

Next Ord: 1669-10  
Next Res: 825-10

**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**

**March 10, 2010**

**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 Checks #68805 to #68903 in the amount of \$106,001.32.
    - Payroll Checks #47316 to #47421 in the amount of \$226,439.19
  - c. Request for Out of State Travel - Police Department
  - d. Professional Services Agreement No. 2010-PS-05 for Design Phase Services for the SR20, Metcalf to Township Widening Project - Reichhardt & Ebe Engineering, Inc.
4. Proclamation - Lions Day - March 26, 2010
5. Skagit County Solid Waste Presentation by Kevin Renz
6. Public Comment (Limited to 3-5 minutes)

**PUBLIC HEARING**

7. Proposed Annexation of UGA Properties North of Jones Road, West of Garden of Eden Road
8. Fruitdale Sewer Connection Fee (*1<sup>st</sup> reading*)
9. Resolution - Surplus of Portobello Ave. Fire Station Site

**UNFINISHED BUSINESS**

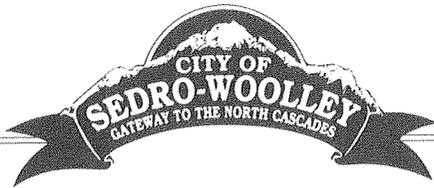
10. Ordinance - Township Parking (*2<sup>nd</sup> reading*)
11. Ordinance - Code Enforcement (*3<sup>rd</sup> reading*)

**NEW BUSINESS**

12. SWSD Impact Fee Reduction Ordinance (*1<sup>st</sup> reading*)
13. Presentation of Proposed Comprehensive Plan Amendments - 2010 Docket (*no action*)

**COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

**EXECUTIVE SESSION/YES**



DATE: March 10, 2010  
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 March 10, 2010 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 Thomas Storrs  
    \_\_\_ Ward 4      Councilmember Pat Colgan  
    \_\_\_ Ward 5      Councilmember Hugh Galbraith  
    \_\_\_ Ward 6      Councilmember Rick Lemley  
    \_\_\_ At-Large    Councilmember Brett Sandström
  
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.

MAR 10 2010

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

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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
February 24, 2010 – 7:00 P.M. – City Hall Council Chambers

ROLL CALL: Present: Mayor Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiberger, Planner Moore, Fire Chief Klinger and Police Chief Wood.

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

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Checks #68705 to #68804 in the amount of \$255,395.74
  - Payroll Checks #47209 to #47315 in the amount of \$170,184.90
- Professional Services Agreement No. 2010-PS-03 for On-Call Engineering Services – Reichhardt & Ebe Engineering, Inc.
- Professional Services Agreement No. 2010-PS-02 for On-Call Engineering Services – SCADA & Controls Engineering, Inc.
- Professional Services Agreement No. 2010-PS-04 for GIS Mapping Services – Ecotone Solutions, LLC
- Possible Bid Award – 2010 Commercial Front Load Dumpsters and Roll-Off Containers – Western Systems and Fabrications, Inc.
- Resolution 823-10 – Declaring the Burlington Northern Santa Fe Skagit River Bridge a Public Safety Hazard
- Assignment & Delegation Agreement – H&W Emergency Vehicles and Crimson Fire, Inc. for a Fire Engine
- On-Call Engineering & Surveying Services – Skagit Surveyors & Engineers

Councilmember Lemley abstained from voting on claim voucher #68758.

Councilmember Meamber moved to approve the consent calendar with the corrected Claims numbers. Seconded by Councilmember Colgan Motion carried (7-0).

Public Comment

Andrea Garcia – 22199 Grip Road, read a prepared statement to the Council regarding the proposed refinery tax bills and urged them to take a stand against the proposed tax under HB 3181 and SB 6851.

## **UNFINISHED BUSINESS**

### Ordinance – Offender Work Program

City Supervisor/Attorney Berg presented the second read on the proposed Offender Work Program. He reviewed the donated vehicle for the program and noted the program, should it be approved, could start as early as March. He informed Council that last week the Skagit County Jail turned away 67 bookings as a result of overcrowding.

Discussion ensued regarding the use of the Wapato Jail via an interlocal agreement.

Councilmember Storrs moved to approve Ordinance #1667-10 Adding a New Chapter to SWMC Title 2, Establishing the Position of Offender Work Program Supervisor and Authorizing the Mayor to Promulgate Rules for the Operation of the Offender Work Program. Councilmember Splane seconded. Motion carried (7-0).

### Ordinance – Code Enforcement

City Supervisor/Attorney Berg reviewed several changes in the proposed ordinance regarding Code Enforcement as a result of the first read. He noted the ordinance creates a new title of the Municipal Code and reviewed the processes for enforcement. The ordinance allows more tools to address violations and is copied from the City of Mount Vernon which was drafted by Kevin Rogerson, City Attorney.

Council direction was to have a third read with anticipated action at the next Council meeting.

## **NEW BUSINESS**

### Chamber of Commerce Business Development Team Report by Mary McGoffin

Mary McGoffin – 268 Burrows Ln. and Sylvia Matterand, Clear Lake, representing the Business Development Team through the Sedro-Woolley Chamber of Commerce addressed the Council regarding their plans for business development. McGoffin noted they have been reviewing old community reports and summits which are filled with great ideas and is puzzled why no action had been taken. She discussed phasing their efforts in order to put together an understanding on how to remove obstacles and to further outreach the stakeholders involved (property owners). The goal is to help businesses and to get businesses maximized and then to actively recruit new businesses.

Councilmember Meamber addressed a summit conducted by the Results Group noting they were very helpful and had many great ideas but funding became an issue in the end.

Sylvia Matterand – spoke to the Council noting the committee is planning to take on the Nike motto and “Just Do It”, she agreed there are a lot of good ideas and the work has to start somewhere. Matterand spoke on the upcoming Main Street program to be held in

May in Port Townsend. She also stated the City's involvement has been appreciated in their meetings to develop a relationship with the private sector. The goal is to make Sedro-Woolley a wonderful place to have a business.

#### Ordinance – Township Parking

City Supervisor/Attorney Berg reviewed the first read for the proposed ordinance regarding no parking zones on Township Street as a result of issues raised by several citizens living in the Township Street area. Berg noted the topic was referred to the Council committee with their recommendation resulting in the proposed ordinance. He stated additional information since the last committee meeting was the Mayor's letter to the residents on the proposed parking rules and he reviewed the cost of signage. Due to the cost of signage it was suggested to scale back the scope of the no parking area to State Street to Highway 20 for the test area. The committee recommendation is to implement the ordinance.

#### Ordinance – Extension of Sewerage Liens

City Supervisor/Attorney Berg reviewed the proposed ordinance regarding the extension of sewerage liens noting this was more of a housekeeping item. He stated the RCW currently allows cities to extend their automatic liens for sewerage services from six months to twelve months without recording a lien at the auditor's office. He noted this would benefit the City by reducing staff time to record liens, reduce costs to the system and increase collection to the system.

Councilmember Storrs moved to adopt Ordinance #1668-10 That Extends the City's Sewerage Liens from Six Months to Twelve Months Without Requiring a Recorded Document at the Auditor's Office. Seconded by Councilmember Meamber. Motion carried (7-0).

#### Contract 2010-PW-02 Fruitdale-McGarigle Arterial Improvements – Wetland Mitigation Planting

Engineer Freiburger reviewed the recommendation to award the wetland mitigation planting. He presented background information on the need for wetland replacement. He noted the bid includes planting of site and the first year maintenance. Six bids were received but the low bid did not include one of the required documents. Recommendation is to award the bid to Lawn Salon Landscaping.

Councilmember Galbraith moved to authorize the Mayor to execute contract 2010-PW-02 with Lawn Salon Landscaping Services LLC of Mount Vernon, WA in the amount of \$51,843.96. Councilmember Colgan seconded.

Councilmember Storrs questioned the spread of the bids.

Motion carried (7-0).

## Resolution -- Opposing Model Toxics Control Act Tax Increase

Mayor Anderson introduced a proposed ordinance on the topic that Ms. Garcia spoke on under Public Comment.

Councilmember Storrs moved to oppose the Model Toxics Control Act Tax Increase Resolution No. 824-10. Seconded by Councilmember Galbraith.

Councilmember Sandström emphasized the wording “Does not support increase in tax for general fund purposes”.

Motion carried (7-0).

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

City Supervisor/Attorney Berg – stated there are currently no topics to be addressed at the next scheduled worksession and polled Council if they wanted to cancel the worksession.

Councilmember Storrs questioned whether the topic of the Township Street Curb Setback should be a topic for the worksession. It was noted staff is still looking into any impacts.

Discussion ensued regarding numerous concerns expressed by the committee, the Planning Commission emphasis for economic development on creating bike lanes, approaching the church regarding use of their parking lot and the liability to the church, the shortage of on-site parking and interest in a gravel walkway across the tracks in the vicinity of the Post Office. Council consensus was to cancel the worksession.

City Supervisor/Attorney Berg reported on the Skagit GI Study. The County is requesting non-monetary support from the City. The Mayor has written a letter of support but requested Council authorization prior to mailing. The Council consensus was to send the letter.

Engineer Freiburger – reported he has been busy with grant applications and the City was unsuccessful on the grant application for the Cook Road project but are still in running for ARRA jobs bill funds. He noted a recent visit from several Congressional staffers who were taken on a tour by Freiburger and City Supervisor/Attorney Berg in order to try to solicit support for the Cook Road alignment. Freiburger also reported on a call from DOT who are in the process of ranking Safe Routes to Schools projects for DOT funds and there is a fair chance they may fund the SR9 Sidewalk Extension.

Planner Moore – announced an upcoming field trip by the Planning Commission to public and private parks as part of their 2010 Work Plan. The field trip is scheduled for March 2 at 2:00. Moore invited the Council to participate. He also noted there will be signs posted in the parks to invite citizens to participate.

Councilmember Colgan – noted there is no water running at the faucet in the dog park.

Discussion ensued regarding the installation of the water line, plans for the water to be turned off in the winter months and heavy use at the dog park.

Councilmember Lemley – reported on his recent visit to Sequim and the two roundabouts.

### **EXECUTIVE SESSION**

The meeting adjourned to Executive Session at 7:55 P.M. for the purpose of discussion on potential litigation for about 5 minutes with no decision anticipated.

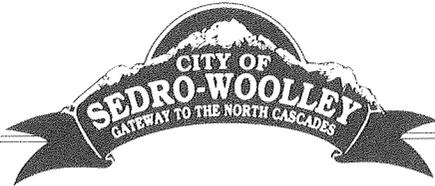
The meeting reconvened at 8:14 P.M.

Councilmember Colgan moved to adjourn. Seconded by all.

The meeting adjourned at 8:14 P.M.

MAR 10 2010

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



DATE: March 10, 2010  
TO: Mayor Anderson and City Council  
FROM: Patsy Nelson, Finance Director  
SUBJECT: FINANCE - CLAIMS

Attached you will find the Claim Checks register proposed for payment for the period ending March 10, 2010.

Motion to approve Claim Checks #68805 to #68903 in the amount of \$106,001.32.

Motion to approve Payroll Checks #47316 to #47421 in the amount of \$226,439.19.

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  
 03/10/2010 (Printed 03/04/2010 15:36)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68805	SEDRO-WOLLEY POSTMASTER	POSTAGE	SWR	471.19
		POSTAGE	SAN	224.72
		OPERATING SUPPLIES	SWTR	29.01
		WARRANT TOTAL		724.92
68806	ALL-PHASE ELECTRIC	REPAIR/MAINT-CITY HALL	PK	8.44
		WARRANT TOTAL		8.44
68807	ALLEN, DEBRA	MEALS/TRAVEL	SWR	27.02
		WARRANT TOTAL		27.02
68808	ALPINE FIRE & SAFETY	SAFETY EQUIPMENT	CEM	57.85
		WARRANT TOTAL		57.85
68809	APEX TOWING	PROFESSIONAL SERVICES	PD	720.88
		WARRANT TOTAL		720.88
68810	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	CEM	16.07
		MISC-LAUNDRY	CEM	24.52
		MISC-LAUNDRY	CEM	16.07
		MISC-LAUNDRY	ST	19.04
		MISC-LAUNDRY	ST	17.20
		MISC-LAUNDRY	ST	17.20
		LAUNDRY	SWR	32.72
		WARRANT TOTAL		142.82
68811	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	23.86
		AUTO FUEL	CS	90.39
		AUTO FUEL	CS	42.87
		AUTO FUEL	PD	1,055.99
		AUTO FUEL/DIESEL	FD	301.14
		AUTO FUEL/DIESEL	PK	52.48
		AUTO FUEL/DIESEL	CEM	33.39
		AUTO FUEL/DIESEL	CEM	148.37
		AUTO FUEL/DIESEL	ST	145.53
		AUTO FUEL/DIESEL	ST	49.23
		AUTO FUEL/DIESEL	ST	333.72
		AUTO FUEL/DIESEL	ST	208.16
		AUTO FUEL/DIESEL	SWR	419.88
		AUTO FUEL/DIESEL	SWR	89.62
		AUTO FUEL/DIESEL	SWR	89.12
		AUTO FUEL/DIESEL	SWR	143.41
		AUTO FUEL/DIESEL	SAN	763.42
		AUTO FUEL/DIESEL	SAN	1,479.91
		AUTO FUEL/DIESEL	SAN	1,430.15
		AUTO FUEL/DIESEL	SAN	34.32
AUTO FUEL/DIESEL	SWTR	11.93		
AUTO FUEL/DIESEL	SWTR	51.59		
AUTO FUEL/DIESEL	SWTR	171.47		
WARRANT TOTAL		7,169.95		
68812	BANK OF AMERICA	MISC-TUITION/REGISTRATION	SWR	50.00

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	50.00
68813	BARNETT IMPLEMENT CO. INC	REPAIR/MT-SMALL TOOLS EQUIP PK	237.70
		WARRANT TOTAL	237.70
68814	BANK OF AMERICA	SUPPLIES LIB	146.06
		WARRANT TOTAL	146.06
68815	BANK OF AMERICA	MACHINERY & EQUIPMENT PD	108.19
		WARRANT TOTAL	108.19
68816	BAY CITY SUPPLY	OPERATING SUP - CITY HALL PK	635.49
		WARRANT TOTAL	635.49
68817	ECOTONE SOLUTIONS LLC	PROFESSIONAL SERVICES SWTR	500.00
		WARRANT TOTAL	500.00
68818	BIO-ENVIRONMENTAL SOLUTIONS	MAINTENANCE OF LINES SWR	1,244.30
		WARRANT TOTAL	1,244.30
68819	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES PD	198.33
		UNIFORMS/ACCESSORIES PD	38.95
		UNIFORMS/ACCESSORIES PD	38.95
		UNIFORMS/ACCESSORIES PD	176.15
		WARRANT TOTAL	374.48
68820	BOUND TREE CORPORATION	OPERATING SUPPLIES FD	108.29
		WARRANT TOTAL	108.29
68821	CARDIAC SCIENCE CORP.	OPERATING SUPPLIES FD	82.08
		WARRANT TOTAL	82.08
68822	CHAPMANS TOP & UPHOLSTERY	REPAIR/MT-SMALL TOOLS EQUIP PK	251.02
		WARRANT TOTAL	251.02
68823	CODE PUBLISHING INC.	CODE BOOK LGS	636.47
		WARRANT TOTAL	636.47
68824	COLLINS OFFICE SUPPLY, INC	SUPPLIES/BOOKS PLN	36.76
		SUPPLIES ENG	36.77
		OFFICE/OPERATING SUPPLIES PD	83.29
		OFFICE/OPERATING SUPPLIES PD	7.35
		OFFICE/OPERATING SUPPLIES PD	49.76
		OFFICE SUPPLIES FD	7.34
		OFF/OPER SUPPS & BOOKS INSP	36.76
		WARRANT TOTAL	258.03
68825	CPI PLUMBING & HEATING	MAINTENANCE CONTRACTS SWR	81.15
		MAINTENANCE CONTRACTS SWR	81.15
		MAINTENANCE CONTRACTS SWR	81.15
		MAINTENANCE CONTRACTS SWR	81.15
		MAINTENANCE CONTRACTS SWR	162.30

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	486.90
68826	COMCAST	INTERNET SERVICES IT	99.95
		WARRANT TOTAL	99.95
68827	CONCRETE NOR'WEST, INC.	REPAIR/MAINT-STREETS ST	58.08
		REPAIR/MAINT-STREETS ST	84.45
		WARRANT TOTAL	142.53
68828	CRYSTAL SPRINGS	SUPPLIES/BOOKS PLN	4.65
		SUPPLIES ENG	4.64
		OFF/OPER SUPPS & BOOKS INSP	4.65
		OPERATING SUP - PARKS SHOP PK	17.94
		OPERATING SUPPLIES CEM	1.96
		OPERATING SUPPLIES ST	17.54
		OPERATING SUPPLIES SWR	49.03
		OPERATING SUPPLIES SAN	97.83
		WARRANT TOTAL	198.24
68829	DAY WIRELESS SYSTEMS INC	MACHINERY & EQUIPMENT PD	80.07
		WARRANT TOTAL	80.07
68830	DEMCO INC.	SUPPLIES LIB	173.26
		WARRANT TOTAL	173.26
68831	E & E LUMBER	OPERATING SUP - PARKS SHOP PK	26.50
		SMALL TOOLS & MINOR EQUIP PK	27.72
		REPAIRS/MT-RIVERFRONT PK	4.22
		REPAIR/MT-SENIOR CENTER PK	71.81
		REPAIR/MT-HAMMER SQUARE PK	20.08
		OPERATING SUPPLIES ST	5.94
		OPERATING SUPPLIES ST	9.19
		OPERATING SUPPLIES ST	32.45
		OPERATING SUPPLIES ST	48.61
		OPERATING SUPPLIES ST	42.12
		OPERATING SUPPLIES ST	1.73
		OPERATING SUPPLIES SWR	38.94
		REPAIRS/MAINT-BUILDING SAN	15.05
		REPAIRS/MAINT-BUILDING SAN	13.51
		WARRANT TOTAL	357.87
68832	ECMS	REPAIRS/MAINT-EQUIP FD	293.43
		REPAIRS/MAINT-EQUIP FD	65.38
		WARRANT TOTAL	358.81
68833	ENTERPRISE OFFICE SYSTEMS	SUPPLIES FIN	22.11
		CONST-FRUITDALE MCGARIGLE AST	38.89
		WARRANT TOTAL	61.00
68834	EMERGENCY MEDICAL PRODUCTS INC	OPERATING SUPPLIES FD	139.15
		OPERATING SUPPLIES FD	139.69
		WARRANT TOTAL	278.84

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68835	FASTENAL COMPANY	OPERATING SUPPLIES	ST	256.19
		WARRANT TOTAL		256.19
68836	FEDERAL CERTIFIED HEARING	RETIRED MEDICAL	PD	35.20
		PROFESSIONAL SERVICES	SWR	20.00
		WARRANT TOTAL		55.20
68837	FEDERAL EXPRESS CORP.	CONST-FRUIT MC MITIGATION		10.44
		CONST-FRUIT MC MITIGATION		46.55
		WARRANT TOTAL		56.99
68838	GAYLORD BROS.	SUPPLIES	LIB	56.88
		WARRANT TOTAL		56.88
68839	G.G. EXCAVATION INC.	TOWNSHIP SIDEWALK CONST	AST	1,780.96
		CONST-FRUITDALE MCGARIGLE	AST	10,109.22
		OTHER IMPROVEMENTS	SWR	1,836.84
		WARRANT TOTAL		13,727.02
68840	GREAT AMERICA LEASING COR	REPAIR/MAINTENANCE-EQUIP	LIB	139.63
		WARRANT TOTAL		139.63
68841	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES	SWR	1,573.07
		MAINTENANCE OF LINES	SWR	1,048.17
		WARRANT TOTAL		2,621.24
68842	HACH COMPANY	MAINTENANCE CONTRACTS	SWR	530.75
		WARRANT TOTAL		530.75
68843	HERTZ EQUIPMENT RENTAL	EQUIPMENT RENTAL	SWR	45.45
		WARRANT TOTAL		45.45
68844	IKON OFFICE SOLUTIONS	REPAIRS & MAINTENANCE	PD	43.76
		REPAIRS & MAINTENANCE	PD	75.74
		REPAIRS & MAINTENANCE	PD	75.74
		EQUIPMENT LEASE	FD	43.77
		EQUIPMENT LEASE	FD	75.74
		REPAIRS/MAINT-EQUIP	FD	75.74
		WARRANT TOTAL		390.49
68845	KROESEN'S INC.	UNIFORMS	FD	114.41
		WARRANT TOTAL		114.41
68846	L N CURTIS & SONS	OPERATING SUPPLIES	FD	518.98
		OPERATING SUPPLIES	FD	4.33
		SMALL TOOLS & MINOR EQUIP	FD	170.72
		WARRANT TOTAL		694.03
68847	LACAL EQUIPMENT INC.	REPAIR/MAINTENANCE-EQUIP	ST	356.46
		REPAIR/MAINTENANCE-EQUIP	ST	705.90
		WARRANT TOTAL		1,062.36

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68848	LAND TITLE COMPANY	MISC-FILING FEES/LIEN EXP	SWR	57.50
		MISC-FILING FEES/LIEN EXP	SAN	57.50
		WARRANT TOTAL		115.00
68849	LEONARD BOUDINOT & SKODJE	CONST-FRUITDALE MCGARIGLE	AST	8,444.73
		CONST-FRUIT MC MITIGATION		3,111.25
		WARRANT TOTAL		11,555.98
68850	LIBERTY FLAG & SPECIALTY	OPERATING SUPPLIES	SWR	116.95
		WARRANT TOTAL		116.95
68851	LIFE TEK, INC	SUPPLIES & BOOKS	FD	23.80
		WARRANT TOTAL		23.80
68852	MCGRAW HILL CONSTRUCTION ENR	DUES/SUBSCRIPTIONS	ENG	45.23
		WARRANT TOTAL		45.23
68853	MID-AMERICAN RESEARCH CHEM.	MAINTENANCE OF LINES	SWR	363.55
		OPERATING SUPPLIES	SAN	977.75
		WARRANT TOTAL		1,341.30
68854	MOTOR TRUCKS, INC.	REPAIRS/MAINT-EQUIP	SAN	1,092.36
		WARRANT TOTAL		1,092.36
68855	MT VERNON BUS. MACHINES	SUPPLIES	FIN	140.61
		WARRANT TOTAL		140.61
68856	N C MACHINERY CO.	MAINT OF GENERAL EQUIP	SWR	77.86
		WARRANT TOTAL		77.86
68857	NEWMAN SIGNS INC	CONST-FRUITDALE MCGARIGLE	AST	322.65
		WARRANT TOTAL		322.65
68858	NEXTEL COMMUNICATIONS	TELEPHONE	PD	427.04
		WARRANT TOTAL		427.04
68859	NORTH CASCADE FORD	REPAIR & MAINTENANCE	CS	34.00
		WARRANT TOTAL		34.00
68860	OASYS	REPAIRS & MAINTENANCE	PD	129.30
		REPAIRS/MAINT-EQUIP	FD	129.30
		REPAIR/MAINTENANCE-EQUIP	LIB	73.19
		WARRANT TOTAL		331.79
68861	OFFICE DEPOT	SUPPLIES	FIN	23.77
		SUPPLIES/BOOKS	PLN	7.92
		SUPPLIES/BOOKS	PLN	61.22
		SUPPLIES	ENG	29.10
		SUPPLIES	ENG	7.92
		SUPPLIES	ENG	61.23
		OFF/OPER SUPPS & BOOKS	INSP	7.93
		OFF/OPER SUPPS & BOOKS	INSP	61.22

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		CONST-FRUIT MC MITIGATION	8.81
		OPERATING SUPPLIES SWTR	29.11
		WARRANT TOTAL	298.23
68862	OMWBE	DUES/SUBSCRIPTIONS ENG	100.00
		WARRANT TOTAL	100.00
68863	PAT RIMMER TIRE CTR, INC	REPAIR & MAINT - AUTO PD	108.16
		REPAIRS/MAINT-EQUIP FD	625.29
		WARRANT TOTAL	733.45
68864	PETROCARD	AUTO FUEL/DIESEL ST	260.14
		WARRANT TOTAL	260.14
68865	PETTY CASH-DEBRA PETERSON	SUPPLIES LIB	20.23
		BOOKS, PERIOD, RECORDS LIB	21.69
		WARRANT TOTAL	41.92
68866	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES PD	17.40
		UTILITIES-RIVERFRONT PK	162.84
		UTILITIES-TRAIN PK	17.40
		UTILITIES-HAMMER SQUARE PK	38.11
		UTILITIES-BINGHAM & MEMORIAL P	32.07
		UTILITIES - OTHER PK	29.05
		PUBLIC UTILITIES-CITY HALL PK	179.39
		PUBLIC UTILITIES CEM	80.82
		PUBLIC UTILITIES ST	35.09
		PUBLIC UTILITIES LIB	29.48
		PUBLIC UTILITIES SWR	186.02
		PUBLIC UTILITIES SAN	38.11
		WARRANT TOTAL	845.78
68867	PUGET SOUND ENERGY	PUBLIC UTILITIES PD	45.12
		REPAIRS & MAINTENANCE PD	9.83
		UTILITIES-RIVERFRONT PK	318.47
		UTILITIES-COMMUNITY CTR PK	175.49
		UTILITIES-SENIOR CENTER PK	311.12
		UTILITIES-TRAIN PK	61.07
		UTILITIES-HAMMER SQUARE PK	273.31
		UTILITIES-BINGHAM & MEMORIAL P	66.31
		UTILITIES - SHOP PK	70.08
		UTILITIES - SHOP PK	27.26
		UTILITIES - OTHER PK	9.83
		PUBLIC UTILITIES-MUSEUM PK	9.83
		PUBLIC UTILITIES-MUSEUM PK	68.06
		PUBLIC UTILITIES-CITY HALL PK	2,381.12
		PUBLIC UTILITIES CEM	85.79
		PUBLIC UTILITIES ST	11.67
		PUBLIC UTILITIES ST	127.79
		PUBLIC UTILITIES ST	68.81
		PUBLIC UTILITIES ST	85.22
		PUBLIC UTILITIES ST	323.50

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		PUBLIC UTILITIES	LIB	279.98
		ADVERTISING	HOT	36.19
		PUBLIC UTILITIES	SWR	8,848.97
		PUBLIC UTILITIES	SAN	130.39
		PUBLIC UTILITIES	SWTR	104.98
		WARRANT TOTAL		13,930.19
68868	QUIRING MONUMENTS, INC.	LINERS	CEM	82.00
		WARRANT TOTAL		82.00
68869	R & H MECHANICAL	REPAIRS/MAINT-DORM	FD	288.53
		REPAIR/MAINT-CITY HALL	PK	294.85
		WARRANT TOTAL		583.38
68870	RICK'S REFRIGERATION INC.	SOLID WASTE DISPOSAL	SAN	136.33
		WARRANT TOTAL		136.33
68871	SFE	PROF SVS-ENGINEERING	SWR	6,850.00
		WARRANT TOTAL		6,850.00
68872	SCADA & CONTROLS ENGINEERING INC	MISC-DUES/SUBSCRIPTIONS	SWR	770.00
		MACHINERY/EQUIPMENT	SWR	879.13
		WARRANT TOTAL		1,649.13
68873	SEATTLE PUMP AND EQUIP CO	MAINTENANCE OF LINES	SWR	196.87
		WARRANT TOTAL		196.87
68874	SEDRO-WOOLLEY AUTO PARTS	OPERATING SUPPLIES	CEM	11.67
		OPERATING SUPPLIES	CEM	57.49
		SMALL TOOLS/MINOR EQUIP	CEM	37.52
		REPAIR/MAINTENANCE-EQUIP	ST	11.97
		REPAIR/MAINTENANCE-EQUIP	ST	3.90
		WARRANT TOTAL		122.55
68875	SEDRO-WOOLLEY VOLUNTEER	SALARIES-VOLUNTEERS	FD	11,652.00
		WARRANT TOTAL		11,652.00
68876	SKAGIT CO HEALTH DEPT	MISC-PERMITS & LICENSES	PK	125.00
		WARRANT TOTAL		125.00
68877	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL	103.93
		WARRANT TOTAL		103.93
68878	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES-PROPANE	ST	13.20
		OPERATING SUPPLIES-PROPANE	ST	17.78
		WARRANT TOTAL		30.98
68879	SKAGIT COUNTY COMMUNITY SVC.	SKAGIT COUNCIL ON ALCOHOL	ALC	2,690.88
		WARRANT TOTAL		2,690.88
68880	SK. VALLEY BARK & TOPSOIL, INC.	OPERATING SUP - CITY HALL	PK	55.83
		WARRANT TOTAL		55.83

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68881	SKAGIT VALLEY PUBLISHING	LEGAL PUBLICATIONS	LGS	30.00
		LEGAL PUBLICATIONS	LGS	45.00
		ADVERTISING	PLN	48.75
		ADVERTISING	ENG	354.09
		WARRANT TOTAL		477.84
68882	SMILEY'S INC.	MAINT OF GENERAL EQUIP	SWR	516.55
		WARRANT TOTAL		516.55
68883	SMITHSONIAN	BOOKS, PERIOD, RECORDS	LIB	10.00
		WARRANT TOTAL		10.00
68884	STAPLES BUSINESS ADVANTAGE	OFFICE/OPERATING SUPPLIES	PD	277.23
		WARRANT TOTAL		277.23
68885	TKE CORP	REPAIR & MAINTENANCE	CS	685.26
		WARRANT TOTAL		685.26
68886	TRUE VALUE	OPERATING SUPPLIES	FD	1.82
		OPERATING SUPPLIES	FD	.39
		OPERATING SUP - PARKS SHOP	PK	48.65
		OPERATING SUP - COMM CENTER	PK	7.56
		REPAIR/MT-SENIOR CENTER	PK	10.27
		REPAIR/MAINTENANCE-EQUIP	ST	19.35
		OPERATING SUPPLIES	ST	3.98
		OPERATING SUPPLIES	SWR	2.94
		WARRANT TOTAL		94.96
68887	TUCKER, WILLIAM L.	OFFICE/OPERATING SUPPLIES	PD	28.94
		OFFICE/OPERATING SUPPLIES	PD	29.63
		WARRANT TOTAL		58.57
68888	U.S. BANK N.A. - CUSTODY	BANK FEES	FIN	19.20
		WARRANT TOTAL		19.20
68889	UNIVAR USA INC	OP SUPPLIES-CHEMICALS	SWR	644.88
		WARRANT TOTAL		644.88
68890	USA BLUE BOOK	MAINTENANCE OF LINES	SWR	145.64
		WARRANT TOTAL		145.64
68891	VALLEY AUTO SUPPLY	REPAIR & MAINT - AUTO	PD	7.81
		OPERATING SUP - RIVERFRONT	PK	64.91
		REPAIR/MT-SMALL TOOLS EQUIP	PK	43.76
		REPAIR/MT-SMALL TOOLS EQUIP	PK	57.17
		MAINTENANCE OF VEHICLES	SWR	136.27
		REPAIRS/MAINT-EQUIP	SAN	84.78
		REPAIRS/MAINT-EQUIP	SAN	20.47
		OPERATING SUPPLIES	SAN	42.20
		SMALL TOOLS & MINOR EQUIP	SAN	52.26
		WARRANT TOTAL		509.63

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68892	VERIZON WIRELESS	TELEPHONE	FIN	66.45
		TELEPHONE	FIN	66.57
		TELEPHONE	LGL	66.45
		TELEPHONE	IT	66.45
		TELEPHONE	IT	24.17
		NEXTEL CELL PHONES		66.45
		TELEPHONE	PD	559.19
		TELEPHONE	FD	127.98
		TELEPHONE	FD	145.70
		TELEPHONE	INSP	24.17
		TELEPHONE	PK	235.44
		TELEPHONE	CEM	24.17
		TELEPHONE	ST	73.22
		NEXTEL CELL PHONES		226.84
		NEXTEL CELL PHONES	SAN	152.31
		WARRANT TOTAL		1,925.56
68893	VERIZON NORTHWEST	PUBLIC UTILITIES	CS	17.49
		TELEPHONE	PD	58.50
		TELEPHONE	PK	90.25
		TELEPHONE	CEM	70.00
		TELEPHONE	LIB	120.56
		TELEPHONE	SAN	52.40
		WARRANT TOTAL		409.20
68894	VISTEN, LESLIE	RETIRED MEDICAL	PD	121.00
		WARRANT TOTAL		121.00
68895	WA ASSOC OF SHERIFFS &	DUES/SUBSCRIPTIONS	PD	180.00
		WARRANT TOTAL		180.00
68896	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS	PD	72.00
		WARRANT TOTAL		72.00
68897	WA ST DEPT OF TRANS	CONST-FRUITDALE MCGARIGLE	AST	1,225.70
		WARRANT TOTAL		1,225.70
68898	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT		5,483.31
		WARRANT TOTAL		5,483.31
68899	WHITE, CRAIG	UNIFORMS	FD	91.25
		WARRANT TOTAL		91.25
68900	WOOD'S LOGGING SUPPLY INC	POSTAGE	FD	7.57
		REPAIR/MAINT-EQUIP & BLDG	CEM	22.88
		SMALL TOOLS/MINOR EQUIP	ST	536.63
		SAFETY EQUIPMENT	ST	35.65
		OPERATING SUPPLIES	SWR	10.39
		OPERATING SUPPLIES	SWR	32.96
		REPAIRS/MAINT-EQUIP	SAN	75.80
		WARRANT TOTAL		721.88

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
68901	WOOD, DOUG	OFFICE/OPERATING SUPPLIES PD	216.40
		WARRANT TOTAL	216.40
68902	WSAMA	MISC-TUITION/REGISTRATION LGL	230.00
		WARRANT TOTAL	230.00
68903	GONZALES, ADAN	COMMUNITY CENTER	300.00
		WARRANT TOTAL	300.00
		RUN TOTAL	106,001.32

CITY OF SEDRO-WOOLLEY  
SORTED TRANSACTION WARRANT REGISTER  
03/10/2010 (Printed 03/04/2010 15:36)

PAGE 11

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	31,940.47
101	PARK FUND	6,917.90
102	CEMETERY FUND	770.57
103	STREET FUND	4,036.64
104	ARTERIAL STREET FUND	25,099.20
105	LIBRARY FUND	1,070.96
108	STADIUM FUND	36.19
401	SEWER FUND	28,259.73
412	SOLID WASTE FUND	6,971.57
425	STORMWATER	898.09
TOTAL		106,001.32

DEPARTMENT	AMOUNT
001 000 000	5,483.31
001 000 011	711.47
001 000 014	338.71
001 000 015	400.38
001 000 017	190.57
001 000 018	893.87
001 000 019	159.30
001 000 020	705.43
001 000 021	4,998.00
001 000 022	15,233.82
001 000 024	134.73
001 000 062	2,690.88
FUND CURRENT EXPENSE FUND	31,940.47
101 000 000	300.00
101 000 076	6,617.90
FUND PARK FUND	6,917.90
102 000 036	770.57
FUND CEMETERY FUND	770.57
103 000 042	4,036.64
FUND STREET FUND	4,036.64
104 000 042	25,099.20
FUND ARTERIAL STREET FUND	25,099.20
105 000 072	1,070.96
FUND LIBRARY FUND	1,070.96
108 000 019	36.19
FUND STADIUM FUND	36.19
401 000 035	28,259.73
FUND SEWER FUND	28,259.73
412 000 037	6,971.57
FUND SOLID WASTE FUND	6,971.57
425 000 039	898.09
FUND STORMWATER	898.09
TOTAL	106,001.32

CITY COUNCIL AGENDA  
REGULAR MEETING

**MAR 10 2010**

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

# Memo

**To:** Mayor Anderson  
Members of the Sedro-Woolley City Council

**From:** Chief Doug S. Wood 

**CC:**

**Date** 2-26-10

**Re:** Out of State Travel Request

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Chief Ranger Hugh Dougher has requested Officer Musgrove travel to Hot Springs Arkansas to speak at a National Park Service, Law Enforcement conference on May 13, 2010. He will address law enforcement officials concerning his experiences to the recent shooting that he was involved in.

Officer Musgrove is willing to do this to help others who might be involved in this type of situation.

There will be no cost to the city and this should be beneficial to the attendees of the conference and Officer Musgrove.

Attached is the request form Chief Dougher with additional information.

Recommended action:

Approve out of state travel request.



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**



Midwest Regional Office  
601 Riverfront Drive  
Omaha, NE 68102

IN REPLY REFER TO:

February 23, 2010

Doug Wood, Chief  
Sedro Woolley Police Department  
325 Metcalf St.  
Sedro Woolley, Wa 98284

Dear Chief Wood:

I'm writing to request the assistance of Officer Adam Musgrove as a speaker at a National Park Service, Midwest Region, Chief Rangers Conference in Hot Springs, Arkansas on May 13, 2010. The event will be attended by 30-50 law enforcement officers representing 56 parks. Officers from area federal, state and local agencies may also attend.

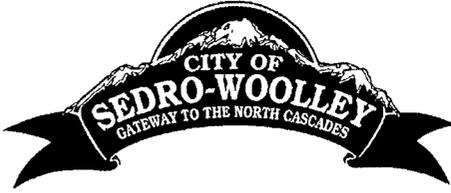
A focus of this Conference will be on managing serious use of force incidents. As SWPD Sergeant Melissa Dougher's husband I have some knowledge of Officer Musgrove's recent deadly use of force incident, and believe the professional manner in which SWPD managed the incident and Officer Musgrove's experience would be enlightening and valuable to the attendees, and a presentation by him would integrate well with the other topics. The attached draft conference agenda shows how Officer Musgrove would fit into the conference should Sedro Woolley approve this request.

The National Park Service will pay all travel costs, including personal vehicle mileage, airport parking, airfare, hotel, and per diem. I anticipate he would travel to Hot Springs on Wednesday, May 12<sup>th</sup>, participate in the conference on May 13<sup>th</sup> and 14<sup>th</sup>, and return home the evening of May 14<sup>th</sup>.

Thank you for your consideration of this request.

Sincerely,

Hugh Dougher,  
Chief, Division of Law Enforcement & Public Safety



CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 1 0 2010

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

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

Mark A. Freiberger, PE  
Director of Public Works/City Engineer

MEMO TO: City Council and Mayor Mike Anderson

FROM: Mark A. Freiberger, PE

RE: **Professional Services Agreement No. 2010-PS-05 for  
Design Phase Services for the SR20, Metcalf to Township Widening  
Project**  
Reichhardt & Ebe Engineering, Inc.

DATE: March 4, 2010 (for Council action March 11, 2010)

### ISSUE

Should Mayor Anderson execute the attached Professional Services Agreement No. 2010-PS-05 with Reichhardt & Ebe Engineering, Inc. to provide design phase engineering services for the SR20, Metcalf to Township Lane Widening and Bicycle/Pedestrian Improvements Project in the amount not to exceed \$135,360?

### BACKGROUND/DISCUSSION

As was discussed that the last council session, the city is in the running for Jobs Bill funding for our SR20 Metcalf to Township Lane Widening Project. The timeline for having this project out to bid is very tight, requiring that projects be awarded within 90 days of signing of the bill by the President. This is anticipated to be within the next two weeks. Projects would need to go to ad by June 2, 2010 to meet the expected timeline.

As authorized at the last council session, the city engaged Reichhardt & Ebe Engineering, Inc. under the 2010-PS-03 On-Call Agreement to provide preliminary layout and cost estimating for this project in support of the grant application process. Widener & Associates is providing Environmental services under a separate agreement.

The very tight timeline necessitated an abbreviated consultant selection process for the full design, which has been completed. We have selected Reichhardt & Ebe to provide full design phase services, based on qualifications and ability to meet the required timeline. The attached agreement 2010-PS-05 is proposed for this work.

Reichhardt & Ebe is aware that the design work will need to be phased to account for the possibility that the federal funding will not materialize, but has committed to having the design ready to meet the grant timeline as long as authorization for the design work is granted as noted in the agreement. To this end, the proposed agreement breaks the design work into four phases, with the first phase being the critical topographic survey and geotechnical investigation work, totaling \$40,000. We propose to proceed with the first phase immediately in order to be in position to meet the requirements of the Jobs Bill. The remaining phases will be authorized in writing as the Jobs Bill makes its way to

signature and the amount of local funding available is confirmed. We anticipate completion of the plans to at least 30% regardless of funding, so that the project is ready to go with future funding if the Jobs Bill funding is not secured.

Council has authorized \$100,000 in GMA Impact Fee funding for this project, which will be utilized for the design phase. Due to the abbreviated selection process, we anticipate the need to utilize local funds for all of the design work. This will require obligation of additional local funding of approximately \$50,000. This will be addressed at a subsequent council session once the Jobs Bill process is complete.

**MOTION:**

***Move to authorize Mayor Anderson to execute the attached Professional Services Agreement No. 2010-PS-05 with Reichhardt & Ebe Engineering, Inc. to provide design phase engineering services for the SR20, Metcalf to Township Lane Widening and Bicycle/Pedestrian Improvements Project in the amount not to exceed \$135,360.***

# EXHIBIT A

## REICHHARDT & EBE ENGINEERING, INC. CONSULTING ENGINEERS

813 Metcalf Street | Sedro-Woolley, WA 98284 | Telephone 360-855-1713 | Fax: 360-855-1164

February 24, 2010

City of Sedro-Woolley  
Mr. Mark Freiburger, PE, Director of Public Works/City Engineer  
325 Metcalf Street  
Sedro-Woolley, WA 98284

Subject: **Preliminary proposal for engineering services for the SR20, Metcalf Street to SR9/Township Street Lane Widening and Bicycle/Pedestrian Improvements Project**

Mr. Freiburger,

Thank you for giving us the opportunity to provide a preliminary proposal for the engineering services on the SR20, Metcalf Street to SR9/Township Street Lane Widening and Bicycle/Pedestrian Improvements Project. We understand the project to include the engineering analysis, design and preparation of plans, specifications and engineer's estimate to address the reconfiguration of SR20 from the Metcalf Street to SR9/Township Street. The project will include widening SR 20 to allow for a two-way left turn lane, bicycle lanes, curbs and gutter on the north and south sides of SR20, sidewalks to fill gaps on the north and south sides of SR20, storm drainage to address the increased amount of impervious surface, and re-channelization to accommodate the proposed two-way left turn lane. Additionally, curb returns to intersecting streets from both the north and south sides of SR20 will be designed to meet City standards and match into existing pedestrian facilities.

Our proposal for engineering services on the above-mentioned project will include the following items which correspond to the attached man-hour estimate:

### 0. Project Administration

Project Administration includes preparing monthly invoices for work performed by R&E and applicable sub-consultants and submittal the City. FHWA reporting for R&E and applicable sub-consultants will be prepared and submitted to the City. Project costs will be tracked against the project budget. Additionally, this work includes coordination of the design team.

### 1. Existing Conditions

This work includes researching existing utilities and right-of-way records for incorporation into the base maps. Field survey will be provided to locate all existing surface features within the right-of-way of SR20 and 200 feet to north and south of SR20 at intersecting streets. The notes will be reduced and base maps will be generated to facilitate the design plans. Upon completion of the mapping, field verification will be completed. We would request that the City request locates of existing underground utilities. Paint markings will be located during the field survey and mapped.

Geotechnical investigation will take place throughout the project corridor. This investigation will include seven cores to determine the existing pavement section and base materials depths. Additionally, two borings will be performed outside of the pavement to determine ground water elevation and existing soils profile. The information gathered during this investigation will be summarized in a report that will be included in the project contract documents. If high ground water is found during this investigation, we

may request additional scope and budget to address de-watering design options.

## 2. Planning

This includes coordination with City staff to determine project phasing, existing City utilities and verify City standards. This work also includes coordination with the City's Environmental sub-consultant regarding environmental commitments. It is our understanding that the City's Environmental sub-consultant will obtain all required environmental permitting and provide applicable information to R&E for inclusion in the project contract documents.

## 3. Engineering

Channelization for the two-way left turn lane and bicycle lanes will be developed utilizing WSDOT standards.

Horizontal and vertical alignments will be developed along the north and south edges of the roadway to design the road widening and curb, gutter and sidewalk alignments. Cross sections of the proposed improvements will be designed to facilitate construction and aid in material quantity estimating.

Utility conflict resolution will take place to minimize the potential for conflict between proposed storm drainage facilities and existing underground utilities. Utility relocation and re-connection will be analyzed as necessary. R&E will coordinate with local utility companies should utility relocation be required.

Sight triangle analysis at intersecting streets will be performed to ensure safe sight distances entering SR20.

Storm water analysis will be performed per DOE requirements to determine what types of water quality and detention facilities will be utilized throughout the project. Storm water conveyance, structures and water quality facilities will be designed to meet DOE requirements.

ADA pedestrian and bicycle facilities will be designed based on the preliminary project exhibits previously proposed by the City.

## 4. Drafting Design

Drafting will include the development and checking of design plans, including profiles and details required for project construction. WSDOT traffic control plans will be prepared and submitted for approval. All plans will be submitted for City review and comment at 30-percent, 60-percent, 90-percent and 100-percent milestones. Drafting will be done using Autodesk Land Desktop 2006. Quality assurance, quality control (QA/QC) plan checking will be performed.

Material quantities will be estimated from the design plans and an Engineer's estimate of probable cost will be developed.

## 5. Project Documents

Project specifications, amendments to the special provisions, special provisions and FHWA provisions will be prepared in accordance with the American Public Works Association Washington State Chapter, Washington State Department of Transportation Specifications, and FHWA requirements. Applicable City specific Division 1 and contract documents will be incorporated into the Bid package. Contract documents will be submitted to the City and to WSDOT Local Programs for review and comment at the 90-percent complete milestone. City and WSDOT comments will be addressed and the project contract documents will be finalized for bidding. Project specifications will also be reviewed by R&E utilizing in-house QA/QC procedures.

## 6. Bidding

Advertisements for bids will be prepared and submitted to the Daily Journal of Commerce and the Skagit Valley Herald unless otherwise directed by the City. A pre-bid meeting will be administered during the second week of advertisement. Bidder's questions will be addressed and addendums prepared if necessary. At the request of the City, R&E will facilitate the bid opening. R&E will attend the bid opening should the City wish to facilitate the meeting. A certified bid tabulation will be prepared and transmitted to the City.

Bids will be evaluated to determine the lowest responsive responsible bidder. Pre-award information will be requested of the lowest responsive responsible bidder and evaluated if necessary. A recommendation to Award will be provided to the City.

At this time, it is not anticipated that improvements will extend into BNSF rights-of-way. Should the project be extended, we would anticipate expanding the scope and budget to allow for additional time coordinating with BNSF to acquire the necessary permitting.

For additional break down of these task items, a man-hour estimate has been attached for your review. If you have any questions or require additional information please contact me at (360)-855-1713. I look forward to working with you.

Respectfully,

A handwritten signature in black ink, appearing to read "James L. Hobbs, Jr.", written in a cursive style.

James L. Hobbs, Jr. PE  
Reichhardt & Ebe Engineering

# EXHIBIT B

Date: February 22, 2010

Item	Description	Prime Consultant					Sub Consultants	
		Principal E-7	Principal E-6	Project Engineer E-4	Project Engineer E-3	Admin. C-3	Geotechnical	Surveying
<b>0.0</b>	<b>PROJECT ADMINISTRATION</b>							
0.01	Project Invoicing		6	3	0	3		
0.02	Project Tracking		6	3	0	3		
0.03	Subconsultant Team Coordination		12	4	0	3		
	<b>Sub-Total</b>		24	10	0	9	\$0.00	\$0.00
<b>1.0</b>	<b>EXISTING CONDITIONS</b>							
1.01	Research Existing Records		2	8	8	0		
1.02	Engineering Data Acquisition		0	1	1	0		
1.03	Data Reduction		0	4	2	0		
1.04	Coordinate with Surveyor		2	8	6	0		
1.05	Existing Conditions Survey		2	8	6	0		\$21,700.00
1.06	Field Verify Base Maps		2	8	6	0		
1.07	Coordinate with Geotech		4	2	0	0		
1.08	Geotechnical Investigation		2	4	2	0	\$3,500.00	
	<b>Sub-Total</b>		14	43	31	0	\$3,500.00	\$21,700.00
<b>2.0</b>	<b>PLANNING</b>							
2.01	Client Meeting/Coordination		6	8	4	2		
2.02	Coordinate with Environmental Sub-consultant		2	4	4	0		
2.03	Environmental Permitting		4	8	16	0		
	<b>Sub-Total</b>		12	20	24	2	\$0.00	\$0.00
<b>3.0</b>	<b>ENGINEERING</b>							
3.01	Channelization		8	12	8	0		
3.02	Roadway Horizontal Alignment		4	12	10	0		
3.03	Roadway Vertical alignment		4	12	16	0		
3.04	Utility Reconnection		2	6	8	0		
3.05	Utility Conflict Resolution		4	12	10	0		
3.06	Utility Coordination		2	8	2	0		
3.07	Clear Zone Evaluation		2	10	4	0		
3.12	Storm Water Horizontal Alignment		4	12	12	0		
3.13	Storm Water Vertical Alignment		4	12	12	0		
3.16	Storm Water Analysis		30	16	16	0		
3.17	Storm Water Analysis Review		8	8	8	0		
3.18	Roadway Cross Sections		4	8	16	0		
3.19	Pedestrian Facilities Horizontal Alignment		4	16	12	0		
3.20	Pedestrian Facilities Vertical Alignment		4	12	12	0		
	<b>Sub-Total</b>		84	156	146	0	0	0
<b>4.0</b>	<b>DRAFT DESIGN</b>							
4.01	Plan Sheets		10	24	48	0		
4.02	Profile		2	24	48	0		
4.03	Details		4	16	16	0		
4.04	Channelization Plan		8	24	48	0		
4.05	Address WSDOT Channelization Comments		2	16	16	0		
4.06	QA/QC		24	8	8	0		
4.07	Address Client Design Comments		4	10	16	0		
4.08	Traffic Control Plans		4	16	24	0		
4.09	Address WSDOT Traffic Control Plan Comments		4	12	16	0		
4.10	Quantity Take-Offs		3	8	8	0		
4.11	Engineer's Estimate of Probable Cost		4	8	4	0		
	<b>Sub-Total</b>		69	166	252	0	\$0.00	\$0.00
<b>5.0</b>	<b>PROJECT DOCUMENTS</b>							
5.01	Amendments		1	2	1	1		
5.02	Special Provisions		4	24	16	4		
5.03	Bid Proposal Forms		2	6	6	1		
5.05	Exhibits		4	6	4	2		
5.06	Client Specific Division 1		2	4	4	2		
5.07	Client Specific Contract Documents		2	4	4	2		
5.08	FHWA Language		4	6	6	2		
5.09	Client Document Review		1	2	2	2		
5.10	Address Client Document Comments		2	8	8	0		
5.11	QA/QC		6	12	4	0		
5.12	Address WSDOT Review		4	12	12	0		
	<b>Sub-Total</b>		32	86	67	16	\$0.00	\$0.00
<b>6.0</b>	<b>PROJECT BIDDING</b>							
6.01	Advertisement for Bid		2	2	2	2		
6.02	Bidder Questions		2	8	4	0		
6.03	Pre-Bid Meeting		2	3	2	2		
6.04	Addendums		6	10	10	6		
6.05	Bid Opening		2	2	0	2		
6.06	Bid Tabulation		1	4	4	2		
6.07	Pre-Award Document Review		2	8	4	2		
6.08	Recommendation to Award		1	2	0	1		
	<b>Sub-Total</b>		18	39	26	17	\$0.00	\$0.00

Total Hours		253	520	546	44		
Direct Salary Cost		\$41.49	\$33.49	\$29.49	\$17.49		
OH @ 1.1119		\$46.13	\$37.24	\$32.79	\$19.45		
Fixed Fee @.31		\$12.86	\$10.38	\$9.14	\$5.42		
Hourly Rate		\$100.48	\$81.11	\$71.42	\$42.36		
<b>SUBTOTAL</b>		\$25,422.61	\$42,176.90	\$38,996.32	\$1,863.80	\$3,500.00	\$21,700.00

R&E DIRECT SALARY SUB-TOTAL

\$108,459.63

REIMBURSABLES	Units	Unit Cost	Total
Reproduction 8.5"x11"	6000	\$0.05	\$300.00
Reproduction 24"x36"	200	\$2.00	\$400.00
Office Supplies			\$250.00
Shipping and Delivery			\$0.00
Advertisement for Bid (two publications)			\$750.00

R&E REIMBURSABLES SUB-TOTAL

\$1,700.00

Date: February 22, 2010

SUB-CONSULTANTS				Total
Geotechnical				\$3,500.00
Survey				\$21,700.00

SUB-CONSULTANT SUB-TOTAL

\$25,200.00

<b>TOTAL</b>	<b>\$135,359.63</b>
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# EXHIBIT C

ID	Task Name	Duration	Start	Finish
1	Environmental	60 days	Tue 2/23/10	Mon 5/17/10
2	surveying	20 days	Mon 3/8/10	Fri 4/2/10
3	Geotechnical	10 days	Mon 3/8/10	Fri 3/19/10
4	R&E 30 percent Design	11 days	Mon 3/15/10	Mon 3/29/10
5	WSDOT Channelization Review	10 days	Tue 3/30/10	Mon 4/12/10
6	City 30 Percent Review	5 days	Tue 3/30/10	Mon 4/5/10
7	R&E 60 percent Design	10 days	Tue 3/30/10	Mon 4/12/10
8	City 60 percent Review	5 days	Tue 4/13/10	Mon 4/19/10
9	R&E 90 percent Design	10 days	Tue 4/13/10	Mon 4/26/10
10	City 90 percent Review	5 days	Tue 4/27/10	Mon 5/3/10
11	WSDOT Review	15 days	Tue 4/27/10	Mon 5/17/10
12	R&E 100 percent Design	17 days	Tue 4/27/10	Wed 5/19/10
13	City approval to Advertise	4 days	Thu 5/20/10	Tue 5/25/10
14	First Advertisement	5 days	Wed 5/26/10	Tue 6/1/10
15	Second Advertisement	10 days	Wed 6/2/10	Tue 6/15/10
16	Pre-Bid Meeting	1 day?	Wed 6/9/10	Wed 6/9/10
17	Bid Opening	1 day?	Wed 6/16/10	Wed 6/16/10
18	Bid Review	4 days	Thu 6/17/10	Tue 6/22/10
19	Bid Award	1 day?	Wed 6/23/10	Wed 6/23/10

Project: Design Schedule 2-24-10  
Date: Tue 3/2/10

Critical ..... Task  
Critical Split ..... Split  
Critical Progress ..... Task I

MAR 10 2010

7:00 P.M. COUNCIL CHAMBERS  
AGENDA NO. 4

## PROCLAMATION

**Whereas,** The International Association of Lions Clubs was founded in 1917 by Chicago businessman Melvin Jones; and

**Whereas,** Lions Clubs International Foundation is the charitable arm of Lions Clubs International and among its major objectives is Humanitarian Services reaching from the local level to universal needs; and

**Whereas:** The Sedro-Woolley Lions Club was Chartered In 1937 and has been serving the community of Sedro-Woolley by assisting those who are sight and hearing impaired, improving community parks, supporting school programs, community events and activates and providing scholarships; and

**Whereas,** The International Association of Lions Clubs and the United Nations have jointly designated March 26, 2010 as "Lions Day" in recognition of Lions Clubs services to their communities.

**NOW, THEREFORE,** I, Mike Anderson, Mayor of the City of Sedro-Woolley, Washington, do hereby proclaim Friday, March 26, 2010 as:

### "LIONS DAY"

In the City of Sedro-Woolley, Washington, and call upon the people of Sedro-Woolley to observe this day with appropriate programs activities and ceremonies supporting this years Lions club community programs.

**IN WITNESS WHEREOF,** I have hereunto set my hand this \_\_\_\_\_ day of March, in the year of our lord two thousand ten.

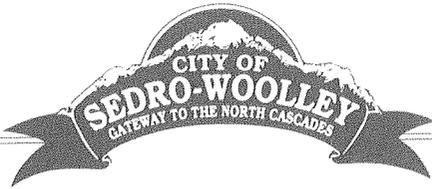
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Signature of Mayor

MAR 10 2010

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

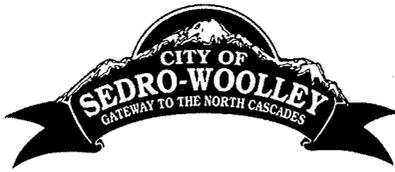
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SUBJECT: PUBLIC COMMENT

Name:  
Address:  
Narrative:

PUBLIC  
HEARING(S)



CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010

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

**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

**From:** Jack Moore,  
Planning Director/ Building Official

**Date:** March 10, 2010

**Subject:** Public Hearing for Proposed Annexation of UGA properties north of Jones Road, west of Garden of Eden Road

---

## ISSUES

Public hearing for a proposed annexation of properties within the Sedro-Woolley urban growth area (UGA) west of Garden of Eden Road, north of Jones Road and east of Westerman Road (see map). This area proposed for annexation is referred to as the "Garden of Eden/Westerman Roads Annexation."

## DESCRIPTION / HISTORY

Per RCW 35A.14.120, the City Council met with the initiators of the annexation proposal on February 5, 2008 and determined the city will accept the proposed annexation after the sewer moratorium is lifted, if the petitioners work with the Planning Department to notify neighbors and see if additional parcels should be included in the annexation petition, and if the petition for annexation is written to clearly indicate the following:

- The existing Comprehensive Plan zoning of R-5 will be adopted simultaneously; and
- The area proposed for annexation shall be assessed and taxed at the same rate and on the same basis as other properties within City limits to pay for all or any portion of the existing city indebtedness.

The sewer moratorium for that area was lifted on September 30, 2008. The Planning Department, assisted by the annexation initiator, surveyed the neighboring property owners to see if additional parcels should be included in the annexation petition. Upon completion of that process, a logical annexation area boundary was determined. Joe Franett, representative of the petitioners, circulated a petition amongst the owners of the properties in the proposed Garden of Eden/Westerman Road annexation area. That signed petition was submitted to the Planning Department on December 3, 2009. All but one of the property owners within the boundary as currently drawn has signed the annexation petition. On December 4, 2009, per RCW 35A.14.120 -150, the Planning Department forwarded the petition to the Skagit County Assessor for verification that the signatures represent the necessary 60% of the assessed value of the area.

On February 12, 2010, the Planning Department received a Certification of Petition from the Assessor, verifying that the petition contains the required number of signatures. In compliance with RCW 35A.14.130, a public hearing was scheduled for March 10, 2010. Notice of said hearing was posted on site, advertised in the Skagit Valley Herald and delivered to all affected property owners.

### **STAFF RECOMMENDATIONS**

1. Hold Public Hearing to receive comments.
2. Make a motion to pass Resolution NO. \_\_\_\_\_ to approve proceeding with the annexation of properties as shown in Exhibit A and forward required materials to the Boundary Review Board.

### **ENCLOSURES**

Included with this memo:

**Exhibit 1-** Annexation Petition

**Exhibit 2-** Assessor's certification

**Exhibit 3-** Resolution, including legal description and map

**PETITION FOR ANNEXATION (60% METHOD)  
TO THE  
CITY OF SEDRO-WOOLLEY • WASHINGTON**

**EXHIBIT 1**  
TO MEMO DATED 3-10-10

TO THE HONORABLE MAYOR AND CITY COUNCIL OF  
THE CITY OF SEDRO-WOOLLEY, WASHINGTON:

We, the undersigned being the owners of not less than 60% in value according to the assessed valuation for general taxation, of the property for which annexation is proposed, of the real property herein described and lying contiguous to the City of Sedro-Woolley, Washington, do hereby petition that such territory be annexed to and made a part of the City of Sedro-Woolley under the provisions of RCW 35A.14.120, et seq., and any amendments thereto, of the State of Washington.

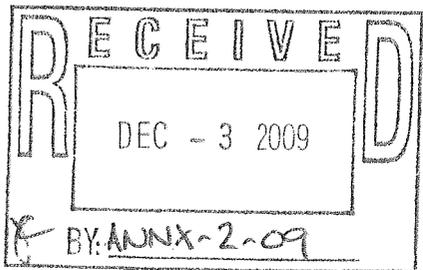
A map and legal description of the territory proposed for annexation is attached to this petition.

The City Council of the City of Sedro-Woolley met with the initiating parties at a meeting on February 5, 20 08 and did determine that the city would consider the proposed annexation. At said meeting the City Council did also determine that:

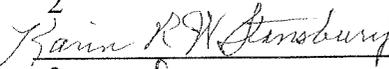
- As disclosed in the minutes of that Council meeting, all property within the territory hereby sought to be annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property within the City of Sedro-Woolley is assessed and taxed to pay for all or any portion of the outstanding indebtedness of the City of Sedro-Woolley, which indebtedness has been approved by the voters, contracted for or incurred prior to, or existing at, the date of annexation; and
- The territory sought to be annexed shall, upon annexation, be assigned zoning of Residential-5 (R-5) consistent with the City of Sedro-Woolley Comprehensive Plan;

Wherefore, we the undersigned petition the Honorable City Council and ask:

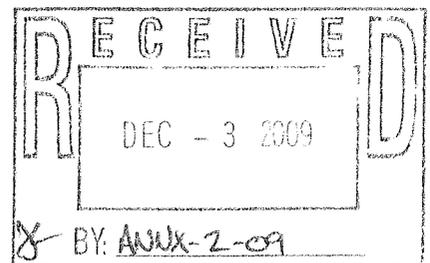
- A. That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing notice to be published and posted, specifying that time and place of such hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and
- B. That following such hearing, the City Council determine by ordinance that such annexation shall be made, and declaring the date whereon such annexation shall be effective; and that property so annexed shall become a part of the City of Sedro-Woolley, Washington, subject to its laws and ordinances then and thereafter in force.



# Proposed Garden of Eden/Westerman Roads Annexation – Petition to Annex

Signatures	Printed Name & Address	Date	Parcel #	Assessed Value
1 	Alex Coble 2009 W. Jones Rd SW	11/4/09	P36684	\$249,000
2 	KARIN RW SPANSBURY 8930 GARDEN OF EDEN RD	11/5/09	P36553 P36550	\$263,600
3 	Joe Franett 8900 Garden of Eden Rd.	11/17/09	P36552	\$334,100
4 	Joselyn Franett 8900 Garden of Eden Rd.	11/17/09	P36552	\$334,100
5				
6				
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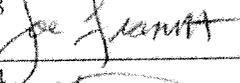
*(Names of petitioners should be in identical form as the same appear on record in the chain of title to the real estate. Both husbands and wives must sign).*



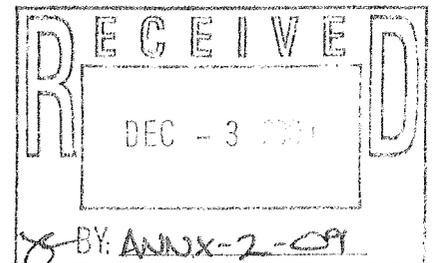
### WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

# Proposed Garden of Eden/Westerman Roads Annexation - Petition to Annex

Signatures	Printed Name & Address	Date	Parcel #	Assessed Value
1 	Alex Coble 2009 W. JONES RD SW	11/4/09	P36684	\$249,000
2 	KAREN R.W. STENSBURY 8936 GARDEN OF EDEN RD	11/2/09	P36550	\$263,600
3 	Joe Franett 8900 Garden of Eden Rd.	11/17/09	P36552	\$334,100
4 	Joselyn Franett 8900 Garden of Eden Rd	11/17/09	P36552	\$334,100
5 	Amy Clark 22729 W. JONES RD SW	12/01/09	P36684	\$249,000
6 	JAMES Engberg 22729 W. JONES RD SW	12-01-09	P36684	\$249,000
7 	Susan ENGBERG 22729 W. JONES RD.	12/01/09	P36684	\$249,000
8				
9				
10				

*(Names of petitioners should be in identical form as the same appear on record in the chain of title to the real estate. Both husbands and wives must sign).*



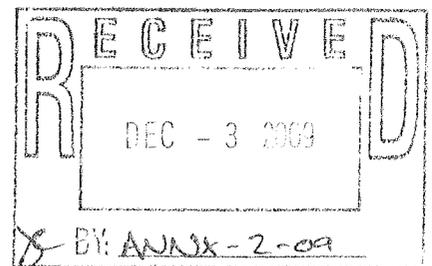
### WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

# Proposed Garden of Eden/Westerman Roads Annexation – Petition to Annex

Signatures	Printed Name & Address	Date	Parcel #	Assessed Value
1 <i>Margaret P. Coultas</i>	Margaret P. Coultas 22677 W. Jones Rd. S.W.	11-21 2009	36660	\$ 242,400
2 <i>Harold W. Coultas</i>	Harold W. Coultas 8947 Westerman Rd. S.W.	11-21 2009	36661	\$ 224,400
3 <i>Harold W. Coultas</i>	Harold W. Coultas 8845 Westerman Rd. S.W.	11-21 2009	36662	\$ 2,400
4 <i>Harold W. Coultas</i>	Harold W. Coultas 8833 Westerman Rd. S.W.	11-21 2009	36663	\$ 14,100
5				
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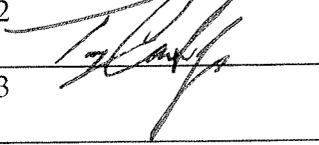
*(Names of petitioners should be in identical form as the same appear on record in the chain of title to the real estate. Both husbands and wives must sign).*



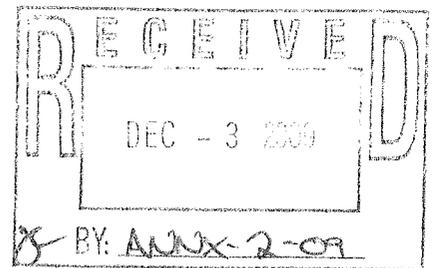
**WARNING**

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

# Proposed Garden of Eden/Westerman Roads Annexation – Petition to Annex

Signatures	Printed Name & Address	Date	Parcel #	Assessed Value
1 	Karin Carter 8890 Garden of Eden Rd	12/2/09	P 36551	308,700
2 	Terry Carter, Sr 8890 Garden of Eden Rd	12/2/09	P 36551	308,700
3				
4				
5				
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*(Names of petitioners should be in identical form as the same appear on record in the chain of title to the real estate. Both husbands and wives must sign).*



### WARNING

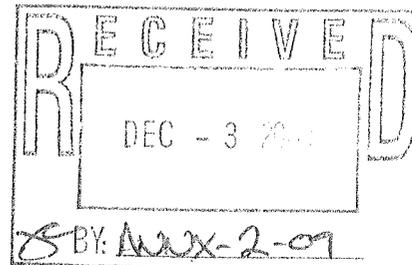
Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

# GARDEN OF EDEN AND WESTERMAN ROAD ANNEXATION PROJECT

Lot #	Owner	Parcel Number	Assessed Value	Signed Petition
1	Charles W. Coultas	P36660	\$242,400.00	Yes
2	Harold W. Coultas	P36661	\$224,400.00	Yes
3	Harold W. Coultas	P36662	\$2,400.00	Yes
4	Harold W. Coultas	P36663	\$14,100.00	Yes
5	Alex/Amy Coble & James A./Susan L. Engberg	P36684	\$249,000.00	Yes
6	John S. Allison	P36678	\$193,100.00	Yes
7	Karin R. W. Stansbury	P36550/36553	\$263,600.00	Yes
8	Joe & Joselyn Franett	P36552	\$334,100.00	Yes
9	Terry L. & Karin N Carter	P36551	\$308,700.00	Yes
<b>Combined Total</b>			<b>\$1,831,800.00</b>	

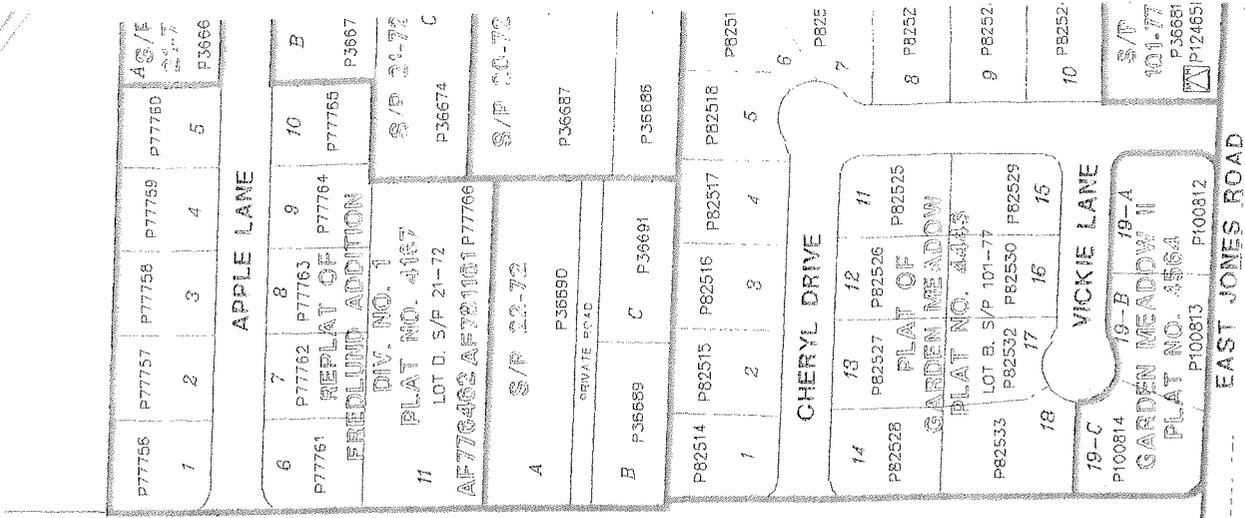
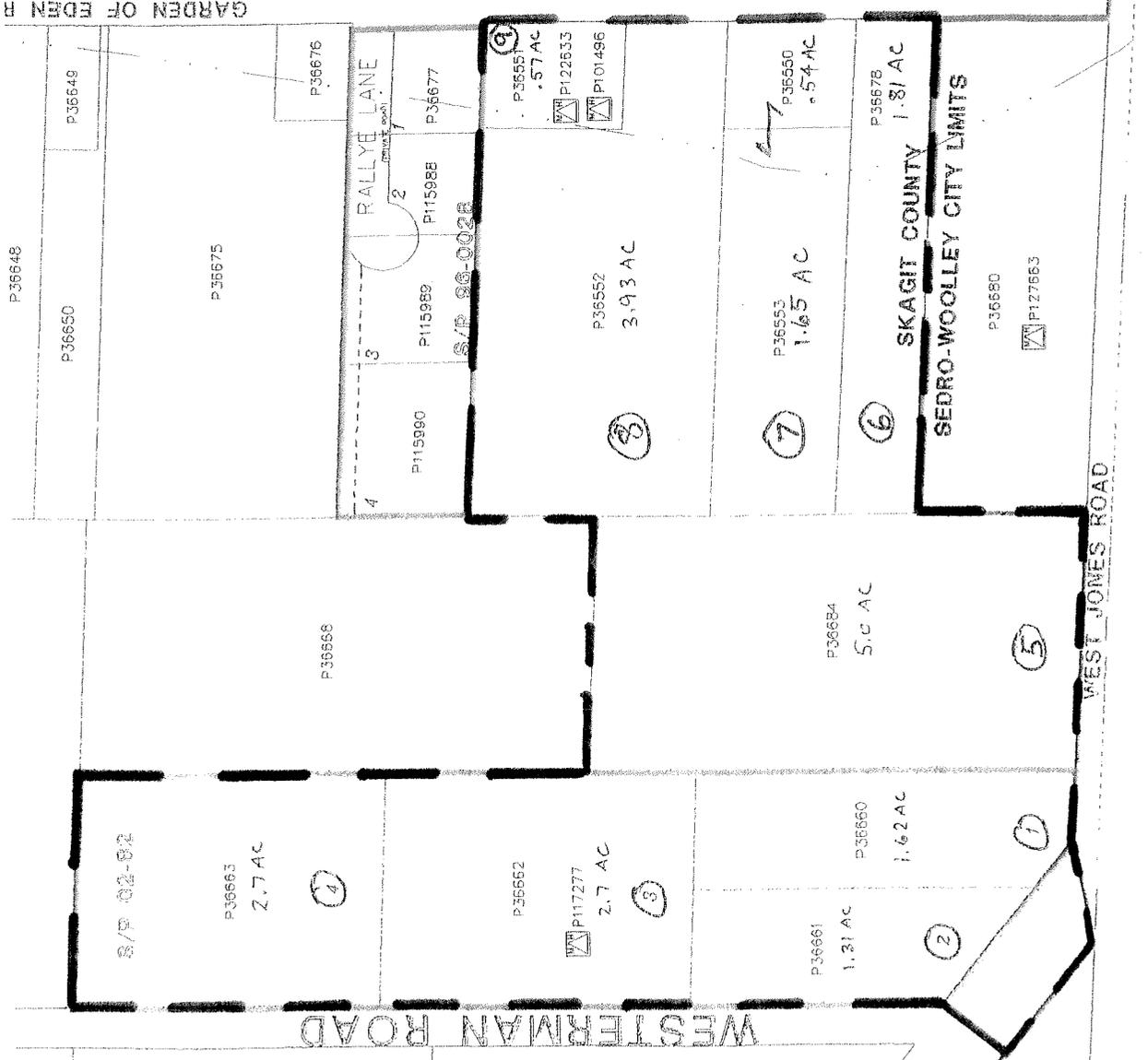
**Petitioners Land Value**      **\$1,638,700.00**

**Percentage of Signers**      **89.46%**



RECEIVED  
 DEC - 3 2011  
 BY: ANUX-2-09

SKAGIT COUNTY  
 SEDRO-WOOLLEY  
 CITY LIMITS

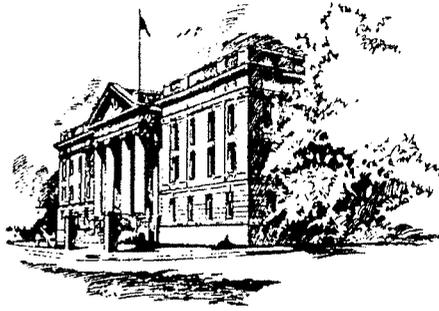


21.83 ACRES

**Mark Leander**  
Assessor

**Wesley T. Hagen, Sr.**  
Chief Deputy Assessor

**Kelly Briggs**  
Office Manager



# SKAGIT COUNTY

## Office of the Assessor

Administration Building, Room 204

700 South 2<sup>nd</sup> Street

Mount Vernon, WA 98273

Phone (360) 336-9370

Fax (360) 336-9308

E-Mail [assessor@co.skagit.wa.us](mailto:assessor@co.skagit.wa.us)

February 10, 2010

### CERTIFICATION OF PETITION

**EXHIBIT 2**  
TO MEMO DATED 3-10-10

TO: John Coleman, Senior Planner

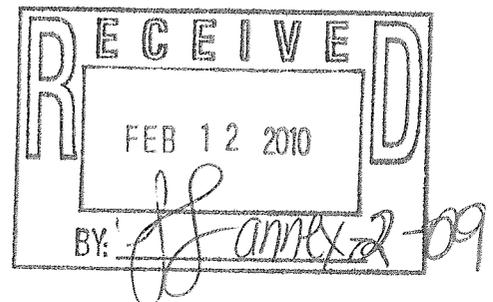
FROM: Kelly Briggs 

RE: Garden of Eden/Westerman Roads Annexation Request

.....

Upon examination of the Assessor's Roll, I hereby certify that the petition's for the above proposed annexation by the City of Sedro Woolley meet the criteria required under RCW 34A.14.120 which states as follows: "... It must be signed by the owners, as defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned . . ."

A copy of our Assessor's map hi-lighting the property in the legal description submitted with the petitions is attached hereto.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON,  
STATING INTENT TO ANNEX REAL PROPERTY CONTIGUOUS TO THE WESTERN PORTION  
OF THE CITY

WHEREAS, Margaret and Charles Coultas and Alex Coble, all own real property contiguous to the City limits and within the Sedro-Woolley urban growth area; and

WHEREAS, Mr. and Mrs. Coultas and Mr. Coble initiated proceedings to annex the real property to the City by filing a notice of intent to commence annexation proceedings; and

WHEREAS, the City Council held a meeting with the initiating parties as required by RCW 35A.14.120; and

WHEREAS, the City Council agreed to accept an Petition for Annexation between the initiating parties and the City; and

WHEREAS, the initiating parties, represented by Joe Franett, another owner of real property in the proposed annexation area, filed a Petition for Annexation with the City; and

WHEREAS, the Skagit County Assessor issued a Certification of Petition on January February 10, 2010 certifying that the Petition for Annexation meets the 60% ownership criteria of RCW 35A.14.120; and

WHEREAS, on March 10, 2010 pursuant to notice required by law, the City Council held a public hearing on the proposed annexation; and

WHEREAS, the City Council determined that the Petition for Annexation meets the requirements of RCW 35A.14.120-150 and is sufficient according to the requirements of RCW 35A.14.120; and

WHEREAS, the City Council determined that the best interests and general welfare of the City and the real property will be served by the annexation; now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, HEREBY  
RESOLVES AS FOLLOWS:

**Section 1.** The City hereby declares its intention to annex and make part of the City of Sedro-Woolley, Washington, that portion of Skagit County, Washington not heretofore incorporated as any part of a city or town, lying north of the City limits, being the following described real property, situated in Skagit County, Washington, to wit:

Legally described on the attached Exhibit A, and illustrated and the attached Exhibit B (map).

**Section 2.** The City Clerk is authorized and directed to prepare and file a notice of intention to annex with the Skagit County Boundary Review Board, and to carry out all the requirements of state law with regard to the proposed annexation.

**Section 3.** When annexed property is accepted by future ordinance, said annexation shall be subject to the following conditions:

A. The property proposed for annexation shall be subject to the laws and regulations of the City of Sedro-Woolley, as now and hereafter adopted.

B. The property proposed for annexation shall be subject to and assume a pro-rata share of indebtedness of the City which has been approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

C. The property proposed for annexation shall be subject to the Residential-5 land use classification and zoning designations as set forth on the current Sedro-Woolley Comprehensive Plan and Zoning Code maps.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this \_\_\_\_\_ day of March, 2010, and signed in authentication of its passage this \_\_\_\_\_ day of March, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

APPROVED AS TO FORM:

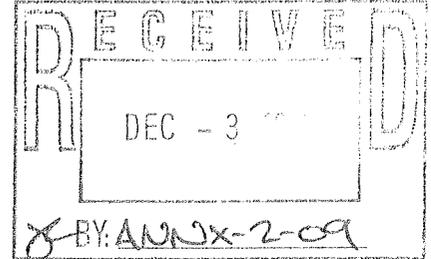
\_\_\_\_\_  
CITY ATTORNEY

**Skagit**  
**Surveyors & Engineers**

806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

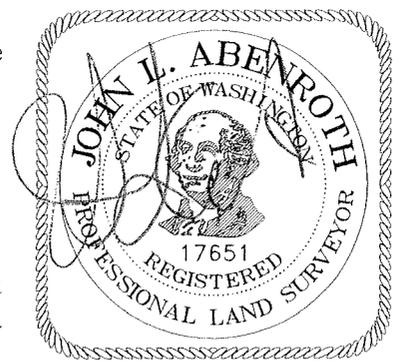
LEGAL DESCRIPTION  
FOR  
JOE FRANETT  
OF  
PROPOSED ANNEXATION

August 31, 2009  
Revised November 10, 2009



A portion of the south half of the southeast quarter of Section 14, Township 35 North, Range 4 East, W.M. described as follows:

Beginning at the intersection of the east line of the southwest quarter of the southeast quarter of said Section 14 with the north line of West Jones Road; thence S 89°14'39"W along the north line of West Jones Road, a distance of 330.00 feet; thence N 2°51'20"W, a distance of 10.01 feet to the southeast corner of Lot 1 of Skagit County Short Plat No. 2-82 filed in Volume 5 of Short Plats at page 171, records of Skagit County; thence S 89°14'39"W along the north line of the West Jones Road, a distance of 88.69 feet to its intersection with the northeasterly line of the F & S Grade Road; thence S 76°01'28"W, a distance of 131.18 feet to the intersection of the southwesterly line of the F & S Grade Road with the south line of said Section 14; thence N 54°18'33"W along the southwesterly line of the F & S Grade Road, a distance of 180.85 feet; thence N 35°41'27"E, a distance of 100.00' to the east line of the Westerman Road at the southwest corner of Lot 2 of said Skagit County Short Plat No. 2-82; thence N 2°51'52"W along the east line of the Westerman Road, a distance of 1120.16 feet to its intersection with the north line of the south half of the southeast quarter of said Section 14; thence N 88°55'47"E along the north line of the south half of the southeast quarter of said Section 14, a distance of 296.80 feet to the west line of the east 330 feet of the southwest quarter of the southeast quarter of said Section 14; thence S 2°51'20"E along the west line of said east 330 feet, a distance of 654.89 feet to the northwest corner of the south half of said east 330 feet; thence N 89°05'13"E along the north line of the south half of said east 330 feet to the northeast corner thereof; thence N 2°51'10"W along the west line of the southeast quarter of the southeast quarter of said Section 14, a distance of 163.95



11/10/09

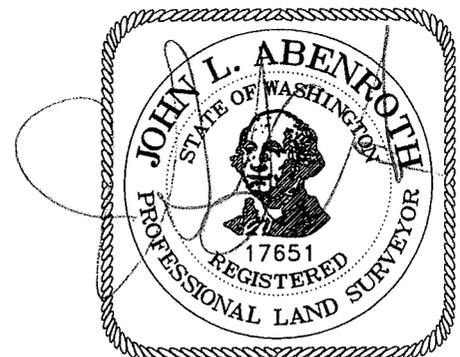
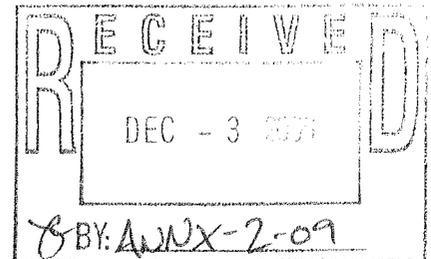
**EXHIBIT A**  
TO RESOLUTION

**Kagit**  
**Surveyors & Engineers**

806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

feet to the northwest corner of the south half of the south half of the northwest quarter of the southeast quarter of the southeast quarter of said Section 14; thence N 89°02'52"E along the north line of the south half of the south half of the northwest quarter of the southeast quarter of the southeast quarter of said Section 14, a distance of 636.75 feet to the west line of the Garden of Eden Road; thence S 2°50'28"E along the west line of Garden of Eden Road, a distance of 576.76 feet to the north line of the south 245 feet of the southwest quarter of the southeast quarter of the southeast quarter of said Section 14, which point is on the north line of the existing city limits of the City of Sedro-Woolley; thence N 89°14'39"W along the north line of said south 245 feet and the city limits line, a distance of 636.71 feet to the east line of the southwest quarter of the southeast quarter of said Section 14; thence S 2°51'10"E along the east line of the southwest quarter of the southeast quarter of said Section 14, a distance of 225.15 feet to the point of beginning of this description.

Containing 22.06 Acres.



11/10/09

RECEIVED  
DEC - 3 2009  
BY: ANNEX-2-09

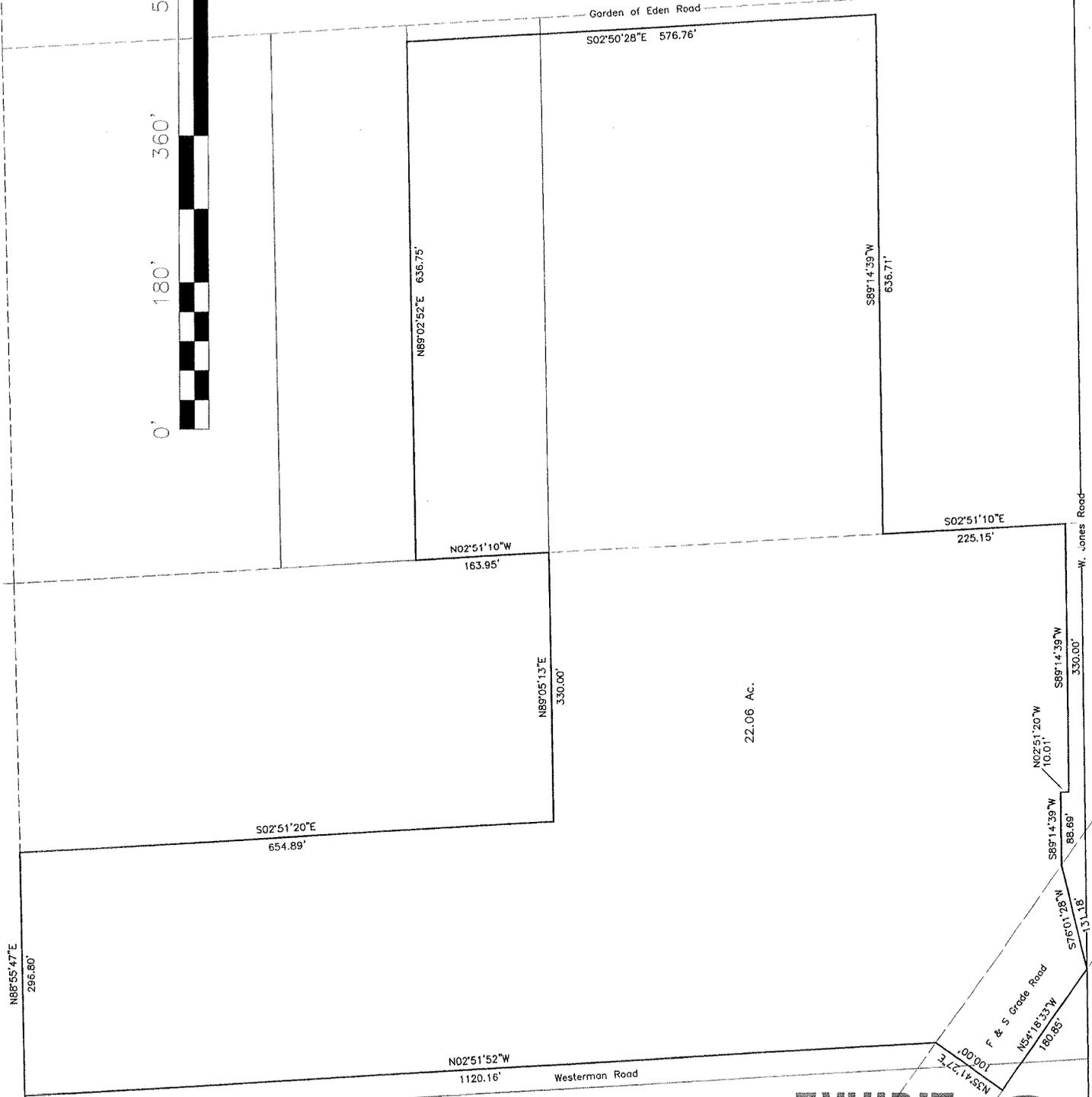
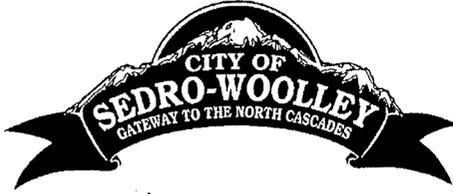


EXHIBIT B  
TO RESOLUTION

CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010



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

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: Fruitdale Sewer Connection Fee  
DATE: March 10, 2010

ISSUE: Should the Council adopt the attached ordinance that creates a special connection fee for properties served by the new sewer main and pump station on Fruitdale Road?

BACKGROUND: **This is a first reading and public hearing.** This ordinance is presented to establish a special connection fee for a limited area served by new sewer infrastructure. It will operate the same as the Cook/Trail Special Connection Area created in 2004 and the Reed Street Special Connection Area created in 1995. In each of those areas, users who connect to the sewer system pay a charge in addition to the standard connection fee.

A map showing the benefitted properties on Fruitdale Road is attached to this ordinance, as well as a legal description for those properties. Mark used that area to calculate future growth and with that determined that the cost of this connection fee is \$3,890.00 per ERU. This number is the total cost of the project divided by the estimated future build-out in the area served by the new infrastructure. It is possible that Mark will revise this amount before the final adoption as a result of revisions in the service area.

Finally, the property owners were mailed a notice of tonight's public hearing to the name and address on file with the Skagit County Auditor.

RECOMMENDATION: Motion to adopt the attached ordinance \_\_\_\_\_-10 an ordinance that establishes a utility connection fee for properties served by the new sewer main and pump station on Fruitdale Road.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A UTILITY CONNECTION FEE PURSUANT TO RCW 35.92.025 FOR REAL PROPERTY BENEFITED BY A SANITARY SEWER MAIN ON FRUITDALE ROAD

**Whereas**, the City Council of the City of Sedro-Woolley conducted a public hearing on March 10, 2010 to consider testimony from the public regarding the advantages and disadvantages of establishing a special connection charge pursuant to RCW 35.92.025, and

**Whereas**, the City provided notice of the public hearing in the newspaper of record and by mailing to property owners within the special connection area, and

**Whereas**, the City Council considered the testimony of both the citizens and the expert opinion of the Public Works Director/City Engineer, and

**Whereas**, the City Council finds that the Fruitdale Road area described in the attached Exhibit A and depicted in the attached Exhibit B, is specifically benefitted by the sanitary sewer main and pump station, and that a special connection charge for the cost of this main and pump station is appropriate, and

**Whereas**, it is not appropriate for the cost of this infrastructure to be added to the cost of the connection fee for prior improvements, to be borne by all users, and

**Whereas**, the City Council finds that a special connection charge which is designed to recoup the actual cost of construction of the line, lift station and associated improvements, but not to exceed this cost is appropriate, and

**Whereas**, the City Council finds that the Public Works Director/City Engineer has determined that, based upon a reasonable build-out density using the current underlying zoning of benefitted property with an adjustment for coverage area, the net cost per lot for these improvements is \$3,890.00, and

**Whereas**, the Public Works Director/City Engineer's stamped analysis is attached to this ordinance as Exhibit C, and

**Whereas**, the City Council finds that it is in the public interest and welfare to extend sanitary sewer to Fruitdale Road between SR 20/Moore Street and McGarigle Road, and that the residents thereof should pay the cost of these improvements, now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.** A new section shall be added to Title 13 of the Sedro-Woolley Municipal Code as follows:

SWMC 13.\_\_\_\_\_.\_\_\_\_\_: Utility Connection Fee – Fruitdale Road

A. Residential User Connection Fee. In addition to all other charges and fees assessed by ordinance or statute, and not in lieu thereof, the owner or owners of any lot or parcel within that real property legally described on Exhibit A and illustrated on the map attached as Exhibit B set out at the end of this section, and any real property aggregated thereto and any subdivision thereof, which is served by the Fruitdale Road sanitary sewer pump station and main, shall pay a special connection fee in the sum of three thousand eight hundred ninety dollars for each residential dwelling unit connected to the sanitary sewer.

B. Nonresidential User Connection Fee. In addition to all other charges and fees assessed by ordinance or statute, and not in lieu thereof, the owner or owners of any lot or parcel within that real property legally described on Exhibit A and illustrated on the map attached as Exhibit B set out at the end of this section, and any real property aggregated thereto and any subdivision thereof, which is served by the Fruitdale Road sanitary sewer pump station and main, shall pay a special connection fee for each nonresidential structure or nonresidential use connected to the sanitary sewer in the sum of three thousand eight hundred ninety dollars for each equivalent residential unit (“ERU”). Each nonresidential sewer connection or use shall be deemed equivalent to at least a minimum of one ERU. The number of ERUs shall be determined by the superintendent, whose determination shall be final.

C. Time of payment. The special connection fee shall be due at the time of application for a building permit, if for a new structure, or at time actual connection or connection permit application, if for an existing structure.

D. Lien. If not paid when due, the special connection fee established by this section shall constitute a lien on the lot or parcel, and may be foreclosed in the manner provided by law.

E. Remedies. In the event that the owner or owners fail to pay the special connection fee established by this section, the city may, in addition to all other remedies provided by law or ordinance, seek a money judgment from the owner or owners, foreclose the lien as provided by law, terminate sewer service to the lot or parcel, or seek injunctive or equitable relief. The remedies herein provided are cumulative, and not exclusive.

F. Definitions. For purposes of this section, the following definitions shall apply:

“Equivalent residential unit (ERU)” means a common measure for all types of users to put them on an equivalent basis with a single family residential user. One ERU is equal to seven hundred fifty cubic feet of water consumption per month.

“Owner or owners” means fee owner, purchaser subject to a deed of trust or mortgage, or purchaser under a real estate contract. One who is a tenant, renter, lessee or holder of an option or right to purchase shall not be considered an owner.

“Residential dwelling unit” means a single family residence, an individual apartment unit in an apartment building, an individual dwelling unit in a duplex or multifamily residential structure, and a mobile home space or pad in a mobile home park

**Section 2.** This ordinance shall be effective five (5) days after passage and publication as provided by law.

**Section 3.** This ordinance shall be recorded in the office of the Skagit County Auditor.

**Section 4.** 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 \_\_\_\_\_, 2010, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

---

Eron Berg, City Attorney

Filed with the City Clerk:	March 4, 2010
Public Hearing:	March 10, 2010
First Reading:	March 10, 2010
Second Reading:	March 24, 2010
Passed by the City Council:	
Signed by the Mayor:	
Date of Publication:	
Recorded with County Auditor:	

FRUITDALE SEWER IMPACT AREA ANALYSIS

City of Sedro-Woolley, WA

OPTION (3) 100% Lot Serviced

Owner: City of Sedro Woolley

By: Mark / Fruitdale North of SR20

Date: 2/10/2010

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL BID	FRUITDALE		
						QUANT	TOTAL	
3-2	FA#2 - Stump in Sewer Trench	LS	100%	FA	1,040.46	1,040.46	1,040.46	
3-6	FA#6 - Stump at SSPS wetwell	LS	100%	FA	1,522.89	1,522.89	1,522.86	
3-13	FA#13 - Relocate existing sewer cleanout	LS	100%	FA	1,074.52	1,074.52	-	
3-15	FA#15 - Repair leaking existing sewer tap	LS	100%	FA	1,993.36	1,993.36	-	
3-23	FA#23 - Install attic access hatch in SSPS building	LS	100%	FA	405.44	405.44	405.44	
3-29	FA#29 - Hospital grade muffler install in Fruitdale Rd SSPS Bldg	LS	100%	FA	3,089.42	3,089.42	3,089.42	
89	Manhole Type 1 48 In. Diam	EA	10	2,357.64	23,576.40	8.00	18,861.12	
90	Manhole Additional Height 48 In. Diam	LF	17	261.29	4,441.93	17.00	4,441.93	
91	Manhole Type 1 48 In. Diam Set in Exist Pipe	EA	2	2,150.57	4,301.14	-	-	
92	Connect to Exist. Manhole	EA	1	370.67	370.67	-	-	
93	PVC Sanitary Sewer Pipe 6 In. Diam.	LF	969	33.99	32,936.31	548.00	18,626.52	
94	PVC Sanitary Sewer Pipe 8 In. Diam.	LF	2,049	38.69	79,275.81	1,802.00	69,719.38	
95	Side Sewer	EA	38	543.10	20,637.80	27.00	14,663.70	
96	Sanitary Sewer Pump Station, Complete	LS	1	LS	99,103.45	100%	99,103.45	
96-1	Sanitary Sewer PS, CO#1 Silencer Upgrade	LS	1	LS	1,697.63	1.00	1,697.63	
97	C900 PVC Sewer Forcemain 4 In. Diam.	LF	195	18.75	3,656.25	200.00	3,750.00	
98	Connect Forcemain to Exist. Manhole	EA	1	364.99	364.99	1.00	364.99	
99	Dewatering	LS	1	199,058.67	199,058.67	1.00	199,058.67	
100	Pump Station Building	LS	1	LS	60,139.91	100%	60,139.91	
122	Admin Settlement of Fruitdale Sewer Dewatering Claim - CO#	LS	95%	90,000.00	85,500.00	95%	85,500.00	
SUBTOTAL CONTRACT								581,985.48
WSST AT 8.2%								47,722.81
<b>TOTAL CONSTRUCTION CONTRACT</b>								<b>629,708.29</b>
DISTRIBUTION								93.3%
R&E STUDY REPORT (FINAL)								-
LBS PE (FINAL)							44,000.00	41,047.37
LBS CM COST TO 1/29/2010 (FINAL THIS GROUP)							61,414.08	57,292.87
CITY CM COST TO 1/31/2010 (FINAL THIS GROUP)							14,529.22	13,554.23
MISC CN (PUD, PSE, ETC)							14,498.04	14,498.04
SUBTOTAL							134,441.34	756,100.80
5% ADMIN								37,805.04
TOTAL								793,905.84
IMPACT AREA		48.703	AC					
BUILDOUT POPULATION IF R5/R7 PER ZONING		716.4	PERSONS					
R5 BUILDOUT		32.664	AC					
R7 BUILDOUT		16.039	AC					
R5 LOT SIZE, 70X120		8400	SF					
TOTAL R5 LOTS		121	EA					
R7 LOT SIZE, 60X100		6000	SF					
TOTAL R7 LOTS		83	EA					
USE FOR COVERAGE 40%								
NET LOTS		204	EA					
PROJECT COST PLUS 5% ADMIN		\$ 763,350.00	EST 5/7/2009 BASED ON BID					
NET COST PER LOT		\$ 3,740.00	EA					
							INCREASE	4.0%



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION  
FOR  
CITY OF SEDRO-WOOLLEY  
OF  
PROPERTY INCLUDED IN  
FRUITDALE ROAD SEWER BENEFIT AREA

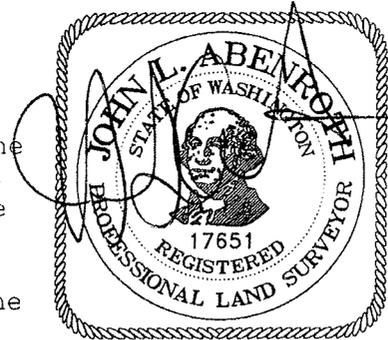
March 2, 2010

AREA EAST OF FRUITDALE ROAD

Beginning at the northeast corner of the southeast quarter of Section 18, Township 35 North, Range 5 East, W.M.; thence S 02°23'16" E along the east line of said southeast quarter, a distance of 969.20 feet to its intersection with the northwesterly right of way line of State Route 20; thence S 53°40'19" W along said northwesterly right of way line, a distance of 1604.36 feet to its intersection with the east right of way line of Fruitdale Road; thence northerly along the east right of way line of Fruitdale Road through the following thirteen courses; N 02°14'31" W, a distance of 1381.36 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 90.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 40.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 70.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet to the north line of said southeast quarter; thence N 88°19'16" E along the north line of said southeast quarter, a distance of 1326.33 feet to the point of beginning of this description.  
Containing 43.39 acres.

AREA WEST OF FRUITDALE ROAD

Beginning at the southwest corner of the southeast quarter of the northwest quarter of the southeast quarter of Section 18, Township 35 N., Range 5 E., W.M.; thence N 02°10'13" W along the west line of said subdivision, a distance of 664.45 feet to the northwest corner of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18 said point being also the southwest corner of Lot 17 of the

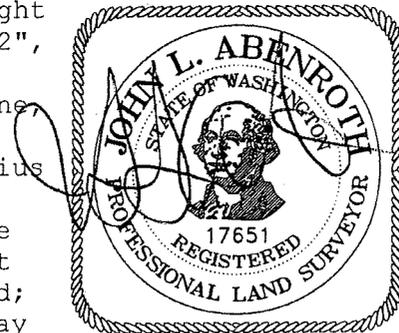


3/2/10

 **Skagit**  
**Surveyors & Engineers**

806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

plat of Wedmore Addition filed in Volume 9 of Plats at page 115, records of Skagit County, Washington; thence N 88°06'39" E, a distance of 128.91 feet to the southeast corner of said Lot 17; thence N 08°13'01" W along the east line of said Lot 17, a distance of 92.91 feet to the southerly margin of the cul-de-sac at the south end of Calkin Place; thence easterly along the margin of said cul-de-sac on a curve to the left having a radius of 45.00 feet through a central angle of 38°56'14", and an arc distance of 30.58 feet; thence S 08°13'01" E along the west line of Lot 16 of said plat, a distance of 96.24 feet to the southwest corner of said Lot 16; thence N 88°06'39" E along the north line of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18, a distance of 292.14 feet to the southeast corner of Lot 5 of said plat of Wedmore Addition; thence N 02°19'20" W, a distance of 86.00 feet to the northeast corner of Lot 5 of said plat of Wedmore Addition; thence N 88°06'39" E, a distance of 100.00 feet to the southwest corner of Lot 1 of Short Plat 90-58 filed in Volume 9 of Short Plats at page 72 records of Skagit County; thence N 02°19'20" W along the west line of Lots 1 and 2 of said Short Plat and along the west line of Lot 2 of Short Plat No. PL-01-0438 filed under AF#200211070077, a distance of 347.04 feet to the northwest corner of Lot 2 of said Short Plat No. PL-01-0438; thence S 89°02'10" W along the north line of Lot 2 of said Short Plat No. PL-01-0438, a distance of 19.97 feet to the southeast corner of Lot 2 of said Wedmore Addition; thence N 02°19'07" W along the east line of Lots 2 and 1 of said plat of Wedmore's Addition, a distance of 171.31 feet to the northeast corner of Lot 1 of said plat of Wedmore Addition; thence S 88°07'14" W, a distance of 30.98 feet; thence N 28°32'36" W, a distance of 87.37 feet to the south right of way line of McGarigle Road; thence N 42°53'32" E along said south right of way line, a distance of 34.11 feet to the point of curvature of a curve to the right having a radius of 170.00 feet; thence along said curve of said south right of way line through a central angle of 44°59'02", and an arc distance of 133.47 feet; thence N 87°52'40" E along said south right of way line, a distance of 18.99 feet to the point of curvature of a curve to the right having a radius of 20.00 feet; thence along said curve of said south right of way line through a central angle of 90°00'00", and an arc distance of 31.42 feet to the west right of way line of Fruitdale Road; thence S 02°07'20" E along the west right of way line of Fruitdale Road, a distance of 75.29 feet;



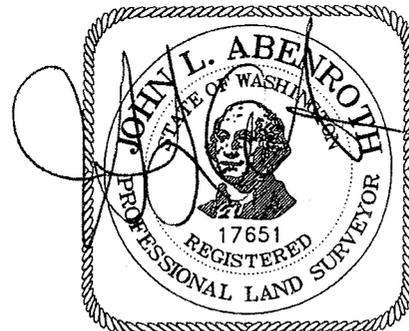
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**Skagit**  
**Surveyors & Engineers**

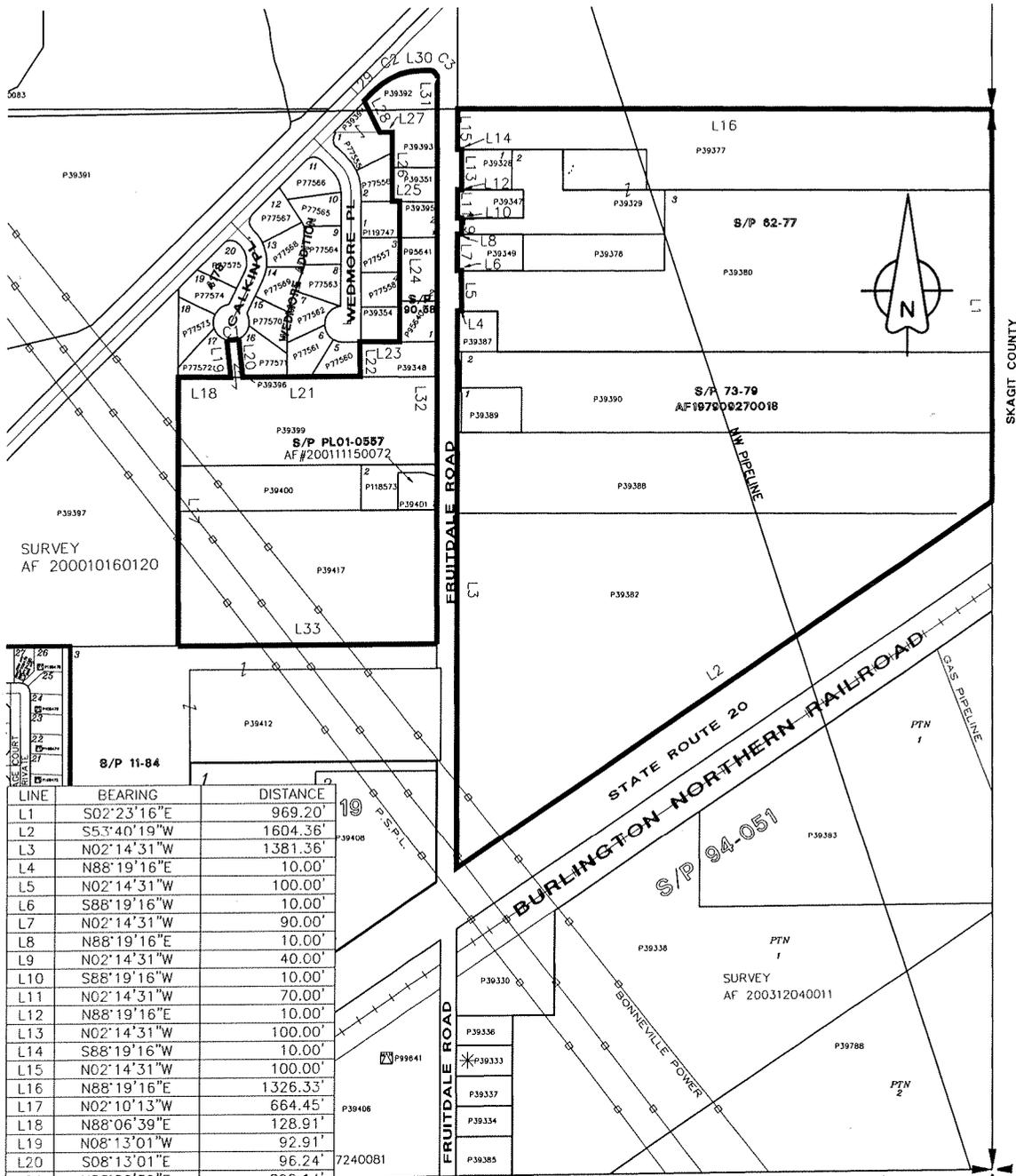
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thence S 02°14'31" E along the west right of way line of Fruitdale Road, a distance of 1324.23 feet to the south line of the southeast quarter of the northwest quarter of the southeast quarter of said Section 18; thence S 87°54'19" W, a distance of 644.80 feet to the point of beginning of this description.

Containing 11.97 acres.



3/2/10



LINE	BEARING	DISTANCE
L1	S02°23'16"E	969.20'
L2	S53°40'19"W	1604.36'
L3	N02°14'31"W	1381.36'
L4	N88°19'16"E	10.00'
L5	N02°14'31"W	100.00'
L6	S88°19'16"W	10.00'
L7	N02°14'31"W	90.00'
L8	N88°19'16"E	10.00'
L9	N02°14'31"W	40.00'
L10	S88°19'16"W	10.00'
L11	N02°14'31"W	70.00'
L12	N88°19'16"E	10.00'
L13	N02°14'31"W	100.00'
L14	S88°19'16"W	10.00'
L15	N02°14'31"W	100.00'
L16	N88°19'16"E	1326.33'
L17	N02°10'13"W	664.45'
L18	N88°06'39"E	128.91'
L19	N08°13'01"W	92.91'
L20	S08°13'01"E	96.24'
L21	N88°06'39"E	292.14'
L22	N02°19'20"W	86.00'
L23	N88°06'39"E	100.00'
L24	N02°19'20"W	347.04'
L25	S89°02'10"W	19.97'
L26	N02°19'07"W	171.31'
L27	S88°07'14"W	30.98'
L28	N28°32'36"W	87.37'
L29	N42°53'32"E	34.11'
L30	N87°52'40"E	18.99'
L31	S02°07'20"E	75.29'
L32	S02°14'31"E	1324.23'
L33	S87°54'19"W	644.80'

CURVE	ANGLE	RADIUS	LENGTH
C1	38°56'14"	45.00'	30.58'
C2	44°59'02"	170.00'	133.47'
C3	90°00'00"	20.00'	31.42'

SCALE 1" = 400'

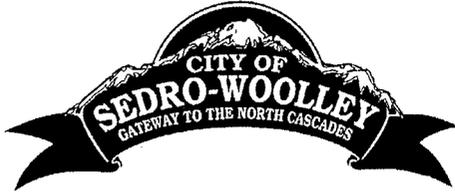
**MAP OF FRUITDALE ROAD  
SEWER SERVICE AREA  
FOR  
CITY OF SEDRO-WOOLLEY**

SKAGIT SURVEYORS AND ENGINEERS

02MAR10 JN210013A

CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010



CITY OF SEDRO-WOOLLEY  
7:00 P.M. COUNCIL CHAMBERS Sedro-Woolley Municipal Building  
AGENDA NO. 9 325 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: Surplus of Portobello Ave. fire station site  
DATE: March 10, 2010

ISSUE: Should the Council adopt the attached resolution that declares surplus and authorizes the sale of the real estate located at 1580 Portobello Avenue?

BACKGROUND: I have been working with Guardian Northwest Title and Escrow on the process by which the City can surplus and sell the property that was dedicated for our Fire Station 2 on Portobello Avenue. Since we purchased property on SR 9/Township for this purpose and will be breaking ground on this project this spring/summer, the old site is not needed.

Guardian requested the following actions from the City:

1. Sell only what is not needed (and keep what is needed to maintain and access the detention pond);
2. Record quit claim deeds from the developer;
3. Give written notice to the owners in SMVE;
4. Publish notice;
5. Hold a public hearing (scheduled for tonight); and
6. Adopt a resolution with certain findings.

The City has requested a boundary line adjustment to make the fire station site a stand alone lot and retain space for the detention pond. Notice has been mailed to the property owners to the addresses on file with the Skagit County Auditor and notice was published in the Mount Vernon paper (our paper of record). The developer deeded any underlying interest in the land to the City last fall/winter. And, tonight you are scheduled to hold a public hearing and consider adoption of the attached resolution.

RECOMMENDATION: **Following a public hearing**, motion to adopt the attached Resolution \_\_\_\_\_-10 a resolution declaring real property located at 1580 Portobello Avenue surplus to the needs of the City and authorizing its sale.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF SEDRO-WOOLLEY DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING ITS DISPOSITION**

**WHEREAS**, the City has purchased or otherwise owns the property and/or equipment identified herein; and

**WHEREAS**, this property was dedicated to the City as part of a subdivision for the purpose of building a fire station; and

**WHEREAS**, the City has determined that another location is more practical for the construction of a new fire station; and

**WHEREAS**, the City has separated the fire station site from the drainage facility to the west and the City Council finds that the “new tract B” depicted on Exhibit B is adequate to maintain the drainage facilities located on that site; and

**WHEREAS**, the Planning Commission recommended and the Council approved as part of the 2009 Comprehensive Plan amendments a rezone request and this site is now zoned R-5; and

**WHEREAS**, the City Council finds that the new location for Fire Station 2 will better serve the community and because it is located where Portobello Avenue will intersect with SR 9/Township, will continue to serve the properties in Sauk mountain View Estates; and

**WHEREAS**, the property and/or equipment identified is surplus to the needs of the City; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AS FOLLOWS:**

**Section 1.** The City Council does hereby declare the following to be surplus:

The property located at 1580 Portobello Avenue, Sedro-Woolley, Washington, and legally described on Exhibit A attached hereto and depicted on Exhibit B as “New Tract A”.

**Section 2.** The City Supervisor is directed to request proposals from qualified real estate professionals; evaluate their proposals on the basis of proposed commissions, proposed marketing plan and strategy, and experience with this type of listing.

**Section 3.** The City Supervisor is authorized to select from the proposals identified in Section 2 herein the most qualified person, entity or firm to represent the City in selling this property and to execute listing agreements with that person, entity or firm.

**Section 4.** The City Council reserves the right to approve any purchase and sale agreements that may be negotiated by the Mayor or the City Supervisor.

**Section 5.** The proceeds of the sale of this land shall be used to repay the City's REET fund for acquisition costs of the new fire station site and/or to build the new fire station.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council  
this \_\_\_\_\_ day of March, 2010.

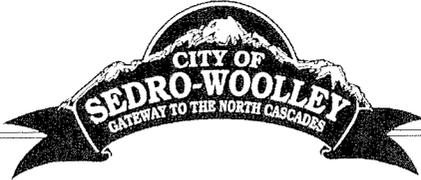
\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

\_\_\_\_\_  
Eron Berg, City Attorney



Eron M. Berg  
City Supervisor/City Attorney

March 1, 2010

RE: Notice of Public Hearing  
Possible Surplus of proposed fire station site on Portobello

To Sauk Mountain View Estates Property Owners:

The City Council will hold a public hearing at their regular meeting on March 10, 2010 which begins at 7:00 P.M. (at the City Council Chambers located at 325 Metcalf Street) to discuss and possibly take action to surplus land located off of Portobello Avenue which was originally set aside for the purpose of constructing a fire station. The location of this property is described on the attached Exhibit A (legal description) and depicted as "New Tract A" on the attached Exhibit B, map.

The City planned to construct a new fire station at this location, however, following the defeat of a fire station construction bond in 2008, the City looked at other alternatives that would serve the following goals:

1. Serve the growing areas of Sedro-Woolley, including the properties off of Portobello Avenue;
2. Have direct highway/arterial access to ensure the fastest possible response times;
3. Be out of any flood zone;
4. Have adequate area to allow for the construction of a three bay facility with drive through bays and residential quarters for five fire fighters; and
5. Be within the City's limited budget.

In 2009, the City searched for properties with these considerations in mind. We continued to review the viability of the site on Portobello Avenue, but ultimately selected a site located at 1218 N. Township. This site sits where Portobello will connect with SR 9/Township in the future, is out of the flood plain, is directly on both a highway and a future arterial street, is large enough to construct the facility as needed and was within the City's budget.

I will be recommending to the City Council that they surplus the site off of Portobello Avenue and use the proceeds of the sale of that site to pay for the site on SR 9/Township. Your comments and concerns are welcomed. If you are not able to attend the meeting, please feel free to call me or provide written comments which I will give to the Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Eron Berg". The signature is fluid and cursive, with a large initial "E" and "B".

Eron Berg, City Supervisor



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION  
FOR  
THE CITY OF SEDRO-WOOLLEY  
TRACT A - SAUK MOUNTAIN VIEW ESTATES - SOUTH  
A PLANNED RESIDENTIAL DEVELOPMENT

AFTER BOUNDARY ADJUSTMENT

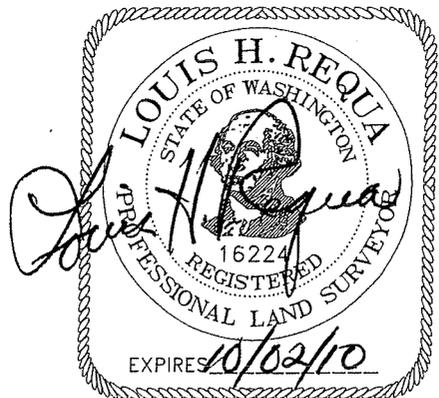
May 15, 2009

Tract A, SAUK MOUNTAIN VIEW ESTATES - SOUTH - A PLANNED RESIDENTIAL DEVELOPMENT, as per plat recorded June 9, 2003 under Auditor's File Number 200306090032, records of Skagit County, Washington.

EXCEPT beginning at the northwest corner of said Tract A, thence S 06°01'52" E along the west line of said Tract A, a distance of 81.09 feet to the southwest corner of said Tract A; thence S 67°38'27" E along the south line of said Tract A, a distance of 124.64 feet to the point of curvature of a curve to the left having a radius of 470.00 feet; thence easterly along said curve through a central angle of 5°52'34" and an arc distance of 48.20 feet; thence N 13°20'50" W, a distance of 152.12 feet to a point on the north line of said Tract A which lies 134.17 feet from the northwest corner of said Tract A; thence S 88°18'58" W along the north line of said Tract A, a distance of 134.17 feet to the point of beginning of this description.

Situate in the City of Sedro-Woolley,  
Skagit County, Washington.

Containing 13,092 square feet.

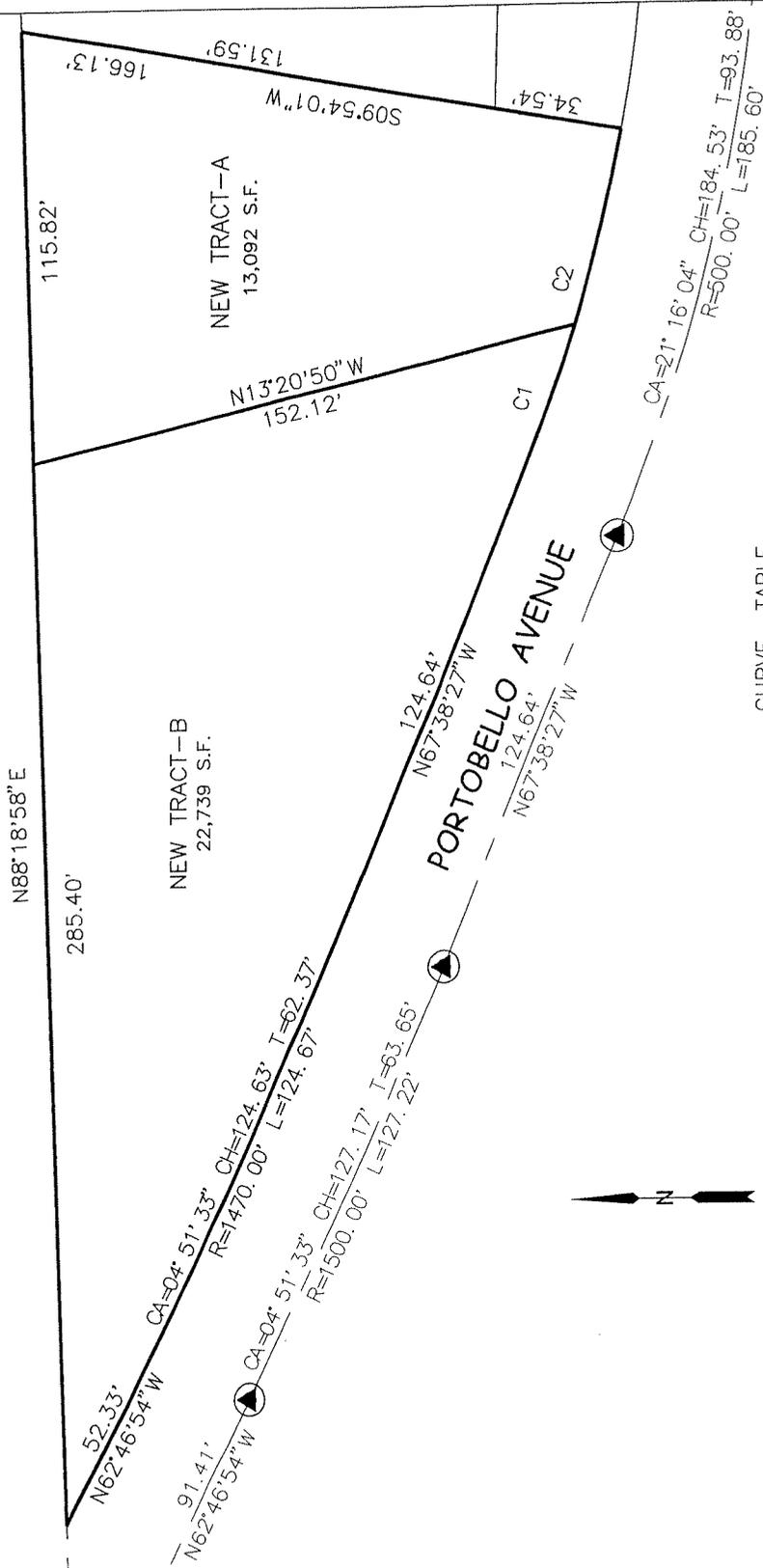


5/18/09

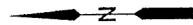
FILE COPIES

**BOUNDARY LINE ADJUSTMENT EXHIBIT MAP**  
for the City of Sedro-Woolley  
in SAUK MOUNTAIN VIEW ESTATES - SOUTH - A PLANNED RESIDENTIAL DEVELOPMENT

**AFTER BOUNDARY ADJUSTMENT**



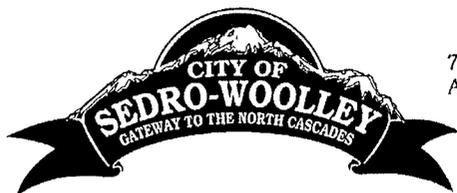
CURVE TABLE			
#	RADIUS	DELTA	LENGTH
C1	470.00'	5°52'34"	48.20'
C2	470.00'	6°31'36"	53.54'



**UNFINISHED  
BUSINESS**

CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010



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: Township Parking  
DATE: March 10, 2010

ISSUE: Should the Council adopt the attached ordinance that adds a new section to Chapter 10.44 of the municipal code which makes it illegal for vehicles to be parked on the west side of Township (between State and Moore) on Fridays from 8-10 AM and Mondays for the east side?

BACKGROUND: This item comes to you as a follow up from your February 10 meeting with a recommendation from the Council's public safety committee and a first reading at your February 24, 2010 meeting. The committee recommends to the full Council that it consider using Township Street as a pilot street to determine if no parking on street sweeping days will be effective.

The only change from the first reading is the reduction of scope on Township to the area between SR 20 and State rather than all the way south to Sterling.

The ordinance makes it illegal for vehicles to be parked on the west side of Township between State and Moore on Fridays from 8:00 A.M. to 10:00 A.M. and on the east side on Mondays for the same two hour period. Violations will be enforced by towing vehicles left parked during those hours and/or through the issuance of parking tickets.

COMMITTEE RECOMMENDATION: Motion to adopt the attached ordinance number \_\_\_\_\_-10 regarding no parking zones on Township Street.

ORDINANCE NO.

AN ORDINANCE ADDING NEW SECTIONS TO SWMC 10.44 REGARDING NO  
PARKING ZONES ON TOWNSHIP STREET

**Whereas**, the City public works crews sweep streets two to three days per week in an effort to keep streets tidy and remove dirt, debris, grit and other contaminants from the City's stormwater collection system, and

**Whereas**, parked vehicles make it difficult to effectively and efficiently sweep the full street as the vehicles become an impediment to the sweeper's operation on the day of sweeping and sometimes for weeks or longer, and

**Whereas**, the City Council desires to establish a portion of Township Street as a pilot project to both address a chronic parking problem and its impact on street sweeping by establishing a now parking zone to be enforced by impoundment of the illegally parked vehicles, now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY  
ORDAIN AS FOLLOWS:

**Section 1.** New sections are added to SWMC 10.44 as follows:

SWMC 10.44.\_\_\_\_\_: Parking on Township Street during certain hours.  
It is unlawful for any person to park or leave any automobile or other vehicle on the east side of Township Street in the city, between State Street and Moore Street (SR 20), for any period of time whatsoever on Mondays between the hours of 8:00 A.M. and 10:00 A.M. It is unlawful for any person to park or leave any automobile or other vehicle on the west side of Township Street in the city, between State Street and Moore Street (SR 20), for any period of time whatsoever on Fridays between the hours of 8:00 A.M. and 10:00 A.M.

**Section 2.** This ordinance shall be effective April 2, 2010, which is more than five (5) days after passage and publication as provided by law.

**Section 3.** 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 \_\_\_\_\_, 2010, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

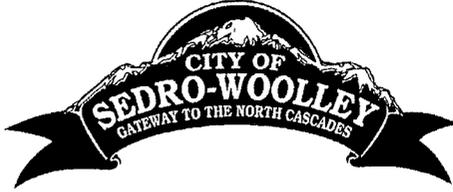
Approved as to form:

\_\_\_\_\_  
Eron Berg, City Attorney

Filed with the City Clerk:	February 18, 2010
Public Hearing:	n/a
First Reading:	February 24, 2010
Second Reading:	March 10, 2010
Passed by the City Council:	
Signed by the Mayor:	
Date of Publication:	

CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010



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: Code Enforcement  
DATE: March 10, 2010

ISSUE: Should the Council adopt the attached ordinance that revises the City's code enforcement process to allow for the use of civil processes managed by the planning director or other department heads rather than exclusively using criminal charges managed by law enforcement?

BACKGROUND: This is a third reading, with no changes made since the second reading (presented on February 24, 2010).

For some time now it has been apparent that our code enforcement process has needed an update. With much gratitude to Kevin Rogerson, City Attorney for Mount Vernon, I am pleased to present the attached draft ordinance for your consideration.

The goal of this ordinance is to include several different processes with resulting consequences to gain compliance from people who are in violation of any number of city codes. Our current process is primarily the criminal misdemeanor charge cited into Municipal Court via the police and prosecutor with resulting jail time (not likely, see other item on agenda regarding the OWP proposal) or fines.

This ordinance provides a new process that is applied to violations of SWMC Titles 5, 8, 13, 15, 16 and 17, thereby making the job of code enforcement easier through the use of a uniform process. The process includes several options for how the code enforcement may occur. The options include (1) Civil orders enforced through penalties, liens and court action with appeals through the Hearing Examiner and potentially the Superior Court under the Land Use Petition Act (LUPA), (2) Civil infractions which are monetary penalties like parking tickets which are appealed to the Municipal Court; or (3) Criminal charges for misdemeanor offenses resulting in jail time and or fines administered through the Municipal Court.

The options are available for use at the election of the official who is attempting to enforce the codes. Other processes available include stop work orders, permit revocation, permit penalties, fines and restoration for critical area violations, orders of abatement and immediate action for unsafe situations.

RECOMMENDATION: Motion to adopt the attached ordinance \_\_\_\_\_-10 an ordinance that revises the City's code enforcement process to allow for the use of civil processes managed by the planning director or other department heads rather than exclusively using criminal charges managed by law enforcement

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ENACTING A NEW TITLE OF THE SEDRO-WOOLLEY MUNICIPAL CODE, TO BE KNOWN AS TITLE 18, CODE ENFORCEMENT.**

**WHEREAS, the City of Sedro-Woolley is committed to maintaining quality neighborhoods and an excellent community environment through the enforcement of the Sedro-Woolley Municipal Code; and**

**WHEREAS, the City of Sedro-Woolley wishes to emphasize code compliance by education and prevention as a first step; and**

**WHEREAS, the City of Sedro-Woolley strives to create uniform and efficient procedures, with consistent application tailored appropriately by Washington State and Federal regulation in order to achieve timely code compliance throughout the City.**

**NOW, THEREFORE, THE CITY COUNCIL OF SEDRO-WOOLLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**SECTION 1: That Title 18 of the Sedro-Woolley Municipal Code is hereby enacted, which enacted Title shall read as follows:**

**Title 18  
CODE ENFORCEMENT**

**Chapters:**

- 18.05 General Provisions.
- 18.10 Enforcement and Administration.
- 18.15 Notice of Violation
- 18.20 Voluntary Compliance Agreements.
- 18.25 Notice of Infraction.
- 18.30 Stop Work Orders.
- 18.35 Civil Fines and Civil Penalties
- 18.40 Abatement.
- 18.45 Liens.
- 18.50 Unfit Dwellings, Buildings and Structures.

**Chapter 18.05  
GENERAL PROVISIONS**

**Sections:**

- 18.05.010 Name and purpose.

- 18.05.020 Statement of policy.
- 18.05.030 Definitions.
- 18.05.040 Grammatical consideration.
- 18.05.050 Relationship to growth management plan.
- 18.05.060 Additional enforcement procedures.
- 18.05.070 Conflicts.
- 18.05.080 Severability and Pre-emption.

**18.05.010 Name and purpose.**

A. This title shall be known as “code enforcement.” The purpose of this title is to establish an efficient system to enforce Chapters 5.04, 5.08, 5.28, 5.48, 8.04 and 8.16 SWMC, SWMC Titles 13, 15, 16, 17 and such un-codified ordinances as the Director deems appropriate; to provide an opportunity for a prompt hearing and decision on alleged violations of ordinances and regulations adopted by the City of Sedro-Woolley; and to establish penalties for violations including abatement of any affected properties. This title declares certain acts to be civil violations and establishes non-penal enforcement procedures and civil penalties. This title also declares certain acts to be misdemeanors.

B. It is the intention of the City to pursue code compliance actively and vigorously in order to protect the health, safety, and welfare of the general public. The City’s intention is to pursue enforcement in a way that is consistent with adherence to, and respectful of, fundamental constitutional principles.

C. While the title does authorize the City of Sedro-Woolley to take action to enforce City ordinances and regulations, it shall not be construed as placing responsibility for code compliance or as creating any duty on the part of the City to any particular case, or as creating any duty on the part of the City to any particular persons or class of persons.

**18.05.020 Statement of policy.**

It is the policy of the City of Sedro-Woolley to emphasize code compliance by education and prevention as a first step. This policy is designed to ensure code compliance, timely action, and uniformity in its implementation. While warnings and voluntary compliance are desirable as a first step, enforcement up to and including civil and criminal penalties should be used as needed to assure and effect code compliance. Abatement or remediation should be pursued when appropriate and feasible. Uniform and efficient procedures, with consistent application tailored by regulation should be used to accomplish this policy.

**18.05.030 Definitions.**

The words and phrases designated in this section shall be defined for the purposes of this title, unless a different meaning is plainly required, as follows:

- A. “Abate” means to take steps deemed necessary by the Director, including but not limited to rehabilitation, demolition, removal, replacement, or repair, in the interest of the general health, safety, and welfare of the community.

- B. "Civil code violation" means and includes any act or omission including causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission contrary to:
1. Chapters 5.04, 5.08, 5.28, 5.48, 8.04 and 8.16 SWMC, SWMC Titles 13, 15, 16, 17, and such uncodified ordinances as the Director deems appropriate; and
  2. The conditions of any permit, notice of violation, notice of infraction, or stop work order issued pursuant to any ordinance, resolution, regulation, or public rule.

Each day or portion thereof a property or person is not in compliance with the provision identified in this definition shall constitute a separate violation.

- C. "the Court" means the Sedro-Woolley Municipal Court.
- D. "Department" shall include, but not be limited to, the Planning Department, the Building Department, the Police and Fire Department, the Finance Department, and the Public Works Department.
- E. "Development" means the erection, alteration, enlargement, demolition, maintenance, or use of any structure of the alteration or use of land above, at, or below ground or water level, and all acts authorized by a City regulation.
- F. "Director" shall include, but not be limited to the City: Building Official, Police Chief, Fire Chief, Public Works Director, Finance Director, and Planning Director or other City Official charged with the enforcement of a particular portion of the Sedro-Woolley Municipal Code. The Director of a department may designate an individual or individuals to act in his or her stead.
- G. "Emergency" means a situation that in the opinion of the Director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.
- H. "Mitigate" means to take measures, subject to City approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.
- I. "Permit" means any form of certificate, approval, registration, license, or any other written permission issued by the City. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map that are intended to serve and protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.
- J. "Person" means any individual, association, partnership, corporation, or legal entity, public or private, and the agents and assigns of such individual, association, partnership, corporation, or legal entity.
- K. "Person(s) responsible" means the person who caused the code violation, if that can be determined, and/or the owner, lessor, tenant or other person entitled to control, use, and/or occupy property where the civil code violation occurs.
- L. "Public rule" means any rule properly promulgated to implement code provisions.
- M. "Remediate" means to restore a site to a condition that complies with

the City's regulatory requirements including critical areas. Remediation shall include but not be limited to the replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat functions and values will be replaced to the greatest extent possible. Studies by qualified experts shall be conducted to determine the conditions which were likely to exist on the lot prior to the illegal alteration. Remediate shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored site complies with City requirements.

N. "Repeat violation" means a violation of the same regulation in any location by the same person, for which voluntary compliance has previously been sought or a notice of code enforcement has been issued, within the immediately preceding 12-consecutive-month period.

O. "Resolution" for purposes of this title means any resolution adopted by the Sedro-Woolley City Council.

**18.05.040 Grammatical construction.**

Unless the context clearly indicates otherwise, words in any tense shall include the present, past and future tense.

**18.05.050 Relationship to growth management plan.**

This title is adopted as development regulations pursuant to Chapter 36.70A RCW (Growth Management Act).

**18.05.060 Additional enforcement procedures.**

The provisions of this title are not exclusive and may be used in addition to other enforcement provisions authorized by the Sedro-Woolley Municipal Code or state law, except as precluded by law.

**18.05.070 Conflicts.**

In the event of a conflict between this title and any other provision of the Sedro-Woolley Municipal Code or other City ordinance providing for a civil penalty, this title shall control.

**18.05.080 Severability and pre-emption.**

A. If any section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this title is for any reason held invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of this title shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection sentence, clause, phrase, provision, condition, covenant and portion of this title shall be valid and enforceable to the fullest extent permitted by law.

B. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this title, then the provision shall be read to be pre-empted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been pre-empted is no longer pre-empted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the City, and any amendments to this title as a result of such provision being pre-empted shall no longer be of any force or effect.

## **Chapter 18.10 ENFORCEMENT AND ADMINISTRATION**

Sections:

- 18.10.005      Scope.
- 18.10.010      Enforcement authority and administration.
- 18.10.020      Declaration of public nuisance.
- 18.10.030      Right of entry.
- 18.10.040      Obligations of persons responsible for the code violation.

### **18.10.005      Scope.**

Except in cases where a different punishment is prescribed by any ordinance of the city, all civil code violations defined under SWMC 18.05.030 B shall be enforced and administered under Title 18 of the Sedro-Woolley Municipal Code.

### **18.10.010      Enforcement authority and administration.**

- A. In order to discourage code violations and otherwise promote compliance with applicable code provisions, the Director may, so long as reasonable cause exists, determine that civil code violations have occurred or are occurring and may:
1. Issue notices of violations and orders to persons responsible;
  2. Enter into voluntary compliance agreements with persons responsible for the code violations;
  3. Issue notices of infractions, assess civil penalties and fines and recover costs as authorized by Chapters 18.25 and 18.35 SWMC;
  4. Order abatement by means of a notice of violation and order, or notice of infraction, and if such abatement is not timely completed by the person responsible for the code violation, undertake the abatement and charge the reasonable costs of such work as authorized by Chapter 18.40 SWMC;
  5. Allow a person responsible for the code violation to perform community service in lieu of paying civil penalties as authorized by Subsection 18.35.050 D SWMC;
  6. Order work stopped at a site by means of a stop work order, and if such order is not complied with, assess civil penalties, as authorized by Chapter 18.30 SWMC; and/or

7. Suspend, revoke or modify any permit previously issued by the Director or deny a permit application as authorized by SWMC 18.35.050 and SWMC 18.35.060 when other efforts to achieve compliance have failed.

B. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may seek legal or equitable relief to abate any conditions or enjoin any acts or practices that constitute a civil code violation.

C. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may assess or recover civil penalties accruing under this title by legal action filed in a court of competent jurisdiction by complaint or petition through the City Attorney.

D. The provisions of this title shall in no way adversely affect the rights of the owner, lessee or occupant of any property to recover all costs and expenses incurred and required by this title from any person causing such violation.

E. The City may use the services of a collection agency in order to collect any fines, penalties, fees or costs owing under this title.

F. In administering the provisions for code enforcement, the Director shall have the authority to waive any one or more such provisions so as to avoid substantial injustice by application thereof to the acts or omissions of a public or private entity or individual, or acts or omissions on public or private property including, for example, property belonging to public or private utilities, where no apparent benefit has accrued to such entity or individual from a code violation and any necessary remediation is being promptly provided. For purposes of this clause, substantial injustice cannot be based on economic hardship.

G. The provisions of this title authorizing the enforcement of noncodified ordinances are intended to assure compliance with conditions of approval on plats, unclassified use permits, zone reclassifications and other similar permits or approvals that may have been granted by ordinances that have not been codified, and to enforce new regulatory ordinances that are not yet codified.

#### **18.10.020 Declaration of public nuisance – misdemeanor.**

A. All civil code violations hereby are determined to be detrimental to the public health, safety, and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.

B. Any person who willfully or knowingly causes, aids or abets a civil code violation pursuant to this title by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. As an alternative, or in addition to any other judicial or administrative remedy provided in this title or by law or other regulation, the Director may request that the City Attorney consider filing a misdemeanor complaint against the persons responsible for the code violation when the Director has documentation or evidence that the violation was willful and knowing.

C. Interference. Any person who knowingly obstructs, impedes, or

interferes with the City or its agents, or with the person responsible for the code violation in the performance of duties imposed by this title, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not to exceed \$1,000.

D. Failure to Identify. RCW 7.80.060 is hereby adopted by reference requiring a person who is to receive a notice of civil infraction or notice of violation under this title to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicaid. A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction. Any person who fails to comply with this provision shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not to exceed \$1,000. Enforcement officer shall mean any person authorized to enforce the provisions of this title or any ordinance or regulation in which a civil violation is established.

#### **18.10.030 Authority to Enter**

Any officer authorized by Title 18 to enforce the civil provisions of the Sedro-Woolley Municipal Code may, with the consent of the owner or occupier of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this Title.

#### **18.10.040 Persons Responsible for Violations, Abatement, Remediation and Compliance.**

A. It shall be the responsibility of any person identified as a person responsible for the code violation to bring the property into a safe and reasonable condition to achieve code compliance. Payment of fines, applications for permits, acknowledgement of stop work orders, and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances. Persons determined to be responsible for the code violation pursuant to a notice of infraction, notice of violation and order, or stop work order shall be liable for the payment of any civil fines, penalties, and abatement costs for bringing the property into compliance.

B. Property Owners. It is the intent of this Title to include property owners within the obligation for complying with its requirements as persons responsible for the condition of land and buildings situated within the City of Sedro-Woolley and within the scope of the Sedro-Woolley Municipal Code and for bringing the land and buildings into compliance. Persons, including any legal entity, who are owners of property where a civil code violation exists are included as "Person (s) responsible" as defined by SWMC 18.05.030 K in the event a violation continues after being notified of the violation by the City. After being notified of a code violation, the property owner shall provide the Director, within seven days of the notice upon request, the identification of any lessor, tenant or other person entitled to control, use, and/or occupy property along with the copy of any rental or lease agreement. Failure to provide such information shall result in a violation of this title.

**18.10.050 Administrative Conferences**

An informal administrative conference may be conducted by the Director at any time for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation. Interested parties should not be unreasonably excluded from such conferences.

**18.10.060 Investigation, Civil Infraction Citations, and Notices of Violation.**

A. Whenever the Department receives a complaint of a civil code violation from a member of the public, member of the Department itself, or from another Department, the Director shall order an investigation.

B. Upon investigation, the Director shall determine whether there is reasonable cause to believe that a civil code violation has occurred. If the Department determines that such a violation has not occurred, the complaint and file will be closed.

C. If the Director determines that reasonable cause exists to believe that a civil code violation has occurred, the Director:

1. Shall document what remedial action is necessary to bring the site into compliance with the code.
2. Shall issue a notice of violation and order in accordance to the provisions of Chapter 18.15 SWMC or a notice of infraction in accordance to the provisions of Chapter 18.25 SWMC to the person responsible for the violation. The Director should consider the following circumstances in deciding whether or not to issue a notice of violation in lieu of a notice of infraction:
  - a. When an emergency exists; or
  - b. When a repeat violation occurs; or
  - c. When the violation creates a situation or condition that cannot be corrected; or
  - d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or
  - e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

**Chapter 18.15**

**NOTICE OF VIOLATION AND ORDER/ADMINISTRATIVE PROCEEDING**

Sections:

- 18.15.010 Notice of violation.
- 18.15.020 Service – Notice of violation.
- 18.15.030 Right of Appeal– Timeliness.
- 18.15.040 Appeal Procedure.

**18.15.010 Notice of Violation**

- A. After investigation, the Director may serve a Notice of Violation and Order upon the person responsible for the civil code violation. In the event a notice of violation is issued, the Department shall investigate and re-inspect any site at the end of the timeframe specified in the notice of violation to ensure that the condition(s) has been corrected in accordance with the terms specified in the notice of violation. If the re-inspection reveals that the condition(s) has been corrected the complaint and file will be closed. If the condition has not been corrected any person violating or failing to comply with the provisions a Notice of Violation and Order shall be subject to penalties set forth in Chapter 18.35 SWMC.
- B. The Notice of Violation and Order shall contain the following information:
1. The address or other identification of the location of the violation; and
  2. A brief and concise description of the conditions alleged to be in violation of the municipal code, permit, ordinance, public rule, resolution, or regulation and a reference to the provision(s) of the municipal code, permit, ordinance, public rule, resolution, or regulation that is being violated; and
  3. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action that must be obtained from the proper issuing agency; and
  4. A statement declaring the timeframe for correcting the violation or, if applicable, submitting an acceptable work schedule with voluntary compliance agreement; and
  5. A statement notifying the person responsible for the code violation that at the end of the specified timeframe a re-inspection of the property will be conducted to ensure that the necessary corrective or abatement actions have been completed; and
  6. A statement notifying the person responsible for the code violation explaining the appeal process and the specific information required to file an appeal; and
  7. A statement advising any person that failure to comply with the provisions in the Notice of Violation and Order shall carry with it a cumulative monetary penalty as set forth in Chapter 18.35 SWMC per day for each violation from the date set for compliance in the Notice of Violation and Order until compliance with the Notice of Violation or order is achieved; and
  8. A statement of the abatement procedure that may be implemented by the City if the party responsible and a notice that the person responsible for the violation will be charged with the costs associated with such an abatement procedure as authorized by Chapter 18.40 SWMC.

C. Amendment. A Notice of Violation and Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

D. Final Orders. Any Notice of Violation and Order issued pursuant to this Chapter shall become a final order unless, no later than fifteen calendar days after the Notice of Violation and Order is served, any person aggrieved by the Notice of Violation and Order files and appeal with the Director in accordance with SWMC 18.15.030 and SWMC 18.15.040.

#### **18.15.020 Service – Notice of Violation**

A. Service of a notice of violation shall be made on a person responsible for the code violation by one or more of the following methods:

1. Personal service of the notice of violation on the person identified by the Department as being responsible for the code violation, or by leaving a copy of the notice of violation at that person's house of usual abode with a person of suitable age and discretion who resides there.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice of violation in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below.
3. Service by mail may be made for a notice of violation by mailing a copy, postage prepaid, by ordinary first class mail, to the person responsible for the code violation at his or her last known address, at the address of the violation, or at the address of the place of business of the person responsible for the code violation. The taxpayer's address as shown on the tax records of the County shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the notice of violation was placed in the mail.
4. If the person responsible for the code violation cannot be personally served within the City of Sedro-Woolley, and if an address for mailed service cannot reasonably be determined, then service may be made by posting the notice of violation in a conspicuous place on the property where the violation occurred.

B. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

C. The failure of the Director to make or attempt service on any person named in the notice of violation shall not invalidate any proceedings as to any other person duly served.

**18.15.030 Right of Appeal–Timeliness.**

A. Time for appeal. Other than the issuance of a Civil Infraction, a person aggrieved by the Director’s action as a result of a Notice and Order, other order, decision, ruling, or interpretation by the Director, may appeal the Director’s action by filing a written request for appeal with the Director within fifteen calendar days after receiving or otherwise being served with notice of the Director’s action. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Failure to file a written request for appeal within time prescribed will result in the Director’s action becoming a final order and the appellant shall be bound thereby.

B. Reconsideration. An aggrieved person may request reconsideration of the Director’s action in writing within ten calendar days after receiving or otherwise being served with notice of the Director’s action by submitting the request to the appropriate Department contact listed in the notice of violation. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Any reconsideration request shall cite specific references to the findings and/or criteria contained in the ordinances, rules, permit, or other authority governing the type of decision being reviewed. The Director shall promptly review the reconsideration request and shall, within five working days, issue a written decision on reconsideration, either approving or denying the request. A request for reconsideration temporarily suspends the period within which an appeal of the Director’s decision from the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period for appeal of the Director’s action shall recommence for the remaining number of days.

C. Appeal to be heard by City’s Hearing Examiner. A timely filed appeal will be heard by the City’s Hearing Examiner as established by Chapter 2.34 SWMC, following procedures set in SWMC 18.15.040. Any appeal of the Director’s action may be affirmed, reversed or modified in the Hearing Examiner’s final order. The decision of the Hearing Examiner shall be a final order and the appellant and the Director shall be bound thereby unless, within twenty one days from the date of the issuance of the Hearing Examiner’s final order, a person with standing to appeal files a petition to the Superior Court. The cost for the transcription of all records ordered certified by the Superior Court for such review shall be borne by the appellant.

**18.15.040 Appeal Procedure**

A. An aggrieved person who desires to file an appeal of the Director’s action must do so pursuant to the provisions set forth in this section. The appellant shall file a written appeal to the Director within the time period prescribed in SWMC 18.15.030 and shall pay a filing fee of \$100 dollars. The written appeal shall contain the following information:

1. The name of all appellants participating in the appeal;
2. A brief statement of the specific Director’s action protested, together with any material facts claimed to support the contentions of the appellant;

3. A brief statement of the relief sought, and the reason why the protested action should be reversed, modified, or otherwise set aside;

4. The signatures of all parties named as appellants and their mailing addresses;  
and

5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Upon the receipt of the appeal and the filing fee, the Director shall transmit the same to the City Planning Director who shall schedule an appeal hearing before the Hearing Examiner and give due notice thereof to the appellants.

C. At or after the appeal hearing, the Hearing Examiner may affirm, reverse, or modify the Director's action or continue the hearing to a date certain for receipt of additional information.

D. The Hearing Examiner shall issue a written decision within thirty days after the hearing and shall cause copies thereof to be sent to the Director and appellants.

E. All written orders by the Hearing Examiner pursuant to this section shall include a report giving findings of fact, conclusions, and the Hearing Examiner's decision.

F. The written decision of the Hearing Examiner shall be a final order, and the appellant and the Director shall abide thereby unless the order is appealed to Superior Court within the time period prescribe by SWMC 18.15.030 C by a person with standing to appeal.

G. The appeal procedures set forth in this chapter shall not apply to project permit applications, land use applications, or specific land use actions identified in chapter 2.90 SWMC. In the event of a conflict between this chapter and any chapter 2.90 SWMC involving appeal procedures, chapter 2.90 SWMC shall control.

## **Chapter 18.20**

### **VOLUNTARY COMPLIANCE AGREEMENTS**

Sections:

18.20.010 Voluntary compliance agreement.

18.20.020 Failure to meet terms of voluntary compliance agreement.

#### **18.20.010 Voluntary compliance agreement.**

A. Whenever the Director determines that a civil code violation has occurred or is occurring, the Director may make reasonable efforts to secure voluntary compliance from the person responsible for the code violation. Upon contacting the person responsible for the code violation, the City may enter into a voluntary compliance agreement as provided for in this section.

B. Issuance of Voluntary Compliance Agreement. A voluntary compliance

agreement may be entered into between the person responsible for the code violation and the City.

C. The voluntary compliance agreement is a written signed commitment by the person responsible for the code violation under which such person agrees to abate the violation, remediate the site, and/or mitigate the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name, address and signature of the person responsible for the code violation; and
2. The address or other identification of the location of the violation; and
3. A description of the violation and a reference to the provision(s) of the ordinance, resolution or regulation that has been violated; and
4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed; and
5. An agreement by the person responsible for the code violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary compliance agreement; and
6. The amount of the civil penalty that will be imposed pursuant to Chapter 18.35 SWMC if the voluntary compliance agreement is not satisfied; and
7. An acknowledgement that by entering into the voluntary compliance agreement the person responsible for the code violation waives the right to appeal, and thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and
8. An acknowledgement that the voluntary compliance agreement may be recorded against the property with the Skagit County Auditor's office; and
9. An acknowledgement that if the Director determines that the terms of the voluntary compliance agreement are not met, the City may, without issuing a notice of infraction, or stop work order, impose any civil remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and
10. An acknowledgement that if a penalty is assessed, and if any assessed penalty, fee or cost is not paid, the Director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for the code violation, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for the code violation; and
11. An acknowledgement that the person responsible for the code violation understands that he or she has the right to be served with a notice of infraction, or stop work order for any violation identified in the voluntary compliance agreement, has the right to appeal any such notice of infraction or stop work order, and that he or she is knowingly, voluntarily and intelligently waiving those rights.

12. That should the City be required to enforce the agreement, the person responsible shall be liable for all costs incurred including reasonable attorney fees should a court of competent jurisdiction determine the City is the prevailing party.

D. Upon entering into a voluntary compliance agreement, a person responsible for the code violation waives the right to appeal, and thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the Director determines the terms of the voluntary compliance agreement are not met, he or she is liable for the civil penalty available under Chapter 18.35 SWMC and identified in the voluntary compliance agreement, shall bear the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in Chapter 18.40 SWMC, and is subject to all other remedies provided for in this title.

E. The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance as determined by the Director. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the Director at the Director's sole discretion if the person responsible for the code violation has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

#### **18.20.020 Failure to meet terms of voluntary compliance agreement.**

If the terms of the voluntary compliance agreement are not completely met, the Director may:

A. Abate the violation in accordance with the provisions of this title, and the person responsible for the code violation may, without being issued a notice of infraction or stop work order, be assessed a civil fine or penalty commencing on the day after the deadline for compliance, in accordance with the penalty provisions of this title, plus all costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that an appeal of any preceding notice of infraction or stop work order was required to have been filed or from the date the voluntary compliance agreement was entered into if there was no preceding stop work order or notice of infraction; or

B. Issue a notice of infraction, or stop work order for failure to meet the terms of the voluntary compliance agreement; or

C. Refer the matter to the City Attorney's Office to initiate legal proceedings to enforce the terms and conditions set forth in the voluntary compliance agreement.

**Chapter 18.25**  
**NOTICE OF INFRACTION**

Sections:

- 18.25.010 Notice of infraction.
- 18.25.020 Assessment of Monetary Penalty.

**18.25.010 Notice of infraction.**

A. Authority - Issuance.

1. If after investigation, the Director has reasonable cause that a civil code violation has occurred or is occurring the Director may issue a notice of infraction to the person responsible for the code violation and into the Sedro-Woolley Municipal Court.

2. The Director may issue a notice of infraction without having attempted to secure a voluntary compliance agreement as provided in Chapter 18.20 SWMC. The Director should consider the following circumstances in deciding whether or not to seek a voluntary compliance agreement:

- a. When an emergency exists; or
- b. When a repeat violation occurs; or
- c. When the violation creates a situation or condition that cannot be corrected; or
- d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or
- e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

3. Civil infraction citations will be issued and processed in accordance with Chapter 7.80 RCW as now or hereafter amended and which is incorporated herein by reference. The Sedro-Woolley Municipal Court shall have jurisdiction over all civil infraction citations issued under this chapter.

B. Right of Appeal- timeliness. Civil infractions may be contested in the manner specified for such infractions pursuant to Chapter 7.80 RCW.

**18.25.020 Assessment of Monetary Penalty.**

Monetary penalties assessed by the Court shall be in accordance with the monetary penalty set forth in Chapter 18.35 SWMC.

**Chapter 18.30**  
**STOP WORK ORDERS**

Sections:

- 18.30.010 Authorized.
- 18.30.020 Effect.
- 18.30.030 Service of a stop work order.
- 18.30.040 Remedy – Civil penalties.

**18.30.010 Authorized.**

The Director is authorized to issue a stop work order to a person responsible for the civil code violation. Issuance of a notice of violation or notice of infraction is not a condition precedent to the issuance of the stop work order.

**18.30.020 Effect.**

A. A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

B. A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the Director.

C. A stop work order may be challenged according to the procedures prescribed in SWMC 18.15.030 and SWMC 18.15.040.

D. Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.

**18.30.030 Service of a stop work order.**

A. Service of a stop work order shall be made on a person responsible for the civil code violation by one or more of the following methods:

1. Personal service may be made on the person identified by the Director as being responsible for the civil code violation, or by leaving a copy of the stop work order at that person's house of usual abode with a person of suitable age and discretion who resides there.
2. Service directed to the landowner and/or occupant of the property may be made by posting the stop work order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below.
3. Service by mail may be made for a stop work order by mailing a copy, postage prepaid, by ordinary first class mail, to the person responsible for the code violation at his or her last known address, at the address of the violation, or at the address of the place of business of the person responsible for the code violation. The taxpayer's address as shown on the tax records of the County shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the stop work order was placed in the mail.

B. If the person responsible for the code violation cannot be personally served within the City of Sedro-Woolley and if an address for mailed service cannot reasonably be determined, then service of the stop work order may be made by posting the stop work order in a conspicuous place on the property where the violation occurred.

C. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

D. The failure of the Director to make or attempt service on any person named in the stop work order shall not invalidate any proceedings as to any other person duly served.

**18.30.040 Remedies.**

A. In addition to any other judicial or administrative remedy, the Director may assess civil penalties for the violation of any stop work order as set forth in the civil penalty schedule contained in Chapter 18.35 SWMC.

B. Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

C. Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for the code violation. The City of Sedro-Woolley may collect the civil penalties assessed by any appropriate legal means.

D. Violation of a stop work order is hereby declared to be a nuisance and the City is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The costs for injunction or abatement shall be recovered by the City from the person responsible for the code violation in the manner provided by law.

E. In addition to all other remedies, a lien for the value of civil penalties imposed may be filed against the real property that is subject to compliance with this chapter.

**Chapter 18.35  
CIVIL FINES AND CIVIL PENALTIES**

Sections:

- 18.35.010 Assessment schedule.
- 18.35.020 Civil penalty – Definitions.
- 18.35.030 Duty to comply.
- 18.35.040 Civil penalty – Critical Areas.
- 18.35.050 Waivers.

**18.35.010 Assessment schedule.**

A. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a notice of violation, notice of infraction, stop work order or voluntary compliance agreement.

B. The maximum monetary penalty for each separate violation per day or portion thereof shall be as follows:

1. First day of each violation-\$100.00;
2. Second day of each violation - \$200.00;
3. Third day of each violation - \$300.00;
4. Fourth day of each violation - \$400.00;
5. Each additional day of each violation beyond four days - \$500.00 per day

C. The Director or the Sedro-Woolley Municipal Court may suspend civil penalties if the person responsible for the code violation has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary

compliance agreement if any necessary permits applied for are denied, canceled, or not pursued or if corrective action identified in the voluntary compliance agreement is not completed as specified.

**18.35.020 Duty to comply.**

Persons responsible for the code violation have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the person responsible for code compliance has come into compliance with the notice of violation, notice of infraction, voluntary compliance agreement, or stop work order and has notified the Director of this compliance

**18.35.030 Civil penalty –Critical areas.**

A. The code compliance provisions for critical areas are intended to encourage compliance with Chapter 17.65 SWMC, to protect critical areas and the general public from harm and to further the remedial purposes of this title. To achieve this, persons responsible for the code violation will not only be required to restore damaged critical areas, insofar as that is possible and beneficial, but will also be required to pay a civil penalty for the redress of ecological, recreation, and economic values lost or damaged due to their unlawful action.

B. The provisions in this section are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law for other related violations.

C. Where feasible, the owner of the land on which the violation occurred shall be named as a party to the notice of infraction. In addition to any other persons who may be liable for a violation, and subject to the exceptions provided in Chapter 17.65 SWMC the owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.

D. For the purposes of this section, violation of the City’s Critical Area Ordinance means:

1. The violation of any provision of Chapter 17.65 SWMC or of the administrative rules promulgated thereunder;
2. The failure to obtain a permit required for work in a critical area; or
3. The failure to comply with the conditions of any permit, approval, terms and conditions of any critical area tract or setback area, easement or other covenant, plat restriction, binding assurance, notice and order, stop work order, mitigation plan, contract, or agreement issued or concluded pursuant to the above-mentioned provisions.

E. Any person in violation of a critical areas ordinance may be subject to civil penalties, costs, and fees assessed as follows:

1. According to the civil penalty schedule included in this chapter of this title; or
2. The greater of:
  - a. An amount determined to be equivalent to the economic benefit that the person responsible for the code violation derives from the violation measured as the total of:

- i. The resulting increase in market value of the property;
  - ii. The value received by the person responsible for the code violation; and
  - iii. The savings of construction costs realized by the person responsible for the code violation as a result of performing any act in violation of this chapter; or
- b. Code compliance costs (such amount not to exceed \$50,000) incurred by the City to enforce Chapter 17.65 SWMC against the person responsible for the code violation.

**18.35.040 Separate Offenses.**

For enforcement purposes, each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which a violation of this chapter occurs, shall constitute a separate violation.

**18.35.050 Remedies.**

A. Subject to the appeal provisions in SWMC 18.15.030, SWMC 18.15.040, and Chapter 7.80 RCW a notice of violation and order or civil infraction citation represents a determination that a civil code violation has occurred, the cited party is a person responsible for the code violation, and that the violations set out in the notice of violation and order or civil infraction will subject the person responsible for the civil code violation the assessment of penalties and costs and all other legal or equitable means available including:

1. Civil penalties and costs;
2. A requirement that abatement, remediation and /or mitigation be performed;
3. Permit suspension, revocation, modification, and/or denial as prescribed by this chapter;
4. Abatement by the Director and recovery of the costs of abatement according to the procedures described by this title.

B. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom a notice of violation or civil infraction was issued of the duty to correct the violation.

C. The City is authorized to take a lien for the value of civil penalties imposed against the real property of the person responsible for the code violation pursuant to Chapter 18.45 SWMC. The City Attorney on behalf of the City may collect the civil penalties assessed by any appropriate legal means.

D. Community service. The Court, Director or Hearing Examiner is authorized to allow a person responsible for the civil code violation who accumulates civil penalties as the result of a notice of violation and order or civil infraction to voluntarily participate in community service projects in lieu of paying all or a portion of the assessed civil penalties with the exception to administration, court costs, or costs incurred by the City to

abate a condition caused by the civil code violation. Community service may include, but is not limited to, abatement, restoration or education programs. The amount of community service will reasonably relate to the comparable value of penalties assessed against the violator and shall take into consideration the severity of the violation, any history of previous violations and practical and legal impediments in considering whether to allow community service in lieu of paying penalties.

E. Cost recovery. In addition to other remedies available under this title, the person responsible for the civil code violation shall be liable for all costs of pursuing abatement incurred to correct a code violation, including legal and incidental expenses. Such costs are due and payable 30 days from mailing of the invoice.

1. For purposes of this section, “legal and incidental expenses” shall include but are not limited to:

- a) Personnel costs, both direct and indirect, including attorney’s fees and costs incurred to document the violation as soon as the violation occurs;
- b) Hauling, storage and disposal expenses;
- c) Actual expenses and costs of the City in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and

2. All costs assessed by the City in pursuing code compliance and/or abatement create a joint and several personal obligation in all persons responsible for the civil code violation. The City Attorney on behalf of the City may collect the costs of code compliance efforts by any appropriate legal means.

3. The City of Sedro-Woolley may take a lien for the value of the costs of pursuing code compliance against the real property of the person responsible for the civil code violation pursuant to Chapter 18.45 SWMC

### **18.35.060 Suspension, revocation or limitation of permit.**

A. The Director may suspend, revoke or limit any permit issued by such Director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;
2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
3. The permit was issued in error or on the basis of materially incorrect information supplied to the City;
4. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled; or
5. For a permit or approval that is subject to critical area review, the applicant has failed to disclose a change of circumstances on the development proposal site that materially affects an applicant’s ability to meet the permit or approval conditions or which makes inaccurate the critical area study that was the basis for establishing permit or approval conditions.

B. Notice of such suspension, revocation, or modification shall be sent in the same manner as set forth in SWMC 18.15.020 for a notice of violation. Such revocation, suspension, or cancellation of a permit may be appealed using those procedures set forth in SWMC 18.15.030 and SWMC 18.15.040.

C. Notwithstanding any other provision of this title, a Director may immediately suspend operations under any permit by issuing a stop work order pursuant to Chapter 18.30 SWMC.

## **Chapter 18.40 ABATEMENT**

Sections:

18.40.010 Abatement by the City.

### **18.40.010 Abatement by the City.**

A. The City may abate a condition that was caused by or continues to be a Civil Code violation when:

1. The terms of any voluntary compliance agreement pursuant to Chapter 18.20 SWMC have not been met; or
2. A notice of violation and order has been issued pursuant to Chapter 18.15 SWMC, no appeal was timely and properly filed and the required correction has not been completed; or
3. An order by any court of competent jurisdiction has been entered; or
4. The condition is subject to summary abatement as provided for in this section.

B. Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety, or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including reason for it, shall be given to the person responsible for the code violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and remove or correct the condition that is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the civil code violation and/or owner, lessor, tenant, or other person entitled to use and/or control of the property and shall be payable to the City within thirty calendar days. The term "incidental expenses" includes but is not limited to personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; hauling, storage, and disposal expenses; actual expenses and costs of the City in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the

work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in Chapter 18.45 SWMC.

E. Account of Costs. The Director shall keep an itemized account of costs incurred by the City in the abatement of any violation under this title. Upon completion of any abatement work, the Director shall prepare a report specifying a legal description of the real property where the abatement work occurred, the work done for each property, the itemized costs of the work, including legal and incidental expenses, and interest accrued.

F. Code Compliance and Abatement Fund – Authorized. All monies collected from the assessment of civil penalties and for abatement costs and work, except those monies designated for the critical areas mitigation fund as set forth in Chapter 17.65 SWMC, shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of an account in the fund or other appropriate accounting mechanism.

## **Chapter 18.45 LIENS**

Sections:

- 18.45.010 Filing and contents.
- 18.45.020 Lien – Supplemental.
- 18.45.030 Lien – Limitation of action – Duration.

### **18.45.010 Filing and contents.**

A. Within 90 days from the date any civil penalty, civil fine, abatement cost, or enforcement cost is due pursuant to this title, the Director may file a lien against the property of a person responsible for the civil code violation for the amount owing with the Skagit County Auditor’s Office.

B. The lien shall contain the following information:

1. The City of Sedro-Woolley code provision, rule, permit, ordinance, regulation or resolution violated;
2. A brief description of the violation and its duration at the date of filing;
3. A brief description of the abatement work done, if any, and who performed the abatement work;
4. The owner of the property, if known, or a statement that the owner is not known;
5. A legal description of the property;
6. The amount of penalties, fines or costs that are owing; and
7. A sworn statement signed by the Director that the Director believes the claim is just.

### **18.45.020 Lien – Supplemental.**

The Director may file supplemental liens with the Skagit County Auditor’s Office to update information regarding penalties, fines, costs or fees contained in any existing lien.

**18.45.030 Lien – Limitation of action – Duration.**

No lien created by this title binds the property subject to the lien for a period longer than five years after the lien claim has been recorded, without foreclosure or extension agreed to by the property owner.

A. When all penalties and/or abatement costs assessed against the property owner have been paid, the Director shall expeditiously file a satisfaction of lien with the Skagit County Auditor’s Office. The satisfaction shall include a legal description of the property where the violation occurred.

**Chapter 18.50  
UNFIT DWELLINGS, BUILDINGS AND STRUCTURES**

Sections:

- 18.50.010 Findings.
- 18.50.020 Building Official Designate Public Officer.
- 18.50.030 Unfit Dwelling, Building, or Structure- Criteria.
- 18.50.040 Notice of Complaint - Service – Pre-Determination Hearing.
- 18.50.050 Order to Repair or Remove Unfit Dwelling, Building, or Structure.
- 18.50.060 Administrative Appeal.
- 18.50.070 Judicial Appeal.
- 18.50.080 Abatement.
- 18.50.090 Assessment- Lien Created.

**18.50.010 Findings.**

The Sedro-Woolley City Council finds that there exists within the incorporated limits of the City dwellings that are unfit for human habitation, and buildings, structures and premises or portions thereof that are unfit for other uses due to conditions that are inimical to the health and welfare of City residents and that pursuant to Chapter 35.80 RCW the City has adopted Chapter 18.50 SWMC relating to such dwellings, buildings, structures, or premises and hereby is authorized to exercise any and all powers granted under Chapter 38.80 RCW as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter. This Chapter shall not abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred by any other law. This Chapter shall not impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

**18.50.020 Building Official Designated Public Officer.**

Pursuant to RCW 35.80.030 (1), the City’s Building Official is hereby designated or appointed as the public officer who shall exercise the powers under this Chapter and may after a preliminary investigation of any dwelling, building, structure, or premises, find that it is unfit for human habitation or other use.

**18.50.030 Unfit Dwelling, Building or Structure – Criteria.**

The Building Official may determine that a dwelling, building, structure or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage. The Building Official shall use minimum standards covering such conditions set forth in the City's development regulations including but not limited to Titles 8, 15, 16, 17 of the SWMC and any model code adopted by reference to guide the Building Official in determining the fitness of a dwelling for human habitation, or building, structure, or premises for other use shall set forth in the City's. Those standards shall comply with the requirements set forth in RCW 35.80.030 (1)(e) before the Building Official may make such a determination under this chapter.

**18.50.040 Notice of Complaint - Service – Pre-Determination Hearing.**

If, after investigation, the Building Official finds that any dwelling, building, structure or premises unfit for human habitation or other use he or she shall cause a complaint to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, and the Building Official makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first-class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. Such complaint shall contain a notice that a hearing will be held before the Building Official, at a place therein fixed, not less than ten days nor more than thirty days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, structure, or premises is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law

**18.50.050 Order to Repair or Remove Unfit Dwelling, Building, or Structure.**

If, after the required hearing set forth in SWMC 18.50.040 above, the Building Official determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, he or she shall state in writing findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in SWMC 18.50.040 above, and shall post in a conspicuous place on the property, an order that:

A. Requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in SWMC 18.50.030; or

B. Requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of those standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

**18.50.060 Administrative Appeal.**

The City's Hearing Examiner as established by Chapter 2.34 SWMC shall serve as the municipal agency to serve as the appeals commission pursuant to RCW 35.80.030 (1)(g). The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the Building Official under SWMC 18.50.050, may file an appeal to be heard by the City's Hearing Examiner. The procedures set forth in SWMC 18.15.040 shall be followed to assure a prompt and thorough review of matters submitted to the Hearing Examiner, and such rules of procedure shall include the following, without being limited thereto:

A. All matters submitted under this chapter to the Hearings Examiner must be resolved by the Hearing Examiner within sixty days from the date of filing therewith and

B. A transcript of the findings of fact of the Hearings Examiner shall be made available to the owner or other party in interest upon demand.

All findings and orders of the Hearings Examiner shall be reported in the same manner and shall bear the same legal consequences as if issued by the Building Official, and shall be subject to review only in the manner and to the extent provided in SWMC 18.50.070.

**18.50.070 Judicial Appeal.**

Pursuant to RCW 35.80.030 (2), any person affected by an order issued by the Hearing Examiner pursuant to SWMC 18.50.060 may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the City from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

**18.50.080 Abatement.**

Pursuant to the authority granted under RCW 35.80.030, if the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the Building Official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

**18.50.090 Assessment - Lien Created.**

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the City, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For purposes of this subsection, the cost of vacating and closing shall include:

A. The amount of relocation assistance payments that a property owner has not repaid to a municipality or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085 and

B. All penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085.

Pursuant to RCW 35.80.030 (1)(h), upon certification to the Finance Director of the assessment amount being due and owing, the County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building, structure, or premises is removed or demolished by the City, the City shall, if possible, sell the materials of such dwelling, building, structure, or premises in accordance with procedures set forth in the ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes as required under RCW 35.80.030 (1)(h).

**SECTION 2. Section 5.04.060E of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**5.04.060E Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 3. Section 5.08.210 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**5.08.210 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 4. Section 5.28.110 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**5.28.110 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 5. Section 5.32.050 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**5.32.050 Violations – Penalties.**

Any person violating this chapter shall be guilty of a crime punishable by a fine not to exceed five thousand dollars or imprisonment not to exceed one year in jail, or by both such fine and imprisonment.

**SECTION 6. Section 5.48.030 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**5.48.030 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 7. Section 8.04.110 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**8.04.110 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 8. Section 8.16.090 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**8.16.090 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of SWMC 8.16.020 through 8.16.030 of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 9. Section 8.16.040 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 10. Section 8.16.050 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 11. Section 8.16.060 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 12. Section 8.16.070 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 13. Section 8.16.080 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 14. Section 13.24.340 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 15. Section 13.24.350 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 16. Section 13.24.360 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 17. Section 13.24.370 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 18. Section 13.24.380 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 19. Section 13.24.410 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 20. Section 13.24.420 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 21. A new section of the Sedro-Woolley Municipal Code is hereby adopted to read as follows:**

**13.24.\_\_\_\_ Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 22. Chapter 13.32 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**13.32 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Title shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 23. Section 13.36.150 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**13.36.150 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 24. Section 15.04.055 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 25. Section 15.04.060 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**15.04.060 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 26. Section 15.44.100 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**15.44.100 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 27. Section 16.04.120 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**16.04.120 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

**SECTION 28. Section 16.04.130 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 29. Section 17.80.010 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:**

**17.80.010 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement

**SECTION 30. Section 17.80.020 of the Sedro-Woolley Municipal Code is hereby repealed.**

**SECTION 31. Severability.** 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 32.** This ordinance shall take effect five (5) days after passage, approval and publication as provided by law.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this \_\_\_\_ day of \_\_\_\_\_, 2010, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

---

Eron Berg, City Attorney

FILED WITH THE CITY CLERK: FEBRUARY 5, 2010

PUBLIC HEARING: N/A

FIRST READING: FEBRUARY 10, 2010

SECOND READING: FEBRUARY 24, 2010

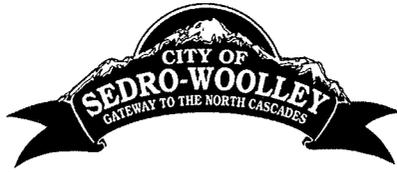
THIRD READING: MARCH 10, 2010

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

DATE OF PUBLICATION:

NEW  
BUSINESS



CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 10 2010

7:00 P.M. COUNCIL CHAMBERS  
AGENDA NO. 12

**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:** March 10, 2010

**Subject:** Reduction of school impact fees -1<sup>st</sup> read

---

**ISSUE**

Should the Council approve an ordinance to reduce school impact fees to the amount that the Sedro-Woolley School District (SWSD) has adopted as part of their most recent Capital Facilities Plan?

**PROJECT DESCRIPTION / HISTORY**

The SWSD Board of Directors adopted a revised Capital Facilities Plan on February 22, 2010. After calculating their projected needs in the immediate future, the required School District Impact Fees were reduced.

The fee required for single-family residences was reduced from \$5,239 to \$2,649. The fee required for multi-family residences was reduced from \$5,254 to \$1,398.

To affect this change for building permit applicants, the City Council would need to adopt the change as a modification to the Municipal Code as set forth in SWMC 15.64.140.

**EXHIBIT**

SWSD 2010 Capital Facilities Plan

**RECOMMENDED ACTION**

No action recommended until Council's second read of the proposal

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SEDRO-WOOLLEY MUNICIPAL CODE TO DECREASE THE IMPACT FEES FOR SCHOOLS AS REQUESTED BY THE SEDRO-WOOLLEY SCHOOL DISTRICT

Whereas, the City of Sedro-Woolley collects impact fees from developers for the benefit of the Sedro-Woolley School District (SWSD), and

Whereas, the SWSD bases its impact fees on its six year Capital Facilities Plan which was just updated and adopted by the SWSD Board of Directors on February 22, 2010, a copy of which is attached to this ordinance, and

Whereas, as a result of changes to the SWSD Capital Facilities Plan, impact fees needed by the schools to pay for the growth planned in the six year plan have been substantially reduced; and

Whereas, the City Council desires to reduce the impact fees charged for schools as requested by the SWSD, now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 15.64.130 SWMC, is amended to read as follows:

15.64.130 School impact fees and administrative fees.

A. The school impact fees set forth in Appendix A, attached to this chapter, are generated from the formula for calculating impact fees set forth in District No. 101 capital facilities plan. Except as otherwise provided in Section 15.64.050, 15.64.060 or 15.64.150, all development activity in the city will be charged the school impact fee in Appendix A.

B. The city's cost of administering the impact fee program shall be thirty-five dollars per dwelling unit and shall be paid by the applicant to the city as part of the development application fee

**Section 2.** Appendix A to Chapter 15.64 SWMC, is amended to read as follows:

A. Single Family Units: Two thousand six hundred forty nine dollars (\$2,649.00) per single-family residential unit or mobile or manufactured home (whether on a single lot, condominium unit or mobile park.

B. Multifamily Units: One thousand three hundred ninety eight dollars (\$1,398.00) per residential unit in a multifamily structure. Note: detached, single housing units shall be

considered single-family residential units, without regard to the form of ownership, including condominium ownership.

**Section 3.** This ordinance shall be effective five (5) days after passage and publication as provided by law.

**Section 4.** 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 \_\_\_\_\_, 2010, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Anderson, Mayor

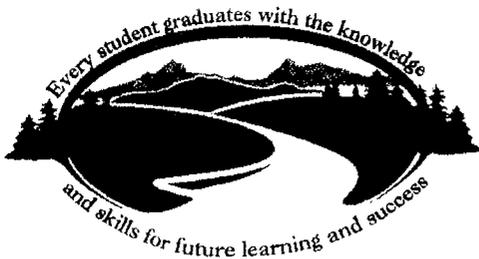
Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

\_\_\_\_\_  
Eron Berg, City Attorney

Published:



# *Sedro-Woolley School District No. 101*

801 Trail Road, Sedro-Woolley, WA 98284 • (360) 855-3500 • FAX (360) 855-3574

February 25, 2010

Jack Moore, Planning Director/Bldg Official  
City of Sedro-Woolley  
720 Murdock Street  
Sedro-Woolley, WA 98284

Dear Mr. Moore:

Enclosed please find the 2010 Six-Year Capital Facilities Plan of the Sedro-Woolley School District No. 101. The Board of Directors adopted the 2010 Capital Facilities Plan on February 22, 2010. The District requests that the City of Sedro-Woolley (1) update the Capital Facilities element of the City's Comprehensive Plan to reflect the District's 2010 Capital Facilities Plan; and (2) accordingly update the school impact fee ordinance to reflect the District's updated school impact fees.

Please let me know if you have any questions.

Sincerely,

Stewart Mhyre  
Executive Director, Business and Operations

Enclosure

**Sedro-Woolley  
School District #101**

**Capital Facilities Plan  
2010**

**Sedro-Woolley School District  
801 Trail Road  
Sedro-Woolley, WA 98284  
(360) 855-3500**

**Adopted February 22, 2010  
By the Board of Directors**

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- APPENDIX B – Student Generation Rates**
- APPENDIX C – Impact Fee Calculations**

## I. INTRODUCTION

The purpose of this Capital Facilities Plan is to provide a verifiable estimate of the present and future construction and capital facilities needs for the Sedro-Woolley School District No. 101 (“District”), and the basis for requesting the imposition of school impact fees by Skagit County, the City of Sedro-Woolley, the City of Mount Vernon, and the towns of Lyman and Hamilton. This Capital Facilities Plan contains all elements required under Washington’s Growth Management Act (the “GMA”).

Documenting the statutory and District requirements are essential for the planning of capital facility improvements, expansions, and new construction. Such criteria can provide information needed in making major decisions. The information can be used to accomplish the following:

1. Demonstrate the need for capital facilities and the costs required to administer, plan, and construct them in the most cost effective manner;
2. Identify the annual budget necessary for District operations;
3. Identify available sources of revenue; and
4. Demonstrate the District’s financial position in order to obtain better ratings on bond issues.

State law requires school districts to document their long-range construction and modernization needs within strict guidelines for State assistance in funding capital improvements. Moreover, the GMA requires counties of a certain size and the cities in these counties to prepare comprehensive plans. Such jurisdictions are required to develop a capital facilities plan as a component of these comprehensive plans. While the GMA does not specifically require school districts to adopt capital facilities plans, a district must prepare a capital facilities plan that is adopted as part of a city’s or county’s comprehensive plan in order to receive school impact fees under the GMA. This Capital Facilities Plan will be used to coordinate the District’s long-range facility needs with the comprehensive planning process under the GMA for the City of Sedro-Woolley, the City of Mount Vernon, the Town of Lyman, the Town of Hamilton, and Skagit County.

It is expected that this Capital Facilities Plan will be amended on a regular basis to take into account changes in the capital needs of the District and changing enrollment projections. The fee schedules will also be adjusted accordingly.

The District’s 2009 permanent capacity was 4,066, and the full-time equivalent October 1 enrollment for 2009 was 4,074. Enrollment projections indicate that there will be 4,188 FTE students enrolled in the District in the fall of 2014 (see Section IV.A).

## **II. STANDARD OF SERVICE**

The District uses the following ratios of teachers-to-students to meet their education objectives for program planning:

Elementary (Preschool - grades 6th)	21
Middle School (grades 7th - 8th)	25
High School (grades 9th - 12th)	26

These ratios are used for determining educational program capacity in existing schools and for the planning of new school facilities.

At the elementary level, the educational program capacity can generally be determined by taking the number of elementary classrooms available District-wide and multiplying by the teacher-to-student ratio (21) for a total count of elementary student capacity.

At the middle school level, different variables are considered in order to calculate the practical capacity of the facility. These factors include the following: students move between classes four periods per day, teachers use their classes one period per day as teacher preparation time, and six core subjects are required each semester, including math, language arts, reading, science/health, social studies, and physical education.

The facility capacity for the high school takes into consideration that both teachers and students move between classes and that the course structure for the high school students has many variables. Required course work must be completed prior to graduation, but there is a great deal of flexibility as to when classes may be taken. The base requirements are as follows:

<b>Credits</b>	<b>Subject</b>
0	Cumulating Project
4	English
3	Mathematics
3	Social Studies
3	Science
1	Occupational Education
2	Physical Education
1	Health
1	Fine Arts
1	Communications
1	Digitools
<u>11</u>	<u>Electives</u>
<b>31</b>	<b>Total</b>

Space needs in all school buildings, particularly at the middle and high school levels, include libraries, gymnasiums, areas for special programs and classes, teacher planning space, and other core facilities.

### **III. INVENTORY OF EXISTING FACILITIES**

The following chart summarizes the District’s inventory of instructional facilities. The District currently has permanent capacity for 4,066 students.

#### **Instructional Facilities**

<b>Facility</b>	<b>Square Footage</b>	<b>Location</b>	<b>Classrooms<sup>1</sup></b>	<b>Student Capacity<sup>2</sup></b>
Sedro-Woolley High School	187,612 sq. ft.	1235 Third Street Sedro-Woolley, WA 98284	52(1)	1,325
Cascade Middle School	81,253 sq. ft.	201 North Township Sedro-Woolley, WA 98284	28(2)	625
Central Elementary	44,100 sq. ft.	601 Talcott Sedro-Woolley, WA 98284	19(1)	399
Evergreen Elementary	58,110 sq. ft.	1111 McGarigile Road Sedro-Woolley, WA 98284	26(1)	546
Mary Purcell Elementary	40,450 sq. ft.	700 Bennett Sedro-Woolley, WA 98284	15(5)	315
Clear Lake Elementary	31,510 sq. ft.	2167 Lake Avenue Clear Lake, WA 98235	9(4)	189
Big Lake Elementary	20,780 sq. ft.	1676 Highway 9 Mount Vernon, WA 98273	8(2)	168
Samish Elementary	23,775 sq. ft.	2195 Highway 9 Sedro-Woolley, WA 98284	11	231
Lyman Elementary	19,219 sq. ft.	Lyman Avenue Lyman, WA 98263	8(1)	168
State Street High School	7,000 sq. ft.	800 State Street Sedro-Woolley, WA 98284	4(1)	100
<b>TOTAL</b>	<b>513,809 sq. ft.</b>			<b>4,066</b>

<sup>1</sup> Portable facilities indicated in parenthesis.

<sup>2</sup> Capacity calculations are based on District Standards as identified in Section II above and do not include temporary capacity provided by portable facilities. Furthermore, the student capacity figures incorporate space needs at each school.

**Administrative Facilities**

Sedro-Woolley School  
Administrative Office

801 Trail Road  
Sedro-Woolley, WA 98284

Sedro-Woolley School District  
Office

2079 Cook Road  
Sedro-Woolley, WA 98284

Support Services Building

317 Yellow Lane  
Sedro-Woolley, WA 98284



#### IV. CAPITAL FACILITIES NEEDS

##### A. Enrollment Projections

The need for new school facilities is directly related to population and other demographic trends such as birth rate, housing, and employment trends. These demographic trends are an important tool in predicting the educational service needs of this community, and the location, size, and capacity of new school facilities.

Demographic information gathered by Skagit County in the GMA planning process indicates that population in the County is expected to increase in the future. There has been and will continue to be an increase in the total number of households county-wide. Development data from Skagit County, the City of Sedro-Woolley, the City of Mount Vernon, and the towns of Lyman and Hamilton indicates that there are currently numerous housing development projects either under construction, approved for building, or in the planning stages. Current developments in the Nookachamps and Skagit Highlands areas are impacting growth in the Big Lake area. Additional school facilities will be needed to serve this increase in population.

The District has examined the six-year enrollment projections based upon enrollment data from the Office of the Superintendent of Public Instruction (OSPI) and the District's own demographic study. See Appendix A for the OSPI projections and page 7 herein for the District projections. The OSPI projections (considered a lagging indicator) are based upon a modified "cohort survival method" which uses historical enrollment data from the 5 previous years to forecast the number of students who will be attending school the following year. Notably, the cohort survival method does not consider enrollment increases based upon new development. As such, the enrollment projections should be considered highly conservative. The District has also reviewed enrollment projections based upon a demographic study prepared for the District.<sup>3</sup> The projections are based on factors including birth rates, population estimates, historical school enrollment figures, student migration, and planning/development information. The OSPI enrollment estimates are conservative in light of current development projects planned within the District. For example, the OSPI enrollment headcount enrollment projection for 2014 is 3,924 while the enrollment projections based upon the demographic study for that same year is 4,330. The District will continue to closely monitor actual enrollment and development within the District. Future updates to the Capital Facilities Plan will include updated enrollment data.

##### **Summary - District FTE Enrollment Projections: 2009-2014**

Year	2008 <sup>4</sup>	2009	2010	2011	2012	2013	2014
District Demographic Projections	4,171	4,124	4,076	4,084	4,107	4,161	4,188

<sup>3</sup> John Fotheringham and Keith Bigelow (October 2009).

<sup>4</sup> Actual FTE enrollment (Source: OSPI, October 2008). See Appendix A.

**Sedro-Woolley School District  
Enrollment Projections by Grade Level<sup>5</sup>**

	<b>2008<sup>6</sup></b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Kindergarten	281	276	279	284	290	285	285
Grade 1	265	279	284	287	292	301	294
Grade 2	306	286	287	292	295	303	310
Grade 3	328	310	297	298	304	309	314
Grade 4	330	324	315	302	303	311	314
Grade 5	301	338	329	320	306	310	315
Grade 6	319	290	341	332	323	311	313
<b>K-6 Head count</b>	<b>2,130</b>	<b>2,103</b>	<b>2,132</b>	<b>2,115</b>	<b>2,113</b>	<b>2,130</b>	<b>2,144</b>
Grade 7	308	327	295	347	338	331	317
Grade 8	316	311	333	301	354	347	337
<b>Grades 7-8 Head count</b>	<b>624</b>	<b>638</b>	<b>628</b>	<b>648</b>	<b>692</b>	<b>678</b>	<b>654</b>
Grade 9	334	326	322	345	311	369	359
Grade 10	347	332	330	325	349	317	373
Grade 11	340	313	306	304	300	324	292
Grade 12	348	356	315	308	306	304	326
<b>Grades 9-12 Head count</b>	<b>1,369</b>	<b>1,327</b>	<b>1,272</b>	<b>1,282</b>	<b>1,266</b>	<b>1,314</b>	<b>1,350</b>
<b>K-12 Head count</b>	<b>4,311</b>	<b>4,262</b>	<b>4,215</b>	<b>4,226</b>	<b>4,252</b>	<b>4,303</b>	<b>4,330</b>
<b>K-12 FTE</b>	<b>4,171</b>	<b>4,124</b>	<b>4,076</b>	<b>4,084</b>	<b>4,107</b>	<b>4,161</b>	<b>4,188</b>

Based upon this information, over the next six years, the District's enrollment is expected to increase very moderately at all grade levels.

<sup>5</sup> Source: Fotheringham & Bigelow (October 2009)

<sup>6</sup> Actual Headcount enrollment on October 1, 2008 (Source: OSPI). See Appendix A.

**B. Forecast of Future Needs**

The following is a summary of the District’s capital facilities needs over the next six years. To adequately serve future student population, the District anticipates renovating and expanding the existing Cascade Middle School (increasing capacity by approximately 216 students) and adding new classrooms and core facilities at Big Lake Elementary School. (Note that, in previous plans, the District had anticipated expanding middle school capacity by replacing Cascade Middle School with a new and expanded middle school.) The Board will make final decisions regarding these capital projects over the next six years.

Name of Facility:	<b>Cascade Middle School</b>
Project Description:	Addition (as part of a larger modernization project)
Added Capacity	216
Year Needed (projected):	2013-14
Estimated Costs:	\$6,055,065 <sup>7</sup>

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Name of Facility:	<b>Big Lake Elementary</b>
Project Description:	Addition of four new classrooms
Added Capacity:	84
Year Needed (projected):	2013-14
Estimated Costs:	\$1,061,330

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Name of Facility:	<b>Big Lake Elementary</b>
Project Description:	Cafeteria Expansion (core facility improvement necessary to serve new classroom addition)
Added Capacity:	84
Year Needed (projected):	2013-14
Estimated Costs:	\$288,000

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<sup>7</sup> New capacity costs only.

**C. School Capacity Summary (includes new capacity projects planned for 2009-2014)**

Based upon the District’s enrollment forecast, standard of service, current inventory and capacity, and future planned classroom spaces<sup>8</sup>, the District’s capacity summary over the six year planning horizon is as follows:

**Elementary School Surplus/Deficiency**

	2009	2010	2011	2012	2013	2014
Existing Capacity <sup>9</sup>	2,016	2,016	2,016	2,016	2,016	2,100
Added Capacity					84	0
Enrollment <sup>10</sup>	1,965	1,993	1,973	1,968	1,988	2,002
Surplus (Deficiency)	51	23	43	138	112	98

**Middle School Surplus/Deficiency**

	2009	2010	2011	2012	2013	2014
Existing Capacity	625	625	625	625	625	841
Added Capacity					216	
Enrollment	638	628	648	692	678	654
Surplus (Deficiency)	(13)	(3)	(23)	(67)	163	187

**High School Surplus/Deficiency**

	2009	2010	2011	2012	2013	2014
Existing Capacity	1,425	1,425	1,425	1,425	1,425	1,425
Added Capacity						
Enrollment	1,327	1,272	1,282	1,266	1,314	1,350
Surplus (Deficiency)	98	153	143	159	111	75

<sup>8</sup> These projects have not been fully funded.

<sup>9</sup> Does not include temporary (portable) capacity

<sup>10</sup> Based upon FTE enrollment – see Section IV.

## V. FINANCING PLAN

The funding sources for the District's capital facilities needs, as identified above, include:

1. General obligation bonds;
2. GMA impact fees and mitigation payments; and
3. State funding assistance on eligible projects.<sup>11</sup>

The District has not yet determined a date to submit a bond issue to the voters for approval to help fund the capital facilities projects identified above. These projects will be funded by bond proceeds when approved or potentially with other non-voted funds.

The following chart identifies the funding sources for the capital improvements described in this Capital Facilities Plan and identifies system improvements that are reasonably related to new development. It also identifies projects included in the Capital Facilities Plan that will serve new growth.

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<sup>11</sup> The District is not currently eligible for State Funding Assistance for unhoused students at the elementary school level but is eligible for State Funding Assistance at the middle school level.

**Six-Year Financing Plan**

<b>New Construction/ Additions Increasing Capacity<sup>12</sup></b>	<b>Estimated Costs</b>	<b>State Funding Assistance</b>	<b>Bond Funds</b>	<b>Mitigation and/or Impact Fees<sup>13</sup></b>	<b>Other</b>	<b>Capacity to Serve New Growth</b>	<b>Estimated Timeline</b>
Cascade Middle School Addition	\$6,055,065 <sup>14</sup>	X	X	X		X	2014
Big Lake Elementary Classroom Addition	\$1,061,330		X	X		X	2014
Big Lake Elementary Cafeteria Expansion	\$288,000		X	X		X	2014
Portables	\$75,000 per classroom		X	X		X	2009-2014

<sup>12</sup> Includes only new capacity projects. The District also plans to modernize the existing Cascade Middle School during the six years of this planning period.

<sup>13</sup> Impact fees may also be used on additional capital projects as permitted by law or may be used to reduce debt service on outstanding bonds.

<sup>14</sup> New capacity costs only.

## **VI. IMPACT FEES**

New developments built within the District will generate additional students, who will create the need for new school facilities. The District, with the help of a consultant, developed student generation rates for single family and multi-family dwelling units. These student generation rates were developed by a detailed survey of new housing. See Appendix B.

The impact fee formula takes into account the cost of the capital improvements identified in this Capital Facilities Plan that are necessary as a result of new growth. It calculates the fiscal impact of each single-family or multi-family development in the District based on the District's student generation rates. The formula also takes into account the taxes that will be paid by these developments and the funds that could be provided at the local and state levels for the capital improvements. See Appendix C.

School impact fees are authorized by the GMA, but must be adopted by the Skagit County Board of Commissioners for the District in order to apply to that portion of the District located in unincorporated Skagit County. The fees must be separately adopted by the Sedro-Woolley City Council, the Mount Vernon City Council, and the Lyman Town Council in order to apply to developments located with those jurisdictions.

### **2010 SCHOOL IMPACT FEE SCHEDULE**

Impact Fee per Single Family Dwelling Unit:	\$2,649
Impact Fee per Multi-Family Dwelling Unit:	\$1,398

**APPENDIX A**  
**OSPI ENROLLMENT DATA**



**APPENDIX B**  
**STUDENT GENERATION RATES**

# Michael J. McCormick FAICP

Planning Consulting Services • Growth Management • Intergovernmental Relations

October 9, 2009

## Memorandum

To: Stewart Mhyre  
Sedro-Woolley School District

From: Mike McCormick

Re: Sedro-Woolley School District 2009 Student Generation Rates (SGR)

This memorandum contains the 2009 Student Generation Rates (SGR) for both single family and multiple family residential development. The rates were developed on a comprehensive basis using data from Skagit County and the Sedro-Woolley School District.

The methodology used to calculate SGR's uses Skagit County Assessor's data for development activity and school district address data for student addresses. The student generation rates have been calculated for single family and multiple family residential development.<sup>1</sup> The survey area includes all of the territory within the boundaries of the Sedro-Woolley School District. The analysis is based on projects constructed for calendar year 2002 through calendar year 2006. The process used here is very similar to that used in previous analysis done for school districts in Skagit County as well as a number of districts throughout Washington state.

The process of analysis involved comparing the addresses of all students with the addresses of each residential development. Those which matched were aggregated to show the number of students in each of the grade groupings for each type of residential development. A total of 852 single family residential units were counted between 2004 and 2008 within the school district boundary. There

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<sup>1</sup> Single family, detached stick-build units and manufactured homes are included in the single family category. Units in buildings with two or more units are counted as multiple family units. This is consistent with how Skagit County differentiates between single family and multiple family.

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Olympia, WA 98501  
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mike.mccormick@comcast.net

are a total of 367 students from these units. A total of 145 multiple family units were counted. There are a 27 students associated with these units.

A summary of the results are presented in the following table.

	Single Family	Multiple Family
Elementary K-6	0.245	0.131
Middle 7-8	0.073	0.034
High 9-12	0.113	0.021
Total <sup>2</sup>	0.431	0.186

The SGR were calculated on a 100% sample of all single and multi-family constructed between 2004 and 2008.

Attachments: Table--Sedro-Woolley School District 2009 Student Generation Rates

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<sup>2</sup> Totals may not balance due to rounding.

**2009 Sedro-Woolley School District Student Generation Rates**

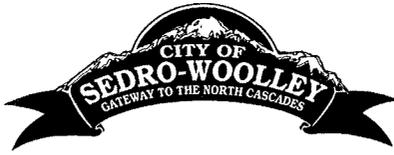
<b>SINGLE FAMILY</b>	# of students	2009 SGR
Elementary -- K through 6	209	0.245
Middle School -- 7 through 8	62	0.073
High School -- 9 through 12	96	0.113
Total	367	0.431

<b>MULTIPLE FAMILY</b>	# of students	SGR
Elementary -- K through 6	19	0.131
Middle School -- 7 through 8	5	0.034
High School -- 9 through 12	3	0.021
Total	27	0.186

Grade	SF Combined #	MF Combined #
K	28	2
1	22	3
2	49	1
3	29	6
4	24	3
5	30	3
6	27	1
7	33	3
8	29	2
9	29	2
10	23	
11	25	1
12	19	
Total	367	27
Total Units	852	145

**APPENDIX C**  
**SCHOOL IMPACT FEE CALCULATIONS**

SCHOOL IMPACT FEE CALCULATIONS							
DISTRICT	Sedro-Woolley School District						
YEAR	2009						
<b>School Site Acquisition Cost:</b>							
				Student	Student		
	Facility	Cost/	Facility	Factor	Factor	Cost/	Cost/
	Acreage	Acre	Capacity	SFR	MFR	SFR	MFR
Elementary	0.00	\$ -	500	0.245	0.131	\$0	\$0
Middle	0.00	\$ -	700	0.073	0.034	\$0	\$0
High	0.00	\$ -	1,325	0.113	0.021	\$0	\$0
						\$0	\$0
<b>School Construction Cost:</b>							
((Facility Cost/Facility Capacity)xStudent Generation Factor)x(permanent/Total Sq Ft)							
				Student	Student		
	%Perm/	Facility	Facility	Factor	Factor	Cost/	Cost/
	Total Sq.Ft.	Cost	Capacity	SFR	MFR	SFR	MFR
Elementary	97.53%	\$ 1,061,330	82	0.245	0.131	\$3,093	\$1,654
Middle	97.53%	\$ 6,055,065	216	0.073	0.034	\$1,996	\$930
High	97.53%	\$ -	625	0.113	0.021	\$0	\$0
						\$5,089	\$2,583
<b>Temporary Facility Cost:</b>							
((Facility Cost/Facility Capacity)xStudent Generation Factor)x(Temporary/Total Square Feet)							
				Student	Student		
	%Temp/	Facility	Facility	Factor	Factor	Cost/	Cost/
	Total Sq.Ft.	Cost	Size	SFR	MFR	SFR	MFR
Elementary	2.47%	\$75,000.00	21.00	0.245	0.131	\$22	\$12
Middle	2.47%	\$0.00	25.00	0.073	0.034	\$0	\$0
High	2.47%	\$0.00	30.00	0.113	0.021	\$0	\$0
						TOTAL	\$22 \$12
<b>State Matching Credit:</b>							
Boeckh Index X SPI Square Footage X District Match % X Student Factor							
				Student	Student		
	Boeckh	SPI	District	Factor	Factor	Cost/	Cost/
	Index	Footage	Match %	SFR	MFR	SFR	MFR
Elementary	174.26	90.00	0.00%	0.245	0.131	\$0	\$0
Middle	174.26	117.00	57.91%	0.073	0.034	\$862	\$401
Sr. High	174.26	130.00	0.00%	0.113	0.021	\$0	\$0
						TOTAL	\$862 \$401
<b>Tax Payment Credit:</b>							
						SFR	MFR
Average Assessed Value						\$217,858	\$100,222
Capital Bond Interest Rate						4.33	4.33
Net Present Value of Average Dwelling						\$943,325	\$433,961
Years Amortized						10.00	10.00
Property Tax Levy Rate						0.76	0.76
						\$717	\$330
<b>Fee Summary:</b>							
				Single	Multi-		
				Family	Family		
Site Acquisition Costs				\$0	\$0		
Permanent Facility Cost				\$5,089	\$2,583		
Temporary Facility Cost				\$22	\$12		
State Match Credit				(\$862)	(\$401)		
Tax Payment Credit				(\$717)	(\$330)		
FEE (AS CALCULATED)				\$3,532	\$1,864		
FEE (DISCOUNT - 25%)				\$2,649	\$1,398		



CITY COUNCIL AGENDA  
REGULAR MEETING

MAR 1 0 2010

7:00 P.M. COUNCIL CHAMBERS  
AGENDA NO. 13

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

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**MEMO:**

**To:** City Council and Planning Commission  
**From:** Jack Moore   
Planning Director/ Building Official  
**Date:** March 10, 2010  
**Subject:** Proposed Comprehensive Plan Amendments – 2010 Docket

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**ISSUE**

Introduction of the proposed amendments to the Comprehensive Plan for 2010. No action or public hearings are scheduled for today's presentation.

**PROJECT DESCRIPTION/ HISTORY**

Per the Growth Management Act (Chapter 36.70A RCW), changes to the Sedro-Woolley Comprehensive Plan may be considered no more than once per year. Amendments may be suggested by citizens, staff of elected officials. All proposed amendments to the Comprehensive Plan must be considered at one time; this list of proposed amendments is termed the "Docket." All items on the 2010 Docket are City sponsored; no requests from the public at-large have been received.

The 2010 Docket includes two items:

- 1) Review and, if necessary, update the Parks and Recreation Element of the Sedro-Woolley Comprehensive Plan. The Economic Development Element was last updated in 2005. The entire Comprehensive Plan must be fully updated by 2012. The City is allowed to review individual elements prior to the 2012 deadline. The Planning Department would like to review this element in 2010, to incorporate any changes that may result from the Planning Commission and City Council reviewing funding, creation and minimum criteria of city-owned or private parks.
- 2) Update the Schools section of the Capital Facilities Element to include the Sedro-Woolley School District's most recent version of their Capital Facilities Plan.

**RECOMMENDED ACTION**

This is an informational presentation and no discussion or action is necessary at this time.

COMMITTEE

REPORTS

AND

REPORTS

FROM

OFFICERS

EXECUTIVE  
SESSION