
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
November 9, 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 Sharon Dillon, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Mike Anderson.
Staff: Clerk/Treasurer Nelson, Planner Rozema, Attorney Hayden, Engineer Blair, Lt. Tucker and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #55769 to \$55885 for \$766,773.51 (Voided Warrant #55771)
 - Payroll Warrants #36710 to #36801 for \$180,644.52
- Comp Plan Update Grant
- Setting Public Hearing – 2006 Budget Ordinance
- Setting Public Hearing – 2006 Property Tax
- Street Closure Request – Christmas Parade – December 3, 2005
- Interlocal Agreement – City of Wapato
- Contract – Flow Monitoring with Geotivity
- Community Center Rent Refund – Hunger

Councilmember Storrs moved to approve the consent calendar Items A through I.
Councilmember Meamber seconded. Motion carried.

Public Comment

None

PUBLIC HEARINGS

2005 Comprehensive Plan and Development Regulation Update

Attorney Hayden reviewed the process for the updates noting the information has been through public hearings at the Planning Commission level and has also been reviewed by the Department of Community Trade and Economic Development (C-TED).

a. Landscaping Ordinance, SWMC Ch. 15.70 (*Public Hearing*)

Hayden noted that the proposed ordinance strengthens the current landscaping code to impose a higher standard on new developments.

Mayor Dillon opened the public hearing at 7:05 P.M.

No public input received.

Mayor Dillon closed the public hearing at 7:06 P.M.

Councilmember Storrs moved to adopt the Landscaping Ordinance #1517-05 An Ordinance Repealing SWMC Ch. 17.50, Landscaping, in its Entirety, and Adopting a Complete New Chapter Relating to Landscaping, Providing for More Detailed Regulation of Landscaping Requirements for Developments, Excluding Those in the Central Business District and Solitary Single Family Residences. Seconded by Councilmember Lemley.

Roll Call Vote: Councilmember Meamber – No, Splane – Yes, Storrs – Yes, Colgan – Yes, Galbriath – Yes, Lemley – Yes and Anderson – Yes. Motion carried. (6-1 Councilmember Meamber opposed).

b. Design Standards Ordinance, SWMC Ch. 15.44 (*Public Hearing*)

Attorney Hayden reviewed changes in the Design Standards Ordinance. He noted the City has been operating under an interim ordinance for the past 6 months. The purpose is to allow staff to require developments to provide better parking, lighting and more grass areas. The ordinance requires developments larger than four lots to meet a higher level of design. It also includes design standards for the Central Business District.

Mayor Dillon opened the public hearing at 7:10 P.M.

No public input received.

Mayor Dillon closed the public hearing at 7:10.30 P.M.

Council discussion was held regarding the implementation of the Design Standards to include the role of the Planning Commission and flexibility.

Councilmember Anderson moved to adopt Ordinance No. 1518-05, An Ordinance of the City of Sedro-Woolley, Washington, Amending SWMC 15.44.025 and Adopting Design Standards and Guidelines for Use with SWMC 15.44 Design Review. Councilmember Splane seconded.

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

c. Zoning Map Ordinance (*Public Hearing*)

Attorney Hayden reviewed the rezone requests received as follows:

1. Rezone of City Hammer Heritage Square (park) from Commercial to Public (Metcalf and Ferry);
2. Rezone of City FEMA Property (across from Riverfront Park) from Residential R-7 to Public, for future park use;
3. Rezone of City Bingham Park from Residential R-7 to Public (to correct a mapping error);
4. Rezone of Skagit State Bank (at Carter and SR-20) from Residential R-7 to Mixed Commercial;
5. Rezone of Churchill Property (1422 Moore, SR-20 East of Carter) from Residential R-5 to Mixed Commercial;
6. Rezone of Koozer property from UR C/I to Mixed Commercial.

Mayor Dillon opened the public hearing at 7:17 P.M.

No public input received.

Mayor Dillon closed the public hearing at 7:17.30 P.M.

Councilmember Galbraith moved to adopt Ordinance No. 1519-05 An Ordinance Amending the Comprehensive Land Use Plan and Zoning Map of the City of Sedro-Woolley for the 2005 GMA Comprehensive Plan and Development Regulations Update. Seconded by Councilmember Colgan.

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

d. Hanson Amendment – Short Plat with Sewer Variance Ordinance (*Public Hearing*)

Attorney Hayden reviewed the proposed ordinance that was written at the direction of Council and reviewed by C-TED to allow former clustered developments which were permitted under an older ordinance, no longer in effect, to be short platted and for the applicant to apply for a variance from the requirement of connection to sewer. The ordinance also allows for some housekeeping amendments. Hayden noted this ordinance would allow the Hanson's to apply for a variance for their short plat from the sewer requirement.

Mayor Dillon opened the public hearing at 7:21 P.M.

Louis Requa – Skagit Surveyors & Engineers, 806 Metcalf St., addressed the Council representing the Hanson's and presented background information on the Hanson situation. Requa questioned the need for them to apply for a variance and passed out a

portion of the City's Comprehensive Plan addressing Goal LU-3.3 stating not to approve developments that cannot be served by City transportation and sewer services. Requa cautioned that Council cannot adopt an ordinance that is not in compliance with the comprehensive plan. He also stated his office had been in contact with Doug Peterson of C-TED who indicated that it is OK for the City to announce a correction of the comp plan using an exception and to leave the comment period open for a period of time and to not adopt the plan until the following meeting. Requa pointed out that when the Hanson's started the process there was no sewer within 200 feet of their property and expressed concern of the wording in the proposed ordinance on sewer being reasonably available. Requa requested the Council strike "Section B" of the proposed ordinance and include the following wording for Section B:

"No variance to the Sanitary Sewer connection is required if the property subject to the plat is a clustered development previously approved under the applicable sections of Ordinance 133-99. Under the applicable sections of 133-99 consisting of two or more existing detached residences on one lot and each of the existing residences has an operating and functional existing on site sewage disposal system permitted under Skagit County code chapter 12.05. The number of lots shall not exceed the number of detached single family residences allowed under the clustered development provision."

Councilmembers questioned the cost for a variance and additional time for processing.

Attorney Hayden and Planner Rozema reviewed the process and the additional fee for a variance.

Requa summarized his request to the Council to make the comp plan consistent with the proposed ordinance and to strongly consider revising the ordinance so they do not have to go through a variance procedure.

Attorney Hayden rebutted the points that were made by Requa to include extension of the sewer line to within 200 feet of the Hanson property, inappropriateness of the process, extension of the comment period, the section of the comp plan referenced, C-TED's response of the City Comp Plan, determination of compliance which lies within the Growth Management Hearing Board, and variance's applicable to everyone. Hayden encouraged Council to not make any changes to the comp plan at this time.

Requa, again to the podium, handed out his proposed wording to the Council and stated his comment was for the comp plan to be consistent with development regulations.

Mayor Dillon closed the public hearing at 7:42 P.M.

Council and staff discussion ensued to include what consists of development, repercussions of striking the variance, and respect of the process.

Louis Requa – Skagit Surveyors & Engineers, 806 Metcalf, encouraged Council to take action so the Hanson’s can continue with their plans. Requa still questioned the need for a variance and also addressed the financial burden to the applicants.

Councilmember Anderson moved to adopt Ordinance #1520-05 An Ordinance Amending SWMC Section 16.04.080 and SWMC Section 16.12.060, To Provide For Variances From the Sanitary Sewer Requirement for Short Plats of Pre-Existing Clustered Developments, Consisting of Two or More Existing, Detached Residences on One Lot, Provided that he Plats Meet the Provisions of the Skagit County Code Governing Septic, and Correcting SWMC 16.28.050 (9) to Provide for Compliance with the Minimum Lot Size in Any District. Seconded by Councilmember Storrs.

Councilmember Meamber amended the motion to Ordinance No. 1520-05 to Exempt Brian Hanson from the Variance Requirement of this Ordinance. Seconded by Councilmember Galbraith. Motion denied 3-4. (Councilmembers Splane, Colgan, Lemley and Anderson opposed).

Mayor Dillon restated the original motion.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – Yes, Galbraith – No., Colgan – Yes, Storrs – Yes, Splane – Yes and Meamber – No. Motion carried 5-2 (Councilmembers Galbraith and Meamber opposed).

e. Stormwater Management and Maintenance Ordinances (*Public Hearing*)

Attorney Hayden reviewed the proposed ordinance and noted that it amends rules that govern how developments retain stormwater and clean stormwater before discharging into the City system. The Department of Ecology has standards and the ordinance updates the existing ordinance to those standards.

Engineer Blair stated that this would help to set the City up for compliance but still maintain the rational approach. Blair noted that he will be continuing to work with DOE to make some exceptions on the Phase II permit. This will be a good faith effort towards the requirements.

Mayor Dillon opened the public hearing at 8:07 P.M.

Susie Williams – 1058 Wedmore Pl., addressed the Council regarding flaws in stormwater issues at Sauk Mountain Golf Course and Wildflower Estates. Williams requested stronger enforcement of stormwater issues to protect current homeowners.

Mayor Dillon closed the public hearing at 8:12 P.M.

Council discussion included upgrade of stormwater system at time of McGargile Road upgrades, and the need for a stormwater comprehensive plan to address stormwater issues.

Councilmember Storrs moved to adopt Ordinance No. 1521-05 An Ordinance Amending SWMC Chapter 13.36 and SWMC Chapter 13.40, Providing For the Adoption of the 2001 Edition of the Department of Ecology's Stormwater Management Manual for Western Washington (SWMMWW), With the Exception of Threshold Requirements, Which Shall Continue to be Regulated by the 1992 Edition of the SWMM. Councilmember Colgan seconded.

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

f. Title 17 Zoning Code Amendments (*Public Hearing*)

Attorney Hayden noted that the amendments are housekeeping amendments and have no major changes.

Mayor Dillon opened the public hearing at 8:24 P.M.

No public input received.

Mayor Dillon closed the public hearing at 8:24.30 P.M.

Councilmember Colgan moved to adopt Ordinance No. 1522-05 An Ordinance Amending Provisions of SWMC 17.20.010 Regarding Permitted and Conditional Uses in the MC Zone, SWMC 17.20.020 Regarding Building Setbacks in the Industrial Zone, and SWMC 17.40.020 Regarding Illuminated Signs. Seconded by Councilmember Splane.

Roll Call Vote: Councilmember Meamber – Yes (but not in favor of all of it), Splane – Yes, Storrs – Yes, Colgan – Yes, Galbraith – Yes, Lemley – Yes and Anderson – Yes. Motion carried.

EXECUTIVE SESSION

The meeting adjourned at 8:26 P.M. to Executive Session for the purpose of discussion of personnel with no decision anticipated for approximately 20 minutes.

The meeting reconvened at 8:52 P.M.

g. Critical Areas Ordinance (*Public Hearing*)

Attorney Hayden presented background information regarding the changes to the Critical Area Ordinance. He noted that current setbacks to Brickyard Creek are 50 foot setbacks with mitigation, proposed are 110 feet and Department of Ecology recommendation is 300 feet. He stated a compromise was made with Department of Ecology to a 110 foot setback where available. Brickyard Creek is the most significant critical area within the City limits. Hayden addressed on the proposed Brickyard Creek sub area plan.

Mayor Dillon opened the public hearing at 8:58 P.M.

Rob Janicki – 103 N. Township, spoke of other jurisdictions having a 50 foot setback with mitigation. He cautioned of special circumstances that could possibly come up and the need for flexibility.

Susie Williams – 1058 Wedmore Pl., addressed the protection of wetlands and Brickyard Creek, and urged Council to pass the ordinance with the 110 foot setback.

Louis Requa – Skagit Surveyors & Engineers, 806 Metcalf St., spoke on a map available at his office for the Sedro-Woolley Sub Flood Control District which was formed in 1917 that shows the creation of the drainage ditch (Brickyard Creek). He spoke of rerouting and cleaning of the ditch. Requa expressed concerns of the Critical Areas Ordinance looking at the Brickyard Creek as fish bearing and stated it is a well known fact that it was never a creek but a man-made drainage ditch. Requa cautioned Council on increasing the buffers and to take a good hard look at what the creek really is.

Susie Williams – made clarifications to Requa's statements regarding Brickyard Creek as a drainage ditch. Williams also addressed recorded documents at time of building the Club House at the golf course regarding no further building without the permission of Dike District 14. Williams requested the City research the restrictions she has addressed.

Adolph Bucko – addressed the Council regarding his property on F & S Grade Road and the effect the ordinance would have on his property. He noted that he would lose 2 acres of his property to the creek should the requirement of the 110 foot buffer be implemented. He also addressed the lack of fish and questioned the reason for protecting something that isn't there. Bucko stated he didn't believe that increasing the buffer would bring anymore fish to the creek and requested Council reconsider the buffer.

Joyce Tomasino – 704 Sauk Mountain Dr., addressed the Council regarding maintaining the creek as a drainage ditch and noted that first consideration should be the purpose it was put there, which is drainage.

Mayor Dillon closed the public hearing at 9:27 P.M.

Council discussion ensued on guidelines for setting the buffers, specific plan for Brickyard Creek which will address stormwater, review of goals for preparing the Brickyard Creek Sub Area Plan, the Bucko property and encouragement of citizens becoming part of the process.

Councilmember Storrs moved to adopt Ordinance No. 1523-05 An Ordinance of the City of Sedro-Woolley Repealing SWMC Ch. 17.65, The Existing Critical Areas Ordinance, In Its Entirety and Adopting An Updated Ordinance Providing for Regulation of Wetlands, Wildlife Habitat, Geologically Hazardous Areas, and Providing for A

Brickyard Creek Sub-Area Plan Addressing Wetlands, Habitat and Stormwater for this Basin. Councilmember Colgan seconded.

Councilmembers Anderson and Meamber expressed interest in lowering the setbacks. Attorney Hayden stated the purpose of the hearing was to fine tune details. Council had previously approved this ordinance and the response of DOE to any change is uncertain.

Discussion ensued on buffers, quality of mitigation and delineation of creek on Bucko property.

Mayor Dillon restated the motion.

Roll Call Vote: Councilmember Meamber – Yes, Splane – Yes (with reservations), Storrs – Yes, Colgan – Yes, Galbraith – Yes (with the understanding of mitigating each development with 110 feet as guideline), Lemley – Yes and Anderson – Yes. Motion carried.

h. Comprehensive Plan Ordinance (*Public Hearing*)

Attorney Hayden reviewed the proposed ordinance and reviewed updates to the Comprehensive Plan to include a revised Introduction, Vision Statement to include the Library, Land Use Element, Parks and Recreation Element and Housing Element. Hayden reviewed previous debate on the Parks Element over the Park Impact Fees. Attorney Hayden stated Councilmember Anderson has requested the Impact Fee amount be reconsidered.

Mayor Dillon opened the public hearing at 9:52 P.M.

No public input received.

Mayor Dillon closed the public hearing at 9:52.30 P.M.

Councilmember Anderson was questioned by Councilmember Meamber as to why he wanted to revisit the topic of the Parks Impact Fee. Anderson stated he requested reconsideration of the Impact Fee from \$500 to \$1,000 because he believes the City needs to keep up with the price of real estate and Council is letting the citizens down by not purchasing enough park land.

Councilmember Anderson moved to adopt Ordinance No. 1524-05 An Ordinance of the City of Sedro-Woolley, Washington Adopting Amendments to the Comprehensive Plan and Map and Urban Growth Area Map for the City of Sedro-Woolley to Revise and Incorporate Updated Land Use Data, Updating Information Throughout the Comprehensive Plan, and Amending the Goals and Policies and changing the impact fees as set in the ordinance from \$500 to \$1,000. Seconded by Councilmember Lemley.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – Yes, Galbraith – No, Colgan – Yes, Storrs – Yes, Splane – No and Meamber – No. Motion carried 4-3 (Councilmembers Galbraith, Splane and Meamber opposed).

Transportation Element – 2005 Transportation Plan Interim Ordinance (*Public Hearing combined*)
Impact Fee Ordinance (*Public Hearing combined*)

Attorney Hayden reviewed background information on the Transportation Element and Impact Fees. He noted the importance of maintaining all projects on the Transportation Element in order to be able to obtain grants and developer SEPA contributions but they can be removed from the Impact Fee Ordinance without affecting the Comp Plan. Staff presented three options for a project list and reviewed the impact fees for each option.

Engineer Blair reviewed the restrictions and differences between SEPA and Impact Fees. Blair also spoke on the DOT standards for road improvements and light placement.

Mayor Dillon opened the public hearing at 10:05 P.M.

Brett Jackson – 936B Alexander St., addressed the impact to affordable housing should there be any raise in impact fees. Jackson also addressed the commercial impact fees and noted the fee has been effective in keeping businesses out of Sedro-Woolley and encouraged Council look at alternatives. He noted the focus is on a one time only fee without consideration of tax revenue received from a business locating in Sedro-Woolley. He stated the fee being a trip fee base is a flaw in the ordinance, if a business is not located in town and if people have to go elsewhere, the same wear and tear on the streets happens but the City does not receive the tax revenue.

Rob Janicki – 103 N. Township, cautioned of setting the impact fees too high and stated they need to be competitive with neighboring cities. He noted it the impact fees go into effect as presented Sedro-Woolley will be the highest within the jurisdictions that he has been working with. Janicki spoke on the need to have housetops in order to attract the commercial and pricing needs to be competitive. He also spoke of changes in associated fees over the past two years as well as the number of units allowed and suggested stepping of the impact fees over the next several years as a possible solution.

Velma Walker – 726 Northern Ave., encouraged Council to adopt the impact fees. She noted she lives on a street with lots of traffic, storm sewers that don't work, no sidewalks, curbs or gutters, and people using the railroad grade as a park. Walker addressed the loss of park space with lack of funding to obtain new parks and addressed the building boom expected after the lifting of the moratorium. She encouraged sewers, curbs, sidewalks, lighting, parks and the importance of raising fees.

Mayor Dillon closed the public hearing at 10:17 P.M.

Council discussion ensued to include stepping of impact fees, lack of commercial business, improvement grants for Highway 20, need for matching funds and the impact of Option B to the current bottleneck solution.

Larry Toileli of Transpo Group presented grant scenarios for the projects which were utilized in the transportation modeling. He also spoke of adjusting the list or accepting a percentage of the fees.

Attorney Hayden cautioned Council on approving a percentage of the fees because it negates the ability to collect SEPA fees.

Councilmember Storrs moved to adopt Ordinance No. 1525-05 An Ordinance of the City of Sedro-Woolley, Washington, Adopting a Transportation Plan Section of the Comprehensive Plan, to be Effective for a Period of Six Months, and Entering Findings of Fact, Using Scenario B as the Starting Point. Seconded by Councilmember Splane.

Roll Call Vote: Councilmember Meamber – No, Splane – Yes, Storrs – Yes, Colgan – Yes, Galbraith – Yes, Lemley – Yes and Anderson – Yes. Motion carried. 6-1 (Councilmember Meamber opposed).

Councilmember Anderson moved to adopt Ordinance No. 1526-05 An Interim Ordinance Repealing SWMC Ch. 16.60, and Adopting A New Chapter SWMC Ch. 15.60, Providing for Assessment of Impact Fees for Planned Capital Facilities, Providing for Credits for Other Mitigation of Impacts, and Providing for Appeals from Fee Determination, using for Park Impact Fees \$1,000 instead of \$500 and using Scenario B for Transportation Impact Fees. Councilmember Splane seconded.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – Yes, Galbraith – No (due to inclusion of Park Fee), Colgan – Yes, Storrs – Yes, Splane – Yes and Meamber – No. Motion carried 5-2 (Councilmembers Galbraith and Meamber opposed).

Municipal Facilities Plan: City Hall and Cemetery – Interim Ordinance (*Public Hearing*)

Attorney Hayden noted the proposed ordinance is the continuance of an interim ordinance designed to keep the City Hall project on the capital facilities plan and also adds a Cemetery project. The purpose of the ordinance is to allow the City to use the tax money that will be set aside and also allows the applications of grants for both projects. Hayden stressed the ordinance does not include any decision as to the type of City Hall.

Mayor Dillon opened the public hearing at 10:41 P.M.

No public input received.

Mayor Dillon closed the public hearing at 10:42 P.M.

Councilmember Storrs moved to adopt Ordinance No. 1527-05 An Ordinance of the City of Sedro-Woolley, Washington, Adopting A Municipal Facilities Section of the Comprehensive Plan, to be Effective for a Period of Six Months, and Entering Findings of Fact. Seconded by Councilmember Colgan.

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

Sewer Moratorium – Extension – Interim Ordinance (*Public Hearing*)

Mayor Dillon noted the proposed ordinance is a continuance of an interim ordinance for extension of the sewer moratorium which has been in place for a year. The proposed interim ordinance will also remove a portion of the moratorium in the West part of the City.

Engineer Blair reviewed the proposed ordinance and noted the ordinance includes lifting part of the moratorium in the Garden of Eden area within the City Limits. Blair updated the Council on the N. Township sewer line.

Mayor Dillon opened the public hearing at 10:46 P.M.

No public input received.

Mayor Dillon closed the public hearing at 10:46.30 P.M.

Councilmember Lemley moved to adopt Ordinance No. 1528-05 An Interim Ordinance of the City of Sedro-Woolley Amending and Extending a Moratorium on Subdivision 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 in the western portion within the City Limits of the City of Sedro-Woolley. Councilmember Anderson seconded.

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

Capital Facilities Plan Amendments – Police and Fire (*Public Hearing*)

Attorney Hayden reviewed the proposed ordinance for the Police and Fire Capital Facilities Update.

Mayor Dillon opened the public hearing at 10:50 P.M.

No public input received.

Mayor Dillon closed the public hearing at 10:50.30 P.M.

Councilmember Storrs moved to adopt Ordinance No. 1529-05 An Interim Ordinance Adopting Amendments to the Capital Facilities Plan for Fire Facilities and Police Facilities, and Documenting Appropriate Mitigation Standards for Police Impacts. Councilmember Splane seconded.

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

OLD BUSINESS

None

NEW BUSINESS

None

REPORTS FROM OFFICER AND COMMITTEES

None

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

The meeting adjourned at 10:52 P.M.