

Next Ord: 1795-14
Next Res: 900-14

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

June 11, 2014

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Consent Calendar1-26

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. Approval of Agenda
- b. Minutes from Previous Meeting
- c. Finance
 - Claim Checks #179365 to #179441 in the amount of \$832,015.27
 - Payroll Checks #58158 to #58177 plus EFT'S in the amount of \$282,847.44
- d. Proposed Skagit County Public Works Reimbursable Job Number Request Approval – Job RD97-124 – 2014 Chip Seal Project
- e. Proposed Amendment 1 to the Interlocal Agreement with PUD No. 1 of Skagit County Re 2014 Third Street Sidewalk and Pavement Improvements Project

- 4. Public Comment.....27

UNFINISHED BUSINESS

- 5. Unpaid Holidays for Reasons of Faith or Conscience (2nd reading).....29-45
- 6. Proposed WSDOT Property Transfer – Contract 2013-PW-01 SR20/Cook Road Realignment and Extension Project (Includes Claim Checks #179423 & #179428)47-73
- 7. SCOG Agreement & Bylaws (2nd reading).....75-118

NEW BUSINESS

- 8 Preliminary Approval of the Amended Plat of Arbor Glen (File #06-SD-02) (1st reading)....119-169
- 9. Proposed Modification to the Municipal Code Regarding Sidewalk Dining in the Central Business District (1st reading).....171-177
- 10. Code Enforcement (Discussion) (no materials)

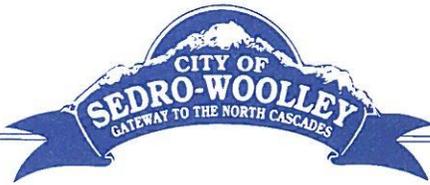
COMMITTEE REPORTS AND REPORTS FROM OFFICERS

EXECUTIVE SESSION

There may be an Executive Session immediately preceding, during or following the meeting.

JUN 11 2014

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 1-3



DATE: June 11, 2014
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 June 11, 2014 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

___ Ward 1 Councilmember Kevin Loy
___ Ward 2 Councilmember Germaine Kornegay
___ Ward 3 Councilmember Brenda Kinzer
___ Ward 4 Councilmember Keith Wagoner
___ 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.

JUN 11 2014

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

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
May 28, 2014 – 7:00 P.M. – Council Chambers

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Kevin Loy, Brenda Kinzer, Keith Wagoner, Rick Lemley and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Planning Director Coleman, Fire Chief Klinger and Police Lt. Tucker.

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

Pledge of Allegiance

Consent Calendar

- Approval of Agenda
- Minutes from Previous Meeting
- Finance
 - Claim Checks #179282 – 179364 plus EFT's in the amount of \$264,742.90
 - Payroll Checks #58144 to #58157 plus EFT's in the amount of \$184,289.97
- Change Order 11 – Contract 2013-PW-01 SR20/Cook Road Realignment and Extension Project – Strider Construction Co., Inc.
- Change Order 12 – Contract 2013-PW-01 SR20/Cook Road Realignment and Extension Project – Strider Construction Co., Inc.
- Ordinance 1793-14 – 2014 Budget Amendment #2

Councilmember Wagoner moved to approve the consent calendar Items A through F. Seconded by Councilmember Lemley. Motion carried (5-0).

Swearing in of Police Chief Lin Tucker

Mayor Anderson administered the Oath of Office to Lin Tucker as Police Chief. Pinning of his badge was done by his wife, Carla Tucker. Chief Tucker was given a standing ovation and closed by saying a few words.

Swearing in of Code Enforcement Officer, Laura Carr

Mayor Anderson administered the oath of office to Laura Carr, Code Enforcement Officer. Her husband Bill had the honor of pinning her badge. Carr received a round of applause.

Public Comment

No comment received.

UNFINISHED BUSINESS

2013 Comprehensive Plan Docket

Planning Director Coleman reviewed the 2013 Comprehensive Plan Updates. He noted the discussions and work done on the housing plan, including Accessory Dwelling Units. Coleman noted the direction of the Council was to not include language for Accessory Dwelling Units. He also directed their attention to a letter from DeVere Bunke regarding Accessory Dwelling Units. The proposed ordinance updates the Housing Element with no language regarding Accessory Dwelling Units.

Councilmember Wagoner moved to adopt Ordinance 1794-14 to adopt amendments to the Housing Element of the Comprehensive Plan. Seconded by Councilmember Loy. Motion carried (5-0).

NEW BUSINESS

Possible Contract Award – Contract 2013-PW-032, 2014 Third Street Sidewalk and Pavement Improvements

City Supervisor/Attorney Berg introduced Contract 2013-PW-032 2014 Third Street Sidewalk and Pavement Improvements. The low bid was received from Strider Construction Co. Inc., of Bellingham in the amount of \$685,235.94. He noted they would like to get the work started right away and there is a provision for no demolition work between Jameson and State Streets during Loggerodeo.

Councilmember Wagoner moved to award the 2014 Third Street Sidewalk and Pavement Improvements Project Contract 2013-PW-03 with Strider Construction Co Inc., of Bellingham, WA in the amount of \$685,235.94, including sales tax. Seconded by Councilmember Sandström. Motion carried (5-0).

Unpaid Holidays for Reasons of Faith or Conscience

City Supervisor/Attorney Berg reviewed Washington State Legislation action that requires the adoption of an unpaid holiday policy for reasons of faith or conscience. No action will be taken until the next meeting.

COMMITTEE REPORTS AND REPORTS FROM OFFICER

Planning Director Coleman informed the Council of an inquiry for sewer on Prospect Street by some of the residents. A letter is going out to the parties explaining the process, which includes annexation. He noted the City is not looking to annex this area, it would have to be at the residents request.

City Supervisor/Attorney Berg – reviewed a memo from Public Works Director Freiburger which requests approval of Change Order 15 to complete sidewalk improvements within Bingham Park. He noted the cost is approximately \$30,000. The

Park would then be ready to open. He also addressed the demolition of structures previously used by Food Bank.

Councilmember Wagoner moved to add quantities to the existing bid items for the 5 foot wide sidewalk in Bingham Park for approximately \$30,000 with Strider Construction. Seconded by Councilmember Lemley. Motion carried (5-0).

City Supervisor/Attorney Berg – reported on the radio communication issues in which progress is being made. He requested Council approval to purchase the shelter at a considerable savings. He noted the physical location at the site is still to be determined and that preliminary approval has been received for radio frequency.

Council questions regarding discussions held earlier in the fall about the shelter took place.

Councilmember Loy – reported on the Business Development meeting prior to the regular Council meeting.

Councilmember Lemley – announced the upcoming Blast from the Past. He also noted that Sedro-Woolley was shown in a TV show “Revolution”.

Councilmember Sandström – congratulated new Police Chief Tucker and outgoing Police Chief Wood.

Special Presentation – Retirement and Recognition of Police Chief, Doug Wood

Mayor Anderson spoke on the retirement of Police Chief Doug Wood. He noted Wood was always respectful and was a great sounding board with great common sense. He brought stability and common sense to the job. Anderson said he has been honored to have worked with him and what he has given back to the community.

Retiring Police Chief Wood was presented with a memento upon his retirement. He was also presented with a standing ovation and round of applause.

Wood spoke highly of incoming Police Chief Tucker and humbly thanked those that have been instrumental throughout his career including former Mayor Sharon Dillon, Mayor Anderson, the City and Eron Berg for the opportunities. In closing he thanked the great bunch of Officers, stating he has been proud to have been their Chief.

Skagit County Sheriff Reichardt – addressed the crowd regarding Police Chief Wood. He noted that as an officer, he had worked for a short time at the Sheriff’s office but noted his heart was always in Sedro Woolley. Reichardt stated that Chief Wood is greatly respected in law enforcement circles. He presented Chief Wood with an Honorary Deputy award to honor his service. It was noted this award is voted on and presented by the front line deputies.

Unidentified Audience Member – spoke of the kindness of Chief Wood and how he took care of the citizens.

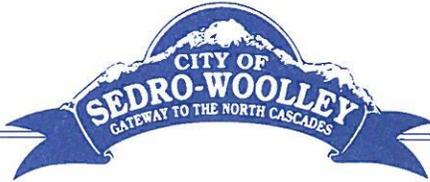
Councilmember Lemley presented Chief Wood on behalf of the Council and Sedro-Woolley Rotary a rendition of him on his horse done by Chief Tucker.

Councilmember Wagoner moved to adjourn. Seconded by Councilmember Lemley. Motion carried (5-0).

The meeting adjourned at 7:37 P.M.

JUN 11 2014

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



DATE: June 11, 2014
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 June 11, 2014.

Motion to approve Claim Checks #179365 to #179441 in the amount of \$832,015.27.

Motion to approve Payroll Checks #58158 to #58177 plus EFT'S in the amount of \$282,847.44.

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.

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4270	06/11/2014	Claims	2	179365	AT & T	132.90	
		001 - 512 50 42 020 - Telephone				0.66	
		001 - 513 10 42 020 - Telephone				0.66	
		001 - 514 23 42 020 - Telephone				15.94	
		001 - 515 30 42 001 - Telephone				3.99	
		001 - 518 80 42 020 - Telephone				1.32	
		001 - 521 20 42 020 - Telephone				57.05	
		001 - 522 20 42 020 - Telephone				14.61	
		001 - 524 20 42 020 - Telephone				0.66	
		401 - 535 80 42 020 - Telephone				2.74	
		412 - 537 80 42 020 - Telephone				1.31	
		103 - 542 30 42 020 - Telephone				0.66	
		001 - 558 60 42 020 - Telephone				9.30	
		105 - 572 20 42 020 - Telephone				2.74	
		001 - 595 10 42 020 - Telephone				21.26	
4271	06/11/2014	Claims	2	179366	All-Phase Electric	498.13	
		103 - 542 64 31 002 - Traffic Signal Supplies				131.83	
		101 - 576 80 48 002 - RV Park				366.30	
4272	06/11/2014	Claims	2	179367	Alpine Fire & Safety	4,741.97	
		001 - 514 23 31 000 - Supplies				150.37	
		001 - 522 20 31 000 - Operating Supplies				356.09	
		001 - 522 20 48 000 - Repairs/maint-equip				227.42	
		401 - 535 50 48 000 - Maintenance Contracts				724.18	
		401 - 535 80 31 010 - Operating Supplies				205.77	
		102 - 536 20 35 010 - Safety Equipment				255.63	
		102 - 536 20 35 010 - Safety Equipment				177.45	
		412 - 537 80 31 000 - Operating Supplies				464.39	
		412 - 537 80 48 000 - Repair/maintenance				305.26	
		103 - 542 30 31 000 - Operating Supplies				202.84	
		103 - 542 30 35 010 - Safety Equipment				377.31	
		101 - 576 80 31 007 - Operating Sup - Library				107.30	
		101 - 576 80 48 004 - Community Center				527.45	
		101 - 576 80 48 004 - Community Center				82.79	
		101 - 576 80 48 005 - Senior Center				347.53	
		101 - 576 80 48 005 - Senior Center				16.28	
		101 - 576 80 48 015 - Library				57.94	
		101 - 576 80 48 016 - City Hall				145.12	
		101 - 576 80 48 016 - City Hall				10.85	
4273	06/11/2014	Claims	2	179368	Aramark Uniform Services	25.68	
		401 - 535 80 49 000 - Laundry				8.23	
		401 - 535 80 49 000 - Laundry				8.23	
		103 - 542 30 49 000 - Misc-laundry				4.61	
		103 - 542 30 49 000 - Misc-laundry				4.61	
4274	06/11/2014	Claims	2	179369	Assoc Petroleum Products	3,234.70	
		001 - 518 20 32 000 - Auto Fuel				124.75	
		001 - 521 20 32 000 - Auto Fuel				1,888.43	
		001 - 522 20 32 000 - Auto Fuel/diesel				464.75	
		401 - 535 50 48 050 - Maint Of General Equip				281.64	
		401 - 535 80 32 000 - Auto Fuel/diesel				91.32	
		103 - 542 30 32 000 - Auto Fuel/diesel				383.81	
4275	06/11/2014	Claims	2	179370	Bay City Supply	1,491.35	
		401 - 535 80 31 010 - Operating Supplies				80.56	
		101 - 576 80 31 001 - Operating Sup - Riverfront				171.60	
		101 - 576 80 31 002 - Operating Sup - Rv Park				37.94	
		101 - 576 80 31 004 - Operating Sup - Comm Cente				171.60	
		101 - 576 80 31 005 - Operating Sup - Senior Ctr				171.60	
		101 - 576 80 31 006 - Operating Sup - City Hall				686.42	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			101 - 576 80 31 007		Operating Sup - Library	171.63	
4276	06/11/2014	Claims	2	179371	Capital One Commercial	846.89	
			001 - 521 20 31 002		Office/operating Supplies	122.95	
			001 - 522 20 35 000		Small Tools & Minor Equip	620.02	
			001 - 595 10 49 011		Safety Meetings	103.92	
4277	06/11/2014	Claims	2	179372	Cascade Natural Gas Corp	246.03	
			401 - 535 80 47 000		Public Utilities	21.03	
			412 - 537 80 47 000		Public Utilities	64.65	
			103 - 542 63 47 000		Public Utilities	10.60	
			103 - 542 63 47 000		Public Utilities	7.43	
			105 - 572 20 47 000		Public Utilities	14.39	
			101 - 576 80 47 010		Community Ctr	45.69	
			101 - 576 80 47 020		Senior Center	49.49	
			101 - 576 80 47 050		Hammer Square	15.35	
			101 - 576 80 47 052		Bingham Caretaker	17.40	
4278	06/11/2014	Claims	2	179373	Cenveo	327.19	
			001 - 521 20 31 002		Office/operating Supplies	327.19	
4279	06/11/2014	Claims	2	179374	Code Publishing Inc	100.52	
			001 - 511 30 34 000		Code Book	100.52	
4280	06/11/2014	Claims	2	179375	Collins Office Supply Inc	65.58	
			001 - 514 23 31 000		Supplies	65.58	
4281	06/11/2014	Claims	2	179376	Comcast	130.70	
			001 - 518 80 42 021		Internet Services	130.70	
4282	06/11/2014	Claims	2	179377	Department Of Commerce	630,562.59	
			410 - 591 35 72 000		Principal Payment - Pwtf	350,000.00	
			410 - 591 35 72 000		Principal Payment - Pwtf	38,277.86	
			410 - 591 35 72 000		Principal Payment - Pwtf	202,081.91	
			410 - 592 35 83 410		Interest Payment - Pwtf	22,750.00	
			410 - 592 35 83 410		Interest Payment - Pwtf	2,296.67	
			410 - 592 35 83 410		Interest Payment - Pwtf	15,156.15	
4283	06/11/2014	Claims	2	179378	Dwayne Lane's North Cascade Ford	31,001.63	
			501 - 594 21 64 501		Vehicles - Public Safety	31,001.63	
4284	06/11/2014	Claims	2	179379	Dykstra Farms LLC	360.00	
			412 - 537 60 47 020		Recycling - Yard Waste	360.00	
4285	06/11/2014	Claims	2	179380	E & E Lumber	373.38	
			401 - 535 50 48 010		Maintenance Of Lines	18.03	
			401 - 535 80 31 010		Operating Supplies	4.88	
			412 - 537 80 31 000		Operating Supplies	60.71	
			101 - 576 80 48 002		RV Park	159.86	
			101 - 576 80 48 002		RV Park	29.56	
			101 - 576 80 48 002		RV Park	5.08	
			101 - 576 80 48 021		Equipment	46.50	
			101 - 594 76 61 001		Bingham Park	48.76	
4286	06/11/2014	Claims	2	179381	Economy Fence Center	260.89	
			001 - 522 45 49 000		Training Facilities	260.89	
4287	06/11/2014	Claims	2	179382	Edge Analytical Inc	691.00	
			401 - 535 80 41 000		Professional Services	129.00	
			401 - 535 80 41 000		Professional Services	35.00	
			401 - 535 80 41 000		Professional Services	35.00	
			401 - 535 80 41 000		Professional Services	35.00	
			401 - 535 80 41 000		Professional Services	457.00	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4288	06/11/2014	Claims	2	179383	Elec Handbook Pub Inc	45.46	
					105 - 594 72 64 000 - Books & Materials	45.46	
4289	06/11/2014	Claims	2	179384	Emergency Medical Products Inc	198.15	
					001 - 522 20 31 000 - Operating Supplies	198.15	
4290	06/11/2014	Claims	2	179385	Enterprise Office Systems	287.68	
					001 - 512 50 31 000 - Supplies	218.04	
					001 - 512 50 31 000 - Supplies	32.54	
					001 - 521 20 31 002 - Office/operating Supplies	37.10	
4291	06/11/2014	Claims	2	179386	Fastenal Company	474.01	
					412 - 537 80 31 000 - Operating Supplies	56.22	
					412 - 537 80 31 000 - Operating Supplies	14.81	
					412 - 537 80 31 000 - Operating Supplies	126.53	
					103 - 542 30 35 000 - Small Tools/minor Equip	276.45	
4292	06/11/2014	Claims	2	179387	Federal Certified Hearing	20.00	
					001 - 521 20 41 001 - Professional Services	20.00	
4293	06/11/2014	Claims	2	179388	Frontier	779.70	
					001 - 521 20 42 020 - Telephone	56.72	
					001 - 521 20 42 020 - Telephone	45.07	
					401 - 535 80 42 020 - Telephone	219.39	
					102 - 536 20 42 020 - Telephone	64.86	
					412 - 537 80 42 020 - Telephone	86.77	
					105 - 572 20 42 020 - Telephone	135.47	
					101 - 576 80 47 070 - City Hall	57.99	
					101 - 576 80 47 070 - City Hall	113.43	
4294	06/11/2014	Claims	2	179389	Great America Financial Svcs	146.89	
					105 - 572 20 48 020 - Repair/maintenance-equip	146.89	
4295	06/11/2014	Claims	2	179390	Groeneveld	128.74	
					412 - 537 50 48 000 - Repairs/maint-equip	128.74	
4296	06/11/2014	Claims	2	179391	HB Jaeger Co LLC	5,134.33	
					401 - 535 50 48 010 - Maintenance Of Lines	1,590.07	
					401 - 535 50 48 010 - Maintenance Of Lines	3,544.26	
4297	06/11/2014	Claims	2	179392	Honey Bucket	75.00	
					101 - 576 80 47 090 - Portable Toilets	75.00	
4298	06/11/2014	Claims	2	179393	Ingram Library Services	99.54	
					105 - 594 72 64 000 - Books & Materials	15.41	
					105 - 594 72 64 000 - Books & Materials	84.13	
4299	06/11/2014	Claims	2	179394	Leo Jacobs	260.25	
					412 - 537 80 31 000 - Operating Supplies	260.25	
4300	06/11/2014	Claims	2	179395	Job Shop Inc (The)	171.29	
					412 - 537 80 34 000 - Containers	171.29	
4301	06/11/2014	Claims	2	179396	Kesselring Tactical Supply	3,107.44	
					001 - 521 20 31 015 - Ammunition	3,107.44	
4302	06/11/2014	Claims	2	179397	Lakeside Industries	18,052.33	
					401 - 535 50 48 010 - Maintenance Of Lines	241.72	
					103 - 542 30 48 000 - Repair/maint-streets	208.06	
					103 - 542 30 48 000 - Repair/maint-streets	639.08	
					102 - 595 30 63 000 - Roadway Repairs	16,963.47	
4303	06/11/2014	Claims	2	179398	Lattice Communications	14,950.00	
					001 - 594 21 64 001 - SWPD Repeater Tower	14,950.00	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 4

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
4304	06/11/2014	Claims	2	179399	Livingston Micrographics, LLC	4,108.82	
					401 - 535 50 48 050 - Maint Of General Equip	4,108.82	
4305	06/11/2014	Claims	2	179400	Lou's Gloves Inc.	178.00	
					401 - 535 80 31 010 - Operating Supplies	178.00	
4306	06/11/2014	Claims	2	179401	Martin Marietta Materials	90.51	
					103 - 542 30 48 000 - Repair/maint-streets	90.51	
4307	06/11/2014	Claims	2	179402	Jack R Moore	127.11	
					001 - 524 20 41 000 - Professional Services	127.11	
4308	06/11/2014	Claims	2	179403	Motor Trucks Inc	57.86	
					001 - 522 20 48 000 - Repairs/maint-equip	57.86	
4309	06/11/2014	Claims	2	179404	Motorola	5,851.61	
					001 - 594 21 64 000 - Machinery & Equipment	5,851.61	
4310	06/11/2014	Claims	2	179405	Serena Mynatt	60.00	
					001 - 514 23 28 000 - Employee Wellness	60.00	
4311	06/11/2014	Claims	2	179406	NW Communications Inc.	326.10	
					001 - 594 21 64 000 - Machinery & Equipment	163.05	
					001 - 594 21 64 000 - Machinery & Equipment	163.05	
4312	06/11/2014	Claims	2	179407	Neofunds By Newpost	2,000.99	
					001 - 512 50 42 010 - Postage	267.86	
					001 - 514 23 42 010 - Postage	355.16	
					001 - 514 23 45 000 - Operating Rentals/leases	133.50	
					001 - 515 30 42 000 - Postage	9.77	
					001 - 521 20 42 010 - Postage	189.88	
					001 - 521 20 42 010 - Postage	133.50	
					001 - 522 20 42 010 - Postage	13.73	
					001 - 522 20 42 010 - Postage	133.50	
					001 - 524 20 42 000 - Postage	30.65	
					001 - 524 20 42 000 - Postage	133.49	
					425 - 531 50 31 000 - Operating Supplies	10.01	
					401 - 535 80 42 015 - Postage	130.08	
					102 - 536 20 42 010 - Postage	14.72	
					412 - 537 80 42 010 - Postage	60.04	
					001 - 558 60 42 010 - Postage	82.39	
					001 - 558 60 42 010 - Postage	133.50	
					001 - 595 10 42 000 - Postage	35.71	
					001 - 595 10 42 000 - Postage	133.50	
4313	06/11/2014	Claims	2	179408	Owen Equipment Company	10,849.21	
					103 - 542 30 48 010 - Repair/maintenance-equip	10,849.21	
4314	06/11/2014	Claims	2	179409	Pacific Power Batteries	229.15	
					501 - 548 30 31 000 - Operating Supplies	229.15	
4315	06/11/2014	Claims	2	179410	Pat Rimmer Tire Ctr Inc	3,561.35	
					001 - 522 20 48 000 - Repairs/maint-equip	165.94	
					001 - 522 20 48 000 - Repairs/maint-equip	1,628.54	
					412 - 537 50 48 000 - Repairs/maint-equip	16.82	
					412 - 537 50 48 000 - Repairs/maint-equip	1,750.05	
4316	06/11/2014	Claims	2	179411	Petty Cash-Debra Peterson	70.15	
					105 - 572 20 31 010 - Supplies	18.19	
					105 - 572 20 41 000 - Professional Services	15.00	
					105 - 572 20 42 010 - Postage	2.24	
					105 - 594 72 64 000 - Books & Materials	34.72	
4317	06/11/2014	Claims	2	179412	Phillips Environmental Services	350.00	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 5

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			101 - 594 76 61 001		Bingham Park	350.00	
4318	06/11/2014	Claims	2	179413	Proquest	927.68	
			105 - 572 20 51 000		Wa Library System	927.68	
4319	06/11/2014	Claims	2	179414	Public Utility Dis No1	1,238.59	
			001 - 521 20 47 000		Public Utilities	20.80	
			401 - 535 80 47 000		Public Utilities	307.26	
			102 - 536 20 47 000		Public Utilities	98.77	
			412 - 537 80 47 000		Public Utilities	40.63	
			103 - 542 63 47 000		Public Utilities	50.80	
			105 - 572 20 47 000		Public Utilities	27.58	
			101 - 576 80 47 000		Riverfront	213.99	
			101 - 576 80 47 040		Train	21.89	
			101 - 576 80 47 050		Hammer Square	108.43	
			101 - 576 80 47 051		Bingham / Memorial	94.87	
			101 - 576 80 47 053		Other Utilities	40.68	
			101 - 576 80 47 070		City Hall	212.89	
4320	06/11/2014	Claims	2	179415	Puget Sound Energy	15,035.16	
			001 - 521 20 47 000		Public Utilities	19.76	
			001 - 522 50 47 000		Public Utilities	65.47	
			425 - 531 50 47 000		Public Utilities	177.72	
			401 - 535 80 47 000		Public Utilities	10,443.35	
			102 - 536 20 47 000		Public Utilities	57.77	
			412 - 537 80 47 000		Public Utilities	140.51	
			103 - 542 63 47 000		Public Utilities	69.89	
			103 - 542 63 47 000		Public Utilities	8.52	
			103 - 542 63 47 000		Public Utilities	156.95	
			103 - 542 63 47 000		Public Utilities	220.43	
			108 - 557 30 41 000		Advertising	31.38	
			105 - 572 20 47 000		Public Utilities	226.31	
			101 - 576 80 47 000		Riverfront	427.07	
			101 - 576 80 47 010		Community Ctr	135.56	
			101 - 576 80 47 020		Senior Center	378.36	
			101 - 576 80 47 040		Train	27.38	
			101 - 576 80 47 050		Hammer Square	177.86	
			101 - 576 80 47 051		Bingham / Memorial	10.81	
			101 - 576 80 47 052		Bingham Caretaker	48.35	
			101 - 576 80 47 053		Other Utilities	19.87	
			101 - 576 80 47 053		Other Utilities	10.81	
			101 - 576 80 47 070		City Hall	2,181.03	
4321	06/11/2014	Claims	2	179416	Rick's Refrigeration Inc	250.64	
			412 - 537 80 31 000		Operating Supplies	250.64	
4322	06/11/2014	Claims	2	179417	Ricoh USA Inc	345.61	
			001 - 521 20 48 000		Repairs & Maintenance	75.95	
			001 - 521 20 48 000		Repairs & Maintenance	96.86	
			001 - 522 20 45 000		Equipment Lease	75.95	
			001 - 522 20 48 000		Repairs/maint-equip	96.85	
4323	06/11/2014	Claims	2	179418	Rodda Paint Co	2,930.31	
			103 - 542 64 31 001		Painting & Striping Supplies	2,930.31	
4324	06/11/2014	Claims	2	179419	Rootx	260.35	
			401 - 535 50 48 010		Maintenance Of Lines	260.35	
4325	06/11/2014	Claims	2	179420	SK Valley Bark & Topsoil Inc	104.16	
			101 - 576 80 48 009		Hammer Square	104.16	
4326	06/11/2014	Claims	2	179421	Sedro-Woolley Auto Parts	523.05	
			001 - 522 20 48 000		Repairs/maint-equip	6.49	
			401 - 535 50 48 040		Maintenance Of Vehicles	15.85	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 6

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			401 - 535 50 48 040		Maintenance Of Vehicles	95.69	
			401 - 535 50 48 040		Maintenance Of Vehicles	189.29	
			102 - 536 20 31 010		Operating Supplies	27.10	
			412 - 537 50 48 000		Repairs/maint-equip	86.25	
			103 - 542 30 35 000		Small Tools/minor Equip	40.55	
			103 - 542 30 48 010		Repair/maintenance-equip	61.83	
4327	06/11/2014	Claims	2	179422	Sedro-Woolley Volunteer		9,602.00
			001 - 522 20 11 010		Salaries-volunteers	9,602.00	
4328	06/11/2014	Claims	2	179423	Skagit County Auditor		302.00
			104 - 595 10 63 002		Eng SR20 Cook Rd Realign	302.00	
4329	06/11/2014	Claims	2	179424	Skagit County Auditor		1,792.00
			401 - 535 80 49 040		Misc-filing Fees/lien Exp	288.00	
			401 - 535 80 49 040		Misc-filing Fees/lien Exp	608.00	
			412 - 537 80 49 020		Misc-filing Fees/lien Exp	288.00	
			412 - 537 80 49 020		Misc-filing Fees/lien Exp	608.00	
4330	06/11/2014	Claims	2	179425	Skagit County Sheriff Office		2,105.63
			001 - 523 60 51 010		Prisoner Transport	2,105.63	
4331	06/11/2014	Claims	2	179426	Skagit County Treasurer		31,386.02 Jail Sales Tax Pass Through 2/10
			001 - 523 60 51 020		Jail Sales Tax Pass Through 2	31,386.02	
4332	06/11/2014	Claims	2	179427	Skagit County Treasurer		81.35
			001 - 586 00 00 001		Crime Vctm & Witnss Prog	81.35	
4333	06/11/2014	Claims	2	179428	Skagit County Treasurer		40.00
			104 - 595 10 63 002		Eng SR20 Cook Rd Realign	40.00	
4334	06/11/2014	Claims	2	179429	Skagit Publishing		255.50
			001 - 558 60 41 011		Advertising Reimbuseable	255.50	
4335	06/11/2014	Claims	2	179430	Smokey Point Concrete		334.62
			101 - 594 76 61 001		Bingham Park	334.62	
4336	06/11/2014	Claims	2	179431	Staples Business Advantage		123.96
			001 - 521 20 31 002		Office/operating Supplies	123.96	
4337	06/11/2014	Claims	2	179432	Sunnytech Inc		7,357.36
			001 - 594 18 64 001		Network Hardware	4,503.63	
			401 - 594 35 64 001		Portable Equipment	2,853.73	
4338	06/11/2014	Claims	2	179433	TKE Corp		789.67
			101 - 576 80 48 016		City Hall	789.67	
4339	06/11/2014	Claims	2	179434	The Seattle Times		400.40
			105 - 594 72 64 000		Books & Materials	400.40	
4340	06/11/2014	Claims	2	179435	True Value		335.09
			001 - 523 20 31 000		Office/operating Supplies	8.13	
			401 - 535 80 31 010		Operating Supplies	23.57	
			401 - 535 80 31 010		Operating Supplies	10.30	
			401 - 535 80 31 010		Operating Supplies	73.30	
			401 - 535 80 31 010		Operating Supplies	40.13	
			103 - 542 30 31 000		Operating Supplies	29.28	
			101 - 576 80 31 012		Operating Sup - Hammer	30.29	
			101 - 576 80 48 002		RV Park	69.41	
			101 - 576 80 48 002		RV Park	9.93	
			101 - 576 80 48 016		City Hall	14.73	
			101 - 576 80 48 021		Equipment	20.59	
			101 - 576 80 48 021		Equipment	5.43	
4341	06/11/2014	Claims	2	179436	Trugreen Processing Center		119.35

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

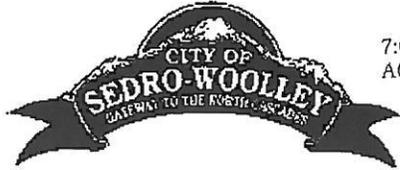
06/11/2014 To: 06/11/2014

Time: 14:58:02 Date: 06/05/2014
Page: 7

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			102 - 536 20 48 030 - Repair/maintenance-land			119.35	
4342	06/11/2014	Claims	2	179437	UPS	33.59	
			001 - 522 20 42 010 - Postage			33.59	
4343	06/11/2014	Claims	2	179438	Valley Auto Supply	4.23	
			412 - 537 50 48 000 - Repairs/maint-equip			0.26	
			101 - 576 80 48 021 - Equipment			3.97	
4344	06/11/2014	Claims	2	179439	Verizon Wireless	2,979.74	
			001 - 513 10 42 020 - Telephone			54.94	
			001 - 514 23 42 020 - Telephone			54.94	
			001 - 515 30 42 001 - Telephone			54.94	
			001 - 518 80 42 020 - Telephone			54.94	
			001 - 521 20 42 020 - Telephone			440.11	
			001 - 521 20 42 020 - Telephone			371.14	
			001 - 521 20 42 020 - Telephone			369.65	
			001 - 522 20 42 020 - Telephone			57.56	
			001 - 522 20 42 020 - Telephone			440.11	
			401 - 535 80 42 030 - Nextel Cell Phones			223.22	
			102 - 536 20 42 020 - Telephone			49.89	
			412 - 537 80 42 025 - Nextel Cell Phones			31.21	
			412 - 537 80 42 025 - Nextel Cell Phones			272.27	
			103 - 542 30 42 020 - Telephone			121.19	
			101 - 576 80 42 020 - Telephone			198.81	
			001 - 595 10 42 025 - Cell Phones			184.82	
4345	06/11/2014	Claims	2	179440	WA St Off Of Treasurer	5,088.97	
			001 - 386 90 00 000 - State Remittances-court			-5,088.97	
4346	06/11/2014	Claims	2	179441	Wood's Logging Supply Inc	385.44	
			001 - 523 20 31 000 - Office/operating Supplies			81.38	
			425 - 531 50 31 000 - Operating Supplies			273.70	
			102 - 536 20 48 040 - Repair/maint-equip & Bldg			8.67	
			102 - 536 20 48 040 - Repair/maint-equip & Bldg			7.60	
			101 - 576 80 31 001 - Operating Sup - Riverfront			14.09	
			001 Current Expense Fund			89,548.83	
			101 Parks & Facilities Fund			9,792.01	
			102 Cemetery Fund			17,845.28	
			103 Street Fund			16,876.76	
			104 Arterial Street Fund			342.00	
			105 Library Fund			2,096.61	
			108 Stadium Fund			31.38	
			401 Sewer Fund			27,581.99	
			410 Sewer Capital Projects Reserve			630,562.59	
			412 Solid Waste Fund			5,645.61	
			425 Stormwater			461.43	
			501 Equipment Replacement Fund			31,230.78	
			* Transaction Has Mixed Revenue And Expense Accounts			832,015.27	Claims: 832,015.27

CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014



7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 30

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

MEMO TO: City Council and Mayor Mike Anderson
FROM: Mark A. Freiberger, PE
RE: **Proposed Skagit County Public Works Reimbursable Job Number Request Approval – Job RD97-124 2014 Chip Seal Project**
DATE: June 3, 2014 (for Council action June 11, 2014)

ISSUE

Should Mayor Anderson execute the attached Reimbursable Job Number Request Form with Skagit County Public Works to provide Chip Seal services related to the 2014 City Chip Seal Project?

BACKGROUND/DISCUSSION

The 2014 Budget includes the following street and Cemetery chip seal projects:

Street Projects through Account 103

- Thresher, Jeanette and Clifford Streets
- Dunlop Street - 700 and 800 Blocks
- 6th Street -1600 Block
- 3rd Street, Sterling to South City Limits

Cemetery Road Restoration through Account 102

- Chip Seal Entrance and Exit Roads

City Public Works Operations Department is preparing the streets by grading the shoulders and installing asphalt preleveling. Skagit County will perform the chip seal under the proposed Job Number Request.

ANALYSIS	TOTAL	CEMETERY	STREETS
Account 103 Budget - Contracted Overlay	\$ 75,000		\$ 75,000
Account 102 Budget Roadway Repairs	\$ 34,000	\$34,000	
Subtotal	\$109,000	\$34,000	\$ 75,000
City work			
Prelevel Streets	\$ 14,812		\$ 14,812
Prelevel Cemetery Roads	\$ 21,000	\$ 21,000	
SR9 Patch Repairs (complete)	\$ 7,717		\$ 7,717
Subtotal	\$ 43,529	\$ 21,000	\$ 22,529
Skagit County Chip Seal	\$ 31,639	\$ 16,262	\$ 15,377
Total Estimate Cost	\$ 75,168	\$ 37,262	\$ 37,906
Remaining Budget	\$ 33,832	(\$ 3,262)	\$ 37,094

MOTION:

Move to authorize Mayor Anderson to execute the attached Reimbursable Job Number Request Form with Skagit County Public Works to provide Chip Seal services related to the 2014 City Chip Seal Project in the amount of \$31,638.85.

REIMBURSABLE JOB NUMBER REQUEST FORM

Skagit County Public Works Department

CUSTOMER NAME: City of Sedro-Woolley

Job #: RD97-124

ADDRESS: 325 Metcalf Street

Sedro-Woolley, WA 98284

CUSTOMER SIGNATURE: _____

Budget Coding: _____

For County Departments only

ESTIMATED START DATE: 07/15/2014

ESTIMATED COMPLETION DATE: 08/29/2014

ESTIMATED COST:

Labor/Fringes \$26,752.50

Inventory _____

Equipment _____

Purchases _____

Admin @ 9% \$2,407.73

Sales Tax @ ^{8.5%}~~8.2%~~ \$2,478.62

TOTAL ESTIMATED COST: \$31,638.85

This is not a firm bid.

DESCRIPTION OF WORK TO BE PERFORMED

Chipseal - Please see attached sheet.

ESTIMATE PREPARED BY: Anthony J. Long DATE: 5-12-14

PW DIVISION MANAGER: Cliff Butler DATE: 5-12-14

PW ADMINISTRATIVE APPROVAL: [Signature] DATE: 5-14-14
Controller

PROJECT APPROVED BY: [Signature] DATE: 5-14-14
Director, Skagit County Public Works

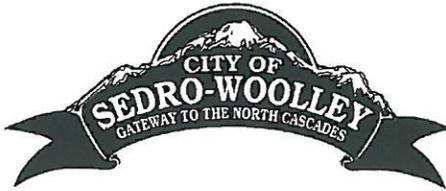
Road Name	Square Yards	Total Amount @ \$2.50/sq yrd
Cemetery	5,500	\$13,750.00
Thresher Avenue	1,638	\$4,095.00
Clifford Street	467	\$1,167.50
Jeanette Street	467	\$1,167.50
Dunlop Avenue	1,222	\$3,055.00
Third Street	800	\$2,000.00
Sixth Street	607	\$1,517.50
Admin @ 9%		\$2,407.73 ✓
Sales Tax @ 8.5%		\$2,478.62 ✓
Total Square Yards:	10,701	
Total:		\$31,638.85 ✓

13,750.00

13,002.50

26,752.50

29,160.25



CITY COUNCIL AGENDA
REGULAR MEETING

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

JUN 11 2014

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

David Lee, PE
City Engineer

MEMO TO: City Council and Mayor Mike Anderson

FROM: David Lee, PE

RE: **Proposed Amendment 1 to the Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County Re 2014 Third Street Sidewalk and Pavement Improvements Project**

DATE: June 5, 2014 (for Council review June 11, 2014)

ISSUE

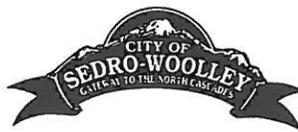
Should the city council authorize Mayor Anderson to execute the attached Amendment 1 to the Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County for purpose of reimbursing the city for the construction phase of water main improvements to be constructed in conjunction with the 2014 Third Street Sidewalk and Pavement Improvements Project, totaling \$224,166?

BACKGROUND/DISCUSSION

The City and PUD entered into an Interlocal Agreement on March 4, 2014 to provide design phase services for the water main upgrades associated with the 2014 Third Street Sidewalk and Pavement Improvements Project. The Interlocal reserved construction phase work for a future amendment, once the scope of the work was confirmed by the design. With PUD approval, we went to advertisement for the project with the final design for the water main included. The contract has been awarded to Strider Construction Co., Inc. at their bid price, including the water main work, again with PUD approval. The attached Amendment updates the Interlocal to include the construction phase cost, plus construction engineering and city administrative costs.

MOTION

Authorize Mayor Anderson to execute the attached Amendment 1 to the Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County for purpose of reimbursing the city for the construction phase of water main improvements to be constructed in conjunction with the 2014 Third Street Sidewalk and Pavement Improvements Project, totaling \$224,166.



AMENDMENT NO. 1

To the INTERLOCAL COOPERATIVE AGREEMENT
 Dated March 4, 2014
 Between The City of Sedro-Woolley, Washington
 And Public Utility District No. 1 of Skagit County

This Amendment revises the above contract as follows:

STATEMENT OF WORK is revised as follows:

1. The City will assist the PUD in conducting the following:

BID SCHEDULE C PUD NO.1 WATER LINE UPGRADE

Item No.	Spec. Section	Item	Unit	Quantity	Unit Price	Total Amount
1	1-09	Mobilization	LS	1	\$2,500.00	\$2,500.00
2	1-10	Project Traffic Control	LS	1	\$7,500.00	\$7,500.00
3	2-02	Removal of Conc. Walk & Ramp (NE Warner)	SY	20	\$4.00	\$80.00
4	2-02	Abandon Ex. AC Pipe At Crossings	LF	56	\$75.00	\$4,200.00
5	5-04	HMA CL 1/2" PG 64-22	TN	204	\$130.00	\$26,520.00
6	7-09	Water Main 2-In. Diam. PVC	LF	75	\$10.00	\$750.00
7	7-09	Water Main 4-In. Diam. PVC	LF	3	\$60.00	\$180.00
8	7-09	Water Main 6-In. Diam. PVC	LF	49	\$22.00	\$1,078.00
9	7-09	Water Main 6-In. Diam. Ductile Iron	LF	49	\$120.00	\$5,880.00
10	7-09	Water Main 8-In. Diam. Ductile Iron	LF	1492	\$48.00	\$71,616.00
11	7-12	Tapping Sleeve and Valve Assembly, 2-inch	EA	1	\$1,000.00	\$1,000.00
12	7-12	Gate Valve 4-In	EA	1	\$725.00	\$725.00
13	7-12	Gate Valve 6-In	EA	4	\$950.00	\$3,800.00
14	7-12	Gate Valve 8-In	EA	15	\$1,250.00	\$18,750.00
15	7-14	Hydrant Assembly	EA	3	\$4,500.00	\$13,500.00
16	7-14	Moving Existing Hydrant	EA	2	\$1,400.00	\$2,800.00
17	7-14	Removing Existing Hydrant	EA	1	\$375.00	\$375.00
18	7-14	Adding a Storz Adapter to Ex. Hydrant	EA	1	\$300.00	\$300.00
19	7-15.5	Install and Reconnect 1-1/4 -in. PE Far Side Service Line (Trenchless Method)	EA	6	\$1,350.00	\$8,100.00
20	7-15.5	Install and Reconnect 1-1/4 -in. PE Near Side Service Line	EA	1	\$1,150.00	\$1,150.00
21	7-08	Trench Excavation Safety Systems	LS	1	\$100.00	\$100.00

**BID SCHEDULE C
PUD NO.1 WATER LINE UPGRADE**

Item No.	Spec. Section	Item	Unit	Quantity	Unit Price	Total Amount
22	8-14	Monolithic Conc. Curb and Sidewalk	SY	6	\$110.00	\$660.00
23	8-14	Sidewalk Ramp Perpendicular	EA	2	\$1,000.00	\$2,000.00
24	1-07	Force Acct. – Unanticipated Conflicts	EST	EST	\$5,000.00	\$5,000.00
Construction Phase – Schedule C SUB-TOTAL						\$178,564.00
Tax at 8.5%						\$15,177.94
Total Schedule C including tax						\$193,741.94
Contingency				5%		\$9,687.10
Contract Administration				5%		\$9,687.10
Design Engineering – By City Staff				Actual		\$5,150.00
Construction Engineering Coordination				EST		\$1,200.00
Construction Surveying (estimated)				EST		\$3,600.00
Soils Testing (estimated)				EST		\$1,100.00
TOTAL (ROUNDED)						\$224,166.00

COMPENSATION is revised as follows:

- City will charge PUD for its portion of the services described above at its actual costs plus 5% for Administration for a maximum compensation not to exceed **\$224,166.00** without further authorization from PUD. Requests by PUD for any other services by the City shall be negotiated as a mutually agreed amendment to this Agreement prior to the City providing the service. Upon reaching the maximum compensation, the City will have no further responsibility or obligation regarding the provision of services under this Agreement unless it is amended by mutual written agreement to authorize additional compensation.

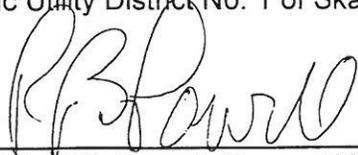
DATED this ___th day of _____, 2014.

CITY OF SEDRO-WOOLLEY
A Washington municipal corporation

By: _____
Mike Anderson, Mayor

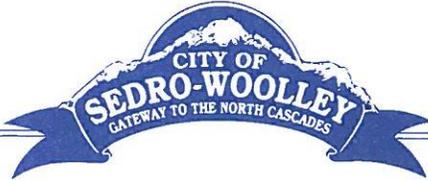
CONTRACTOR:

Public Utility District No. 1 of Skagit County

By: 
Robert B. Powell, General Manager

JUN 11 2014

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



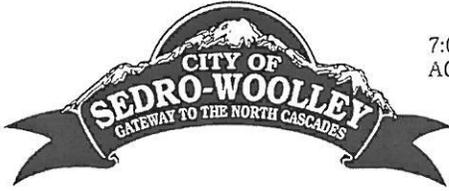
SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014

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



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

2ND READING
OLD BUSINESS

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Unpaid holidays (2nd reading)
DATE: May 28, 2014

ISSUE: Should the Council adopt a new policy relating to unpaid holidays for reasons of faith or conscience?

BACKGROUND: The Washington State Legislature requires that you do! A new law, which goes into effect on June 12, 2014, requires the adoption of an unpaid holiday policy for reasons of faith or conscience. MRSC prepared a model policy for cities; that policy is incorporated into an employment policy and is attached for your approval.

Also attached is the bill as it passed the legislature and the final bill report.

REQUEST: Motion to adopt the attached personnel policy establishing process and procedures for allowing unpaid holidays for reasons of faith or conscience.

Issue Date: June 11, 2014
Issued By: Eron Berg, City Supervisor
Approved By: City Council (at meeting on June.11, 2014)
Effective: June 12, 2014

Policy ____ Unpaid Holidays for Reasons of Faith or Conscience

- A. The City of Sedro-Woolley, in compliance with Washington State law, allows employees to take two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, and subject to the following rules and procedures:
 1. Unpaid Holidays. Unpaid holidays are available to all employees subject to the following:
 - a. Two Unpaid Holidays are available to each employee per calendar year;
 - b. Unpaid Holidays may not carry over from year to year if unused;
 - c. Use of Unpaid Holidays is subject to pre-approval of the employee's supervisor who shall consider the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management; and
 - d. Use of Unpaid Holidays is to be designated as such on the Payroll Time Sheet and the applicable approval attached to the timesheet.
- B. This policy is subject to annual review by the Mayor and may be modified or eliminated to meet the needs of the City at any time.

MRSC MODEL POLICY

May 20, 2014

We recommend that you have this policy reviewed by your own legal counsel before it is adopted.

UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of _____ (days/weeks) prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

FINAL BILL REPORT

SSB 5173

C 168 L 14
Synopsis as Enacted

Brief Description: Respecting holidays of faith and conscience.

Sponsors: Senate Committee on Commerce & Labor (originally sponsored by Senators Hasegawa, Kline, Frockt and Chase).

Senate Committee on Commerce & Labor
House Committee on Judiciary
House Committee on Appropriations

Background: The following are current legal state holidays: Sunday, New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving and the day following, and Christmas. State employees are entitled to one paid holiday per calendar year in addition to these legal holidays. State employees can select the day to take this additional paid holiday after consultation with their employer.

Children must attend public school between the ages of 8 and up to 18 with some exceptions. Some of these exceptions include the following: the child is attending a private school, the child is being home-schooled, the child is attending an education center, the child is 16 years of age and is employed, or the child has met graduation requirements. Parents can request that a child be temporarily excused from school for purposes agreed upon by the school authorities and the parent, provided that the absences do not cause serious adverse effect upon the student's educational progress. Students excused for these temporary, agreed-upon absences can be claimed as full-time equivalent students to the extent they would otherwise have been claimed, for the purposes of annual basic education allocation compliance, basic education minimum instructional requirements, and enrollment calculations.

Summary: Employees of the state and its political subdivisions, including employees of school districts and nonclassified employees of higher education institutions who hold appointments or are employed under contracts for less than 12 consecutive months, are entitled to two unpaid holidays per calendar year for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs are included in the group of employees who can take the two unpaid days. An employer must allow an employee to take an unpaid holiday unless the employee's absence would impose an undue

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

hardship on the employer or the employee is necessary to maintain public safety. The Office of Financial Management must establish a definition for undue hardship.

Subject to approval by the students' parents, students are excused from school for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization for up to two days per academic year without penalty. Students excused for these absences may still be claimed as full-time equivalent students. The student absences will not affect school district compliance with basic education minimum instructional requirements, annual basic education allocation requirements, or enrollment calculations. The student absences may not mandate school closures.

Institutions of higher education and state-funded workforce training programs must develop policies to accommodate student absences for reasons of faith or conscience to prevent adverse effects on students' grades.

Votes on Final Passage:

Senate	47	0	
House	64	32	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 12, 2014

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5173

Chapter 168, Laws of 2014

63rd Legislature
2014 Regular Session

STATE EMPLOYEES--UNPAID HOLIDAYS

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 11, 2014
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2014
YEAS 64 NAYS 32

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2014, 3:16 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5173** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 31, 2014

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5173

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Hasegawa, Kline, Frockt, and Chase)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to the respecting holidays of faith and conscience
2 act; amending RCW 1.16.050 and 28A.225.010; adding a new section to
3 chapter 43.41 RCW; adding a new section to chapter 28B.10 RCW; and
4 adding a new section to chapter 28C.18 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 1.16.050 and 2013 c 5 s 1 are each amended to read as
7 follows:

8 The following are legal holidays: Sunday; the first day of
9 January, commonly called New Year's Day; the third Monday of January,
10 being celebrated as the anniversary of the birth of Martin Luther King,
11 Jr.; the third Monday of February to be known as Presidents' Day and to
12 be celebrated as the anniversary of the births of Abraham Lincoln and
13 George Washington; the last Monday of May, commonly known as Memorial
14 Day; the fourth day of July, being the anniversary of the Declaration
15 of Independence; the first Monday in September, to be known as Labor
16 Day; the eleventh day of November, to be known as Veterans' Day; the
17 fourth Thursday in November, to be known as Thanksgiving Day; the day
18 immediately following Thanksgiving Day; and the twenty-fifth day of
19 December, commonly called Christmas Day.

1 Employees of the state and its political subdivisions, except
2 employees of school districts and except those nonclassified employees
3 of institutions of higher education who hold appointments or are
4 employed under contracts to perform services for periods of less than
5 twelve consecutive months, shall be entitled to one paid holiday per
6 calendar year in addition to those specified in this section. Each
7 employee of the state or its political subdivisions may select the day
8 on which the employee desires to take the additional holiday provided
9 for herein after consultation with the employer pursuant to guidelines
10 to be promulgated by rule of the appropriate personnel authority, or in
11 the case of local government by ordinance or resolution of the
12 legislative authority.

13 Employees of the state and its political subdivisions, including
14 employees of school districts and those nonclassified employees of
15 institutions of higher education who hold appointments or are employed
16 under contracts to perform services for periods of less than twelve
17 consecutive months, are entitled to two unpaid holidays per calendar
18 year for a reason of faith or conscience or an organized activity
19 conducted under the auspices of a religious denomination, church, or
20 religious organization. This includes employees of public institutions
21 of higher education, including community colleges, technical colleges,
22 and workforce training programs. The employee may select the days on
23 which the employee desires to take the two unpaid holidays after
24 consultation with the employer pursuant to guidelines to be promulgated
25 by rule of the appropriate personnel authority, or in the case of local
26 government by ordinance or resolution of the legislative authority. If
27 an employee prefers to take the two unpaid holidays on specific days
28 for a reason of faith or conscience, or an organized activity conducted
29 under the auspices of a religious denomination, church, or religious
30 organization, the employer must allow the employee to do so unless the
31 employee's absence would impose an undue hardship on the employer or
32 the employee is necessary to maintain public safety. Undue hardship
33 shall have the meaning established in rule by the office of financial
34 management under section 2 of this act.

35 If any of the above specified state legal holidays are also federal
36 legal holidays but observed on different dates, only the state legal
37 holidays shall be recognized as a paid legal holiday for employees of
38 the state and its political subdivisions except that for port districts

1 and the law enforcement and public transit employees of municipal
2 corporations, either the federal or the state legal holiday, but in no
3 case both, may be recognized as a paid legal holiday for employees.

4 Whenever any legal holiday, other than Sunday, falls upon a Sunday,
5 the following Monday shall be the legal holiday.

6 Whenever any legal holiday falls upon a Saturday, the preceding
7 Friday shall be the legal holiday.

8 Nothing in this section shall be construed to have the effect of
9 adding or deleting the number of paid holidays provided for in an
10 agreement between employees and employers of political subdivisions of
11 the state or as established by ordinance or resolution of the local
12 government legislative authority.

13 The legislature declares that the thirteenth day of January shall
14 be recognized as Korean-American day but shall not be considered a
15 legal holiday for any purposes.

16 The legislature declares that the twelfth day of October shall be
17 recognized as Columbus day but shall not be considered a legal holiday
18 for any purposes.

19 The legislature declares that the ninth day of April shall be
20 recognized as former prisoner of war recognition day but shall not be
21 considered a legal holiday for any purposes.

22 The legislature declares that the twenty-sixth day of January shall
23 be recognized as Washington army and air national guard day but shall
24 not be considered a legal holiday for any purposes.

25 The legislature declares that the seventh day of August shall be
26 recognized as purple heart recipient recognition day but shall not be
27 considered a legal holiday for any purposes.

28 The legislature declares that the second Sunday in October be
29 recognized as Washington state children's day but shall not be
30 considered a legal holiday for any purposes.

31 The legislature declares that the sixteenth day of April shall be
32 recognized as Mother Joseph day and the fourth day of September as
33 Marcus Whitman day, but neither shall be considered legal holidays for
34 any purpose.

35 The legislature declares that the seventh day of December be
36 recognized as Pearl Harbor remembrance day but shall not be considered
37 a legal holiday for any purpose.

1 The legislature declares that the twenty-seventh day of July be
2 recognized as national Korean war veterans armistice day but shall not
3 be considered a legal holiday for any purpose.

4 The legislature declares that the nineteenth day of February be
5 recognized as civil liberties day of remembrance but shall not be
6 considered a legal holiday for any purpose.

7 The legislature declares that the nineteenth day of June be
8 recognized as Juneteenth, a day of remembrance for the day the slaves
9 learned of their freedom, but shall not be considered a legal holiday
10 for any purpose.

11 The legislature declares that the thirtieth day of March be
12 recognized as welcome home Vietnam veterans day but shall not be
13 considered a legal holiday for any purpose.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.41 RCW
15 to read as follows:

16 The director of the office of financial management shall by rule
17 establish a definition of "undue hardship" for the purposes of RCW
18 1.16.050.

19 **Sec. 3.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
20 read as follows:

21 (1) All parents in this state of any child eight years of age and
22 under eighteen years of age shall cause such child to attend the public
23 school of the district in which the child resides and such child shall
24 have the responsibility to and therefore shall attend for the full time
25 when such school may be in session unless:

26 (a) The child is attending an approved private school for the same
27 time or is enrolled in an extension program as provided in RCW
28 28A.195.010(4);

29 (b) The child is receiving home-based instruction as provided in
30 subsection (4) of this section;

31 (c) The child is attending an education center as provided in
32 chapter 28A.205 RCW;

33 (d) The school district superintendent of the district in which the
34 child resides shall have excused such child from attendance because the
35 child is physically or mentally unable to attend school, is attending
36 a residential school operated by the department of social and health

1 services, is incarcerated in an adult correctional facility, or has
2 been temporarily excused upon the request of his or her parents for
3 purposes agreed upon by the school authorities and the parent:
4 PROVIDED, That such excused absences shall not be permitted if deemed
5 to cause a serious adverse effect upon the student's educational
6 progress: PROVIDED FURTHER, That students excused for such temporary
7 absences may be claimed as full-time equivalent students to the extent
8 they would otherwise have been so claimed for the purposes of RCW
9 28A.150.250 and 28A.150.260 and shall not affect school district
10 compliance with the provisions of RCW 28A.150.220; (~~or~~)

11 (e) The child is excused from school subject to approval by the
12 student's parent for a reason of faith or conscience, or an organized
13 activity conducted under the auspices of a religious denomination,
14 church, or religious organization, for up to two days per school year
15 without any penalty. Such absences may not mandate school closures.
16 Students excused for such temporary absences may be claimed as full-
17 time equivalent students to the extent they would otherwise have been
18 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may
19 not affect school district compliance with the provisions of RCW
20 28A.150.220; or

21 (f) The child is sixteen years of age or older and:

22 (i) The child is regularly and lawfully employed and either the
23 parent agrees that the child should not be required to attend school or
24 the child is emancipated in accordance with chapter 13.64 RCW;

25 (ii) The child has already met graduation requirements in
26 accordance with state board of education rules and regulations; or

27 (iii) The child has received a certificate of educational
28 competence under rules and regulations established by the state board
29 of education under RCW 28A.305.190.

30 (2) A parent for the purpose of this chapter means a parent,
31 guardian, or person having legal custody of a child.

32 (3) An approved private school for the purposes of this chapter and
33 chapter 28A.200 RCW shall be one approved under regulations established
34 by the state board of education pursuant to RCW 28A.305.130.

35 (4) For the purposes of this chapter and chapter 28A.200 RCW,
36 instruction shall be home-based if it consists of planned and
37 supervised instructional and related educational activities, including
38 a curriculum and instruction in the basic skills of occupational

1 education, science, mathematics, language, social studies, history,
2 health, reading, writing, spelling, and the development of an
3 appreciation of art and music, provided for a number of hours
4 equivalent to the total annual program hours per grade level
5 established for approved private schools under RCW 28A.195.010 and
6 28A.195.040 and if such activities are:

7 (a) Provided by a parent who is instructing his or her child only
8 and are supervised by a certificated person. A certificated person for
9 purposes of this chapter and chapter 28A.200 RCW shall be a person
10 certified under chapter 28A.410 RCW. For purposes of this section,
11 "supervised by a certificated person" means: The planning by the
12 certificated person and the parent of objectives consistent with this
13 subsection; a minimum each month of an average of one contact hour per
14 week with the child being supervised by the certificated person; and
15 evaluation of such child's progress by the certificated person. The
16 number of children supervised by the certificated person shall not
17 exceed thirty for purposes of this subsection; or

18 (b) Provided by a parent who is instructing his or her child only
19 and who has either earned forty-five college level quarter credit hours
20 or its equivalent in semester hours or has completed a course in home-
21 based instruction at a postsecondary institution or a vocational-
22 technical institute; or

23 (c) Provided by a parent who is deemed sufficiently qualified to
24 provide home-based instruction by the superintendent of the local
25 school district in which the child resides.

26 (5) The legislature recognizes that home-based instruction is less
27 structured and more experiential than the instruction normally provided
28 in a classroom setting. Therefore, the provisions of subsection (4) of
29 this section relating to the nature and quantity of instructional and
30 related educational activities shall be liberally construed.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW
32 to read as follows:

33 Institutions of higher education must develop policies to
34 accommodate student absences for up to two days per academic year, to
35 allow students to take holidays for reasons of faith or conscience or
36 for organized activities conducted under the auspices of a religious

1 denomination, church, or religious organization, so that students'
2 grades are not adversely impacted by the absences.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 28C.18 RCW
4 to read as follows:

5 State-funded workforce training programs must develop policies to
6 accommodate student absences for up to two days per academic year, to
7 allow students to take holidays for reasons of faith or conscience or
8 for organized activities conducted under the auspices of a religious
9 denomination, church, or religious organization, so that students'
10 grades are not adversely impacted by the absences.

Passed by the Senate March 11, 2014.

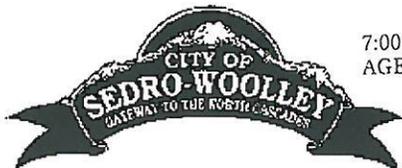
Passed by the House March 6, 2014.

Approved by the Governor March 31, 2014.

Filed in Office of Secretary of State March 31, 2014.

CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014



7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 6

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

MEMO TO: City Council and Mayor Mike Anderson
FROM: Mark A. Freiberger, PE
RE: **Proposed WSDOT Property Transfer
Contract 2013-PW-01 SR20/Cook Road Realignment and
Extension Project**
DATE: June 3, 2014 (for Council action June 11, 2014)

ISSUE

Should Mayor Anderson execute the attached quitclaim deeds from the State of Washington to the City of Sedro-Woolley to transfer property required for construction of the SR20/Cook Road Realignment and Extension Project?

BACKGROUND/DISCUSSION/ANALYSIS

As part of the SR20/Cook Road Project, WSDOT agreed to provide right of way for the realignment of Cook Road and for construction of the new Edward R. Murrow Street. The attached quitclaim deeds formalize this commitment. The transfer is pursuant to the provisions of RCW 47.12.080 in conjunction with chapter 306, laws of 2013 (ESSB 5024, Section 213(5)).

Also attached is a map and summary of parcels being transferred. We are verifying the accuracy of the deed descriptions with our surveyor, Skagit Surveyors & Engineers.

Certain limitations apply to the use of remnant portions of the property based on the Constitution. In effect, the use of the property is limited to roadway and street purposes only. Should the city elect to dispose of the property in the future, the costs of the appraisal and division would be the requirement of the city, with proceeds from a sale divided between the state and the city on a proportional basis. Use of the property for non-transportation purposes requires approval of WSDOT (Northwest Region, Mount Baker Area office).

MOTION:

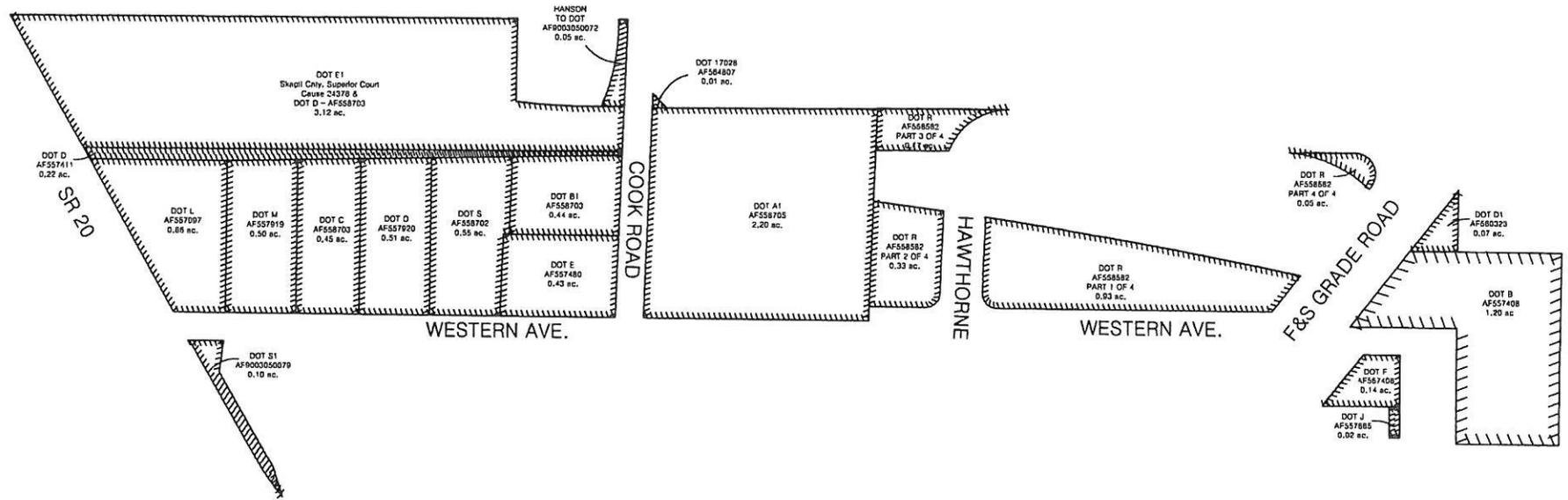
Move to authorize Mayor Anderson to execute the attached quitclaim deeds from the State of Washington to the City of Sedro-Woolley to transfer property required for construction of the SR20/Cook Road Realignment and Extension Project, and issue Check # 179425 payable to Skagit County Auditor for \$302.00 and Check # 179428 payable to Skagit County Treasurer for \$40.00 for property transfer fees.

**SR 20/COOK ROAD ROUNDABOUT
WSDOT R/W PARCELS REQUIRED
MARCH 5, 2013**

SR20/COOK ROAD REALIGNMENT AND EXTENSION PROJECT
WSDOT PROPERTIES TO BE CONVEYED TO THE CITY OF SEDRO-WOOLLEY
 Updated 4/7/2013; 8/9/13; 9/18/13

WSDOT Parcel	Parcel Number	Area, Acres	Notes	
R	AF558582	1.48	4 parts	1
A1	AF558705	2.20	DOT Parcel T is the same as Parcel A1	2
HANSON TO DOT	AF9003050072	-	Already City ROW	3
B1	AF558703	0.44		4
E	AF557480	0.43		5
S	AF558702	0.55		6
O	AF557920	0.51		7
C	AF557406	0.45		8
M	AF557919	0.50		9
L	AF557997	0.66		10
E1	S.C. Cause24376	3.12	Skagit Cnty Sup. Cause 24376	11
D	AF557411	0.22		12
S1	AF9003050079	0.10		13
B	AF557408	1.20		14
D1	AF560323	0.07		15
F	AF557409	0.14		16
J	AF557685	0.02		17
17028	AF564507	0.01	20'x20' Triangle located at SW corner Tract A1 and north of Cook Road.	18
TOTAL		12.10		

P:\SSI\Carlson\212039-DavidEvans and Assoc\Right Of Way Matters\DOT RW Parcels.dwg, Layout1, 8/11/2013 7:39:58 AM



MAP OF WSDOT PROPERTIES TO BE
CONVEYED TO THE CITY OF
SEDRO-WOOLLEY

Skagit Surveyors and Engineers

806 Metcalf St., Sedro-Woolley, WA 98284

360.855.2121

JN 212039

8APR13 Rev'd 09AUG13-Rev'd 14AUG13



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 16, 2014

City of Sedro Woolley
Attn: Mark Freiberger, P.E.
325 Metcalf St.
Sedro-Woolley, WA 98284-1007

RE: I. C. #: Cook Road Project (IC#'s 1-29-02716, 1-29-04438, 1-29-05137, 1-29-10012)
Plan Title: SR 9, HOWEY ROAD TO SEDRO-WOOLLEY

Dear Mr. Freiberger:

Enclosed you will find 4 separate quitclaim deeds from the State of Washington to the City of Sedro-Woolley, sent for review and approval(s). Please provide the appropriate signatory approval(s) on the line(s) provided on page 4 of each of the enclosed documents. It is not necessary to have the signature(s) acknowledged.

After the documents have been signed, please return them along with a check in the amount of \$302.00 made payable to the Skagit County Auditor, and a check for the Excise Affidavit processing fee in the amount of \$40.00 payable to the Skagit County Treasurer. We will then have the instrument(s) executed and recorded. They will be returned to you after recording and processing.

Feel free to contact me if you have any questions regarding these matters.

Sincerely,

Debbie Ivers
Property & Acquisition Specialist
Real Estate Services
360-705-6944
iversd@wsdot.wa.gov

DI

Enclosure(s) 4



AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: N/A
Grantor: State of Washington, Department of Transportation
Grantee: City of Sedro Woolley
Legal Description: Ptn. NW-SW, Sec 24, T3N, R4E, W.M.
Additional Legal Description is on Page 1 & 2 of document
Assessor's Tax Parcel Number: P37511, P37503 & highway right of way

Q U I T C L A I M D E E D

SR 9, HOWEY ROAD TO SEDRO WOOLLEY

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, at the direction of the legislature pursuant to chapter 306, Laws of 2013 (ESSB 5024, Section 213(5)), requiring the transfer of certain portions of the state's highway property located in the incorporated limits of Sedro-Woolley to facilitate completion of the SR 20/Cook Road realignment and extension project, to provide a more direct route from SR 20 and SR 9 to I-5, to reduce traffic and improve capacity on SR 20 and SR 9, hereby conveys and quitclaims unto CITY OF SEDRO-WOOLLEY, a municipal corporation of the state of Washington, Grantee, all right, title, and interest, including all easement rights of access, light, view and air, in and to the following described real property:

Tract A

Beginning at a point 20 feet north and 180 feet east of the southwest corner of the northwest quarter of Section 24, Township 35 North, Range 4 East, W.M., in Skagit County, Washington; thence east 260 feet, more or less, to the west line of Nelson Street (now Western Avenue) as platted in West Addition to the Town of Woolley, according to the recorded plat thereof in the office of the Auditor of

Skagit County, Washington, in Volume 2 of Plats, page 89; thence north along said west line of Nelson Street (now Western Avenue) 320 feet; thence west to a point directly north of the point of beginning; thence south 320 feet to the place of beginning.

Tract B

A 54-foot strip off the east side of the following described property in the southwest quarter of the northwest quarter of Section 24, Township 35 North, Range 4 East, in Skagit County, Washington:

Beginning at a point 20 feet north of the southwest corner of said quarter section; thence north 320 feet; thence east 180 feet; thence south 320 feet; thence west 180 feet to the point of beginning.

Tract C

That part of the following described PARCEL "B" lying southeasterly of the following described line: Beginning at a point on the east line of said PARCEL "B", 20 feet northerly of the southeast corner thereof; thence southwesterly to a point on the south line thereof 20 feet westerly of said southeast corner.

PARCEL "B": Beginning at a point 20 feet north of the southwest corner of the southwest quarter of the northwest quarter of Section 24, Township 35 North, Range 4 East, W.M., in Skagit County, Washington; thence north 320 feet; thence east 126 feet; thence south 320 feet; thence west to the point of beginning.

The specific details concerning all of which may be found on Sheet 4 of 4 sheets of that certain right of way plan entitled SR 9, (SSH 1 A), Howey Road to Sedro Woolley, now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 9, 1957.

The specific details concerning all of which may be found on sheet 4 of 4 of that certain plan entitled SR 9, (SSH 1 A), Howey Road to Sedro Woolley, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 9, 1957, revised December 12, 2013.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The Grantee herein, on behalf of itself and its successors or assigns, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage or runoff.

The Grantee understands and agrees that the above-referenced property is transferred for road and street purposes only. The Grantee shall not vacate, sell, rent or use the property (or any portion thereof) for nontransportation uses without first obtaining the Grantor's prior written approval. The Grantee agrees on behalf of itself and its successors or assigns, not to revise either the right of way lines or the access control without first obtaining the Grantor's prior written approval. Should the Grantor authorize the vacation, sale, rental or use of the property (or any portion thereof) for nontransportation uses, the Grantee agrees at its cost to determine by appraisal the fair market value/economic rent of the property (or any portion thereof), and the Grantee and state of Washington agree to proportionally share in the value of the property in the same proportion as the purchase costs were shared.

The Grantee, its successors or assigns, as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

The lands herein described are not required for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.080 in conjunction with chapter 306, laws of 2013 (ESSB 5024, Section 213(5)).

Dated at Olympia, Washington, this _____ day of _____, 20____.

STATE OF WASHINGTON

Lynn Peterson
Secretary of Transportation

APPROVED AS TO FORM:

By: *Ann E. Selay*
Assistant Attorney General

REVIEWED AS TO FORM:

City of Sedro Woolley

By: _____

Name: _____

Title: _____

STATE OF WASHINGTON)

) : ss

County of Thurston)

On this _____ day of _____, 20____, before me personally appeared Lynn Peterson, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.

Notary (print name) _____

Notary Public in and for the State of Washington, residing
at Olympia

My Appointment Expires _____

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: N/A
Grantor: State of Washington, Department of Transportation
Grantee: City of Sedro-Woolley
Legal Description: Ptn. NW-SW, Sec 24, T3N, R4E, W.M.
Additional Legal Description is on Pages 1 - 3 of document
Assessor's Tax Parcel Number: P37514, P37518, P37519. P37516, P37550, P37524, P37517 & P37515

Q U I T C L A I M D E E D

SR 9, HOWEY ROAD TO SEDRO WOOLLEY

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, at the direction of the legislature pursuant to chapter 306, Laws of 2013 (ESSB 5024, Section 213(5)), requiring the transfer of certain portions of the state's highway property located in the incorporated limits of Sedro-Woolley to facilitate completion of the SR 20/Cook Road realignment and extension project, to provide a more direct route from SR 20 and SR 9 to I-5, to reduce traffic and improve capacity on SR 20 and SR 9, hereby conveys and quitclaims unto CITY OF SEDRO-WOOLLEY, a municipal corporation of the state of Washington, Grantee, all right, title, and interest, to the following described real property:

All that part of the following described Tract "X" EXCEPT that portion described as follows:

Begin at the West quarter corner of Section 24, Township 35 North, Range 4 East, W.M.; thence South 0° 54' 25" West along the West Line of said Section, 20 feet to the true point of beginning; Thence continue South 0° 54' 25" West 130 feet; thence South 89° 05' 35" East 122 feet,

more or less, to a point opposite and 30 feet distant West, when measured radially from Highway Engineer's Station F3 7+70 on the F3 Line Survey of Secondary State Highway No. 1-A, Howey Road to Sedro Woolley; thence Northerly parallel with and 30 feet distant Westerly from said F3 Line 110 feet, more or less, to a point 20 feet South of the South right of way line of the Cook County Road; thence North 44°09' 30" West 28 feet, more or less, to the South right of way of said County road; thence Westerly along the South right of way line of the Cook County Road, 102 feet, more or less, to the true point of beginning.

And Except that portion conveyed to Gary L. Hanson and Linda S. Hanson, by deed recorded July 30, 1991 as Auditor's File No. 9107300020, records of Skagit County, Washington;

And Further Except that portion conveyed to the City of Sedro Woolley, by deed recorded March 9, 1992 as Auditor's File No. 9203090088, records of Skagit County, Washington.

TRACT "X"

Part of the NW1/4 of the SW1/4 of Section 24, Township 35 North, Range 4, East, W.M., described as follows:

Beginning at a point on the West line of said Section 24, 20 feet South of the West quarter corner; thence South along the West section line 977.5 feet to Seattle & Northern Railroad right of way; thence North 60°21' East along the North side of the said right of way 216.6 feet; thence North parallel with the West section line 870.2 feet; thence West 188.6 feet to place of beginning, EXCEPT roads and rights of way therefor and

EXCEPT that portion thereof lying Southeasterly of a line drawn parallel with and 50 feet distant Northwesterly when measured at right angles from the center line of Secondary State Highway No. 1A and 1F, Sedro-Woolley Vicinity, as condemned by the State of Washington, under Superior Court Cause No.23448 for highway purposes.

The Grantee understands and agrees the Grantor is retaining ownership of all rights of ingress and egress, to, from and between SR 20 along the Southeasterly line of the above described property and the C line of SR 9, (SSH 1 A), Howey Road to Sedro Woolley right of way plan lying Southerly of HES C 13+00 on said C line survey as shown on the above referenced state highway route and/or roadway facilities and the properties abutting said state highway route and/or roadway facilities,

including all rights of access, light, view and air, and access control as shown by the access prohibition symbol on the SR 9, (SSH 1 A), Howey Road to Sedro Woolley right of way plan along said state route and/or roadway facilities and along abutting properties on said right of way plans. The Grantee, its successors or assigns, shall have no right of ingress or egress between the above referenced state route and abutting properties, or the state route and the lands abutting hereon that show the access prohibition symbol on said right of way plans. The Grantee, its successors or assigns, shall not be entitled to compensation for any loss of access, light, view, or air occasioned by the location, construction, reconstruction, maintenance, or operation of the above referenced state route and/or roadway facilities.

The specific details concerning all of which may be found on sheet 4 of 4 of that certain plan entitled SR 9, (SSH 1 A), Howey Road to Sedro Woolley, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 9, 1957, revised April 25, 2014.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The Grantee herein, on behalf of itself and its successors or assigns, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage or runoff.

The Grantee understands and agrees that the above-referenced property is transferred for road and street purposes only. The Grantee shall not vacate, sell, rent or use the property (or any portion thereof) for nontransportation uses without first obtaining the Grantor's prior written approval. The Grantee agrees on behalf of itself and its successors or assigns, not to revise either the right of way lines or the access control without first obtaining the Grantor's prior written approval. Should the Grantor authorize the vacation, sale, rental or use of the property (or any portion thereof) for nontransportation uses, the Grantee agrees at its cost to determine by appraisal the fair market value/economic rent of the property (or any portion thereof), and the

Grantee and state of Washington agree to proportionally share in the value of the property in the same proportion as the purchase costs were shared.

The Grantee, its successors or assigns, as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

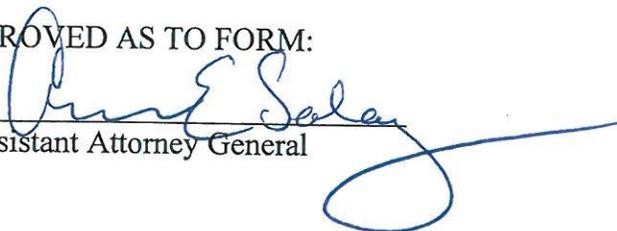
The lands herein described are not required for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.080 in conjunction with chapter 306, laws of 2013 (ESSB 5024, Section 213(5)).

Dated at Olympia, Washington, this _____ day of _____, 20____.

STATE OF WASHINGTON

Lynn Peterson
Secretary of Transportation

APPROVED AS TO FORM:

By: 
Assistant Attorney General

REVIEWED AS TO FORM:
City of Sedro-Woolley

By: _____

Name: _____

Title: _____

STATE OF WASHINGTON)

) : ss

County of Thurston)

On this _____ day of _____, 20____, before me personally appeared Lynn Peterson, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.

Notary (print name) _____

Notary Public in and for the State of Washington, residing
at Olympia

My Appointment Expires _____

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: N/A
Grantor: State of Washington, Department of Transportation
Grantee: City of Sedro Woolley
Legal Description: Ptn. Lots 1-11, 13 & 14, 18-20 and Lot 10, Roetker's Addn. to Sedro Woolley V. 7, p. 44
Additional Legal Description is on Pages 1 & 2 of document
Assessor's Tax Parcel Number: P76855, P76834 & unassigned hwy r/w

QUITCLAIM DEED

SR 9, HOWEY ROAD TO SEDRO WOOLLEY

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, at the direction of the legislature pursuant to chapter 306, Laws of 2013 (ESSB 5024, Section 213(5)), requiring the transfer of certain portions of the state's highway property located in the incorporated limits of Sedro-Woolley to facilitate completion of the SR 20/Cook Road realignment and extension project, to provide a more direct route from SR 20 and SR 9 to I-5, to reduce traffic and improve capacity on SR 20 and SR 9, hereby conveys and quitclaims unto CITY OF SEDRO-WOOLLEY, a municipal corporation of the state of Washington, Grantee, all right, title, and interest, including all easement rights of access, light, view and air, in and to the following described real property:

Tract 1

All that portion of the following described PARCEL "A" lying southeasterly of a line drawn parallel with and 75 feet northwesterly, when measured at right angles and/or radially from the center line of Secondary State Highway No. 1-A (now SR 9), Howey Road to Sedro Woolley.

PARCEL "A": Lots 1 to 11 inclusive, the south half of Lot 13, and all of Lots 14 to 22 inclusive, Roetker's Addition to Sedro Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 7 of Plats, page 44.

Tract 2

A strip of land 60 feet in width being 30 feet wide on each side of the F-3 line of Secondary State Highway No. 1-A (now SR 9), Howey Road to Sedro Woolley, as surveyed over and across Lots 18, 19, and 20, Roetker's Addition to Sedro Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 7 of Plats, page 44.

Tract 3

All that portion of Lot 10, Roetker's Addition to Sedro Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 7 of Plats, page 44, lying northwesterly of a line drawn parallel with and 30 feet southeasterly, when measured at right angles and/or radially from the F-3 line of Secondary State Highway No. 1-A (now SR 9), Howey Road to Sedro Woolley.

The specific details concerning all of which may be found on sheet 4 of 4 of that certain plan entitled SR 9, (SSH 1 A), Howey Road to Sedro Woolley, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 9, 1957, revised December 12, 2013.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The Grantee herein, on behalf of itself and its successors or assigns, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage or runoff.

The Grantee understands and agrees that the above-referenced property is transferred for road and street purposes only. The Grantee shall not vacate, sell, rent or use the property (or any portion thereof) for nontransportation uses without first obtaining the Grantor's prior written approval. The Grantee agrees on behalf of itself and its successors or assigns, not to revise either the right of way lines or the access control without first obtaining the Grantor's prior written approval. Should the Grantor authorize the vacation, sale, rental or use of the property (or any portion thereof) for nontransportation uses, the Grantee agrees at its cost to determine by appraisal the fair market value/economic rent of the property (or any portion thereof), and the Grantee and state of Washington agree to proportionally share in the value of the property in the same proportion as the purchase costs were shared.

The Grantee, its successors or assigns, as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

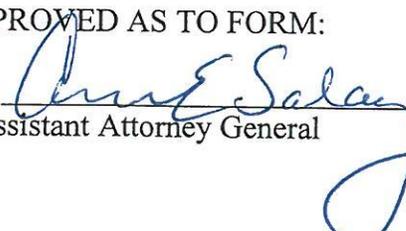
The lands herein described are not required for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.080 in conjunction with chapter 306, laws of 2013 (ESSB 5024, Section 213(5)).

Dated at Olympia, Washington, this _____ day of _____, 20____.

STATE OF WASHINGTON

Lynn Peterson
Secretary of Transportation

APPROVED AS TO FORM:

By: 
Assistant Attorney General

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: N/A
Grantor: State of Washington, Department of Transportation
Grantee: City of Sedro Woolley
Legal Description: Ptn. NW-SW, Sec 24, T3N, R4E, W.M.
Additional Legal Description is on Pages 1-3 of document
Assessor's Tax Parcel Number: P77369, P37487, P37445, P37444 & unassigned hwy r/w

QUITCLAIM DEED

SR 9, HOWEY ROAD TO SEDRO WOOLLEY

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, at the direction of the legislature pursuant to chapter 306, Laws of 2013 (ESSB 5024, Section 213(5)), requiring the transfer of certain portions of the state's highway property located in the incorporated limits of Sedro-Woolley to facilitate completion of the SR 20/Cook Road realignment and extension project, to provide a more direct route from SR 20 and SR 9 to I-5, to reduce traffic and improve capacity on SR 20 and SR 9, hereby conveys and quitclaims unto CITY OF SEDRO-WOOLLEY, a municipal corporation of the state of Washington, Grantee, all right, title, and interest, including all easement rights of access, light, view and air, in and to the following described real property:

Part of the southwest quarter of the northwest quarter of Section 24, Township 35 North, Range 4 East, W.M., in Skagit County, Washington, described as follows:

Beginning at a point on the north line of said southwest quarter of the northwest quarter where the same is intersected by the center line of Borseth Street in West Addition to the Town of Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 2 of Plats, page

89, if said center line were projected north; thence west along the north line of said southwest quarter of the northwest quarter, 548 feet; thence south to the northeasterly right of way line of the Fairhaven & Southern Railway right of way; thence southeasterly along the said right of way to the west line of Nelson Street (now Western Avenue); thence north along the west line of Nelson Street (now Western Avenue) to the north line of Moore Street; thence east along the north line of Moore Street to intersect with the center line of Borseth Street; thence north to the point of beginning;

EXCEPT the east 272 feet thereof;

AND EXCEPT a strip of land along the right of way of the Fairhaven & Southern Railroad heretofore conveyed to Skagit County for road purposes.

ALSO, that portion of the following described PARCEL "C" lying southerly of a line drawn as follows:

Begin at Highway Engineer's Station P.T. F-3 21+69.0 on the F-3 center line of Secondary State Highway No. 1-A (now SR 9), Howey Road to Sedro Woolley; thence northerly and at right angles to the tangent thereof, 40 feet to the True Point of Beginning of this line description; thence North 88°44'30" West 100 feet, more or less, to the westerly boundary of the said PARCEL "C" and the end of this line description.

PARCEL "C": That portion of the southwest quarter of the northwest quarter of Section 24, Township 35 North, Range 4 East, W.M., in Skagit County, Washington, where the same is intersected by the centerline of Borseth Street in West Addition to the Town of Sedro Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 2 of Plats, page 89, if same centerline were projected north; thence west along the north line of said southwest quarter of the northwest quarter to the northeasterly right of way line of the Fairhaven & Southern Railway right of way; thence southeasterly along the said right of way line of the Fairhaven & Southern Railway to the west line of Nelson Street (now Western Avenue); thence north along the west line of Nelson Street (now Western Avenue) to the north line of Moore Street; thence east along the north line of Moore Street to intersect with the centerline of Borseth Street; thence north to the point of beginning;

EXCEPT the east 548 feet thereof;

AND EXCEPT county roads.

ALSO, Lots 1 and 2, the west one-half of Lot 3, the north 15 feet of the east half of Lot 3, and the north 15 feet of Lot 4, all in Block 1, West Addition to the Town of Woolley, according to the recorded plat thereof in the office of the Auditor of Skagit County, Washington, in Volume 2 of Plats, page 89.

The specific details concerning all of which may be found on sheet 4 of 4 of that certain plan entitled SR 9, (SSH 1 A), Howey Road to Sedro Woolley, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 9, 1957, revised December 12, 2013.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The Grantee herein, on behalf of itself and its successors or assigns, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage or runoff.

The Grantee understands and agrees that the above-referenced property is transferred for road and street purposes only. The Grantee shall not vacate, sell, rent or use the property (or any portion thereof) for nontransportation uses without first obtaining the Grantor's prior written approval. The Grantee agrees on behalf of itself and its successors or assigns, not to revise either the right of way lines or the access control without first obtaining the Grantor's prior written approval. Should the Grantor authorize the vacation, sale, rental or use of the property (or any portion thereof) for nontransportation uses, the Grantee agrees at its cost to determine by appraisal the fair market value/economic rent of the property (or any portion thereof), and the Grantee and state of Washington agree to proportionally share in the value of the property in the same proportion as the purchase costs were shared.

The Grantee, its successors or assigns, as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

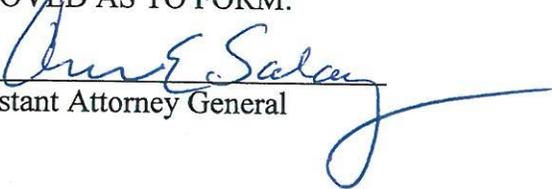
The lands herein described are not required for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.080 in conjunction with chapter 306, laws of 2013 (ESSB 5024, Section 213(5)).

Dated at Olympia, Washington, this _____ day of _____, 20 ____.

STATE OF WASHINGTON

Lynn Peterson
Secretary of Transportation

APPROVED AS TO FORM:

By: 
Assistant Attorney General

REVIEWED AS TO FORM:
City of Sedro Woolley

By: _____

Name: _____

Title: _____

STATE OF WASHINGTON)

) : ss

County of Thurston)

On this _____ day of _____, 20____, before me personally appeared Lynn Peterson, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.

Notary (print name) _____

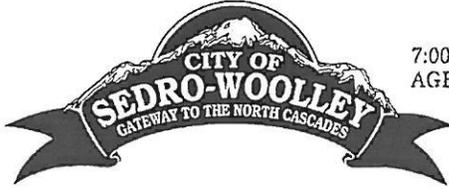
Notary Public in and for the State of Washington, residing
at Olympia

My Appointment Expires _____

CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014

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



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

**2ND READING
OLD BUSINESS**

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: SCOG agreement & bylaws
DATE: June 11, 2014

ISSUE: Should the Council approve the attached agreement for the Skagit Council of Governments (SCOG) which includes the transportation policy board?

BACKGROUND: This agreement and bylaws have been the topic of discussion for many months now. The SCOG board approved an earlier version which was rejected by the Sedro-Woolley City Council. This version is intended to address the primary concerns expressed by you at that time: the composition of the transportation policy board and related ability of the future TPB to modify the composition by changing the bylaws without a vote of the member entities. I believe both of those issues have been addressed with the voting structure modification and the changes to the agreement regarding the voting structure.

The RTPO, MPO and SCOG board have all approved the updated agreement. It is SCOG's intent to seek ratification by the end of June for a July 1, 2014 effective date. Once the agreement is in place, the SCOG board and the TPB will separately take action on the bylaws. A draft of the bylaws is included for your information. No action by the city council is required on the bylaws.

At the City Council's prior meeting on this topic two additional concerns were raised: 1. Why make the change at all? And, 2. Why call it a "Governance Agreement" versus an interlocal agreement? The answer to the first question has two parts: one is that the same geographic region is not allowed to have both an MPO and an RTPO. Therefore the two boards, which are comprised differently, must be harmonized in some fashion. The TPB is the proposed solution and the revised TPB includes a voting structure that more closely represents those entities that have eligible federally funded transportation projects. The second response to the first question is that the current governance agreements were very poorly drafted and not entirely ratified. The sole objective of these new agreements is to have a well-written set of documents to govern SCOG. Finally, the reason SCOG is proposing to call it a governance agreement is because the agreement will govern SCOG and it is formed pursuant to RCW 36.64.080 rather than the interlocal cooperation act. There is no question that the term "governance" has been

confused by some as an attempt by SCOG to govern others. In this case, the word simply describes the agreement which will govern the formation and operation of SCOG and the TPB.

I believe the amendments negotiated and incorporated in the current draft will work for the city and am recommending approval of the agreement.

Also attached is the memo from Kevin Murphy to the SCOG board from last week which shows the changes in voting structure in more detail.

REQUEST: Motion to authorize the Mayor to sign the attached agreement for the formation and operation of the Skagit Council of Governments.

ACTION ITEM 6.C. – REVISED SCOG AGREEMENT AND BYLAWS

Document History

MEETING	DATE	TYPE OF ITEM	STAFF CONTACT	PHONE
Skagit MPO Policy Board	5-6-2014	Action	Kevin Murphy	360-416-7871
Skagit Sub-RTPO Policy Board	5-6-2014	Action	Kevin Murphy	360-416-7871
SCOG Board	5-21-2014	Action	Kevin Murphy	360-416-7871

RECOMMENDED ACTION

Incorporate the revised Transportation Policy Board (TPB) structure, as adopted by the MPO Policy Board and Sub-RTPO Policy Board; revise the [SCOG governance agreement](#) (the linked version does not include signature pages) and [bylaws](#), and recommend ratification by SCOG members.

DISCUSSION

The MPO Policy and Sub-RTPO Policy Boards met on May 6, 2014 and adopted the TPB voting structure shown in the table below and gave direction to staff to prepare necessary changes to the SCOG agreement bylaws to implement the revised TPB structure.

Member/Agency	Representatives	Votes
Skagit County	3 (one for each Commissioner)	3
City of Anacortes	1	1
City of Burlington	1	1
City of Mount Vernon	1	1
City of Sedro-Woolley	1	1
Towns Representative	Determined by Bylaws ¹	1
Ports Representative	Determined by Bylaws ¹	1
Tribes Representative	Determined by Bylaws ¹	1
WSDOT	1	1
Mayor Employer Representative	1	Ex officio
Skagit PUD	1	Ex officio

Skagit transit	Represented by the County, City and Town members	
Legislative Delegation	9	Ex officio
		Total Votes - 11

¹ Towns, Ports and Tribes each have a total of one vote. The number of representatives and sharing of the vote is determined by the Bylaws.

Revisions to the SCOG agreement and bylaws are necessary to implement the adopted TPB structure and can be found at the hyperlinks earlier in the memo. The revisions to the agreement and bylaws states that the representative votes for the tribes, towns and ports will be determined by the representative group and notification be given to SCOG by July 11, 2014. If the groups cannot decide, the SCOG Board shall determine the representation. The method by which each group determines their representation will be incorporated in to the bylaws for action in July and will allow for determining who is on the TPB for the July meeting.

Ratification packets that include the SCOG agreement, bylaws, and adopting resolution would be sent to the members immediately after the May SCOG Board meeting. If the agreement is ratified by enough members by June 30, 2014 the agreement would go into effect on July 1, 2014 and be in place for the July meetings. The bylaws would then be acted upon at the July meetings.

Ratification takes place by members of the Council. In order for the agreement to go into effect the County, Cities and Towns councils must achieve the following thresholds:

RTPO – The County and 60% of the Cities and Towns (5 of the 8), representing 75% of the incorporated population.

MPO – Largest incorporated city (Mount Vernon) and jurisdictions representing at least 75% of the affected (county) population.

SKAGIT COUNCIL OF GOVERNMENTS

GOVERNANCE AGREEMENT

(Approved by the SCOG Board May 21, 2014)

Pursuant to Chapter 36, Laws of 1959 as amended, and RCW 36.64.080 be it resolved that the Cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley, Towns of Concrete, Hamilton, La Conner, Lyman, Skagit County, Skagit PUD #1, Port of Anacortes, Port of Skagit County, Skagit Transit, Swinomish Tribal Community and the Samish Indian Nation (each, a "Member," collectively, the "Members"), do hereby organize and establish a regional agency, hereafter referred to as the Skagit Council of Governments.

This Agreement terminates and supersedes in all respects the Skagit Council of Governments Intergovernmental Agreement dated May 18, 2011; The Interlocal Cooperation Agreement establishing the Skagit Metropolitan Planning Organization dated March 19, 2003; and the Amended Agreement for the Skagit Sub-Regional Transportation Planning Program dated September 21, 1994.

RECITAL:

WHEREAS, the signatories hereto desire to enter into and continue an agreement to make more efficient use of the powers granted to them; to cooperate and collaborate with each other as local governmental units, municipalities and organizations for mutual advantage; and, thereby to provide services, facilities and planning in a manner and in accordance with various geographic, economic and demographic factors influencing the needs and development of the entire communities covered by this Agreement; and

WHEREAS, on July 6, 2012, the President of the United States signed the Moving Ahead for Progress in the 21st Century Act (MAP-21), which provided authorization for highways, highway safety, and mass transportation and enunciated a policy "[t]o develop a National Intermodal Transportation System that is economically efficient, environmentally sound, provide the foundation for the nation to compete in the global economy and will move people and goods in an energy efficient manner;" and

WHEREAS, Federal transportation legislation (Title 23 United States Code 134 and Title 49 United States Code 5303) required the establishment, by agreement between the Governor of the State of Washington and units of general purpose local government, of a Metropolitan Planning Organization (MPO), which in cooperation with the State of Washington was and is to develop transportation plans and programs for urbanized areas of Washington State; and

WHEREAS, Chapter 47.80 RCW authorizes the formation of a Regional Transportation Planning Organization (RTPO) by voluntary association of local governments within a county; provided that each RTPO shall have as members the county and at least sixty percent of the cities and towns within the RTPO's boundaries, representing a minimum of seventy-five percent of the total population of cities and towns within the county and federal law authorizes formation of a MPO where seventy-five percent (75%) of the affected population, including the largest incorporated city ("RTPO and MPO Representation Threshold"); and

WHEREAS, each RTPO formed by local governments is required to create a transportation policy board in accordance with RCW 47.80.040 to provide policy advice to the RTPO and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making; and

WHEREAS, RCW 47.80.020 provides that the RTPO in an urbanized area shall be the same as the MPO designated for federal transportation planning purposes; and

WHEREAS, 23 USC §134 and 49 USC §5303 require that a Metropolitan Planning Organization be established to develop transportation plans and programs in Skagit County and to establish a planning process which is continuing, cooperative, and comprehensive; and

WHEREAS, the Growth Management Act, Chapter 36.70 RCW, requires local governments to adopt transportation plans that are consistent with comprehensive land use plans; and

WHEREAS, the Members acknowledge the need to engage in cooperative planning and decision-making on transportation issues and the benefits to be derived therefrom; and

WHEREAS, the Skagit Council of Governments was established to provide regional planning in Skagit County; and

WHEREAS, the Skagit Council of Governments is named as a sub-recipient on grant funds provided to Skagit County by Washington Department of Community, Trade and Economic Development ("CTED") under the Community Block Grant Program; and

WHEREAS, the Skagit Council of Governments is named as a sub-recipient on federal and state transportation planning grant funds; and

WHEREAS, Skagit Council of Governments is the recipient of grant funds from the United States Department of Commerce, Economic Development Administration ("USDOC"); and

WHEREAS, Skagit Council of Governments has utilized the grant funds received from CTED and USDOC to establish and administer a revolving loan fund program to provide financial assistance to businesses and promote economic development in Skagit County; and

WHEREAS, this Agreement is in fact a restatement, extension, and modification of prior Agreements for the organization formerly recognized as the "Skagit Council of Governments"; and

WHEREAS, the parties are now desirous in setting forth this agreement,

NOW THE PARTIES DO HEREBY AGREE AS FOLLOWS:

Section I

The name of the council so organized and established shall be the Skagit Council of Governments (the "Council" or "SCOG"). The address and registered office shall be 204 W. Montgomery Street Mount Vernon WA, 98273 or such place as the Council shall designate by resolution.

Section II
PURPOSES

The purposes which form the basis of this Agreement are set forth as follows:

- A. To implement and perform the functions of a Regional Transportation Planning Organization (RTPO) for Skagit County as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC, as currently adopted or as amended;
- B. To implement and perform the functions of a Metropolitan Planning Organization (MPO) for the Mount Vernon Urbanized Area as such Area's boundaries are defined now or in the future, and as set forth in Title 23 United States Code and Title 49 United States Code as currently adopted or as amended and 23 CFR Parts 450 and 500 and 40 CFR Part 613, as currently adopted or as amended;
- C. To implement the Public Works and Economic Development Act of 1965, P.L. 89 136 42 USC 3121et.seq. and all related/subsequent Federal and Washington State legislation relating to the purposes of the said Act;
- D. To study regional and governmental problems of mutual interest as agreed to by the Board and consistent with those set forth in Ch. 36.64.080 RCW, and pursue Transportation-related regional planning as set forth in RCW 39.92.050, as currently adopted or amended;
- E. To foster economic development by the administration of grant funds for the financing of business enterprises in Skagit County through the management of a revolving loan fund and other means as approved by the Board of Directors;
- F. Such other regional planning activities as directed by the Board.

Section III
FUNCTIONS and AUTHORITIES

A. Transportation. SCOG shall perform the duties and responsibilities of an RTPO and MPO as prescribed in Ch. 47.80 RCW and Title 23 USC §134 and 49 USC §5303 and as a conference pursuant to RCW 36.64.080, as currently adopted or as amended.

- 1. Prepare a regional transportation plan ("RTP") as set forth in RCW 47.80.030 that is consistent with countywide planning policies. The RTP will establish planning direction for regionally significant transportation projects, as defined in state law and shall be consistent with the regional growth management strategy, including but not limited to:
 - a. Certify that transportation elements of local comprehensive plans are consistent with the regional transportation plan.

- b. Certify that all transportation projects within the region that have a significant impact upon regional facilities or services are consistent with the RTP.
2. Carry out Metropolitan Planning Organization (MPO) functions as prescribed in Title 23 USC §134 and 49 USC §5303 for federally funded projects in the region and /or as required by federal and/or state laws and regulations that are applicable to the MPO, now or in the future. These functions include preparation of a RTP, an annual unified planning work program (UPWP), and a four-year capital plan (with an annual element).

B. Economic Development. To further the purposes of regional economic development, pursuant to Chapter 39.34 RCW the Council shall:

1. Cooperatively develop and maintain a regional economic development strategy that complies with the Federal requirements for a Comprehensive Economic Development Strategy (USC 42 Chapter 38 Public Works and Economic Development), and is also consistent with the requirements of the state of Washington for comprehensive planning under the Growth Management Act Ch. 47.80 RCW.
2. Contract for, administer and manage state and federal economic development loan programs as part of the revolving loan fund program.
3. Prepare and maintain a revolving loan fund management plan.

C. Regional Data Base Development. The Council shall provide for establishment and maintenance of a regional data base to:

1. Support development of the RTP and other regional planning efforts of mutual concern to the various participants in the Council when requested to do so from time to time by the participants in the Council.
2. Forecast and monitor economic, demographic, and travel conditions in the region.
3. Develop the database jointly with relevant state agencies for use in the region by local governments and the State of Washington.

D. Technical Assistance. As requested, the Council shall provide technical assistance to local, state and federal governments through regional data collection and forecasting services, consistent with the purpose, functions, and budget of the agency. In addition, the Council may provide general transportation or economic development planning assistance, consistent with the purpose and functions of the Council, to members of the agency.

E. Discussion Forum. The Council may provide a forum for discussion among local and state officials and other interested parties of common regional issues.

F. Research and Planning. The Council may act as a research and fact-finding agency of the members thereof. To that end, it may make such surveys, analyses, researches and reports as are generally authorized or requested by the Board. The Council, upon such authority or requests may also:

1. Make inquiries, investigations, and surveys concerning the resources of Skagit County.
2. Assemble and analyze the data thus obtained, the systematic utilization and development thereof.
3. Cooperate with other commissions and public and private agencies of Skagit County, Washington State, and the United States in planning endeavors.
4. Develop programs of Intergovernmental cooperation for the benefit of members.

G. Other Functions. The Council shall, insofar as possible:

1. Coordinate general planning among and for the participating members;
2. Provide a written report to the members each year;
3. Prepare, approve and administer its own annual budget, which includes setting the amount Voting Members' and non-voting Members' dues, hire an Executive Director (who shall hire and supervise employees), hire consultants, engage professional accounting, legal and other services as needed; sue and be sued; and
4. Other such additional, modified or removed functions and authorities as shall be authorized by the Board of Directors.

Section IV

BYLAWS

The authority to make, amend, or repeal bylaws is vested in the Council so long as such bylaws are consistent with the provisions of these articles and applicable laws. Bylaws for the Council are included in Exhibit A and are adopted as part of this agreement. Amendments to that portion of the Bylaws applying to the Transportation Policy Board must be approved by TPB. New Bylaws and/or amendments to the Bylaws require a "first reading" at a regular meeting of the Board and adoption thereafter at a subsequent regular meeting. Amendment of the Bylaws shall require a two thirds vote of the entire SCOG Board of Directors.

Section V

BOUNDARIES

The Council may be expanded to include areas and agencies which are economically and socially related to the Skagit County area. The initial boundaries of the regional planning district shall be conterminous with the boundaries of Skagit County, Washington. All references to the "region" in this agreement shall mean Skagit County unless changed by the Board.

Section VI

MEMBERSHIP

A. Voting membership on the Council shall be open to Skagit County, all city and town governments, the Ports of Anacortes and Skagit County, federally recognized indian tribes with principal locations in Skagit

County, Skagit Transit and public utility districts in Skagit County. Voting membership for each entity is established by its execution of this Agreement and payment of its dues.

B. Associate membership shall be open to other governmental and non-governmental agencies interested in regional planning and shall be elected to membership by a majority of the Board of Directors and shall be effective upon its delivery of its written assurance that it will comply with this agreement and the Council Bylaws and payment of its dues. Such members shall be non-voting, but shall have all other privileges and duties of membership. Dues to be paid by associate members will be established by the Council through its normal budget setting process.

C. Any member agency shall have the right to withdraw from the Council and this Agreement by giving sixty (60) days written notice to the Council. Withdrawal from the Agreement or non-execution of the Agreement by any one party shall not affect the continuation of the Agreement with regard to the other parties; *provided*, that should the cumulative withdrawal of Members cause the organization to not meet the MPO and or RPTO Representation Threshold, SCOG shall thereafter not act as the Skagit MPO or RPTO until such time as it again meets the MPO and RPTO Representation Threshold. All financial obligations entered into with the Council while the withdrawing party was a member shall remain with the withdrawing party until these obligations are satisfied or a specific release from these obligations are approved by a majority of the whole Council.

Section VII

GOVERNING BODY, POLICY BOARDS and OFFICERS

A. The Council shall be governed by a Board of Directors (also referred to as the "Board"). The Board shall be composed of representatives of the voting members of the county, cities, towns, ports other municipal corporations and Tribal governments and shall be represented on the Board by its duly elected chief executive or by an elected official designated by the governing body of the member. Each member shall have one vote on the Board, with the exception of Skagit County which shall have three votes, one for each Commissioner present or represented.

1. The Board is the governing body for SCOG and makes the decisions related to the authorities and functions described in this Agreement with the exception of the MPO and RTPO functions and authorities.

2. The Board has the powers and duties, including but not limited to, the following:

- a. To adopt Council budget and establish Member dues;
- b. To adopt and amend Bylaws;
- c. To approve expenditures;
- d. To address personnel policies and issues in cooperation with the Executive Director;
- e. To approve the revolving loan fund management plan;

- f. To manage the revolving loan fund program;
- g. To establish a revolving loan fund (RLF) committee and appoint members of the committee;
- h. To develop and approve a regional economic development strategy;
- i. To initiate, advise, and aid in the establishment of cooperative arrangements, including interlocal agreements, among local governments and member agencies within the region;
- j. To propose, initiate, or approve any study, policy discussion, plan, or other Council matters;
- k. To approve new memberships and resolve membership questions;
- l. To make recommendations to any local government or member agency, or to other appropriate agencies or entities;
- m. To propose amendments to the SCOG Agreement for ratification of members;
- n. To elect a Chairperson and Vice-Chairperson and other officers required;
- o. To establish committees;
- p. To hire, terminate and/or evaluate an Executive Director and set the compensation there for; and authorize such Director to engage, and set compensation with the framework of the Council's approved budget, such personnel, including planners, planning consultants, attorneys, accountants, engineers, or other firms or individuals as may be required to carry out the purposes of the Council.

B. Transportation Policy Board. The Transportation Policy Board shall be composed of representatives and voting membership as shown in Table 1, provided the member has entered into this agreement, with the exception of WSDOT, which shall be a voting member of the TPB while not being a member of the Council. Each entity shall be represented on the Transportation Policy Board by its duly elected chief executive or by an official designated by the governing body of the member. The Transportation Policy Board is hereby designated a "governing body" for purposes of RCW 42.30.020 (2).

Appointment to the TPB, representation on the TPB and the TPB voting allocations among representatives for the individual Ports, Tribes, and Towns shall be established and amended as set forth in the Bylaws, *provided*, that only member jurisdictions have entered into this agreement shall be members of the TPB.

The composition of the TPB shall remain consistent with federal and state law as currently adopted or amended. Should such state or federal law change, the composition of the TPB shall be automatically adjusted to comply with such changes without requiring this agreement to be amended or approval by the membership. However, should a party hereto not accept such adjustment to the composition of the TPB, it may on thirty days' notice withdraw from the TPB.

Table 1 Transportation Policy Board Representation

Member/Agency	Representatives	Votes
Skagit County	3 (one for each Commissioner)	3
City of Anacortes	1	1
City of Burlington	1	1
City of Mount Vernon	1	1
City of Sedro-Woolley	1	1
Towns Representative	Determined by Bylaws ¹	1
Ports Representative	Determined by Bylaws ¹	1
Tribes Representative	Determined by Bylaws ¹	1
WSDOT	1	1
Mayor Employer Representative	1	Ex officio
Skagit PUD	1	Ex officio
Skagit transit	Represented by the County, City and Town members	
Legislative Delegation	9	Ex officio
Total		11

¹Towns, Ports and Tribes each have a total of one vote. The number representatives and sharing of the vote is determined by the Bylaws.

1. The Transportation Policy Board has the authority to carry out the RTPO functions as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC, as currently adopted or as amended for Skagit County and the MPO functions for the Mount Vernon Urbanized Area as set forth in Title 23 United States Code and Title 49 United States Code as currently adopted or as amended and 23 CFR Parts 450 and 500 and 40 CFR Part 613, as currently adopted or as amended.

2. The Transportation Policy Board shall function as the Skagit Sub-Regional Transportation Policy Board for the Skagit-Island Regional Transportation Planning Organization.

3. The Transportation Policy Board has the powers and duties, including but not limited to, the following:

- a. To be the representatives of Skagit County to the SIRTPO Transportation Policy Board;
- b. To approve the transportation work program (Unified Planning and Work Program);
- c. To approve consultant contracts consistent with the Unified Planning and Work Program;
- d. To make recommendations to the SIRTPO Transportation Policy Board regarding the Skagit County components of:
 - i. Regional Transportation Plan;
 - ii. Projects to be considered for Transportation Alternative Program funds, that are adopted by the Skagit-Island Regional Transportation Policy Board;
- e. To certify local comprehensive plans are consistent with the Regional Transportation Plan;
- f. To select projects in Skagit County to be funded with regionally managed funds, except those projects seeking Transportation Alternative Program Funds;
- g. To manage the transportation improvement program for projects within Skagit County as per state and federal law;
- h. To elect a Transportation Policy Board Chairperson and Vice-Chairperson;
- i. To establish committees;
- j. To perform transportation planning activities for members as described in the approved work program.

C. The officers of the Council shall consist of a Chairperson, Vice-Chairperson of the Board of Directors. The Executive Director or his or her designee shall act as Secretary to the Board and to the Transportation Policy Board.

Section VIII

Meetings

Meetings of the Board of Directors of the Council and the Transportation Policy Board shall be held at such times and places as determined and specified in the Council's Bylaws. Meeting of both boards shall be called and held in compliance with Chapter 42.30 RCW, the Washington Open Public Meetings Act.

Section IX
ALLOCATION OF COSTS

A. Skagit County, cities, and towns, or any other entities holding membership in the Council shall contribute to the expenses of the Council if any, pursuant to the budgetary laws set forth in the Revised Code of Washington, to applicable resolutions and/or ordinances of such member entities, and to such bylaws as may be adopted by the Council; provided, however, that services and facilities may be provided by such participating agencies at a mutually agreed value in lieu of assessment.

B. The County and all cities and towns shall be assessed dues according to a per capita ratio or through an equitable assessment established by the Board of Directors. Special purpose districts and the tribes and associate members in good standing shall be assessed at rates to be established annually by the Board of Directors.

Section X
DEPOSITS and DISBURSEMENTS

Pursuant to RCW 43.09.285 all funds and appropriations paid to the Council shall be deposited with the Skagit County Treasurer to the account of the Skagit Council of Governments. Disbursements shall be made only by the Skagit County Treasurer upon warrants drawn by the Skagit County Auditor and approved in accordance with the Skagit Council of Governments Bylaws.

Section XI
EXECUTIVE DIRECTOR and CONSULTANTS

The Council by action designated in the bylaws, may appoint an Executive Director and employ any attorneys, consultants and/or staff deemed necessary to carry out the purpose and functions of the Council. No part of the earnings or property of the Council shall inure to the benefit of any private person, except that the Council is authorized to pay reasonable compensation for services rendered and make payments in furtherance of its purposes. The Executive Director or his or her designee shall act as Secretary to the Board and Transportation Policy Board and carry other duties as assigned by the Board of Directors.

Section XII
CONTRACTS and CONTRACTUAL SERVICES

The Council may contract generally and enter into any contract or reasonable agreement with the Federal Government, the State, any municipal corporation and/or other governmental or private agency consistent with its purposes of SCOG and may receive grants and gifts and make loans in furtherance of such programs.

Section XIII
DURATION and DISSOLUTION,

The Council shall have perpetual existence, until dissolved by: (1) a vote of 2/3 of the voting Members; *provided*, that all members shall receive one month written notice of the proposed dissolution, and all members provided an opportunity for comment on the motion; or (2) withdrawal of such members so that the MPO and RTPD ratification thresholds are no longer met as required by 47.80 RCW and Ch. 468-86 WAC and/or Title 23 United States Code and Title 49 United States Code as currently adopted or as amended and 23 CFR Parts 450 and 500 and 40 CFR Part 613.

Section XIV
DISTRIBUTION OF ASSETS and LIABILITIES

Upon termination of this Agreement, the debts, liabilities, and obligations shall be paid from the Council assets. The remaining net assets of the Council shall be distributed to member agencies in proportion to their respective contributions to the Council.

Section XV
LIABILITY

No Member or Member representative shall be personally liable for any monetary damages for conduct, action, or inaction as a member representative, unless such conduct involves intentional misconduct or a knowing violation of law.

Section XVI
AMENDMENT

This agreement may be amended by Board action in whatever manner the Council shall determine and specify in its bylaws, subject to ratification by the Governing Bodies of all the voting Members within one hundred eighty (180) days of action by the Board.

Section XVII
ADOPTION and EFFECTIVE DATE

The effective date of this Agreement shall be upon ratification of this Agreement by the County and, at least, sixty percent (60%) of the cities and towns within the Council area that represent seventy-five percent (75%) of the cities' and towns' population ("Ratification"). This Agreement shall be binding upon the Members who have executed this Agreement, their successors and assigns; provide, that upon Ratification, all prior agreements and bylaws between the parties shall be deemed terminated and replaced herewith. Thereafter, no city, town, tribe or special district shall be a member of SCOG or the TPB until its governing body shall have approved this agreement.

Section XVIII
INDEMNIFICATION and INSURANCE

The Council shall defend, indemnify, and hold harmless all employees. No member representative shall be personally liable for any monetary damages for conduct, action, or inaction as a member representative, unless such conduct involves intentional misconduct or a knowing violation of law. The Council shall obtain and keep in force third party liability insurance related to its activities with commercially reasonable liability limits and deductibles. To the extent practicable, the Council shall cause its members to be named as insured under such policy(ies).

Section XIX
MISCELLANEOUS

- A. No Assignment. No party hereto may assign its rights or interests hereunder to any other person party and attempt to make any such assignment be deemed void *ab initio*.
- B. Savings. If any provision hereof shall be invalidated by a court of law, all other provisions hereof shall remain in full force and effect.
- C. Counterparts. This agreement may be executed in counterparts by the parties with the effect the same as if all parties hereto had signed the same document.

[Balance of page intentionally blank, signature pages follow]

CITY OF ANACORTES

Laurie Gere, Mayor

Date _____

Attest:

Steve Hogle, Finance Director

Approved as to form:

Bradford E. Furlong, WSBA #12924
City Attorney

CITY OF BURLINGTON

Steve Sexton, Mayor

Date _____

Attest:

Crystil Robinson, Finance Director

Approved as to form:

Scott Thomas, WSBA #23079
City Attorney

CITY OF MOUNT VERNON

Jill Boudreau, Mayor

Date _____

Attest:

Alicia Huschka, Finance Director

Approved as to form:

Kevin Rogerson, WSBA #31664
City Attorney

CITY OF SEDRO WOOLLEY

Mike Anderson, Mayor

Date _____

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron M. Berg, WSBA #29930
City Attorney

TOWN OF CONCRETE

Jason Miller, Mayor

Date _____

Attest:

Andrea Fichter, Clerk/Treasurer

Approved as to form:

David Day, WSBA #8361
Town Attorney

TOWN OF HAMILTON

Joan Cromley, Mayor

Date_____

Attest:

Angela Evans, Town Clerk

Approved as to form:

_____, WSBA # _____
Town Attorney

TOWN OF LA CONNER

Ramon Hayes, Mayor

Date _____

Attest:

Maria De Geode, Finance Director

Approved as to form:

Bradford E. Furlong, WSBA #12924
Town Attorney

TOWN OF LYMAN

Debra Heinzman, Mayor

Date _____

Attest:

Debbie Boyd, Clerk/Treasurer

Approved as to form:

_____, WSBA # _____
Town Attorney

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY**

Ron Wesen, Commissioner

Date _____

Ken Dahlstedt, Commissioner

Date _____

Sharon Dillon, Commissioner

Date _____

Attest:

Recommended:

Print Name: _____
Clerk of the Board

Print Name: _____
Department Head

Approved as to form:

Print Name: _____
Civil Deputy Prosecuting Attorney

Approved as to indemnification:

Print Name: _____
Risk Manager

Approved as to budget:

For contracts under \$5,000:
Authorization per Resolution R20030146

Print Name: _____
Budget & Finance Director

Print Name: _____
County Administrator

SKAGIT PUD #1

Al Littlefield, President

Date _____

Attest:

Vanessa Dales, Treasurer

Approved as to form:

Peter Gilbert, WSBA #28894
Skagit PUD #1 Attorney

PORT OF ANACORTES

Bob Hyde, Executive Director

Date _____

Attest:

Jill Brownfield, Administration and
Finance Services Manager

Approved as to form:

Frank Chmelik, WSBA #13969
Port Attorney

PORT OF SKAGIT COUNTY

Patricia Botsford-Martin, Executive Director

Date _____

Attest:

Kristin Garcia, Director of Finance

Approved as to form:

Bradford E. Furlong, WSBA #12924
Port Attorney

SKAGIT TRANSIT

Dale O'Brien, Executive Director

Date _____

Attest:

Motoko Pleasant, Manager of Finance
and Administration

Approved as to form:

Richard Langabeer, WSBA #3171
Skagit Transit Attorney

SWINOMISH TRIBAL COMMUNITY

Brian Cladoosby, Chairman

Date _____

Attest:

Barbara James, Treasurer

Approved as to form:

Alix Foster, WSBA #4943
Swinomish Tribal Attorney

SAMISH INDIAN NATION

Tom Wooten, Chairman

Date_____

Attest:

Tamara Rogers, Treasurer

Approved as to form:

Craig Dorsay, WSBA #9245
Samish Indian Nation Attorney

Exhibit A

BYLAWS OF THE SKAGIT COUNCIL OF GOVERNMENTS

Approved May 21, 2014

[on following page]

**BYLAWS OF THE
SKAGIT COUNCIL OF GOVERNMENTS**

PREAMBLE

These Bylaws are made pursuant to authority granted by Chapter 36, Laws of 1959 as amended, and RCW 36.64.090, and to carry out the Skagit Council of Governments Agreement ratified on the ____ day _____, 2014 (the "Agreement").

ARTICLE I

Purpose

The purpose of the Skagit Council of Governments ("SCOG") shall be to exercise the authority delegated granted to it by the parties in the Agreement.

ARTICLE II

Organization

The agency shall be organized into a conference, consisting of representatives of all voting member agencies as defined by the Agreement. SCOG shall be governed by a Board of Directors ("Board") consisting of representatives of the voting members; a Transportation Policy Board ("TPB") shall establish transportation policy as authorized by the Agreement. The Board of Directors may establish such other committees as it may deem in the best interests of SCOG.

Section 1. Representation on the Board and TPB of the Skagit Council of Governments shall consist of elected officials from the voting member agencies and representatives of associate members, as defined in the Agreement.

ARTICLE III

Officers

Section 1. The officers of the Skagit Council of Governments shall be a Chairperson and Vice-Chairperson of the Board of Directors.

Section 2. Elections: The Chair and Vice-Chair of the Skagit Council of Governments shall be elected by a majority vote the Board of Directors voting on the question. Nomination of candidates for the Chair and Vice-Chair shall be presented to the Board of Directors and the officers elected, at its first regular meeting of each calendar year; provided, that the officers of SCOG in office when this Agreement becomes effective shall remain in office until new officers are elected in conformance with Section III (2).

Section 3. Term: The Chair and Vice-Chair shall serve for one year and their terms of office shall upon their election. When the chair's term expires the vice-chair shall become chair and a new vice-chair shall be elected. In the event of a vacancy in the Chair, the Vice-Chair shall succeed to said office for the unexpired portion of the term. In the event there is a vacancy in the Vice-Chair, the Chair shall appoint a new Vice-Chair for the unexpired portion of the term. In the event there is a vacancy in the office of the Chair and Vice-Chair, the Board of Directors shall elect from its

membership a new Chair and Vice-Chair to serve the unexpired portion of the terms.

ARTICLE IV
Duties of Officers

Section 1. Chair. The Chair shall preside over the meetings of the Board, and shall be responsible for the preparation of the agenda for said meetings. The Chair shall ensure that the functions of SCOG are carried out to the best of his or her ability. The Chair shall have the responsibility to direct the Executive Director and the staff, and shall make such reports as needed.

Section 2. Vice-Chair. The Vice-Chair shall preside and perform the duties of the Chair in the absence of the Chair.

ARTICLE V
The Board of Directors

Section 1. Regular Meeting Date: The Board shall convene in a regular meeting once each month at a consistent date and determined by the Board to be mutually convenient to the members. The Place of the regular meeting shall be set by the Board at its preceding regular meeting.

Section 2. Composition: The Board shall be composed of members, as provided for in the Agreement. Each voting member of all entities shall be represented in the Board by its duly elected chief executive or by an elected official designated by the governing body of the member. Each voting member shall also select an alternate representative in the same manner. Alternates shall also be an elected official. Other members that do not have elected officials on their governing body shall designate their representatives. Each voting member of SCOG shall be entitled to one seat on the Board; with the exception of Skagit County which shall have three (3) seats, one for each Commissioner. If the officially designated member-representative or the officially designated alternate member-representative is unable to attend a specific meeting, then the member-representative may designate, for that meeting only, an additional alternative member representative. This additional alternate will have all rights, privileges and authorities exercised by the member-representative and his/her appointed alternate.

Section 3. Notice: Written notice and the agenda of all Board meetings shall be delivered, mailed, or transmitted electronically to all board members at least five calendar days prior to the meeting and distributed in compliance with Chapter 42.30 RCW and posted on the SCOG web site.

Special meetings may be called by the Chair or upon the written request of a majority of voting members in accordance with RCW 42.30.080. Notice of special meetings must be given in compliance with RCW 42.30.080. The notice must state the time, place, and purpose of the meeting.

Section 4. Purpose: The purpose of the Board is to provide governance for SCOG.

Section 5. Duties. The Board has the functions and authorities as defined in the Agreement and those activities reasonably related thereto.

Section 6. Quorum: A quorum of the Board shall be a simple majority of the total voting members.

Section 7. Voting: Each member shall have one vote on the Board; with the exception of Skagit County which shall have three votes, one for each Commissioner present or represented.

Section 8. All actions of the Board shall be by majority vote of the members present or represented (tie votes shall result in non-passage of the question) unless otherwise provided by law or in these Bylaws, and shall be taken at the regular or special meetings of the Board of Directors as provided for by these Bylaws; except that these Bylaws may be amended at any regular meeting only by two-thirds vote of the voting membership; provided, that the proposed amendments have been submitted in writing at a previous regular meeting. Bylaws may be suspended at any meeting by the unanimous vote of the members present, provided, such attendance constitutes at least two-thirds of the voting membership.

Section 9. Policy Boards. The Board may create policy boards or committees to assist SCOG in carrying out the authorities and functions pursuant to the Agreement.

Section 10. Committees: In addition to the Revolving Loan Fund Committee appointed by the Board of Directors in Article V, Section 11 below, the Board may appoint such other committees as it may determine at its discretion, from time to time, for such purpose as the Board may deem appropriate and for such actions as may be delegated to such committee. Such committees shall be composed and formed as the Board may direct.

Section 11. Revolving Loan Fund Committee: The Board shall appoint a Revolving Loan Fund Committee (RLF) to provide oversight and direction to the revolving loan fund program. The RLF Committee shall have authority pursuant to the RLF management plan. Membership of the Revolving Loan Fund Committee shall include three (3) representatives from the Board and two (2) other members appointed by the Board. RLF Committee members shall generally serve terms of three (3) years. In determining membership of the Revolving Loan Fund Committee the Board shall consider representation from businesses, banking, and other areas of importance to the success of businesses. The Revolving Loan Fund Committee shall normally meet monthly at a time and location as determined by the Committee.

Section 12. Associate Members. Any jurisdiction of general purpose government not a party to the Agreement, and any jurisdiction of special purpose government, may be admitted to associate membership by a majority vote of the Board. Associate members may serve on the policy boards and committees or subcommittees of the Board as a non-voting member, at the Board's discretion.

Section 13. Participation by Telephone: When extraordinary circumstances prevent attendance by a member or alternate, such member or alternate may participate in a meeting by telephone conference or other electronic communications media so long as all members may simultaneously hear each other and participate during the meeting. Participation by such means shall constitute presence in person at a meeting for purposes of establishing a quorum, voting, and for all other purposes.

ARTICLE VI
The Transportation Policy Board

Section 1. Regular Meeting Dates: The Transportation Policy Board (TPB) shall convene in a regular meeting once each month at a consistent date and determined by the TPB to be mutually convenient to the members. The Place of the regular meeting shall be set by the board at its preceding regular meeting.

Section 2. Composition: The TPB shall be composed voting member agencies, as provided for in the Agreement. Each member shall be represented on the TPB by its duly elected chief executive or by an official designated by the governing body of the member. The representative of major employer will be recommended by the governing board of the Economic Development Association of Skagit County (EDASC), whom shall be confirmed and appointed by the TPB. WSDOT shall designate a high-level staff person to serve on the TPB. WSDOT shall convey to the TPB Chair in January of each year who their designated members shall be. Appointment to, representation by, and allocation of votes among, each of the following entity types shall be determined by each entity group by majority vote: Towns, Ports and Tribes. Should the members of any entity group not agree on a method of appointment, representation and voting by July 11, 2014 the SCOG Board shall determine the appointment, representation and voting allocation for such entity(ies). The final action with respect to the appointment, representation and voting allocation for the foregoing entity groups shall be included in SCOG Bylaws. Thereafter, those Bylaws provisions pertaining to appointment, representation and voting allocation for those entity groups may only be altered upon approval of a majority of the members of the entity group.

In accordance with RCW 47.80.040 as currently adopted or as amended, any members of the Washington State House of Representatives or Senate whose districts are wholly or partly within the boundaries of the regional transportation planning organization are considered ex officio, nonvoting members of the TPB.

Section 3. Board Officers: The TPB shall elect from its membership a chair and vice-chair. The term of office for the chair and vice chair shall be one year. When the chair's term expires the vice-chair shall become chair and a new vice-chair shall be elected. The primary duties of the chair shall be to preside over the meetings of the Board. In absence of the chair, the vice chair shall preside at the meetings. In his or her absence, a chair pro-tem shall be selected from the Board members present.

Section 4. Notice: Written notice and the agenda of all regular TPB meetings shall be delivered, mailed, or transmitted electronically to all board members at least five days prior to the meeting.

Special meetings may be called by the Chair or upon the written request of a majority of voting members in accordance with RCW 42.30.080. Notice of special meetings must be given in compliance with RCW 42.30.080. The notice must state the time, place, and purpose of the meeting.

Section 5. Purpose: The purpose of the TPB shall be to exercise on behalf of the Skagit Council of Governments the authority pursuant to the Agreement and under federal and state laws as the Skagit Metropolitan Planning Organization and the Regional Transportation Planning Organization for

Skagit County. The TPB shall function as the Sub-Regional Transportation Policy Board as per the Skagit Island Regional Transportation Planning Organization (“SIRTPO”) Agreement. Should the TPB cease to function as the Sub-Regional Policy Board for the SIRTPO, it shall nonetheless continue to function as the Regional Transportation Planning Organization for Skagit County.

Section 6. Duties. The TPB has the functions and authorities as defined in the Agreement.

Section 7. Quorum: A quorum for the TPB shall consist of a simple majority of its total votes pursuant to the Agreement, provided that there is at least one County representative present.

Section 8. Voting: Each member/representative shall have votes as prescribed in the Agreement and for Towns, ports and Tribes established by the process set forth herein. Actions will be decided by a simple majority of the quorum.

Section 9. Committees: The TPB may appoint such other committees as it may determine at its discretion, from time to time, for such purpose as the TPB may deem appropriate and for such actions as may be delegated to such committee. Such committees shall be composed and formed as the TPB may direct but shall not: (1) act on behalf of the TPB; (2) take testimony; or (3) take public comment.

Section 10. Participation by Telephone: When extraordinary circumstances prevent attendance by a member or alternate, such member or alternate may participate in a meeting by telephone conference or other electronic communications media so long as all members may simultaneously hear each other and participate during the meeting. Participation by such means shall constitute presence in person at a meeting for purposes of establishing a quorum, voting, and for all other purposes.

ARTICLE VII Executive Director

The Board shall retain an Executive Director to operate the Council and to implement the mission, goals, objectives, policies, and guidelines established by the Council. Subject to Board oversight, the Executive Director is authorized to establish and implement business, management, administrative, and employment policies, and to employ such personnel as the Executive Director determines necessary to effectively manage and operate the Council. The Executive Director may delegate this authority to appropriate SCOG staff to facilitate efficient management and operation of the agency. The Executive Director shall be appointed, removed and/or evaluated by the Board.

Section 1. The Executive Director shall be responsible for overall supervision and management of the business of the Skagit Council of Governments including, without limitation of the foregoing: keeping a written record of all actions of the Board, TPB and other policy boards established in accordance with these Bylaws; receiving monies payable to the Skagit Council of Governments and disbursement thereof as authorized by the Board of Directors; maintaining accurate and complete accounts of all receipts and disbursements; supervising all studies and programs authorized by the Skagit Council of Governments; supervising all staff, including the hiring and firing of staff; and performing such other duties or authorities as may be assigned to the Executive Director from time to

time by the Board, the TPB, or the Chair.

Section 2. The Executive Director shall have authority to execute contracts or expenditures with a value of ten thousand dollars (\$10,000) or less in the name of the Council which are in conformance with the approved budget or other Board (Board or TPB) authorization without prior approval. Contracts or expenditures \$10,000 or less and greater than \$4,999 shall also include approval by the chair of the Board. A contract in which the Skagit Council of Governments is party and which is in an amount greater than ten thousand dollars (\$10,000) shall require the prior approval of the Board or TPB before execution by the Executive Director.

Section 3. The Executive Director is authorized to enter into agreements on behalf of the SCOG whenever the Executive Director determines it to be advantageous or when such services are part of in SCOG's normal operations and within the budget set by the Board.

Section 4. The Executive Director shall have authority to manage the Revolving Loan Fund Program pursuant to the revolving loan fund management plan; *provided* that the Board shall approve all loans.

Section 5. The Executive Director shall prepare a work program and budget, under direction of the Board of Directors or committee thereof.

ARTICLE VIII Work Program and Budget

Section 1. The work program and budget for SCOG shall be presented to the Board for review, revision, and adoption. The work program shall consist of projects and activities to be undertaken by SCOG and Staff during the subject budget year. The work program and budget shall be consistent with the transportation work program identified within the unified planning and work program (UPWP) adopted by the TPB.

Section 2. The Board of Directors shall control all expenditures in accordance with the adopted work program and budget, with the exception of those expenditures included in the transportation work program (UPWP) and shall have the power to amend the work program and budget to meet unanticipated needs or changed conditions. The TPB shall control the UPWP and expenditures therein.

Section 3. The budget shall set the local financial contribution of the members for the following year. The amount shall be determined by a method deemed equitable by the Board and approved by the Board. The a preliminary budget and dues shall be set and adopted no later than the regular meeting in August of each year and a final dues and final budget shall be adopted by the last meeting in December of each year.

ARTICLE IX
Funds, Claims & Expenditures, Financial Reports

Section 1. All funds of the Council shall be deposited with the Skagit County Treasurer to the account of the Skagit Council of Governments. Annual contributions of the participating agencies shall be made as soon as possible after January 1 of each year and shall be made payable to the Skagit Council of Governments in care of the Skagit County Treasurer. Disbursements shall be made only by the Skagit County Treasurer upon warrants drawn by the Skagit County Auditor.

Section 2. Expenditures of the Council shall be approved by the Board each month and account payable certifications shall be signed by at least three members of the Board of Directors. Approval shall be noted in the meeting minutes.

ARTICLE X
Public Participation

The Agency shall seek involvement in its planning process of the general public, community and neighborhood organizations in urban and rural areas, large and small private sector interests, and local, regional and state government and shall comply with applicable federal or state and/or regulations.

ARTICLE XI
Open Meetings

To ensure appropriate notice, public involvement, and effective regional decision-making, all meetings of the Skagit Council of Governments will be conducted consistent with SCOG's adopted Public Participation Plan. The Board and TPB shall comply with the Washington Open Public Meetings Act (Chapter 42.30 RCW) and the Washington Public Records Act (Chapter 42.56 RCW). The Executive Director shall prepare for Board's approval a public records policy as required by RCW 42.56.040.

ARTICLE XII
Amendments to Bylaws

These bylaws may be amended at any regular meeting of the Board of Directors by two-thirds vote of the voting membership; provided, that the proposed amendments shall have been submitted in writing at a previous regular meeting of the Board. Amendment of Article VI the TPB must be reviewed and agreed to by the TPB. Bylaws may be suspended at any meeting by the unanimous vote of the members present, provided, such attendance constitutes at least two-thirds of the voting membership.

[Balance of page intentionally left blank]

ADOPTED .

AMENDED .

SCOG, Chair

Transportation Policy Board, Chair

ATTEST:

Kevin Murphy, Executive Director

APPROVED AS TO FORM:

Bradford E. Furlong, WSBA # 12924
Legal Counsel

CITY OF ANACORTES

By _____

Date _____

Print Name _____

Its _____

CITY OF BURLINGTON

By _____

Date _____

Print Name _____

Its _____

CITY OF ANACORTES

By _____

Date _____

Print Name _____

Its _____

CITY OF MOUNT VERNON

By _____

Date _____

Print Name _____

Its _____

CITY OF SEDRO WOOLLEY

By _____

Date _____

Print Name _____

Its _____

TOWN OF CONCRETE

By _____

Date _____

Print Name _____

Its _____

TOWN OF HAMILTON

By _____

Date _____

Print Name _____

Its _____

TOWN OF LA CONNER

By _____

Date _____

Print Name _____

Its _____

TOWN OF LYMAN

By _____

Date _____

Print Name _____

Its _____

SKAGIT COUNTY

By _____

Date _____

Print Name _____

Its _____

SKAGIT PUD #1

By _____

Date _____

Print Name _____

Its _____

PORT OF ANACORTES

By _____

Date _____

Print Name _____

Its _____

PORT OF SKAGIT COUNTY

By _____

Date _____

Print Name _____

Its _____

SKAGIT TRANSIT

By _____

Date _____

Print Name _____

Its _____

SWINOMISH TRIBAL COMMUNITY

By _____

Date _____

Print Name _____

Its _____

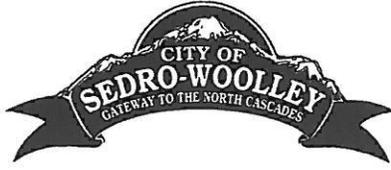
SAMISH INDIAN NATION

By _____

Date _____

Print Name _____

Its _____



CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 2

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

MEMO:

To: Sedro-Woolley City Council
Mayor Anderson

From: John Coleman, AICP 
Planning Director

Date: June 11, 2014

Subject: Preliminary approval of the amended Plat of Arbor Glen (file #06-SD-02)

ISSUE

Should the Council grant preliminary plat approval for the amended Plat of Arbor Glen?

PROJECT DESCRIPTION / HISTORY

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

EXHIBITS

Resolution ____-14 to approve the amended preliminary Plat of Arbor Glen subject to the conditions contained in the Hearing Examiner's *Findings of Fact, Conclusions & Recommendation*.

RECOMMENDATION

First Read. No action requested

A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR A MODIFICATION OF THE "PLAT OF ARBOR GLEN," A 23-LOT SUBDIVISION AND AUTHORIZING THE MAYOR AND HIS DESIGNEE(S) TO SIGN ALL PRELIMINARY PLAT APPROVAL DOCUMENTS

WHEREAS, Rubicon Development, LLC., property owner of 755 Cook Road and 605 Trail Road, has applied for a modification of a previously approved 22-lot preliminary plat plan for Arbor Glen, now proposed as a 23-lot subdivision; and

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

WHEREAS, the Sedro-Woolley Hearing Examiner held an open record public hearing for the modification application on Tuesday, May 13, 2014 and public testimony was received and considered; and

WHEREAS, the Hearing Examiner determined that the application was technically compliant with SWMC Ch. 16.08 and recommended to the City Council that the proposed modification of the proposed preliminary plat of Arbor Glen be approved subject to conditions. The Hearing Examiner's *Findings, Conclusions and Recommendation* is attached hereto as Attachment A. Attachment B to this Resolution is the staff report, which contains the plat maps and supporting documentation referenced in the Examiner's *Findings, Conclusions and Recommendation*.

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

BE IT FURTHER RESOLVED that the City Council finds that preliminary plat application # 06-SD-02, modified Preliminary Plat of Arbor Glen, meets the requirements of SWMC 16.08 and should be given preliminary plat approval, subject to conditions stated in the *Findings, Conclusions and Recommendation* of the Hearing Examiner which includes modifications to the conditions of the SEPA Mitigated Determination of Non-significance issued April 14, 2006.

Mike Anderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Patsy Nelson, City Clerk/Treasurer

Eron Berg, City Attorney

Resolution _____-14

Attachment A

Findings, Conclusions and Recommendation of the Hearing Examiner

ATTACHMENT A

Site Address 755 Cook Road and 605 Trail Road TO RESOLUTION
Assessor's Parcel Nos: P76918 and P76919
Property Owner: Granite Holdings, LLC
Applicant: Rubicon Development, LLC
Hearing Examiner #: SW 2014-1
Planning # 06-SD-02
Hearing Date: May 13, 2014
Decision Date: May 27, 2014
Recommendation Summary: Approve with Conditions

This matter came before the Sedro-Woolley Hearing Examiner for hearing on the 13th day of May, 2014 on the application of Rubicon Development, for application of an alteration of a previously approved subdivision, consisting of the addition of one lot.

Testimony was received from John Coleman, Sedro-Woolley Planning Director; and Bob Ruby, Applicant's Representative. In addition to the Sedro-Woolley Municipal Code and Comprehensive Plan, those documents identified in the attached Exhibit List were considered by the Hearing Examiner.

Based upon the foregoing, the hearing Examiner makes the following,

FINDINGS OF FACT

1. The proposed Plat of Arbor Glen was submitted to the City on April 11, 2006. Granite Holdings, LLC, is the owner of the property on which the proposed plat is to be constructed. Rubicon Development, LLC, is the proponent of the plat. Unless the context clearly indicates otherwise, Rubicon and their successors and assigns, may be referred to in these Findings of Fact, Conclusions of Law and Order as "Applicant" and/or "Developer".
2. The subject property is located on the northwest corner of the intersection of Cook Road and Trail Road. The applicant proposes to subdivide 2.47 acres into 23 lots, tracts to serve future ROW needs, and street ROW.
3. The Sedro-Woolley Comprehensive Plan and Zoning Code designation for the property at issue is Residential 15 (R-15). The northerly 120 feet of Parcel P76918 was zoned Mixed Commercial (MC) subsequent to the date the Plat of Arbor Glen was submitted to the City.

3. In the R-15 zone, the minimum net density is four units per acre and the maximum gross density is fifteen units per acre. SWMC 17.16.040.
4. The two parcels comprising the Arbor Glen plat consist of 2.4 acres. A boundary line adjustment, approved by the City, was filed on February 20, 2014 under Skagit County Auditor's Fee No. 201402200027. The boundary line adjustment was re-recorded to correct the legal description on April 8, 2014, under Skagit County Auditor's Fee No. 201404080024; the corrected legal description was not approved by the City.
5. The preliminary plat of Arbor Glen, a 22 lot subdivision, was approved by the City on June 14, 2006, pursuant to Resolution No. 727-06. The approval included a variance, allowing 5 foot side yard setbacks for two-story structures.
6. The subject property was reviewed under the City's critical areas ordinance at the time of original plat application. No wetlands or other critical areas were identified on the property.
7. The subject property is bordered on the north by Cook Road, and on the east by Trail Road; Cook Road is a Principal Arterial and Trail Road is a Secondary Arterial under the Sedro-Woolley Comprehensive Plan.
8. Neighboring properties to the west, south, and most of the east are zoned R-15. The northern 120 feet of the neighboring property to the east is zoned MC. The neighboring property to the north is zoned Public.
9. SEPA review was conducted on the original plat application, and an MDNS was issued on April 14, 2006. The original SEPA checklist identified the action as being for the subdivision of 23 lots – the same that is now proposed. An addendum to the MDNS was issued March 7, 2014, to amend the scope of the project. The addendum did not alter the conditions of the MDNS; however, the Department of Public Works has concluded that a 10 foot ROW dedication for expansion of Trail Road and an increase in sidewalk widths is not required.
10. On October 9, 2013, the proponent submitted, pursuant to RCW 58.17.215, an application to alter the subdivision. The revised configuration is for 23 lots. The side yard setback variance would still apply.
11. A Notice of Application for the revised project was published in the legal newspaper for the City, posted on the project site, and mailed to property owners and residents within 500 feet of the subject parcel. A Notice of Public Hearing was published in the legal newspaper for the City, and posted on the project site, and mailed to property owners and residents within 500 feet of the subject parcel.
12. Pursuant to SWMC § 15.44.020, the proposed subdivision must comply with the City's design review standards. The Planning Department is charged, pursuant to

SWMC § 15.44.060, is charged with conducting design review. The Planning Department has done so, and recommends that the conditions of approval incorporate the following elements:

- A. That the front of the homes constructed on lots 12 – 16 be oriented towards Cook Road;
- B. That the front of the homes constructed on lots 19 – 21 be oriented towards Trial Road;
- C. That a maximum four foot tall, uniform fence be constructed along the frontage of Cook and Trial Roads, with walkways and gates as depicted on Sheet 5 of the preliminary plat map be constructed for each lot.

13. Pursuant to SWMC § 17.16.050, 3 parking spaces are required for each dwelling with 3 bedrooms, and 1 additional space is required for each 8 dwelling units. The plat will contain 23 residences, and each lot is depicted to show 3 parking spaces. An additional 3 spaces are shown on tract 995.

14. Stormwater infrastructure is proposed to be constructed within the ROW, as approved by the City Engineer.

15. Notice of a public hearing on the plat was published on April 25, 2014. The subject property was identified by address, pursuant to RCW 58.17.092.

16. An open record hearing was held on May 13, 2014, at 10:00 a.m. before the Hearing Examiner.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following,

CONCLUSIONS OF LAW

1. A subdivision of land into five or more lots is characterized as a "subdivision" in accordance with RCW 58.17.020 (1). A preliminary approval for a subdivision utilizes a Type IV procedure under SWMC § 2.90.070 (G). In Type IV procedures, the hearing examiner conducts an open record hearing, and makes a recommendation to the city council.

2. The Plat of Arbor Glen was vested on the date the application was deemed complete, on April 11, 2006. On that date, the parcel was zoned R-15, and no portion of the property was zoned MC. Therefore, R-15 zoning is applicable to the plat.

3. Pursuant to RCW 58.17.140, a final plat meeting all of the requirements of Chapter 58.17 RCW must be submitted within 10 years of the date of preliminary plat

approval. Because the preliminary plat of Arbor Glen was approved by the City on June 14, 2006, final plat approval must be submitted on or before June 14, 2016.

4. Washington law requires an analysis of whether applicable laws adequately address a project's specific SEPA impacts. This analysis is conducted by the SEPA Responsible Official. Pursuant to SWMC § 2.90.060 (F)(3), appeals of the SEPA responsible official are to be heard by the Hearing Examiner. No appeal of the MDNS has been lodged. The Hearing Examiner concludes the determination by the SEPA Responsible Official was lawful and supported in the record. The conditions set forth in the original MDNS, dated April 14, 2006, remain applicable.

5. Proper notice was given pursuant to RCW 58.17.090.

6. Subject to the conditions set forth below, the proposed plat satisfies the requirements of RCW 58.17 and Chapter 17.16 SWMC. In particular, the Hearing Examiner finds that (a) appropriate provisions have been made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of the subdivision and dedication.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following Recommendation:

RECOMMENDATION

The Hearing Examiner recommends that the alteration to the plat of Arbor Glen be approved by the Sedro-Woolley City Council, subject to the following conditions:

1. The plat shall be developed generally as shown in the preliminary plat drawings, except as modifications are required to comply with Sedro-Woolley Municipal Code requirements.

2. Impact fees and General Facilities charges shall be assessed and collected in accordance with applicable requirements of the Sedro-Woolley municipal code and at the rate adopted by ordinance at the time of building permit issuance;

2. Developer shall submit a lighting plan to the City showing the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties.

3. Developer shall locate and install fire hydrants as approved by the Fire Chief.

4. Developer shall contribute voluntary police impact fees of \$202.96 per dwelling unit in accordance with the Sedro-Woolley Comprehensive Plan Capital Facilities Element;
5. Developer shall coordinate with Skagit Transit (SKAT) any Transportation Improvements as may be lawfully required;
6. Developer shall locate and install mailbox(es) as approved by the Postmaster;
7. Developer shall coordinate the installation of public water infrastructure improvements with Skagit Public Utility District No. 1.;
8. Developer shall provide playground equipment for the designated play area suitable for a variety of age groups as approved by the Planning Director;
9. Developer shall install 10 foot wide street landscaping in accordance with SWMC § 17.50.050, along Cook and Trail Roads;
10. Developer shall re-channelize lanes on Trial Road pursuant to SWMC § 16.08.052 as approved by the City Engineer;
11. Developer shall dedicate an additional 3 feet for ROW purposes along the property's Cook Road frontage;
12. Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays, and 8:00 a.m. to 9:00 p.m. weekends in accordance with SWMC § 9.46.020;
13. All construction traffic shall use as approved temporary construction access with a 100 foot geotextile and quarry spall construction entrance;
14. Developer shall comply with Northwest Clean Air Agency regulations during construction activities;
15. Developer shall comply with all applicable local, state, and federal regulations, including SWMC Title 13.36 – Stormwater Management Standards; SWMC Title 13.40 – Stormwater Facilities Maintenance; SWMC Title 15.40 – Public Works Construction Standards; SWMC Title 16 – Subdivisions; SWMC Title 17 – Zoning; Sedro-Woolley Public works Design Standards; and the Sedro-Woolley Comprehensive Plan;
16. Construction of all required infrastructure improvements shall be completed prior to final plat application, or such improvements shall be bonded by a surety licensed by the state of Washington, with a bond approved by the City and in an amount approved by the City Engineer;
17. In accordance with SWMC § 16.08.052, Developer shall create a homeowner's association for the purpose of providing for the maintenance of the shared play area,

overflow parking spaces, tracts of land owned in common by the Association, and stormwater infrastructure within the Plat of Arbor Glen. The Homeowner's Association shall be responsible for all maintenance of the above facilities. The documents creating such Association shall be approved by the Planning Director, and once approved, shall be recorded with the Skagit County Auditor as covenants running with the land. Maintenance of the stormwater facilities shall be defined in the operation maintenance manual recorded with the covenants and referenced on the plat.

18. The fronts of the houses on lots 12 – 16 shall be oriented towards Cook Road. The fronts of the houses on lots 19 – 21 shall be oriented towards Trial Road. A maximum four foot high uniform fence shall be approved by the Planning Director and installed along the frontage of both Cook and Trial Roads. A walkway and gate through the fence for each house shall be installed in accordance with the details shown on sheet 5 of the plat drawings.

19. Construction of all landscaping and design elements shall be in accordance with Chapter 17.50 SWMC and the planting plan as approved by the Planning Director.

20. All required easements for the final plat shall appear on the final plat and shall be subject to the review and approval of the City Engineer.

21. If tracts 994 and/or 995 are converted to street ROW to access adjacent property in the future, then the three overflow parking spaces to be installed on Tract 995 shall be relocated elsewhere. Such spaces may be relocated to the north side of the road built to access the east (adjacent to the south boundary to Tract 996) or as otherwise approved by the Planning Director.

22. Preliminary Plat approval shall expire as provided in RCW 58.17.

23. The side yard setback variance previously granted by the City through Resolution No. 727-06 shall continue to apply.

RECOMMENDATION MADE this 27th day of May 2014.

Sedro-Woolley Hearing Examiner

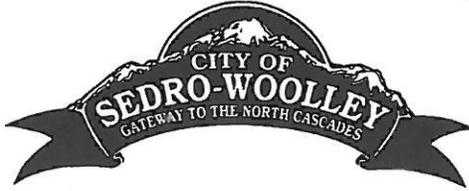


Scott G. Thomas

Resolution _____-14

Attachment B

Staff Report including Exhibits 1-8 (referenced in Hearing Examiner's *Findings, Conclusions and Recommendation*)



ATTACHMENT B

TO RESOLUTION

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

TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: May 13, 2014

TO: Sedro-Woolley Hearing Examiner

RE: 06-SD-02 – Preliminary Plat Approval for modifications to the Proposed Plat of **Arbor Glen**

FROM: 
John Coleman, Planning Director

APPLICATION DATE: February 22, 2006

APPLICATION COMPLETE: April 11, 2006

RECOMMENDATION: Staff Recommends **Approval with Conditions**

PROPERTY OWNER: Granite Holdings, LLC
901 Metcalf Street PMB 34
Sedro-Woolley, WA 98284

PROJECT PROPONENT: Rubicon Development, LLC
901 Metcalf Street PMB 34
Sedro-Woolley, WA 98284

DESCRIPTION OF PROPOSAL

The proposal is to subdivide two undeveloped properties into 23 residential lots. The proposal is a modification of an approved subdivision design that has yet to be constructed. The original preliminary plat approval was for 22 lots, including a variance to reduce side yard setbacks from 8 feet to 5 feet. The new proposal is for 23 lots; the street configuration is similar and the side yard setback variance will still apply. The complete revised application was received November 27, 2013. The subdivision will require construction of a road, stormwater system and utilities necessary to serve the proposed lots.

Site Address:	755 Cook Rd. & 605 Trail Rd.	Parcel ID Nos.:	P76918 & P76919
----------------------	------------------------------	------------------------	-----------------

FINDINGS OF FACT

1. Subdivisions of land into five or more properties are classified as “subdivisions” (also termed “long plats”). Per SWMC 2.90.010(C) preliminary approval for a subdivision is treated as a Type IV decision by the City Council following a Hearing Examiner open record hearing and recommendation.
2. City regulations concerning subdivisions are found in the Sedro-Woolley Municipal Code (SWMC) **Chapter 16.04 –General Provisions** and **Chapter 16.08 – Subdivisions. Title 17 – Zoning, Chapter 2.88 – Environmental Policy** and **Chapter 15.44 – Design Review** also apply to long plats in Sedro-Woolley.
3. The Comprehensive Plan and Zoning Code designation for this property is Residential 15 (R-15), with the north 120 feet of parcel P76918 zoned Mixed Commercial (MC). The parcel was zoned R-15, without any MZ zoning, when the application was vested. Therefore only the zoning regulations of the R-15 zone are applicable to the plat. Chapter 17.16 SWMC includes the regulations for the R-15 zone and Chapter 17.20 SWMC for MC. In the R-15 zone, fifteen units per acre are allowed.
4. The two underlying parcels total approximately 2.4 acres. A portion of the southern portion of parcel P76919 was given to the adjoining property owner to correct a building encroachment situation. That property was exchanged via boundary line adjustment (Auditor File #201402200027) approved by the city February 14, 2014. That BLA was adjusted (without city review) and re-recorded (AF #201404080024) on April 8, 2014.
5. The Plat of Arbor Glen was Submitted in April 11, 2006 and assigned file #06-SD-02. The Plat of Arbor Glen application is vested under the rules in place on that date.
6. On June 14, 2006 the Sedro-Woolley city Council passed Resolution #727-06 approving the Plat of Arbor Glen, a 22-lot subdivision with a variance to allow 5-foot side setbacks for two- story structures. The resolution (Exhibit 3) and the original *Planning Commission Findings of Fact and Recommendation (Findings)* for the original application (Exhibit 4) are included as exhibits to this report.
7. Per RCW 58.17.140, final plat must be submitted within nine years of preliminary plat approval if the plat was given preliminary plat approval before December 31, 2007. Final Plat approval for the Plat of Arbor Glen must be submitted by June 14, 2015. The preliminary plat approval is still valid and the application may be modified under the vested rules.
8. On October 9, 2013, Bob Ruby, acting as representative for Rubicon Development, LLC, submitted an application to modify the approved Plat of Arbor Glen (Exhibit 1). The remaining application materials necessary for staff to review the proposed plat revisions was received November 27, 2013. The Revised Preliminary Plat map of Arbor Glen date-stamped April 22, 2014 is attached as Exhibit 2.
9. The revised proposal is for 23 lots; the street configuration is similar to the original plat and the side yard setback variance will still apply. The subdivision will require

construction of a road, stormwater system and utilities necessary to serve the proposed lots. The play area must conform to the rules in place at the time of vesting (800 square feet minimum).

10. The plat must meet development regulations in place at the time of vesting. Procedurally, the plat approval process shall be to the currently adopted procedural rules in Chapter 2.90 SWMC.
11. The subject property was reviewed for compliance under the Sedro-Woolley Critical Areas Ordinance as codified under Title 17.65 at the time of the original plat application. No wetlands or critical areas were found.
12. The project is bordered to the north by Cook Road and the east by Trail Road. Cook Road is classified as a Principal Arterial and Trail Road is classified as a Secondary Arterial in the Transportation Element of the Sedro-Woolley Comprehensive Plan.
13. The neighboring properties to the west, south and most of the east are zoned R-15. The northern 120 feet of the neighboring property to the east is zoned MC. The neighboring properties to the north – across Cook Road – is zoned Public.
14. Long plats are subject to SEPA review (Chapter 2.88 SWMC) and require a SEPA checklist to be submitted along with the application. A SEPA MDNS was issued April 14, 2006. The SEPA checklist for this the original proposal was for 23 lots and did not need to be modified for the revised proposal. An Addendum to the SEPA MDNS was issued March 7, 2014 (Exhibit 6) to amend the scope of the project to include one more unit. The addendum did not change the conditions of the SEPA MDNS issued in April 2006; the conditions of that MDNS are still applicable to the project. The original SEPA is included as Exhibit D to the original *Findings* (Exhibit 4 of this document). The requirement for a 10 foot ROW dedication on Trail Road has been waived by the Engineering Department. Also, requirement to increase sidewalk widths has also been waived by the Engineering Department.
15. A *Notice of Application* for the revised project was published in the local newspaper, posted at the project site and mailed to the property owners and residents within 500 feet of the subject parcel. The notice required a two week comment period ending January 6, 2014. Two written comments (Exhibit 5) were received: a) Larry Jensen (date-stamped December 27, 2013); and b) John Lee (email dated December 26, 2014).
16. Pursuant to SWMC 15.44.060, the Planning Department reviewed the project for compliance with the Design Review standards and Guidelines. The applicant has proposed to orient the front of the houses on proposed lots 12 – 16 towards Cook Road and lots 19 – 21 towards Trail Road. A four-foot (maximum) tall, uniform fence is also proposed along the frontage of both Cook and Trail Roads. Sheet 5 of the plat maps for the proposal (Sheet 5 of Exhibit 2) includes a typical detail of a walkway and gate through said fence to the city sidewalk. The Planning Department recommends that the conditions of approval incorporate the above elements.

17. Parking regulations in the R-15 zone are for three independently mobile parking spots for each 3-bedroom unit and one additional parking space of every eight units. In accordance with this requirement, the plat maps show three independently mobile parking spaces on each lot. The plat includes 23 units; therefore three additional visitors' parking spaces are necessary. Those three spaces are accommodated on Tract 995.
18. Tracts 995 and 994 are reserved for a future road to access the adjacent property to the east. Until such time, tract 994 is used for access to Lots 3, 5 and 5 as well as the three required additional community parking spaces that are located on Tract 995. Should the road be constructed through to the easterly parcel, Tracts 994 and 995 will be part of a dedicated right of way to the City of Sedro-Woolley. Those tree visitors' spaces must be accommodated on the northern side of the right of way (adjacent to Tract 996). The Planning Department recommends that that the conditions of approval incorporate the above three-parking space requirement.
19. The stormwater infrastructure is proposed to be located largely within the city right-of-way as approved by the City Engineer.
20. The Hearing Examiner is scheduled to hold a public hearing on the preliminary Plat of Arbor Glen at 10:00 AM, May 13, 2014. Based on the information presented to the Hearing Examiner and the testimony at that hearing, the Hearing Examiner will make a recommendation to the City Council whether to approve, approve with conditions or deny preliminary approval of the Plat of Arbor Glen.
21. On April 25, 2014, in compliance with Chapters 16.04, 16.08 and 2.90 SWMC, *Notice of Public Hearing* (Exhibit 7) for the Preliminary Plat Arbor Glen was sent to all property owners and residents within 500 feet of the subject parcels, posted at the project site and published in the Skagit Valley Herald.

PLANNING DEPARTMENT RECOMENDATION

Based on the above Findings of Fact and Exhibits 1 through 9, the Planning Department recommends **APPROVAL** of the modified Preliminary Plat of Arbor Glen, a request to subdivide two parcels in the R-15 Zone into twenty-three (23) new residential lots, including the previously approved variance to reduce side yard setbacks from 8 feet to 5 feet **subject to the following conditions:**

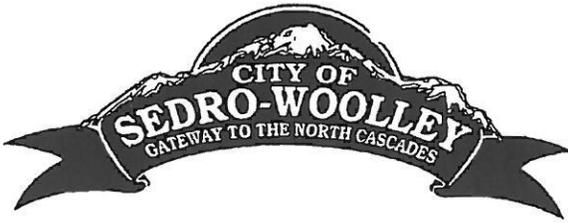
1. Comply with the mitigation measures included in the SEPA mitigated determination of non-significance (MDNS) issued April 14, 2006 and as set forth below. Note, item l) has been waived by the City Engineer and item m) has been modified to only require the 3' of additional right-of-way (ROW) dedication along Cook Road:
 - a) Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance;
 - b) Submit a lighting plan indicating the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties;
 - c) Locate and install fire hydrants as approved by the Fire Chief;

- d) Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element;
 - e) Coordinate Public Transportation Improvements, as may be required, with Skagit Transit (SKAT);
 - f) Locate and install of mailbox(es) as approved by the Postmaster;
 - g) Coordinate School District mitigation, as may be required, with the Sedro-Woolley School District;
 - h) Coordinate installation of public water infrastructure improvements with Skagit Public Utility District No. 1;
 - i) Provide playground equipment for the designated play area with equipment suitable for a variety of age groups as approved by the Planning Director;
 - j) Provide 10ft wide street landscaping pursuant to SWMC 17.50.050, along Cook and Trail Roads;
 - k) Re-stripe lanes on Trail Road pursuant to SWMC 16.08.052 and as approved by the City Engineer;
 - l) ~~Increase sidewalk width to 11' along Trail Road frontage, and 8' along Cook Road frontage as approved by the City Engineer.~~
 - m) Dedicate and additional ~~10'~~ ROW ~~along Trail Road frontage and 3'~~ along Cook Road frontage.
 - n) Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020;
 - o) All construction traffic shall use an approved temporary construction access with a 100' geotextile and quarry spall construction entrance;
 - p) Comply with Northwest Clean Air Agency Regulations during construction activities.
 - q) Comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Title 13.36 Stormwater Management Standards; Title 13.40 Stormwater Facilities Maintenance; Title 15.40 Public Works Construction Standards; Title 16 Subdivisions, Title 17 Zoning; Sedro-Woolley Public Works Design Standards and the Sedro-Woolley Comprehensive Plan.
2. Construction of all required infrastructure improvements shall be completed prior to final plat application or bonding in an amount approved by the City Engineer shall be filed with the City.
 3. A homeowner agreement shall be created for the maintenance of the shared play area, 3 overflow parking spaces, tracts owned in common by Association and stormwater infrastructure within the Plat of Arbor Glen and shall be approved by the Planning Department prior to recording. Maintenance of the stormwater facilities will be defined in the operation maintenance manual recorded with the CC&Rs and referenced on the plat.
 4. Orient the front of the houses on proposed lots 12 – 16 towards Cook Road and lots 19 – 21 towards Trail Road. Plans for a four-foot (maximum) tall, uniform fence as proposed along the frontage of both Cook and Trail Roads shall be subject to design approval by the Planning Department. Sheet 5 of the plat maps (Exhibit 2) includes a typical detail of a walkway and gate through said fence to the city sidewalk.

5. If in the future Tracts 994 and 995 are converted to a street (public right-of-way) to access the property to the east of the Plat of Arbor Glen, then the three overflow parking spaces on Tract 995 shall be provided elsewhere. Those three spaces may be on the north side of the road built to access the east (adjacent to the south boundary to Tract 996) or as otherwise approved by the Planning Department.
6. Construction of all landscaping and design elements shall be in accordance with Chapter 17.50 SWMC and the Planting Plan as approved by the Planning Department.

EXHIBITS

1. Revised Preliminary Plat Application;
2. Revised Preliminary Plat map of Arbor Glen date-stamped April 22, 2014, (5 Sheets);
3. Resolution 727-06 approving preliminary plat June 14, 2006
4. Original Findings of Fact and Decision/Recommendation (including Appendixes A-I);
5. Public comments (2):
 - a. John Lee (email) December 26, 2013
 - b. Larry Jensen December 27, 2013;
6. Addendum to SEPA MDNS issued March 7, 2014; and
7. Notice of Public Hearing published April 25, 2014.
8. Affidavit of Mailing Notice of Public Hearing



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



LONG PLAT APPLICATION

APPLICATION NUMBER: 06-SD-2 (See Attached "Sali Juelles" plat app.)

Pre-application File #: _____ Pre-application date: _____
Proposed name of Subdivision: Arbor Glen

Location (cross street names and addresses, if they exist): S.E. corner of Cook Rd. and Trail Road, 755 Cook Road & 605 Trail Rd.

Assessor's Parcel number(s): P76918 and P76919
Section: 23 Township: 35 Range: 4E

Applicant Name: Rubicon Development, LLC, Attn: Bob Ruby

Applicant Address: 901 Metcalf St., #34

Applicant Phone: 360-856-4641 email: manrprop@yahoo.com

Owner: Granite Holdings, LLC

Owner Address: 901 Metcalf St., #34 S-W

Owner Phone: 360-856-4641

I am applying for the following variances or other permits at the same time: Possible future rezone of northern part back to R-15.

I request preliminary approval in accordance with the Sedro-Woolley subdivision ordinance and other applicable city codes. The applicant bears the burden of proving the application should be granted.

[Signature] for Rubicon Development, LLC
SIGNATURE DATE RECEIVED

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

Name [Signature] For Date Granite Holdings, LLC 9/20/13

Part 2

Zoning and Comprehensive Plan Designation R-15 and, north 120' Mixed Commercial

Total site size in acres 2.486 Critical Areas by type and acres: ∅

Number of lots proposed 23 Number of housing units proposed 23

Flood zone: Zone X

I have submitted 10 copies of the preliminary plat, 1 copy of a SEPA checklist ^{SEPA Complete @ 23 lots} (for review, upon approval 13 copies of the SEPA Checklist will be required), together with the current filing fee and SEPA fee.

Describe existing conditions on and adjacent to site: Bare ground with vegetation

Purpose: The purpose of the Subdivision (Long Plat) regulations:

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

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

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

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

Application Checklist:

- A. Pre-application date: _____
- B. State Environment Policy Act (SEPA). The applicant shall submit a SEPA Checklist or environmental impact statement (EIS), including a site plan and associated fees, with an application for a subdivision. The SEPA Checklist or EIS shall be reviewed by the SEPA official. Upon determination by the Planning Department that the SEPA Checklist is complete and accurate, thirteen (13) copies of the checklist will be required. No public hearing on a subdivision proposal shall be scheduled prior to the issuance of a determination of nonsignificance or mitigated determination of nonsignificance by the SEPA official.
- C. Fees. See current fee schedule. The applicant will also be billed for mailing and publication costs.
- D. Complete Application Required. The planning director notifies applicant when the application is complete.
- E. Application Map. Ten copies of an accurately scaled and dimensioned map of the plat prepared by a land surveyor licensed by the state of Washington and showing the following:

**Every preliminary plat shall consist of one or more maps, on both mylar and in digital format approved by the City Engineer, together with written and digital data including the following:

- The name of the proposed subdivision;
- North point and scale; the location of existing property lines: streets, building, if any; watercourses and all general features;
- The legal description of the land contained within the subdivision;
- The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;
- The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;
- The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;
- The names of adjoining plats;
- The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;
- The date of the survey;
- All existing monuments and markers located by the survey;
- The zoning classification applicable to the land within the subdivision;
- The conditions of or the limitations on dedications, if any, including slope rights;
- Contour intervals as required, based upon city datum with intervals of five feet or less utilizing U.S.G.S, or better datum.
- Location of significant physical features such as buildings, bodies of water, power lines, slopes, trees, and section lines within or adjacent to the proposed plat;
- Location and description of existing and proposed drainage, sewer, and water facilities within or adjacent to the proposed plat;
- Location and outline of any sensitive areas, as defined under Section 17.65.040, using the delineation and classification methods and definitions provided for the specific sensitive area under the provisions of Chapter 17.65;

- If a replat, the layout for the original plat in dotted lines, with replat status reflected in the plat name;
- Vicinity map at a smaller scale, to include the location of any natural resource lands within three hundred feet of the edge of the proposed plat.

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

Special Studies:

- Q. Traffic
- R. Stormwater
- S. Critical areas

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

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

- Public health, safety and general welfare: _____

- Open spaces: _____

- Drainage ways: _____

- Streets, alleys, other public ways: _____

- Water supplies: _____

- Sanitary wastes: _____

Fire protection facilities: _____

Parks, playgrounds: _____

Applicable local and state rules which will be used in the review of all subdivision applications:

Applications shall be processed according to the procedures set forth in Chapter 2.90 SWMC, and the additional procedures established in Chapter 16.08 SWMC and state law (Chapter 43.21C RCW, and Chapter 36.70B RCW).

Chapter 16.04 SWMC – General Provisions, Chapter 16.08 SWMC – Subdivisions; Chapter 2.88 SWMC – State Environmental Policy Act; Chapter 15.40 SWMC – Public Works Construction Standards; Chapter 2.90 SWMC – Consolidated Planning Procedures; and Title 17 SWMC – Zoning.

Also applicable to subdivisions are the Public Works Department Standards manual and the Sedro-Woolley Design Standards and Guidelines manual. These documents are adopted by reference in the Sedro-Woolley Municipal Code.

NARRATIVE FOR THE PROPOSED PLAT OF ARBOR GLEN

September 26, 2013

The proposed plat of Arbor Glen is a 23 lot Single Family Residential development within the City of Sedro Woolley, WA. The plat will consist of 2.486 acres, located at the southeast corner of the intersection of Cook Road and Trail Road. A Preliminary Plat was completed, approved and vested by the City of Sedro Woolley for this project in 2006. This modification will rely on that earlier vesting and provide for newer review material for the City where required.

The original SEPA was drafted and circulated to include 23 lots and the preliminary plat was originally approved with 22 lots. This modification, with its associated vesting proposes using the information, data and conclusions from that SEPA .

The entry street will meet with City standards and ownership will be turned over to the City. The entry point is toward the south of the plat exiting west onto Trail Road. The entry will turn north and proceed up the middle of the plat and end with a "T" hammer head intersection. We are requesting to retain ownership of Parcel 995.

The domestic water line together with approval from the local PUD, and the sanitary sewer are proposed consistent with the past application or changed consistent with the new detail. This plat proposes using the domestic water supply assurance letter from the original application.

Storm water runoff has been revised compared to the original application. An updated soils report has been utilized. Runoff is being proposed as in the present drawings and includes the possibility of ultimately utilizing the storm water drain parallel to SR 20.

This plat proposes using the variance granted from the original application for minimum side yard setback to be five feet. This plat will make every effort to provide for more parking than minimally required. Many of the proposed residential building structures will be three bedroom units. Construction plans call for two-car garages. Two car garages equates to two parking stalls. Additionally, drive way aprons will be poured at 25 feet in length. Any structure with these features will will have a minimum of four parking spaces without any additional provision for street parking, etc.

Consistent with communication from the City in a letter dated August 30, 2013, the plat is vested and as such structures in the north 120 feet will be conforming. Upon final plat approval, the City will change the zoning to provide a conforming designation.

EXHIBIT 2
TO HEARING EXAMINER REPORT

PORTION OF THE NE QUARTER OF THE SE QUARTER, SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.

LEGAL DESCRIPTION

PARCEL A
THE NORTH 368 FEET OF LOT 3, SEDRO ACRES, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 35, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THE WEST 10 FEET THEREOF; ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;
THENCE EASTERLY ALONG THE SOUTH MARGIN OF COOK ROAD AND THE NORTH LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF SAID PARCEL;
THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 20 FEET;
THENCE WESTERLY PARALLEL WITH SAID SOUTH MARGIN, A DISTANCE OF 200 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 27 FEET;
THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE EAST MARGIN OF TRAIL ROAD AND THE WEST LINE OF SAID PARCEL;
THENCE NORTHERLY ALONG SAID EAST MARGIN OF SAID WEST LINE TO THE POINT OF BEGINNING, SITUATE IN THE CITY OF SEDRO-WOOLLEY, COUNTY OF SKAGIT, STATE OF WASHINGTON.

PARCEL B
LOT 3, SEDRO ACRES, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 35, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THE NORTH 368 FEET AND THE SOUTH 138 FEET THEREOF, AND EXCEPT THE WEST 10 FEET THEREOF, LESS A PORTION OF LOT 3, "SEDRO ACRES," AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 35, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THE NORTH 368 FEET AND THE SOUTH 138 FEET THEREOF, AND EXCEPT THE WEST 10 FEET THEREOF, LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, WA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH EAST CORNER OF THE THAT PORTION OF LOT 3 PREVIOUSLY DESCRIBED ABOVE; THENCE NORTH 88°48'34" WEST ALONG THE SOUTH LINE OF THAT PORTION OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID PORTION LOT 3 AND THE EASTERLY RIGHT OF WAY OF TRAIL ROAD 214.11 FEET AND THE POINT OF BEGINNING; THENCE NORTH 03°01'01" EAST ALONG THE EASTERLY RIGHT OF WAY OF TRAIL ROAD 83.30 FEET TO THE INTERSECTION WITH THE PRODUCTION OF AN EXISTING FENCE TO THE EAST; THENCE NORTH 89°35'11" EAST ALONG AN EXISTING FENCE 109.29 FEET; THENCE SOUTH 0°46'23" EAST TO THE SOUTH LINE OF THAT PORTION OF SAID LOT 3 A DISTANCE OF 33.37 FEET; THENCE NORTH 88°48'34" WEST 109.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 SQ.FT. MORE OR LESS.

SITUATE IN THE CITY OF SEDRO-WOOLLEY, COUNTY OF SKAGIT, STATE OF WASHINGTON. (LEGAL PROVIDED BY LAND TITLE COMPANY OF SKAGIT COUNTY, ORDER NO. 124567-PW-A, DATED: APRIL 9, 2007.

DEDICATION

BEFORE ALL MEN BY THESE PRESENTS THAT GRANITE HOLDINGS, LLC, OWNERS IN FEE SIMPLE OF THE LAND HEREIN PLATTED DO HEREBY CERTIFY THAT THE DECISION TO MAKE THIS PLAT HAS BEEN MADE VOLUNTARILY AND FREE AND DO DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND ALLEYS, IF ANY, SHOWN HEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES TOGETHER WITH THE RIGHT TO MAKE ALL NECESSARY GRADINGS FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE OWNERSHIP OF ALL SUCH STREETS AND ALLEYS SHOWN HEREON.

IN WITNESS WHEREOF, THE OWNERS HAVE CAUSED THEIR SIGNATURES TO BE HEREUNTO SUBSCRIBED AND AFFIRMED THIS ____ DAY OF _____, 2014.

GRANITE HOLDINGS, LLC
BY: _____

PEOPLES BANK
BY: _____

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (S/HE) SIGNED THIS INSTRUMENT, OR GAVE SAID INSTRUMENT, AND AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE GRANITE HOLDINGS, LLC OF SEDRO-WOOLLEY, WA, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF _____
(NOTARY NAME TO BE PRINTED) _____

RESIDING AT: _____
MY APPOINTMENT EXPIRES _____

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SHORT PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBMISSION OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, WA, AND THAT THE COURSES AND BEARINGS ARE SHOWN CORRECTLY AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

MICHAEL E. WADE PLS _____ DATE _____
PLS 30428

NOTES / RESTRICTIONS

- THE SIDE SETBACK IS REDUCED FROM 6' TO 5', ONLY GRASS SHALL BE ALLOWED BETWEEN THE STRUCTURES. NO FENCES, SHRUBS, BUSHES OR OTHER PHYSICAL OBSTRUCTIONS SHALL BE ALLOWED TO BE LOCATED WITHIN THE SIDE YARD AREAS.
- OWNER OF RECORD: GRANITE HOLDINGS, 133 STATE STREET, SEDRO-WOOLLEY, WA 98223
- PLAT NUMBER AND DATE OF APPROVAL SHALL BE INCLUDED IN ALL DEEDS AND CONTRACTS.
- UTILITIES:

SEWAGE DISPOSAL:	CITY OF SEDRO-WOOLLEY
STORM SEWERS:	CITY OF SEDRO-WOOLLEY
WATER PURVEYOR:	P.U.D. No.1
POWER SOURCE:	PUGET SOUND ENERGY
COMMUNICATION:	FRONTIER
GAS:	CASCADE NATURAL GAS CORPORATION
- HOMEOWNER'S ASSOCIATION DOCUMENTS RECORDED UNDER APN _____

6. THE LOTS ADJACENT TO THE TRAIL AND COOK ROAD RIGHTS-OF-WAY SHALL NOT HAVE A FENCE TALLER THAN FOUR FEET, AND ANY FENCE INSTALLED SHALL BE UNIFORM FOR THE ENTIRE LENGTH OF FRONTAGE. LOTS 12-18 AND LOTS 18-21 SHALL HAVE A FRONT DOOR FACING COOK OR TRAIL ROAD, WITH A SIDEWALK TO THE CITY WALK.

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SOUND DEVELOPMENT GROUP, LLC

SKAGIT COUNTY AUDITOR _____ DEPUTY _____

SKAGIT COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT ALL TAXES HEREON DUE AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE UP TO AND INCLUDING THE YEAR OF 2014.

THIS ____ DAY OF _____, 2014.

SKAGIT COUNTY TREASURER _____ DEPUTY _____

CITY FINANCE DIRECTOR

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL.

THIS ____ DAY OF _____, 2014.

CITY FINANCE DIRECTOR _____

APPROVALS

EXAMINED AND APPROVED THIS ____ DAY OF _____, 2014.

CITY ENGINEER _____

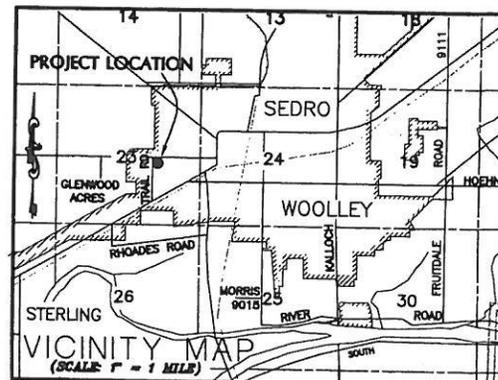
APPROVED BY THE MAYOR OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, THIS ____ DAY OF _____, 2014.

MAYOR _____

ATTEND: CITY CLERK _____

EXAMINED AND FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS AND APPROVED THIS ____ DAY OF _____, 2014.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR _____



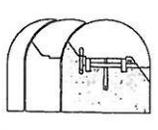
SHEET 1 OF 5

EXHIBIT 2
TO H.E.X. REPORT

RECEIVED

APR 22 2014

NG-SD-2/2014-169



Sound Development Group
ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202
Mount Vernon, WA 98273
Tel: 360-404-2010 Fax: 360-404-2013

PLAT FILE NO. 06-SD-02
PLAT OF ARBOR GLEN
SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.
SKAGIT COUNTY, STATE OF WASHINGTON
SEDRO-WOOLLEY
FOR
GRANITE HOLDINGS

DATE: 09.30.13 BY: TAZ SCALE: 1" = 30'
PROJECT NO. 13049 13049.DWG F.B. XX/XX

RESEARCH
 A/N 4378 RECORDS OF SKAGIT COUNTY
 A/N 40000077 RECORDS OF SKAGIT COUNTY
 A/N 3000040076 RECORDS OF SKAGIT COUNTY
 A/N 3000017007 RECORDS OF SKAGIT COUNTY
 A/N 3000010100 RECORDS OF SKAGIT COUNTY

BASIS OF BEARING
 THE EAST-WEST QUARTER SECTION LINE BETWEEN THE WEST QUARTER CORNER AND THE EAST QUARTER CORNER MONUMENTS, BEARS SOUTH BY 40° 33' EAST, HORIZONTAL DATUM IS NAD 83/91.

INSTRUMENT NOTE
 THIS SURVEY WAS ACCOMPLISHED BY FIELD TRAVELER WITH A TRIMBLE 58 AND A TRIMBLE 5800 DUAL FREQUENCY GPS RECEIVER. STANDARD ERROR DISTANCE 1/√20M (+/- 1 PPM), AND HEIGHTS OR EXCESS STATIONARS AS SET FORTH IN W.A.C. CH. 332-130.

SITE CONDITIONS NOTE:
 THIS MAP REFLECTS SURVEYED CONDITIONS WITHIN SUBJECT PROPERTY, HISTORICAL CONDITIONS WITHIN THE SURROUNDING AREAS REFLECT OFFICE, PUBLIC AND COUNTY RECORDS.

PORTION OF THE NE QUARTER OF THE SE QUARTER, SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.

ZONING
 R-15 RESIDENTIAL 15

COMPREHENSIVE PLAN
 R-15 RESIDENTIAL 15

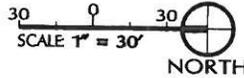
WETLAND DELINEATION
 NO WETLANDS ON-SITE.

ENGINEER/SURVEYOR:

SOUND DEVELOPMENT GROUP, L.L.C.
 GEORGE BERRY SURVEYOR
 P/E SKAGIT, P.E./RSE DMC, P.L.L.C.
 P.L.S. 30428

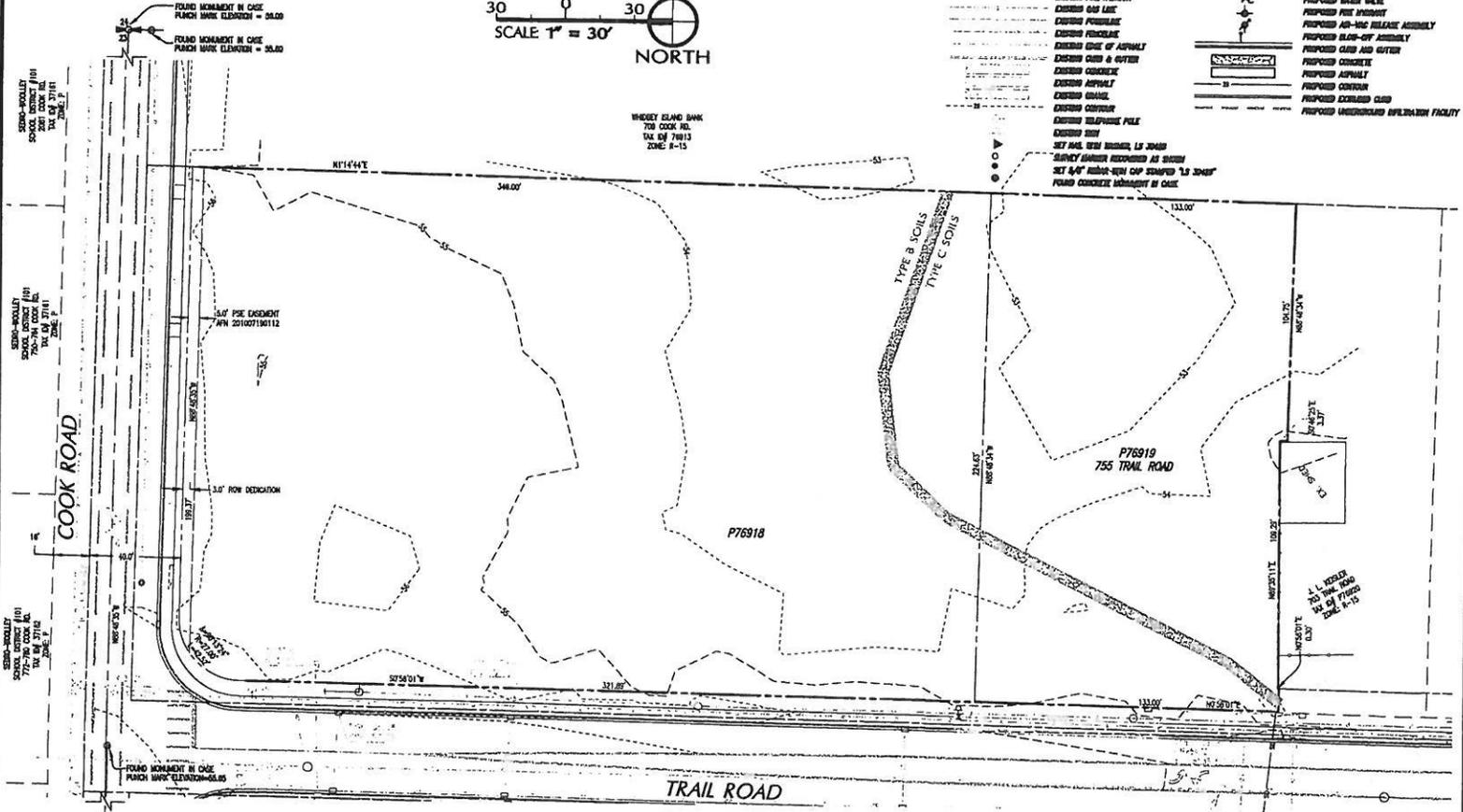
OWNER/DEVELOPER:

GRANITE HOLDINGS
 133 STATE STREET, 5TH FLOOR
 SEDRO-WOOLLEY, WA 98281



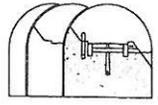
WHEELEY ISLAND BAK
 700 COOK RD.
 T.M. OF 78113
 ZONE R-15

LEGEND			
---	EXISTING RIGHT OF WAY LINE	---	PROPOSED PROPERTY BOUNDARY
---	EXISTING ROAD CENTERLINE	---	PROPOSED ROAD RIGHT OF WAY
---	EXISTING PROPERTY LINE	---	PROPOSED ROAD CENTERLINE
---	EXISTING PROPERTY CORNER	---	PROPOSED SIDE
---	EXISTING STORM DRAIN	---	PROPOSED STORM DRAIN
---	EXISTING TYPE 2 CO	---	PROPOSED STORM DRAIN BENCH TYPE #
---	EXISTING TYPE 1 CO	---	PROPOSED STORM DRAIN BENCH
---	EXISTING SANITARY SEWER	---	PROPOSED SANITARY SEWER
---	EXISTING SANITARY MANHOLE	---	PROPOSED SANITARY MANHOLE
---	EXISTING UTILITY	---	PROPOSED SANITARY SEWER CLEANOUT
---	EXISTING UTILITY MARK	---	PROPOSED UTILITY
---	EXISTING FIRE HYDRANT	---	PROPOSED UTILITY MARK
---	EXISTING GAS LINE	---	PROPOSED FIRE HYDRANT
---	EXISTING POWERLINE	---	PROPOSED GAS LINE
---	EXISTING FENCELINE	---	PROPOSED AIR-HEAT RELEASE ASSEMBLY
---	EXISTING GROUND OF ASPHALT	---	PROPOSED BLOW-OFF ASSEMBLY
---	EXISTING CURB & GUTTER	---	PROPOSED CURB AND GUTTER
---	EXISTING CONCOURSE	---	PROPOSED CONCRETE
---	EXISTING ASPHALT	---	PROPOSED ASPHALT
---	EXISTING GRAVEL	---	PROPOSED CONCRETE
---	EXISTING CONCRETE	---	PROPOSED EXPOSED CURB
---	EXISTING TELEPHONE POLE	---	PROPOSED UNDERGROUND INFILTRATION FACILITY
---	EXISTING SIGN	---	
---	SET HAS BEEN REPAIRED, 1.5" DIA	---	
---	SURVEY MARKER RECORDED AS SIXTH	---	
---	SET 6" DIA. ALUMINUM CAP STAMPED "S.D.G."	---	
---	FOUND CONCRETE MONUMENT IN CASE	---	



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS SHORT PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBMISSION OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, WA, AND THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

MICHAEL E. WARE PLS
 PLS 30428



Sound Development Group
 ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
 P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202
 Mount Vernon, WA 98273
 Tel: 360-404-2010 Fax: 360-404-2013

PLAT FILE NO. 06-SD-02
PLAT OF ARBOR GLEN
 SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.
 SKAGIT COUNTY, STATE OF WASHINGTON
 SEDRO-WOOLLEY
 FOR
GRANITE HOLDINGS
 133 STATE STREET, SEDRO-WOOLLEY, WA

DATE: 09.30.13 BY: TAZ SCALE: 1" = 30'
 PROJECT NO. 13049 13049.DWG F.B. XX/XX

PORTION OF THE NE QUARTER OF THE SE QUARTER, SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.

SITE INFORMATION:

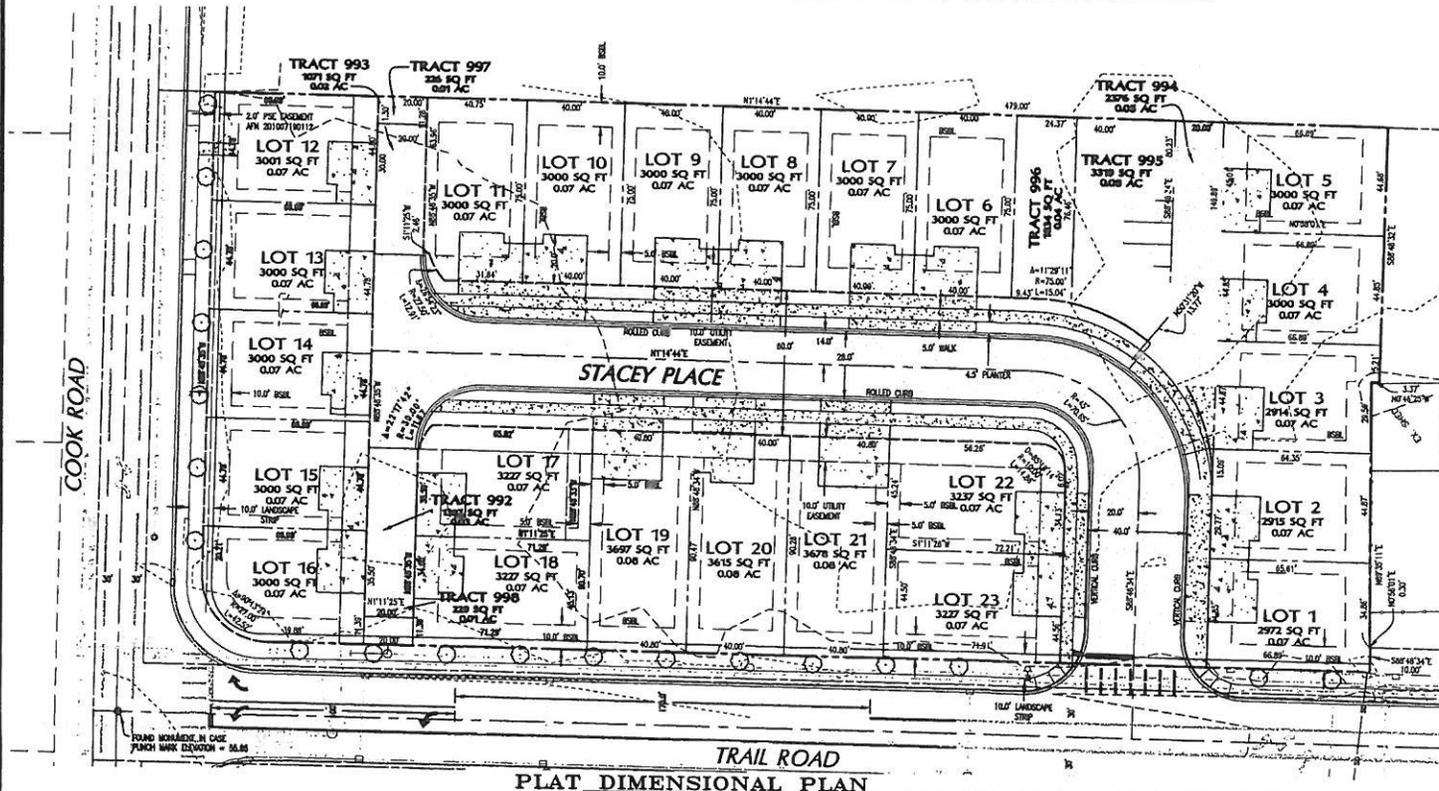
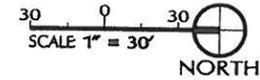
SITE AREA AFTER ROW DEDICATION: 107,553 SF (2.47 ACRES)
 AREA OF ROW DEDICATION: 679 SF (0.016 ACRES)
 OPEN SPACE LANDSCAPING: 2289 SF (0.05 ACRES)
 ORIGINAL APPROVED PRELIMINARY PLAT LANDSCAPING: 5,967 (0.14 ACRES)
 OPEN SPACE ACCESS: 4,834 SF (0.11 ACRES)
 LOT AREA: 71,699 SF (1.65 ACRES)
 TRACT RETAINED BY OWNER: 3,319 SF (0.08 ACRES)
 INFILTRATION GALLERY AREA: 5,463 SQUARE FEET X 3' DEEP

ZONING AND SETBACKS:

ZONING: R-15
 SETBACKS: SIDE 5'; REAR AND FRONT 10'

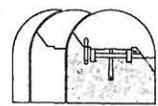
TRACT TABLE

TRACT TYPE	TRACT NAME	AREA
OPEN SPACE - ACCESS	992	1387 SF
	993	1071 SF
	994	2376 SF
TRACT RETAINED BY OWNER	995	3319 SF
	996	1834 SF
OPEN SPACE - LANDSCAPING	997	226 SF
	998	229 SF



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS SHORT PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, WA. AND THAT THE CORNERS AND DISTANCES ARE SHOWN CORRECTLY AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

MICHAEL E. WARE PLS _____ DATE _____
 PLS 30428

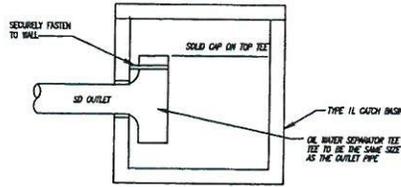
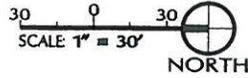


Sound Development Group
 ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
 P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202
 Mount Vernon, WA 98273
 Tel: 360-404-2010 Fax: 360-404-2013

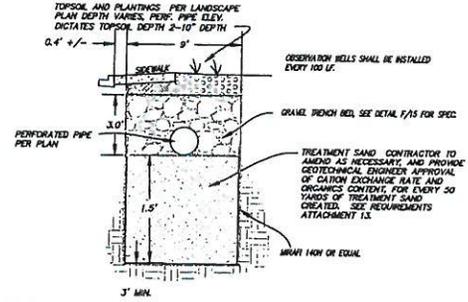
PLAT FILE NO. 06-SD-02
PLAT OF ARBOR GLEN
 SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.
 SKAGIT COUNTY, STATE OF WASHINGTON
 SEDRO-WOOLLEY
 FOR
GRANITE HOLDINGS
 133 STATE STREET, SEDRO-WOOLLEY, WA

DATE: 09.30.13
 PROJECT NO. 13048 13048 DWG
 BY: TAZ
 SCALE: 1" = 30'
 F.B. 11/01

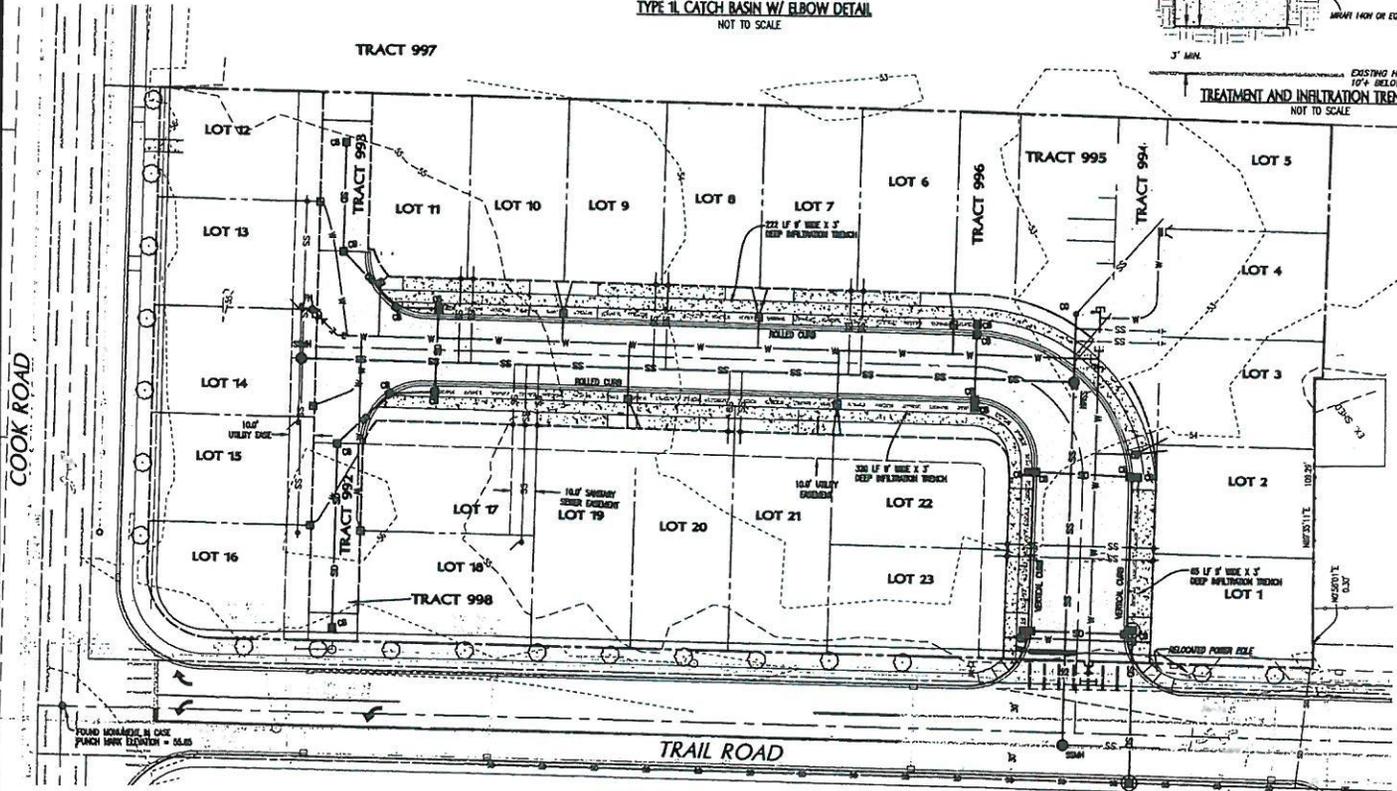
PORTION OF THE NE QUARTER OF THE SE QUARTER, SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.



TYPE 1L CATCH BASIN W/ ELBOW DETAIL
NOT TO SCALE



TREATMENT AND INFILTRATION TRENCH DETAIL
NOT TO SCALE



UTILITY PLAN

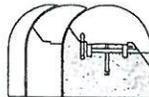
SHEET 4 OF 5

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SHOROT PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, 1/4, AND THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

MICHAEL E. WAHNE PLS
PLS 30428

DATE



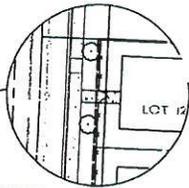
Sound Development Group
ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202
Mount Vernon, WA 98273
Tel: 360-404-2010 Fax: 360-404-2013

PLAT FILE NO. 06-SD-02
PLAT OF ARBOR GLEN
SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.
SKAGIT COUNTY, STATE OF WASHINGTON
SEDRO-WOOLLEY
FOR
GRANITE HOLDINGS
133 STATE STREET, SEDRO-WOOLLEY, WA

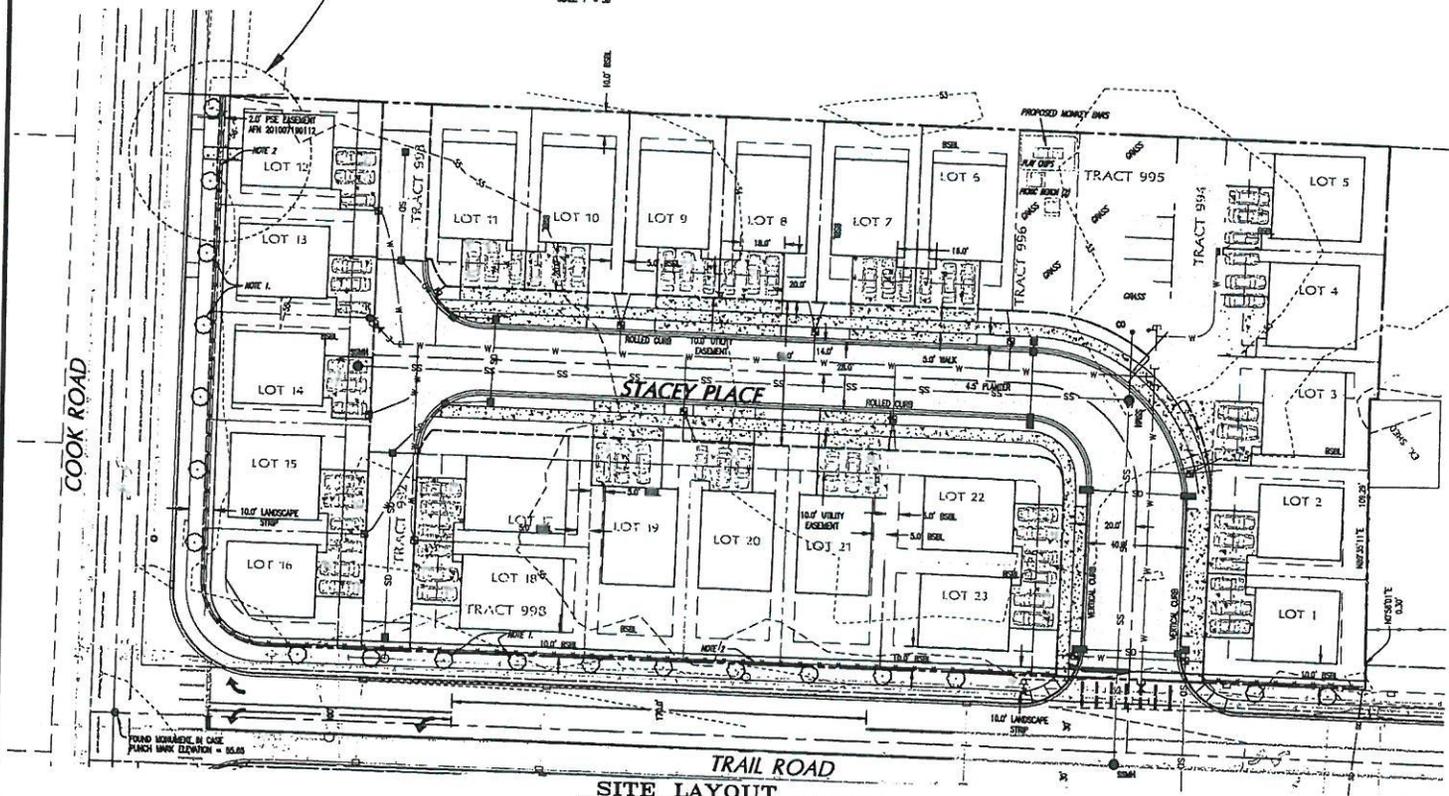
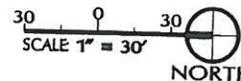
DATE: 09.30.13 PROJECT NO. 13049 13048.DWG BY: TAZ SCALE: 1" = 30' T.B. XX/XX

PORTION OF THE NE QUARTER OF THE SE QUARTER, SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.

SHEET NOTES
 NOTE 1 - FINISH ELEVATIONS AT 30" OC PER LANDSCAPE PLAN AND 50" OC 17.5' SPACING LANDSCAPE PLAN TO BE PROVIDED AT THE TIME OF CONSTRUCTION.
 NOTE 2 - FENCE ALONG TRAIL AND COOK ROAD SIDES-OF-ROAD SHALL BE UNIFORM AND OF A CONTINUOUS MATERIAL, AND NO TALLER THAN 4' IN HEIGHT.



TYPICAL LOT ACCESS FROM STREET FRONTAGE
 LOTS 12-16, AND LOTS 18-21
 SCALE: 1" = 30'



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS SHEDD PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, WA, AND THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND REGULATIONS OF THE CITY OF SEDRO-WOOLLEY.

MICHAEL E. WATTE PLS
 PLS 30428

DATE _____



Sound Development Group
 ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES
 P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202
 Mount Vernon, WA 98273
 Tel: 360-404-2010 Fax: 360-404-2013

SHEET 5 OF 5

PLAT FILE NO. 06-SD-02
PLAT OF ARBOR GLEN
 SECTION 23, TOWNSHIP 35 N., RANGE 4 E, W.M.
 SKAGIT COUNTY, STATE OF WASHINGTON
 SEDRO-WOOLLEY
 WA

GRANITE HOLDINGS
 133 STATE STREET, SEDRO-WOOLLEY, WA

DATE: 09.30.13
 PROJECT NO. 13049 13049.DWG BY: TAZ SCALE: 1" = 30'
 F.B. 22/XX

A RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE "PLAT OF ARBOR GLEN," A 22-LOT SUBDIVISION AND AUTHORIZING THE MAYOR AND HER DESIGNEE(S) TO SIGN ALL PRELIMINARY PLAT APPROVAL DOCUMENTS

WHEREAS, Himalaya Homes Inc., a Washington Corporation, has applied for preliminary plat approval for a 22-lot subdivision, attached hereto as Exhibit A; and

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

WHEREAS, the Sedro-Woolley Planning Commission held an open record public hearing for the application on Tuesday, May 16, 2006 and public testimony was received and considered; and

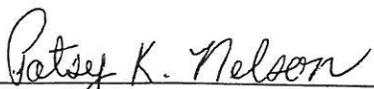
WHEREAS, the Planning Commission determined that the application was technically compliant with SWMC Ch. 16.20 and recommended approval of the proposed preliminary plat with a variance to reduce the side yard setback from 8ft to 5ft to the City Council. A copy of the Planning Commissions Findings of Fact, Conclusions and Decision/Recommendation is attached hereto as Exhibit B.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sedro-Woolley, Washington adopts the Findings of Fact and Conclusions in the attached Planning Commission Findings of Fact, Conclusions and Decision/Recommendation.

BE IT FURTHER RESOLVED that the City Council finds that preliminary plat application # 06-SD-2, Preliminary Plat of Arbor Glen, meets the requirements of SWMC 16.20 and should be given preliminary plat approval with a variance to reduce the side yard setback from 8ft to 5ft, subject to conditions stated in the Planning Commission's Findings of Fact, Conclusions and Decision/Recommendation and the SEPA Mitigated Determination of Non-significance dated April 19, 2006.


Sharon D. Dillon, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT 3
TO H.E.X. REPORT

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SEDRO-WOOLLEY

ORIGINAL

In the Matter of:

Preliminary Plat Approval #06-SD-2
Himalaya Homes Inc.
9633 Market Place, Suite 201
Lake Stevens, WA 98258

**FINDINGS OF FACT,
CONCLUSIONS AND DECISION /
RECOMMENDATION**

This matter having come regularly before the City of Sedro-Woolley Planning Commission for a public hearing on Tuesday, May 16, 2006 under an application filed with the City of Sedro-Woolley by the applicant requesting Preliminary Plat Approval for a 22-lot subdivision as described and located in the Planning Department Staff Report hereby attached and made a part of this decision, which property is identified as Parcels P76918 and P76919 .

Notice having been given to all property owners within 500 feet of said property and all matters submitted at the public hearing having been considered together with the testimony, evidence and exhibits in open hearing and made a part of the record in this matter, the Planning Commission makes the following:

FINDINGS OF FACT

1. On February 22, 2006 Himalaya Homes Inc. submitted a subdivision application to divide approximately 2.486 acres zoned Residential 15 (R-15) into 22 residential lots. The application was assigned permit number 06-SD-2. The application also contained a written request to reduce the side yard setback from 8ft for a two story structure to 5ft.
2. Sedro-Woolley Municipal Code (SWMC) Chapters 2, 15, 16 and 17 apply to this project. The application has been reviewed in accordance with the State Environmental Policy Act (WAC 197-11-800(6)(b)) and a Mitigated Determination of Non-Significance (MDNS) was issued on April 14, 2006. No appeal of the determination was filed.

EXHIBIT 4
TO HEARING EXAMINER REPORT
FROM ORIGINAL APPROVAL IN 2006

3. The subject parcel was reviewed for compliance under the Sedro-Woolley Critical Areas Ordinance as codified under Title 17.65. No critical areas were identified on the subject project site.
4. The Comprehensive Plan and Zoning Code designation for this property is Residential 15 (R-15). R-15 zoning districts allow one single-family residence per lot (SWMC 17.16.010) with no minimum lot size (SWMC 17.16.030).
5. On March 10, 2006 a plan review letter was mailed to Summit Engineering and Surveyors requesting addition information and corrections to be made.
6. On April 11, 2006 a Notice of Complete Application was e-mailed to Himalaya Homes Inc.
7. A Variance to reduce the side yard setback is subject to the review criteria found in SWMC 17.60.060 Criteria – Zoning Waivers.

“ . . . the criteria for approving the zoning exception shall be as follows:

- A. No detriment will result to the neighbors or the public in general;
 - B. Special circumstances exist that make compliance with the bulk restrictions impractical or unreasonable;
 - C. Provisions are made so that the purpose and intent of the bulk restrictions are still maintained, such as privacy, access and street layout.”
8. Pursuant to SWMC 17.60.060 (A) the applicant is required to document that no detriment will result to the neighbors or the public in general. The applicant has provided information that ensures City Staff that fire access in those areas of the proposed plat where the setback is reduced will be maintained and there will be no detriment to the neighbors or the public in general.
 9. Pursuant to SWMC 17.60.060 (B) the applicant is required to document any special circumstances that would make compliance with the bulk restrictions impractical or unreasonable. The applicant has provided information that there are special circumstances which would make compliance with an eight foot side yard setback impractical or unreasonable.

10. Pursuant to SWMC 17.60.060 (C) Provisions are to be made so that the purpose and intent of the bulk restrictions are still maintained, such as privacy, access and street layout. The applicant has provided information indicating they will not allow fences, shrubs and/or bushes within the reduced setback area so as to maintain fire access to roofs and second stories. The applicant has further stated these restrictions will be included in the proposed development's CCRs and recorded on the face of the plat so as to be disclosed during purchases and sales.
11. On April 14, 2006 a Notice of Application and SEPA MDNS was issued and published in the local paper on April 19, 2006. One comment was received and no appeals of the SEPA determination were filed.
12. On April 24, 2006 a Notice of Public Hearing was mailed to adjacent property owners within 500ft and published in the local paper.
13. On April 25, 2006 the subject property was posted with *Notice of Pending Land Use* signs by the applicant.
14. On May 12, 2006 a written comments were submitted by John Lee, 820 Cook Road, Sedro-Woolley, WA 98284.
15. The following exhibits were provided to the Planning Commission and are hereby made apart of the record.
 - A. Preliminary Plat Application
 - B. Preliminary Plat Map
 - C. SEPA Checklist
 - D. Notice of Application and MDNS
 - E. Notice of Public Hearing
 - F. Affidavit of Mailing
 - G. Affidavit of Posting
 - H. Post Master Comments
 - I. Public Comments
 - a. John Lee, 820 Cook Road, Sedro-Woolley

CONCLUSIONS

The Planning Commission, having duly considered the matter and all testimony and evidence presented at the public hearing and submitted while the record was open, makes the following conclusions:

1. Sedro-Woolley Municipal Code (SWMC) Chapters 2, 15, 16 and 17 apply to this project. The application has been reviewed in accordance with the State Environmental Policy Act (WAC 197-11-800(6)(b)) and a Mitigated Determination of Non-Significance (MDNS) was issued on April 14, 2006. No appeal of the determination was filed.
2. The application was determined complete on April 11, 2006 and is considered vested under the rules and regulations in effect on April 11, 2006.
3. City staff reviewed the application pursuant to the design criteria and technical standards for subdivisions in SWMC Chapters 15, 16 and 17 and found the application to be in conformance.
4. A variance to reduce the side yard setback is subject to the review criteria found in SWMC 17.60.060. Staff reviewed the applicants request to reduce the side yard setback from 8ft to 5ft within portions of the proposed project and has determined that no detriment will result to the neighbors or the public in general; there are special circumstances which would make compliance with an eight foot side yard setback impractical; and provisions are being made so that the purpose and intent of the bulk restrictions will still be maintained.
5. Public notice was property conducted pursuant to SWMC 2.90.
6. Written comments were timely received by John Lee of 820 Cook Road, Sedro-Woolley on May 12, 2006 and are hereby made part of the record.
7. This is an open record hearing authorized pursuant to SWMC 16.08.024 and 2.90.010(3).

DECISION / RECOMMENDATION

BASED UPON THE FOREGOING Findings of Fact and Conclusions, the City of Sedro-Woolley Planning Commission hereby recommends to the City Council **APPROVAL** of the Preliminary Plat of Arbor Glen, a 22-lot subdivision, subject to the following conditions.

1. Comply with the mitigation measures included in the SEPA MDNS issued April 14, 2006 and as set forth below:
 - a) Impact Fees and General Facilities charges shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance;
 - b) Submit a lighting plan indicating the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties;
 - c) Locate and install fire hydrants as approved by the Fire Chief;
 - d) Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element;
 - e) Coordinate Public Transportation Improvements, as may be required, with Skagit Transit (SKAT);
 - f) Locate and install of mailboxe(s) as approved by the Postmaster;
 - g) Coordinate School District mitigation, as may be required, with the Sedro-Woolley School District;
 - h) Coordinate installation of public water infrastructure improvements with Skagit Public Utility District No. 1;
 - i) Provide playground equipment for the designated play area with equipment suitable for a variety of age groups as approved by the Planning Director;
 - j) Provide 10ft wide street landscaping pursuant to SWMC 17.50.050, along Cook and Trail Roads;
 - k) Re-stripe lanes on Trail Road pursuant to SWMC 16.08.052 and as approved by the City Engineer;
 - l) Increase sidewalk width to 11' along Trail Road frontage, and 8' along Cook Road frontage as approved by City Engineer.
 - m) Dedicate an additional 10' ROW along Trail Road frontage and 3' along Cook Road frontage

- n) Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020;
 - o) All construction traffic shall use an approved temporary construction access with a 100' geotextile and quarry spall construction entrance;
 - p) Comply with Northwest Clean Air Agency Regulations during construction activities.
 - q) Comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Title 13.36 Stormwater Management Standards; Title 13.40 Stormwater Facilities Maintenance; Title 15.40 Public Works Construction Standards; Title 16 Subdivisions, Title 17 Zoning; Sedro-Woolley Public Works Design Standards and the Sedro-Woolley Comprehensive Plan.
2. Submit a play area design which includes equipment suitable for a variety of age groups for approval by the City Planning Director prior to final plat approval.
 3. In all locations where the side yard setback is reduced from 8ft to 5ft only grass shall be allowed between the structures. No fences, shrubs, bushes or other physical obstructions shall be allowed to be located within the side yard areas. This restriction shall be recorded on the face of the final plat prior to recording as well as stated in the CCRs.
 4. Locate and Install post office boxes at the corner of Sali Drive and Trail Road pursuant to the Post Master comments received April 17, 2006.
 5. Construction of all required infrastructure improvements, including, but not limited to, streets, curbs, gutters, sidewalks, landscaping, street lighting and play areas shall be completed prior to final plat application or bonding in an amount approved by the City Engineer shall be filed with the City.

DECIDED / RECOMMENDED this 16TH day of MAY, 2006



Dan Lefebber
Planning Commission Chairman

John Coleman

From: john@johnjleecpa.com
Sent: Thursday, December 26, 2013 9:24 AM
To: John Coleman
Subject: 22 lotsd

Public comment:

I support the plans for 22 lots on the corner of Trail Road and Cook Road. New single family homes will enhance our neighborhood, help the sales tax and utility tax for the city, help local businesses like Food Pavilion and the new Pharmacy on Hwy 20 as well as local restaurants and drive ins.

John Lee
820 & 829 Cook Road Sedro-Woolley, WA

EXHIBIT 5
TO HEX. REPORT

LARRY JENSEN
15356 PRODUCE LANE
MOUNT VERNON WA. 98273
360-428-7893 OFFICE

CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
325 METCALF STREET.
SEDRO-WOOLLEY WA. 98284

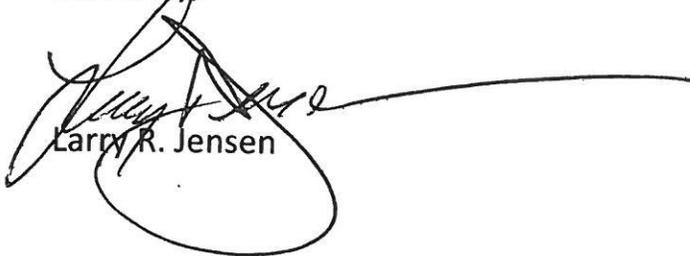
RE:FILE #06-SD-02-PLAT OF ARBOR GLEN (attached letter)

Dear Planning Dept.,

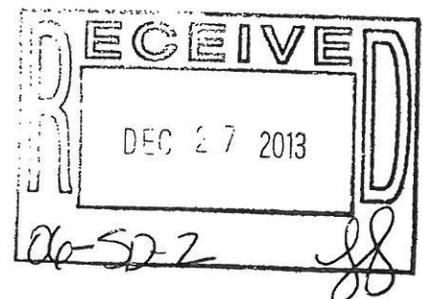
I am writing this letter in support of the proposed development. I assume I was notified as I have an interest in a couple of properties in the vicinity.

I think the development is good for the community and good for the tax base of the city and I personally would like to see it approved.

Sincerely,



Larry R. Jensen



ADDENDUM TO THE MITIGATED DETERMINATION OF NONSIGNIFICANCE
(MDNS)
FOR PRELIMINARY PLAT OF SALI JUELLES (NOW ARBOR GLEN)

ADDENDUM SUMMARY: This addendum modifies the SEPA review conducted for the preliminary plat of Sali Juelles (now named Arbor Glen), originally approved for 22 residential lots in the Residential 15 (R-15) zone. The project includes the construction of a new local access road and the utilities necessary to serve the residences. The application includes a variance request (approved in 2006) to allow a reduction of the standard 8-foot side setback for 2-story buildings to 5 feet. This addendum addresses the applicant's request to subdivide the property into 23 lots instead of the originally approved 22 lots and modifies the SEPA DNS issued for the project issued April 14, 2006. The original SEPA checklist proposed 23 lots, but the applicant only sought approval for 22 at that time. Because the current request to construct 23 lots is consistent with the original checklist, no modifications to the checklist are required.

PROPONENT: Rubicon Development, LLC, 901 Metcalf Street #34, Sedro-Woolley, WA 98284.

PROJECT LOCATION: 755 Cook Road and 605 Trail Road in the City of Sedro-Woolley.

LEAD AGENCY: Sedro-Woolley Planning Department, Sedro-Woolley, WA 98284.

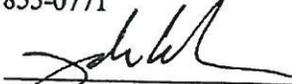
FINDINGS: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This addendum adds information about the proposal but does not substantially change the analysis of significant impacts or alternatives in the existing environmental document. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. Changes to the conditions of the MDNS issued April 14, 2006 are neither proposed nor necessary. This information is available to the public on request.

COMMENT PERIOD: Since an addendum does not contain "significant" new information, a comment period is not required.

APPEAL PERIOD: There is no administrative appeal of a final environmental threshold determination. All appeals shall be commenced pursuant to the provisions of RCW 43.21C and WAC 197-11.

CONTACT PERSON: John Coleman, Planning Director
SEPA RESPONSIBLE OFFICIAL: John Coleman, Planning Director
ADDRESS: 325 Metcalf Street, Sedro-Woolley, WA 98284
PHONE: (360) 855-0771

Signature:



John Coleman, Planning Director

Date: March 7, 2014

EXHIBIT 6
TO HEX REPORT

NOTICE OF PUBLIC HEARING

Tuesday May 13, 2014 at 10:00AM

Sedro-Woolley Municipal Courtroom
325 Metcalf Street, Sedro-Woolley, WA 98284

Application: 06-SD-02, Preliminary Plat of Arbor Glen

Applicant: Rubicon Development, LLC, 901 Metcalf St. #34, Sedro-Woolley, WA 98284

Contact: Rubicon Development, LLC, ATTN: Bob Ruby
901 Metcalf St. #34, Sedro-Woolley, WA 98284

Address: 755 Cook Road and 605 Trail Road, Sedro-Woolley

Project: The proposal is to subdivide two undeveloped properties into 23 residential lots. The proposal is a modification of an approved subdivision design that has yet to be constructed. The original preliminary plat approval was for 22 lots, including a variance to reduce side yard setbacks from 8 feet to 5 feet. The new proposal is for 23 lots; the street configuration is similar and the side yard setback variance will still apply. The complete revised application was received November 27, 2013. The subdivision will require construction of a road, stormwater system and utilities necessary to serve the proposed lots. File #06-SD-02.

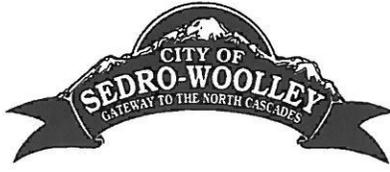
Public Comment: Interested persons may appear and provide testimony at the hearing and request a copy of the decision. Written testimony may also be submitted **until 9:00 AM of the date of the public hearing** to: John Coleman, Planning Director, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley,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

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

Hearing Examiner: The Sedro-Woolley Hearing Examiner will hold an open record public hearing on the Preliminary Plat of Arbor Glen at 10:00AM, **Tuesday, May 13, 2014** at the Sedro-Woolley Municipal Courtroom, 325 Metcalf Street. Based on the information presented to the Hearing Examiner and the testimony at that hearing, the Hearing Examiner will make a recommendation to the City Council whether to approve, approve with conditions or deny preliminary approval of the proposed Plat of Arbor Glen.

Notice Published: Friday, April 25, 2014

EXHIBIT 7
TO HEARING EXAMINER
REPORT.



CITY COUNCIL AGENDA
REGULAR MEETING

JUN 11 2014

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

Building and Planning Departments
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: John Coleman, AICP
Planning Director

Date: June 11, 2014

Subject: Proposed modification to the Municipal Code regarding sidewalk dining in the Central Business District – (1st Read)

ISSUE

Should the Council amend Chapter 10.44 SWMC to allow the use of public sidewalks in front of restaurants in the Central Business District to be used for sidewalk dining?

PROJECT DESCRIPTION / HISTORY

In 2012 and 2013 the Council approved ordinances that allowed the use of sidewalks and the public parking spaces in front of restaurants in the Central Business District (CBD) to be used as private dining areas. Those ordinances were both temporary and have expired. There has not been support from the community to continue the program to allow dining areas in the parking spaces, but there is still strong interest in sidewalk dining.

The City Council Business Development Committee discussed sidewalk dining at its May 23 meeting and requested that staff draft an ordinance to address the issue. The attached ordinance would modify *Chapter 10.44 – Stopping, Standing and Parking*, to permanently allow sidewalk dining in the CBD under certain conditions. The proposed ordinances would not allow dining areas over the on-street parking spaces.

ATTACHMENT

Attachment 1 – Proposed Ordinance

REQUESTED ACTION

1st Read - no action requested

Attachment 1

Proposed Ordinance

AN ORDINANCE AMENDING THE SEDRO-WOOLLEY MUNICIPAL CODE TO ALLOW SIDEWALK PRIVATE DINING AREAS FOR RESTAURANTS IN THE CENTRAL BUSINESS DISTRICT

WHEREAS, the Sedro-Woolley formerly enacted a pilot program to allow sidewalk dining and dining areas over on-street parking spaces in the Central Business District (CBD); and

WHEREAS, the City of Sedro-Woolley Planning Commission thoroughly reviewed the impacts and benefits of sidewalk cafes made final recommendations for amendments to chapters 10.44 and 17.04 of the SWMC to enable the safe and lawful development of a sidewalk cafe program in Sedro-Woolley; and

WHEREAS, a SEPA environmental checklist was reviewed and an MDNS was issued on May 31, 2012; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt a development regulation was sent to the Washington State Department of Commerce;

WHEREAS, on June 27, 2012 the City Council reviewed the Planning Commission's findings and recommendations and approved Ordinance 1747-12, an ordinance amending the Sedro-Woolley Municipal Code to allow street and sidewalk private dining areas (sidewalk cafes) for restaurants in the CBD as well as adopting the Planning Commission findings found in the Findings of Fact, Conclusions and Recommendations dated May 30, 2012; and

WHEREAS, Ordinance 1747-12 allowed for a pilot program for sidewalk cafes that lasted from May 15 and September 25 of 2012 and Ordinance 1771-13 continued that pilot program until December 31, 2013; and

WHEREAS, after reviewing the results of the sidewalk cafes pilot program, the City Council finds that there is no interest in the "over on-street parking dining areas" but there is still strong interest in sidewalk dining area and therefore a permanent program allowing sidewalk dining in the CBD is in the best interest of the community; and

WHEREAS, the City Council finds the proposed amendments to the Sedro-Woolley Municipal Code to be consistent with and to implement the intent of the Sedro-Woolley Comprehensive Plan; and

WHEREAS, the City Council has concluded that it is in the best interest of the public health, safety and welfare to adopt this ordinance;

WHEREAS, the City Council adopts the forgoing as its findings of fact justifying its adoption of this Ordinance;

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

Section 1.

A new section 10.44.155 is added to the Stopping, Standing and Parking Chapter of the Sedro-Woolley Municipal Code:

10.44.155 Sidewalk Cafés.

Intent. Allowing the use of public sidewalks in front of a business in the Central Business District, excluding State Routes, as a private outdoor dining area, when in conformance with the criteria in this section. Sidewalk cafés are defined in the zoning code Title 17 SWMC and are intended to be an attribute to the downtown business district and artistic and aesthetic embellishment is expected.

A. Sidewalk cafés located on the sidewalk may be placed within the right-of-way year round.

B. Uses. Sidewalk dining areas may be approved for the following uses:

1. Private outdoor dining areas.

E. Sidewalk dining areas shall only be located in front of the business and shall not exceed the width of the business space.

F. Sidewalk dining areas placed on the sidewalk shall allow an unimpeded, minimum five foot (5') clear walkway outside of the dining area for passing pedestrians.

G. Maintenance.

1. The business owner is responsible for maintaining the safety and physical upkeep of the sidewalk dining area structure.

2.

3. The business owner is responsible for sweeping the sidewalk area inside and around the sidewalk dining area.

4. Chairs must be removed by close of business each day. Tables must be permanently affixed or removed by close of business each day.

H. Conformance with Washington State Liquor Control Board policy. Businesses may serve beer, wine or spirits in a sidewalk dining area if compliant with the Washington State Liquor Control Board rules and policies.

I. Insurance and Liability. The applicant shall comply with all requirements of SWMC 12.44.050.

Section 2. EFFECTIVE DATE. This ordinance shall take effect five (5) days after the approval by the City Council and publication as provided by law.

Section 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED by majority vote of the members of the Sedro-Woolley City Council this _____ day of _____ 2014, and signed in authentication of its passage this _____ day of _____ 2014.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Published: _____