
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
July 23, 2003–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, Splane, Storrs, Pearson, Lemley and Anderson. Staff Members: City Attorney Hayden, Clerk/Treasurer Nelson, Planner Hallberg, Engineer Blair, Police Chief Cooper and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #49112 to #49226 for \$225,068.36
 - Payroll Warrants #31513 to #31608 for \$161,716.73
- Waiver of Fees–Riverfront Park
- Interlocal Agreement–Law Enforcement Mutual Aid
- Supplement Agreement–CH2M Hill
- On-Call Task for Leonard, Boudinot & Skodje, Inc.
- Downtown Signage–Schell Design Group

Councilmember Storrs moved to approve the consent calendar A through G. Councilmember Lemley seconded. Motion carried.

Public Comment

Craig Cole–General Delivery, questioned the Mayor and Council on whether the officer in the audience was on duty, the payment of the judgment due him and how to go about presenting an award to the Council.

PUBLIC HEARING

None

OLD BUSINESS

Ordinance–School Impact Fee

Mayor Dillon noted Mr. Casey, School District Superintendent was in the audience to answer any questions and noted information that was given to Councilors from the County.

Council discussion was held to include the school districts relationship with Northwest ESD, the rules on the use of impact fees, the difference between the multi-family fee and single family fee, County collection of impact fees and anticipated length of time for future impact fee increases.

Max Alaways– 101 W. Woodworth, addressed the use of bonds, levy's and state funding per student. Alaways noted the inequality of the use of impact fees. He also commented on the quality of education and questioned the drop out rate in the district.

Councilmember Storrs moved to approve Ordinance #1454-03 An Ordinance of the City of Sedro-Woolley, Washington, Amending Sedro-Woolley Municipal Code Section 15.64.130 and Appendix A to Chapter 15.64, to Provide for Amendments to the School Impact Fee for Residential and Non-Residential Structures. Seconded by Councilmember Lemley.

Roll Call Vote: Councilmember Meamber–Yes, Splane–No, Storrs– Yes, Pearson– Yes, Lemley– Yes, Anderson– Yes. Motion carried 5-1.

Moment of Silence for Kerry Freeman

Mayor Dillon requested a moment of silence for Kerry Freeman who recently passed away. Freeman had been an integral part of the City and the Sedro-Woolley Museum for many years.

NEW BUSINESS

None

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Fire Chief Klinger–presented an update on the rise in calls for the Fire Department.

Engineer Blair– announced that one container recycling will start September 1. He also questioned the Council's feelings on changing the speed limit along Highway 20 to 35 M.P.H. to west of Life Care Center. The consensus of the Council was to move forward with an ordinance to make the change in the speed limit.

Discussion on Highway 9 speed limit ensued.

Clerk/Treasurer Nelson – presented a copy of the Natural Hazards Mitigation plan as required by FEMA. This will be a topic at the August 5 worksession. Nelson requested Council bring the packet with them to the worksession.

Police Chief Cooper– announced the donation of two defibrillator units to the Police Department by the Sedro-Woolley Soroptimist Club.

Attorney Hayden–reviewed the status of the judgment for Mr. Cole.

Councilmember Meamber– announced the progress on the sidewalks at 4th and Jameson. He also reminded Engineer Blair of a branch at North Murdock that hasn't been taken care of.

Councilmember Storrs–thanked Engineer Blair for seeing to the trimming of bushes.

Councilmember Pearson–thanked Engineer Blair for seeing to the installation of the signs on Jameson.

EXECUTIVE SESSION

None

APPEALS

Conditional Use Permit #1121 (James Hawkings)

Mayor Dillon opened the hearing and requested Council disclose any conflict of interest they may have with hearing of the appeal.

Councilmembers Anderson, Storrs and Lemley disclosed they had viewed the property prior to the hearing. Councilmember Lemley disclosed he resided within 500 feet of the property.

Mayor Dillon reviewed the procedure time limits and rules for the appeal.

Councilmember Storrs disclosed that Mr. Hawkings is his daughter's landlord and that he has a car parked on the property of 1219 State St.

Hawkings requested Councilmember Storrs recuse himself from the hearing. Councilmember Storrs left the hearing.

Planner Hallberg reviewed the application for a conditional use permit to operate a small owner/operated construction business on 1211 State Street, Application #1121. The issue was to make legal an operation. There has been some question as to whether the operation had been a legal non-conforming use. The Hearing Examiner agreed there had been a pre-existing use and the conditional use permit was approved by the Hearing Examiner with conditions. Mr. Hawkings is appealing two of the conditions required by the Hearing Examiner.

1. Requirement that the area be fenced and screened.
2. The City required him to have a stormwater management plan.

Hallberg reviewed the site map and noted there had been a number of neighbor complaints regarding equipment being parked on adjacent property. The fence requirement is to contain the equipment to the lot the Conditional Use is requested for and to avoid future conflicts should the adjacent lot be sold.

Hallberg reviewed the history of the complaints regarding parking of equipment on the property and testimony at the hearing and use of the property. Hallberg stated staff recommends denial of the appeal of the fence and landscaping requirements and acceptance of the appeal of the stormwater management plan due to the review from the Engineer and no need for the requirement of a stormwater plan.

Jim Hawkings, appellant stated the property was previously owned by Chuck Carroll and spoke of an ordinance for grandfathering existing uses which state if use is in question you have to show proof of continued use. The City has refused to accept his proof. Hawkings noted the Hearing Examiner questioned why this issue was before him to begin with and reviewed a brief history of the use of the property and continued use of truck parking on the property. Hawkings noted he had filed for the conditional use permit under duress and that he was not changing use and reviewed a list of equipment that he houses and compared it to what had historically been housed. He addressed the complaints in the file being civil matters and should not have been in the file and noted the file is not complete. Hawkings addressed the fence issue and the time limit placed on implementation.

Hawkings stated the City was the one who placed the conditions on the conditional use. He believes it should be grandfathered in and has shown evidence it should be grandfathered in.

Hallberg reviewed the original reason for asking for the conditional use permit. She noted previous use was parking along the access which was confirmed by the neighbors. Both sides of the access had logging trucks on it but there was no one to confirm the area shown was used as part of the mill operation. She noted the use basically changed from an overflow parking situation to a different part of the site being used for construction equipment. The City ordinances require if you're modifying a pre-existing legal non-conforming use that a conditional use permit be obtained. The zoning is residential although a number of commercial uses have occurred, it's a figment of how the area developed over time. There was a mill, the mill owners sold off the surrounding property for houses and the houses were immediately adjacent to the mill and has created problems over time. Lots were created without access and as the area grows there's more tension as to how its used. The City's position is, compared to what it was decades ago, this was a change in the use.

Hawkings disagreed that the property was sold off for houses. He stated Chuck Carroll built the houses and his was the last one he owned. He agreed the property is hacked up and state there were never any surveys, and there's zero lot line boundary's on the buildings. He noted he hasn't changed anything or placed any structures. If he moved out tomorrow there's nothing that makes the property industrial property other than continued

use. He addressed adjacent property of statements that were believed to be untrue and the same use that Hawkings is requesting. He believes the City is being mean spirited about the request and addressed the limitations placed on the vehicles for the conditional use permit. He stated the Hearing Examiner included a personally owned antique fire truck into his decision as to how many vehicles could be parked on the property.

Mayor Dillon called for any other testimony. With no one coming forward it was directed to the Council for deliberation.

Council discussion ensued including refunds of deposits, confusion of the need for application, grandfathering of use, maintenance of the property, history of the property and barrier in place of fencing.

Mayor Dillon restated the three actions that the Council may consider for decision on the closed record hearing.

Councilmember Lemley moved to grant the appeal in whole. Seconded by Councilmember Splane.

Attorney Hayden questioned Councilmember Lemley on the intent of his motion for clarification to be included in a Resolution to be brought back to Council at the next meeting.

Further discussion of fencing, items for appeal, availability of hearing information and history of the property ensued between Council, Staff and Appellant.

Councilmember Anderson called for the questions. Mayor Dillon restated the motion. Motion carried.

Councilmember Meamber requested a detail of all fees that Hawkings paid in connection with the appeal to be available at the next meeting.

Park Cottages

Cancelled at the request of the appellants.

Planner Hallberg reviewed a study regarding impact fees and economic development which was given to each Councilmember.

Councilmember Pearson moved to adjourn. Seconded by Councilmember Lemley. Motion carried.

The meeting adjourned at 8:44 P.M.