

-----  
CITY OF SEDRO-WOOLLEY  
-----

Regular Meeting of the City Council  
September 8, 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 to the consent calendar J. Award of Contract – Lakeside Industries, K. Hammer Heritage Square – and under New Business – Award of Bid – Garden of Eden Sewer.

Consent Calendar

- Minutes from Previous Meeting
- Finance
- Claim Vouchers #52366 to #52486 for \$161,548.61
- Payroll Warrants #34051 to #34149 for \$169,399.85
- Waiver of Fees – Community Center – US Forest Service – October 7, 2004
- Interlocal Agreement for Library Services – Skagit County & City of Sedro-Woolley
- Request for Curtis Street Sewer Connection Refund
- Contract – Emergency Sewer Repairs on Metcalf Street – Lee Johnson & Sons
- Contract – Emergency Sewer Repairs behind 311 State Street – Lee Johnson & Sons
- Contract – Sewer Upsize on SR-20 and Metcalf Street – Wilder Construction
- Contract – McLean Drive Storm Drainage – Lee Johnson & Sons
- Award of Contract – Lakeside Industries (addition)
- Hammer Heritage Square – Contracts (addition)

Councilmember Storrs moved to approve the consent calendar items A through K. Seconded by Councilmember Galbraith. Motion carried.

Public Comment

Louie Requa – Skagit Surveyors & Engineers, 806 Metcalf St., addressed the Council on a recent article from the National Builders Magazine entitled “Divided We Stand”. Requa questioned if the Councilmembers received the article.

Staff noted that the article in question had been placed in each Councilmembers packets.

Requa reviewed the point of the article which addresses the widening gap of affordability as far as housing is concerned for the first time homebuyer. He encouraged Council and staff to work together to manage growth. He also noted his disappointment in recent articles in the Skagit Valley Herald and Courier Times over the Klinger Estates Plat. Requa stated for the record that Skagit Surveyors and its friends and family are very disappointed at the comments the Planning Commission and City staff made.

Dave McLaughlin – Skagit Surveyors & Engineers, concurred with Requa’s comments. He noted he was the designer of the “poorly designed” plat and reviewed a discussion with the Planning staff regarding the design of the plat. McLaughlin noted that the plat was designed and planned under the codes and development regulations that were in effect at the time of vesting and he resented the fact that someone referred to it as being “poorly designed”. McLaughlin reviewed the number of professionals and consultants that were involved along with him in the design of the plat which also included several meetings with city staff.

John Ravnik – Ravnik & Associates, P.O. Box 361 Burlington, WA, addressed the Council regarding the remarks in the paper on the plat design. Ravnik requested city staff issue an apology to Skagit Surveyors and Engineers. He also noted the plat was designed utilizing the codes in place at the time.

## **PUBLIC HEARINGS**

### Klinger Estates Preliminary Plat

Planner Lahr noted that the Planning Commission has already held the open record hearing and the decision to be made should be based on the record that was created at the Planning Commission hearing.

Attorney Hayden noted that no new exhibits or testimony may be introduced or presented at this hearing as it is a closed record hearing.

Planner Lahr reviewed the planned residential development plat application. The applicant is Grandview Inc. The subject property is located at 705 F & S Grade Road. The plat application is to create 94 residential units on a 13 acre parcel. 54 detached, single-family homes and 40 townhouses. The application also includes a variance request to the required setback from a natural resource agriculture property to the west from 50 feet to 25 feet with the inclusion of a fence. Lahr reviewed the studies that were required as part of the application, the Planning Commission hearing and the revised preliminary plat to reflect staff interpretation. Lahr stated the Planning Commission voted 4-1 that the application meets the minimum residential development codes but recommended that it not be approved by the Council. Lahr read from the recommendation resolution form the Planning Commission. She then reviewed the code that was in place at the time of vesting of the project. Because the application meets the minimum requirements of the PRD ordinance at the time it was vested staff recommends

approval subject to the conditions of the mitigated determination of non-significance, the city staff report and the supplemental staff report.

Attorney Hayden concurred with Lahr's statements and reemphasized to the Council that when a decision is made whether to approve, modify, deny or send back an application it has to be made based upon the ordinances in effect and state statutes, and the decision has to be made on specific facts and criteria. Hayden noted that based upon the staff study of the plat it is believed to meet the minimum technical standards of the ordinances in effect at the time it was filed, vested and fees paid. Hayden noted that a formal resolution would be brought back to the Council based on the decision made.

Dave McLaughlin reviewed the history of the preliminary plat. He noted that the detention pond is an issue relative to density calculations but is a different issue relative to open space. McLaughlin reviewed the original design and discussed changes with the plat design, open space area, playground equipment and redesign of the plat.

Council questions included frontage for townhouses, addressing and emergency access.

Bill Foster – attorney for Grandview, Inc. agreed with the staff recommendation that the plat is designed according to the codes at the time of vesting. Foster commented on the recommendation of the Planning Commission and the use of the wording technical compliance. He noted the plat is in complete compliance with the PRD ordinance and there is no portion of the application that does not comply. Foster reviewed two revised plat options. The applicant submits that option "A" is the correct result which is the layout that includes the stormwater detention facility in the calculations for open space. Foster reviewed the two ordinances that are important in the calculation of open space. He noted that the SWMC does not include a definition of open space and discussed open space, useable open space and common open space. Foster noted these issues were addressed in a memo that was given to each Councilmember by the applicant. He spoke on lot sizes, Planning Commission concerns and "poor design" comments. He addressed the Planning Commission resolution and their references to public health, safety and general welfare and cited a case study that addressed these same issues. Foster reiterated that the project complies with the rules and ordinances that were in effect and encouraged Council to approve option "A" or at a minimum option "B". He also cautioned the Council against ignoring the ordinances that govern the application.

Planner Lahr reviewed the different options and noted that option "B" is the one that the Planning Commission determined met the technical requirements of the ordinance. She noted the average lot size for option "B" is approximately 3600 square feet.

Attorney Hayden noted the applicant needs to provide a minimum amount of open space to achieve the number of lots. If the detention pond is counted the lots would be slightly larger. Hayden discussed utilization of detention ponds as useable open space.

Bill Foster – discussed option "A" with the inclusion of the detention pond as unusable open space. He stated the inclusion of the detention pond does make a difference on lot

size but does not make any difference on useable open space mandated by the code. He noted the options exceed the useable open space.

Discussion of ordinance interpretation and use of the detention pond ensued.

Eric Sunblad – 450 Rohrer Loop, discussed the planter strip and the sidewalk placement which will not line up with the previous development phases completed. He encouraged having a sidewalk on both sides. He also addressed the number of cars that park in the previous phase of the development.

Attorney Hayden reviewed the Planning Commission resolution. Hayden noted the Planning Commission found that option “B” meets the technical requirements of SWMC Chapter 16.20 subject to the conditions set forth in the staff report, MDNS and supplemental staff report. Staff recommends that Council approve option “B” subject to conditions and any other conditions the Council may wish to consider. Hayden noted that staff would prepare a formal resolution for the next meeting based on Council decision.

Councilmember Storrs moved to approve the Klinger Estates Planned Residential Development #2021 subject to the conditions of the staff reports for option “B”. Councilmember Meamber seconded.

Councilmember Anderson moved to amend the motion to include one way alleys. Seconded by Councilmember Colgan.

Councilmember Meamber questioned Fire Chief Klinger on the best access for emergency vehicles.

Chief Klinger noted that the design was reviewed by the Skagit County Fire Marshall due to a perceived conflict of interest on the project. Klinger requested that direction be turned back over to the Skagit County Fire Marshall.

Mayor Dillon restated the amended motion. Motion carried 5-2 (Councilmembers Meamber and Galbraith opposed).

Mayor Dillon restated the original motion to approve Klinger Estates Planned Residential Development #2021 Option “B” with staff recommendations, MDNS and associated studies and with the attached amendment on the one-way alleys. Motion carried.

Councilmember Storrs on behalf of the Council apologized to Louie Requa and Dave McLaughlin of Skagit Surveyors for some of the misunderstandings that may have occurred.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### Ordinance – No Parking on SR 20, SR 9, Sapp and N. Reed

Attorney Hayden introduced a proposed ordinance which would prohibit or restrict the hours of parking on SR 9, SR 20, Sapp Road and N. Reed Street. Hayden indicated that this ordinance is in response to complaints of Councilpersons and the public.

Council discussion ensued which included limited hours, street lighting, parking fines and barrier placement.

Councilmember Splane moved to adopt Ordinance 1480-04 An Ordinance Amending SWMC Chapter 10.44, Adding a New Section to Restrict Parking on Sapp Road, SR 9, and SR 20 Inside the City Limits, and Amending SWMC 10.44.170 to Limit Parking on Reed Street During Certain Hours. Councilmember Galbraith seconded.

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

### Award of Bid – Garden of Eden Road Area Sewage Facilities Initial Construction

Engineer Blair reported on the bid opening for the Garden of Eden Road area sewage facilities. Blair requested that Council award the bid to Trico Construction in the amount of \$1,626,135.00 including tax.

Mayor Dillon thanked Erin Klinger for her work in preparing the bid sheets in time for tonight's meeting.

Councilmember Storrs moved to award the Garden of Eden Sewage Facilities Initial Construction bid to Trico Construction in the amount of \$1,626,135.00 including tax. Seconded by Councilmember Splane. Motion carried.

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

Councilmember Storrs – questioned if there are any plans for a light at Murdock and Highway 20.

Councilmember Galbraith – discussed the traffic delays at Cascade Middle School and expressed concern with the development in that area contributing to the delays.

Councilmember Lemley – reviewed the upcoming Founder's Day events scheduled for the coming weekend.

Fire Chief Klinger – noted the upcoming Boots to Burn dance scheduled for October 30, 2004. Tickets will be available shortly.

**EXECUTIVE SESSION**

The meeting adjourned to executive session at 8:50 P.M. for the purpose of real estate and personnel. No decision was anticipated and the session was expected to be lengthy.

The meeting reconvened at 11:15 P.M. . .

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

The Meeting adjourned at 11:15:30 P.M.

ATTEST

APPROVED

---

---