. During construction, a temporary infiltration pond will be used to collect and infiltrate surface runoff. A stabilized construction entrance will minimize the tracking of sediment on to the public roadways, and ground cover may be placed on all exposed surfaces. The Owner/Contractor will adhere to all environmental codes relating to construction of this project.

**V. Traffic and Circulation**

**A. Lot Access**

Access to the 22-single-family detached residential units will be primarily from an internal plat road off of Skywall Drive and Foundry Drive. The site plan shows proposed Lots 17 thru 22 having direct access off of Skywall Drive.

**B. Street Standards**

***Skywall Drive***

For Secondary Arterials, the Sultan Design Standards require a 60-foot right of way, two 12-foot travel lanes; parking on sides, 3-foot bicycle lanes, 5-foot sidewalks on both sides with 3-foot planter strips and street trees planted one tree per 20-lineal feet.

The site plan shows that frontage roadway improvements on Skywall Drive include utility extensions, road widening, vertical curb and gutter, sidewalk and street trees. The cross section provided in the map set (P4) shows two 12-foot travel lanes, 6-foot parking on one side, and 5-foot sidewalk on one side and a 6.5-foot landscape strip on one side, behind the sidewalk. This section shall be modified to provide for the 3-foot landscaping strip between the roadway and sidewalk as noted above for secondary arterials. In addition, a pedestrian crosswalk shall be painted on Skywall Drive from the sidewalk to pedestrian crosswalk on the proposed railroad crossing.

In accordance with SMC 16.10.120(B) (4), Street Design Standards may be modified for PUDs as Approved by the City Planner and City Engineer.

***On-site streets***

Sultan Design Standards require a 60-foot right-of-way, two travel lanes, parking on both sides; five-foot sidewalks on both sides and street trees planted one tree per 20 lineal feet for Local Access streets. SMC 16.12.120(B) (4) (a) provides for deviation of the street standards. This section states that “*standards of design and construction for roadways within residential PUDs may be modified as is deemed appropriate by the Planning Director and City Engineer with the concurrence of the City Council, following a recommendation by the Hearing Examiner.*” For the one on-site street, the applicant proposes a 50-foot right-of-way, two 12-foot travel lanes, two 6-foot parking zones, vertical curb and 5-foot sidewalk on each side and a 1.5 foot wide planning strip on each side behind the sidewalk.

In accordance with SMC 16.10.120(B) (4), Street Design Standards may be modified for PUDs as Approved by the City Planner and City Engineer. The modification as proposed by the Applicant is Recommended by the City Planner and City Engineer.

The Landscaping Plan (refer to page L1.0 of the Preliminary Site Plan) shows a number of street trees to be planted along both Skywall Drive and the internal Plat street 325 Street S.E. Per Sultan Design Standards, residential street trees are required to be planted on the street edge of Local Access streets. The Skywall Street section should be revised to show that the proposed landscaping strip is located between the sidewalk and the curb in a 3-foot wide planting strip to provide for the separation of pedestrians and traffic.

**a. Access Analysis**

1. The Applicant’s Traffic Engineering Consultant analyzed the access for this project. The *Traffic Analysis Report* provided by Gibson Traffic Consultants (GTC) found that the intersection of Foundry Road at Skywall Drive currently only has stop-control on the westbound approach, but does have a stop-bar on Foundry Road. GTC recommends that this intersection become an all-way stop-controlled intersection with the addition of the Twin Rivers Ranch Estates Development.
2. The City’s Traffic Consultant, Geri Reinhart, P.E. reviewed the Traffic Analysis Report prepared for this development. Ms. Reinhart in her review of the Skywall Drive/Foundry Drive intersection recommended the access from Lot 17 take access from the plat road and if additional design options as noted in her report are not possible then an all-way stop may need to be considered.

**b. Non-motorized Access**

SMC 16.10.110 states that a PUD-SF must be located to connect to existing off-site pedestrian and bicycle circulation system to facilitate non-motorized access. The Applicant proposes to provide road improvements to Skywall Drive including the installation of a sidewalk. The addition of the pedestrian crosswalk on the rail road crossing and cross walk on Skywall will provide access to the Foundry Drive and the unimproved shoulder which currently provides for pedestrians and bicycles. In addition, the Applicant is also providing pedestrian access to the Skykomish River.

c. Traffic Impacts

According to SMC 16.112.020, the Owner/Developer is required to pay impact fees and offset impacts to the City's street system. According the SEPA Checklist submitted on October 7, 2005, the new development will generate approximately 200.97 average daily trips with 16 AM peak-hour trips and 21 PM peak-hour trips. Other miscellaneous traffic impact fees concerning the realignment improvement for SR-2/Sultan Basin Road and the signal improvement project at the intersection of SR-2 and 5<sup>th</sup> Street are addressed on pages 6 of the *Traffic Analysis Report*. The construction of the SR-2 and 5<sup>th</sup> Street Signal is complete and therefore no Traffic Impact Fee is applicable.

d. Transit

The transit service and a WSDOT Park and Ride Lot is located on the south side of Highway 2, one block west of its intersection with Cascade View Drive, about one-half mile from the development. Access to the Park and Ride Lot is available to the development for both pedestrian and vehicles.

## VI. Other Issues

a. Utilities

All utilities are available at the site to serve the Development. The Applicant proposes on-site utilities to be placed underground.

b. School Impacts

Sultan Elementary, Middle and High schools are located approximately 1.9 miles away from the site. Per SMC 16.116.030(A) and (B), the City shall collect School Impact Fees "*from any Applicant seeking land use permit approval and/or a building permit from the City for any residential development activity within the City limits.*" School Impact Fees shall be paid to the City in accordance with Chapter 16.116 SMC.

c. Park and Recreation Impacts

Per SMC 16.112, the Developer is required to pay Impact Fees to offset the project's impact on the City's Recreation Facilities. Park and Recreation Impact Fees shall be paid to the City prior in accordance with Chapter 16.112 SMC. In addition the developed shall dedicate to the City Tracts 998 and 999 for Open Space Purposes.

d. Concurrency Requirements

SMC section 16.12.010 states that property owners must meet the concurrency provisions of the Comprehensive Plan as required in RCW 36.70A.70. This ensures that adequate public facilities are available and will be able to support the development's impact. Facilities subject to this review are:

- Roadways
- Potable Water
- Wastewater
- Police Protection
- Parks and Recreation

The Applicant has submitted an Application to the City of Sultan for a Certificate of Concurrency for the PUD. This Certificate states that this proposed development will not impact the Level of Service below that of the adopted Comprehensive Plan for the City of Sultan. The City has reviewed the Application and issued a Certificate of Concurrency.

e. Fire Hydrants

A number of fire hydrants are proposed throughout the PUD. The locations of the fire hydrants are shown on page P-3 of the Preliminary Site Plan.

f. Notice of Application

The City received five 5 comment letters to the Notice of Application dated January 12, 2006. Letters were received from Catherine Ann Steppe, Bob Gilmore-Romac Industries, Gerry Gibson-and petition with 26 signatures, Richard Muller, Dan and Dawn Thomas. As a result of the comments the conducted an informational meeting with residents of the Skywall and Dyer Road Neighborhoods. Thereafter the City received the attached petition requesting the proposed Dyer Road and Skywall Road connection and proposed sewer plan and pump station for the two neighborhoods be deleted from the Comprehensive Plan.

g. Noise Generation and Sound Proofing

Potential noise generation from Romac Industries (Letter dated 1-26-06) and the Burlington Northern Railroad provide opportunities to implement sounding proof measures for the benefit of residents of the development. Sound proofing of the units on Lots 1, and 17 through 22 is recommended to include for example high density board for exterior siding, limit size of windows and doors, insulation of walls and gables to a value to R-21, mount sheet rock on CH Channel and the use other construction techniques to control sound. Exterior improvement may also include at a minimum the construction an 8-foot high concrete decorative wall with landscaping on the along the North side of the Sky Wall drive frontage.

h. Housing

The Applicant has provided conceptual examples of single family detached housing proposed for the subdivision as shown on Exhibit 2.

i. Landscaping

The Applicant has submitted a Landscape plan Drawing L1.0, which illustrates the development of the Tot Lot, Tract 997, Tract 998, and a street tree planting plan, and fencing around the storm water dentition pond. Drawing L1.provides for a Typical Landscaping Plan around the individual units.

## **VII. SEPA**

SEPA, under RCW 43.21C requires Governmental Agencies to consider the environmental impacts of a proposal before making decisions. A DNS has been issued for the proposal on April 7, 2006. No appeals were received by the City.

### **VIII. Public Notice**

As required by the City's Subdivision and Public Hearing Regulations (SMC 16.28.070 and SMC 16.124.010) Notice of the Preliminary Plat and PUD Application was posted, published and mailed. Notice of Public Hearing was posted, mailed, and published on May 8, 2006. Additional notices were mailed to individuals who provided written comments to the Notice of Application. In addition the City provided approximately 60 envelopes and notices to Mr. Gerry Gibson for distribution to residents of the Dyer and Skywall Neighborhoods.

### **IX. Conclusion**

Staff concludes that the proposed Twin River Ranch Estates PUD, with the Conditions in Section X below, meets the criteria for Preliminary Plats in accordance with SMC 16.28.330(A) and for Preliminary Single Family Residential PUD's in accordance with SMC 16.10.110(B).

- a. The Proposed Preliminary PUD and Plat is found to be in conformance with the general purposes of the Comprehensive Plan and planning standards and specifications as adopted by the Laws of the State of Washington and the City of Sultan.
- b. The proposed Preliminary PUD and Plat makes appropriate provisions for public health, safety, and general welfare, and for open spaces, drainage ways, streets, public access to the Skykomish River, other public ways, water supply and sanitary wastes, transit, parks and recreation, playgrounds, schools and school grounds. Street improvements, open space, drainage, and school access should be developed in compliance with the Conditions listed below.
- c. The proposed modifications to the development standards, as conditioned herein, are consistent with the provisions of SMC 16.10.120.
- d. The location of the Preliminary PUD and Plat is consistent with the location criteria of SMC 16.10.110(B)(2), including:
  - Being greater than 2 acres
  - Located on an arterial street such that transportation facilities can provide direct access to the development
  - Located so that it can connect to the off-site pedestrian and bicycle circulation system.
  - Transit is available in sufficient proximity to the site to facilitate transit access to the PUD
  - Located in relation to utilities such that the development will not result in higher public costs.
  - Located so that the PUD will have access to schools, parks and open space.
- e. The design of the Preliminary PUD and Plat, as conditioned herein, takes into account the relationship of the site to the surrounding areas. Conditions listed below are essential to ensure that the street frontages and perimeter of the site are designed in a manner compatible with the surrounding neighborhood.

- c. The physical characteristics of the site have been reviewed. Conditions are recommended to ensure that the new structures and improvements are built in compliance with the regulations of the Sultan Municipal Code.
- d. The proposed Preliminary PUD and Plat will serve the public use and interest by developing land consistent with the goals and policies of the Comprehensive Plan and compatible with adjacent land uses, and by providing an extension of public roads and services.

## **X. Staff Recommendation**

Staff recommends that the Hearing Examiner recommend to the City Council APPROVAL WITH CONDITIONS of the Twin Rivers Ranch Estates Preliminary PUD and Plat with the Conditions listed below:

### **Preliminary Plat and General PUD Design–**

1. The general configuration, lot shapes and sizes, setbacks, site density, and areas of open space shall be as indicated on Plans are subject to these Conditions of Approval. Revisions to approved Preliminary Planned Unit Developments are regulated by SMC 16.10.160(D) and (E); revisions to approved preliminary subdivisions are regulated by SMC 16.28.360. The final PUD Map shall be recorded as an amendment to the underlying zoning following Final PUD Approval.
2. In accordance with SMC 16.28.340, the Applicant shall prepare a Developer Agreement subject to Approval of the City. The Agreement shall specify the requirements for construction of all infrastructure improvements, including plan submittals, inspections, bonding, private improvements, right-of-way improvements and facilities associated with the PUD, including improvements to all common areas. Site construction drawings shall be designed consistent with the Conditions of Approval. Site work shall not begin until City Approval of the site Development Agreement.
3. Rear yard setbacks shown on the Preliminary Plat Map shall be corrected as follows:
  - Lots 11, 12 and 13 shall have a rear yard setback of twenty-five (20) feet (SMC 16.10 B. (3) (b) or if reduced to ten (10) feet as provided for in SMC 16.10120 B. (1) (a) and (d) the Applicant shall provide fences and or landscape screening screens consistent with prior to final inspection of the homes. The revised set backs or screening requirements shall be shown on the site and landscape plans.
4. The Applicant shall establish a Homeowners' Association to assume responsibility for maintenance of common areas. The Homeowners' Association shall be recorded with the plat. The wording and conditions of the Homeowners' Association shall be subject to City approval prior to Final Plat.

5. The Applicant/Developer shall maintain the landscaping, open space improvements, drainage facilities and other common areas within the site for a three-year period following installation. Such maintenance shall be secured with a Performance Bond filed with the City. Subsequent to the three-year period, maintenance responsibility shall be passed to the Homeowners Association.

**Parking –**

6. Areas of no parking, including the north side of Skywall Drive, shall be clearly marked and/or signed.

**Open Space –**

7. The Applicant shall developed Tract 997 and 998 as shown on Drawing L1. Tracts 998 and 999 shall be dedicated to City in order to provide public access to the Skykomish River and maintain the Parks and Recreation Level of Service of .0426 acres per capita.

**Streams, and Steep Slopes –**

8. Stream impacts shall be mitigated in accordance with the Critical Area Study, Habitat Management Plan, and Mitigation Plan, as amended. The Mitigation Plan shall be corrected as Recommended by the City's Consultant (letter from Graham-Bunting Associates dated January 24, 2004) and be revised to include the City's Consultant Recommended Conditions. The Applicant shall maintain and monitor stream buffer mitigation for a three-year period following installation. Such mitigation shall be secured with a Performance Bond filed with the City.
9. The Applicant shall install a spilt rail fence along the rear Lots of 5 thru 11 adjacent to Tract 998.

**Water –**

10. The Developer/Owner is responsible for any necessary improvements to the City's water system in order to provide adequate water to the site. The Developer/Owner shall be required to relocate and extend on-site water lines to as shown on drawing P-3, preliminary sewer, water and storm drainage plan.

**Sewer –**

11. The Developer/Owner is responsible for any necessary extension and improvements to the City's sewer system in order to provide sewer service to the site.

**Surface Water Management –**

12. During grading and construction activities, the developer shall retain and manage on-site surface and storm water within the site per the recommendations of the *Preliminary Storm Drainage Analysis* dated October 2005 prepared by Harmsen & Associates, Inc., and the Construction Stormwater Pollution Prevention Plan prepared in accordance with the Department of Ecology Stormwater Management Manual 2005.

13. The Developer shall inspect weekly, maintain and repair all temporary and permanent erosion and sediment control BMPs to assure continued performance throughout the construction period. During the wet weather construction period, the access road and on-site utilities shall be phased to minimize open soil exposure.
14. The temporary stormwater management facilities shall be constructed before any significant amount of site grading commences.
15. The Applicant shall construct a four (4) foot high black chain link fence across the back of Lots 1 through 5 adjacent to the existing swale.

**Transportation -**

16. The design for Skywall Drive shall be modified to provide a 3-foot wide landscape strip between the curb and sidewalk as required for secondary streets.
17. The Skywall and Foundry Drive intersection shall be regulated as controlled intersection as recommended by the Traffic Consultants and implemented as determined by the City Engineer and Public Works Director.
18. The Applicant shall be responsible for the improvements to BN Railroad crossing, as shown on plans. The City will assist the Applicant in applying for Grant funding to assist in the improvements to the crossing.
19. A painted crosswalk shall be completed by the Applicant in conjunction with the improvements associated with Skywall/Foundry Drive intersection and BN Railroad crossing improvements.
20. Street trees shall generally be provided along the entire site frontage of Skywall Drive in accordance with the Sultan Design Standards.
21. Street trees for the on-site street (325 Street SE) shall be located behind the sidewalks as shown on Drawing L1.0 as recommended by the City Planner and City Engineer.
22. Final Street design, including paving, sidewalks, frontage improvements, parking, and emergency access must be approved by the City Engineer prior to construction.
23. A Street Lighting Plan shall be required on Skywall Drive and all on-site streets. Prior to site development, the Applicant shall submit a detailed lighting plan that depicts continuous street illumination throughout the PUD to City Staff for their review and approval. SMC 16.10.120(B) (4) (a).

**Other –**

24. In order to maintain an acceptable Level of Service for Police the Applicant shall provide a Development Agreement to guarantee the LOS for Police Services.
25. The Development, due to the completion of the Hwy 2 and 5th Street traffic signal is not obligated to provide Traffic Impact fees for the project as identified in the traffic Study prepared for the project.
26. The Applicant, for review and approval by the Building Official shall provide sound proofing of the units on Lots 1, and 17 through 22 to include for example high density board for exterior siding, limiting size of windows and doors, insulation of walls and gables to a value to R-21, mounting of sheet rock on CH Channel and other construction techniques to control sound.

27. Exterior site improvements may also include at a minimum the construction of an 8-foot high concrete decorative wall with landscaping on the along the north side of the Sky Wall Drive frontage.
28. The Applicant shall provide a statement on the Final Plat acknowledging that the Twin Rivers Ranch Estates PUD and Subdivision is located south of an approved Industrial Area and consequently the residents may be subjected to noise and vibrations from the activities carried on within the Park.
29. All utilities shall be placed underground.
30. The Applicant shall demonstrate sufficient water flow from the proposed fire hydrants for review and approval by the City Engineer and Fire District prior to the issuance of Occupancy Permits.
31. Prior to construction, the Applicant shall prepare an erosion control plan subject to review and approval by the City Engineer.
32. During construction, the Developer shall ensure that trucks are cleaned before leaving the site. The Applicant shall provide street cleaning of Skywall Drive during site clearing, grading and filling and shall promptly clean up any dirt, mud or other material deposited on public streets and shall be responsible for cleaning storm drains in public streets that are impacted by the construction.
33. All site improvements, including streets, sidewalks, bicycle lanes, frontage improvements, drainage improvements, open space landscaping and improvements, and other common area improvements shall be completed prior to Final Plat, with the exception of the final lift of paving of streets. Alternatively, the City may approve a financial bond or assurance for items not completed prior to Final Plat. All site improvements, not including individual homes, must be installed prior to final inspection of the first home.
34. The existing accessory structures shall be moved, demolished, or otherwise modified so that they are in compliance with the Sultan Municipal Code prior to the issuance of plat Engineering Permits.
35. The Applicant/Developer shall pay Traffic, Recreation, and School Impact Fees and their administrative processing costs in accordance with Chapters 16.112 and 16.116 SMC.
36. The Applicant/Developer shall obtain all necessary permits from Local, State and Federal Agencies necessary to complete the development. and associated improvements.

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Rick Cisar, Director of Community Development

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Dated

Attachments:

EXHIBIT 1 – Staff Report w/attachments:

- 1.1 Master Land Use Application
- 1.2 Legal Description
- 1.3 Project Narrative
- 1.4 Plat Certificate
- 1.5 Preliminary Storm Drainage Analysis
- 1.6 Wetland Delineation
- 1.7 Traffic Report
- 1.8 Geotechnical Engineering Evaluation
- 1.9 SEPA Checklist
- 1.10 Letters of Water & Sewer Availability
- 1.11 Application for Certificate of Concurrency
- 1.12 Pre-Application Meeting Summary
- 1.13 Letter of Agreement to Pay Mitigation Fees
- 1.14 Copy of FIRM
- 1.15 Plat Name Reservation Certificate

EXHIBIT 2 – Building Elevations & Designs

EXHIBIT 3 – Re-submittal Documents dated March 10, 2006 from Harmsen & Associates, Inc.

EXHIBIT 4 – Affidavit of Mailing – Application dated January 7, 2006

EXHIBIT 5 – DNS dated June 7, 2006

EXHIBIT 6 – AFFIDAVIT OF Mailing Public Hearing Notice dated May 8, 2006

EXHIBIT 7 – Graham Bunting Third Party Review dated January 9, 2006

EXHIBIT 8 – Geri Reinart Review of Traffic Analysis dated November 28, 2005

EXHIBIT 9 – Certificate of Concurrency from the City of Sultan dated May 11, 2006

EXHIBIT 10 – Memo to Mayor, Council, & Staff from Donna Murphy regarding the Foundry Drive Railroad Crossing Grant Application dated January 17, 2006

EXHIBIT 11 Assorted Comment Letters to City Staff & Staff Response regarding Application of Twin Rivers Ranch Estates

EXHIBIT 12 – Memo to Mayor & Council from Rick Cisar regarding Petition from Dyer & Skywall Neighborhoods