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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
July 28, 2004 – 7:00 P.M. – Community Center

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

Pledge of Allegiance

ROLL CALL: Present: Mayor Dillon, Councilmembers: Meamber, Splane, Storrs, Colgan, Galbraith, Lemley and Anderson. Staff: City Attorney Hayden, Clerk/Treasurer Nelson, Engineer Blair, Planner Lahr, Police Chief Cooper and Fire Chief Klinger.

Mayor Dillon announced the addition of items to the Consent Calendar. Item K – Contract for Emergency Repairs on McLean Drive, Item L – Hammer Heritage Square Manual Warrant Request and Item M – Request for Public Hearing August 11, 2004 regarding F & S Grade Road, Bingham Park, Moore Street Improvements.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #52041 to #52151 for \$145,492.02
  - Payroll Warrants #33755 to #33852 for \$139,435.18
- Contract – Insurance Services – The Unity Group
- Request for Out of State Travel – Engineering/Public Works
- Street Closure Request – Just for Fun – Poker Run – August 8, 2004
- Interlocal Agreement – 2004 EMS Disposable Supply
- Interlocal Agreement – Skagit 911 Countywide Public Safety Communications Center
- Waiver of Fees – Metcalf Field – Northern Peaks – August 6, 2004
- Waiver of Fees – Memorial Park – Skagit Rock & Gem Club – July 9, 2005
- Contract – Jesse Raymond for IBC Inspection Services
- Contract – Emergency Repair on McLean Drive
- Hammer Heritage Square – Request for Manual Warrant
- Public Hearing – August 11, 2004 – F&S Grade Rd/Bingham Park/Moore Street Improvements

Councilmember Anderson questioned the Hammer Heritage bills being run through the City.

Mayor Dillon noted the expenses were expected and the funds are available through a grant received by the City. The City is acting as the pass-through agency.

Councilmember Lemley questioned the cost of the Out of State Travel Request for the Engineering Department.

Engineer Blair noted the expense would be minimal, with mileage reimbursement only. The class is free and he will be staying with Family while attending.

Councilmember Storrs moved to approve the consent calendar Items A through M. Seconded by Councilmember Member. Motion carried.

Public Comment

None

## **PUBLIC HEARINGS**

### 2004 Amendments to the Comprehensive Plan & Development Regulations

Planner Lahr gave a power point presentation outlining the 2004 Amendments to the Comprehensive Plan and Development Regulations. She reviewed the process of the updates and noted after receiving public testimony the Planning Commission recommends approval of the amendments and changes and reviewed the proposed design manual which will work hand in hand with the proposed changes.

Lahr reviewed the proposed rezone changes as requested by the following property owners:

**Applicant:** John Lange

**Location:** Approximately 3.5 acres at the Sauk Mountain View Golf Course, including the current clubhouse building.

**Current Zoning:** Single Family (SF2)

**Requested Zoning:** Auto-Commercial

**Applicant:** Stanislaw Properties, LLC (Janicki Industries)

**Location:** Approximately 11.5 acres adjacent to Janicki Industries in the UGA. Assessor's parcel numbers P39397, P39399, P39400

**Current Zoning:** Single Family (SF1)

**Requested Zoning:** Light Industrial

**Applicant:** Sedro-Woolley Property Management, LLC

**Location:** Approximately 6 acres at 1102/1162 State Route 20 (west of the Hodgkin Street Intersection)

**Current Zoning:** Light Industrial (LI)

**Proposed Zoning:** Commercial

Lahr noted that staff recommends approval of the applications and the Planning Commission after their public hearing has also recommended approval.

Mayor Dillon opened the Public Hearing at 7:27 P.M.

John Lange – 1288 Fruitdale Road, addressed the testimony taken by the Planning Commission and their decision for recommendation of the changes to the Council. He addressed the mixed commercial and other changes with focus on the changes to the PRD code minimum lot sizes. Lange spoke on the PRD with power and gas lines being excluded as density credit. He encouraged Council to consider utility corridors to be classified within the unusable land. Lange reminded the Council that developers put in infrastructure and when changes in the codes are made it dramatically affects the bottom line for the developer.

Rob Janicki – 103 N. Township, concurred with Lange regarding the density credits. He noted it shouldn't matter if it is critical area wetlands or power lines. It's all open space and provides separation from other homes. Janicki requested that the utility lines be treated the same as with wetlands or steep slopes.

Louie Requa – 806 Metcalf, Skagit Surveyors & Engineers – addressed the Council he has some of the same concerns as addressed by Lange and Janicki. Requa also addressed the notification within 500 feet of a project as being excessive. He encouraged Council to return the notification back to within 300 feet. Requa stated he believes PRD's should be allowed in all residential zones, specifically the R-7 zone. Requa stated that the FEMA and Skagit County Flood guidelines of 1 foot should be acceptable and also noted the essential public service building elevation requirements should be included within the code. He agreed with the past public testimony on power line and density credits and also noted the town needs more industrial and commercial zoned land. Requa reviewed PRD's in conjunction with the RCW's for the Growth Management Act. He addressed the effect of the PRD code with taking away an opportunity for a certain segment of society trying to buy a piece of America. He also encourage the Council to seriously consider the effects of the changes to the PRD and expressed concern of changes to the concurrency ordinance, specifically Page 2 in conflict with an interim ordinance in effect.

Mike Janicki – 810 Talcott St., addressed the Council regarding issues of affordable housing and the cost of infrastructure. He encouraged the utility corridors be considered as open space and density credits. Janicki also addressed crane heights needed for industrial buildings and the building heights and spoke on the flood elevation increase and the need for ramping of material outside the building.

Councilmember Splane questioned the necessary building height for crane use with some discussion following.

Judy Carlson – 898 Carriage Court, read a prepared statement regarding the rezone application of the Stanislaw Properties LLC (Janicki Industries). She presented several concerns such as use of chemicals, noise levels and emissions regarding the rezone and noted she did not support the change.

Paul Cocke – 8591 Wedmore Pl., strongly supports the zoning change with the property east of the power lines to remain residential. Cocke stated he believes it to be a very appropriate buffer.

Carl Lundstrom – 9007 Carter Rd., questioned the decision of the Planning Commission regarding lot sizes.

Planner Lahr noted the current minimum lot size in the SF2 zone. She also noted the Planned Residential Development in which lot sizes can be a minimum of 6,000 square feet.

Lundstrom also commented that he would like to see the utility lines stay as is and addressed the Brickyard Creek development. He cautioned the Council against allowing developments like in Burlington with no parking areas.

Lisa Janicki – 810 Talcott St., CFO of Janicki Industries, addressed the Council regarding the regulatory requirements on the use of chemicals, noise levels and emissions. She noted the information that they are presenting is the most up to date that the company has and spoke on the time frames of dealing with regulatory agencies. She noted that through the neighborhood meetings that have been held, the request has been to provide building as a buffer rather than parking. She noted that rezoning the parcel to the east would allow them to put parking in that area and to better utilize the other area for a building buffer. Janicki stated through Mr. Cocke's positive challenges they were able to come up with a better buffering plan of the properties to the west and appreciated maintaining things in a positive manner.

Mayor Dillon closed the Public Hearing at 8:02 P.M.

The Council entertained a question and answer period with staff covering Building Height, Property Line Setbacks, Utility Corridors, and PRD's.

Rob Janicki – again to the podium, discussed the effect of the utility corridor with a potential PRD.

Planner Lahr reviewed her notes of the changes requested by Council with further discussion on ramping within the flood area with clarification that the two-foot limit applies only to the living unit. If there is a legitimate permitted use for the corridor from the governing agent then there would be an allowance of the proportionate credit.

Attorney Hayden reviewed the changes to be made upon the direction of Council discussion to include: 1) the deletion of the parcels lying east of the power line easement in the Stanislaw rezone, 2) allowing a variance for industrial building height, 3) removing the building step back and having just a flat 30 foot setback between industrial and residential zones, 4) amending the accessory building set back to 5 feet in the R-7 zone and 5) the addition of PRD's in the R-7 zone, maintaining the 6000 square foot minimum lot size.

Councilmember Storrs moved to affirm the recommendation of the Planning Commission and adopt the proposed 2004 Amendments to the Comprehensive Plan, following CTED review, including site specific land use map amendments, and amendments to the Development Regulations, with the deletion of that portion of parcels lying east of the power line easement in the Stanislaw Properties rezone application and any and all changes made tonight to the comprehensive plan as agreed by Council. Seconded by Councilmember Anderson. Motion carried 6-1 (Councilmember Galbraith opposed).

The meeting recessed for a 5 minute break at 8:35 P.M.

The meeting reconvened at 8:42 P.M.

### Township & Metcalf Streets Sanitary Sewer Moratorium

Attorney Hayden presented background information on the interim ordinance imposing a sanitary sewer moratorium on new developments which were served by the Metcalf Street and Township Street mainlines. Hayden stated that staff recommends that the interim ordinance be renewed for the remainder of the six-month period with the addition of the four identified exceptions in the continuance ordinance.

Mayor Dillon opened the Public Hearing at 8:50 P.M.

Louie Requa – 806 Metcalf, Skagit Surveyors & Engineers, speaking on proposed interim ordinance exception items 3 & 4 encouraged Council to adopt the interim Ordinance with the exceptions.

Rick Meyers – 1104 Jameson, also encouraged Council to adopt the proposed interim ordinance with the exceptions. He encouraged quick action in order for him to proceed with his project.

Rob Janicki – 103 N. Township, addressed Council regarding a preliminary plat for a planned residential development. Janicki stated he believes that developments should still be able to come into the City with the mitigation and SEPA process contingent to what is discovered during the moratorium process.

Dan Madlung – 669 Sunset Park Dr., concurred with Janicki's comments regarding the submission of development plans. Madlung also noted that he believes that the two areas of Metcalf and Township should be separated in order to shorten up the timing. He presented several options for solutions to the Metcalf Street line as temporary solutions.

John Lange – 1288 Fruitdale Rd., emphasized the fact that Sedro-Woolley is in a strong growth period. Lange spoke of the pitfalls that may occur by not taking development applications during the moratorium period and noted he believes it would be possible for developers to continue to submit plans with a disclosure of the moratorium.

Mayor Dillon closed the Public Hearing at 9:05 P.M.

Attorney Hayden noted there are approximately two to three hundred lots that are able to proceed with the moratorium in place. He also noted that staff is only anticipating a six to seven month moratorium and that the goal is to be going out for bid at the end of the moratorium time which will allow repairs to keep up with the construction as the problems are being taken care of.

Council discussion ensued regarding the possibility of allowing developers to continue with their plans, the importance of quick action, timing of design of projects, and separation of the two projects.

Dan Madlung questioned the application process of developers and what can be submitted.

Attorney Hayden noted that applications can be taken up to the point of the SEPA appeal period.

Louie Requa – questioned if the SEPA would be circulated to other agencies.

Attorney Hayden noted that it would not be circulated because it triggers the appeal period.

Mike Janicki – addressed the Council stating that he was on the Sewer committee ten years ago and addressed the rate structure, partial moratoriums and timing. He cautioned the Council if there are problems with the sewer lines they need to look globally not just in the affected areas.

Councilmember Colgan moved to adopt Ordinance No. 1476-04, Providing for Clarification of Four Exceptions, Titled: An Ordinance of the City of Sedro-Woolley Entering Findings of Fact in Support of a Moratorium on Subdivisions in Certain Areas Served by the Township Street and Metcalf Street Sewer Mains for a Period of Six Months and Requiring New Applications to be Accompanied by Confirmation from the Public Works Director that Line Capacity is Available. Councilmember Anderson seconded.

Roll Call Vote: Councilmember Colgan – Yes, Storrs – Yes, Splane – Yes, Meamber – Yes Galbraith – Yes, Lemley – Yes, Anderson – Yes. Motion carried.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### Award of Bid & Contract – Lee Johnson & Sons – Phase 1 SR-20 Sanitary Sewer Improvements

Mayor Dillon reviewed background information and the bids on the “Phase I SR-20 Sanitary Sewer Improvements” project.

Councilmember Storrs moved to authorize the Mayor to execute the contract agreement with Lee Johnson & Sons Construction for the “Phase I SR-20 Sanitary Sewer Improvements” project in the amount of \$614,912.49 including Tax. Seconded by Councilmember Splane seconded. Motion carried.

## **COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

Councilmember Splane – questioned Police Chief Cooper on the status of the cars parked on Reed Street.

Chief Cooper noted that Bob Park, Code Enforcement Officer is continuing to work on the issue almost on a daily basis.

Councilmember Meamber – questioned the status of the entrance to Sedro-Woolley at the Railroad tracks.

Planner Lahr noted there was a meeting scheduled for Friday between staff and the real estate agent for Burlington Northern. She will make sure it is discussed.

Councilmember Storrs – announced a meeting planned with the West Talcott residents to be held August 5, 2004 at the Community Center at 7:00 P.M.

Attorney Hayden – noted that several residents have called with scheduling conflicts and therefore the meeting may be rescheduled.

Mayor Dillon – reminded Council of the upcoming worksession to be held on Tuesday, August 3, 2004.

## **EXECUTIVE SESSION**

The Meeting was adjourned to Executive Session at 9:32 P.M. for the purpose of discussion of Real Estate with a possible decision.

The Meeting reconvened at 9:45 P.M.

Attorney Hayden stated that Staff is requesting Council to authorize the Mayor to sign a proposed Earnest Money agreement from Bill Rimmer to purchase the property at 605

Trail Road with the modification that he would bring the ULID lien current at time of closing.

Councilmember Anderson moved to accept the proposed purchase of the property at 605 Trail Road to Bill Rimmer with the modification that the ULID lien is current at the time of signing. Seconded by Councilmember Galbraith. Motion carried.

Councilmember Storrs requested the proposed Ordinance regarding the sewer connection fees be placed on the agenda for the next meeting with discussion to be held at the worksession.

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

The Meeting adjourned at 9:50 P.M.

ATTEST:

APPROVED:

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