
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
April 24, 2002 – Community Center – 7:00 P.M.

The Meeting was called to order at 7:00 P.M.

Pledge of Allegiance

ROLL CALL

Present: Mayor Dillon, Councilmembers Meamber, Miller, Storrs, Lemley, Warner, Grandy and Anderson. Staff: City Attorney Hayden, Clerk/Treasurer Nelson, Planner Hallberg and Police Chief Cooper.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #45407 to #45523 for \$168,620.48
 - Payroll Warrants #28753 to #28843 for \$141,068.79
- Waiver of Fees – Riverfront Park – Small Covered Area
- Contract with PublicSafetyTesting.com

Councilmember Miller moved to approve the consent calendar A through D. Seconded by Councilmember Meamber. Motion carried.

Public Comment

Mayor Dillon advised the Council that comments may be made on a development that will be coming before the Hearing Examiner. She cautioned Council that the decision may or may not be appealed and any comments made by Council might disqualify them from sitting at an appeal.

Doug Brown – 1105 Fidalgo Street, addressed issues regarding short plats and developments in his area. Brown noted that they have found 8 developments that contractors have started working without approved permits. He stated stop work orders had been placed but the problem still exists. Brown also addressed environmental check lists that were unsigned, incomplete and incorrect and he questioned whether site visits were conducted and if a proper review process was adhered to. Brown also addressed the Building, Planning and specifically Engineering Department in their dealing with the public. He suggested a moratorium be placed on all development activities due to the inability to properly approve new building permits or new developments until proper codes and guidelines are implemented and updated. He also requested that citizens be allowed to have more input on the decisions.

Connie Grandy – 1317 Jameson, spoke of her lack of trust with City administration and employees with regards to fairness. She stated she believes the taxpayers are the underdogs and they should be running how things are done. Grandy readdressed a 15-foot street vacation which was denied and cited an example of the City not following rules set forth. Grandy requested the sidewalk be moved. She also noted contradictions in the City codes and requested a moratorium on building by developers until such time as the codes are resolved.

Neenia Stevens – 1202 Jameson, questioned the necessity of progress and requested Council and the Planning Department be open to and give and take to make the situation a win/win solution for everyone.

Tena Brown – 1105 Fidalgo, spoke on taxpayers paying for something she believes developers should be responsible for. Brown also addressed the notification process and noted that if people aren't notified, they can't investigate. She passed out a copy of a notification map and pointed out flaws in the notification system.

Councilmember Anderson noted ongoing problems with the notification process. Anderson suggested that it be required to have certified letters be sent, paid for by the proponent who will benefit by change of their property. This would give proof of receipt. Anderson stated he has brought this up several times during his past tenure on the Council and would like to have consideration given to certified mailing as a solution.

Councilmember Meamber questioned how the change would take place and requested staff to proceed.

PUBLIC HEARINGS

Remand of Appeal of Conditional Use Permit #72 SBA/Cingular Cell Tower

Planner Hallberg introduced the Remand to the Planning Commission for additional conditions regarding Conditional Use Permit #72, applied for by SBA/Cingular Cell Tower. Hallberg stated the additional condition was for the purpose of meeting condition #2 in the original CUP which demonstrates minimal visual impact to existing and future residential areas. The solution proposed by the proponent is to increase the landscape area from 20 feet to 50 feet around the tower. Hallberg reminded that at a closed record hearing only the parties of record and the applicant are allowed to testify.

Loren Combs – representing SBA/Cingular Wireless, stated the Conditional Use went back to the Planning Commission and the Planning Commission approved the application with the new condition of additional native growth protection easement. Combs pointed out that the appellant, Mr. Lange did not testify at the Planning Commission and stated the appellant has the burden of proof to show evidence that a mistake was made, or the decision of the Planning Commission was erroneous. Combs noted that his clients position since the first Planning Commission meeting has been to work with the City, to provide better cellular service and to benefit to the town. One of the volunteer items that SBA/Cingular volunteered is the donation of a co-location space for police and fire, which has a value of approximately \$1200 per month. He stated they

have also worked to address the concern about the visual significance and have agreed to expand the native growth protection by 30 feet. Combs noted that with the expanded native growth area there will be 68 significant trees that will remain. The size of trees range from 8” in diameter to over 40” in diameter and a height range of 20 feet to 120 feet. Combs concurred with the proposed resolution and requested Council approve the resolution as is.

Discussion ensued addressing access issues, widening of the roadway, alternate road access, tree debris from windfall and the City’s role in maintenance.

Combs answered all of Council concerns indicating the road is sufficient for emergency access. He stated the equipment placed on the towers is valuable and the roadway will be maintained for access. He also noted maintenance of the roadway is a private issue and the City has no responsibility with maintenance.

Councilmember Anderson noted his preference for the solid towers over the lattice design. Combs stated the plans are for a lattice design due to strength issues.

Planner Hallberg reviewed the Council’s options of either passing the proposed resolution or to not accept the proposed change in design and send it back to the Planning Commission for further work. Hallberg also reviewed the proposed resolution which denies the appeal of John Lange and accepting the proposal of the applicant as sufficient to meet the conditions.

Councilmember Grandy questioned Lange’s original issue of appeal.

Hallberg stated the issues as she remembers were that a cell tower doesn’t belong in a residential zone, City doesn’t have cell tower ordinance and it would detract from property values.

Councilmember Lemley questioned the proximity to the existing power lines

Hallberg noted the leased area abuts Puget Sound Energy’s right of way or easement.

Councilmember Warner questioned the status of cell tower ordinance.

Hallberg noted the consensus of the previous Planning Commission was to not restrict by zone. She also said the Planning Commission is meeting twice per month to review the Comp Plan and the priority is medium to low at the present time.

Councilmember Storrs moved to adopt Resolution #661-02 A Resolution of the Sedro-Woolley City Council on the Appeal of John Lange From the Decision of the Sedro-Woolley Planning Commission in the CUP Application No. 72 of SBA, Inc. and Cingular Wireless, Upholding the Decision of the Sedro-Woolley Planning Commission and Denying the Appeal. Seconded by Councilmember Miller. Motion carried.

OLD BUSINESS

None

NEW BUSINESS

Framework Agreement

Attorney Hayden presented background information regarding the proposed Framework Agreement. Hayden summarized the document states that no City is forced to change its Urban Growth Boundaries, its population allocation or its allocated industrial or commercial area without its consent. The other Countywide planning policies can be changed by a vote of 75% of the participants weighted by population. There is a mediation process if there are disputes and some appelland procedures if the matter can't be resolved by mediation.

Hayden noted that the document was driven by a conflict over specific issues that are no longer on the table.

Member questioned the recent ruling on annexation and how it affects the agreement.

Hayden stated it does not do away with Boundary Review Board which technically has veto power over annexations and that it is generally agreed by the County that Boundary Review Board can not stop annexations if they meet the technical requirements of the statute.

Councilmember Storrs questioned how it would help the Mayor in representing the City.

Mayor Dillon noted that it would give a voice and takes away a veto power of one town or entity, which was being lobbied at that time. She said it gives ourselves and smaller towns a say.

Councilmember Warner moved to approve Resolution #662-02 A Resolution of the City Council of the City of Sedro-Woolley Authorizing the Mayor to Execute a Revised Framework Planning Framework Agreement in Substantially the Form Attached Hereto. Seconded by Councilmember Miller.

Audience Member – (unidentified) questioned how the agreement affects the City's code on clustering.

Mayor Dillon stated that the agreement doesn't affect the City's codes. It has to do with dealing with the other entities, especially the County and how we deal with them and how they deal with us. Part of it has to do with allocations of industrial land and population.

Planner Hallberg – pointed out a risk. She said the central task of these groups is still reserved to an individual city to veto. She noted she does support the document.

Councilmember Anderson called for the question and Mayor Dillon restated the motion to approve Resolution #662-02 A Resolution of the City Council of the City of Sedro-Woolley Authorizing the Mayor to Execute a Revised Framework Planning Framework Agreement in Substantially the Form Attached Hereto. The motion was made by Councilmember Warner and seconded by Councilmember Miller. Motion carried.

Introduction of Planning Support Tech

Planner Hallberg introduced to Council, Lacey Fichter, Planning Support Technician who has joined the Planning Department. Hallberg noted that Fichter comes to the City from the Town of Concrete.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember Lemley – encouraged everyone to come to the scheduled open house on the proposed City Hall at the former Forest Service building to see the pros and cons for themselves. Lemley pointed out brochures with cost structures available at the door for review as well.

Mayor Dillon – also encouraged everyone to come to the open house. She also noted the next workshop will be Tuesday, May 7th with Council on Wednesday, May 8th.

EXECUTIVE SESSION

None

Councilmember Miller moved to adjourn. Seconded by Councilmember Meamber. Motion carried.

The Meeting adjourned at 8:07 P.M.