
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
March 23, 2005 – 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 Wood and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #53946 to #54069 for \$309,231.25
 - Payroll Warrants #35273 to #35369 for \$120,959.76
- Waiver of Fees – Riverfront Park – Cascade Middle School – March 22, 2005
- Waiver of Fees – Riverfront Park – Wildcat Steelhead Club & SW Chamber – March 26, 2005
- Surplus Equipment – Firearm
- Contract – Emergency Replacement of Gravity Sewer Line – Lee Johnson & Sons
- Street Closure Request – Sunrise Services at Hammer Heritage Square

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

Public Comment

No Public Comment

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

Cultus Mountain View Binding Site Plan – Amended Application #2746

Planner Lahr reviewed background information for the request of Landmark Building and Development. Lahr stated they received preliminary binding site plan approval from the City Council on January 28, 2004. Approval was to divide a 2.8 acre parcel in the Multifamily zone (MF2) located at 122 North Township Street into two building lots. A total of 24 living units were approved. All residential units were proposed to be owned by a single owner.

The developer has since submitted an amended binding site plan application to create twenty-five (25) building lots in order to place each unit on separate lots and to reserve Lot 25 for future development. Each unit may therefore be sold separately and a Homeowner's Association would be formed to maintain the common elements of the development. The proposal does not increase the total number of residential units previously approved. The buildings would be constructed as originally proposed (6 four-plexes). The application also includes a variance request to allow zero-lot line construction.

Lahr noted that as a condition of approval, the applicant has agreed to dedicate an additional 10 feet of right-of-way to the City of Sedro-Woolley along the frontage of North Township Street for future roadway improvements and with the consent of the Applicant, this dedication will extend the adjoining property to the south.

Lahr stated the Planning Commission held an open record public hearing on March 1, 2005 and voted to recommend approve of the amended application subject to conditions.

Attorney Hayden commented that the City would receive title to the area dedicated at time of final plat but the right of way would not be opened until the time comes for roadway improvements.

Discussion ensued regarding the right-of-way, road widening, private street maintenance and enforcement.

Roger Korthuis – 1215 S. Walnut St., Burlington, applicant’s representative addressed the Council regarding private ownership of units, maintenance of roads, parking and garages which will allow four (4) parking spots for each unit. Korthuis passed out an artists rendering of the project for Council to view.

Further discussion ensued to include parking and the price range of each unit.

Councilmember Storrs moved to adopt Resolution No. 714-05 A Resolution of the Sedro-Woolley City Council on the Application of John Ellis/Landmark Building & Development, Inc., Approving the Cultus Mountain View Amended Binding Site Plan (BSP) #2746, Upon the Recommendation of the Sedro-Woolley Planning Commission, Adopting the Recommendation of the Sedro-Woolley Planning Commission. Seconded by Councilmember Colgan. Motion denied 3-4 (Councilmember Anderson, Meamber. Splane and Galbraith opposed).

Discussion of process for proposed findings of the decision ensued. Councilmembers stated their reason for opposition. Councilmember Meamber noted that he had originally voted No and expressed concern on traffic issues. Councilmember Splane expressed concern of the private road and traffic issues. Councilmembers Galbraith and Anderson concurred with Councilmember Splane’s issues. Councilmember Anderson also addressed concern with parking.

Attorney Hayden stated formal findings would be brought back to Council at the next meeting.

Senior Discount for Solid Waste Collection

Mayor Dillon introduced the proposed ordinance for a senior discount for solid waste collection. She noted the ordinance would parallel the eligibility standard for the sewer senior discount recently approved.

Larry Wager – 807 Cultus Mountain Dr., addressed the Council on the Senior Discount. Wager encouraged Council to consider extending the discount to disabled citizens as well.

Discussion was held as to the inclusion of disabled citizens within the ordinance and the need to research state rules. The Council consensus was to research the options through the state and discuss at the next worksession for a decision at the next council meeting.

APPEALS

James Hawkings – Appeal of Planning Commission Decision – A1 Mini Storage

Councilmember Anderson removed himself from the Council due to a conflict of interest. Anderson has a competing business to that of A1 Mini Storage. Councilmember Anderson left the building.

Councilmember Storrs noted that at the last appeal he was requested to step down from the hearing by the appellant. Storrs questioned his position. Mr. Hawkings accepted Councilmember Storrs presence on Council for the appeal.

Planner Lahr reviewed the history and background information for the original Conditional Use permit #172 by Tom Swett, applicant. She reviewed the application request, approval subject to conditions and the application for modification of conditional use permit #172. Lahr also reviewed potential compliance issues that were addressed in the original staff report, Planning Commission public hearings and approvals and the deadline given for compliance of all conditions.

Lahr also reviewed the request for appeal of the Planning Commission decision by James Hawkings and reviewed the process of the appeal.

Council questioned the date picked for compliance deadline, why conditions were not originally met and emergency access.

James Hawkings – 1211 State St., appellant, read a prepared statement indicating his reasons for the appeal of Conditional Use permit #172. Hawkings noted that City staff and the applicant imply that all conditions of the Conditional Use have been met. Hawkings believes this statement to be false. He also listed numerous conditions that he believes are still in non-compliance. Hawkings addressed the use and maintenance of his driveway by the storage facility and the constant changes in the facility.

Tom Swett – 1200 Warner St., disputed the non-compliance of the conditions set for approval of the Conditional Use permit. Swett reviewed the list of conditions of approval and the MDNS and explained his compliance. Swett stated he is unaware of any of the conditions not being met.

James Hawkings – addressed the Council regarding the landscaping on the east end of the property, gate restrictions, emergency access, payment of survey for the property, hours of operation and a history of the hearings and process for appeals.

Planner Lahr reviewed the basis for Council decision. She stated the burden of proof is on the appellant to demonstrate that the Planning Commission decision was wrongly decided. The Council in order to do that must find that the Planning Commission committed errors in its decision. The argument must describe particular errors by the hearing body with specific references to the appeal record provided in the packet. The

Council may affirm the decision, modify the decision, reverse the decision, or remand it back to the Planning Commission for additional information.

Attorney Hayden noted that the Council is to decide whether the Planning Commission made the correct decision in granting the new conditional use permit allowing for the expansion that the applicant requested.

Council discussion ensued to include compliance and stormwater issues.

Tom Swett – reviewed the stormwater report.

Attorney Hayden noted that according to the rules of a closed record hearing comments should only be given to specific questions and Council should not carry on a general discussion.

James Hawkings answered a question from Councilmember Galbraith as to why they are considering compliance or non-compliance. He stated that it is his contention that staff mis-represented to the Planning Commission that Mr. Swett was in compliance.

Attorney Hayden again outlined the Council's options and further answered Councilmember Galbraith's question regarding compliance. He stated the Planning Commission in their first decision found that the project was not well planned and found that the intent of the comprehensive plan would not be met by granting the application. They found the applicant had not complied with conditions of approval of the original permit and that the increase in the number of storage units would adversely affect surrounding residents. The applicant gave no testimony on his behalf at the hearing. After the decision, the applicant filed a motion for reconsideration, which resulted in the findings dated February 2, 2005. The Planning Commission found the applicant submitted additional information that showed the project was well planned and it satisfied the purpose and intent of the comprehensive plan. They found the conditions of the original permit would be satisfactorily complied with or additional measures were in place to ensure compliance with the original conditions. At that point the Planning Commission approved the reconsideration.

Councilmember Meamber stated that he would be abstaining from voting on this issue because he was uncomfortable making a decision at this time.

Councilmember Storrs moved that the decision of the Planning Commission on the approval of the amended Conditional Use permit application submitted by Tom Swett be upheld. Seconded by Councilmember Splane. Motion carried 5-1 (Councilmember Colgan opposed, Councilmember Meamber abstained).

Councilmember Galbraith requested for the record that it be noted his vote meant that all conditions must be met.

Attorney Hayden noted a resolution will be brought back to the Council to formalize the decision.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Police Chief Wood – noted the railroad has moved a couple of containers to the Eastern Street area to haul the debris off the site. He also reminded everyone of Officer Cargile's retirement party on March 31, 2005 at Three Rivers at 5:30 P.M.

Councilmember Splane – questioned the camper parked at the Gateway building. Chief Wood noted it was the new owners of the building and it is parked there temporarily while they are working on the building.

Fire Chief Klinger – announced the visitation of representatives from USDA as well as Congressman Larsen and other dignitaries to view the Training facility. Chief Klinger encouraged Council, Mayor and Staff to attend. The visitation will be on March 29 at 3:00 P.M. He also requested a quick meeting of the Police and Fire Committee directly after the meeting.

Engineer Blair – announced the application of a preconstruction loan with the Public Works Trust Fund.

Planner Lahr – stated the April 5, 2005 worksession will also include the Planning Commission for discussion of the design manual and small lot development issues.

Attorney Hayden – reported on the Sewer Senior Discount ordinance, FEMA annexation and noted grant opportunities are being looked at for the purchase of the Stiles property adjacent to Riverfront Park.

Councilmember Lemley – announced upcoming Easter Egg Hunts scheduled for Saturday at Riverfront Park and Country Meadows. Woodfest will also be held on April 2nd and 3rd at Sedro-Woolley High School. Lemley reported a water line bubbling in front of Video West. He also reported on the passing of Jeanna Bullington who was a well known civic advocate.

Councilmember Galbraith – expressed concern of visibility going up the hill on North Township Street (Highway 9).

Councilmember Colgan – expressed concern of the Community Center gutters, eaves and roof.

Engineer Blair stated it is being looked at and there are funds in this years budget for a new roof.

Councilmember Meamber – reported on the downtown revitalization committee meeting and their concern of the condition of the old gas station at the corner of Ferry and

Eastern. He also reported on the committee's plans for summer weekend movies in the downtown area.

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

The meeting adjourned at 9:06 P.M.

ATTEST:

APPROVED:
