



STAFF REPORT AND RECOMMENDATION

WYNDHAM HIGHLANDS #1

Public Hearing for the Wyndham Highlands
Preliminary Plat (PP19-003)

HEARING EXAMINER: Mr. John Galt, City of Sultan Hearing Examiner
DATE: November 6, 2019
FILE NUMBER(S): PP19-003
APPLICANT: Land Resources Northwest, LLC (Craig Pierce)
PROJECT LOCATION: 13018 & 13104 Sultan Basin Road, Sultan WA
HEARING DATE: November 22, 2019
HEARING LOCATION: 319 Main Street, Sultan City Hall Council Chambers, Sultan
STAFF CONTACT: Andy Galuska, Planning Director

A. PROJECT DESCRIPTION

The applicant is requesting preliminary plat review and approval to subdivide a 23.41 acre site into 171 single-family detached residential lots. The current zoning is Moderate Density Residential. The applicant is using Lot Size Averaging as provided by SMC 19.44. The project site address is 13018 & 13104 Sultan Basin Road, Sultan, WA 98294, and is identified by Snohomish County Tax Parcel Numbers 28082900401100 and 28082900401400. The project is proposed to be constructed in three phases.

Presently, the site is undeveloped with two single family residences and associated driveways and outbuildings. Existing vegetation is mainly grasses with a few trees and landscaping around the residence. All structures will be removed as part of the proposed development.

Conceptual street improvements, clearing and grading and installation of utilities (sewer, water, storm, power, gas, telephone, cable and telecommunications etc.) have been reviewed for compliance with the development standards in the applicable sections of the Sultan Municipal Code, as well as other pertinent documents adopted by reference in the code. Frontage improvements including pavement, curb, gutter, planter and sidewalk, will be required along the internal plat lots and Sultan Basin Road.

B. GENERAL INFORMATION

1. Applicant(s): Land Resources Northwest, LLC. (Attn: Craig Pierce), 19711 88th Avenue NE, Bothell, WA 98011.
2. Owner(s): Russell & Diane Van Wyngarden, 801 Shorecrest Drive, Oak Harbor, WA 98277
3. Contact Person: Land Resolutions (Attn: Jen Haugen), 3605 Colby Avenue, Everett, WA 98201.
4. General Location: The site is located along the west of Sultan Basin Road and will front on three new streets – 128th, 130th and 132nd Streets. (Exhibit 2). The property was annexed to the City in August of 2018 (Ordinance No. 1292-18).
5. Site Address(s): 13018 & 13104 Sultan Basin Road, Sultan, WA 98294.
6. Description of Proposal: Request for preliminary plat review and approval to subdivide a 23.41-acre site into 171 single family detached residential lots in the Moderate Density zone.
7. Subdivision Phasing: The Preliminary Plat map is divided into three phases; however, the applicant indicates the development may be completed in one phase. The City finds that the three phases shown can be built provided temporary turnarounds are provided as part of Phases I and II if built prior to Phase III.
8. Critical Areas: Jurisdictional wetlands and streams are absent from the subject site. No regulated critical areas were observed in the vicinity of the property that would extend buffers onto the site (Critical Area Determination Report prepared by AJ Bredberg, B&A, Inc., dated January 21, 2019, Exhibit 16).
9. Comprehensive Plan Land Use Designations, Zoning Designations and Existing Land Uses of the Project Site and Surrounding Area:

| DIRECTION | LAND USE DESIGNATION | ZONING | EXISTING USE |
|------------------|------------------------------------|------------------------------|---|
| Project Site | Moderate Density | Moderate Density Residential | Two single family residences; one outbuilding |
| North | Rural Urban Transition Area (RUTA) | Rural-5 Acre | Single family residences |
| South | Low/Moderate Density | Low/Moderate Density | Residential neighborhood. |
| East | Moderate Density | Moderate Density Residential | Single family residential; outbuilding |

| DIRECTION | LAND USE DESIGNATION | ZONING | EXISTING USE |
|------------------|------------------------------|------------------------------|---------------------|
| West | Moderate Density Residential | Moderate Density Residential | Vacant, wooded. |

10. Public Utilities and Services Will Be Provided by:

| | | | |
|---------------------|-------------------------|------------------|--------------------------|
| Water: | City of Sultan | Gas: | Puget Sound Energy |
| Sewer: | City of Sultan | Cable TV: | Comcast |
| Garbage: | City of Sultan | Police: | Snohomish County Sheriff |
| Storm Water: | On-Site | Fire: | Snohomish County #5 |
| Telephone: | Verizon | School: | Sultan School District |
| Electricity: | Snohomish County PUD #1 | Hospital: | Evergreen Health |

C. APPLICATION REVIEW PROCESS

1. Regulatory Requirements for Review of Quasi-Judicial Actions:

Pursuant to Sultan Municipal Code (SMC) sections 2.26.090 and 19.06.060 preliminary plats are quasi-judicial actions subject to a public hearing with the Hearing Examiner, the decision authority on the Level III application.

The Hearing Examiner, in accordance with SMC section 2.26.120, renders a written decision on preliminary plat applications within 10 working days of the conclusion of a hearing. Appeals of the Hearing Examiner decisions on subdivisions may be appealed to Snohomish County Superior Court or other court of competent jurisdiction, in accordance with the procedures of Chapter 36.70C RCW (Land Use Petition Act) by a party with standing.

2. Application Submittal and Completeness:

The Wyndham Highlands preliminary subdivision application, as revised, was received by the City of Sultan on July 11, 2019. The application was deemed complete on July 12, 2019 in accordance with SMC section 19.26.050 (Exhibit 7).

3. Public Notification and Comments:

Public notice for the application was provided in accordance with the requirements of the SMC section 19.34.070. A Notice of Application was published, posted, and mailed on September 3, 2019 (Exhibit 10). A public comment period was provided from September 3, 2019 through 5:00pm on September 17, 2019. Comments were received from Cassie Hansen and the Sultan School District (Exhibit 12).

A Notice of Public Hearing was published, posted and mailed on November 7, 2019 in accordance with SMC section 19.34.080. The date of the open record public hearing with

the Hearing Examiner is November 22, 2019 at 1:00 PM. Public testimony may be provided during the public hearing pursuant to SMC 19.26 and 2.26.

4. Environmental Review:

A Mitigated Determination of Non-Significance (MDNS) was issued, published, posted and mailed on November 7, 2019 (Exhibit 11). The MDNS provided a comment period ending at 5:00 PM on November 21, 2019. No appeals regarding the SEPA threshold determination were received by the City during the specified appeal period.

D. FINDINGS and CONCLUSIONS

1. Bulk Requirements and Dimensional Standards:

Per SMC Chapter 16.12 Permitted Uses-Table of Dimensional and Density Requirements and SMC section 16.12.020 Table of Dimensional and Density Requirements, the development shall comply with the following standards for the Moderate Density zone of 10 units per acre for single family residential. These requirements can be modified through Lot Averaging as allowed by Chapter 19.44 SMC (Exhibit 14).

| Excerpts of SMC 16.12.020 Table of Dimension and Density Requirements | | |
|--|--|---|
| Bulk Requirement | Standard for Single Family Subdivisions | Wyndham Highlands |
| Minimum Lot Size | 4,500 square feet | 4,507 – 7,501 sq.ft |
| Minimum Lot Width | 50 feet | 50 - 75 |
| Minimum Lot Depth | 80 feet | 80 - 100 |
| | | |
| Minimum Front Yard Setback | 20 feet | 20 |
| Minimum Side Yard Setback | 5 feet | 5 |
| Minimum Rear Yard Setback | 10 feet | 10 (greater on Lots 139-142 for buffer setback) |
| Maximum Building Height | 30 feet | To be determined |
| Maximum Lot Coverage | 60 percent | To be determined |
| Maximum Units an Acre for Single Family Detached | 10 units/acre | 6.3 du/acre |

2. Density Calculations and Allowance:

Per SMC section 16.12.020 the maximum density is ten single family dwelling units per acre. The Code is silent on whether that is gross or net density. The applicant complies with the maximum density of 10 units/acre, whether net or gross.

Total Proposed Units: 171 Lots

Total subject property (Gross): 1,013,248 SF – 23.26 AC

= 7.4 units/acre.

3. SMC Title 19 Preliminary Plat Review Criteria:

Per SMC section 19.08.080 each proposed subdivision shall be reviewed for its compliance with all the criteria and standards listed in this section.

1. The Proposal conforms to:

a. The goals, policies, criteria and plans

The City of Sultan’s Comprehensive Plan Future Land Use Map (adopted as part of a recent annexation (Ordinance 1292-18)) designates this project site as “Moderate Density” (Exhibit 8). The City of Sultan’s 2015 Comprehensive Plan Table 3-6 provides the following description of the “Moderate Density” land use designation:

| Designation | Description | Location Criteria |
|--------------------|--|--|
| Moderate Density | The Moderate designation is intended to accommodate medium density residential development, active and passive recreational facilities, small office development, as well as neighborhood-oriented commercial enterprises. | Primarily areas that are, at the present time, largely served by municipal sewer and water lines and have a residential density between 6 to 10 dwelling units per acre. |

The proposed preliminary plat, under Moderate Density Residential zoning, falls within the maximum of 10 dwelling units per acre and within the City of Sultan's 2015 Comprehensive Plan "Moderate Density" designation for density of between 6-10 dwelling units per acre.

b. Sultan water system plan

Water systems are reviewed, approved by the City and constructed on site by the applicant. The applicant has submitted a conceptually feasible plan during the preliminary plat application phase. The City has confirmed water availability.

c. Sultan general sewer plan

Proposed sewer is reviewed, approved by the City and constructed on site by the applicant during construction of utility improvements. The applicant has submitted a conceptually feasible plan during the preliminary plat application phase. The City has confirmed sewer treatment capacity.

d. Sultan critical areas regulations;

Critical areas are reviewed under SMC 17.10. A critical areas study for new development is required under SMC 17.10.130. Four reports were prepared for Wyndham Highlands:

1. Wetland Report, B&A Inc. January 21, 2019 (Exhibit 16)
2. Geotechnical and Stormwater Infiltration Study, Nelson Geotechnical Associates, January 10, 2019. (Exhibit 17.1)
3. Geotechnical Study, Associated Earth Sciences Inc. (AESI), July 12, 2018 (Exhibit 17.2)
4. Geotechnical Study, Associated Earth Sciences Inc. (AESI), August 2, 2018 (Exhibit 17.3)
5. Geotechnical Study, Associated Earth Sciences Inc. (AESI), June 12, 2019(Exhibit 17.4)
6. Drainage Study, Omega Engineering, July 2019 (Exhibit 18)

A site visit by wetland specialists for Shockey Planning Group on August 8, 2019 confirmed the absence of wetlands on the property despite mapping information developed by Snohomish County.

The Nelson Study analyzed slope stability and recommended methods for stormwater and erosion control. The report concluded that "...site soils are capable of stormwater infiltration, provided enough separation can be maintained between the base of the system and the groundwater table." The report provided design parameters upon which the stormwater system was designed. Final design and construction will be as approved by the City after Preliminary Plat approval.

The AESI Study concluded that "...with proper implementation of the TESC plans and by field-adjusting appropriate erosion mitigation (BMPs) throughout construction, the potential adverse impacts from erosion hazards on the project may be mitigated." Part III of the report contains preliminary design recommendations. The Omega drainage design report was based on these studies. Detailed design will be provided as part of the final grading plans approved by the City after Preliminary Plat approval.

e. Sultan concurrency management system;

All direct impacts of the proposal have been or will be mitigated through compliance with City code conditions and conditions of the preliminary plat approval.

As required by SMC Chapter 16.70, necessary concurrency improvements or strategies must be completed within six years of the time of development as set forth in the Comprehensive Plan. This includes the payment of mitigation and/or impact fees for water, sewer, wastewater, park, transportation and schools.

Water, sewer and stormwater fees will be determined as part of utility construction and individual connection charges at the time of development. Credit shall be given for the two existing homes on separate legal building lots. Impact fees will total:

| | Per Unit | Total |
|---------|----------|------------|
| Parks | \$3,175 | \$ 536,575 |
| Traffic | \$4,350 | \$ 735,150 |
| Schools | \$1,501 | \$ 253,669 |

The City's General Sewer Plan identified certain improvements to resolve sewer main deficiencies. The section of pipe underneath Main St which serves this development is currently 15 inches in diameter. The City's sewer analysis shows that this section of pipe is beyond the acceptable capacity. As a result, as a condition of approval the City would require the applicant to either construct improvements to this section of sewer infrastructure or pay a fee to the City so that they can install the improvements.

To determine the appropriate improvement of fee the City has determined the impact of each additional home on the public system and the appropriate improvement to offset this impact. Each lot will require 6.6 feet of new pipe or alternatively \$3,000. As a condition of approval, the applicant shall either replace 1,128.6 feet of 15-inch sewer pipe with 27-inch pipe where the City has identified the system as undersized OR pay \$513,000 to the City to be used for sewer improvements downstream of the proposed development.

A certificate of concurrency was issued for the proposed subdivision on November 12, 2019 (Exhibit 13).

f. Sultan stormwater management performance standards;

Stormwater is mitigated on site by the applicant during subdivision utility construction.

According to the development engineer, stormwater systems have been prepared to comply with the 2016 Snohomish County Drainage Manual (Nov. 2017). SMC 17.14.040(C)(1) and 19.42.020 require compliance of stormwater designs with the most current Department of Ecology manual. Drainage plans prepared by Omega Engineering have been reviewed and approved by the City at a preliminary detail. Final drainage plans will be prepared prior to construction and approved by the City.

g. Sultan shoreline master program;

The site is not located within any jurisdictional Shoreline of the City.

h. Stormwater Management Manual for Western Washington

See "f." above

i. Sultan park recreation and open space plan

The City Code (SMC 16.62.040) requires that subdivisions provide 250 square feet *per lot* for open space and 150 square feet *per person* for recreation space. With 146 lots, this would total 36,500 square feet in open space and 65,700 square feet for active recreation space. An area of 70,452 sq. feet (1.6 acres) in the steep slope area at the westerly boundary of the Plat is shown as open space. The Applicant has chosen to use the in-lieu payment option (SMC 16.62.070) of \$148,000 in addition to the Park Impact Fee of \$536,575: a total of \$684,575.

2. The proposal conforms to the development standards set for in SMC Title 16, Zoning Code;

See Findings of Fact, Section D.1 of this report. The proposal meets the lot standards of the City's zoning code.

3. The proposal conforms to the requirements of this chapter and Public Works Engineering Design and Development Standards (EDDS) and Chapter 19.42 SMC, Public Facility Requirements;

The Preliminary Plat proposal was reviewed by the City's Public Works Staff. Compliance with City EDDS, sewer, water and stormwater design standards is deemed feasible, subject to approval of construction design approvals in advance of Final Plat approval.

4. The proposed subdivision is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

The proposed street system, including pedestrian sidewalks and pathways conform to the City of Sultan Public Works Engineering Design and Development Standards (EDDS). The proposed development will provide a connection between the area's arterial road (Sultan Basin Rd) and proposed development to the south. A road stub is also being

left to the west as a possible route to make a second road connection between Sultan Basin Rd. and the western half of the City.

The proposed subdivision will be adequately served with city-approved water and sewer and other public utilities appropriate to the nature of the subdivision;

(See 3.1.b, 3.1.c and 3.1.f above)

The Preliminary Plat proposal was reviewed by the City's Public Works staff and consultant. Compliance with City EDDS, sewer, water and stormwater design standards is deemed feasible, subject to approval of construction design approvals in advance of Final Plat approval.

- 5. The layout of the lots and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, to minimize disruption of the site, topography, trees and vegetation;**

Each lot has a defined construction limit which shows where new residences will be constructed. The grading plan for the road system (Drawing 5/13) shows finished contours on the properties. The steepest finished grade on parcels 109 thru 112 approach 20%; however sufficient area at slighter grades are available on each lot for residences.

- 6. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;**

Critical area and geotechnical reviews have confirmed the suitability of proposed building sites for home construction. Proposed grading has been designed to accommodate streets and building sites. The steepest slopes at the west end of the property have been placed in an open space tract.

- 4. RCW 58.17.110 Approval or disapproval of subdivision and dedication-factors to be considered - Conditions of approval – Finding - Release from Damages:**

- 1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:**

- (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;**

(See (2)(a) Below

(b) Whether the public interest will be served by the subdivision and dedication.

The public interest would be served by the subdivision and dedication, provided the subdivision and dedication were developed under the current “Moderate Density” zoning district. Under this scenario, an existing parcel in the City would be developed allowing for efficient provision of public services consistent with the goals and objectives put forth in the Sultan Municipal Code, and the City of Sultan 2015 Comprehensive Plan, as amended.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:

(a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

Open Space: Per SMC 16.62.060 in addition to the recreation facilities requirements, the applicant shall provide at least 5 percent of the total land area of a residential subdivision of more than 10 lots to be dedicated as open space tracts; to be conveyed to the homeowners association and/or an equal and undivided interest between all lots within the subdivision. The applicants total land area is 1,013,248 square feet which requires 50,662 square feet in open space. The applicant has proposed three open space tracts totaling 101,197 sq. ft.

Drainage: The applicant has provided a drainage analysis and has incorporated its findings into a drainage plan. The Public Works Department finds that the plans meet the requirements, to be confirmed by final design plans after preliminary plat approval.

Streets: The Traffic Impact Analysis (*Wyndham Highlands Development Traffic Impact Analysis*, Gibson Traffic Consultants, October 2019 – Exhibit 19.1) estimates 125 AM peak hour trips and 167 PM peak hour trips for the development. The current daily volume of traffic on Sultan Basin Road totals 4,361 average daily trips. The calculated new vehicle trips (1,595) result in City of Sultan traffic mitigation fees of \$ \$735,076. .

The Analysis concludes that all roads will function properly with the development. The significant congestion issue on US 2 and Main Street requires a more comprehensive solution in the future; no one development will be tasked with providing that solution.

To confirm these findings the City hired Transportation Solutions, Inc (TSI) (Exhibit 19.2) to peer review the Gibson Traffic Report and provide additional analysis of the traffic impacts of the development. This analysis found the proposed project complies with the adopted transportation regulations with a condition that two

offsite improvements are constructed. These offsite improvements are included as conditions of approval.

The City finds that as designed, the proposed Wyndham Highland development has made adequate **provisions** for roads and alleys

Potable Water: The proposed subdivision will be served by the City's water system. Adequate water supply is available.

Sanitary Sewer: The proposed subdivision will be served by the City's sewer system. Adequate capacity exists at the City's sewage treatment plan.

Parks and Recreation: The City Code (SMC 16.62.040) requires that subdivisions provide 250 square feet *per lot* for open space and 150 square feet *per person* for recreation space. With 171 lots, this would total 42,750 square feet in open space and 76,950 square feet for active recreation space¹.

An area of 96,190 sq. feet (2.2 acres) in the steep slope area at the westerly boundary of the Plat is shown as open space. Regarding recreation space, the City's PROS plan states that a neighborhood park should generally be located within a ¼ to ½-mile walk from the neighborhood it serves, The PROS plan (Comprehensive Plan, Appendix H) indicates that neighborhood parks "are typically 5 to 10 acres in size but must be at least 3 acres." With a calculated requirement of 76,950 square feet, the three-acre minimum would not be required or met. The Applicant has chosen to use the in-lieu payment option (SMC 16.62.070) of \$148,000 in addition to the Park Impact Fee of \$536,575: a total of \$684,575.

Schools and School Grounds: The Sultan School District was notified of the development application. Comments were received from the Sultan School District regarding proposed bus stop locations within the subdivision. All students in this development will be bused to Sultan Schools originating from a school bus stop within the development. The exact location cannot be verified at this time, but it will be located on an area with sidewalk connections to all of the lots within the development. School impact fee assessments are currently \$1,501 per single family dwelling. School impact fees for Wyndham Highlands would total \$253,619, paid directly to the District.

In summary, the subdivision proposal includes provisions for the public health, safety, and general welfare including open spaces, drainage ways, streets or roads, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks that assure safe walking conditions for students who walk to and from school and/or bus stop.

5. Aquifer Recharge Area:

¹ Assumes 3.0 persons per dwelling

Per RCW 36.70A.030 (5) "Critical areas" includeareas with a critical recharging effect on aquifers used for potable water...;

*Per WAC 365-190-100(a), in recharge areas that are highly vulnerable, **studies should be initiated to determine if groundwater contamination has occurred.** Classification of these areas should include consideration of the degree to which the aquifer is used as a potable water source, feasibility of protective measures to preclude further degradation, availability of treatment measures to maintain potability, and availability of alternative potable water sources.*

The Wyndham Highlands project will be served by the City of Sultan water system and will not affect the quantity or quality of any aquifer recharge area. The drainage plan, once constructed in this residential neighborhood, will protect ground water from any contaminants being injected.

6. Critical Areas:

Jurisdictional wetlands and streams are absent from the subject site. Furthermore, no regulated critical areas were observed on the vicinity of the property that would cast buffer onto the site (Critical Area Determination Report prepared by B&A Inc. (January 21, 2019).

7. Utilities:

All lots will connect to the City's water and sewer system. Sanitary sewer and water lines will be constructed in the proposed new streets within the subdivision in accordance the current City's Public Works Engineering Design and Development Standards (EDDS). The conceptual utilities plan is attached (Exhibit 20). There is sufficient water supply and sewage treatment capacity to serve the 171 lots.

As part of the civil plan review process, the applicant will install improvements to the stormwater system. Stormwater management will be designed to meet the requirements of the most current edition of the Department of Ecology Storm Water Management Manual for Western Washington as adopted by reference by the City of Sultan. The manual currently in use is the 2014 update to the 2012 Department of Ecology Storm Water Management Manual for Western Washington.

E. CONCLUSIONS

1. The proposed subdivision, as conditioned herein, will be consistent with the pertinent development goals and policies outlined in the Sultan 2015 Comprehensive Plan.
2. The proposed subdivision, as conditioned herein, will be consistent with the applicable land division requirements outlined in SMC Title 19, Land Division.
3. The proposed subdivision, as conditioned herein, will be consistent with the pertinent development standards outlined in SMC Title 16, Zoning Code.

4. The proposed subdivision, as conditioned herein, will make appropriate provisions for public use and interest, health safety, and general welfare.
5. The preliminary plat should be approved subject to the conditions listed below.

F. STAFF RECOMMENDATION

Based on the Findings of Fact and Conclusions, staff recommends that the Hearing Examiner **APPROVE** the Wyndham Highlands Preliminary Plat (project file numbers PP19-003), subject to the following conditions of preliminary approval.

1. All improvements shall be constructed in accordance with the approved preliminary plat map. Minor Modifications of the plans submitted may be approved by the Planning Director if the modifications meet the criteria outlined in SMC 19.08.140.
2. Final engineering drawings depicting street improvements, water and sewer improvements, and drainage design shall be submitted to the City's Public Works Director for final review and approval prior to issuance of any grading permits. The street, water and sewer, and drainage improvements shall be designed in accordance with the City's most current Engineering Design and Development Standards (EDDS).
3. A subdivision phasing plan meeting the criteria of SMC 19.08.090(C) shall be submitted as part of the site civil construction phase.
4. The project shall implement all of the applicable recommendations contained in the following technical reports submitted to the City:
 - a. Wetland Report, B&A Inc. January 21, 2019
 - b. Geotechnical and Stormwater Infiltration Study, Nelson Geotechnical Associates, January 10, 2010.
 - c. Geotechnical Study, Associated Earth Sciences Inc. (AESI), July 12, 2018
 - d. Drainage Study, Omega Engineering, July 2019.
5. Where applicable and required by the City, the applicant shall implement the provisions and recommendations within the latest versions of any referenced reports, plans, or supporting documents made record as exhibits accompanying this Staff Analysis and Recommendation for the project or subsequent versions approved by the City.

CLEARING AND GRADING

6. A comprehensive erosion and sedimentation control plan to ensure appropriate on-site and off-site water quality control shall be developed and implemented for all construction activities. The Best Management Practices outlined in the 2014 DOE Stormwater Management Manual for Western Washington shall be incorporated into the design. At a minimum, the plan shall include the following elements.

- a. Exposed soils shall be stabilized and protected with straw, hydro-seeding or other appropriate materials to limit the extent and duration of exposure.
- b. Disturbed areas shall be protected from stormwater runoff impacts through the use of silt fence. Other means of filtration of stormwater runoff and for limiting erosion/sedimentation such as check dams, and sediment traps may be required and are recommended.
- c. Clearing and grading activities shall not be performed in the winter-wet season when soils are unstable unless determined suitable by the Public Works Director.

STORM DRAINAGE IMPROVEMENTS

7. The stormwater system design and stormwater discharge shall utilize the Best Management Practices of the 2014 DOE Stormwater Management Manual for Western Washington.
8. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the 2014 DOE Stormwater Management Manual for Western Washington.
9. The developer shall obtain a General Construction Stormwater NPDES Permit from the Washington Department of Ecology (DOE) prior to beginning construction.

UTILITIES

10. Prior to Certificate of Occupancy of the first phase of single-family residential building permits (171 single family lots), the applicant shall do one of the following:
 - i. Replace 1,128.6 feet (6.6-feet per lot) of 15-inch sewer pipe with 27-inch pipe on the section beneath Main St where the City has identified insufficient capacity.
 - ii. Pay the City \$513,000 to install sewer improvements to provide additional capacity in the sewer system downstream of the proposed development.

ROAD IMPROVEMENTS

11. Frontage improvements, including curb, gutter, sidewalk, landscaping and traffic control devices shall be provided for all streets within the subdivision; shall be constructed on accordance with the approved preliminary plat prior to final plat application.
12. Offsite improvements as described in the TSI report (Exhibit 19.2) shall be constructed prior to final plat.

BONDS AND WARRANTIES

13. Prior to approval of the final plat, all landscaping associated with the plat shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of improvements, as determined by the Planning Director.
14. Prior to approval of the final plat, the developer shall submit an acceptable warranty surety to warrant all required public improvements, installed, against defects in labor and materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to ten (10) percent of the costs of the improvements, as determined by the Public Works Director. The surety shall be submitted to and approved by the City of Sultan and executed prior to final plat approval.

FEES

15. Park, Traffic and School impact fees assessed in accordance with SMC Chapter 16.72, shall be required and paid at the rate in effect at the time of building permit issuance.
16. The water general facilities charge, in accordance with SMC Section 13.12.080(B)(2) shall be required and paid prior to issuance of the building permit and/or installation.
17. The sewer general facilities charge, in accordance with SMC Section 13.08.030 shall be required and paid prior to issuance of the building permit and/or installation.
18. Credits for infrastructure improvements and right-of-way dedication may be applied for during the site civil construction phase of the development consistent with SMC 16.72.070 and 16.72.080 and 16.72.090.
19. If requested, the applicant may defer payment of impact fees until a later date as allowed by Chapter 16.76 SMC.

FINAL PLAT

20. Prior to final plat submittal, all improvements shall be installed, inspected, and approved by the City Engineer/Public Works Director per the approved plans. All improvements shall be constructed in accordance with the approved engineering plans and approved preliminary plat map. Minor Modifications of the plans submitted may be approved by the Planning Director if the modifications meet the criteria outlined in SMC 19.08.140.
21. All lot corners shall be installed with road and cap or other City-approved survey method prior to final plat approval.
22. All existing and proposed easements and maintenance agreements shall be clearly shown and labeled on the final plat.
23. The following note shall appear on the face of the final plat map: "The Homeowners Association, with an equal and undivided interest between all lots of Wyndham Highlands, is

responsible for maintaining, in a uniform manner, all landscaping, parks, and drainage within all commonly owned tracts and easements”.

24. The following waiver of Claim for Damages Statement shall appear on the face of the final plat map: “This dedication includes conveyance of roads, tracts, utility and storm drainage infrastructure, and other areas of right-of-way intended for public use and/or any ownership as shown on or otherwise referenced by the plat. The *(INSERT NAME HERE)* hereby waives all claims against the City of Sultan and/or any other governmental authority for damages which may occur to the adjacent land as a result of the construction, drainage, and maintenance of such facilities and improvements.”
25. The following shall be shown on the recording block section of the plat map: “Refer to Auditor Recording Number”.
26. The final plat shall provide space for approving signatures, of the Planning Director, Public Works Director, and the mayor, and the City Clerk shall attest the signatures.
27. The title block on the final plat map shall have the names of all the legal owners of the property named on the plat and the name of the surveyor/engineering firm which prepared the final plat map.
28. An Auditor’s Certificate shall be shown on the final plat map.
29. The following are required to be shown on the final plat map:
 - a. Surveyor Certificate;
 - b. Correct legal description of all lots as set out in Chapter 58.17 RCW;
 - c. Owners Statement;
 - d. All new easement(s) over the property, their legal description(s) and associated dedication block(s);
 - e. Recording block/Certification blocks for City approval;
 - f. North arrow;
 - g. Certification of Payment of Taxes and Assessments;
 - h. Auditor’s Certificate; and
 - i. The survey control scheme, monumentation, basis of bearing and references.

MISCELLANEOUS

30. Preliminary plat approval shall be effective for a maximum time period of five years upon which a final plat meets all conditions of the preliminary plat approval submitted, in accordance with SMC Title 19.
31. The developer shall apply to the Snohomish County Auditor at 3000 Rockefeller Avenue, Everett WA 98201-4060 for a plat name reservation certificate and furnish the City with a copy of the approved reservation certificate at the time of final plat submittal.

32. If applicable, at the time of final plat submittal the developer shall submit a mail box plan, approved by the U.S Postal Service, to the Planning Department for final addressing.
33. Mail routes, including mailbox type and locations, shall be approved by the Postmaster prior to construction.
34. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public rights of way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Sultan.
35. If at any time during clearing or grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
36. Construction Noise is now allowed between ten (10) p.m. and seven (7) a.m. weekdays and ten (10) p.m. and nine (9) a.m. weekends.
37. All signs shown on the approved plans for the subdivision are for illustrative purposes only. Pursuant to Sultan Municipal Code Chapter 22.06. A sign permit must be obtained for the placement of any non-exempt signage. Applications for the sign permit shall include an approved site plan specifying the location of all signs.
38. The developer and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting construction.