

City of Sultan
STAFF REPORT AND RECOMMENDATION
TO THE HEARING EXAMINER
May 10, 2006

Approval of an Application for a Preliminary Plat and Planned Unit Development
Vodnick Lane – 13924 Sultan Basin Rd.
File No. FPPP5-004

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I. APPLICATION INFORMATION AND PROCESS

A. Request: The applicant requests approval of a Preliminary Plat and Planned Unit Development subdivision resulting in 23 detached single-family units. The subject property is located on 4.77 acres adjacent and west of Sultan Basin Rd., approximately 400 feet south of Kessler Way and 2,400 feet north of State Route 2. The address is 13924 Sultan Basin Rd, Sultan.

B. Owner/Applicant:

Owners:

Joseph N. & Penny Lynn Vodnick
13924 Sultan Basin Rd.
Sultan, WA 98294

Anne Vodnick
6123 Beacon Avenue South
Seattle, WA 98108

Applicant:

Brickyard Properties, Inc.
c/o Dan Roupe
16030 Juanita-Woodinville Way NE
Bothell, WA 98011
(425) 775-4581

- C. Contact: Brickyard Properties, Inc.
c/o Dan Roupe
16030 Juanita-Woodinville Way NE
Bothell, WA 98011
(425) 775-4581
- D. Engineer/Surveyor: Engineer Surveyor

Group Four, Inc. Group Four, Inc.
16030 Juanita-Woodinville Way NE 16030 Juanita-Woodinville Way NE
Bothell, WA 98011 Bothell, WA 98011
(425) 775-4581 (425) 775-4581
- E. Wetland Biologists: The Jay Group, LLC
Kyle Legare
1927 – 5th Street
Marysville, WA 98270
(360) 659-8159
- F. City Planners: Rick Cisar Jake Libaire
City Administrator/Planner Consultant to City of Sultan
319 Main Street, Suite 200 319 Main Street, Suite 200
PO Box 1199 PO Box 1199
Sultan, WA 98294 Sultan, WA 98294
- G. Parcel Numbers: 280832-001-023-00, 280832-001-017-00
- H. Application History: The Master Land Use Application for a preliminary plat and a planned unit development was received on September 29, 2005 (**Exhibit A**). City staff declared the application complete on October 24, 2005.
- I. Location: The proposed development is located on 4.77 acres adjacent and west of Sultan Basin Rd., approximately 400 feet south of Kessler Way and 2,400 feet north of State Route 2. The address is 13924 Sultan Basin Rd, Sultan.
- J. Existing Site and Surrounding Land Uses: The site measures about 164 feet by 1270 feet. The parcel is mostly flat, lying to gently sloping downward to the east. The steepest slope onsite being approximately 7%. There is an existing single-family residence, along with a few outbuildings; all are to be removed. According to the geotechnical report submitted with this application, existing vegetation consists of scattered strands of medium-sized trees, blackberry bushes and other brush. Surrounding uses are single-family, multi-family, and vacant. This site is not in the 100-year flood plain.

- K. Utilities & Other Services:
Water Source: City of Sultan
Sewer Service: City of Sultan
Fire District: Snohomish Fire District #5
Police: City of Sultan Police
School District: Sultan School District #311
Electricity: Snohomish County P.U.D. District #1
Telephone: Verizon
- L. Related Permits and Reviews: Development of the site will require utility, grading, right-of-way use, building permits, and potentially other permits.

II. LAND USE & ZONING

- A. Zoning: The site is zoned Moderate Density (MD), allowing seven (7) single-family detached dwelling units per acre when a PUD-SF is proposed (PUD-SF is a permitted use).
- B. Comprehensive Plan Designation: Moderate Development
- C. Dimensional Requirements: MD zoning requires minimum lot sizes of 7,200 sf. Maximum lot coverage is 35%. However, per SMC 16.10.120(B)(2), the Hearing Examiner may recommend that the minimum allowed lot size be reduced and the maximum allowed lot coverage be increased. Front and rear yard building setbacks must be 20 ft. or more, side yard setbacks must be 5 ft. in the MD zone. However, setbacks may be reduced per SMC 16.10.120(B)(1). Maximum allowed building height is 30 ft.
- D. Recreation and Open Space: Recreational facilities are required by SMC 16.72.040. The applicant has proposed three recreational facilities, exceeding the standard set by SMC 16.72.050. 20% of the site must be designated as open space; 15% usable open space is required.
- E. Landscaping: One tree shall be planted or preserved for every 5,000 square feet of area or fraction thereof of a single-family residential lot. Street trees: 1 tree per 20 lineal feet is required for 139th St. SE and Sultan Basin Road.
- F. Off-street Parking: Two off-street parking spaces are required per single-family detached dwelling unit.

III. WATER, SEWER AND STORMWATER MANAGEMENT

- A. Water Availability: City of Sultan Public Works staff has determined that the public water system “is capable of and will supply water to” the subject project for 23 proposed lots (**Exhibit F**). Improvements to the existing water system, to be performed by the developer or owner of the property, may be necessary to provide water service to the site.
- B. Sanitary Sewer Availability: City of Sultan Public Works staff has determined that the public sewer system “is capable of and will supply sewer service to” the subject project for 23 proposed lots (**Exhibit G**). Improvements to the existing sewer system, to be performed by the developer or owner of the property, may be necessary to provide water service to the site.

- C. Storm water Management: The applicant has submitted a targeted drainage plan that proposes to manage on-site storm water runoff through the construction of a detention vault. Prior to the issuance of a building permit staff will review the storm drainage plan (**Exhibit B**).

IV. TRAFFIC AND CIRCULATION

The applicant proposes access off of Sultan Basin Road (existing) with a 41-foot wide right-of-way (ROW) (139th St. SE) that connects to a 60-foot wide ROW (Road B), which connects to Kessler Road (existing). A private road is proposed to provide access for lots 19-23. Three feet of the site's Sultan Basin Road frontage is to be dedicated to the City of Sultan. Traffic impact fees to offset impacts generated by the development have been calculated in a traffic analysis for this site, and are to be paid by the applicant prior to issuance of any building permit related to this site. Refer to the traffic analysis prepared by Gibson Traffic consultants (**Exhibit C**).

V. CRITICAL AREAS

The applicant submitted a Wetland Determination Memorandum, routine field data forms of the 1987 Delineation Manual and attached site map dated July 2005 prepared by The Jay Group, LLC. The memorandum and data collected indicates that there are no wetlands found on site. The City's contracted wetland ecologist agrees with this assessment.

VI. CONCURRENCY

- A. Concurrency Requirements: The City of Sultan finds that the proposed Vodnick Lane Preliminary PUD and Plat will not lower the existing Level of Service (LOS) of public facilities and services or those impacts of the development will be offset by dedications, facility and service improvements within six years of the time of development. This proposal meets the concurrency standards set by SMC 16.108.060. The City of Sultan issued a Certificate of Concurrency at the time of this report. Refer to **Exhibit D**.
- B. Police Protection Level of Service: To raise the level of service for police protection in the City of Sultan, the applicant should enter into a voluntary developer's agreement to help fund additional police service. Refer to section XI for conditions related to this issue.

VII. SEPA

The applicant submitted a SEPA checklist for this project on September 9, 2005 (**Exhibit I**). Staff has reviewed said checklist. A Determination of Nonsignificance has been issued in accordance with WAC 197-11-340 (**Exhibit J**). The comment period expired on April 24, 2006. No comments were received. The appeal period expires on May 8, 2006. No appeals have been received at the time of this report.

VIII. PUBLIC NOTICE

- A. As required by SMC 21.04.030, the applicant has fulfilled all applicable public notification requirements to date. Notice of Public Hearing has been issued. Notice of application was posted as follows:

Posted Notice: An *Affidavit of Installation of Markers & Posting of Public Information Sign(s)* was submitted by the applicant, stating that two “Proposed Land Use Action” signs and two “Notice of Applications” signs were posted on November 2, 2005 as required by SMC 21.04.030 (**Exhibit K**).

Mailed Notice: Staff has confirmed that mailing has occurred for both the Notice of Application and Notice of SEPA Determination.

IX. PERMIT CRITERIA

16.10.110 Criteria for location and approval – Residential PUDs.

A preliminary residential PUD shall only be approved if, with reasonable modification and/or conditions, the city finds that the proposed preliminary PUD complies with the following criteria for location, use, and design, for each of the identified types of PUDs....

...B. PUD-Single-Family (PUD-SF).

1. Comprehensive Plan. The proposed preliminary PUD-SF must be located in an area that has been identified as appropriate for single-family development in the comprehensive plan, residential policies or an adopted subarea plan or neighborhood plan.

2. Other Location Criteria.

a. The site is located on one or more arterial or collector streets and the site is also located with respect to major streets and highways or other transportation facilities such that these streets and transportation facilities can provide direct access to the homes, if the development is more than 10 acres, or 40 units. Street types are defined in the city of Sultan design standards and specifications. If the site is located on a corner, access will be encouraged to be from the minor arterial or collector and not from a principal arterial if it is found that such access reduces potential traffic conflicts and carrying capacities on the principal arterial.

b. The total area of the PUD-SF is a minimum of two acres.

c. The site is located such that it can connect to an existing off-site pedestrian and bicycle circulation system to facilitate non-motor vehicle access to the PUD-SF.

d. Transit is available in sufficient proximity to the site to facilitate transit access to the PUD-SF.

e. The PUD-SF is located in relation to public services, sanitary sewers, water lines, fiber optic conduits, storm and surface drainage systems, and other utility systems and installations such that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public costs will be required.

f. The PUD-SF is located with respect to schools, parks, playgrounds, and other public facilities such that the PUD will have access to these facilities in the same degree as would development in a form generally permitted by the underlying zoning in the area.

g. As an alternative to subsections (B)(2)(e) and (f) of this section, the developers of the PUD-SF can:

i. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis and assure their satisfactory continuing operation and maintenance; or

ii. Make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development; or

iii. Demonstrate, to the satisfaction of the city, that the anticipated increases in public revenue from the PUD-SF will more than adequately cover any anticipated increase in public costs for installation, operation, and maintenance.

h. Multifamily dwellings may be permitted in a single-family PUD; provided, the total number of units does not exceed 20 percent of the approved PUD density, including any approved density increases or bonuses, and is located in an area identified for “scattered multifamily within a single-family” on the comprehensive plan map, and has a minimum development size of 10 acres, and meets the other location criteria. Only one “scattered multifamily within a single-family” development may occur where identified on the comprehensive plan map.

3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. The design and layout of a PUD-SF shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize any undesirable impact of the PUD on adjacent properties.

b. Setbacks from the property line of the PUD-SF shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.

4. Permitted Uses. The following uses shall be permitted in a PUD-SF:

a. Those permitted, accessory, conditional and special uses listed in the LMD single-family residential zoning district, Chapter 16.08 SMC.

b. Multifamily dwellings may be permitted in any PUD; provided, the total number of units shall not exceed 20 percent of the approved PUD density, including any approved density increases or bonuses. The multifamily development must be located in an area identified for “scattered multiple-family within single-family” in the comprehensive plan and then only if the multifamily meets the location requirements.

c. Convenience retail, service, or office uses (“nonresidential uses in a residential PUD”) are limited to the size and location appropriate to serve the needs of the residents of the PUD-SF.

5. Development Standards. PUD-MF, PUD-SF, and PUD-MHP shall be governed by the development standards of the underlying residential and manufactured home park zoning districts, as may be modified and described in SMC 16.10.120. Single-family PUDs shall also be eligible for density increases as described in SMC 16.10.120.

16.10.120 Residential PUD density increases and development standards.

The following density increase provisions and development standards shall apply to all types of residential PUDs (MF, SF and MHP)....

...B. Residential Development Standards. The following criteria shall be applied by the city in reviewing and approving any requested variation from the residential development standards found in the underlying residential zoning district:

1. Building Spacing or Side and Rear Yards. The requirements for building spacing, or side and rear yards as they are often defined, is based on several related factors. Setback requirements within the PUD may be granted by the planning director if the proposed design incorporates the following features:

a. Privacy. The minimum side yard requirement is intended to provide privacy within the dwelling unit. Where windows are placed in only one of two side-facing walls, or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building side yard spacing may be reduced to a zero lot line; provided, a minimum of five feet is maintained between buildings and structures on the adjacent lot and appropriate easements are provided to maintain spacing and permit maintenance access. 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 yards may be reduced to 10 feet.

b. Light and Air. The building spacing provides one method of ensuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction. The building spacing may be reduced to a zero lot line on side yards and 10 feet on rear yards; provided, a minimum of five feet is maintained between buildings and structures and fences on the adjacent lot and appropriate easements are provided to maintain spacing and permit maintenance access.

c. Side Yard Use. Areas between buildings are often used as service yards, for storage of trash, clotheslines, or other utilitarian purposes. Where this use is similar for both houses, a reduction of building space permitting effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards. In these areas reduction from 10 feet to five feet will be permitted.

d. Rear Yard Use. Areas behind buildings provide a usable yard area for residents and can be used for landscaping, recreation, storage, and other residential accessory uses. In areas where physical elements are provided for privacy, a reduction from 20 to 10 feet will be permitted.

e. Building Configuration. Typical setback requirements will be required unless the following can be demonstrated. Irregular building configurations may be allowed if the needs expressed in the subsections (B)(1)(a), (b), and (c) of this section are met.

f. Front Yard. The minimum front yard is intended to provide privacy and usable yard area for residents. In practice, however, front yards are rarely used, so that only the privacy factor is important. Where a developer provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout or location, and access to garages of the home face perpendicular to or are not visible from the street frontage, then it is possible to reduce the front yard setback to 15 feet. Also, if 60 percent of the front facing portion of a structure consists of a front porch, setbacks may also be reduced to 10 feet for the front yard. Front porches and stoops which contain less than 60 percent of the front facade may project into the setback; provided, they do not interfere with minimum vehicular sight distance requirements.

2. Lot Size and Lot Coverage. The hearing examiner, for the purpose of promoting an integrated project that provides a variety of housing types and additional site amenities, may recommend reductions in the area of individual lots and increases in the lot coverage within a PUD from the required lot area and lot coverage for the zoning district; provided, any such modifications shall be compensated by open space areas elsewhere in the PUD. Open space shall not include areas designated as public or private streets.

3. Open space shall be governed by the requirements of SMC 16.10.140.

4. Streets. PUDs shall provide effective street and pedestrian networks. New developments shall also provide multiple access points to existing streets and plan for access to future adjacent developments.

a. 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.

b. Right-of-way width and street roadway widths may also be reduced, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

c. PUDs shall provide effective street networks. New development shall also provide multiple access points to existing streets and plan for access to future adjacent developments. Effective street networks should include the following:

i. Transit and school bus routes and transit and school bus stops, either within the development or on the collector or arterials that provide the major access to the proposed development, unless such provision is deemed inconsistent with the transit or school bus routing plans.

ii. Alternative routes from points within and outside the development, thereby lessening congestion on arterials.

iii. Direct and efficient emergency vehicle response to all points within the proposed development.

iv. Vehicular and pedestrian routes between neighborhoods within the proposed development without requiring all traffic to use arterials between neighborhoods.

v. Minimizing travel distances and providing nonmotorized alternatives to help reduce noise and air pollution.

5. Traffic Calming. Traffic calming control devices may be considered by the city engineer where appropriate to control excessive speed and volume of traffic on neighborhood streets. These devices may include, but are not limited to, traffic circles, streets narrowing, lane stripes, traffic control signing, chicanes, and curb bulbs....

16.28.330 Preliminary plat – Hearing examiner action.

A. The hearing examiner shall hold an open record hearing and 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 in the short subdivision for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, transit stops, parks and recreation, playgrounds, schools and school grounds;

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 short subdivision.

Applicant's response to the required criteria:**16.10.110 Criteria for location and approval – Residential PUDs.****...B. PUD-Single-Family (PUD-SF).**

1. Comprehensive Plan: The subject site is located within the MD zone. Single-family PUD is a permitted use in this zone.

2. Other Location Criteria.

a. The proposal is for 23 single-family lots. Access to the 4.77-acre site is to be gained from Sultan Basin Road and Kessler Road.

b. The site is 4.77 acres.

c. The site is to be connected to Sultan Basin Road and Kessler Road via public roads, sidewalks and trails.

d. A bus stop and park-and-ride facility are located approximately 2,500 feet south of the site on US 2. No transit stops are identified within the project. School buses may use the proposed roadways at their discretion.

e. Existing stormwater, sewer, power lines, and water facilities are located in the public ROW adjacent to the site.

f. The site is located within the City of Sultan, and will have similar access to public facilities compared to any other development in the City.

g. The applicant has proposed a private road section within the proposed plat.

h. Not applicable. Proposed PUD is for single-family uses only.

3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.

a. The site is surrounded by moderate density single-family development. Proposed lots 1-18 will be buffered from the northern site boundary by a 15-foot wide trail corridor that runs parallel to that property line.

b. The applicant proposed 10-foot rear yard setbacks, 5-foot side yard setbacks, and 20 to 30-foot front yard setbacks.

4. Permitted Uses: Single-family lots are proposed.

5. Development Standards: The applicant proposes development standards per SMC 16.10.120. See below.

16.10.120 Residential PUD density increases and development standards.**...B. Residential Development Standards.**

1. Building Spacing or Side and Rear Yards:

- All proposed side yard setbacks are 5 feet.

- All proposed rear yard setbacks are 10 feet.
- An existing fence along the rear lot lines of lots 19-23 is to remain or be replaced.
- Open space is proposed between the rear lot lines of lots 1-18.

2. Lot Size and Lot Coverage: The smallest proposed lot is 4,420 sf. The average lot size is 4,517. Proposed open space in excess of the minimum required compensates for the reduced lot sizes. Lot coverage is not to exceed 35% on any individual proposed lot.

3. Open space: 21% of the site is proposed as usable open space. Three recreation areas are proposed.

4. Streets and associated facilities: Pedestrian sidewalks and trails are proposed. 139th St. SE has a ROW width of 41 feet. The proposed private road has a ROW width of 35 feet. Road B has a ROW width of 60 feet. A bus stop and park-and-ride facility are located approximately 2,500 feet south of the site on US 2.

16.28.330 Preliminary plat – Hearing examiner action.

A....

1. Conformance to the general purposes of the comprehensive plan and planning standards: The applicant believes the project is consistent with the comprehensive goals 2.2, 2.4, 2.6, 2.7, 2.8, 2.9, 2.11, 2.12, and 2.14. Refer to the applicant's submitted *Statement of Objectives* (**Exhibit M**).

2. Appropriate provisions are made for facilities:

- Drainage ways: stormwater management facilities are proposed for this project
- Streets, alleys, other public ways: Public and private roads are proposed for this plat, as are pedestrian facilities.
- Water supplies and sanitary wastes: The City has stated that sewer and water service are available to this site. The applicant proposes to extend such services through the plat.
- Transit stops: No transit stops are proposed in this project.
- Parks and recreation: Open space and three recreation areas are proposed.
- Schools and school grounds: The applicant agrees to pay school impact mitigation fees.

3. There are no flood, inundation or swamp conditions on site.

4. Public use and interest served: The Hearing Examiner shall make this determination.

STAFF COMMENTS

16.10.110 Criteria for location and approval – Residential PUDs.

...B. PUD-Single-Family (PUD-SF).

1. Comprehensive Plan: The subject site is located within the MD zone. Single-family PUD is a permitted use in this zone. The proposal meets this requirement.

2. Other Location Criteria.

a. The subject site is less than 10 acres and only 23 lots are proposed. Proposed access is from Sultan Basin Road and Kessler Drive. The proposal meets this requirement.

b. The site is 4.77 acres. The proposal meets this requirement.

- c. The site is to be connected to Sultan Basin Road and Kessler Road via public roads, sidewalks and trails. A proposed trail provides pedestrians and bicyclists an off-street connection to adjacent neighborhoods. The proposal meets this requirement.
 - d. A bus stop and park-and-ride facility are located approximately 2,500 feet south of the site on US 2. No transit stops are identified in this proposal. School buses may use the proposed roadways at their discretion. The proposal meets this requirement.
 - e. Existing stormwater, sewer, power lines, and water facilities are located in the public ROW adjacent to the site. The applicant will extend these services into the plat at the expense of the developer. The proposal meets this requirement.
 - f. The site is located within the City of Sultan, and will have similar access to public facilities compared to any other development in the City. The proposal meets this requirement.
 - g. This criterion is not applicable to this proposal.
 - h. Not applicable. Proposed PUD is for single-family uses only.
3. Compatibility Criteria/Mitigation of Impacts on Adjacent Uses.
- a. The site is surrounded by moderate density single-family development. Proposed lots 1-18 will be buffered from the northern site boundary by a 15-foot wide trail corridor that runs parallel to that property line. The proposal meets this requirement.
 - b. The applicant proposed 10-foot rear yard setbacks, 5-foot side yard setbacks, and 20 to 30-foot front yard setbacks. Such setbacks are comparable and compatible with adjacent uses. The proposal meets this requirement.
4. Permitted Uses: Single-family lots are proposed. The proposal meets this requirement.
5. Development Standards: The applicant proposes acceptable development standards per SMC 16.10.120. The proposal meets this requirement.

16.10.120 Residential PUD density increases and development standards.

...B. Residential Development Standards.

1. Building Spacing or Side and Rear Yards: Proposed setbacks meet applicable standards. The proposal meets this requirement.
2. Lot Size and Lot Coverage: The applicant has indicated on the preliminary plat map that lot coverage is not to exceed 35%. The proposal meets this requirement.
3. Open space: The applicant has proposed open space and recreation areas in excess of minimum requirements. The proposal meets this requirement.
4. Streets: The City engineer agrees with the proposed road standards. Two access points to this project are proposed, providing alternate routes into the development. Adequate pedestrian facilities are proposed. A bus stop and park-and-ride facility are located approximately 2,500 feet south of the site on US 2. No transit stops are identified in this proposal. School buses may use the proposed roadways at their discretion. The proposal meets this requirement.

5. No traffic calming devices are proposed.

16.28.330 Preliminary plat – Hearing examiner action.

A....

1. Conformance to the general purposes of the comprehensive plan and planning standards: Based on staff's review of this application, this project is in conformance with the applicable comprehensive plan goals and standards, and the standards of the SMC. The proposal meets this requirement.
2. Appropriate provisions are made for facilities. The proposal meets this requirement.
3. There are no flood, inundation or swamp conditions on site. The proposal meets this requirement.
4. As the application is in conformance with the applicable comprehensive plan goals and standards, and the standards of the SMC, staff believes that the public interest will be served by this project. The Hearing Examiner shall ultimately make this determination.

X. CONCLUSION

Staff concludes that this conditional use permit meets the applicable criteria for **approval with conditions** (see section XI below).

XI. STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner recommend to the City Council **APPROVAL WITH CONDITIONS** this Conditional Use Permit with conditions listed below:

This conditional use is subject to compliance with all applicable provisions, requirements, and standards of the Sultan Municipal Code, standards adopted pursuant thereto, and the following special conditions:

- i. The Applicant/Developer shall adhere to all applicable codes, standards, and regulations in effect at the time of development, including but not limited to, the Sultan Municipal Code, the Stormwater Management Manual, the Uniform Building Code, and the Uniform Fire Code, as adopted by the City. The applicant is responsible for obtaining any necessary State and Federal permits/approvals required for completion of the project.
- ii. Prior to Preliminary Plat Approval:
 1. The applicant should enter into voluntary developer's agreement with the City of Sultan that ensures the project will mitigate any impacts to the level of service of police protection in the City of Sultan and raise the current level of police service to the meet established level of service.
- iii. Prior to Approval of Construction Plans:
 1. In accordance with SMC16.28.340, 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 subdivision, 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.

2. To ensure stormwater runoff does not negatively impact downstream properties and water bodies, it must be demonstrated that all surface water runoff from impervious surfaces will be managed in accordance with the Puget Sound Stormwater Management Manual. All surface water runoff from impervious surfaces shall be infiltrated, or conveyed to an approved detention facility, or otherwise treated to protect water quality.

iv. Prior to Building Permit Issuance:

1. Construction Plans must be approved by the City of Sultan. The plans shall include, but not be limited to, designs for storm drainage, potable water, sanitary sewer, roads, street lighting, signage, landscaping, and yother utilities. Said designs shall comply with the requirements of the Unified Development Code, City of Sultan design standards and specifications, and water sewer design standards.
2. The applicant shall dedicate 3 feet of their frontage on Sultan Basin Road to the Sultan Basin Road right-of-way.
3. The proposed access road shall be designed and constructed to meet the standards approved by the City of Sultan engineer.

May 5, 2006

Jake Libaire, Contract Planner
City of Sultan

XII. LIST OF EXHIBITS

- A. *Master Land Use Application*. Prepared for Brickyard Properties, Inc., September 6, 2005
- B. 1. *Targeted Drainage Plan Set*. Prepared by Group Four, Inc., April 7, 2006
2. *Preliminary Plat Map*. Prepared by Group Four, Inc., April 7, 2006
3. *Preliminary Recreation and Street Tree Plan*. Prepared by Group Four, Inc., April 17, 2006
- C. *Traffic Analysis* Prepared by Gibson Traffic Consultants, September 8, 2005
- D. *Certificate of Concurrency*. Issued by City of Sultan, May 5, 2006
- E. *Third Party review...* Prepared by Graham-Bunting Assoc., Dec. 16, 2005
- F. *Water Availability for Tax ID # 28083200101700 & 28083200102300*. Prepared by City of Sultan, August 2, 2005
- G. *Sewer Availability for Tax ID # 28083200101700 & 28083200102300*. Prepared by City of Sultan, August 2, 2005.
- H. *Conceptual Drainage Report for Vodnick Lane*. Prepared by Group Four, Inc., Dec 22, 2005
- I. *SEPA Checklist*. Submitted by Group, Four, September 9, 2005
- J. *Environmental DNS*. Issued by City of Sultan, April 10, 2006
- K. *Affidavit of Installation of Markers and Posting of Public Information Sign(s)*. Prepared by Mike Ferguson, Nov. 2, 2005
- L. *Determination of Completeness*. Issued by City of Sultan, October 24, 2005
- M. *Statement of Objectives*. Prepared by Group Four, Inc. (No Date)

Exhibit A

Exhibit B1, B2, B3

Exhibit C

Exhibit D

Exhibit E

Exhibit F

Exhibit G

Exhibit H

Exhibit I

Exhibit J

Exhibit K

Exhibit L

Exhibit M