

Next Ord: 1620-08
Next Res: 777-08

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL AGENDA

October 8, 2008

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

1. Call to Order
2. Pledge of Allegiance
3. Consent Calendar

NOTE: Agenda items on the Consent Calendar are considered routine in nature and may be adopted by the council by a single motion, unless any Councilmember wishes an item to be removed. The Council on the regular agenda will consider any item so removed after the Consent Calendar.

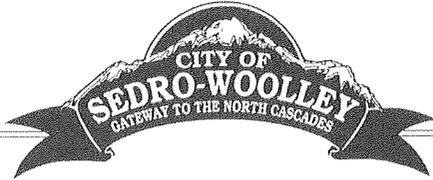
- a. Minutes from Previous Meeting
 - b. Finance
 - Claim Vouchers #64599 to #64704 in the amount of \$419,294.50
 - Payroll Warrants #43532 to #43638 in the amount of \$240,425.54
 - c. Waiver of Fees - Riverfront Park - Boy Scouts Pack 67 - June 13, 2009
4. Public Comment (Limited to 3-5 minutes)

NEW BUSINESS

5. Resolution 777-08 - Preliminary long plat approval for Habitat Village (*action requested*)
Authorizing the Mayor and his designee to sign all preliminary plat approval documents
6. Golf Course (*seeking direction*)
Extension of lease for one additional year
7. Planning Consultant Professional Services Contract (*action requested*)
Authorizing the Mayor to sign a professional service contract with a planning consultant to be determined
8. Planning/Development Code Amendments (*1st reading*)
Consolidated Planning Procedures Update – Chapter 2.90 SWMC
9. Memorandum of Agreements - SR 20 N. Skagit Roundabout Project (*action requested*)
Agreements for obtaining access and right-of-way
10. Park and Recreation Advisory Ordinance (*1st reading*)
Creating a new Park and Recreation Advisory Board
11. Purchasing Ordinance (*1st reading*)
Establishing purchasing policies for the city

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

EXECUTIVE SESSION/YES



DATE: October 8, 2008

TO: Mayor Anderson and City Council

FROM: Patsy Nelson, Finance Director

SUBJECT: 1) CALL TO ORDER; 2) PLEDGE OF ALLEGIANCE; 3) CONSENT CALENDAR

1. CALL TO ORDER - The Mayor will call the October 8, 2008 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

 ___ Ward 1 Councilmember Ted Meamber
 ___ Ward 2 Councilmember Tony Splane
 ___ Ward 3 Councilmember Louie Requa
 ___ Ward 4 Councilmember Pat Colgan
 ___ Ward 5 Councilmember Hugh Galbraith
 ___ Ward 6 Councilmember Rick Lemley
 ___ At-Large Councilmember Dennis London

2. PLEDGE OF ALLEGIANCE - The Mayor will lead the City Council and citizens in the Pledge of Allegiance to the United States of America.

3. CONSENT CALENDAR - Mayor will ask for Council approval of Consent Calendar items.

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3a

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
September 24, 2008 – 7:00 P.M. – City Hall Council Chambers

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

Pledge of Allegiance

ROLL CALL: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Louie Requa, Pat Colgan, Hugh Galbraith and Dennis London. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Planner Moore, Police Chief Wood and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #64466 to #64598 in the amount of \$357,922.33
 - Payroll Warrants #43428 to #43531 in the amount of \$177,333.44
- Possible Contract Award – Jameson Street Arterial Extension to SR-9 – H.W. Lochner
- Possible Contract Award – 2008 Sanitary Sewer CIPP Project – Reichhardt & Ebe
- Master Agreement – Ikon Office Solutions, Inc.
- Resolution – Declaring certain property as surplus and authorizing its disposition (Resolution #774-08)

Councilmember Meamber moved to approve the consent calendar Items A through F. Seconded by Councilmember London. Motion carried (6-0).

Public Comment

Al Doorn – 1215 Railroad Ave., addressed the Council regarding the proposed annexation request by Fire Ridge LLC. Doorn was directed to speak on the issue under New Business.

Mayor Anderson addressed the audience regarding Public Comment etiquette and procedure. He noted that he will not let the meeting get out of hand like it had at the previous meeting.

Roger Welborn – 23584 Cove Road, addressed the Council regarding issues at Janicki Cove. He requested clean up of the area and spoke of vandalism and damage experienced in the area.

Mayor Anderson noted that City Staff has already begun some clean up of City owned property in the area and a request for street lights to be placed on County property has been made. He also noted that there will be an emphasis on additional police patrol.

Steve Anderson – 12551 Mill Street, Clear Lake, addressed the Council regarding the Golf Course. He questioned the status of the course, citing rumors that the course will not be in operation next year due to development. He spoke of an increase in golf traffic over the past three years and addressed maintenance of the course, the honor box system, age of golfers and comments made by City Staff.

Mayor Anderson invited Anderson to come into his office to discuss his concerns in more detail, noting that the City does lease the land but they are trying to keep it as open space and maintain it as a golf course.

City Supervisor/Attorney Berg noted there has been some communication with the property owner and the topic will be on the October 8th agenda.

Michelle Anderson – 700 N. Reed #51, addressed the Council requesting Metcalf Street from Woodworth to Ferry be closed on Sunday, September 28th from Noon – 6:00 P.M. She noted the Oyster Run will be held in Anacortes and many bikers will be passing through town and it would be helpful for parking.

Discussion ensued with Council consensus being to allow the street closure.

Douglas Wilson – 802 A Rita St., spoke of the upcoming Judges decision on October 2nd, and read multiple quotes from the paper.

Donna Truiljo – 939 Wicker Road, addressed the Council regarding the Deluxe battle and pleaded with Council to think of the children and the message this brings. She closed her comments by reading a poem on the importance of the life of a child.

Kevin Osborne – 1509 11th Pl. – addressed the Council noting the Council and the Mayor need to get out to the public to get opinions and concerns first hand. He spoke of the 500 foot notification process and also questioned the process to eliminate the odors. He addressed the passage of Resolution #743-07 Supporting the concept presented by Deluxe and requested the resolution be rescinded.

Mayor Anderson noted for the record that anyone could comment during the SEPA process not just those within the required notification area of 500 feet. He noted Sedro-Woolley's land use law requires a 500 foot notification while the majority of Skagit county cities require 300 feet; a notice was also published in the paper.

NEW BUSINESS

Resolution – Adjustment of city limits near Thresher Avenue (annexation)

Planner Moore requested Council strike the third “whereas” from the proposed resolution. He then reviewed the background information regarding the request from Beverly Ringhouse to correct an error in her property line in conjunction with the City Limit and County lines. Moore noted that her home is half in the City limits and half in the County. He reviewed the state law and criteria that need to be met. The requested has to be ratified by both City and County. Upon the City Council passing a resolution the County will subsequently pass a resolution which will correct the error. Moore noted that the Staff recommendation is to pass the resolution.

Councilmember Galbraith moved to adopt Resolution No. 775-08 A Resolution of the City of Sedro-Woolley, Washington, Resolving to Annex Real Property (Parcels 117231, 69996, 69995, 69992, 117229, 69986 and 69985, Known as 400, 407, 411, 415, 417, 423 Thresher Avenue and 1124 Wicker Road) and Adopting a Proposed Land Use Zoning Regulation for the Real Property. Seconded by Councilmember Requa. Motion carried (6-0).

Proposed Annexation of UGA Properties – Fire Ridge LLC property west of S. Third St.

Planner Moore presented a request for annexation of four parcels on the South end of the City Limits. He noted that State law requires the request to be brought to Council within 45 days for guidance. Moore referred to a map of the area and noted 9+ acres is being requested to be brought into the City Limits by Fire Ridge LLC. He reviewed the procedure and noted the Council can either accept, reject or modify the request.

Al Doorn – 1215 Railroad Ave., expressed his anger over the proposed annexation request believing it to be an act promoted by Deluxe and the property owner. He noted they should understand they are not wanted by the citizens of Sedro-Woolley and expressed opposition to the annexation at this time. He spoke of other issues pending that would have a direct effect on the property and asked that the request to be denied.

Councilmember Meamber noted he concurred with Mr. Doorn. Councilmember Splane also concurred and questioned the status of the pond on the property.

Steve Seegar – managing member of Fire Ridge LLC, spoke to the Council and the audience and stated he and his partners have nothing to do with Deluxe. He stated Deluxe is a tenant who has a month to month lease. The requested annexation is being proposed because it would be easier to do any necessary mitigation should all the property be within the City Limits. He stated he is simply here as landowner. Seeger also noted recent vandalism to his property and buildings.

Council discussion was held regarding Fire Ridge LLC land ownership in Washington and clean up on the property.

Kevin Osborne – 1509 11th Pl. noted he concurred with Mr. Doorn’s statement.

Councilmember Colgan moved to table. Seconded by Splane.

Robert Carlson – 338 Bennett St. , addressed the property being in the floodplain and expressed concerns of annexing more property within the floodplain.

Phil Fusselman – 712 Sterling St – stated he enjoyed the area and wants it to be maintained. He encouraged to reject the proposed annexation rather than tabling the issue.

Councilmember Colgan withdrew his motion. Councilmember Splane withdrew his second. Motion withdrawn.

Councilmember Colgan moved to reject the annexation request by Fire Ridge LLC. Seconded by Councilmember Splane.

Councilmember Requa expressed concern of people jumping to conclusions. He noted the comments of Fire Ridge LLC stating they have no connection to Deluxe. He also spoke of the urban growth area and expressed concern that Sedro-Woolley is being branded as not being welcome to business. He noted if there is no mix of lands the City will not be able to provide the necessary services. He also discussed the property owner’s rights to develop property.

Motion carried (4-2, Councilmember London and Requa opposed)

Resolution – Amending the Hearing Examiner Fees for Appeals

City Supervisor/Attorney Berg reviewed the proposed resolution for reducing the hearing examiner fee for hearing appeals.

Councilmember Meamber moved to approve Resolution No. 776-08 A Resolution Amending the Hearing Examiner Fee for Hearing Appeals. Seconded by Councilmember Galbraith.

Discussion ensued regarding the change to a flat fee rather than 100% of costs.

Motion carried (5-1, Councilmember Requa opposed).

Resolution – Adopting a Revised Comprehensive Solid Waste Management Plan

City Supervisor/Attorney Berg reviewed background information regarding the Comprehensive Solid Waste Management Plan. He noted the County proposed amendments to the 2005 CSWMP which were approved by the Solid Waste Governance Board (SWGB) and forwarded to Department of Ecology (DOE). The amendments were

reviewed and approved by DOE by letter dated June 25, 2008. Berg noted the City is required to approve according to SWGB agreement.

Discussion ensued on the actual approval date.

Phil Fusselman – 712 Sterling St., reported he recently attended the Governance Board meeting and believes it to still be in an organizational mode and not solidly established. He suggested the Council decision be tabled until a formal vote. He also noted the Governance Board has budgeted 10 million to improve the Ovenell Transfer Station.

Berg reviewed dates of adoption and noted Council is required to vote within 30 days.

Mayor Anderson read into the record a statement from Brett Sandstrom urging the Council to vote no until after the Deluxe decision is final.

Steve O'Neil – owner of The Roost, questioned whether Deluxe has a County permit.

Discussion ensued to include general policy language regarding how the system should be managed, clarification of the voting status, Council being the lone City to stand up to the County and ramifications of voting against it.

Councilmember London moved to table SWCMP. Seconded by Councilmember Meamber.

Council discussion was held.

Motion carried (6-0).

AFSCME – Contract

City Supervisor/Attorney Berg presented a four year contract with the AFSCME Local 176. He noted it is a four year contract and was ratified by the members on Monday.

Councilmember Requa moved to authorize signing the bargaining agreement with AFSCME Local 176. Seconded by Councilmember Colgan. Motion carried (6-0).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember London – addressed the tennis courts at high school noting there are boom boxes being played in the wee hours of the morning.

Councilmember Galbraith – stated the traffic on Highway 9 is moving better than expected with all the construction in the area.

Councilmember Requa – questioned the status of the PRD Ordinance.

Finance Director Nelson – noted the 2009 budget calendar in the back of the Council’s packet. She stated she was available for questions. She also addressed the copies of the Audit report and Accountability report. She indicated one outstanding issue from the audit was from a citizen concern regarding the Hearing Examiner process in conjunction with the Open Meetings Act. This item was referred to the Attorney General’s office in Olympia for an opinion to the State Auditors office. She noted she has received a verbal report that it does in deed meet the open public meetings act. Nelson then provided an explanation of the Open Meetings Act.

City Supervisor/Attorney Berg – on behalf of Engineer Mark Freiberger noted his updated report in the packet. He highlighted the Design Phase Fruitdale/McGargile project scope change and the upcoming SR20/F&S Grade Road Open House to be held October 7th prior to the Council worksession.

Berg reviewed background information regarding Amendment #2 DOE/SW Solid Waste grant for additional \$84,000 for food waste recycling program.

Councilmember Colgan moved to allow the Mayor to sign Amendment #2 with the DOE. Seconded by Councilmember Splane. Motion carried (6-0).

City Supervisor/Attorney Berg also reviewed a proposed easement between John and Christine Maddox and the City for relocation of sidewalk as part of a safety enhancement with the SR9/Towship Trenchless Sanitary Sewer Improvement project.

Councilmember Galbraith moved to approve the easement agreement between the City of Sedro-Woolley and John and Christine Maddox. Seconded by Councilmember Meamber. Motion carried (6-0).

Berg also reported Municipal Court has recently changed their court days to Thursday and the Courier Times is also changing their publication deadlines to Thursday. Discussion was held for consideration of changing the City Council meetings to Tuesday to avoid conflicts with the Court set up. This would also put all Council and Planning Commission meetings on Tuesdays and be more uniform for the Public to remember. Discussion was held with Councilmembers to give more thought to the change.

Fire Chief Klinger – announced the upcoming Boot to Burn dance for the Volunteer Association. Klinger noted that the Association has been able to donate \$138,000 to the Burn Foundation over the past 18 years. He also showed an architects drawing of Station 2.

Mayor Anderson – noted the Parks crew has installed new windows in the Community Center.

Wes Drake – owner of Boondocks addressed Council regarding the Metcalf Sewer project. He noted he was told a couple of weeks ago that the project would be completed

within a few days and it is still not done. He spoke of the lack of parking spaces for business and addressed the liquidated damages clause within the contract. Discussion ensued regarding liquidated damages with Drake noting it has been hard for the downtown businesses during this time. He requested some sort of compensation be given to the businesses.

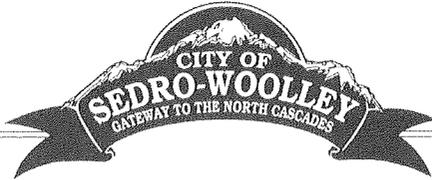
Councilmember Galbraith moved to adjourn at 9:03 P.M. Seconded by Councilmember Colgan. Motion carried.

The meeting adjourned at 9:03 P.M.

CITY COUNCIL AGENDA
REGULAR MEETING

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 36



DATE: October 8, 2008
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: FINANCE - VOUCHERS

Attached you will find the Claim Vouchers proposed for payment for the period ending October 8, 2008.

Motion to approve Claim Vouchers #64599 to #64704 in the amount of \$419,294.50.

Motion to approve Payroll Warrants #43532 to #43638 in the amount of \$240,425.54.

If you have any comments, questions or concerns, please contact me for information during the working day at 855-1661. This will allow me to look up the invoices that are stored in our office.

CITY OF SEDRO-WOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 10/08/2008 (Printed 10/02/2008 15:39)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
64599	SKAGIT COUNTY AUDITOR	MISC-FILING FEES/LIEN EXP	SWR	252.00
		MISC-FILING FEES/LIEN EXP	SAN	252.00
		WARRANT TOTAL		504.00
64600	SEDRO-WOLLEY POSTMASTER	POSTAGE	SWR	458.21
		POSTAGE	SAN	218.53
		OPERATING SUPPLIES	SWTR	28.20
		WARRANT TOTAL		704.94
64601	ADS EQUIPMENT INC	MAINT OF PUMPING EQUIP	SWR	66.15
		WARRANT TOTAL		66.15
64602	ALPINE HEATING & COOLING	REPAIRS/MAINT-EQUIP	FD	157.89
		WARRANT TOTAL		157.89
64603	ALPINE FIRE & SAFETY	OPERATING SUPPLIES	SAN	152.71
		WARRANT TOTAL		152.71
64604	LLOYD H. RUSSELL	REPAIRS/MAINT-EQUIP	FD	335.37
		WARRANT TOTAL		335.37
64605	AMERICAN PLANNING ASSOC	MISC-DUES/SUBSCRIP/MEMSHIP	PLN	230.00
		WARRANT TOTAL		230.00
64606	ANDERSON, MIKE	MEALS/TRAVEL	EXE	7.02
		WARRANT TOTAL		7.02
64607	ARAMARK UNIFORM SERVICES	LAUNDRY	CS	40.96
		LAUNDRY	PK	20.00
		LAUNDRY	PK	67.85
		MISC-LAUNDRY	CEM	24.09
		MISC-LAUNDRY	ST	22.90
		MISC-LAUNDRY	ST	27.12
		LAUNDRY	SWR	25.79
		LAUNDRY	SWR	46.88
		LAUNDRY	SWR	25.79
		WARRANT TOTAL		301.38
64608	AWC	TUITION/REGISTRATION	EXE	75.00
		TUITION/REGISTRATION	EXE	75.00
		WARRANT TOTAL		150.00
64609	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	29.60
		AUTO FUEL	PD	1,587.65
		AUTO FUEL/DIESEL	FD	608.21
		TRAINING FACILITIES	FD	10.67
		AUTO FUEL/DIESEL	CEM	324.77
		AUTO FUEL/DIESEL	ST	537.11
		AUTO FUEL/DIESEL	ST	397.74
		AUTO FUEL/DIESEL	SWR	310.61
		AUTO FUEL/DIESEL	SWR	132.84
		AUTO FUEL/DIESEL	SWR	717.01

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		AUTO FUEL/DIESEL SAN	142.11
		AUTO FUEL/DIESEL SAN	2,325.86
		WARRANT TOTAL	7,124.18
64610	AT & T	TELEPHONE JUD	3.36
		MEALS/TRAVEL EXE	26.92
		TELEPHONE FIN	37.01
		TELEPHONE LGL	60.56
		TELEPHONE IT	6.74
		TELEPHONE PLN	13.46
		TELEPHONE ENG	50.47
		TELEPHONE PD	100.94
		TELEPHONE FD	13.46
		TELEPHONE INSP	10.09
		TELEPHONE ST	6.74
		TELEPHONE LIB	3.36
		TELEPHONE SWR	3.36
		WARRANT TOTAL	336.47
64611	BANK OF AMERICA	TRAVEL ENG	9.00
		TRAVEL ENG	8.37
		WARRANT TOTAL	17.37
64612	BANK OF AMERICA	OFFICE EQUIPMENT JUD	135.31
		OFFICE/OPERATING SUPPLIES PD	39.93
		MISC-DUES INSP	130.00
		WARRANT TOTAL	305.24
64613	BANK OF AMERICA	SUPPLIES LGS	8.63
		OFFICE EQUIPMENT JUD	392.04
		MEALS/TRAVEL EXE	10.00
		OFFICE FURNITURE EXE	48.60
		MISC-TUITION/REGISTRATION PLN	233.50
		TUITION/REGISTRATION ENG	91.85
		MISC-TUITION/REGISTRATION INSP	233.50
		WARRANT TOTAL	1,018.12
64614	BANK OF AMERICA	SUPPLIES LIB	211.12
		WARRANT TOTAL	211.12
64615	BANK OF AMERICA	OFFICE/OPERATING SUPPLIES IT	25.77
		WARRANT TOTAL	25.77
64616	BAY CITY SUPPLY	OPERATING SUP - CITY HALL PK	96.58
		OPERATING SUP - CITY HALL PK	117.07
		OPERATING SUP - CITY HALL PK	28.88
		OPERATING SUP - CITY HALL PK	28.88
		OPERATING SUP - CITY HALL PK	189.18
		OPERATING SUP - LIBRARY PK	16.20
		OPERATING SUP - HAMMER SQ PK	35.91
		OPERATING SUPPLIES SWR	90.99
		OPERATING SUPPLIES SWR	31.78

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		257.11
64617	BERG VAULT COMPANY	OPERATING SUPPLIES	SWTR	399.50
		WARRANT TOTAL		399.50
64618	ECOTONE SOLUTIONS LLC	PROFESSIONAL SERVICES	ENG	1,350.00
		WARRANT TOTAL		1,350.00
64619	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES	PD	37.21
		UNIFORMS/ACCESSORIES	PD	28.34
		UNIFORMS/ACCESSORIES	PD	174.64
		UNIFORMS	FD	76.13
		WARRANT TOTAL		259.64
64620	BLUNT, TAMARA	UNIFORMS/ACCESSORIES	PD	43.16
		WARRANT TOTAL		43.16
64621	BROWN & COLE STORES	OFFICE/OPERATING SUPPLIES	PD	17.47
		WARRANT TOTAL		17.47
64622	CEMEX	REPAIR/MAINT-STREETS	ST	253.69
		WARRANT TOTAL		253.69
64623	CITIES INSURANCE ASSOC.	REPAIR & MAINT - AUTO	PD	986.20
		WARRANT TOTAL		986.20
64624	COASTAL WEAR PRODUCTS	OPERATING SUPPLIES	ST	1,653.29
		WARRANT TOTAL		1,653.29
64625	COLLINS OFFICE SUPPLY, INC	SUPPLIES/BOOKS	PLN	33.07
		SUPPLIES/BOOKS	PLN	1.47
		SUPPLIES	ENG	33.07
		SUPPLIES	ENG	1.47
		OFF/OPER SUPPS & BOOKS	INSP	1.47
		OPERATING SUPPLIES	ST	7.77
		WARRANT TOTAL		78.32
64626	COLUMBIA PAINT	MAINTENANCE OF BUILDINGS	SWR	215.89
		MAINTENANCE OF BUILDINGS	SWR	450.87
		WARRANT TOTAL		666.76
64627	COMCAST	COMPUTER NETWORK	CS	71.97
		TELEPHONE	PD	13.99
		TELEPHONE	FD	13.99
		WARRANT TOTAL		99.95
64628	CONCRETE NOR'WEST, INC.	MAINTENANCE OF LINES	SWR	723.09
		MAINTENANCE OF LINES	SWR	292.25
		WARRANT TOTAL		1,015.34
64629	SKAGIT WEEKLY NEWS GROUP	REPAIR & MAINT - AUTO	PD	554.41
		WARRANT TOTAL		554.41

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
64630	DC'S PRINTING & AWARDS	SUPPLIES	LGS	502.20
		WARRANT TOTAL		502.20
64631	DESTINATION WIRELESS	OPERATING SUPPLIES	SWR	86.37
		WARRANT TOTAL		86.37
64632	E & E LUMBER	REPAIRS/MT-PARKS SHOP	PK	14.98
		REPAIRS/MT-COMMUNITY CTR	PK	25.30
		REPAIRS/MT-COMMUNITY CTR	PK	9.02
		REPAIR/MT-SMALL TOOLS EQUIP	PK	5.16
		OTHER IMPROVEMENTS	PK	20.07
		OTHER IMPROVEMENTS	PK	9.30
		OTHER IMPROVEMENTS	PK	119.87
		OTHER IMPROVEMENTS	PK	38.35
		REPAIR/MAINT-EQUIP & BLDG	CEM	9.49
		OPERATING SUPPLIES	ST	13.80
		SMALL TOOLS/MINOR EQUIP	ST	183.59
		OPERATING SUPPLIES	ST	109.19
		REPAIRS/MAINT-EQUIP	SAN	85.89
		WARRANT TOTAL		644.01
64633	EMERGENCY REPORTING	PROFESSIONAL SERVICES	FD	387.00
		WARRANT TOTAL		387.00
64634	EAST VALLEY MEDICAL	RETIRED MEDICAL	PD	67.61
		WARRANT TOTAL		67.61
64635	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	JUD	42.65
		OFFICE/OPERATING SUPPLIES	PD	10.79
		WARRANT TOTAL		53.44
64636	EMERGENCY MEDICAL	OPERATING SUPPLIES	FD	161.10
		OPERATING SUPPLIES	FD	161.10
		WARRANT TOTAL		322.20
64637	FEDERAL EXPRESS CORP.	ROW - FRUITDALE/MCGARIGLE	AST	13.32
		WARRANT TOTAL		13.32
64638	GAYLORD BROS.	SUPPLIES	LIB	515.48
		SUPPLIES	LIB	15.03
		WARRANT TOTAL		530.51
64639	GUARDIAN NW TITLE & ESCROW	CONSTRUCTION-TOWNSHIP LINE PWT		81.00
		CONSTRUCTION-TOWNSHIP LINE PWT		81.00
		WARRANT TOTAL		162.00
64640	GUYLINE CONSTRUCTION, INC	OTHER IMPROVEMENTS	SWR	9,412.92
		WARRANT TOTAL		9,412.92
64641	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES	SWR	442.69
		MAINTENANCE OF LINES	SWR	363.33
		MAINTENANCE OF LINES	SWR	39.40

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		845.42
64642	HACH COMPANY	OPERATING SUPPLIES	SWR	201.34
		OPERATING SUPPLIES	SWR	76.03
		WARRANT TOTAL		277.37
64643	HAYDEN, PATRICK	PROFESSIONAL SERVICES	LGL	4,277.99
		WARRANT TOTAL		4,277.99
64644	HEALTHFORCE	OPERATING SUPPLIES	SAN	50.00
		WARRANT TOTAL		50.00
64645	HONEY BUCKET	OPERATING SUP - MEMORIAL PARK		72.70
		OPERATING SUP - GOLF	PK	103.34
		WARRANT TOTAL		176.04
64646	IKON OFFICE SOLUTIONS	REPAIR/MAINTENANCE-EQUIP	LIB	193.49
		WARRANT TOTAL		193.49
64647	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS	LIB	14.71
		BOOKS, PERIOD, RECORDS	LIB	16.70
		BOOKS, PERIOD, RECORDS	LIB	13.83
		BOOKS, PERIOD, RECORDS	LIB	17.12
		BOOKS, PERIOD, RECORDS	LIB	100.12
		BOOKS, PERIOD, RECORDS	LIB	21.32
		BOOKS, PERIOD, RECORDS	LIB	15.47
		BOOKS, PERIOD, RECORDS	LIB	33.07
		BOOKS, PERIOD, RECORDS	LIB	11.47
		BOOKS, PERIOD, RECORDS	LIB	41.15
		BOOKS, PERIOD, RECORDS	LIB	4.92
		BOOKS, PERIOD, RECORDS	LIB	30.43
		BOOKS, PERIOD, RECORDS	LIB	9.62
		BOOKS, PERIOD, RECORDS	LIB	138.90
		WARRANT TOTAL		468.83
64648	KEATING, BUCKLIN & MCCORMACK, INC PS	PROFESSIONAL SERVICES	PLN	4,767.60
		WARRANT TOTAL		4,767.60
64649	L N CURTIS & SONS	OPERATING SUPPLIES	FD	1,282.45
		WARRANT TOTAL		1,282.45
64650	LAZARON, TOM	TRAVEL	PD	12.44
		WARRANT TOTAL		12.44
64651	LEFEBER TURF FARM	OPERATING SUP - CITY HALL	PK	54.93
		WARRANT TOTAL		54.93
64652	LISSER & ASSOC.	PROF SVS-ENGINEERING	SWR	679.50
		WARRANT TOTAL		679.50
64653	LOGGERS AND CONTRACTORS	REPAIRS/MAINT-EQUIP	SAN	80.95
		WARRANT TOTAL		80.95

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
64654	MCLOUGHLIN & EARDLEY CORP	REPAIRS/MAINT-EQUIP	FD	45.60
		WARRANT TOTAL		45.60
64655	MARTIN MARIETTA MATERIALS	DOG PARK	PK	1,002.07
		REPAIR/MAINT-STREETS	ST	1,600.27
		REPAIR/MAINT-STREETS	ST	1,136.02
		MAINTENANCE OF LINES	SWR	314.49
		WARRANT TOTAL		4,052.85
64656	MISTER T'S AWARDS & EMB	SUPPLIES	LGS	13.50
		WARRANT TOTAL		13.50
64657	MT VERNON BUS. MACHINES	REPAIR/MAINTENANCE-EQUIP	LIB	111.78
		WARRANT TOTAL		111.78
64658	NELSON, PATSY	MEALS/TRAVEL	FIN	412.68
		WARRANT TOTAL		412.68
64659	NEXTEL COMMUNICATIONS	TELEPHONE	FIN	91.68
		TELEPHONE	LGL	30.57
		TELEPHONE	IT	30.57
		PUBLIC UTILITIES	CS	30.57
		TELEPHONE	PLN	30.57
		NEXTEL CELL PHONES		136.71
		TELEPHONE	PD	595.11
		TELEPHONE	FD	289.51
		TELEPHONE	INSP	30.57
		TELEPHONE	PK	275.04
		TELEPHONE	CEM	61.14
		TELEPHONE	ST	183.36
		NEXTEL CELL PHONES		305.70
		NEXTEL CELL PHONES	SAN	183.42
		WARRANT TOTAL		2,274.52
64660	OFFICE DEPOT	SUPPLIES	EXE	56.35
		SUPPLIES	FIN	164.87
		OFFICE SUPPLIES	LGL	48.59
		SMALL TOOLS/MINOR EQUIP	IT	515.15
		OFFICE SUPPLIES	SAN	541.35
		WARRANT TOTAL		1,326.31
64661	OLIVER-HAMMER CLOTHES	CLOTHING	ST	300.00
		CLOTHING	ST	300.00
		WARRANT TOTAL		600.00
64662	PACIFIC POWER PRODUCTS	MAINTENANCE CONTRACTS	SWR	4,550.35
		WARRANT TOTAL		4,550.35
64663	PACIFIC POWER BATTERIES	OPERATING SUPPLIES	SWR	78.88
		WARRANT TOTAL		78.88
64664	PAT RIMMER TIRE CTR, INC	REPAIRS/MAINT-EQUIP	FD	101.47

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	101.47
64665	PETROCARD	AUTO FUEL/DIESEL PK	53.78
		AUTO FUEL/DIESEL PK	162.42
		AUTO FUEL/DIESEL PK	30.01
		AUTO FUEL/DIESEL CEM	117.30
		AUTO FUEL/DIESEL ST	247.41
		AUTO FUEL/DIESEL ST	208.83
		AUTO FUEL/DIESEL ST	125.48
		AUTO FUEL/DIESEL SAN	57.37
		AUTO FUEL/DIESEL SAN	92.81
		WARRANT TOTAL	1,095.41
64666	PIERCE, DAVE	TRAVEL PD	12.44
		WARRANT TOTAL	12.44
64667	PITNEY BOWES	OPERATING RENTALS/LEASES FIN	142.00
		OPERATING RENTALS/LEASES FIN	200.00
		POSTAGE PD	71.00
		POSTAGE FD	71.00
		WARRANT TOTAL	484.00
64668	PROQUEST	LIBRARY INFO DATABASES LIB	720.00
		WARRANT TOTAL	720.00
64669	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES SWR	32.80
		WARRANT TOTAL	32.80
64670	PUGET SOUND ENERGY	PUBLIC UTILITIES CS	2,332.51
		PUB UTILITIES-MALL CS	23.43
		PUB UTILITIES-MALL CS	7.23
		PUBLIC UTILITIES PD	27.44
		REPAIRS & MAINTENANCE PD	7.23
		UTILITIES-RIVERFRONT PK	1,218.93
		UTILITIES-COMMUNITY CTR PK	110.71
		UTILITIES-SENIOR CENTER PK	266.22
		UTILITIES - GOLF PK	66.62
		UTILITIES-TRAIN PK	55.85
		UTILITIES-HAMMER SQUARE PK	234.38
		UTILITIES-BINGHAM & MEMORIAL P	44.31
		UTILITIES - SHOP PK	490.49
		UTILITIES - OTHER PK	8.10
		PUBLIC UTILITIES CEM	39.58
		PUBLIC UTILITIES ST	70.85
		PUBLIC UTILITIES ST	50.61
		PUBLIC UTILITIES ST	162.78
		PUBLIC UTILITIES ST	65.00
		PUBLIC UTILITIES LIB	251.28
		ADVERTISING HOT	31.89
		PUBLIC UTILITIES SWR	8,148.78
		PUBLIC UTILITIES SAN	106.68
		WARRANT TOTAL	13,820.90

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
64671	PUGET SOUND LEASING CO. INC	UTILITIES-RIVERFRONT	PK	25.33
		UTILITIES-COMMUNITY CTR	PK	32.75
		UTILITIES-SENIOR CENTER	PK	136.24
		PUBLIC UTILITIES	SWR	150.76
		WARRANT TOTAL		345.08
64672	PURCHASE POWER	POSTAGE	JUD	260.18
		POSTAGE	FIN	232.33
		POSTAGE	LGL	3.08
		POSTAGE	PLN	233.02
		POSTAGE	ENG	34.57
		POSTAGE	PD	85.09
		POSTAGE	FD	4.40
		POSTAGE	FD	18.42
		POSTAGE	INSP	22.86
		POSTAGE	CEM	6.73
		POSTAGE	SWR	87.16
		POSTAGE	SAN	87.16
		WARRANT TOTAL		1,075.00
64673	R & D SUPPLY, INC.	MAINTENANCE OF LINES	SWR	469.80
		WARRANT TOTAL		469.80
64674	RAINCAP TRUCK & AUTO	VEHICLES	PD	2,298.08
		WARRANT TOTAL		2,298.08
64675	RELIABLE (OFFICE SUPPLY)	OFFICE/OPERATING SUPPLIES	PD	126.33
		WARRANT TOTAL		126.33
64676	ROHLINGER ENTERPRISES, INC.	MAINTENANCE CONTRACTS	SWR	17.06
		WARRANT TOTAL		17.06
64677	SA-SO COMPANY	OFFICE/OPERATING SUPPLIES	PD	164.98
		WARRANT TOTAL		164.98
64678	SCADA & CONTROLS ENGINEERING INC	PROFESSIONAL SERVICES	SWR	2,680.57
		WARRANT TOTAL		2,680.57
64679	SEAWESTERN FIRE FIGHTING EQUIP.	REPAIRS/MAINT-EQUIP	FD	99.36
		WARRANT TOTAL		99.36
64680	SEDRO-WOLLEY CHAMBER OF	ADVERTISING-CHAMBER/COMERC	HOT	2,764.82
		WARRANT TOTAL		2,764.82
64681	SKAGIT COUNTY SHERIFF	PRISONERS	PD	17,037.56
		WARRANT TOTAL		17,037.56
64682	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL	122.17
		WARRANT TOTAL		122.17
64683	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES-PROPANE	ST	26.44
		WARRANT TOTAL		26.44

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
64684	SKAGIT HYDRAULICS, INC.	REPAIRS/MAINT-EQUIP	SAN	23.48
		REPAIRS/MAINT-EQUIP	SAN	178.58
		WARRANT TOTAL		202.06
64685	SKAGIT VALLEY PUBLISHING	ADVERTISING/LEGAL PUBLIC	PLN	95.03
		ADVERTISING/LEGAL PUBLIC	PLN	190.05
		ADVERTISING/LEGAL PUBLIC	PLN	104.53
		ADVERTISING	HOT	22.17
		ADVERTISING	HOT	22.18
		WARRANT TOTAL		433.96
64686	SPRINT	TELEPHONE	FD	60.69
		WARRANT TOTAL		60.69
64687	STATE AUDITOR'S OFFICE	STATE AUDITING	FIN	21,897.72
		WARRANT TOTAL		21,897.72
64688	SUBURBAN PROPANE, L.P.	PROPANE	CEM	228.17
		WARRANT TOTAL		228.17
64689	TRUE VALUE	SMALL TOOLS/MINOR EQUIP	IT	11.10
		OFFICE/OPERATING SUPPLIES	PD	8.60
		OPERATING SUP - RIVERFRONT	PK	34.63
		OPERATING SUP - RIVERFRONT	PK	90.69
		OPERATING SUP - SENIOR CTR	PK	83.13
		OPERATING SUP - GOLF	PK	14.03
		SMALL TOOLS & MINOR EQUIP	PK	51.67
		SMALL TOOLS & MINOR EQUIP	PK	44.50
		REPAIRS/MT-COMMUNITY CTR	PK	4.85
		REPAIRS/MT-COMMUNITY CTR	PK	8.63
		REPAIR/MT-SENIOR CENTER	PK	8.63
		OTHER IMPROVEMENTS	PK	95.82
		OTHER IMPROVEMENTS	PK	118.75
		OPERATING SUPPLIES	SWR	55.07
		WARRANT TOTAL		630.10
64690	TUCKER, WILLIAM L.	MACHINERY & EQUIPMENT	PD	229.99
		WARRANT TOTAL		229.99
64691	VALLEY AUTO SUPPLY	REPAIRS/MAINT-EQUIP	SAN	5.71
		REPAIRS/MAINT-EQUIP	SAN	59.04
		WARRANT TOTAL		64.75
64692	VERIZON NORTHWEST	TELEPHONE	PD	53.23
		TELEPHONE	PK	.14
		TELEPHONE	CEM	62.17
		TELEPHONE	LIB	112.01
		TELEPHONE	SWR	23.27
		TELEPHONE	SAN	27.02
		WARRANT TOTAL		277.84
64693	VISTEN, LESLIE	RETIRED MEDICAL	PD	94.00

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	94.00
64694	WA STATE DEPT OF ECOLOGY	DOE DISCHARGE PERMIT SWR	4,069.80
		WARRANT TOTAL	4,069.80
64695	WA STATE PATROL	RENTAL TELETYPE PD	660.00
		WARRANT TOTAL	660.00
64696	WA ST CRIMINAL JUSTICE	DUES/SUBSCRIPTIONS JUD	19.51
		WARRANT TOTAL	19.51
64697	WA ST DEPT OF GENERAL ADM	PROFESSIONAL SERVICES PD	50.00
		PROFESSIONAL SERVICES FD	50.00
		PROFESSIONAL SERVICES PK	50.00
		PROFESSIONAL SERVICES SWR	50.00
		PROFESSIONAL SERVICES SAN	50.00
		WARRANT TOTAL	250.00
64698	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT	6,195.65
		WARRANT TOTAL	6,195.65
64699	WILDER CONSTRUCTION CO.	CONSTRUCTION- METCALF LINE PWT	280,105.67
		WARRANT TOTAL	280,105.67
64700	WOOD'S LOGGING SUPPLY INC	POSTAGE PD	6.61
		MAINT OF PUMPING EQUIP SWR	65.45
		OPERATING SUPPLIES SWR	6.61
		SMALL TOOLS & MINOR EQUIP SWR	139.05
		WARRANT TOTAL	217.72
64701	WOOD, DOUG	AUTO FUEL PD	20.00
		WARRANT TOTAL	20.00
64702	WSP ENVIRONMENT & ENERGY	PROF SERVICES REIMBURSABLE PLN	1,644.97
		WARRANT TOTAL	1,644.97
64703	BRAVO, NOEMI	SPACE/FACILITY RENT-RIVERFRONT	175.00
		WARRANT TOTAL	175.00
64704	CALVARY BAPTIST CHURCH	SPACE/FACILITY RENT-RV PARKS	225.00
		WARRANT TOTAL	225.00
		RUN TOTAL	419,294.50

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	77,553.65
101	PARK FUND	5,913.93
102	CEMETERY FUND	873.44
103	STREET FUND	7,689.99
104	ARTERIAL STREET FUND	13.32
105	LIBRARY FUND	2,602.38
108	STADIUM FUND	2,841.06
332	PWTF SEWER CONSTRUCTION FUND	280,267.67
401	SEWER FUND	36,390.69
412	SOLID WASTE FUND	4,720.67
425	STORMWATER	427.70
TOTAL		419,294.50

CITY OF SEDRO-WOOLLEY
SORTED TRANSACTION WARRANT REGISTER
10/08/2008 (Printed 10/02/2008 15:39)

PAGE 12

DEPARTMENT	AMOUNT
001 000 000	6,195.65
001 000 011	524.33
001 000 012	853.05
001 000 013	298.89
001 000 014	23,178.29
001 000 015	4,542.96
001 000 017	589.33
001 000 018	2,536.27
001 000 019	7,577.27
001 000 020	1,715.51
001 000 021	25,165.79
001 000 022	3,947.82
001 000 024	428.49
FUND CURRENT EXPENSE FUND	77,553.65
101 000 000	400.00
101 000 076	5,513.93
FUND PARK FUND	5,913.93
102 000 036	873.44
FUND CEMETERY FUND	873.44
103 000 042	7,689.99
FUND STREET FUND	7,689.99
104 000 042	13.32
FUND ARTERIAL STREET FUND	13.32
105 000 072	2,602.38
FUND LIBRARY FUND	2,602.38
108 000 019	2,841.06
FUND STADIUM FUND	2,841.06
332 000 082	280,267.67
FUND PWTF SEWER CONSTRUCTION FUND	280,267.67
401 000 035	36,390.69
FUND SEWER FUND	36,390.69
412 000 037	4,720.67
FUND SOLID WASTE FUND	4,720.67
425 000 039	427.70
FUND STORMWATER	427.70
TOTAL	419,294.50

CITY COUNCIL AGENDA
REGULAR MEETING

Boy Scouts of America
Pack 67
Sedro-Woolley, Wa.

OCT 03 2008

September 3, 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3C

Dear Mayor Anderson and Council Members;

Large

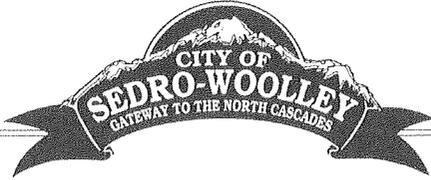
Please accept our request for a reduced fee to use the covered area at Riverfront Park.

We are planning a Boy Scout Pack Picnic and Awards celebration on Saturday, June 13th 2009 @ 6 p.m.

Thank -you.

Respectfully submitted,

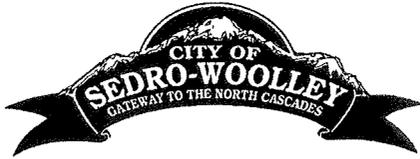
Dianne Brown
Dianne Brown
610 Township St.
Treasurer
Pack 67



SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

**NEW
BUSINESS**



Building and Planning Departments
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro Woolley, WA 98284
Phone (360) 855-9929
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore,
Planning Director & Building Official

Date: October 8, 2008

Subject: Preliminary long plat approval for Habitat Village (LP-8-08)

**CITY COUNCIL AGENDA
REGULAR MEETING**

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 5

ISSUE

Should the Council grant preliminary plat approval for the Habitat Village?

PROJECT DESCRIPTION / HISTORY

Please find the attached Hearing Examiner's *Findings of Fact, Conclusions & Recommendation* for a complete history of the application and the review process completed.

RECOMMENDED ACTION

Make motion to approve the preliminary plat of Habitat Village subject to the conditions contained in the Hearing Examiner's *Findings of Fact, Conclusions & Recommendation*.

RESOLUTION NO. 777-08

A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE "PLAT OF HABITAT VILLAGE," A 5-LOT SUBDIVISION AND AUTHORIZING THE MAYOR AND HIS DESIGNEE(S) TO SIGN ALL PRELIMINARY PLAT APPROVAL DOCUMENTS

WHEREAS, Skagit Habit For Humanity, acting as agent for property owner Central United Methodist Church, has applied for preliminary plat approval for Habitat Village, a 5-lot subdivision; and

WHEREAS, the City of Sedro-Woolley Planning and Public Works staff reviewed the proposed preliminary plat and determined the preliminary plat has met the requirements of SWMC chapters 15, 16 and 17; and

WHEREAS, the Sedro-Woolley Hearing Examiner held an open record public hearing for the application on Tuesday, September 24, 2008 and public testimony was received and considered; and

WHEREAS, the Hearing Examiner determined that the application was technically compliant with SWMC Ch. 16.08 and recommended approval of the proposed preliminary plat, subject to conditions, to the City Council. A copy of the Findings, Conclusions and Recommendation of the Hearing Examiner is attached hereto as Attachment A. The Hearing Examiner Recommendation includes the staff report as an exhibit.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sedro-Woolley, Washington adopts the attached Findings, Conclusions and Recommendation of the Hearing Examiner; and

BE IT FURTHER RESOLVED that the City Council finds that preliminary plat application # LP-8-08, Preliminary Plat of Habitat Village, meets the requirements of SWMC 16.08 and should be given preliminary plat approval, subject to conditions stated in the Findings, Conclusions and Recommendation of the Hearing Examiner and the SEPA Mitigated Determination of Non-significance dated August 13, 2008.

Mike Anderson, Mayor

ATTEST:

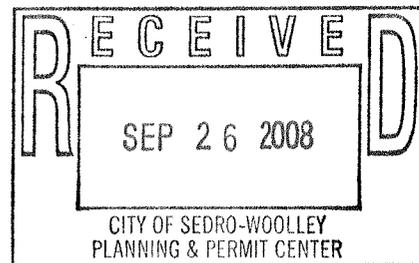
APPROVED AS TO FORM:

Patsy Nelson, City Clerk/Treasurer

Eron Berg, City Attorney

Resolution 777-08 Attachment A

Findings, Conclusions and Recommendation of the Hearing Examiner



**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE HEARING EXAMINER
CITY OF SEDRO-WOOLLEY**

APPLICANT: Wayne Wegner, Skagit Habitat for Humanity

CASE NO.: LP-8-08

LOCATION: 1013 Polte Road

APPLICATION: A request for a preliminary plat approval to subdivide a 3.67 acre parcel into five lots; 4 as single family and 1 for the existing church (see Exhibit A).

REVIEW PROCESS: Hearing Examiner conducts a public hearing and makes a recommendation to City Council who makes the final decision.

SUMMARY OF RECOMMENDATIONS:

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included staff's Transmittal & Report Memorandum to the Hearing Examiner; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Habitat Village application was opened at 10:00 a.m., September 24, 2008, in City Hall, Sedro-Woolley, Washington, and closed at 10:15 a.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Planning Department.

HEARING COMMENTS:

The following is a summary of the comments offered at the public hearing.

From the City

John Coleman, Associate Planner: Described the details of the application noting the existing uses (i.e. a single family residence and a church) occurred on two tax parcels, but were being developed as a single project. The church will remain on the larger parcel and the other will be developed as four single family, low to moderate income homes. He noted that the application had been reviewed various City departments, including engineering, and

that it had been approved by the Design Review Board. Mr. Coleman clarified that the usual half-street improvements had been waived since the project abuts an improved right-of-way; that management of stormwater consisted of collection and infiltration on-site under the proposed church parking area; and that maintenance responsibilities were detailed within the submitted construction drawings and would include participation of all five lots. (see Exhibit A)

From the Applicant

Wayne Wegner: Clarified that the existing home on the site would be demolished. This would immediately follow testing the structure for asbestos.

From the Public

Jonna Zieber: Expressed her support of the project noting the need for additional affordable housing in the City.

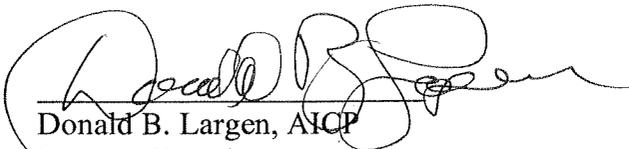
FINDINGS OF FACT AND CONCLUSION

1. The Findings of Fact contained on pages 2 through 4 of Exhibit A, Transmittal & Report Memorandum, dated September 24, 2008, are found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference are adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
2. SWMC Chapter 16.04 sets out the General Provisions for subdivision development. Upon review of the submitted materials it is found that the preliminary plat, as proposed and subjected to the recommended conditions contained in Exhibit A, would be in compliance with this chapter; in particular the substantive requirements of 16.04.040, 16.04.060, 16.04.080, 16.04.085, 16.04.090 and 16.04.100.
3. SWMC Chapter 16.08 establishes specific requirements for Subdivisions. Upon review of the submitted materials it is found that the preliminary plat, as proposed and subjected to the recommended conditions contained in Exhibit A, would be in compliance with this chapter; in particular the substantive requirements of 16.08.050, 16.08.052, 16.08.054 and 16.08.100.
4. SWMC Chapter 15.44 requires Design Review of planned residential developments; specifically 15.44.020.B.1. The Design Review Committee reviewed the proposed subdivision on August 16, 2008. They found that, with recommended conditions, the proposed plat is in conformance with the *Sedro-Woolley Design Standards & Guidelines*, and with Chapter 17.50 Landscaping. The Design Review Committee's Findings and Conclusions are by this reference adopted as part of the Hearing Examiner's findings of fact.
5. SWMC Chapter 17.12 establishes Bulk and Use restrictions for Residential 7 (R-7) zoning districts. Upon review of the submitted materials it is found that the preliminary plat, as proposed and subjected to the recommended conditions contained in Exhibit A, would be in compliance with the substantive requirements of this chapter; in particular use, minimum lot size, density, building setbacks, street frontage, minimum width, and easements.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for approval of a five lot preliminary plat, case number LP-8-08, be approved subject to the recommended conditions found on pages 4 and 5 of Exhibit A, Transmittal & Report Memorandum dated September 24, 2008.

Entered this 26th day of September, 2008.



Donald B. Largen, AICP
Hearing Examiner

APPEAL OF HEARING EXAMINER DECISION

Appeal of Examiner's Decision. The decision of the Examiner, approving, modifying, or denying an application or an appeal shall be final and conclusive unless a written appeal is filed according to the City's appeal procedures as set forth in Chapter SWMC Section 2.88.170 B; which states that any party with standing may file an appeal of the hearing examiner's decision with the Superior Court per the Land Use Petition Act RCW 36.70 C.

EXHIBITS:

The following exhibits were offered and entered into the record, both prior to and during the
A. Transmittal & Report Memorandum to the Hearing Examiner dated September 24, 2008.

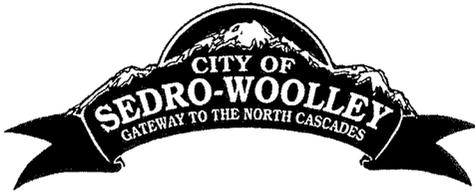
PARTIES OF RECORD:

Jonna Zieber
1031 Clifford Street
Sedro-Woolley, WA 98284

Planning Department

Wayne Wegner
Skagit Habitat for Humanity
PO Box 2565
Mount Vernon, WA 98273

RECEIVED
SEP 26 2008
BY: LP-808js



CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: September 24, 2008

TO: Sedro-Woolley Hearing Examiner

RE: LP-8-08 – Preliminary Plat Approval for the Proposed Plat of
Habitat Village

FROM: 
John Coleman, Associate Planner

APPLICATION DATE: May 29, 2008

APPLICATION COMPLETE: June 19, 2008

RECOMMENDATION: Staff Recommends **Approval with Conditions**

PROPERTY OWNER: Central Methodist Church of Sedro-Woolley
1013 Polte Road
Sedro-Woolley, WA 98284

PROJECT PROPONENT: Wayne Wegner
Skagit Habitat for Humanity.
PO Box 2565
Mount Vernon, WA 98273

DESCRIPTION OF PROPOSAL

The proposal is to subdivide one property into five (5) lots. There is an existing church on the property; the church will occupy one lot of the new subdivision and the other four lots will be single-family residential parcels. Access to three of the new residential lots will be from the existing church parking lot, the fourth from Polte Road. The site is approximately 3.67 acres in size and is zoned Residential-7.

EXHIBIT A
TO FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF HEARING
EXAMINER

Site Address:	1013 Polte Road	Parcel ID Nos.:	P39453 & P39454
----------------------	-----------------	------------------------	-----------------

Zoning District: Residential 7 (R-7)			
Minimum lot size:	6,000 sqft	Lot width at building line:	40 feet
Front Setback:	20 feet	Lot width at road frontage:	20 feet
Rear Setback:	10 feet	Maximum building height:	35 feet
Side Setback:	5 feet for 1-story buildings, 8 feet for 2-story	Maximum building coverage:	50%

FINDINGS OF FACT

1. Subdivisions of land into five or more properties are classified as “subdivisions” (also termed “long plats”). Per SWMC 2.90.010(C) preliminary approval for a subdivision is treated as a Type III decision by the City Council following a Hearing Examiner open record hearing and recommendation.
2. City regulations concerning subdivisions are found in the Sedro-Woolley Municipal Code (SWMC) **Chapter 16.04 –General Provisions** and **Chapter 16.08 – Subdivisions. Title 17 – Zoning, Chapter 2.88 – Environmental Policy** and **Chapter 15.44 – Design Review** also apply to long plats in Sedro-Woolley.
3. The Comprehensive Plan and Zoning Code designation for this property is Residential 7 (R-7). Chapter 17.12 SWMC includes the regulations for the R-7 zone. In this zone, Single-family housing is allowed on 6,000 square-foot or larger lots, and duplexes are allowed on 9,000 square-foot or larger lots.
4. On May 29, 2008, Wayne Wegner, representative of Skagit Habitat for Humanity, submitted an application (Exhibit A) for a five-lot subdivision (long plat) at 1013 Polte Road, Assessor’s tax parcels P39453 and P39454. A pre-application meeting for the proposal was held per SWMC 2.90.020(A) on February 6, 2008.
5. The proposal is to subdivide the Church property, totaling 3.67 acres, zoned R-7, into four (4) single family residential lots and one lot to be used exclusively for church purposes. In addition to the church facilities, there is one abandoned residence on the property. The application includes a Planting Plan (Exhibit B) and a Plat of Habitat Village (Exhibit C) and has been assigned the file number LP-8-08.
6. The four residential lots will be transferred to Skagit Habitat For Humanity. The remaining property will remain in possession of the Central Methodist Church for continued church related uses.
7. The application was determined to be administratively complete on June 19, 2008.

8. The subject property was reviewed for compliance under the Sedro-Woolley Critical Areas Ordinance as codified under Title 17.65 and no critical areas were found on site.
9. The project is bordered to the north by Polte Road, classified as a local access street in the Transportation Element of the Sedro-Woolley Comprehensive Plan.
10. All of the properties to the south, east and west are zoned R-7. The former rail road property to the north, on the opposite side of Polte Road, is also zoned R-7, but on the opposite of that (vacant) property lays Mixed Commercial zoned land.
11. Long plats are subject to SEPA review (Chapter 2.88 SWMC) and require a SEPA checklist to be submitted along with the application. The SEPA checklist for this proposal is included as Exhibit D. The SEPA checklist is sent to all state and local agencies with an interest in development in the City. One comment was received from the Department of Ecology (Exhibit E).
12. A *Notice of Application and SEPA Comment Period* was issued by the SEPA lead agency (City of Sedro-Woolley) on June 25, 2008 (Exhibit F). Notice was published in the local newspaper, posted at the project site and mailed to the property owners and residents within 500 feet of the subject parcel. The notice required a two week comment period ending July 9, 2008. No written comments were received.
13. On August 13, 2008, the SEPA lead agency issued a Mitigated Determination of Non-Significance (MDNS) for the proposed Plat of Habitat Village (Exhibit G). The MDNS included a 14 day appeal period that ended on August 27, 2008. No appeals were received.
14. Pursuant to SWMC 15.44.060, the Design Review Committee (Planning Commission) shall have authority to approve, approve with conditions, or deny an application made pursuant to the provisions of this chapter. Per SWMC 17.50.030, the Planning Commission shall perform landscape review for all projects that trigger SEPA review.
15. On August 16, 2008 the Design Review Committee (DRC) reviewed the proposed subdivision for compliance with the *Sedro-Woolley Design Standards and Guidelines* and the landscaping requirements in Chapter 17.50 SWMC. The DRC found that, subject to conditions, the proposal is in conformance with both the *Design Standards and Guidelines* and Chapter 17.50 SWMC. The DRC decision is attached as Exhibit H.
16. The Hearing Examiner is scheduled to hold a public hearing on the preliminary Plat of Habitat Village at 10:00 AM, September 24, 2008. Based on the information presented to the Hearing Examiner and the testimony at that hearing, the Hearing Examiner will make a recommendation to the City Council whether to approve, approve with conditions or deny preliminary approval of the Plat of Habitat Village.
17. On September 10, 2008, in compliance with Chapters 16.04, 16.08 and 2.90 SWMC, *Notice of Public Hearing* (Exhibit I) for the public hearing on the Preliminary Plat

Habitat Village was sent to all property owners and residents within 500 feet of the subject parcels and posted on the project site. On the same day the *Notice of Public Hearing* was published in the Courier-Times.

PLANNING DEPARTMENT RECOMENDATION

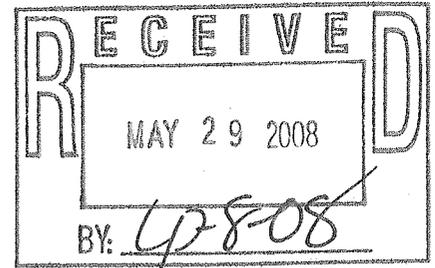
Based on the above Findings of Fact and Exhibits A through I, the Planning Department recommends **APPROVAL** of the Preliminary Plat of Habitat Village, a request to subdivide one 3.67 acre property in the R-7 Zone into four (4) new residential lots and one lot for use by the Central Methodist Church **subject to the following conditions:**

1. Comply with the mitigation measures included in the SEPA mitigated determination of non-significance (MDNS) issued August 13, 2008 and as set forth below:
 - a) Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020;
 - b) Comply with Northwest Clean Air Agency regulations;
 - c) Construction of the proposed development shall comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Chapter 13.36 Stormwater Management Standards; Chapter 13.40 Stormwater Facilities Maintenance; Chapter 15.40 Public Works Construction Standards; Title 17 Zoning; Sedro-Woolley Public Works Design Standards and the Sedro-Woolley Comprehensive Plan;
 - d) Lighting from the site shall be directed and/or shielded so as to not shine directly at the neighboring residential properties;
 - e) Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance;
 - f) Obtain and comply with conditions of a NPDES stormwater general permit from the Department of Ecology as may be required;
 - g) All construction traffic shall use an approved temporary construction access with a 100' geotextile and quarry spall construction entrance;
 - h) Locate and install fire hydrants as approved by the Fire Chief;
 - i) Coordinate public transportation improvements, as may be required, with Skagit Transit (SKAT);
 - j) Coordinate installation of public water infrastructure improvements with Skagit Public Utility Dist. No. 1;
 - k) Contribute police impact fees of \$202.96 per unit as per the residential unit fee calculation in the Capital Facilities Element of the City of Sedro-Woolley Comprehensive Plan; and
 - l) Locate and install mailboxes as approved by the Postmaster.
2. Construction of all required infrastructure improvements shall be completed prior to final plat application or bonding in an amount approved by the City Engineer shall be filed with the City.

3. A homeowner agreement shall be created for the maintenance of the shared access driveway and stormwater infrastructure within the Plat of Habitat Village and shall be approved by the Planning Department prior to recording. Maintenance of the stormwater facilities will be defined in the operation maintenance manual recorded with the CC&Rs and referenced on the plat.
4. Construction of all landscaping and design elements shall be in accordance with Chapter 17.50 SWMC and the Landscaping Plan as approved by the Design Review Committee *Findings of Fact, Conclusions and Decision*.

EXHIBITS

- A. Preliminary Plat Application;
- B. Planting Plan;
- C. Preliminary Plat of Habitat Village (Sheets 1,2 & 3);
- D. SEPA Checklist;
- E. Department of Ecology comment letter;
- F. Notice of Application and SEPA Comment Period published June 25, 2008;
- G. SEPA MDNS issued August 13, 2008;
- H. Design Review Committee Findings of Fact, Conclusions and Decision; and
- I. Notice of Public Hearing published September 10, 2008.



CITY OF SEDRO-WOOLLEY
SUBDIVISION APPLICATION
(Long Plat)

Part 1 General property and applicant information

Application # LP-8-08 Pre-application # PreAPP3-08 Date: 5-29-08
(assigned by city) Pre-application date _____

PLAT NAME: Polte Road ^{LONG} ~~Short~~ Plat

LOCATION (cross street names or other general location information – addresses if they exist.)
1013 Polte Road

P-number(s) P39453 & P39454

Section: 19 Township: 35 Range: 5

Applicant Name: Habitat For Humanity ATTN: WAYNE WEGNER

Applicant Address P.O. Box 2565, Mount Vernon, WA 98273

Applicant Phone (360) 428-9402 E-mail habitat@fidalgo.net
WAYNE'S CELL (360) 420-3973

Owner: Central Methodist Church

Owner Address: 1013 Polte Road

Owner Phone: _____

I have submitted 10 copies of the preliminary plat, 1 copy of a SEPA checklist, together with the current filing fee and SEPA fee.

I am applying for the following variances or other permits: Waiver for frontage Improvements, Polte Rd

I request preliminary approval in accordance with the Sedro-Woolley subdivision ordinance and all other applicable city codes.

[Signature]
Signature

Date Received

Owner's Certification:

I certify that I am the legal owner of the property listed above and that the applicant listed above has my permission to represent me in this application for development.

Name Jan Kallshied / Trustee Date 3/6/08

Alice Mosbey / Trustee

3-13-08

EXHIBIT A
STAFF REPORT

Part 2

Zoning and Comprehensive Plan Designation R-7

Total site size in acres 3.67 Critical Areas by type and acres: N/A

Number of lots proposed 5 Number of housing units proposed SFR

Flood zone: N/A

Describe existing conditions on and adjacent to site:

Existing church w/ adjoining parking, access drive, utilities & landscaping.

Existing abandoned SFR.

Purpose: The purpose of the subdivision regulations:

To regulate the division of land and to promote the public health, safety and general welfare in accordance with standards established by the city and state to:

- A. Prevent the overcrowding of land;
- B. Lessen congestion in the streets and highways;
- C. Promote effective use of land;
- D. Promote safe and convenient travel by the public on streets and highways;
- E. Provide for adequate light and air;
- F. Provide for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, fire protection, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks or other facilities to assure safe walking conditions for students who walk to and from school; and other public requirements;
- G. Provide for proper ingress and egress;
- H. Provide for expeditious review and approval of proposed divisions which conform to zoning standards and local plans and policies, including the purposes stated herein;
- I. Adequately provide for the housing and commercial needs of the citizens of the city; and
- J. Require uniform monumenting of land divisions and conveyancing by accurate legal description.

Process: Preliminary plat applications shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

No public hearing on a subdivision proposal shall be scheduled prior to the issuance of a declaration of non-significance or mitigated declaration of non-significance by the SEPA official.

Application Checklist:

- A. Pre-application date: _____
- B. State Environment Policy Act (SEPA). The applicant shall submit a SEPA checklist or environmental impact statement (EIS), and associated fees, with an application for a subdivision. The SEPA checklist or EIS shall be reviewed by the SEPA official.

No public hearing on a subdivision proposal shall be scheduled prior to the issuance of a determination of nonsignificance or mitigated determination of nonsignificance by the SEPA official.

- C. Fees. See current fee schedule. The applicant will also be billed for mailing and publication costs.
- D. Complete Application Required. The planning director notifies applicant when the application is complete.
- E. Application Map. Ten copies of an accurately scaled and dimensioned map of the plat prepared by a land surveyor licensed by the state of Washington and showing the following:

WAIVER of REQUEST FOR HALF-STREET IMPROVEMENTS ON ROUTE
**Every preliminary plat shall consist of one or more maps, on both mylar and in digital format approved by the City Engineer, together with written and digital data including the following:

- The name of the proposed subdivision;
- North point and scale; the location of existing property lines: streets, building, if any; watercourses and all general features;
- The legal description of the land contained within the subdivision;
- The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;
- The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;
- The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;
- The names of adjoining plats;
- The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;
- The date of the survey;
- All existing monuments and markers located by the survey;
- The zoning classification applicable to the land within the subdivision;
- The conditions of or the limitations on dedications, if any, including slope rights;
- Contour intervals as required, based upon city datum with intervals of five feet or less utilizing U.S.G.S, or better datum.
- Location of significant physical features such as buildings, bodies of water, power lines, slopes, trees, and section lines within or adjacent to the proposed plat;

- Location and description of existing and proposed drainage, sewer, and water facilities within or adjacent to the proposed plat;
- Location and outline of any sensitive areas, as defined under Section 17.65.040, using the delineation and classification methods and definitions provided for the specific sensitive area under the provisions of Chapter 17.65;
- If a replat, the layout for the original plat in dotted lines, with replat status reflected in the plat name;
- Vicinity map at a smaller scale, to include the location of any natural resource lands within three hundred feet of the edge of the proposed plat.

- F. Mailing labels: See separate form for instructions.
- G. Posting: See attached form for instructions.
- H. Copies of covenants, restrictions and collective maintenance agreements, if LATER. applicable.
- I. Environmental checklist or EIS.
- J. Survey information of all features within 100 feet of the boundary of the proposed subdivision.
- K. Evidence of water availability. PUD letter MARCH 15, 2008.
- L. Evidence of sewer availability. NA
- M. Required materials identified in the pre-application meeting. NA
- N. Other information deemed necessary by the planning director, planning commission or city council NA
- O. Landscaping Plan
- P. Street Profiles

Special Studies:

- Q. Traffic NA?
- R. Stormwater
- S. Critical areas SEPA CHECKLIST - ANY SPECIAL REBERTS OR RECONNAISSANCE?

Criteria: The proponent bears the burden of proving that the application should be granted. The project permit must be supported by convincing proof that it conforms to the applicable elements of the city's development regulations and comprehensive plan. The proponent must also prove that any significant adverse environmental impacts have been adequately mitigated.

Describe how the following provisions will be met with the proposed subdivision:

- Public health, safety and general welfare: The development will meet current building & city codes to ensure access to the S.F.R.'s.
- Open spaces: None required or proposed. Exist trail system across the Street.
- Drainage ways: No existing drainage ways apparent onsite

Drainage / Stormwater runoff will be captured, dispersed and/or infiltrated.

Streets, alleys, other public ways: None proposed.

Water supplies: PUD

Sanitary wastes: Sedro-Woolley

Fire protection facilities: Sedro-Woolley

Parks, playgrounds: Existing Metcalf Park 10 blocks to the west.

Relevant Municipal Code Chapters which will be used in the review of all subdivision applications:

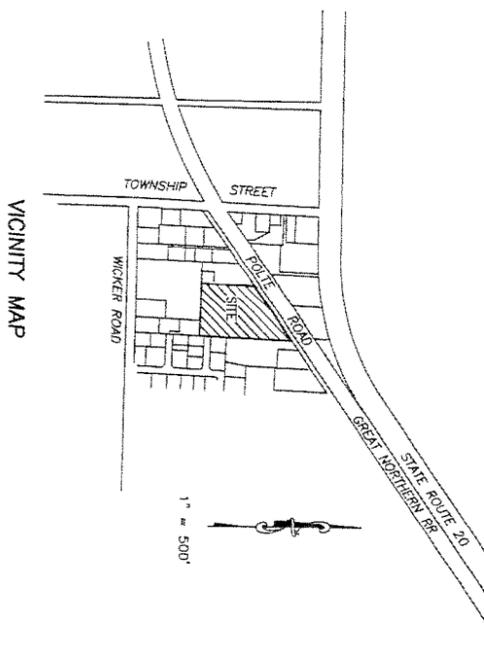
Applications shall be processed according to the procedures set forth in chapter 2.90 SWMC, and the additional procedures established in this subchapter and state law.

Applications for the division of land shall be processed within the time limitations of SWMC 2.90, RCW Ch. Ch. 43.21C, and RCW Chapter 36.70B.

SWMC Chapter 16.08 Subdivisions; SWMC Chapter 2.88 State Environmental Policy Act; SWMC Chapter 15.40 Public Works Construction Standards; SWMC Chapter 2.90 Consolidated Planning Procedures; and Title 17 Zoning.

- NOTES**
1. PLAT NUMBER AND DATE OF APPROVAL SHALL BE INCLUDED IN ALL DEEDS AND CONTRACTS.
 2. ZONING = R-7
 3. SETBACKS: SIDE SETBACKS ARE 5 FEET FOR SINGLE STORY AND ACCESSORY STRUCTURES, 8 FEET FOR TWO STORY AND 12 FEET FOR THREE STORY FRONT SETBACKS ARE 20 FEET FROM POLE ROAD. REAR SETBACKS ARE 10 FEET FOR DWELLINGS AND 5 FEET FOR ACCESSORY STRUCTURES.
 4. SEWER, CITY OF SEDRO WOOLLEY.
 5. WATER, SKAGIT COUNTY PUD NO. 1.
 6. TOTAL PARCEL = 159,688 SQ FT, 3.67 ACRES
 7. LOT 2 HEREBY GRANTS AND CONVEYS THE EAST 17.00 FEET FOR A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, UTILITIES, DRAINAGE FACILITIES AND EMERGENCY VEHICLES OVER, UNDER AND ACROSS FOR THE BENEFIT OF LOTS 1 THROUGH 5, INCLUDING, NO PARKING OR BLOCKING OF THIS AREA SHALL BE ALLOWED.
 8. LOT 3 HEREBY GRANTS AND CONVEYS THE EAST 20.00 FEET FOR A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, UTILITIES, DRAINAGE FACILITIES AND EMERGENCY VEHICLES FOR THE BENEFIT OF LOTS 1 THROUGH 5, INCLUDING, NO PARKING OR BLOCKING OF THIS AREA SHALL BE ALLOWED.
 9. LOT 4 HEREBY GRANTS AND CONVEYS THE EAST 20.00 FEET FOR A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, UTILITIES, DRAINAGE FACILITIES AND EMERGENCY VEHICLES FOR THE BENEFIT OF LOTS 1 THROUGH 5, INCLUDING, NO PARKING OR BLOCKING OF THIS AREA SHALL BE ALLOWED.
 10. LOT 5 HEREBY GRANTS AND CONVEYS THE EAST 20.00 FEET FOR A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, UTILITIES, DRAINAGE FACILITIES AND EMERGENCY VEHICLES FOR THE BENEFIT OF LOTS 1 THROUGH 5, INCLUDING, NO PARKING OR BLOCKING OF THIS AREA SHALL BE ALLOWED.
 11. ALL NEW CONSTRUCTION WITHIN LOTS 1-5 SHALL MEET THE 1-HOUR CONSTRUCTION REQUIREMENTS, PER THE UNIFORM BUILDING CODE.
 12. BUILDING CONSTRUCTION ON LOTS 1-4 SHALL PROVIDE DRYWELLS PER THE 2005 WASHINGTON DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL.
 13. LOT 1 HEREBY GRANTS AND CONVEYS A NON EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, UTILITIES, DRAINAGE FACILITIES AND EMERGENCY VEHICLES FOR THE BENEFIT OF LOTS 1 THROUGH 5 INCLUDING, OVER, UNDER AND ACROSS THE AREA AS SHOWN ON SHEETS 2 AND 3 OF 3. NO PARKING OR BLOCKING OF THIS AREA SHALL BE ALLOWED.
 14. LOT 3 HEREBY GRANTS AND CONVEYS AN EASEMENT TO LOT 4 FOR A SEWER SERVICE LINE. SAID EASEMENT IS FOR THE INSTALLATION, REPLACEMENT AND OR MAINTENANCE OF SAID LINE. SAID LINE IS SHOWN ON SHEETS 2 AND 3 OF 3.
 15. LOT 5 HEREBY GRANTS AND CONVEYS AN EASEMENT TO THE CITY OF SEDRO WOOLLEY FOR THE INSTALLATION, REPLACEMENT AND OR MAINTENANCE OF A SEWER LINE. SAID LINE IS DEFINED AS THE WEST 16.50 FEET, EXCEPT THE SOUTH 181.11 FEET THEREOF. OF LOT 5 AS SHOWN ON SHEETS 2 AND 3 OF 3.
 16. LOTS 1, 2 AND 3 HEREBY GRANT AND CONVEY AN EASEMENT TO THE CITY OF SEDRO WOOLLEY FOR THE INSTALLATION, REPLACEMENT AND OR MAINTENANCE OF A SEWER LINE. SAID LINE IS DEFINED AS THE EAST 3.50 FEET OF SAID LOTS, EXCEPT THE SOUTH 89.43 FEET OF LOT 3, ALL AS SHOWN ON SHEETS 2 AND 3 OF 3.

PLAT OF
HABITAT VILLAGE
SEDRO-WOOLLEY WASHINGTON, LP-8-08
NW 1/4 OF SECTION 19, T.35 N., R.5 E. WM
LP-8-08



DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT CENTRAL UNITED METHODIST CHURCH, A CORPORATION, OWNER IN FEE SIMPLE OR CONTRACT PURCHASERS AND MORTGAGE OR LIEN HOLDERS OF THE LAND HEREBY PLATED, DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND AVENUES, IF ANY, SHOWN HEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES TOGETHER WITH THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL SUCH STREETS AND AVENUE SHOWN HEREON.

IN WITNESS WHEREOF, THE OWNERS HAVE CAUSED THEIR SIGNATURES TO BE HERETO SUBSCRIBED AND AFFIXED THIS ____ DAY OF _____, 200__.

BY: _____
CENTRAL UNITED METHODIST CHURCH

SKAGIT COUNTY TREASURER'S CERTIFICATE
THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREBY DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE UP TO AND INCLUDING THE YEAR OF 200__.

THIS ____ DAY OF _____, 200__.

SKAGIT COUNTY TREASURER _____ DEPUTY _____

ACKNOWLEDGMENT
STATE OF _____)
COUNTY OF _____)
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF CENTRAL UNITED METHODIST CHURCH, A CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____, 200__.

CITY TREASURER'S CERTIFICATE
THIS IS TO CERTIFY THAT THERE ARE NO DETRIMENTAL SPECIAL ASSESSMENTS AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL.

THIS ____ DAY OF _____, 200__.

CITY TREASURER _____
RESIDING AT _____
NOTARY PUBLIC
(NOTARY NAME TO BE PRINTED)
MY APPOINTMENT EXPIRES _____

UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE FOLLOWING: CITY OF SEDRO WOOLLEY, SKAGIT COUNTY PUBLIC UTILITY DISTRICT NO. 1, PUGET SOUND ENERGY, CASADE NATURAL GAS CORPORATION, AND ARIEL BROAD BAND, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTENSION TO FEET OF ALL LOTS AND TRACTS ABUTTING ALL PUBLIC ROADS AND RIGHTS OF WAY AS SHOWN HEREON IN WHICH TOWNSHIP, DAY, CONSTRUCTION, REVENUE, OPERATE, MAINTAIN AND REMOVE UTILITY SYSTEMS, LINES, TRENCHES AND SUBORDINATE ATTACHED THEREON, FOR THE PURPOSE OF THE INSTALLATION, REPLACEMENT AND OR MAINTENANCE OF SAID UTILITY SYSTEMS AND TRACTS AND TRACTS AND TRACTS ALL TIMES FOR THE PURPOSES STATED WITH THE UNDERSIGNED THAT ANY GRANTER SHALL BE RESPONSIBLE FOR ALL NECESSARY DAMAGE IT CAUSED TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED.

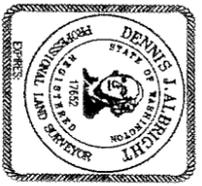
LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 2, SECTION 19, TOWNSHIP 35 NORTH, RANGE 5 EAST, WM, DESCRIBED AS FOLLOWS:
THE NORTH HALF OF THE FOLLOWING DESCRIBED TRACT:
BEGINNING AT A POINT ON THE SOUTH LINE OF THE COUNTY ROAD WHICH EXTENDS ALONG AND IS PARALLEL WITH THE SOUTH LINE OF THE GREAT NORTHERN RAILWAY RIGHT OF WAY, WHICH POINT IS 450 FEET EAST OF THE WEST LINE OF SAID LOT 2, AS MEASURED ALONG SAID COUNTY ROAD; THENCE SUE SOUTH TO THE NORTH LINE OF THE COUNTY ROAD ALONG THE SOUTH LINE OF SAID LOT 2; THENCE THE EAST LINE OF SAID LOT 2 TO THE POINT THAT IS 850 FEET EAST OF THE WEST LINE OF SAID LOT 2; THENCE SUE NORTH TO THE SOUTH LINE OF THE COUNTY ROAD FIRST MENTIONED, THENCE WESTERLY ALONG SAID ROAD TO THE POINT OF BEGINNING, LESS THE WEST 144 FEET OF SAID TRACT.
(LEGAL BASED ON TITLE REPORT FROM GUARDIAN NORTHWEST TITLE COMPANY, ORDER NO. 93858 DATED JANUARY 29, 2008)

SURVEYORS CERTIFICATE

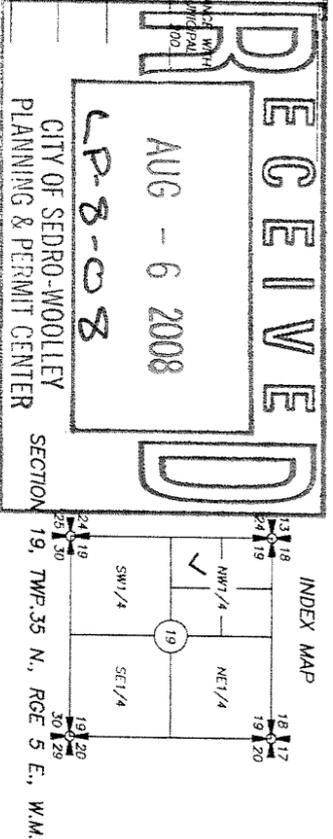
I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF THE SECTION, THE COURSES AND DISTANCES ARE SHOWN CORRECTLY HEREON AND THE LOT CORNERS HAVE BEEN STAKED ON THE GROUND AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

DENNIS T. ALBRIGHT PLS _____ DATE _____
LS NO. 17652



APPROVALS
THE WITHIN AND FOREGOING PLAT HAS BEEN EXAMINED FOR CONFORMANCE WITH THE PROVISIONS OF TITLE 15, 16 AND 17 OF THE SEDRO WOOLLEY MUNICIPAL CODE AND IS HEREBY APPROVED THIS ____ DAY OF _____, 200__.

CITY ENGINEER	DATE
MAYOR	DATE
ATTEST: CITY CLERK	DATE



REVIEW COPY

OWNER
CENTRAL UNITED METHODIST CHURCH
1013 POLE ROAD
SEDRO WOOLLEY WA, 98284
TAX PARCEL: P38454 & P39453

EXHIBIT C
STAFF REPORT

Sound Development Group
ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
PO BOX 1705
Mount Vernon, WA 98273
Tel: 360-404-2010 Fax: 360-404-2013

HABITAT VILLAGE
IN A PORTION OF THE NW 1/4 OF SECTION 19
TOWNSHIP 35 NORTH, RANGE 5 EAST, W.M.
SKAGIT COUNTY, STATE OF WASHINGTON
FOR
UNITED METHODIST CHURCH

DATE: 7-22-08
PROJECT NO. 6008SURV/DWG
DR: DAA
SCALE: F.B. 47 PAGE 28

Fee Paid: _____

Receipt No. _____

A. BACKGROUND

1. **Name of proposed project, if applicable:**
Polte Road Long Plat for United Methodist Church
2. **Name of applicant**
Habitat for Humanity
3. **Address and phone number of applicant and contact person:**
Habitat for Humanity
P.O. Box 2565
Mount Vernon, WA 98273

Sound Development Group, L.L.C.
Tammy Zempel
1111 Cleveland Ave., Suite 202
Mount Vernon, WA 98273
360-404-2010 phone
4. **Date checklist prepared:**
May 20, 2008
5. **Agency requesting checklist:**
City Of Sedro-Woolley
6. **Proposed project timing or schedule (including phasing, if applicable):**
Construction of plat improvements to be completed summer 2008. Single family residence construction to begin fall of 2008, and completed in 3 years.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
NO
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
Soils investigation report by Materials Testing & Consulting, Inc. May 2008.
9. **Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
NO
10. **List any government approvals or permits that will be needed for your proposals, if known.**
Long Plat approval, construction plan approval, fill and grade permit, access permit, building permits.

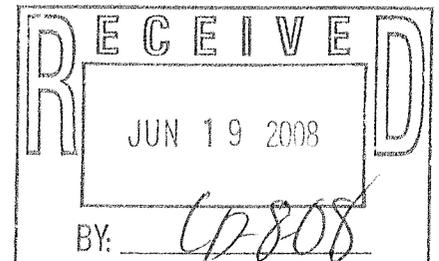


EXHIBIT D
STAFF REPORT

11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist, which ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposed project will include the subdivision of the subject property into 5 lots; the church remaining on one, and four low-income single family residences. Improvements will include a utility service stubs, an access road and stormwater infiltration facilities, possible replacement of 900 lf or 4" AC waterline within Polte Road, from Township Street to the project site, with 8" ductile iron.

12. Location of the proposal. Please give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Please provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application).

The Project is located 1013 Polte Road, Sedro-Woolley, Washington.

See Attached Legal.

Assessor's Property Tax Parcel Account Number(s): P39453 & P39454

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (Indicate one): Flat.
- b. What is the steepest slope on the site (approximate % slope)?
The steepest slope on the property is approximately 3% or less.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agriculture soils, please specify and note any prime farmland.
Sands, silty sands
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
NO
- e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Approximately 1150 cy will be graded on site, with the majority remaining on site. Excess cut will be disposed of at an approved dump site.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
YES. Exposed soil condition could cause some erosion during the site construction phase. Best management practices approved by the Department of Ecology and the City of Sedro-Woolley will be implemented during construction to minimize impacts.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Percentage of new development site covered by impervious areas is 37%
Landscape percentage is 63%.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Temporary silt fence will be installed around site where site runoff could exit the property. Existing grass vegetation will be preserved to the maximum extent possible. A construction entrance will be installed if required, and all asphalt will be swept/vacuumed and washed as required.

2. AIR

- a. **What types of emissions to the air would result from the proposal (i.e., dust, automotive, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities if known.**

During construction dust from construction activities and exhaust from construction vehicles will be emitted. Once construction is complete, normal household emissions will occur from personal vehicles, mowers, or other household items.

- b. **Are there any off-site sources of emissions or odor, which may affect your proposal? If so, generally describe.**

None known.

- c. **What are the proposed measures to reduce or control emissions or other impacts, if any:**

Dust control during the dry season, regular maintenance of construction vehicles.

3. WATER

- a. **Surface:**

1) **Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and if known, state what stream or river it flows into.**

NO

2) **Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

NO.

3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable.

4) **Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.**

NO

5) **Does the proposal lie within a 100 year flood plain? Note location on the site plan, if any.**

NO.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
NO.

b. Ground:

- 1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities if known.
The project will include infiltration of stormwater runoff. Runoff from the proposed rooftops will be directly discharged to dry wells for infiltration, while the stormwater runoff from the access road will be treated with an oil water separator, then discharged into the a gravel trench bed to infiltrate into the existing sandy soils.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
None.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff and storm water method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, please describe
Runoff from the proposed rooftops will be directly discharged to dry wells for infiltration, while the stormwater runoff from the access road will be treated with an oil water separator, then discharged into the a gravel trench bed to infiltrate into the existing sandy soils.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
NO

D. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Best management practices approved by the Department of Ecology, dispersion and infiltration throughout the site will minimize and control runoff from the site.

4. **VEGETATION:**

a. Check or Indicate types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation (moss and ferns)

- b. **What kind and amount of vegetation will be removed or altered?**
Grass will be removed as necessary for the construction of the single family residences and access road. Areas, which are disturbed during construction but are not covered with impervious surface, will be landscaped with plant materials to meet City of Sedro-Woolley Landscaping Code. Several deciduous and evergreen trees will need to be removed to provide access to the site.
- c. **List threatened or endangered species known to be on or near the site.**
None known.
- d. **List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**
The site will be landscaped appropriately and planted with plant materials in locations as shown on the Landscaping plan per City of Sedro-Woolley Landscaping Ordinances.

5. **Fish and Wildlife**

- a. **Indicate any birds and animals, which have been observed on or known to be on or near the site:**
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other
fish: bass, salmon, trout, shellfish, other
- b. **List any threatened or endangered species known to be on near the site.**
None known.
- c. **Is the site part of a migration route? If so, explain:**
Many parts of Skagit County are within migration routes, however, there is no evidence onsite that suggests the site is within migration routes, nor is it a habitat area.
- d. **Proposed measures to preserve or enhance wildlife, if any:**
None other than water quality controls for storm water release from this site and landscape improvements.

6. **Energy and Natural Resources**

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**
Electricity for lighting and natural gas service for heating will be used at the site to meet energy needs.
- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe**
NO
- c. **What kinds of energy conservation features are included in the plans of this proposal?**
The Building and site will follow the conformance with the Washington State Energy Code and International Residential Code.
- d. **What are the proposed measures to reduce or control energy impacts, if any?**
None.

7. Environmental Health

- a. Are there any environmental health hazards, exposure to toxic chemicals, including risk of fire and explosion, spill, or hazardous waste, that occur as a result of this proposal? If so, describe.
No.
- b. Describe special emergency services that might be required.
No special emergency services will be required above what is already available: fire, medical and emergency services.
- c. What are the proposed measures to reduce or control environmental health hazards, if any:
None.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?
The existing site is currently a church and single-family residence with outbuildings, concrete pads and walk, asphalt parking area and landscaping. The adjacent sites to the north, east and south are single-family residences, while the site is bordered to the west by Polte Road.
- b. Has the site been used for agriculture purposes? If so, describe
Not to our knowledge.
- c. Describe any structures on the site
There is an existing church building, single family residence, outbuildings, and concrete pad that appears to have been a slab foundation in the past.
- d. Will any structures be demolished? If so, what
Yes, the existing single family residence will be demolished and removed from the site.
- e. What is the current zoning classification of the site?
R7
- f. What is the current comprehensive plan designation of the site?
R7
- g. If applicable, what is the current shoreline master program environment designation of the site?
Not Applicable
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
NO
- i. What are proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Project will conform to all development and building codes.

- j. **Approximately how many people would reside or work in the completed project?**
Approximately 12 people will reside in the completed project, during church service and/or functions, an additional 60-100 people will be onsite.
- k. **Approximately how many people would the completed project displace?**
None, the existing single-family residence has been abandoned.
- l. **What are proposed measures to avoid or reduce displacement or other impacts, if any:**
None.

9. **Housing**

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
Four low income homes will be provided.
- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
One existing vacant abandoned home will be eliminated.
- c. **What are proposed measures to reduce or control housing impacts, if any:**
None.

10. **Noise**

- a. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**
There is typical traffic noise generated from Polte Road.
- b. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours would come from the site**
In the short term there will be typical noise due to construction and site improvements. In the long term there will be typical neighborhood noise.
- c. **What are the proposed measures to reduce or control noise impacts, if any:**
None, there will be no increase in noise in the surrounding area as mentioned above. Hours of construction will be limited to 7:00am to 6:00 pm and construction vehicles will be maintained to minimize noise.

11. **Aesthetics**

- a. **What is the tallest of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
The peak height of the top of the roof is approximately 20'-0" feet above the finish grade. The building will be roofed with shingles, the exterior will be constructed of typical wood or plastic siding.
- b. **What views in the immediate vicinity would be altered or obstructed?**
None.

- c. **What are the proposed measures to reduce or control aesthetic impacts, if any?**
Landscaping per city ordinance will be installed.

12. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
Typical residential lighting will most likely be utilized after dusk, primarily.
- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**
NO
- c. **What existing off-site sources of light or glare may affect your proposal?**
None.
- d. **What are the proposed measures to reduce or control light and glare impacts, if any?**
None proposed.

13. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**
There is an existing walking trail along Polte Road. Metcalf Park is approximately 10 blocks to the west, and Gateway Golf Course is approximately 1 mile to the north.
- b. **Would the proposed project displace any existing recreational uses? If so, describe.**
NO
- c. **What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any?**
There are no impacts on recreation caused by the proposed project.

14. Historic and Cultural Preservation

- a. **Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**
No.
- b. **Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on the site.**
None known.
- c. **What are the proposed measures to reduce or control impacts, if any?**
None.

15. Transportation

- a. **Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**
The site will be accessed indirectly by Polte Road.

- b. **Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**
YES, The nearest public transportation stop is located at Jameson and 3rd, approximately 4 blocks away to the south and west.
- c. **How many parking spaces would the completed project have? How many would the project eliminate?**
The proposed project is required to have approximately 8 additional exterior parking stalls two for each proposed lot.
- d. **Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**
No. A variance request has been submitted requesting that improvements to Polte Road be forestalled until the City constructs under their Capital Improvement Program. At such time, the cost associated with this project's frontage improvements will be assessed to the current owners in the form of property taxes over a City set period of years.
- e. **Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.**
NO
- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**
Approximately 18 vehicular trips will occur per day, with the peak of 4 during one hour between 4 and 6 pm.
- g. **What are proposed measures to reduce or control transportation impacts, if any?**
None other than the payment of traffic impact fees based upon the above amount.

16. **Public Services**

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**
Yes, as with any project it will resort in an increased need for Fire Protection and Police Protection. Fire Protection will be remedied by the payment of an impact fee based upon the square footage of the buildings.
- b. **What are proposed measures to reduce or control direct impacts on public services, if any.**
None.

17. Utilities

a. Indicate utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, storm sewer, other:

b. Describe the utilities, which are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

The proposed utilities include the following:

Water – Skagit PUD for domestic service

Natural Gas – Cascade Natural Gas

Telephone – Verizon

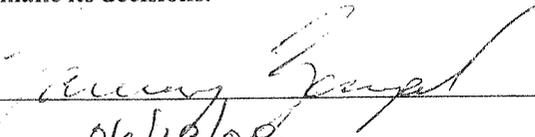
Electricity - Puget Sound Energy

Sanitary Sewer – City of Sedro-Woolley

Storm Drainage – Private

C. SIGNATURE

The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decisions.

Signature: 

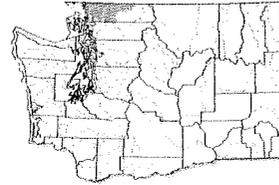
Date Submitted: 06/19/08



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Ste 102 • Bellingham, WA 98225
(360) 715-5200 • FAX (360) 715-5225

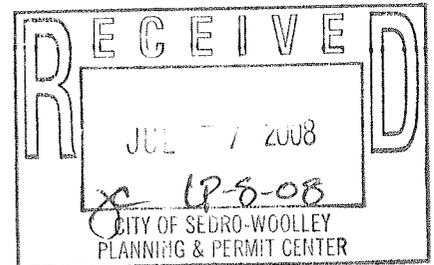
June 30, 2008



Your address
is in the
Nooksack
watershed

Jeroldine Hallberg
City of Sedro Woolley
325 Metcalf St
Sedro Woolley, WA 98284

RE: **LA File#** Parcel Division; 1013 Polte Rd
 DOE file# 200804632
 Applicant **Habitat For Humanity Wayne Wegner**



Dear Ms. Hallberg:

Thank you for the opportunity to provide comments on the above referenced Determination of Nonsignificance. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Determination of Nonsignificance we offer the following comments:

Stormwater runoff from construction activities can have a significant impact on water quality, introducing sediment and other construction site pollutants into waters of the state. Such pollutants can impair or eliminate aquatic habitat and prevent such waters from having multiple beneficial uses (e.g., fishing, swimming, drinking, etc).

From the SEPA register, it appears that this project may be subject to Ecology's NPDES General Permit for Stormwater Discharges associated with Construction Activity.

Permit coverage is necessary if the project meets the following criteria:

- Any land disturbing activities such as clearing, grading, excavating, and/or demolition that:
 1. Disturb one or more acres of land;
 2. Are "part of a larger common plat of development or sale," that will ultimately disturb one or more acres of land; AND
 3. Discharge stormwater from the site into state surface waters or into storm drainage systems which discharge to state surface waters. (Surface waters may include wetlands, ditches, rivers, unnamed creeks, lakes, estuaries, marine waters).

EXHIBIT E
STAFF REPORT



- Projects that include clearing forested areas, IF THE CLEARING is preparation for construction activities (e.g., homes/buildings) and the project meets the criteria listed above.
- Phased Construction: The total land area disturbed must be considered when the project is "part of larger common plan of development or sale." This term means an area where multiple separate and distinct construction activities may be taking place on different schedules under one plan. In a larger common plan, the disturbed area of the entire plan is used to determine if a permit is required.

EXAMPLE: A two acre construction site is planned for completion in three phases and each phase disturbs less than one acre. Because the total area disturbed under this common plan is cumulatively greater than one acre, permit coverage for the site would be necessary *before any phase of the project is started*. See change in ownership below.

- Industrial facilities already covered by the Industrial Baseline General Permit for their industrial activity, and which are planning construction which will disturb one or more acres of total land area, must apply for permit coverage.
- Change in ownership: When a construction site with permit coverage is sold to a new owner or owners, modifying or transferring permit coverage to the new owner(s) is necessary. You may also transfer a portion of permit coverage of a site, via a partial transfer, to new owner(s).

Exemptions to the permit

- Construction activity for routine maintenance of an original line and grade, hydraulic capacity, or the facilities original purpose.
- Sites that retain all stormwater on site. For example, if all stormwater is discharged to the ground through infiltration basins, dry wells, drain fields, or other means of discharge to the ground.
- Construction sites on federal land or Indian Reservations.
- Forestry activities such as nurseries, reforestation, thinning, prescribed burning, or timber harvesting that is NOT part of preparation for construction activity.
- Sites covered by an existing NPDES individual permit for stormwater discharges.
- Sites covered by an erosivity waiver (see below).

Low Rainfall Erosivity Waiver

Sites *under five acres* of disturbed area may be exempt from the permit if the site meets the following Low Rainfall erosivity waiver conditions:

- The erosivity factor during the project is less than five according to a calculator found online at: <http://ei.tamu.edu/>.

- Construction disturbance **starts and finishes** within the following timeline:
West of the Cascade Crest: June 15 - September 15 of the *same year*.
East of the Cascade Crest, except the Central Basin: June 15- October 15 of the *same year*.
If the construction activity extends beyond these time periods, the owner or operator must follow public notice requirements and apply for a stormwater permit.

During this interim period, operators of 1-5 acre sites who have discharges to surface waters and want to obtain permit coverage may do so by applying for coverage under the current construction stormwater general permit.

The construction site operator must apply for a low rainfall erosivity waiver *at least one week prior* to beginning land disturbance (e.g., clearing, grading, etc.)

PLEASE NOTE: The low rainfall erosivity waiver:

1. Does not apply to non-stormwater discharges such as wastewaters and hydrostatic test waters;
2. Only applies to the requirements of this permit;
3. Does not replace the authority of other local agencies; and
4. Is not available for sites determined to be a significant contributor of pollutants or sites excluded from this permit, such as sites with post construction discharges.

Applying for the permit

The operator of the construction site must apply for permit coverage. The operator can be either the party with operational control over construction plans and specifications or the party in charge of day-to-day activities related the Stormwater Pollution Prevention Plan (SWPPP). The operator is responsible for applying and following the terms of the permit.

Submittal of an application for permit coverage should be completed at least 60 days prior to the discharge of stormwater from sites conducting construction activities (e.g. clearing, grading, excavating). Additional information and application forms are available from Ecology's Web Site at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

NOTICE:

Operators of construction sites, and their representatives/contractors, who allow a discharge of stormwater from their site, regardless of size, into surface waters should be aware that discharging stormwater to surface waters without coverage under an Ecology Permit may be in violation of state and federal law and may bring enforcement action by Ecology or generate citizens' third party lawsuits. Ecology has the authority under Washington State Water Pollution Control Act (RCW 90.48) to issue formal enforcement actions for violations of this Act, which may include penalties of up to \$10,000 per day for each violation. Third party suits may result in even larger penalties.

Whether or not a project is subject to Ecology's NPDES General Permit for Stormwater Discharges associated with Construction Activity, it is recommended that all land disturbance projects obtain and implement a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP is a temporary erosion and sediment control plan. To prevent pollution of state waters it is necessary to implement the SWPPP when soil disturbing activity commences and to conduct regular site inspections to determine if the SWPPP is adequate to prevent soil erosion and discharges of stormwater from the site to surface waters. The SWPPP needs to be updated and maintained throughout the entire life of the construction project.

A SWPPP needs to ensure the following:

- Implementation of Best Management Practices (BMPs) (specifically structural or stabilization measures) that identify and reduce, eliminate or prevent sediment and erosion problems on site.
- Prevention of violations of surface or ground water quality and sediment management standards.
- Prevention of impacts to receiving waters from peak rates and volumes of stormwater runoff.

A full explanation of the Construction Site SWPPP criteria and guidance information for development of a SWPPP is available from Ecology's Web Site at:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

Thank you for considering these comments from the Department of Ecology. If you have questions please call me at (360) 715-5209.

Sincerely,



Andrew Craig
Water Quality Specialist

AC:la

cc: Habitat For Humanity; Wayne Wegner
BFO SEPA File

CITY OF SEDRO-WOOLLEY
NOTICE OF APPLICATION AND SEPA COMMENT PERIOD

Description of proposal/application: The proposal is to subdivide (long plat) one existing parcel into five (5) parcels. The existing church will occupy one parcel, the other four will be single-family residential parcels. Access to three of the new residential lots will be from the existing church parking lot, the fourth from Polte Road. The site is approximately 3.67 acres in size and is zoned Residential-7. The long plat project will require the construction of stormwater, sewer and other infrastructure necessary to serve the proposed lots. The application was determined to be complete on June 19, 2008. File #LP-8-08.

Proponent: Habitat For Humanity, C/O Wayne Wegner
PO Box 2565
Mount Vernon, WA 98273

Contact: Sound Development Group, C/O Tammy Zempel
1111 Cleveland Ave, Suite 202
Mount Vernon, WA 98273

Location of project, including street address if any: The project is located at 1013 Polte Road, Sedro-Woolley, WA.

Environmental Review: The City of Sedro-Woolley has reviewed the proposed project for probable adverse environmental impacts and expects to issue a mitigated determination of non-significance (MDNS) for this project. The optional DNS process in WAC 197-11-355 is being used. Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts.

Documents are available for review at: The City of Sedro-Woolley Planning Department, 325 Metcalf Street, Sedro-Woolley, WA 98284, Monday through Friday, 8:00 AM to 5:00 PM. Environmental documents available include a soils report, an infiltration drainage report and a SEPA checklist. For more information, contact John Coleman at the Sedro-Woolley Planning Department at (360) 855-0771 or by email: jcoleman@ci.sedro-woolley.wa.us.

Public Comment Period: The lead agency for this proposal has NOT yet made a threshold determination of whether or not the proposed project has a probable significant adverse impact on the environment. Interested persons may comment on the application and/or the anticipated SEPA determination, receive notice, participate in any hearings and request a copy of the decision. **Public comments must be received by 4:30 p.m. July 9, 2008** and should be submitted to the City of Sedro-Woolley Planning Department, 325 Metcalf Street, Sedro-Woolley, WA 98284. Comments may be mailed or personally delivered and should be as specific as possible. **This may be your only opportunity to comment on the environmental impacts of the proposed project.** Upon completion of the application process, a public hearing in front of the Hearing Examiner will be scheduled for the Examiner to make a recommendation to the City Council to approve, modify and approve, or deny the preliminary plat application. Public notice of the hearing will be made pursuant to Ch.2.90 SWMC.

John Coleman, Associate Planner
City of Sedro-Woolley Planning Department

Published in Courier-Times on June 25, 2008.

EXHIBIT F
STAFF REPORT

**SEPA Notice of Threshold Determination
Mitigated Determination of Non-significance (MDNS)**

Project Description: The proposal is to subdivide one property into five (5) lots. There is an existing church on the property; the church will occupy one lot of the new subdivision and the other four lots will be single-family residential parcels. Access to three of the new residential lots will be from the existing church parking lot, the fourth from Polte Road. The site is approximately 3.67 acres in size and is zoned Residential-7. The long plat project will require the construction of stormwater, sewer and other infrastructure necessary to serve the proposed lots. The application was determined to be complete on June 19, 2008. File #LP-8-08.

Proponent: Habitat For Humanity
c/o: Wayne Wegner
PO Box 2565
Mount Vernon, WA 98273

Contact: Sound Development Group
c/o: Tammy Zempel
1111 Cleveland Ave, Suite 202
Mount Vernon, WA 98273

Location of Project, Including Street Address, if any: The project is located at 1013 Polte Road, Sedro-Woolley, WA

Other project permits: City of Sedro-Woolley Fill and Grade Permit and ROW Permit.

Lead Agency, City of Sedro-Woolley: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is based upon the following mitigation being provided by the applicant:

1. Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020;
2. Comply with Northwest Clean Air Agency regulations;
3. Construction of the proposed development shall comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Chapter 13.36 Stormwater Management Standards; Chapter 13.40 Stormwater Facilities Maintenance; Chapter 15.40 Public Works Construction Standards; Title 17 Zoning; Sedro-Woolley Public Works Design Standards and the Sedro-Woolley Comprehensive Plan;
4. Lighting from the site shall be directed and/or shielded so as to not shine directly at the neighboring residential properties;
5. Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance;
6. Obtain and comply with conditions of a NPDES stormwater general permit from the Department of Ecology as may be required;
7. All construction traffic shall use an approved temporary construction access with a 100' geotextile and quarry spall construction entrance;
8. Locate and install fire hydrants as approved by the Fire Chief;
9. Coordinate public transportation improvements, as may be required, with Skagit Transit (SKAT);

EXHIBIT **G**
STAFF REPORT

10. Coordinate installation of public water infrastructure improvements with Skagit Public Utility Dist. No. 1;
11. Contribute police impact fees of \$202.96 per unit as per the residential unit fee calculation in the Capital Facilities Element of the City of Sedro-Woolley Comprehensive Plan; and
12. Locate and install mailboxes as approved by the Postmaster.

The lead agency previously issued a comment period for this proposal under the optional DNS process in WAC 197-11-355. There is no further comment period on this threshold determination. Per SWMC 2.88.170, you may appeal this threshold determination in writing to the City of Sedro-Woolley Planning Department within 14 days from date of publication. Written appeals and appeal fees must be submitted by 4:30 p.m. **Wednesday, August 27, 2008**. Contact the Associate Planner at the City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, Washington, 98284 or electronically at jcoleman@ci.sedro-woolley.wa.us to read or ask about the procedures for SEPA appeals.

Responsible SEPA Official: Planning Director – City of Sedro-Woolley
Contact Person: John Coleman, Associate Planner

Address: 325 Metcalf Street, Sedro-Woolley, WA. 98284

Date of Issue: Wednesday, August 13, 2008 **Date of publication:** Wednesday, August 13, 2008

Signature:



Jack Moore, Planning Director

**Sedro-Woolley Design Review Committee
Chapter 15.44 SWMC**

In the Matter of:

Landscape and Design Review for LP-8-08
Plat of Habitat Village

City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

**Findings of Fact, Conclusions and
Decision –
Landscaping and Design Review for
Plat of Habitat Village**

Application Date: May 29, 2008

Application Complete: June 19, 2008

Decision: **Approved**

Hearing Date: August 19, 2008

Property Owner: Central Methodist Church of Sedro-Woolley
1013 Polte Road
Sedro-Woolley, WA 98284

Project Contact: Wayne Wegner
Skagit Habitat for Humanity.
PO Box 2565
Mount Vernon, WA 98273

Site Address: 1013 Polte Road

Parcel ID Nos.: P39453 & P39454

Zoning District: Residential 7 (R-7)

Minimum lot size: 6,000 sqft
Front Setback: 10 feet
Rear Setback: 10 feet
Side Setback: 5 feet: single-story
8 feet: two-story

Lot width at building line: 40 feet
Lot width at road frontage: 20 feet
Maximum building height: 35 feet
Maximum building coverage: 50%

PROJECT BACKGROUND

On May 29, 2008, Wayne Wegner, representative of Skagit Habitat for Humanity, submitted an application for a five-lot subdivision (long plat) at 1013 Polte Road. The existing church will occupy one lot, the other four will be single-family residential lots. Access to three of the new residential lots will be from the existing church parking lot, the fourth from Polte Road. Habitat for Humanity is coordinating the application process for the property owner, Central Methodist Church of Sedro-Woolley. Upon completion of the proposed subdivision, the four single family lots will then be transferred from Church ownership to Habitat for Humanity. The total site is approximately 3.67 acres in size and is zoned Residential-7. File #LP-8-08.

FINDINGS OF FACT

The Design Review Committee (DRC), having reviewed the application materials and the staff report dated August 8, 2008 (hereby incorporated into the DRC record), makes the following Findings of Fact:

1. On May 29, 2008, Wayne Wegner, representative for Skagit Habitat for Humanity, submitted an application for a five-lot subdivision (long plat) at 1013 Polte Road.
2. On June 19, 2008 the application was determined to be administratively complete.
3. Landscaping and design features for long plats are subject to design review to encourage better design and site planning; encourage development which features amenities designated to strengthen a sense of community; minimize potential incompatible uses; and increase community property values.
4. The project only results in the creation of four residential lots, so no play area is necessary per SWMC 17.38.010. The project is subject to Planning Commission review of the landscape per 17.50.030. The only materials subject to review include the Planting Plan (Exhibit A in staff report). The most significant features under review are the general landscaping and the fencing.
5. The general requirements for design review are found in SWMC 15.44.025.
6. Pursuant to SWMC 15.44.030 all applications subject to design review shall comply with the *City of Sedro-Woolley Design Standards and Guidelines* adopted in November of 2005. The first chapter of the manual, "Standards and Guidelines for All Development" applies to this project. No buildings are proposed as part of the plat, so building and architectural guidelines and standards do not apply. Lot layout is not subject to review for a standard plat.

7. Pursuant to SWMC 15.44.060, the Planning Commission, acting as the Design Review Committee shall have authority to approve, approve with conditions, or deny an application made pursuant to the provisions of this chapter.
8. Pursuant to SWMC 17.50.020, the requirements of the landscaping chapter (Ch.17.50 SWMC) “shall be imposed at the time of land use permit review, including: land alteration or land development such as subdivisions, short subdivisions, a change in lot coverage, a change in area devoted to parking and circulation, and projects requiring design review.”
9. Half-street improvements (curb, gutter and sidewalk) would normally be required for the area of Polte Road on which the entire site fronts. However, the Public Works Department waived that requirement subject to the property owners agreeing to not protest participation in any future local improvement district (LID) to improve Polte Road.
10. The DRC reviewed the proposed landscaping/design elements associated with application # LP-8-08 on August 19, 2008.
11. DRC reviewed the staff report dated August 8, 2008 and the staff recommendations therein. The staff report is attached and included as part of the record.
12. The DRC discussed at length the fencing proposed in the Planting Plan.

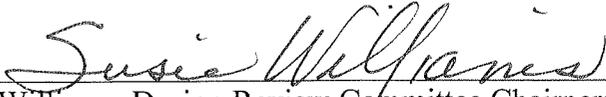
CONCLUSIONS

The Design Review Committee, having reviewed the application materials and all submitted documents makes the following conclusions:

1. Sedro-Woolley Municipal Code Chapters 15.44 – **Design Review**, 17.12 – **Residential 7 (R-7) Zone** and 17.50 – **Landscaping** apply to this project.
2. Chapters 15.44 and 17.50 SWMC require the Planning Commission, acting as the Design Review Committee, to review the project for compliance with the *City of Sedro-Woolley Design Standards and Guidelines* adopted in November of 2005 and the landscaping requirements in Chapter 17.50 SWMC.
3. After reviewing the project application materials and the staff report dated August 8, 2008, the *City of Sedro-Woolley Design Standards and Guidelines* manual and hearing testimony from the applicant, the Design Review Committee concludes that with the conditions listed below, the landscaping and design elements associated with file #LP-8-08 appear to meet the minimum requirements of the *City of Sedro-Woolley Design Standards and Guidelines* manual and Chapter 17.50 SWMC.

DECISION

Based upon the foregoing, the Design Review Committee **approves** the Planting Plan and design plans in Exhibit A of the staff report dated August 8, 2008, as proposed for the Plat of Habitat Village in File # LP-8-08 by a vote of **5 to 0**.



Susie Williams, Design Review Committee Chairperson
(Pro-tem)

Date: 9-10-2008

Per SWMC 15.44.075, any applicant who is not satisfied with the decision of the Planning Commission may appeal the decision as part of an appeal of the underlying permit, following the procedures set forth in Chapter 2.90 of the municipal code to the extent applicable. Such request for a hearing must be made in writing with in 14 days of the action of the Design Review Committee.

NOTICE OF PUBLIC HEARING
Wednesday September 24, 2008 at 10:00AM
Sedro-Woolley Municipal Courtroom
325 Metcalf Street, Sedro-Woolley, WA 98284

Application: LP-8-08, Preliminary Plat of Habitat Village

Applicant: Habitat for Humanity, PO Box 2565, Mount Vernon, WA 98273

Contact: Sound Development Group, ATTN: Tammy Zempel
1111 Cleveland Ave, Suite 202, Mount Vernon, WA 98273

Address: 1013 Polte Road, Sedro-Woolley

Project: The proposal is to subdivide one property into five (5) lots. There is an existing church on the property; the church will occupy one lot of the new subdivision and the other four lots will be single-family residential parcels. Access to three of the new residential lots will be from the existing church parking lot, the fourth from Polte Road. The site is approximately 3.67 acres in size and is zoned Residential-7. The long plat project will require the construction of stormwater, sewer and other infrastructure necessary to serve the proposed lots. The application was determined to be complete on June 19, 2008. File #LP-8-08.

Public Comment: Interested persons may appear and provide testimony at the hearing and request a copy of the decision. Written testimony may also be submitted **until 9:00 AM of the date of the public hearing** to: John Coleman, Associate Planner, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email: jcoleman@ci.sedro-woolley.wa.us.

Documents are available for review at: The City of Sedro-Woolley Planning Department, Monday through Friday, 8:00 AM to 5:00 PM. Project documents are available for review at no cost; copies will be provided at the requestor's cost. For more information, contact the Sedro-Woolley Planning Department at (360) 855-0771. A staff report will be available seven days prior to the hearing.

Hearing Examiner: The Sedro-Woolley Hearing Examiner will hold an open record public hearing on the Preliminary Plat of Habitat Village at 10:00AM, **Wednesday, September 24, 2008** at the Sedro-Woolley Municipal Courtroom, 325 Metcalf Street. Based on the information presented to the Hearing Examiner and the testimony at that hearing, the Hearing Examiner will make a recommendation to the City Council whether to approve, approve with conditions or deny preliminary approval of the proposed plat of Habitat Village.

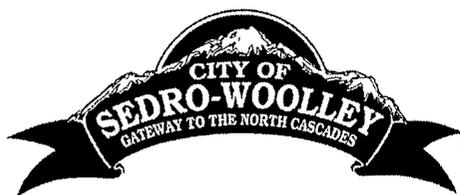
Notice Published: Wednesday, September 10, 2008

EXHIBIT I
STAFF REPORT

CITY COUNCIL AGENDA
REGULAR MEETING

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO.



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Golf Course
DATE: October 8, 2008

ISSUE: Should the Council authorize the Parks and Recreation Department to operate the golf course for one additional year?

BACKGROUND: The City has been operating the golf course for several years on a \$1.00 per year lease arrangement. From the beginning it was made clear to the City that this arrangement would end when the moratorium was lifted as the property owner purchased the land to develop it consistent with its underlying zoning (R5 and Commercial). The moratorium was lifted on September 30, 2008 and the property owner is now working on the design of his plat for that property. He anticipates it will take him another season to design and gain approval of his plat; during this time, he has offered the City the use of the golf course for another year at the \$1.00 rate.

In the past the Council has made it clear that it would support the operation of the golf course if it did not drain other resources from the parks department. While it may not be exact, if there is a cost to operate the golf course, it is minimal.

RECOMMENDATION: Seeking direction from the City Council about whether the golf course lease should be extended for one more year. Shane recommends that his department be authorized to operate the course for one more year.

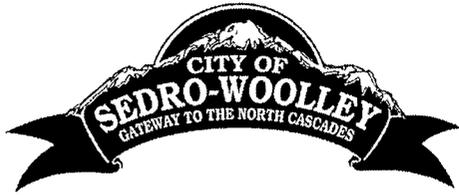
CITY COUNCIL AGENDA
REGULAR MEETING

OCT 08 2008

CITY OF SEDRO-WOOLLEY

Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 7



Eron M. Berg
City Supervisor/City Attorney

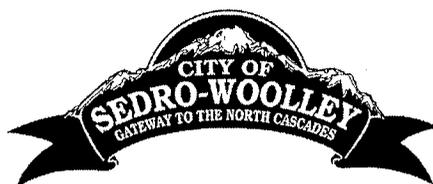
MEMO TO: City Council
FROM: Eron Berg
RE: Planning Consultant
DATE: October 8, 2008

ISSUE: Should the Council authorize the mayor to sign a professional services contract with a planning consultant to be selected by the planning director?

BACKGROUND: Attached is the Court's order in the Deluxe matter from October 2, 2008, a City press release dated the same, and our advertisement for consultant selection dated October 3, 2008.

The planning director is requesting the Council authorize the mayor to sign a City form professional services agreement with the consult he selects to perform the new threshold determination on the Deluxe matter.

RECOMMENDATION: Motion to authorize the Mayor to sign a City form professional services contract with a qualified planning consultant as recommended by the planning director to perform the SEPA review and make a new threshold determination in the Deluxe matter.



Sedro-Woolley, Washington
October 2, 2008

FOR IMMEDIATE RELEASE

Following a hearing in front of Judge Castleberry in Everett this afternoon, the Judge issued an eight (8) page ruling regarding the Deluxe Recycling and Disposal matter. The Court's decision is available in full at the City of Sedro-Woolley's website: www.ci.sedro-woolley.wa.us.

The Court vacated the hearing examiner's decision dated May 22, 2008 and remanded the matter back to the City for further review under the State Environmental Policy Act (SEPA). The Court further ordered the City to conduct a new analysis under SEPA and make a new threshold determination.

Pursuant to Sedro-Woolley Municipal Code (SWMC) 2.88.040 A., the SEPA responsible official, Jack Moore, has elected to appoint a qualified consultant to perform the new analysis and make a new threshold determination under SEPA as required by the Court's order.

The City will issue a request for qualifications (RFQ) and will select a competent, qualified and neutral consultant to review this project proposal. It is anticipated that the RFQ will be publicized tomorrow with a consultant selection by the 17th of October. The new SEPA review process will begin sometime thereafter and will be publicized as required under SEPA and the SWMC.

Members of the public will be afforded an opportunity to provide written comments on the Deluxe Recycling and Disposal SEPA application as part of the process. All comments already received by the City for the March 7, 2008 SEPA determination, including Leo Jacobs' letter dated February 5, 2008, will be provided to the consultant. More information will be forthcoming after a consultant is hired.

For more information, contact Eron Berg at 360-855-9922.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

ANNIE JANICKI,

Petitioner,

v.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

No. 08-2-01130-8

ORDER GRANTING SKAGIT COUNTY'S MOTION TO CLARIFY RECORD AND REMAND PROCEEDINGS

~~PROPOSED~~ *TC*

THIS MATTER came before the Court on Skagit County's Motion to Clarify Record, Vacate the Hearing Examiner's Decision, and Remand the Proceedings. The Court heard oral argument on September 9, 2008, and has reviewed the following pleadings and declarations submitted by the parties in connection with this matter:

ORDER GRANTING SKAGIT COUNTY'S MOTION TO CLARIFY THE RECORD, VACATE THE HEARING EXAMINER DECISION AND REMAND THE PROCEEDINGS - 1 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
Mount Vernon, WA 98273
Phone: (360) 336-9460
Fax: (360) 336-9497

- 1 1. "Skagit County's Motion to Clarify Record, Vacate the Hearing Examiner's
2 Decision and Remand the Proceedings" dated September 3, 2008, *with*
3 *all references to the Declaration of Rob Simpson dated August 29, 2008*
4 *stricken*;
- 5 2. "Declaration of William Honea" dated September 2, 2008;
- 6 3. "Respondent City of Sedro-Woolley's Response to Motion to Clarify the
7 Record, Vacate the Hearing Examiner's Decision and Remand the
8 Proceedings" dated September 8, 2008;
- 9 4. "Declaration of Eric Potash in Support of City's Response to County's
10 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
11 and Remand the Proceedings" dated September 4, 2008;
- 12 5. "Declaration of John Coleman in Support of City's Response to County's
13 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
14 and Remand the Proceedings" dated September 5, 2008;
- 15 6. "Declaration of Eron Berg in Support of City's Response to County's
16 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
17 and Remand the Proceedings" dated September 8, 2008;
- 18 7. "Declaration of John Coleman in Support of City's Response to County's
19 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
20 and Remand the Proceedings" dated September 5, 2008;
- 21 8. "Declaration of Simi Jain in Support of City's Response to County's
22 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
23 and Remand the Proceedings" dated September 8, 2008;
- 24 9. "Declaration of Jack Moore in Support of City's Response to County's
25 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
26 and Remand the Proceedings" dated September 5, 2008;
- 27 10. "Declaration of Julie Rosario in Support of City's Response to County's
28 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
and Remand the Proceedings" dated September 3, 2008;
11. "Deluxe Recycling and Disposal LLC's Objection to Skagit County's
Motion to Clarify Record and Vacate Proceeding" dated September 8,
2008, *with all references to the Declaration of Phillip A. Serka dated*
September 8, 2008 stricken;

ORDER GRANTING SKAGIT COUNTY'S
MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 2 -

SKAGIT COUNTY PROSECUTING ATTORNEY
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Mount Vernon, WA 98273
Phone: (360) 336-9460
Fax: (360) 336-9497

1 12. "Declaration of Steve Snell" dated September 5, 2008;

2 13. "Petitioner's Response in Support of Skagit County's Motion to Shorten
3 Time and Motion Remand and Clarify Record" dated August 27, 2008;

4 14. "Skagit County's Reply to Deluxe and City Response in Opposition
5 County Motion to Clarify Record and Remand Proceedings" dated
6 September 8, 2008.

7 Having carefully considered the foregoing, the Court makes the following

8 **FINDINGS:**

9 1. The City has a process for receiving and maintaining documents relevant
10 to SEPA processes. Maintenance of the SEPA record is the responsibility of the City
11 Planning Department.

12 2. It is undisputed that the City of Sedro-Woolley's Solid Waste Division
13 Manager Leo Jacobs submitted a letter dated February 5, 2008 to the City Planning
14 Department, which letter was received, accepted and reviewed by City Assistant
15 Planner John Coleman, and was later removed from the SEPA file.

16 3. It is undisputed that Mr. Jacobs, as the City's Solid Waste Division
17 Manager and representative on the regional Solid Waste Advisory Committee (SWAC),
18 ~~is a key member of City staff that would normally be expected to comment on a p[roject~~
19 ~~such as the Deluxe project, a proposal that envisions construction and operation of a~~
20 ~~regional solid waste handling facility. Under any reading, the February 5, 2008 Jacobs~~
21 ~~letter was extremely critical of the Deluxe project.~~ *re*

22 4. It is undisputed that the February 5, 2008 Jacobs letter was removed from
23 the City's SEPA file, was not made available to the Petitioner, was not in any of the
24 materials presented to the Hearing Examiner. It is undisputed that the Hearing

25
26
27 **ORDER GRANTING SKAGIT COUNTY'S**
28 **MOTION TO CLARIFY THE RECORD,**
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 3 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
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1 Examiner made his decision without the benefit of the February 5, 2008 Jacobs letter.

2 5. The facts relevant to the Court's decision are not disputed. While there
3 *was some level of disagreement as to whether ^{someone at the City remove the letter or} Mr. Jacobs was ordered to remove his* *RC*
4 letter from the SEPA file or he did so of his own volition, these disputed facts are not
5 germane to the Court's conclusions of law nor to the Court's decision.
6

7 6. Petitioner has substantially obtained the relief originally sought in her
8 LUPA Petition.

9 7. Any findings of fact herein that are properly construed as conclusions of
10 law shall be treated as such.

11 Having carefully considered the foregoing, the Court reaches the following

12 **CONCLUSIONS:**

13
14 1. The City was obligated to maintain the February 5, 2008 Jacobs letter in
15 the SEPA record. Were it otherwise, the City would have the ability to control and
16 dictate the contents of the SEPA record that comes forward for the Hearing Examiner's
17 consideration. This would defeat the entire purpose of the Land Use Petition Act, RCW
18 36.70C, which affords great deference to the administrative decision below on the
19 premise that the Hearing Examiner had the complete record before him for his
20 consideration.
21

22 ~~2. A rule that allows for the removal of critical comment letters from the~~
23 ~~SEPA record would prove untenable, because it would lead to situations such as the~~ *RC*
24 ~~present one where the parties present differing facts as to why and how the comment~~
25 ~~letter was removed from the record, and the ultimate significance of the comment~~
26

27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 4 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
Mount Vernon, WA 98273
Phone: (360) 336-9460
Fax: (360) 336-9497

1 ~~letter's removal from the record. The LUPA statute is not geared toward the evidentiary~~
2 ~~fact finding that this would necessarily involve.~~

3 ~~2~~ ~~3.~~ The Court's jurisdiction in this matter arises under the Land Use Petition
4 Act, RCW 36.70C. RCW 36.70C.140 allows the Court to "affirm or reverse the land
5 use decision under review or remand it for modifications or further proceedings," and
6 "[i]f the decision is remanded for modification or further proceedings, the court may
7 make such an order as it find necessary to preserve the interests of the parties and the
8 public, pending further proceedings or action by the local jurisdiction." The Court has
9 the authority under LUPA to remand the land use decision for "modification or further
10 proceedings."
11

12 ~~3~~ ~~4.~~ RCW 36.70C.130 sets forth an exhaustive list of conclusions that the
13 Court may permissibly draw as the basis for relief from its review of the record.
14 However, the issue before this Court is not a question of conclusions that may
15 permissibly be drawn from a review of the record. Rather, the issue before this Court is
16 whether the Court has the authority to remand the proceedings in light of undisputed
17 evidence that the Hearing Examiner's decision was not based on a complete
18 administrative record.
19

20 ~~4~~ ~~5.~~ The Court considered and rejects the City's argument that the proper
21 remedy is an independent writ of certiorari action filed in superior court. RCW
22 36.70C.030(1) provides that LUPA "replaces the writ of certiorari for appeal of land use
23 decisions and shall be the exclusive means of judicial review of land use decisions..."
24 Allowing a multiplicity of challenges to local land use decisions as the City suggests
25

26
27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 5 -

SKAGIT COUNTY PROSECUTING ATTORNEY
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1 would defeat the central purpose and intent of LUPA, which was enacted by the
2 legislature to "reform the process for judicial review of land use decisions made by local
3 jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria
4 for reviewing such decisions..." RCW 36.70C.010.

5 ~~8.5~~ ^{RC} The Court concludes that LUPA is silent as to the proper remedy where
6 key documents were removed from the record, were not furnished to the Petitioner, and
7 were not considered by the Hearing Examiner reaching his decision.
8

9 ~~7.6~~ RCW 36.70C.030 provides that "[t]he superior court civil rules govern
10 procedural matters under this chapter to the extent that the rules are consistent with this
11 chapter." Where LUPA is silent on the Court's management of these proceedings, the
12 Court turns to the Rules of Civil Procedure, giving due regard for the LUPA statute's
13 mandate that the Court "shall provide expedited review" of LUPA matters. RCW
14 36.70C.090. The County's motion to vacate the Hearing Examiner's decision is akin to
15 a motion for summary judgment arising under CR 56, insofar as County and Petitioner
16 seek relief that will terminate this Court's review based on issues of law where the
17 material facts are not in dispute. That being noted, the relief the County and Petitioner
18 seek is something less than dispositive, because it involves procedural remand in a
19 LUPA appellate matter. The relief sought by the County and Petitioner is in other ways
20 similar to amendment of judgment under CR 59 and relief from judgment under CR 60.
21 The Court concludes it has the authority to grant the relief sought by the County and
22 Petitioner on this motion, and remand the proceedings to the City.
23
24

25 ~~8.7~~ The County's motion was originally filed on August 25, 2008 together with
26

27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 6 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
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1 a motion to shorten time, with the hearing date and briefing schedule agreed upon by
2 the parties. The Court set the hearing on a compressed time schedule in consideration
3 of Deluxe Recycling and Disposal LLC's requests for expedited review. The Court
4 concludes that the parties received sufficient notice of the hearing and the relief sought,
5 and opportunity to respond. *RC*

7 ~~9. The purpose of SEPA is to inform the decision-making process, not to~~
8 ~~justify decisions already made. WAC 197-11-406. Because the City has not yet~~
9 ~~performed a SEPA review process that considers and responds to the issues raised in~~
10 ~~the February 5, 2008 SEPA review letter, the City must perform a new SEPA threshold~~
11 ~~determination to comport with the dictates of SEPA.~~ *RC*

12 **10.** Petitioner Janicki is the substantially prevailing party, and is entitled to her
13 costs associated with preparation of the record. RCW 36.70C.110.

14 WHEREFORE, it is hereby ORDERED:

- 15 **1.** The Hearing Examiner decision dated May 22, 2008 is VACATED.
- 16 **2.** This matter is remanded to the City of Sedro-Woolley for further
17 environmental review consistent with this decision.
- 18 **3.** Unless the Deluxe application is withdrawn or otherwise disposed of, the
19 City shall conduct a new SEPA analysis and issue a new SEPA threshold determination
20 for the Deluxe proposal, taking into consideration the February 5, 2008 Jacobs letter,
21 ~~and other such input as the City's Solid Waste Division may provide.~~ *inter alia*
22 ~~appropriate comments.~~ *RC*
- 23 ~~4. The City may use a qualified and objective outside consultant in conduct~~
24 ~~of the foregoing SEPA analysis.~~

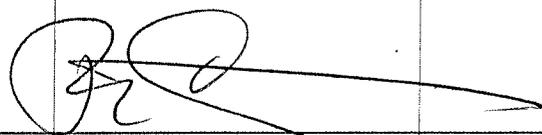
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27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 7 -

SKAGIT COUNTY PROSECUTING ATTORNEY
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1 ~~5.~~ The City shall pay Petitioner's costs associated with preparation of the
2 SEPA record in the amount of ~~\$1,841.75~~ *to be determined. Council shall*

3 *provide court with their respective proposals w/ 14 days*
4 ~~6.~~ Review is hereby terminated and this matter dismissed with prejudice *of this*
5 without costs or fees to either party other than as set forth in paragraph 4. *order*

6 DATED this 2 day of Oct 2008.

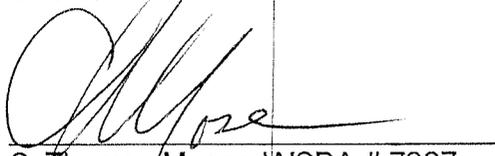
7 
8 _____
9 JUDGE / COMMISSIONER

10 **Presented by:**

11 SKAGIT COUNTY PROSECUTING ATTORNEY

11 LAW OFFICES OF C. THOMAS MOSER

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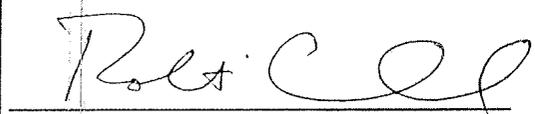
13 _____
14 William W. Honea, WSBA # 33528
15 Stephen Fallquist, WSBA # 31678
16 Attorneys for Skagit County

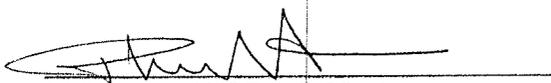
14 _____
15 C. Thomas Moser, WSBA # 7287
16 Attorneys for Petitioner Janicki

17 **Copy Received; Approved As To Form; Presentation Waived**

18 ZENDER THURSTON P.S.

18 ADELSTEIN, SHARPE & SERKA P.S.

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19 

20 _____
21 Robert Carmichael, WSBA # 14008
22 Simi Jain, WSBA # 35810
23 Attorneys for City of Sedro-Woolley

20 _____
21 Phil Serka, WSBA # 6814
22 Attorneys for Deluxe

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27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD,
VACATE THE HEARING EXAMINER
DECISION AND REMAND THE
PROCEEDINGS - 8 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
Mount Vernon, WA 98273
Phone: (360) 336-9460
Fax: (360) 336-9497

NOTICE OF ADVERTISEMENT
REQUEST FOR STATEMENT OF QUALIFICATIONS
PROFESSIONAL SERVICES SOLICITATION

The City of Sedro-Woolley is inviting statements of qualifications and performance information from firms interested in providing professional planning services for the City of Sedro-Woolley. This project involves acting as the SEPA responsible official to perform a threshold determination of a proposed development project consistent with SEPA. The proposed development project is to construct and operate a recycling and solid waste handling facility on a 12.84 acre former lumber mill site, including the construction of a 30,000 square foot processing facility with a below-grade compactor and freight scales. The proponent is Deluxe Recycling and Disposal, LLC.

Responses are due at the Planning Director's office in Sedro-Woolley City Hall at 325 Metcalf Street, Sedro-Woolley, WA 98284 by 12 pm, October 17, 2008.

Qualification and performance statements will be reviewed according to the City of Sedro-Woolley's Guidelines for Consultant Selection. The consultant selected will be expected to execute a City of Sedro-Woolley form consultant agreement which is available at our website or by request.

A copy of this Advertisement and any updates is posted in the Notice section of the City of Sedro-Woolley's Website at <http://s-wcity.net/BidsAwards/main.htm>.

Three (3) copies of the response to this RSQ shall be mailed to, delivered by courier, or presented in person to the City under seal with a concise statement marked on the outside thereof identifying the project to which the submittal pertains. Proposals delivered by facsimile or email will not be accepted.

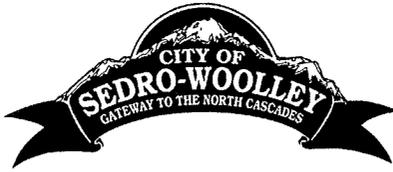
Questions regarding this RSQ should be directed by email to Jack Moore, Planning Director, at jmoore@ci.Sedro-Woolley.wa.us.

The City of Sedro-Woolley is an Equal Opportunity and Affirmative Action Employer.

Minority and women-owned firms are encouraged to submit statements or proposals.

Dated this 3rd day of October, 2008.

Publish: Courier Times
October 15th, 2008



**CITY COUNCIL AGENDA
REGULAR MEETING**

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 8

Planning Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore *JM*
Planning Director & Building Official

Date: October 8, 2008

Subject: Consolidated Planning Procedures Update (1st Read)

ISSUE

First read of major revisions to Chapter 2.90 SWMC – Consolidated Planning Procedures

PROJECT DESCRIPTION / HISTORY

These amendments are part of the ongoing effort to update the City's planning procedures to increase efficiency and predictability in our development review process. The City contracted planning consultant Jim Hanson to assist in developing these updates. The code was then further refined by the Planning Department after previously presenting it to the City Council and receiving several suggestions for changes.

RECOMMENDED ACTION

No action requested at this time. The Planning Department requests that the City Council make any additional recommendations to be incorporated prior to it being brought back to the Council for final approval.



Building, Planning and Engineering Dept.

Sedro-Woolley Municipal Building
720 Murdock Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore,
Director of Planning & Community Development

Date: November 8, 2007

Subject: Proposed revisions to development code

F.Y.I.



ISSUE

The Mayor and City Council have directed our department to continue improving our processes in order to better assist our customers and the citizens of our City.

PROJECT DESCRIPTION / HISTORY

Our planning and process consultant, Mr. Jim Hanson, has submitted a preliminary package for your consideration. It includes a *Summary of Code Changes and Development Review Authority and procedure modifications*.

RECOMMENDED ACTION

No action at this time.

A presentation will be given by Mr. Hanson at the Council Workshop to review the proposed changes. We will request feedback to further guide Mr. Hanson in continuing to refine the information presented in order to eventually adopt as a code revision.

CHAPTER 2.90 CONSOLIDATED PLANNING PROCEDURES

- 2.90.010 PURPOSE AND INTENT**
- 2.90.020 APPLICABILITY**
- 2.90.030 EFFECT OF PERMIT**
- 2.90.035 PERMIT PROCESSES CLASSIFIED BY TYPE**
- 2.90.040 EXEMPTIONS FROM STATE PROCESS REQUIREMENTS**
- 2.90.050 SUBMITTAL REQUIREMENTS GENERAL**
- 2.90.060 AUTHORITY AND RESPONSIBILITIES**
- 2.90.070 PERMIT CLASSIFICATION**
- 2.90.075 PUBLIC NOTICE REQUIREMENTS**
- 2.90.080 APPLICATION AND DECISION-GENERAL**
- 2.90.090 APPEALS**
- 2.90.100 SUBMITTAL REQUIREMENTS-SPECIFIC**

2.90.010 PURPOSE AND INTENT:

The purpose and intent of this Chapter is to establish standard procedures for all land use and development applications in order to provide for an integrated and consolidated land use permit and environmental review process. It is further the purpose of this Chapter to combine and expedite development review to eliminate redundancy and minimize delays, to establish timelines for notifying the public of land use applications, to revise hearing requirements to allow one open record hearing and one closed record appeal hearing, and to provide that final decisions on development proposals be made within one hundred twenty (120) days of the date of the letter of completeness, except for development specifically exempted under this Chapter.

The mandatory nature of the one hundred twenty (120) day processing time notwithstanding, it is neither the intent nor the purpose of this Chapter to establish a claim or remedy for a delay in the final decision beyond one hundred twenty (120) days.

2.90.20 APPLICABILITY:

All applications for development shall be subject to the provisions of this Chapter, except where specifically exempted under SWMC 2.90.040, Exemptions from State Process Requirements.

2.90.030 EFFECT OF PERMIT:

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful.

2.90.035 PERMIT PROCESSES CLASSIFIED BY TYPE:

Development subject to review by the City is classified and processed using one of the six (6) types of land use permit procedures listed in SWMC 2.90.070G. The review process for the types of permit review procedures are described in SWMC 2.90.070. If the code does not expressly provide for review according to one of the six (6) types of permit review procedures, and another specific procedure is not required by law, the Development Services Department shall classify the application.

2.90.040 EXEMPTIONS FROM STATE PROCESS REQUIREMENTS:

A. STATE AUTHORITY:

RCW 36.70B.140 allows a local government to exclude certain project permits from procedure and time limit requirements. This Section deals with exemptions from State-mandated notice requirements. Permit types listed below may and often do have City Code requirements for review, notification, and appeal beyond State requirements.

B. EXEMPTIONS FROM CITY GOAL OF ONE HUNDRED TWENTY (120) DAY REVIEW PROCESS FOR CERTAIN ACTIONS REQUIRING MORE TIME:

RCW 36.70B.140 provides that local governments may determine that there are "special circumstances" relative to certain actions or processes that warrant a different review process than that set forth in State law. Therefore, the City exempts the following actions since they typically require more than one hundred twenty (120) days to process or would be deemed emergencies:

1. Comprehensive Plan amendments with or without any other associated land use application such as a rezone,
2. Sedro-Woolley Municipal Code amendments,
3. Annexations,
4. Planned residential developments,
5. Development agreements,
6. Environmental impact statements,
7. Temporary emergency wetland permit,
8. Declared emergency under SEPA,
9. Street vacations,
10. Any project once it is appealed to the Hearing Examiner and/or City Council.
11. Any project once it becomes the subject of a petition under the Land Use Petition Act,
12. Any project that is determined by the Mayor to present extenuating circumstances which would require more than one hundred twenty (120) days to process.

C. EXEMPTIONS FROM STATE NOTIFICATION AND PROCEDURAL REQUIREMENTS FOR PERMITS RELATING TO USE OF PUBLIC AREAS/FACILITIES:

As permitted by RCW 36.70B.140, the City also exempts the following “approvals relating to the use of public areas or facilities” from the notification and procedural requirements of RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130.

1. Deferral of off- or on-site improvements,
2. Drainage connection permits,
3. Driveway construction permit (all uses/users),
4. Driveway relocation permit (all uses/users),
5. Franchise utility permits,
6. Right-of-way use permit,
7. Release of easements,
8. Side sewer permit,
9. Side sewer cap permit,
10. Sidewalk repair permit (all uses/users),
11. Sidewalk/curb/gutter construction permit (all uses),
12. Permits to stop City sewer service,
13. Other SEPA exempt actions/activities as outlined in WAC 197-11-800.

D. EXEMPTIONS FROM STATE NOTIFICATION AND PROCEDURAL REQUIREMENTS FOR PERMIT APPLICATIONS NOT SUBJECT TO ENVIRONMENTAL REVIEW:

RCW 36.70B.140 allows local governments to exclude certain approvals and building and engineering permits from the public notification and procedural requirements of the statute if they are categorically exempt from environmental review or if environmental review has already been completed at an earlier stage. However, the City’s one hundred twenty (120) day maximum processing time would still apply. Therefore, the City exempts the following actions from the public notification and procedural requirements since they are typically processed very quickly and would be considerably delayed by imposition of a public comment period(s).

1. Building and grading permits (SEPA exempt),

2. Business licenses for home occupations,
3. Fire installation/construction permits,
4. Mechanical, plumbing, sign and fence permits,
5. Lot line adjustments,
6. Final plats,
7. Minor amendments to a previously approved PUD,
8. Occupancy permits,
9. Shoreline exemptions,
10. Temporary use permits (SEPA exempt), but not exempting sign requirements,
11. Water, sewer, storm drainage, roadway permits (SEPA exempt),
16. Other SEPA exempt actions/activities as outlined in WAC 197-11-800.

2.90.050 SUBMITTAL REQUIREMENTS – GENERAL:

A. PURPOSE:

In order to comply with the State law, the City is required to detail the requirements for complete building, public works and land use permit applications.

B. VESTING OF APPLICATION:

Is a legal doctrine whereby a valid and fully complete building application for a project that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit, zoning, or other land use controls in effect on the date of such valid and fully complete building application.

1. Supplemental information required after acceptance shall not affect the validity of the vesting for such application.
2. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions would result in a substantial change in the basic site design plan, intensity, density, and the like, involving a change of ten percent (10%)

or more in area or scale. Vesting for the new application shall occur upon the date of submission of a valid and fully complete building application for the changed project.

C. APPLICATION LOCATION:

All land use, building, fire, and public works applications addressed in this Title shall be filed with the Planning Department.

D. COMPLETE APPLICATION:

Unless waived by the Planning Department, the requirements for a full complete land use, building, or public works permit application shall consist of the information listed in SWMC, and any site-specific information identified in a preapplication meeting summary. Application fees pursuant to SWMC 2.90 are also required for a complete application.

E. MULTIPLE PERMIT APPLICATION SUBMITTAL REQUIREMENTS:

Where submittal requirements are duplicated for various types of permit applications, an applicant shall be required to submit only the largest (not total) number of copies required.

F. SUBMITTAL WAIVER PROCESS:

In order to have any of the normally required submittals waived, the applicant must request such waiver(s) at or after a preapplication meeting with City staff. Staff will consider the merits of the waiver request(s) and will provide the applicant with a written list of any/all submittals waived. The applicant must submit a copy of the list of City approved waiver(s) at the time of formal application.

G. LETTER OF COMPLETENESS:

Upon finding a Type II, III or IV application complete, the Development Services Department will provide a letter of completeness to the applicant and property owner(s).

2.90.060 AUTHORITY AND RESPONSIBILITIES:

A. REVIEW AUTHORITY:

SWMC 2.90.070G, Land Use Permit Procedures, lists the development applications and outlines the responsible review authority associated with making recommendations, conducting open record public hearings, open record appeals, the responsible official for the permit decision, and appeal bodies.

B. SPECIFIC RESPONSIBILITIES:

The regulation of land development is a cooperative activity including many different elected and appointed boards and City staff. The specific responsibilities of these bodies are listed as set forth in subsections C through G of this Section and SWMC, Title 2.

C. PLANNING DIRECTOR OR DESIGNEE:

1. **Authority:** The Planning Director or designee shall review and act on the following:

- a. Building and grading permits,
- b. Binding site plan approval for commercial or industrial developments,
- c. Environmental Review:
 - i. Make threshold determinations for environmental checklists,
 - ii. Authorize circulation of draft environmental impact statements,
 - iii. Approve and issue final environmental impact statements,
 - iv. Approve mitigation conditions for mitigated determinations of nonsignificance and final environmental impact statements.
- d. Interpretation of flood insurance rate map boundaries,
- e. Boundary line adjustments (B.L.A.),
- f. Modifications:
 - i. Minor modifications to previously approved site plan,
 - ii. Modifications of street standards,
 - iii. Minor modifications of landscaping requirements,
 - iv. Minor amendment to PUD.
- g. Review of business licenses for home occupations,
- h. Shoreline exemptions,
- i. Shoreline permits,

j. Short plats –nine (9) or less,

k. Temporary use permits,

l. Variances – Administrative,

m. Modifications of the number of required parking stalls and the requirements of the parking, loading and driveway regulations.

D. CITY ENGINEER OR DESIGNEE:

1. The City Engineer shall review and act on the following:

a. Appeals of administrative decisions/determinations regarding requests for modification of storm drainage regulations,

b. Revocable permits for the temporary use of public right-of-way,

c. Sewer modifications, alternates, and appeals,

d. Modifications to Street Design Standards,

e. Waivers of on-site and off-site improvements (including deferrals),

E. PLANNING COMMISSION:

The Planning Commission shall review and act on the following:

1. Comprehensive Plan: Duties related to the Comprehensive Plan. Recommendations to City Council regarding amendments after holding a public hearing,

2. Shoreline Master Program Amendments: Recommendations to City Council regarding Shoreline Master Program Amendments after holding public hearing.

3. Area-Wide Zoning: The Planning Commission, in conducting area land use analysis, may from time to time recommend to the City Council area-wide zonings to implement the recommended amendments to the Comprehensive Plan.

4. Land Use Regulations and Processes: Upon Council request and based upon the goals and policies of the Comprehensive Plan, recommendations to Council regarding effective and efficient land use regulations and processes.

F. HEARING EXAMINER:

1. Authority: The Hearing Examiner shall review and act on the following:

- a. Appeals of administrative decisions/determinations and SEPA threshold decisions,
- b. Conditional approval permit for nonconforming uses,
- c. Conditional use permits,
- d. EIS hearing,
- e. Shoreline conditional use permit,
- f. Shoreline variance,
- g. Variances.

2. Recommendations: The Hearing Examiner shall hold a hearing and make recommendations to the City Council on the following:

- a. Major amendment to PRD,
- b. Master plan with and without PRD,
- c. Mobile/manufactured home park or subdivision,
- d. Preliminary plats,
- e. Planned Residential developments,
- f. Rezones, site specific, in conformance with the Comprehensive Plan,
- g. Variances from the provisions of the subdivision regulations relating to a full subdivision.

3. Appeals: Unless otherwise specified, any decision of the Responsible SEPA Official or the Planning Director or his or her designee or the City Engineer in the administration of this Title shall be appealable to the Hearing Examiner as an administrative determination pursuant to SWMC 2.90.090, Appeals.

G. CITY COUNCIL:

The City Council shall review and act on the following:

1. Annexations,
2. Appeals of Hearing Examiner decisions, excepting Hearing Examiner decisions that were appeals of administrative decisions,
3. Comprehensive Plan map or text amendment,
4. Dedications of property for public purposes,
5. Development and zoning regulations text amendment,
6. Development Agreements,
7. Designation of historic overlay district,
8. Final plats,
9. Preliminary plats,
10. Planned residential developments, preliminary and final,
11. Release of easements,
12. Rezones consistent with the Comprehensive Plan,
13. Rezones with associated Comprehensive Plan map or text amendment,
14. Street vacations,
15. Variances from the provisions of the subdivision regulations relating to a full subdivision,
16. Appeals of Design Review Committee decisions.

H. REVIEW AUTHORITY FOR MULTIPLE PERMIT APPLICATIONS:

Where required permits are subject to different types of permit review procedures, then all the associated applications are subject to the highest level of review authority that applies to any of the required applications.

2.90.070 PERMIT CLASSIFICATION:

A. PURPOSE:

The purpose of this Section is to outline the procedure and time requirements for the various development applications reviewed by the City. All development applications are classified and processed according to one of 6 types of permit procedures, as identified in subsection G of this Section.

B. REVIEW PROCESS BASED UPON APPLICATION TYPE:

Subsection G of this Section lists the development applications and explains the basic steps in the review process. This table also outlines the responsible review authority

C. CONSOLIDATED REVIEW PROCESS FOR MULTIPLE PERMIT APPLICATIONS:

1. Optional Process Resulting in a Single Open Record Public Hearing: An applicant may elect to have the review and decision process for required permits consolidated into a single review process. Consolidated review shall provide for only one open record hearing and no more than one closed record appeal period. An appeal of an environmental determination of significance (DS) is exempt from limits on the number of appeals. Where hearings are required for permits from other local, State, regional, or Federal agencies, the City will cooperate to the fullest extent possible with the outside agencies to hold a single joint hearing.

2. Review Authority for Multiple Permit Applications: Where more than one land use permit application is required for a given development, an applicant may file all related permit applications concurrently, pay appropriate fees, and the processing may be conducted under the consolidated review process. Where required permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure, as identified in subsection G of this Section, and highest level of review authority, that applies to any of the applications.

D. TIME FRAME BASED ON PERMIT TYPE:

The time frame varies for each of the land use permit types, as discussed in subsection G of this Section. The timelines include the statutory requirement that requires the issuance of a letter of completeness within twenty eight (28) days of the application submittal, pursuant to RCW 36.70B.070(1), and the provision for final decisions on permits within one hundred twenty (120) days of receipt of a complete application.

E. TIME FRAMES – MAXIMUM PERMITTED:

Final decisions on all permits and reviews subject to the procedures of this Chapter shall occur within one hundred twenty (120) days from the date an application is deemed complete, unless the applicant consents to an extension of such time period. If a project application is substantially revised by an applicant, the one hundred twenty (120) day time period shall start again after the revised project application is determined to be complete. Development applications which are specifically exempted under SWMC 2.90.040 Exemptions from State Process Requirements, are not subject to this time frame.)

F. EXCLUSIONS FROM ONE HUNDRED TWENTY (120) DAY TIME LIMIT:

In determining the number of days which have elapsed since the applicant was notified that the application is complete, the following periods shall be excluded:

1. Revisions/Additional Information Required: The time period in which an applicant has been requested by the Planning Department to correct plans, perform required studies, or provide additional information. The period shall be calculated from the date the Planning Department notifies the applicant of the need for additional information until: (a) the date the Department determines the additional information satisfies the request for information, or (b) fourteen (14) days after the date acceptable information has been provided to the City, whichever is earlier. If the Department determines that the information submitted is insufficient, it shall notify the applicant of the deficiencies.

2. EIS Preparation: A period of two hundred fifty (250) days for the preparation of a draft environmental impact statement (DEIS), following a determination of significance. This time frame shall commence after the final scoping of the DEIS is complete.

3. Applicant Agreements: Any time extension mutually agreed upon by the applicant and the Planning Department.

G. LAND USE PERMIT PROCEDURES:

A. Permit Classification Table:

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Conditional Use Permit			X			
Design Review with Building Permit	X					
Design Review with Hearing Examiner Land Use Permit			X			
Development Agreement					X	
Development Regulation Text Amendments referred to Planning Commission						X
Development Regulation Text Amendments not referred to Planning Commission					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit	X					
Floodplain district development permit or variance				X		
Home Occupation	X					
Landscape Modifications	X					
Major Modification PRD				X		
Master Plan Approval				X		
Minor Modifications	X					
Nonconforming Use – ordinary maintenance or repair	X					
Nonconforming Use – certificate of use or occupancy	X					
Nonconforming Use – special permission to enlarge, expand, or reconstruct			X			
Plat, Preliminary				X		

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Plat, Final					X	
Planned Residential Development				X		
Rezoning consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit			X			
Shoreline Variance			X			
Short plat		X				
Short plat – when hearing requested			X			
Site Plan Approval	X					
Special Use Permit			X			
Street Vacations				X		
Street Design Modifications	X					
Temporary Use Permit		X				
Variations			X			
Zoning Waivers				X		

Summary of Permit Processes

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-application Meeting	No	Required for short plats, building permits with street improvements, and all other non-single-family residential actions	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director
Letter of Completeness	No	Required	Required	Required	No	No	No
Notice of Application	No	Required,	Required,	Required,	Required,	Required	See RCW 35A.14 or the Shoreline Management Master Program
Notice of Hearing	Not Applicable	Not Applicable	Required	Required	Required	Required	See RCW 35A.14 or the Shoreline Management Master Program
Open-Record Public Hearing	No	No	Yes, before Hearing Examiner to render final decision	Yes, before Hearing Examiner or Planning Commission, to make recommendation to City Council	No	Yes, before Planning Commission to make recommendation to City Council	See RCW 35A.14 or the Shoreline Management Master Program
Closed Record Appeal/Final Decision	Only if appealed, then before Hearing Examiner	Only if appealed, then before Hearing Examiner	Only if appealed, then before City Council	Yes, before Council to render final decision	Yes, before Council to render final decision	Yes, before Council to render final decision	See RCW 35A.14 or the Shoreline Management Master Program
Notice of Decision	Required,	Required,	Required,	Required,	Required,	Required,	See RCW 35A.14 or the Shoreline Management Master Program
Recommendation Made By	Not Applicable	Not Applicable	Not Applicable	Hearing examiner or Planning Commission	Staff	Planning Commission	See RCW 35A.14 or the Shoreline Management Master Program
Final Decision Made By	Planning Director	Planning Director	Hearing Examiner	City Council	City Council	City Council	See RCW 35A.14 or the Shoreline Management Master Program
Judicial Appeal	See 2.90.090	See 2.90.090	See 2.90.090	See 2.90.090	See 2.90.090	See 2.90.090	See RCW 35A.14 or the Shoreline Management Master Program

2.90.075 PUBLIC NOTICE REQUIREMENTS:

A. APPLICABILITY:

A notice of application is not required for actions which are classified as a Type 1 land use procedure under SWMC 2.90.060G, and for actions specifically exempted under SWMC 2.90.040, Exemptions from State Process Requirements, but is required for all land development permit applications subject to notice requirements.

B. NOTICE OF DEVELOPMENT APPLICATION:

1. Within fourteen (14) days of issuing a letter of completeness under 2.90.080(C), Letter of Completeness, the City shall issue a notice of development application. The notice shall, at minimum, include the following:

- a. Applicant and/or owner name,
- b. Project name and City file number,
- c. Date of application acceptance,
- d. Project location,
- e. Project description,
- f. A listing of all permits/approvals requested,
- g. The date the fourteen (14) day public comment period expires,
- h. The following, or equivalent, statements: "In order to receive additional information regarding this particular project, you will need to contact the City's Planning Department and request to be made a party of record" and "In order to become a party of record or to obtain further information regarding this project, please contact the City of Sedro-Woolley Planning Department at 325 Metcalf Street, (360) 855-0771." The date, time, and place of a public hearing if one has been scheduled.

2. One notice per frontage of the proposed development shall be posted on or near the subject property and mailed to property owners and residents within five hundred feet (500') of the boundaries of the subject property.

C. NOTICE OF ADMINISTRATIVE DECISIONS:

The Planning Department shall notify all parties of record, the project proponent and affected government agencies of any administrative decision subject to notice. Notification must be made by mail; however, the Planning Department may also elect to post the notices of administrative decision at or near the project site. The notice shall include:

1. A description of the decision(s), including any conditions of approval.
2. A statement explaining where further information may be obtained.
3. Any threshold environmental determination issued for the project. If an application subject to an administrative approval requires an environmental threshold determination, the notice of administrative approval shall include the threshold determination and its appeal process.
4. The decision and a statement that the decision will be final unless an appeal to the Hearing Examiner is filed with the Planning Director within fourteen (14) days of the date of the decision.

D. NOTICE OF PUBLIC HEARING:

Notice of a public hearing for all development applications subject to notification requirements and all open record appeals shall be given as follows:

1. Time of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

- a. Publication at least ten (10) days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the City,
- b. Mailing at least ten (10) days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent and affected government agencies, and
- c. Posting of three (2) notices at least ten (10) days before the meeting, hearing, or pending action at or near the project site.

2. Content of Notice: The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing, where further information may be obtained, and the following, or equivalent, statement: "If the hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this Section is required".

E. NOTICE OF HEARING EXAMINER DECISION:

Notice of Hearing Examiner decisions subject to notice requirements shall be made by the Hearing Examiner's office to all parties of record, the project proponent, and Planning Department, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditional approval.
2. A statement explaining where further information may be obtained.

3. Any threshold environmental determination issued and its appeal process.

4. The decision date and a statement that the decision will be final unless an appeal to the City Council is filed with the City Clerk within fourteen (14) days of the date of the decision.

F. NOTICE OF CITY COUNCIL DECISION:

Notice of City Council decisions subject to notice requirements shall be made by the City Clerk's office to all parties or record, the project proponent, the Planning Department, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval.

2. A statement explaining where further information may be obtained.

3. Any threshold environmental determination issued and its appeal process.

4. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the City Council is filed with the Superior Court within fourteen (21) days of the date of the decision.

2.90.080 APPLICATION AND DECISION – GENERAL:

A. PREAPPLICATION MEETING:

1. **a. Preapplication Required:** A preapplication meeting may be required prior to formal submittal of a development application for Type II, III, and IV permits.

b. Preapplication Recommended: A preapplication meeting is recommended for all other projects.

2. **Purpose:** The meeting is not intended to provide an exhaustive review of all potential issues. Preapplication review does not prevent or limit the City from applying all relevant laws at the time of application submittal. The purposes of a preapplication meeting are:

a. To acquaint an applicant with the requirements of the City's development regulations and other applicable laws.

b. To provide an opportunity for the City to be acquainted with a proposed application prior to review of a formal application.

3. **Preapplication Submittal Requirements:** Preapplication meeting submittal requirements are available through the City of Sedro-Woolley's Planning Department.

4. Waiver of Formal Application Submittal Requirements: An applicant may submit a written request for a waiver from formal application submittal requirements which may be considered during or after a preapplication meeting.

B. SUBMITTAL OF FORMAL APPLICATION:

Applications, except appeals of administrative or environmental determinations shall be filed with the Planning Department.

C. LETTER OF COMPLETENESS:

1. Timing: Within twenty eight (28) days after receipt of an application, the Planning Department shall provide a written determination that the application is deemed complete or incomplete according to the submittal requirements as listed in SWMC 2.90.100 A, B or C, and any site-specific information identified after a site visit. In the absence of a written determination, the application shall be deemed complete.

2. Applications Which are Not Complete: If an application is determined incomplete, the necessary materials for completion shall be specified in writing to the contact person and property owner. Within fourteen (14) days of submittal of the information specified as necessary to complete an application, the applicant will be notified whether the application is complete or what additional information is necessary.

3. Additional Information May Be Requested: A written determination of completeness does not preclude the Planning Department from requesting supplemental information or studies, if new information is required to complete review of an application or if significant changes in the permit application are proposed. The Planning Department may set deadlines for the submittal or supplemental information.

D. NOTICES TO APPLICANT:

The applicant shall be advised of the date of acceptance of the application and of the environmental determination. The applicant shall be advised of the date of any public hearing at least ten (10) days prior to the public hearing.

E. REPORT BY Planning Department:

1. Report Content: When such application has been set for public hearing, if required, the Planning Department shall coordinate and assemble the comments and recommendations of other City departments and government agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Planning Department findings and supportive recommendations.

2. Report Timing: At least ten (10) working days prior to the scheduled hearing, the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party for the cost of reproduction.

F. PUBLIC HEARING:

1. Hearing by Examiner Required: Before rendering a decision or recommendation on any application for which a public hearing is required, the Examiner shall hold at least one public hearing thereon.

2. Constitutes Hearing by Council: On applications requiring approval by the City Council, the public hearing before the Examiner, if required, shall constitute the hearing by the City Council.

3. Hearing Rules: The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this Chapter subject to confirmation by the City Council, and to administer oaths and preserve order.

4. Closure/Continuation of Public Hearing: At the close of the testimony, the Examiner may close the public hearing, continue the hearing to a time and date certain, or close the public hearing pending the submission of additional information on or before a date certain.

5. Application Dismissal: Until a final action on the application is taken, the Examiner may dismiss the application for failure to diligently pursue the application after notice is given to all parties of record.

G. EXAMINER'S DECISION:

1. Standard Decision Time and Notification Procedure: Unless the time is extended pursuant to this Section, within fourteen (14) days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this Chapter, the Examiner shall render a written decision, including findings from the record and conclusions therefrom, and shall transmit a copy of such decision by regular mail, postage prepaid, to the applicant and other parties of record in the case requesting notice of the decision. The person mailing the decision, together with the supporting documents, shall prepare an affidavit of mailing, in standard form, and the affidavit shall become a part of the record of the proceedings. In the case of applications requiring City Council approval, the Examiner shall file his decision with the City Council members individually at the expiration of the appeal period for the decision.

2. Decision Time Extension: In extraordinary cases, the time for filing of the recommendation or decision of the Examiner may be extended for not more than thirty (30) days after the conclusion of the hearing if the Examiner finds that the amount and nature of the evidence to be considered, or receipt of additional information which cannot be made available within the normal decision period, requires the extension. Notice of the extension, stating the reasons therefor, shall be forwarded to all parties of record in the manner set forth in this Section for notification of the Examiner's decision.

3. Conditions: The Examiner's recommendation or decision may be to grant or deny the application, or the Examiner may require of the applicant such conditions, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the Comprehensive Plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the City of Sedro-Woolley, and the approved preliminary plat, if applicable. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements and

dedications of additional road rights-of-way. Performance bonds may be required to insure compliance with the conditions, modifications and restrictions.

4. Reconsideration of Examiner's Decision: Any interested person feeling that the decision of the Examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written application for review by the Examiner within fourteen (14) days after the written decision of the Examiner has been rendered. The application shall set forth the specific errors relied upon by such appellant, and the Examiner may, after review of the record, take further action as the Examiner deems proper. The Examiner may request further information which shall be provided within ten (10) days of the request. The Examiner's written decision on the request for consideration shall be transmitted to all parties of record within ten (10) days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later.

H. EXPIRATION OF DECISION:

The City declares that circumstances surrounding land use decisions change rapidly over a period of time. In order to assure the compatibility of a decision with current needs and concerns, any such decision must be limited in duration, unless the action or improvements authorized by the decision is implemented promptly. Any application or permit approved pursuant to this Chapter with the exception of rezones shall be implemented within two (2) years of such approval unless other time limits are prescribed elsewhere in the Sedro-Woolley Municipal Code. Any application or permit which is not so implemented shall terminate at the conclusion of that period of time and become null and void.

I. EXTENSION:

The Examiner may grant one extension of time for a maximum of one year for good cause shown. The burden of justification shall rest with the applicant.

J. EXPIRATION OF LARGE SCALE OR PHASED PROJECTS:

For large scale or phased development projects, the Examiner may at the time of approval or recommendation set forth time limits for expiration which exceed those prescribed in this Section for such extended time limits as are justified by the record of the action.

K. COUNCIL ACTION:

1. Council Action Requires Minutes and Findings of Fact: Any application requiring action by the City Council shall be evidenced by minute entry unless otherwise required by law. When taking any such final action, the Council shall make and enter findings of fact from the record and conclusions therefrom which support its action.

2. Adoption of Examiner's Findings and Conclusions Presumed: Unless otherwise specified, the City Council shall be presumed to have adopted the Examiner's findings and conclusions.

3. Applications to Be Placed on Council Agenda: Except for rezones, all applications requiring Council action shall be placed on the Council's agenda for consideration.

2.90.090 APPEALS:

A. SCOPE AND PURPOSE:

This Section provides the basic procedures for processing all types of land use and development-related appeals. Specific requirements are based upon the type/level of appeal and the appeal authority. Procedures for the following types of appeals are included in this Section:

1. Appeals to Hearing Examiner of administrative decisions and environmental determinations,
2. Appeals to City Council,
3. Appeals to Superior Court, and
4. Appeals to the State Shorelines Hearings Board.

B. DECISION AUTHORITY:

SWMC 2.90.070 G, Land Use Permit Procedures, lists the development permits reviewed by the City and the review authority responsible for open record appeals, closed record appeals and judicial appeals. Where required permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure, as identified SWMC 2.90.070G, and highest level of review authority that applies to any of the applications.

C. GENERAL INFORMATION APPLICABLE TO ALL TYPES OF APPEALS:

1. Standing: (Reserved)

2. Time to File: (Reserved)

3. Required Form for and Content of Appeals: Any appeal shall be filed in writing. The written notice of appeal shall fully, clearly and thoroughly specify the substantial error(s) in fact or law which exist in the record of the proceedings from which the appellant seeks relief.

4. Filing of Appeal and Fee: The notice of appeal shall be accompanied by a fee as prescribed by the City fee schedule.

5. Facsimile Filings: Whenever any application or filing is required under this Chapter, it may be made by facsimile. Any facsimile filing received at the City after five o'clock (5:00) p.m. on any business day will be deemed to have been received on the following business day. Any facsimile filing received after five o'clock (5:00) p.m. on the last date for filing will be considered an untimely filing. Any party desiring to make a facsimile filing after four o'clock (4:00) p.m. on the last day for the filing must call the City official with whom the filing must be made and indicate that the filing is being made by facsimile and the number to which the facsimile copy is being sent. The filing party must ensure that the facsimile filing is transmitted in adequate time so that it will be completely received by the City before five o'clock (5:00) p.m. in all instances in which filing fees are to accompany the filing of an application, those filing fees must be received by the City before the end of the business day on the last day of the filing period or the filing will be considered incomplete and will be rejected.

6. Notice of Appeal: (Reserved)

7. Restrictions on Subsequent Actions: Any later request to interpret, explain, modify, or retract the decision shall not be deemed to be a new administrative determination creating a new appeal period for any new third party to the permit.

8. Limit on Number of Appeals: The City has consolidated the permit process to allow for only one open record appeal of all permit decisions associated with a single development application.

Any appeal of the action of the Hearing Examiner in the case of appeals from environmental determinations shall be joined with an appeal of the substantive determination.

9. Exhaust of Administrative Remedies: (Reserved)

D. APPEALS TO EXAMINER OF ADMINISTRATIVE DECISIONS AND ENVIRONMENTAL DETERMINATIONS:

1. Applicability and Authority:

a. Administrative Determinations: Any administrative decision may be appealed to the Hearing Examiner, by submitting a written appeal to the Planning Department along with the applicable appeal fee.

b. Environmental Determinations: Except for permits and variances issued pursuant to, Shoreline Master Program Regulations, when any proposal or action is granted, conditioned, or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the Hearing Examiner under the provisions of this Section.

c. Authority: The Examiner shall have all of the powers of the office from whom the appeal is taken insofar as the decision regarding the specific issue is concerned.

2. Standing:

a. Standing for Filing Appeals of the City's Environmental Determinations: Appeals from environmental determinations as set forth in this Title may be taken to the Hearing Examiner by any person aggrieved, or by any officer, department, board or bureau of the City affected by such determination. Any agency or person may appeal the City's compliance with chapter 197-11 WAC for issuance of a Threshold Determination.

b. Standing for Appeals of Administrative Determinations other than Environmental: Appeals from administrative determinations of the City's land use regulation codes and from environmental determinations required by the Sedro-Woolley environmental review regulations

may be taken to the Hearing Examiner by any person aggrieved, or by any officer, department, board or bureau of the City affected by such determination.

3. Time for Appeal: Any such appeal shall be filed in writing with the Examiner within the following time limits:

a. Appeals of Environmental Determinations: Appeals of a final environmental determination under the Sedro-Woolley environmental review regulations shall be filed within fourteen (14) days of publication of notice of such determination.

i. A Final DNS: The appeal of the DNS must be made to the Hearing Examiner within fourteen (14) days of the date the DNS is final.

ii. A DS: The appeal must be made to the Hearing Examiner within fourteen (14) days of the publication date of the DS in the official City newspaper.

iii. A Final EIS: The appeal of the FEIS must be made to the Hearing Examiner within twenty (20) days of the date the permit or other approval is issued.

b. Appeals to Examiner of Administrative Determinations Other Than Environmental:

Appeals from an administrative decision pursuant to this Chapter shall be filed within fourteen (14) days of the date that the action was taken or publication of notice of determination if applicable.

The appeal from an administrative decision implementing a land use decision of the City Council or the Hearing Examiner pursuant to this Chapter shall be filed with the Hearing Examiner, along with the required fee, within fourteen (14) days of the administrative decision or, if no date of administrative decision can be determined, within fourteen (14) days of the issuance of any permit which requires interpretation of that land use decision, such administrative decision being an essential part of the issuance of the permit, license, or other City permission to proceed.

As between the permit holder and the City, any decision to modify or retract the permit shall give the permit holder a fourteen (14) day appeal period from the date of the action to modify or retract the permit.

5. Complaints After Expiration of Appeal Time: Any claim that an administrative decision maker has failed to correctly interpret or enforce a land use decision after the expiration of the appeal time established in this Section shall not create an appeal right, but will be treated as a complaint of noncompliance with the land use decision.

6. Appeal Procedures – Hearing Examiner: The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Notice to Officer: Immediately upon receipt of the notice of appeal, the Hearing Examiner shall forward to the officer from whom the appeal is being taken a copy of the notice of appeal.

b. Transmittal of Records and Reports: Upon receiving such notice, the officer from whom the appeal is being taken shall transmit to the Hearing Examiner all of the records pertaining to the decision being appealed, together with such additional written reports as are deemed pertinent. The Examiner may request additional information from the applicant.

c. Notice of Hearing Required: A written notice of the time and place of the hearing at which the appeal shall be considered by the Examiner shall be mailed to the applicant, all parties of record in the case, and to the officer from whom the appeal is taken not less than ten (10) days prior to the date of the hearing.)

d. Content of Hearing: The Examiner may hear and consider any pertinent facts pertaining to the appeal.

e. Record Required: For any appeal under this subsection, the City shall provide for a record that shall consist of the following:

- i. Findings and conclusions;
- ii. Testimony under oath; and
- iii. An electronically recorded or written transcript.

f. Electronic Transcript: The City may require the appellant to provide an electronic transcript.

7. Examiner Decision:

a. Substantial Weight: The procedural determination by the SEPA Responsible Official or City staff shall carry substantial weight in any appeal proceeding. The Hearing Examiner shall give substantial weight to any discretionary decision of the City rendered pursuant to this Chapter/Title.

b. Examiner Decision Options and Decision Criteria: The Examiner may affirm the decision or remand the case for further proceedings, or it may reverse the decision if the substantial rights of the applicant may have been prejudiced because the decision is:

- i. In violation of constitutional provisions; or
- ii. In excess of the authority or jurisdiction of the agency; or
- iii. Made upon unlawful procedure; or
- iv. Affected by other error of law; or

v. Clearly erroneous in view of the entire record as submitted; or

iv. Arbitrary or capricious.

c. Time for Examiner's Decision: The Hearing Examiner shall render a written decision within ten (10) days.

8. Appeal of Examiner Decision:

a. Appeal of Examiner's Decision to Council: Unless a specific section or State law providing for review of decision of the Examiner requires review thereof by the Superior Court or other body, any interested party aggrieved by the Examiner's written decision or recommendation may submit a notice of appeal to the City Council, subject to SWMC 2.90.090(C)(7).

E. APPEALS TO CITY COUNCIL – PROCEDURES:

1. Time for Appeal: Unless a specific section of State law providing for review of a decision of the Examiner requires review thereof by the Superior Court or any other body, any interested party aggrieved by the Examiner's written decision or recommendation may submit a notice of appeal to the Planning Director, within fourteen (14) calendar days from the date of the Examiner's written report.

2. Notice to Parties of Record: Within five (5) days of receipt of the notice of appeal, the Planning Director shall notify all parties of record of the receipt of the appeal.

3. Opportunity to Provide Comments: Other parties of record may submit letters in support of their positions within ten (10) days of the dates of mailing of the notification of the filing of the notice of appeal.

4. Transmittal of Record to Council: Thereupon the Planning Director shall forward to the members of the City Council all of the pertinent documents, including the written decision or recommendation, findings and conclusions contained in the Examiner's report, the notice of appeal, and additional letters submitted by the parties.

5. Council Review Procedures: No public hearing shall be held by the City Council. No new or additional evidence or testimony shall be accepted by the City Council unless a showing is made by the party offering the evidence that the evidence could not reasonably have been available at the time of the hearing before the Examiner. If the Council determines that additional evidence is required, the Council shall remand the matter to the Examiner for reconsideration and receipt of additional evidence. The cost of transcription of the hearing record shall be borne by the applicant. In the absence of an entry upon the record of an order by the City Council authorizing new or additional evidence or testimony, and a remand to the Hearing Examiner for receipt of such evidence or testimony, it shall be presumed that no new or additional evidence or testimony has been accepted by the City Council, and that the record before the City Council is identical to the hearing record before the Hearing Examiner.

6. Council Evaluation Criteria: The consideration by the City Council shall be based solely upon the record, the Hearing Examiner's report, the notice of appeal and additional submissions by parties.

7. Findings and Conclusions Required: If, upon appeal of a decision of the Hearing Examiner on an application submitted pursuant to, and after examination of the record, the Council determines that a substantial error in fact or law exists in the record, it may remand the proceeding to Examiner for reconsideration, or modify, or reverse the decision of the Examiner accordingly.

8. Council Action: If, upon appeal from a recommendation of the Hearing Examiner upon an application submitted pursuant to, and after examination of the record, the Council determines that a substantial error in fact or law exists in the record, or that a recommendation of the Hearing Examiner should be disregarded or modified, the City Council may remand the proceeding to the Examiner for reconsideration, or enter its own decision upon the application.

9. Decision Documentation: In any event, the decision of the City Council shall be in writing and shall specify any modified or amended findings and conclusions other than those set forth in the report of the Hearing Examiner. Each material finding shall be supported by substantial evidence in the record. The burden of proof shall rest with the appellant.

10. Council Action Final: The action of the Council approving, modifying or rejecting a decision of the Examiner shall be final and conclusive, unless appealed within the time frames established under subsection G5 of this Section.

F. APPEALS TO SUPERIOR COURT:

1. Intent: Appeals pursuant to this Section are intended to comply with the Land Use Petition Act, chapter 36.70C RCW.

2. Applicability: Any decision or order issued by the City pursuant to this Section may be judicially reviewed provided that available administrative appeals, including those listed in, have been exhausted.

3. Standing: Those persons with standing to bring an appeal of a land use decision are limited to the applicant, the owner of property to which land use decisions are directed, and any other person aggrieved or adversely affected by the land use decision or who would be aggrieved or adversely affected by a re-versal or modification of the land use decision. The terms "aggrieved" and "adversely affected" are defined in RCW 36.70C.060.

4. Content of Appeal Submittal: The content, procedures and other requirements of an appeal of land use decision are governed by chapter 36.70C RCW which is incorporated herein by reference as if fully set forth.

5. Time for Initiating Appeal to Superior Court:

a. Appeals of Land Use Decisions: An appeal to Superior Court of a land use decision, as defined herein, must be filed within twenty one (21) days of the issuance of the land use decision. For purposes of this Section, the date on which a land use decision is issued is:

i. Three (3) days after a written decision is mailed by the City or, if not mailed, the date on which the local jurisdiction provided notice that a written decision is publicly available;

ii. If the land use decision is made by ordinance or resolution by the City Council, sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

iii. If neither (i) or (ii) of this subsection applies, the date the decision is entered into the public record.

b. Appeal of Environmental Determinations: Appeal to the Superior Court of the environmental decision and the substantive determination must be made within twenty (20) days of the substantive determination and must be made by writ of review to the Superior Court of Washington for Skagit County.

6. Appeals of Other Than Land Use Decisions – Superior Court: Appeals to Superior Court from decisions other than a land use decision, as defined herein, shall be appealed within the time frame established by ordinance. If there is no appeal time established by an ordinance, and there is no statute specifically pre-empting the area and establishing a time frame for appeal, any appeal, whether through extraordinary writ or otherwise, shall be brought within twenty one (21) days of the decision.

H. APPEALS OF SHORELINE PERMIT DECISIONS TO SHORELINES HEARING BOARD:

1. Standing for Appeals to Shorelines Hearings Board: Any person aggrieved by the granting or denying of a substantial development permit, a conditional use permit and/or a variance on shorelines of the City, or by the rescinding of a permit pursuant to the provisions of the Shoreline Master Program, may seek review from the State of Washington Shorelines Hearing Board.

2. Place and Time for Filing Appeals: Appeals of decisions by the Land Use Hearing Examiner must be made directly to the Shorelines Hearings Board. Appeals are made by filing a request for the same within twenty one (21) days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office as provided in section 18(1) of the Shorelines Management Act of 1971.

3. City Requires Copy of Appeal Notice: A copy of any such appeal notice shall likewise be filed with the Development Service Department of the City of Sedro-Woolley.

4. Limited Utility Extensions and Protective Bulkheads – Appeals: Appeals of substantial development permits, for a limited utility extension as defined in RCW 90.58.140 (11) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion, shall be finally determined by the legislative authority within thirty (30) days.

2.90.100 SUBMITTAL REQUIREMENTS – SPECIFIC TO APPLICATION TYPE:

The following tables list the submittal requirements for each type of permit application or land use approval which must accompany the required application fees specified in .

- A. Table 2.90.100 A – Building and Public Works Submittal Requirements.
- B. Table 2.90.100 B – Land Use Permit Submittal Requirements.

C. DEFINITIONS OF TERMS USED IN SUBMITTAL REQUIREMENTS FOR BUILDING, PLANNING AND PUBLIC WORKS PERMIT APPLICATIONS:

1. Definitions A:

Action: Environmental Review Procedures, use only.

A. "Actions" include, as further specified below:

1. New and continuing activities (including project and programs) entirely or partly Financed, assisted, conducted regulated, licensed, or approved by agencies;
2. New or revised agency rules, regulations, plans policies, or procedures; and
3. Legislative proposals.

B. "Actions" fall within one of two (2) categories

1. Project Actions: A Project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:
 - a. License, fund, or undertake any activity that will directly modify the environment, Whether the activity will be conducted by the agency, an applicant, or under contract.
 - b. Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land whether or not the environment is directly modified.
2. Non-Project Actions: Non-project actions involve decisions on policies, plans, or programs such as:
 - a. The adoption of amendment on legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;
 - b. The adoption or amendment of comprehensive land use plans or zoning ordinances;
 - c. The adoption of any policy, plan or program that will govern the development of a series of connected actions (WAC 197-11-060), but not including any policy, plan, or program for which approval mt be obtained from any Federal agency prior to implementations;
 - d. Creation of a district or annexations to any city, town or district;
 - e. Capital budgets; and
 - f. Road, street, and highway plans.

C. "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Chapter 2.88 SWMC identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

Administrative Authority: The Planning Director and/or the Public Works Dircetor of the City of Sedro-Woolley, or his/her duly authorized representative or agent.

Affidavit of Installation of Public Information Sign: A notarized statement signed by the applicant of applicant's representative attesting that the required public information sign(s) has been installed in accordance with City Code requirements.

Annexation, Ten Percent (10%) Notice of Intent: A petition form, supplied by the City, containing the signatures of property owners as identified in Skagit County Assessor's records as taxpayers of record for properties representing at least ten percent (10%) of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.

Annexation, Sixty Percent (60%) Petition: A petition form, supplied by the City, containing the signatures of property owners as identified in Skagit County Assessor's records as taxpayers of record for

properties representing at least sixty percent (60%) of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.

Applicant: A person who files an application of permit under this Title and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

Applicant Agreement Statement: A signed notarized statement indicating that:

A. The applicant agrees to allow for the potential collocation of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location; and

B. That the applicant agrees to remove the facility within six (6) months after that site's use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two (2) or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

Application Fee: The appropriate processing fee as required by the Sedro-Woolley Municipal Code.

Application Form, Building: The Planning Department form required for the type of work to be performed (e.g., grading permit application for grading work, sign permit application for installation of a sign, etc.). Information requested includes the following:

A. Skagit Tax Assessor's number for the property,

B. Legal description of property,

C. Street address, if applicable,

D. Property owner's name, address and phone number,

E. Prime contractor's business name, address, phone number, current state contractor registration number, and

F. Either the name, address and phone number of the lender administering the interim construction financing, if any, or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount fifty percent (50%) or more than the total construction project.

Application Form, Civil Construction: The City of Sedro-Woolley form used for all public works construction projects. Information requested includes the name, address, and telephone number for the project applicant and property owner, legal description, Skagit County Tax Assessor's number, site area, area of impervious surface, description of work, preliminary cost estimate, and, if applicable, water meter size.

Application Form, Master: The City of Sedro-Woolley Planning Department combined land use permit application form used for most environmental and land use reviews. Information requested includes the name, address, and telephone number for the project applicant, all owners, contact person, tax account number for the property, and other site information.

Approved Testing Agency: An agency as determined by the Washington Association of Building Officials whose purpose is to provide special building inspection(s).

Architectural Plans, Commercial, Industrial, Attached Dwellings with Three (3) or More Units: A twenty four inch by thirty six inch (24" x 36") plan prepared by an architect licensed in the State of Washington (unless project exempted by WAC 18-04-410) drawn at a scale of one-eighth inch equals one foot (1/8" = 1') or one-fourth inch equals one foot (1/4" = 1') (or other size or scale approved by the Building Official) clearly indicating the information required by the "Permits" section of the currently

adopted International Building Code and chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- A. General building layout, both existing and proposed – indicate square footage of rooms, use of each room or area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, IBC occupancy group, and IBC type of construction,
- B. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, anchor bolts; insulation of walls, floors and roof/ceiling,
- C. Details of stairs, fireplaces and special construction, if any,
- D. Skagit County Health Department approval on plans submitted to the City for dining/food-handling establishments,
- E. Skagit County Health Department approval on plans submitted to the City for public pools/spas,
- F. Independent plan review by the State of Washington Labor and Industries Electrical Division for I and E Occupancies,
- G. Asbestos assessment by the Puget Sound Air Pollution Control Agency (PSAPCA) for interior demolition, and
- H. Independent review by State Department of Health for hospitals.

Architectural Plans, Detached Dwellings, Semi-Attached Dwellings, and Two (2) Attached

Dwellings: An eighteen inch by twenty four inch (18" x 24"), minimum, plan drawn at a scale of one-fourth inch equals one foot (1/4" = 1') (or other size or scale approved by the Building Official) clearly indicating the information required by the "Permits" section of the currently adopted International Building Code and chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- A. General building layout and room use,
- B. Window and door size and window ventilation area,
- C. Plumbing, duct, and electrical layout,
- D. Opening headers, size and material,
- E. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details,
- F. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts,
- G. Special details as needed, (i.e., stairs, fireplaces, special construction), and
- H. Insulation of walls, slab, floors, and roof/ceiling

Assessment Information: Records obtained from the Skagit County Assessor's office for each tax lot included in an area proposed for annexation. The records display all taxpayers of record and assessed value for each tax lot.

Authorization for Abatement: An irrevocable signed and notarized statement granting the City permission to summarily abate the use and all physical evidence of that use, if it has not been removed as required by the terms of the permit. The statement shall include a statement that the applicant will reimburse the City for any expenses incurred in abating the use.

2. Definitions B: (Reserved)

3. Definitions C:

Calculations, Survey: A compilation prepared by a State of Washington licensed land surveyor clearly indicating the dimensions of the boundaries and the closures for each lot, parcel, tract, and block in the plat, short plat, lot line, binding site plan, or lot line adjustment – an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

Closure Permit Application, Aquifer Protection Area: An application package including the following:

- A. A list of hazardous materials to be removed from premises, the method of removal, and the final destination (include product names and quantities);
- B. A list of potentially contaminated equipment and/or containment devices to be removed from premises and a description of the method of disposal or recycling;
- C. A plan prepared by a professional engineer or geologist licensed in the State of Washington to investigate the facility to determine whether it is free of contamination exceeding Model Toxics Control Act (MTCA) standards (chapter 173-340 WAC), to report findings to the Water Utility, and to describe remediation needed, if any, according to said standards and RMC 4-9-015G;
- D. A written agreement between the owner, the property owner, and the purchaser or other recipient, in lieu of subsections a and b of this definition, stating that the owner will not remove hazardous materials and containment devices from the facility because all agree that the materials and devices are needed to continue to operate the facility;
- E. A schedule for implementation of subsections a and b of this definition and the investigation described in subsection c. (Ord. 4851, 8-7-2000; Amd. Ord. 4992, 12-9-2002)

Colored Display Maps: Full-size plan sheets of each of the following maps colored with a wide tip marker in order to clearly define the site's outer property boundary, the area of new construction and/or proposed new lot lines (dashed), existing buildings, landscaping areas, and adjacent street names for use in presenting the project at public hearing and/or to the Environmental Review Committee.

- A. Neighborhood detail map,
- B. Site plan,
- C. Landscaping plan, and
- D. Elevations.

Conditional Use Permit Justification: A written description/justification setting forth the reasons in favor of the application and addressing the criteria listed in 17.56.060, Conditional Use Permits.

Construction Mitigation Description: A written narrative addressing each of the following:

- A. Proposed construction dates (begin and end dates),
- B. Hours of operation,
- C. Proposed hauling/transportation routes,
- D. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics,
- E. Any specialty hours proposed for construction of hauling (i.e., weekends, late nights), and
- F. Preliminary traffic control plan.

Covenants, Draft: A proposed, unrecorded written agreement promising performance or nonperformance of certain acts or stipulating certain uses or non-uses of property to be binding upon current and future property owners, including the legal description of that area of property to be encumbered.

Covenants, Existing: The recorded limitation on property which may be set forth in the property deed and/or identified in a title report.

4. Definitions D:

Deeds (Draft) to City for Any Land to Be Dedicated: A legal document proposing to convey ownership of real property and including a legal description of the area to be dedicated.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

Drainage Plan The plan for receiving, handling, transporting surface water within the subject property.

Drainage Plan/Map: Plans drawn to scale and stamped by a State of Washington licensed engineer and complying with the requirements of the *2005 Department of Ecology's Storm Water Management Manual for Western Washington*.

Drainage Report: A report stamped by a State of Washington licensed engineer complying with the requirements of the *2005 Department of Ecology's Storm Water Management Manual for Western Washington*.

5. Definitions E:

Easements, Existing: A recorded document by the property owner granting one or more privileges to use the owner's land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.

Easements, Proposed: A draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

Elevations, Architectural: A twenty four inch by thirty six inch (24" X 36") fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot ($1/4" = 1'$) or one-eighth inch equals one foot ($1/8" = 1'$) (or other size or scale approved by the Building Official) clearly indicating the information required by the "Permits" section of the currently adopted International Building Code and chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- A. Existing and proposed ground elevations,
- B. Existing average grade level underneath proposed structure,
- C. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures,
- D. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures,
- E. Fence or retaining wall materials, colors, and architectural design,
- F. Architectural design of on-site lighting fixtures, and
- G. Cross-section of roof showing location and height of rooftop equipment (include air conditioners, compressors, etc.) and proposed screening.

Energy Code Checklist, Nonresidential: The standard Washington State Energy Office form requesting the information required under chapter 51-11 WAC detailing building components to be used to comply with the State Nonresidential Energy Code.

Energy Code Checklist, Residential: The standard Washington State Energy Office form requesting the information required under chapter 51-11 WAC or City provided form detailing building components to be used to comply with the State Residential Energy Code.

Engineering Geologist: A geologist who is experienced and knowledgeable in engineering geology.

Engineering Geology: The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil, for use in the design of civil works.

Engineering Geology Report: A report that includes an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

Environmental Checklist: The standard State of Washington form required under WAC 197-11-742 and 197-11-960.

Erosion Control Plan, Temporary: Drawings of the entire site showing the proposed erosion control measures for the project in conformance with the City of Sedro-Woolley drafting standards (or as approved by the Public Works Department) and *2005 Department of Ecology's Storm Water Management Manual for Western Washington* as adopted by the City of Sedro-Woolley

6. Definitions F:

Final Plat Plan: The final plat or final short subdivision map (for short subdivisions of five (5) or more lots) shall be drawn to a scale of not less than one inch representing one hundred feet (1" = 100') unless otherwise approved by the Department, and on sheets eighteen inches by twenty four inches (18" x 24"). The original reproducible drawing shall be in black ink on stabilized drafting film, and shall:

- A. Include the date, title, name and location of subdivision, graphic scale, and north arrow.
- B. Include names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.
- C. Include lot lines with all property lines dimensioned and square footage of each lot.
- D. Include location, dimensions, and square footage of any existing structures to remain within or abutting the plat.
- E. Include location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) on or adjacent to the site which could hinder development.
- F. Include reservations, restrictive covenants, easements (including easement language), and any areas to be dedicated to public use, with notes stating their purpose and any limitations. If a new easement is created on the plat, it must show the grantee of the easement rights. If the grantee is the City, a statement of easement provisions reserving, granting and conveying the easement, with a description of the rights and purposes need to be made on the plat.
- G. Include the lot and block numbering scheme and lot addresses on the plat map. Street names and addresses shall be determined by the Department.
- G. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on-site. Shall include dimensions to the nearest one-hundredth (1/100) of a foot and angles and bearings in degrees, minutes, and seconds.
- H. Include coordinates per City surveying standards for permanent control monuments.

- I. Display all interior permanent control monuments located per City surveying standards.
- J. Be mathematically correct.
- K. Contain a legal description of the land to be subdivided on the final mylar.
- L. Include certifications:
 1. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.
 2. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.
 3. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.
 4. Certification by the Skagit County Finance Department that taxes have been paid in accordance with section 1, chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the Skagit County Finance Department in sufficient amount to pay the taxes for the following year.
 5. Certification by the City Finance Department that there are no delinquent special assessments and that all special assessments certified to the City Treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.
 6. Certification of approval to be signed by the Planning Director.
 7. Certification of approval to be signed by the Mayor and attested by the City Clerk.

Flood Hazard Data: Flood hazard data includes:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
- B. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- C. Elevation in relation to mean sea level to which any structure has been floodproofed;
- D. Certification by a registered professional engineer or architect that the floodproofing methods criteria in SWMC 17.66 are met.
- E. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

Floor Plans, General: A basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for City staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewer.

7. Definitions G:

Grading Plan: A twenty two inch by thirty four inch (22" x 34") plan drawn by a State of Washington licensed landscape architect at a scale of one inch to forty feet (1" = 40') (horizontal feet) and one inch to ten feet (1" = 10") (vertical feet) (or other size plan sheet or scale approved by the Planning Department clearly indicating the following:

- A. Graphic scale and north arrow,
- B. Dimensions of all property lines, easements, and abutting streets,
- C. Location and dimension of all on-site structures and the location of any structures within fifteen feet (15') of the subject property or which may be affected by the proposed work,

- D. Accurate existing and proposed contour lines drawn at five foot (5'), or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet (100') of the site,
- E. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains.
- F. Setback areas and any areas not to be disturbed,
- G. Finished contours drawn at five foot (5') intervals as a result of grading,
- H. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown, and
- I. General notes addressing the following (may be listed on cover sheet):
 - 1. Area in square feet of the entire property.
 - 2. Area of work in square feet.
 - 3. Both the number of tons and cubic yards of soil to be added, removed, or relocated.
 - 4. Type and location of fill origin, and destination of any soil to be removed from site.
 - 5. Finished floor elevation(s) of all structures, existing and proposed. (Ord. 4835, 3-27-2000)

8. Definitions H:

Hearing Examiner: The Hearing Examiner is appointed by the Mayor of the City to conduct public hearings on applications outlined in the City ordinance that creates the Hearing Examiner, and prepares a record, findings of fact, and conclusions on such applications.

Heat Loss Calculation: A State of Washington Energy Code mandated analysis performed to determine the heat loss of a structure in order to determine the size of the required heating equipment.

9. Definitions I:

Installer Certification: Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a State registration number.

10. Definitions J: (Reserved)

11. Definitions K: (Reserved)

12. Definitions L:

Land Use Permit Conditions: Environmental or land use permit requirements which may have been placed upon the project in addition to any code-mandated requirements in conjunction with a required environmental determination and/or a land use permit. Examples of land use permits include site plan review, conditional use permits and variances.

List of Current Property Owners and Residents: A listing of all current property owners and residents and their mailing addresses and Skagit County Assessor's account numbers within five hundred feet (500') of the boundaries of the subject site as obtained from a title company or the Skagit County

Assessor's office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. Current shall mean obtained within the past thirty (30) days unless otherwise approved by the Planning Department.

3. Definitions M:

Mailing Labels: Postage-paid, addressed envelopes including the name, mailing address, and Skagit County Assessor's account numbers (optional) for all property owners and residents within five hundred feet (500') of the boundaries of the subject site.

Map of Existing Site Conditions: A plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topographical or five foot (5') contours or less, and structural and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

Master Application Form: The standardized application form used for the majority of land use permit applications including, but not limited to, the following:

- a. Owner, applicant, and contact person names, addresses and telephone numbers,
- b. Notarized signatures of all current property owners,
- c. Name of the proposed project,
- d. Project/property address,
- e. Skagit County Assessor's tax account number,
- f. Existing and proposed land uses,
- g. Existing and, if applicable, proposed Comprehensive Plan map designation,
- h. Existing and, if applicable, proposed zoning designation,
- i. Site area,
- j. Estimated project cost,
- k. Whether or not the project site contains any environmentally sensitive areas, and
- l. Property legal description.

Mechanical Plans: Plans as required per the International Mechanical Code (IMC) and section 1141 of the currently adopted Washington State Energy Code (WSEC) along with Statewide amendments.

Monument Card: A form provided by the City and filled out by a surveyor providing information regarding a single monument, including the section, township and range, method of location, type of mark found or set, manner of re-establishment of the single monument (if applicable), description, and a drawing showing the location of a single monument and indicating a reference point to that monument.

14. Definitions N:

Neighborhood Detail Map: A map, drawn at a scale of one inch equals one hundred feet (1" = 100') or one inch equals two hundred feet (1" = 200') (or other scale approved by the Planning Department). The map shall show the location of the subject site relative to the property boundaries of the surrounding parcels within approximately one thousand feet (1,000') or approximately two thousand five hundred feet (2,500') for properties over five (5) acres and identifying the subject site with a darker perimeter line than that of surrounding properties. The map shall also show the property's lot lines, existing land uses, building outlines, City boundaries of the City of Sedro-Woolley (if applicable), north arrow (oriented to the top of the plan sheet), graphic scale used for the map, and street names for all streets shown.

15. Definitions O: Reserved

16. Definitions P:

Parking, Lot Coverage, Landscaping Analysis: A listing of the following information (may also be included on the first sheet of the site plan):

- a. Total square footage of the site,
- b. Total square footage of existing area(s) of impervious surfacing,
- c. Total square footage of existing natural/undeveloped area,
- d. Square footage (by floor and overall total) of each individual building and/or use,
- e. Total square footage of the footprints of all buildings,
- f. Percentage of lot covered by buildings or structures,
- g. Total pavement square footage both existing pavement to remain plus new pavement proposed to be installed,
- h. Square footage of any on-site wetlands,
- i. Parking analysis to include the total number of parking spaces required and provided, number of compact and "ADA accessible" spaces provided, and parking space dimensions,

j. Square footage of landscaping for each area, for interior parking lot landscaping, and total,

k. Allowable and proposed building height,

l. Building setbacks required by Code, and

m. Proposed building setbacks.

Plat Certificate: A document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication and listing all encumbrances. In the case of a final plat, the certificate shall be dated within forty five (45) days prior to the granting of the final plat by the City Council.

Plumbing Plan: Plans as required by the currently adopted Uniform Plumbing Code (UPC) and Statewide amendments.

Preliminary Plat or Binding Site Plan: A plan, with a two-inch (2") border on the left edge and one-half-inch (1/2") on all other sides, prepared by a State of Washington registered land surveyor in accordance with RCW 18.43.020 and/or chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet (1" = 40') on an eighteen inch by twenty four inch (18" X 24") plan sheet (or other size or scale approved by the Planning Department

a. Name of the proposed preliminary plat or binding site plan (and space for the future City file numbers).

b. Names and addresses of the engineer, licensed land surveyor, and all property owners.

c. Legal description of the property to be subdivided.

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet.

e. Vicinity map (a reduced version of the neighborhood detail map as defined above).

f. Drawing of the subject property with all existing and proposed property lines dimensioned. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Indicate the required yards (setbacks) with dashed lines.

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way.

h. Names, locations, types, widths and other dimensions of existing and proposed streets, alleys, easements, arks, open spaces and reservations. i. Location, distances from existing and new lot lines, and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements.

j. Location of existing conditions on or adjacent to the site which could hinder development.

k. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area.

l. A legend listing the following included on the first sheet of the preliminary plat plan:

i. Total area in acres,

ii. Proposed number of lots,

iii. Zoning of the subject site,

iv. Proposed square footage in each lot, and

v. Percentage of land in streets and open space.

m. Access and Utilities: Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.

n. Contours and Elevations: Shall include contour and/or elevations (at five foot (5') vertical intervals minimum) to the extent necessary to accurately predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet (100') beyond the boundaries of the proposed plat.

o. Zoning: Shall indicate the zoning applicable to the land to be platted, subdivided or dedicated and of the land adjacent and contiguous.

Project Information Sheet: An eight and one-half inch by eleven inch (8-1/2 " X 11") sheet of paper listing the following information:

a. Job address,

b. Property owner's name,

c Skagit County Tax Assessor's number,

d. Legal description of property.

Project Narrative: A clear and concise description and summary of the proposed project, including the following:

a. Project name, size and location of site,

- b. Zoning designation of the site and adjacent properties,
- c. Current use of the site and any existing improvements,
- d. Special site features (i.e., wetlands, water bodies, steep slopes),
- e. Statement addressing soil type and drainage conditions,
- f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.),
- g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.),
- h. Total estimated construction cost and estimated fair market value of the proposed project,
- i. Estimated quantities and type of materials involved if any fill or excavation is proposed,
- j. Number, type and size of trees to be removed,
- k. Explanation of any land to be dedicated to the City, and
- l. For shoreline applications only:
 - i. Name of adjacent water area or wetlands,
 - ii. Nature of existing shoreline – describe:
 - Type of shoreline (i.e., lake, stream, lagoon, march, bog, floodplain, floodway);
 - Type of beach (i.e., accretion, erosion, high bank-low bank);
 - Type of material (i.e., sand, gravel, mud, clay, rock, riprap); and
 - The extent and type of any bulkheading, and
 - iii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project, and
- m. The proposed number, size, and density of the new lots, for subdivision applications only.

Proposal Description: A complete, unabridged copy of the proposal (i.e., draft ordinance, resolution, plan or policy) and all attachments.

Proposal Summary: A concise description of the scope, intent and timing of the proposal.

Public Works Approval Letter: Written confirmation from the Public Works Department that all required improvements have been substantially installed or deferred and authorizing the submittal of the final plat, final short plat, final binding site plan, or final PUD application.

17. Definitions Q: (Reserved)

18. Definitions R:

Rezone Justification: A written statement and other information provided by the applicant to support the rezone which may include, but is not limited to: letters, photographs, site development plans, market research reports, and land use maps indicating in a clear and concise manner why the rezone application should be granted and that the rezone request is timely.

Roadway Construction Plans: Plans prepared by a State of Washington licensed civil engineer as detailed by the document *City of Sedro-Woolley Public Works Department Standards*.

19. Definitions S:

Screening Detail, Refuse/Recycling: A detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings.

Short Plat or Binding Site Plan Map, Final: A plan, with a two-inch (2") border on the left edge and one-half-inch (1/2") on all other sides, prepared by a State of Washington registered land surveyor in accordance with RCW 18.43.010 and or chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet (1" = 40') on eighteen inch by twenty four inch (18" x 24") plan sheet(s) (or other scale approved by the Planning Director. The reproducible original shall be in black ink on stabilized drafting film and shall include the following:

- a. Name and location of the short plat or binding site plan,
- b. Space reserved for "City of Sedro-Woolley file number" (large type) at top of first sheet,
- c. Legal description of the property,
- d. Date, graphic scale, and north arrow,
- e. Vicinity map (a reduced version of the "neighborhood detail map" as defined above),

- f. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations. Shall show all utilities, streets, existing and new easements and associated covenants within or abutting the short plat. If a new easement is created on the plat, it must show grantee of easement rights. If the grantee is the City, a statement of easement provisions reserving and conveying the easement, with a description of the rights and purposes, needs to be made on the short plat,
- g. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Lot lines with all property lines dimensioned and square footage of each lot,
- h. Lot numbers,
- i. Addresses for each lot and new street names determined by the Department.
- j. Reservations, restrictive covenants, easements and any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee. If the grantee is the City, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes must be shown,
- k. Coordinates per City surveying standards for permanent control monuments,
- l. All interior permanent control monuments located per City surveying standards,
- m. Statement of equipment and procedure used per WAC 332-130-100,
- n. Basis for bearing per WAC 332-130-150(1)(b)(iii),
- o. Date the existing monuments were visited per WAC 332-103-050(1)(f)(iv),
- p. Verification that permanent markers are set at corners of the proposed lots,
- q. Statement of discrepancies, if any, between bearing and distances of record and those measured or calculated,
- r. Location, dimensions and square footage of any existing structures to remain within or abutting the plat,
- s. Location of existing conditions (such as wetlands, steep slopes, watercourses) on or adjacent to the site which could hinder development,
- t. Reference to all agreements or covenants required as a condition of approval,
- u. For binding site plans only: provisions requiring site development to be in conformity with the approved binding site plan,

v. Certifications by:

- i. A State of Washington licensed land surveyor that a survey has been made and that monuments and stakes have been set,
- ii. The Skagit County Department of Health that the proposed septic system(s) is acceptable to serve the plat if not served by sewer,

w. Signature and date line for:

- i. All property owners (signatures must be notarized with an ink stamp),
- ii. The Skagit County Assessor,
- iii. The City of Sedro-Woolley City Clerk- Treasurer with the following text preceding: "There are no delinquent special assessments and any special assessments for any dedicated property herein contained have been paid in full", and
- iv. The Public Works Director.

Short Plat Map, Preliminary: A fully dimensioned plan, drawn at a scale of one inch equals forty feet (1" = 40') on an eighteen inch by twenty four inch (18" x 24") plan sheet (or other size or scale approved by the Planning Director and including the following information:

- a. Name of the proposed short plat (and space for the future City file number);
- b. Names and addresses of the engineer, licensed land surveyor, and all property owners;
- c. Legal description of the property;
- d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;
- e. Vicinity map (a reduced version of the "neighborhood detail map" as defined above);
- f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;
- g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots;
- h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

i. Contours and elevations at minimum five foot (5') vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet (100') beyond the boundaries of the proposed short plat;

j. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;

k. Location of existing conditions on or adjacent to the site which could hinder development;

l. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area; and

m. A legend listing the following included on the first sheet of the short plat plan:

i. Short plat,

ii. Proposed number of lots,

iii. Zoning of the subject site,

iv. Proposed square footage in each lot, and

v. Proposed square footage of land in streets and open space.

Sign Plans: A plan drawn at a scale approved by the Building Official clearly indicating the following:

a. Footing connections to building, size of supports and materials used in supports and sign itself,

b. Elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines, and

c. Elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

Site Plan, Commercial, Industrial, Multi-Family: A twenty four inch by thirty six inch (24" X 36") plan drawn by a State of Washington licensed architect at a scale of one inch equals twenty feet (1" = 20') or one inch equals forty feet (1" = 40') (or other size plan sheet or scale approved by the Building Official) clearly indicating the following:

a. Scale and north arrow,

b. Legal description,

- c. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, alleys and easements,
- d. Condition of all public rights-of-way and verification of right to use easements,
- e. Off-street parking layout and driveways,
- f. Curbs, gutters, sidewalks, paving, storm drainage, meters (domestic and fire), and grease interceptors,
- g. Grading plan showing proposed and existing contours and site elevations,
- h. Landscaped areas, irrigation meters,
- i. Lighting and sign structures (new and existing),
- j. Location of garbage containers and recycling storage,
- k. Fire hydrant locations (new and existing) within three hundred feet (300') of building,
- l. For wireless communication facilities, indicate type and locations of existing and new plant materials used to screen facility components and the proposed color(s) for the facility,
- m. General notes addressing the following (may be listed on cover sheet):
 - i. Full name of the project,
 - ii. Name, address, and telephone number of owner and agent(s),
 - iii. Existing zoning of the project site,
 - iv. Area, in square feet, of the project site,
 - v. Reference to the current International Building Code (i.e., IBC and date of current adopted version),
 - vi. Proposed use of each building (if multi-family, the number of dwelling units),
 - vii. IBC occupancy group designation,
 - viii. IBC type of construction of all buildings,
 - ix. Allowable and proposed building height and number of stories of new buildings,

- x. Square footage (by floor and overall total) of each individual building and/of use,
- xi. Total square footage of all buildings (footprint of each building),
- xii. Allowable area calculation,
- xiii. Occupancy load (maximum capacity) of each building,
- xiv. Percentage of lot coverage,
- xv. Square footage of all landscaping (total, parking lot, and wildlife habitat),
- xvi. Seismic zone of the project site
- xvii. Floor, roof, and wind design loads,
- xviii. Identity of special inspection agency selected by the owner to perform special inspections,
- xix. Building setbacks required by Code,
- xx. Proposed building setbacks,
- xxi. Parking analysis, including:
 - n. Number of stalls required, by use; number of stalls provided, by use,
 - o. Sizes of stalls and angles,
 - p. Location and number of handicap stalls, compact, employee and/or guest parking stalls,
 - q. Location and size of curb cuts,
 - r. Traffic flow within the parking, loading, and maneuvering areas and ingress and egress,
 - s. Location of wheel stops,
 - t. Loading space,
 - u. Stacking space, and

v. Square footage of interior parking lot landscaping.

Site Plan, Sign: A twenty four inch by thirty six inch (24" X 36") plan drawn at a scale of one inch equals twenty feet (1" = 20') or one inch equals forty feet (1" = 40') (or other size plan sheet or scale approved by the Building Official) clearly indicating the following:

a. Scale and north arrow,

b. Location, identification and dimensions of all buildings, property lines, existing and proposed signs, streets, alleys and easements, and the setbacks from property lines and easements,

c. Location and dimensions of off-street parking layouts and driveways,

d. Location and dimensions of the landscaped areas,

e. General notes addressing the following (may be listed on cover sheet):

i. Note if any proposed signage will flash or be animated,

ii. Name, address and telephone number of owner and agent(s),

iii. Zoning of the project site,

iv. Street frontage(s) (in feet) for the site or, for multiple tenants building, indicate frontage of individual tenant space,

v. Type (e.g., freestanding, wall, etc.), size and number of all existing signs,

vi. Type, size and number of all proposed signs,

vii. Reference to the current Sign Code, and

viii. Wind design loads.

Site Plan, Single Family/Duplex: An eight and one-half inch by eleven inch (8-1/2 " X 11") plan drawn at a scale of one inch to twenty feet (1" to 20') or one inch to forty feet (1" to 40') (or other size plan sheet or scale approved by the Building Official) clearly indicating the following:

a. Legal description,

b. Explanation of scope of work,

- c. Existing and proposed construction labeled and differentiated by pattern or line type,
- d. Dimensions of all property lines and all building setbacks to property lines,
- e. Dimensions and labels for all streets, alleys, and/or easements,
- f. Lot size in square feet,
- g. Location and footprint size in square feet of all existing and proposed structures on property including decks, carports, storage sheds, and garages,
- h. Location and dimensions of approaches, driveways and public sidewalks,
- i. Elevation at property corners and contour lines at two foot (2') height intervals, showing proximity to steep slopes,
- j. Finished floor elevation for properties located within a flood zone,
- k. The location, height and length of retaining walls, rockeries, etc.,
- l. Location and distance in feet of nearest fire hydrant to structure, and
- m. Location of any pool/spa and setback dimensions to property lines and the location of the required six foot (6') fence.

Stream and Lake Data: Stream and lake data include the following information, prepared as specified:

a. Field Location: The ordinary high water mark shall be flagged in the field by a qualified consultant. The field flagging must be accompanied by a stream or lake reconnaissance report.

b. Reconnaissance Report: The report shall include the following information:

i. In addition to any submittal requirements in chapter 2.90, Permits – General and Appeals, the site map(s) shall indicate:

(1) The entire parcel of land owned by the applicant and the ordinary high water mark determined in the field;

(2) Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

(3) The vegetative cover of the stream or lake, banks, and the site identification of the dominant plant and animal species;

ii. Stream or Lake Assessment: A narrative report shall be prepared to accompany the site plan which describes:

(1) The vegetative cover of the stream or lake, banks, and the site, identifying the dominant plant, fish, and animal species;

(2) If mitigation is proposed, a mitigation plan which includes baseline information, environmental goals and objectives, performance standards, construction plans, a monitoring program and a contingency plan;

(3) If stream or lake or associated buffer changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

Avoid any disturbances to the stream, lake or buffer,

Minimize any stream, lake or buffer impacts,

Compensate for any stream, lake or buffer impacts,

Restore any stream, lake or buffer area impacted or lost temporarily, and

Enhance degraded stream or lake habitat to compensate for lost functions and values;

(4) Any proposed alteration of lakes or stream shall be evaluated by the Planning Director using the above hierarchy.

Street Lighting Plan: Drawing showing the proposed lighting system, including luminaries, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans Public Works Department and conforming to the City of Sedro-Woolley Street Light Standards.

Structural Calculations: An analysis of loads, materials, etc., prepared and stamped by a State of Washington licensed professional engineer.

Structural Plans: Twenty four inch by thirty six inch (24" x 36") plans prepared and stamped by a State of Washington licensed professional engineer drawn at a scale of one-eighth inch equals one foot (1/8" = 1') (or other size or scale approved by the Building Official) clearly indicating the information required by the "Permits" section of the currently adopted International Building Code and chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

a. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts,

b. Cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling, and

c. Details of stairs, fireplaces and special construction, if any.

Survey: A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot (1') in ten thousand feet (10,000') per City surveying standards. Shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing.

20. Definitions T:

Topography Map: A map showing the existing land contours using vertical intervals of not more than five feet (5'). For any existing buildings the map shall show the finished floor elevations of each floor of the building.

Traffic Study: A report prepared by a State of Washington licensed engineer containing the elements and information in sufficient detail to define potential problems related to the proposed development and identify the improvements necessary to accommodate the development in a safe and efficient manner.

Tree Cutting/Land Clearing (Tree Inventory) Plan: A plan, based on finished grade, drawn to scale with the northern property line at the top of the paper clearly showing the following:

- a. All property boundaries and adjacent streets,
- b. Location of all areas proposed to be cleared,
- c. Types and sizes of vegetation to be removed, altered or retained. This requirement applies only to trees, eight inches in diameter for evergreens and Ten inches in diameter for deciduous trees at a point five feet from the ground. and larger,
- d. Future building sites and drip lines of any trees which will overhang/overlap a construction line, and
- e. Location and dimensions of rights-of-way, utility lines, and easements.

21. Definitions U:

Utilities Construction Plans: Plans prepared by a State of Washington licensed civil engineer as stipulated by the City of Sedro-Woolley standards.

Utilities Plan, Generalized: A plan drawn on twenty two inch by thirty four inch (22" x 34") plan sheets using a graphic scale of one inch equals twenty feet (1" = 20') (or other scale or size approved by the Public Works Department clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown.

22. Definitions V:

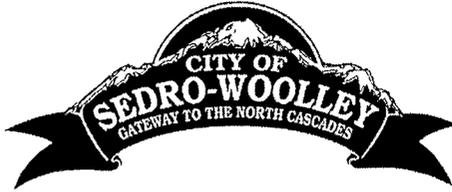
Variance Justification: A written statement setting forth the reasons in favor of the application and addressing the criteria listed in SWMC 17.60 which are used by the Hearing Examiner/Administrative Staff when reviewing the variance request.

23. Definitions W: (Reserved)

CITY COUNCIL AGENDA
REGULAR MEETING

OCT 03 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 9



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: SR 20 N. Skagit Roundabout Project
DATE: October 8, 2008

ISSUE: Should the Council approve and authorize the Mayor to sign the attached agreements with Rimmer, Nysether and Morgan for obtaining access and right of way for the SR 20 N. Skagit roundabout project?

BACKGROUND: The Council has been very involved in this project for years and years. As we near the bid date (November 2008) for construction in early 2009, it is important that we formally memorialize our agreements with the property owners who are participating in this project. City staff have been working closely with Rimmer, the owner of the Les Schwab franchise and the adjacent 22 acres of industrial land, Morgan, the owner of Morgan's espresso, and Nysether, owner of the Skagit Industrial Park.

Here is a summary of the agreement for each property owner:

NYSEETHER:

Property owner agrees to:

1. Donate needed right of way; and
2. Donate temporary construction easement and slope easement.

City agrees to:

1. Build project as designed and complete project by October 2010.

RIMMER:

Property owner agrees to:

1. Donate needed right of way;
2. Donate temporary construction easement and slope easement;
3. Donate \$50,000 in cash;
4. Donate the Les Schwab alignment shop building;

5. Donate additional money to pay for the cost of demolition of the alignment building;
6. Dedicate right of way for a new backage road that runs parallel to SR 20 from the future Patrick Road to the County property to the West and improve that right of way; and
7. Improve a portion of the proposed Patrick Road to provide access to the new alignment center.

City agrees to:

1. Convey title to Parcel 76821 to Rimmer in fee (this is the right of way the City purchased years ago for the future intersection); and
2. Pay for the recording costs and title insurance for the City's conveyance of title to Rimmer.

MORGAN:

Property owner agrees to:

1. Aggregate ownership of their parcels under a single owner;
2. Convey access rights to the City by deed for Parcel 76817;
3. Grant the City a right of entry onto its property; and
4. Sell the City for its appraised value, the structure located on P37451 (old house).

City agrees to:

1. Relocate Morgan's Espresso Stand on Morgan's property and pave approaches to the new location.

These three agreements have been the subject of many hours of negotiation between City staff and the property owners. We have attempted to balance the interests of the City in constructing its project with the benefits and costs that may be attributable to the property owners who own or will own property immediately adjacent to the new intersection.

All three owners are now in final review with these agreements with their attorneys. I believe Nysether and Morgan will have their review complete before tonight's meeting and am hopeful that Rimmer will also have his review complete. I am asking the Council to authorize the mayor to sign these agreements and the related documents (including deeds) with minor modifications proposed by the public works owners and approved by the public works director and city attorney.

RECOMMENDATION: Motion to authorize the Mayor to sign the attached agreements with Rimmer, Morgan and Nysether with any minor modifications as approved by the public works director and city attorney, as well as related documents including deeds.

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of September, 2008 by and between the CITY OF SEDRO-WOOLLEY, a Washington Municipal Corporation, hereinafter referred to as "CITY", and SEA-LAND DEVELOPMENT CORPORATION, hereinafter referred to as "SEA-LAND", is for the purpose of agreeing to certain terms and conditions related to the City's "F&S Grade Road and SR 20 project" (hereafter Project).

RECITALS

A. The City is in the process of improving the intersection of F&S Grade Road and SR 20 and creating a new roundabout intersection on SR 20 in front of Skagit County parcel nos. 76818 and 37350; and

B. The City is planning to spend approximately \$3.0M on this Project which will be publicly bid before the end of 2008 and constructed beginning in spring of 2009 with the Project scheduled for completion in 2009; and

C. SEA-LAND is owner of that certain property located in Sedro-Woolley identified as a portion of Ptn of Lots 1 – 8 and ptn of vacated Elgin St, Blk 20, Woolley the Hub of Skagit County, V 2 of Plats, P 92, Skagit County parcel no. 37350.

NOW, THEREFORE, for and in consideration of the mutual covenants herein, the parties agree as follows:

1. SEA-LAND agrees to donate certain right-of-way necessary for this Project including a Slope Easement and a Temporary Construction Easement. The City believes the value of this donation is as follows: _____; however, the actual value of the donations will be determined by SEA-LAND. The donation letter, statutory warranty deed, slope easement, temporary construction easement and real estate excise tax affidavits are attached hereto as Exhibits A, B, C, D, and E respectively. SEA-LAND agrees to execute these documents contemporaneously with this Agreement.

1.1 CITY agrees to complete this project by October 1, 2010 and further agrees that if this project is not substantially complete by October 1, 2010, the CITY will reconvey the right of way identified in Exhibits B and C to SEA-LAND, at no charge to SEA-LAND.

1.2 CITY represents to SEA-LAND that the legal descriptions contained in Exhibits B, C and D accurately represent the geographical location of the intersection improvements as shown on Exhibit F (visual representation of project) and the engineered designs for the round about intersection.

2. CITY agrees that the Project will be built as designed at no additional expense SEA-LAND.

3.0 GENERAL PROVISIONS

3.1 Applicable Law. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington with venue for any disputes to lie exclusively in Skagit County.

3.2 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto.

3.3 Severability. If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

3.4 Modification. This Agreement shall not be modified or amended except in writing signed by the City and SEA-LAND or their respective successors in interest.

3.5 Merger. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

3.6 Duty of Good Faith. Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

3.7 No Presumption Against Drafter. This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

3.8 Notices. All communications, notices and demands of any kind which a party under this Agreement is required or desires to give to any other party shall be in writing and be either (1) delivered personally, (2) sent by facsimile transmission with an additional copy mailed first class, or (3) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

If to the City: City Attorney, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284

If to SEA-LAND:

My Commission Expires: _____

Print Name _____

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of September, 2008 by and between the CITY OF SEDRO-WOOLLEY, a Washington Municipal Corporation, hereinafter referred to as "CITY", and the PATRICK A. RIMMER FAMILY LIMITED PARTNERSHIP, hereinafter referred to as "RIMMER", is for the purpose of agreeing to certain terms and conditions related to the City's "F&S Grade Road and SR 20 project" (hereafter Project).

RECITALS

A. The City is in the process of improving the intersection of F&S Grade Road and SR 20 and creating a new roundabout intersection on SR 20 in front of Skagit County parcel no. 76818; and

B. The City is planning to spend approximately \$3.0M on this Project which will be publicly bid before the end of 2008 and constructed beginning in spring of 2009 with the Project scheduled for completion in 2009; and

C. RIMMER is owner of that certain property located in Sedro-Woolley identified as a portion of Lots 3 to 8, Block 1 Moore's Addition to Woolley, Skagit County parcel no. 76818; and

D. RIMMER is the owner of the Les Schwab Tire Center and Alignment shop located on Parcels 76818, 76819, 76820 and 122795, which property together with the property described in Recital C, above are hereafter referred to as "the Premises; and

E. RIMMER or its members is owner of an adjoining 22 acre parcel that is being redeveloped into an industrial park and will be served with access by the City's Project.

NOW, THEREFORE, for and in consideration of the mutual covenants herein, the parties agree as follows:

1. RIMMER agrees to fulfill its pledge to donate fifty thousand Dollars (\$50,000) to the City for the construction of the Project; said donation to occur no later than January 30, 2009.

2. RIMMER agrees to donate certain right-of-way necessary for this Project including a Slope Easement. The value of this donation is as follows: \$136,136.00 for 10,472 square feet of land from Parcel 76818 and \$_____ for 1642 square feet of land in the public utility and slope easement. The donation letter, statutory warranty deed, public utility and slope easement and real estate excise tax affidavits are attached hereto as Exhibits A, B, C and D, respectively. RIMMER agrees to execute these documents contemporaneously with this Agreement.

3. RIMMER agrees to donate to the City that structure located on Parcel 76818, the alignment shop. RIMMER is responsible for establishing the value of that structure for its own purposes; the City agrees to provide RIMMER with a letter acknowledging the donation of the structure. Donation is to occur within 30 days after the City requests the donation, at which time RIMMER must have vacated the structure and ceased all use of the same.

4. RIMMER agrees to compensate the City for the cost of demolishing the donated structure which will be demolished as part of the City's project and bid as a separate item. RIMMER agrees to pay the actual costs for demolition and removal of the debris within thirty (30) days of the City's invoice to RIMMER.

5. CITY agrees to convey title to Parcel 76821 to RIMMER in exchange for the right of way provided by RIMMER. Parcel 76821 was acquired by the City as future right of way for this intersection which has since been redesigned and relocated. The City agrees to execute and record the statutory warranty deed conveying title to RIMMER in the form as attached hereto as Exhibit E.

Parcel 76821 is legally described as follows:

LOTS 4, 5 AND THE EAST 20 FEET OF LOT 3 OF BLOCK 2, MOORE'S ADDITION TO WOOLLEY, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE AUDITOR OF SKAGIT COUNTY, WASHINGTON, ALSO TOGETHER WITH THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., LYING BETWEEN A LINE RUNNING NORTH AND SOUTH ALONG THE WEST LINE OF THE EAST 20 FEET OF LOT 3 AND THE EAST BOUNDARY OF LOT 5 OF BLOCK 2 OF "MOORE'S ADDITION TO WOOLLEY," PRODUCED NORTH. (PER THE TERMS OF SKAGIT COUNTY SUPERIOR COURT JUDGMENT TO QUIET TITLE, NO. 00-2-00260-5).

6. RIMMER agrees to construct certain improvements on its property in conjunction with this project including paving to provide access to the new alignment shop and paving to provide access to Parcels 37450, 37451 and 76817. RIMMER agrees to dedicate right of way, including a ten foot utility easement, as attached hereto as Exhibit F. Improvements to be constructed are specified in Exhibit G which includes a site detail. The improvements required to be constructed herein shall be done before or in conjunction with the Project as directed by the City Public Works Director.

7. RIMMER agrees to construct certain improvements on its property in conjunction with this project including paving of the proposed Patrick Road (arterial road between SR 20 and East Jones Road) to City standards and to dedicate this ROW as required for this project and as a condition of approval of the RIMMER binding site plan (BSP) in the future. City and Rimmer agree that Rimmer will be eligible for transportation impact fee credits under SWMC 15.60 for the cost of improvements and land constructed and dedicated for this new arterial street. While most of these credits

will be issued as part of the BSP process, for that portion of the improvements and dedication made as part of this Project, Rimmer shall be granted credits.

8. RIMMER agrees to convey certain property legally described in Exhibit _____ to the ESTATE OF LAURA G. MORGAN, hereinafter referred to as “MORGAN”, and CARY W. EDWARDS, a single man, hereinafter referred to as “EDWARDS” for the purchase price of \$82,660.00. RIMMER agrees to enter into a separate purchase and sale agreement with MORGAN and EDWARDS on the terms and conditions set forth in this Agreement.

9.0 GENERAL PROVISIONS

9.1 Recording. This Agreement shall, when approved by the City Council and executed by the parties hereto, be filed as a matter of public record in the office of the Skagit County Auditor and shall be in the nature of a covenant running with the Premises. It is the intent to have this Agreement, so long as it is in force, to be considered, interpreted, and regarded as a covenant running with the land as to Rimmer’s Property.

9.2 Applicable Law. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington with venue for any disputes to lie exclusively in Skagit County.

9.3 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto.

9.4 Severability. If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

9.5 Modification. This Agreement shall not be modified or amended except in writing signed by the City and RIMMER or their respective successors in interest.

9.6 Merger. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

9.7 Duty of Good Faith. Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

9.8 No Presumption Against Drafter. This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

9.9 Notices. All communications, notices and demands of any kind which a party under this Agreement is required or desires to give to any other party shall be in writing and be either (1) delivered personally, (2) sent by facsimile transmission with an additional copy mailed first class, or (3) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

If to the City: City Attorney, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284

If to RIMMER:

Notice by hand delivery or facsimile shall be effective upon receipt. If deposited in the mail, notice shall be deemed received 48 hours after deposit. Any party at any time by notice to the other party may designate a different address or person to which such notice shall be given.

9.10 Attorney fees. If it is necessary for any Party or its authorized representative, successor, or assign, to institute suit in connection with this Agreement or the breach thereof, the prevailing party in such suit or proceeding shall be entitled to recover its reasonable costs, expenses, and attorneys' fees incurred.

9.11 Entire Agreement. This Agreement, including the attached Exhibits, contains all of the covenants, promises, agreements, and conditions, both oral and written, between the Parties. This Agreement is fully integrated and constitutes the complete and final agreement between the parties hereto, and any previous agreements, offers, counteroffers, and/or negotiations are hereby merged herein. There are no other agreements which modify or amplify the terms of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

CITY OF SEDRO-WOOLLEY

MAYOR

Attest:

CITY CLERK

Approved as to form:

CITY ATTORNEY

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me MIKE ANDERSON and PATSY NELSON, to me known to be the Mayor and Clerk of the City of Sedro-Woolley, a Washington Municipal Corporation, who executed the within and foregoing instrument and acknowledged to me that she signed and sealed the same as the free and voluntary act and deed of the said City, for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this ____ day of September, 2008.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

RIMMER

By:

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me _____, to me known to be the persons who executed the within and foregoing instrument and acknowledged to me that they

signed and sealed the same as the free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this ____ day of September, 2008.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of September, 2008 by and between the CITY OF SEDRO-WOOLLEY, a Washington Municipal Corporation, hereinafter referred to as "CITY", the ESTATE OF LAURA G. MORGAN, hereinafter referred to as "MORGAN", and CARY W. EDWARDS, a single man, hereinafter referred to as "EDWARDS", is for the purpose of agreeing to certain terms and conditions related to the City's "F&S Grade Road and SR 20 project".

RECITALS

A. The City is in the process of improving the intersection of F&S Grade Road and SR 20 and creating a new roundabout intersection on SR 20 in front of Skagit County parcel no. 76818 (hereafter referred to as "the Project"); and

B. The City is planning to spend approximately \$3.0M on this Project which will be publicly bid before the end of 2008 and constructed beginning in spring of 2009 with the Project scheduled for completion in 2009; and

C. MORGAN is owner of that certain property located in Sedro-Woolley identified as Lots 1 and 2, Block 1 Moore's Addition to Woolley together with a portion of the Southeast ¼ of the Northwest ¼ of Section 24, Township 35 North, Range 4 East, W.M., Skagit County parcel no. 76817; and

D. EDWARDS is owner of that certain property located in Sedro-Woolley identified as Southwest ¼ of the Northwest ¼ of Section 24, Township 35 North, Range 4 East, W.M., Skagit County parcel no. 37451 (together with Morgan's property described above referred to as "the Premises");

E. MORGAN is owner of Morgan's Espresso, a business located on parcel 76817;

F. EDWARDS is owner of a structure located on parcel 37451 which the City has had appraised by a MAI appraiser for the value of the structure;

G. The City's project will impact MORGAN and EDWARDS as a result of changed access resulting from the improvements.

NOW, THEREFORE, for and in consideration of the mutual covenants herein, the parties agree as follows:

1. MORGAN and EDWARDS agree to aggregate their ownership of parcels 76817 and 37451 into a single parcel and to eliminate direct access to Parcel 76817 by conveying any access rights from that parcel to SR 20 to the City. The aggregation shall occur within thirty days of the date of this Agreement. The conveyance of access shall be evidenced by the execution of an access deed which is attached hereto as Exhibit A and

shall be executed contemporaneously with this agreement. City agrees that Morgan shall continue to use the direct access to SR 20 from Parcel 76817 until such time as the City needs to eliminate it as part of its Project.

2. EDWARDS agrees to sell to the City for the appraised value of \$ _____, the structure located on parcel 37451. The City shall have possession of the structure on the 45th day after the City provides a written notice to EDWARDS regarding the timing of the purchase. The timing shall coordinate with the construction Project. The City shall pay EDWARDS the appraised value of the structure on the day of the sale. The structure shall be demolished as part of the City's Project.

3. The City agrees to relocate the stand where Morgan's Espresso is currently located on parcel 76817 to parcel 37451 as part of the City's Project, at the City's expense. The City further agrees to construct asphalt approaches to and from the relocated stand. MORGAN agrees to develop a site plan in coordination with the City, that will function with the City's road improvements in place, no later than October 15, 2008. Morgan and Edwards acknowledge that there may likely be some disruption in business operations from this relocation and from construction of the Project. In consideration of the benefits that accrue to them as a result of this Agreement, Morgan and Edwards hereby release the City from any and all claims for damages, lost profits, costs, expenses and reasonable attorneys fees arising from any disruption in business, loss of access or other cause arising from the City relocating the stand as provided in this Agreement or from construction of the Project.

4. City agrees that MORGAN'S sewer connections shall be transferable, without charge, to the relocated espresso stand and to the future planned office/storage structure as provided in SWMC Title 13.

5. MORGAN and EDWARDS agree to grant the City a right of entry in the form as attached hereto as Exhibit B contemporaneously with this Agreement.

6. MORGAN and EDWARDS agree to purchase additional property from PATRICK A. RIMMER FAMILY LIMITED PARTNERSHIP, hereinafter referred to as "RIMMER", in connection with the City's Project. Said property is legally described on Exhibit _____. The purchase price for said property is \$ _____. MORGAN and EDWARDS acknowledge that said property will not have direct access to SR 20 and have agreed to the property with this understanding. This property shall be further aggregated with the aggregated parcel described in Section 1 of this Agreement. MORGAN and EDWARDS agree to enter into a separate purchase and sale agreement with RIMMER for purchase of said property on the terms and conditions set forth herein..

7.0 GENERAL PROVISIONS

7.1 Recording. This Agreement shall, when approved by the City Council and executed by the parties hereto, be filed as a matter of public record in the office of the Skagit County Auditor and shall be in the nature of a covenant running with the Premises.

It is the intent to have this Agreement, so long as it is in force, to be considered, interpreted, and regarded as a covenant running with the land as to Morgan's Property and Edwards' Property.

7.2 Applicable Law. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington with venue for any disputes to lie exclusively in Skagit County.

7.3 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto.

7.4 Severability. If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

7.5 Modification. This Agreement shall not be modified or amended except in writing signed by the City and MORGAN or their respective successors in interest.

7.6 Merger. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

7.7 Duty of Good Faith. Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

7.8 No Presumption Against Drafter. This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

7.9 Notices. All communications, notices and demands of any kind which a party under this Agreement is required or desires to give to any other party shall be in writing and be either (1) delivered personally, (2) sent by facsimile transmission with an additional copy mailed first class, or (3) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

If to the City: City Attorney, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284

If to MORGAN:

If to EDWARDS:

EDWARDS

CAREY EDWARDS

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me CAREY EDWARDS, to me known to be the person who executed the within and foregoing instrument and acknowledged to me that he signed and sealed the same as the free and voluntary act and deed for the uses and purposes therein mentioned.

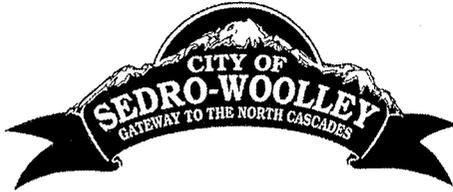
GIVEN UNDER my hand and official seal this ____ day of September, 2008.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

CITY COUNCIL AGENDA
REGULAR MEETING

OCT 08 2008

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 10



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Park and Recreation Advisory Ordinance
DATE: October 8, 2008

ITEM PRESENTED FOR FIRST READING: October 8, 2008

ISSUE: Should the Council adopt the attached ordinance creating a new Park and Recreation Advisory Board?

BACKGROUND: This ordinance comes at the request of Shane Walley who is working to implement the Council's desire to establish a recreation component to the parks department. The City Council created a Board of Park Commissioners in 1922 that was intended to have actual supervision, oversight and budgetary authority over the parks department. At some point, that commission was no longer appointed. I don't know when that occurred.

Our goal in presenting this new ordinance and creating a new advisory board is to instigate renewed interest in parks and recreation, involve the community and the school, and grow this department to better serve the people of Sedro-Woolley.

RECOMMENDATION: Motion to adopt Ordinance No. _____-08, an ordinance establishing a Park and Recreation Advisory Board.

Ordinance No.

AN ORDINANCE CREATING THE PARK AND RECREATION ADVISORY BOARD, REPEALING SWMC 2.44 AND ADDING A NEW CHAPTER TO TITLE 2 OF THE SEDRO-WOOLLEY MUNICIPAL CODE.

Whereas, the City of Sedro-Woolley has a Board of Park Commissioners as authorized by ordinance from 1922 and amended in 1941;

Whereas, the City Council of the City of Sedro-Woolley wishes to modernize the operations of the park and recreation function of the city by eliminating the outdated and unused Board of Park Commissioners and replacing it with a new advisory board;

Whereas, the City Council for the City of Sedro-Woolley wishes to encourage the community and city staff to expand park and recreation opportunities within the city; and

Whereas, the City Council of the City of Sedro-Woolley finds that it is in the best interest of the City and the people of the City to establish the Park and Recreation Advisory Board.

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Sedro-Woolley Municipal Code (SWMC) 2.44 is repealed in its entirety.

Section 2. A new chapter to Sedro-Woolley Municipal Code, Title 2 is hereby as set forth on the attached Appendix A and incorporated by reference.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. After passage, approval and publication as provided by law, this ordinance shall take effect January 1, 2009.

Passed and approved this ____ day of October, 2008.

MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney

Appendix A

Chapter 2. __

PARK AND RECREATION ADVISORY BOARD

Sections:

- 2. __.010 **Park and recreation advisory board – Created**
- 2. __.020 **Terms – Vacancies – Removal.**
- 2. __.030 **Functions, powers and duties.**
- 2. __.040 **Officers – Quorum.**
- 2. __.050 **Meetings.**
- 2. __.060 **Cooperation with individual citizens, groups and organizations.**
- 2. __.070 **Annual report of progress.**

2. __.010 Park and recreation advisory board – Created.

A. There is created and established a park and recreation advisory board, consisting of seven members who shall be appointed by the mayor.

B. Membership. The selection of the park and recreation advisory board members shall be made from individuals who have an interest in parks and recreation as evidenced by training, experience or actions. A minimum of four members shall be residents of the city of Sedro-Woolley, two nonresidents shall either be employed within the city of Sedro-Woolley or live within the city of Sedro-Woolley service area, and one member shall be a high school student living within the Sedro-Woolley School District. The membership shall include at least one senior citizen representative, one representative of a business within the city limits regardless of where the representative resides, one representative who lives outside the city of Sedro-Woolley but within the city's service area, and one youth representative who shall be a student from Sedro-Woolley High School.

C. The mayor shall appoint one to three members of the city council to act as liaisons to the board. These members shall be ex-officio nonvoting members of the board. The city parks and recreation supervisor/foreman shall be responsible for providing adequate and appropriate staff support to the board. No member shall receive any compensation for services performed.

2. __.020 Park and recreation advisory board – Terms – Vacancies – Removal.

A. Terms of Members. The appointment of the members, by the mayor, shall be for the following terms: appointees shall serve three-year terms (except the youth representative who shall serve a one-year term). The appointments of succeeding youth representatives shall be made in May of each year. Term limits will not exceed three consecutive terms.

B. Vacancies. The mayor shall, each year, appoint members to fill the vacancies caused by expiring terms. The mayor shall appoint members each year from a list to be presented to him by the board and shall also have authority to fill vacancies created by death or resignation in the board by appointing a member to fill the vacancy.

C. Removal. Members of the board may be removed by the mayor, with concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom. Members finding themselves unable to attend regular meetings are expected to tender their resignations.

2. __.030 Functions, powers and duties.

The park and recreation advisory board shall be a board functioning in an advisory capacity to the mayor, city council, parks and recreation department and other city departments in respect to the following parks and recreation matters:

- A. The acquisition of park and recreation facilities;
- B. Development, design and operation of park and recreation programming and facilities;
- C. Facility use fees and procedures;
- D. Park, playfield and facility design;
- E. Capital improvement planning;
- F. Concession;
- G. Contracts, interlocal agreements and lease agreements regarding park and recreational activities;
- H. A recommended annual budget for the acquisition, development and operation of park and recreational facilities and programs; and
- I. All matters as from time to time may be referred to the board by city council, the city supervisor or administrative staff.

2. __.040 Officers – Quorum.

Immediately after their appointment, members of the board shall meet and organize by electing from the members a chairperson, vice chairperson and such other officers as may be necessary. It shall be the duty of the chairperson to preside at all meetings of the board. At the first meeting of the park and recreation advisory board following January 1st of each year the board shall elect a chairperson and vice chairperson from its

members. The park and recreation supervisor/foreman, or his/her designee, shall serve as the board's secretary. The park and recreation supervisor/foreman shall prepare and record all proceedings of the board which shall be public record. A majority of the membership of the park and recreation advisory board shall constitute a quorum for transaction of business and a majority vote of those present shall be necessary to carry any recommended action. If a quorum is not reached, as many councilmembers as appointed by the mayor to the parks and recreation advisory board as it takes to reach a quorum may be substituted as temporary voting members of the board. The ranking in which councilmembers vote shall be determined at the time of appointment by the mayor.

2. __.050 Meetings.

The park and recreation advisory board shall determine a regular meeting schedule (time, place and frequency) as necessary, but no less frequent than eight meetings annually. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accordance with the Washington State Open Public Meetings Act. All meetings shall be open to the public.

2. __.060 Cooperation with individual citizens, groups and organizations.

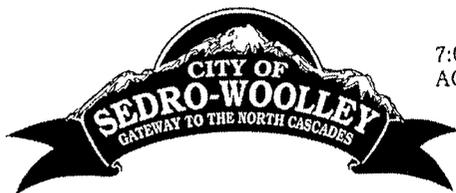
The board will work with individual citizens, groups and organizations. At the discretion of the board, a study may be conducted by a task force composed of individual citizens and representatives of groups, schools or other organizations on an ad hoc basis to provide citizen views or special expertise relating to a specific topic or problem.

2. __.070 Annual reports of progress.

The park and recreation advisory board shall annually provide to the city council a report on progress made in carrying out the board's duties and responsibilities. Reports may be submitted when deemed appropriate by the board or when requested by the city council.

CITY COUNCIL AGENDA
REGULAR MEETING

OCT 08 2008



7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 11

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Purchasing Ordinance
DATE: October 8, 2008

ITEM PRESENTED FOR FIRST READING: October 8, 2008

ISSUE: Should the Council adopt the attached ordinance establishing purchasing policies for the city?

BACKGROUND: This is another follow-up item from the recent State Audit. Our purchasing practices have tracked state law, but the lack of a written purchasing policy made it difficult for the auditors to audit. The draft ordinance builds upon the small works roster from last year (Resolution 760-07) and establishes thresholds and requirements for the purchase of non-public works items (revising and repealing SWMC 3.18 and Resolution 502).

RECOMMENDATION: Motion to adopt Ordinance No. _____-08, an ordinance establishing purchasing policies for the City of Sedro-Woolley.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SEDRO-WOOLLEY MUNICIPAL CODE CHAPTER 3.18 AND ESTABLISHING NEW PROCEDURES RELATING TO PURCHASING AND PUBLIC WORKS CONTRACTING; ESTABLISHING A VENDOR LIST PROCESS FOR THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT AND A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor list process; and

WHEREAS, the Washington State Legislature in Chapter 138, Laws of 2000 and in Chapter 284, Laws of 2001, amended RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allowing certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement vendor list and small works roster processes, the City is required by law to adopt a policy establishing specific procedures; and

WHEREAS, the City Council adopted Resolution 760-07 establishing the small works roster and consulting services roster in 2007 but wishes to clarify any ambiguity existing between Resolution 760-07 and SWMC 3.18; and

WHEREAS, the City Council desires to update its policy for purchasing and bidding consistent with Washington state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Resolution 502 is hereby repealed.

Section 2. SWMC 3.18 is repealed and replaced with the following:

Chapter 3.18

Purchasing Policies

3.18.010 Purchasing of materials and supplies unrelated to a public works project under \$7,500.00.

3.18.020 Purchasing of materials and supplies unrelated to a public works project between \$7,500.00 and \$15,000.00.

3.18.030 Purchasing of materials and supplies unrelated to a public works project costing more than \$15,000.00.

3.18.040 MRSC Rosters

3.18.050-0_0 Small Works Roster

3.18.0_0-0_0 Consulting Services Roster

3.18.010. Purchase of materials, supplies or equipment not connected to a public works project in an amount of \$7,500.00 or less.

The city is not required to use informal or formal sealed bidding procedures or the procedures set forth in this ordinance to purchase materials, supplies, or equipment not connected to a public works project where the cost of the same will not exceed \$7,500.00. The city will attempt to obtain the lowest practical price for such goods and services.

3,18.020. Purchase of materials, supplies or equipment not connected to a public works project in an amount between \$7,500.00 and \$15,000.00.

1. **Publication of Notice.** At least twice a year, the city shall publish, in the city's official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

2. **Electronic Rosters.** In addition to paper and/or electronic vendor lists kept on file in the appropriate department, the city may also use that state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington.

3 **Telephone Quotations.** The city shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:

a. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;

b. A city representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

c. The city representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, or equipment;

d. A written record shall be made by the city representative of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

e. The city representative shall present to the city council (unless purchase may be approved under SWMC 2.104) all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

4. Determining the Lowest Responsible Bidder. The city shall purchase the materials, supplies or equipment from the lowest responsible bidder (RCW 43.19.1911(9)), provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the city may call for new bids. The city, in determining the lowest responsible bidder may take the following factors, to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the city council may call for new bids. RCW 43.19.1911(9) states:

"In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

- (a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (c) Whether the bidder can perform the contract within the time specified;
- (d) The quality of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws relating to the contract or services;
- (f) Such other information as may be secured having a bearing on the decision to award the contract:

PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined,

minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

5. **Award.** The city council shall review quotations and recommendation by city staff and award the contract to the lowest responsible bidder, provided, that for contracts under \$10,000.00, the provisions of SWMC 2.104 shall apply. A written record of each vendor's quotations shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

6. **Posting.** A list of all contracts awarded under these procedures shall be posted at city main administrative offices once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded. Posting on the city's website satisfies this requirement.

3.18.030. Purchase of materials, supplies or equipment not connected to a public works project in an amount of \$15,000.00 or more.

The city is required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not related to a public works project where the cost of the same will exceed \$15,000.00.

1. **Call for Bids.** City shall publish notice that the city is inviting bids at least once in the city's official newspaper. The notice shall be published at least seven (7) days before the bid opening.
2. **Bid Opening.** Sealed bids shall be opened and read aloud at the time and place identified in the call for bids; the bid opening shall be open to the public.
3. Determination of lowest responsible bidder shall follow the process in SWMC 3.18.020 (4).
4. **Award.** The City Council shall award the contract to the lowest responsible bidder. A written record of each vendor's bid shall be made open to public inspection or telephone inquiry after the award of the contract.
5. Posting shall follow the process in SWMC 3.18.020(6).

Section 3. Small works roster procedures and consulting services roster procedures are established as approved by the Council in Resolution 760-07 and shall be codified in SWMC 3.18.

Section 4. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 5. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this ____ day of _____, 2008, and signed in authentication of its passage this ____ day of _____, 2008.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney

Published:

COMMITTEE

REPORTS

AND

REPORTS

FROM

OFFICERS

EXECUTIVE
SESSION