

Next Ord: 1816-15
Next Res: 919-15

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 10, 2015

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

1. Call to Order
2. Pledge of Allegiance
3. Consent Calendar.....3-44

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 #181649 to #181727 in the amount of \$275,622.65
 - Payroll Checks #58570 to #58587 plus EFT's in the amount of \$276,604.36
- d. Request for Advance Travel – Sedro-Woolley Library
- e. Proposed Interlocal Agreement with PUD No. 1 of Skagit County Re 2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvement Project, City Project 2015-PW-04
- f. Possible Purchase Order 2015-PO-11 – Wheeled Carts for Recycle/Food and Yard Waste Programs – Toter LLC
- g. Possible Contract Award – New Side Loader Refuse Truck - Western Peterbilt Inc.
- h. BLS Ambulance Transports (Interlocal Agreement) (*2nd reading*)

4. Public Comment.....45

PUBLIC HEARING

5. Proposed Amendments to the Sedro-Woolley Municipal Code, Chapter 17.04 - Definitions and Chapter 2.90 – Consolidated Planning Procedures (*1st reading*).....46-121

UNFINISHED BUSINESS

NEW BUSINESS

- 6. Sewer Rate Study and Consumption Billing Proposal (*materials at meeting*)

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

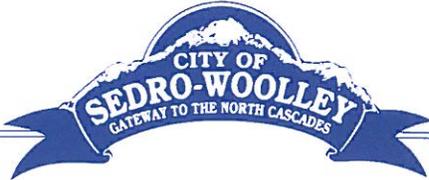
- 7. Report of Contracts approved under SWMC 2.104.060.....122
- 8. Northern State: Special Meeting on July 17th from 10:00-12:00 and also tour for elected officials on June 18th from 2:30-4:30

EXECUTIVE SESSION

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

JUN 10 2015

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



DATE: June 10, 2015
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 10, 2015 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 10 2015

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

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
May 27, 2015 – 7:00 P.M. – Council Chambers

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Kevin Loy, Germaine Kornegay, Brenda Kinzer, Keith Wagoner, Hugh Galbraith, and Brett Sandstrom. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Planning Director Coleman and Fire Chief Klinger.

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

Pledge of Allegiance

Consent Calendar

- Approval of Agenda
- Minutes from Previous Meeting (Including May 6, 2015 Worksession)
- Finance
 - Claim Checks #181554 to #181648 plus EFT's in the amount of \$205,885.88
 - Payroll Checks #58557 to #58569 plus EFT's in the amount of \$197,496.79
- Memorandum of Understanding with AFSCME Local 176-SW dated May 19, 2015
- Resolution 917-15 – Awarding the 2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project – Fisher Construction Group
- Resolution 918-15 – Sign Permit Fees – Amendment to Fee Schedule
- Ordinance 1815-15 – 2015 Budget Amendment #2
- Transportation Alternatives Program Grant Application for the SR20/Cascade Trail West Extension Phase 1B Hodgkin Road to Trail Road
- Public Defender Agreement
- Candidate Forum – October 21st.

Councilmember Sandström requested item J – Candidate Forum be removed from the consent calendar.

Councilmember Galbraith moved to approve the consent calendar items A through I, excluding item J. Seconded by Councilmember Kornegay. Motion carried (6-0).

Councilmember Sandström questioned the date of the forum noting that the ballots come out October 16, 2015. Discussion ensued.

Councilmember Sandstrom moved to hold the neutral candidate forum on October 15, 2015 (Thursday). Seconded by Councilmember Galbraith. Motion carried (4-2, Councilmembers Wagoner and Kornegay opposed).

Presentation – Mike Clark, Vice President of David Evans & Associates, Inc. and APWA President, Presenting an Award Poster to the City Commemorating the APWA 2015 Project of the Year Award and AECE 2015 Bronze Award for the SR20/Cook Road Realignment and Extension Project.

Scott Soiseth, representing David Evans & Associates, Inc. and also Design Manager for the SR20/Cook Road Realignment and Extension project presented a brief history of the project funding. He spoke of the outstanding project and presented a framed award poster to the city in honor of the project receiving the APSW 2015 Project of the Year and the AECE 2015 Bronze Award. He noted it was an outstanding project and a great example of collaboration with many agencies.

The award was accepted by David Lee, City Engineer on behalf of the City.

Presentation – Rotary – Erik K. Tesarik Memorial Field

John Hunter – representing Sedro-Woolley Rotary reviewed a conceptual drawing on the relocation project for the Eric K. Tesarik Memorial Field. He reviewed the time table of the project which will be done in phases and will include grandstands, dugouts, bullpens, higher fences and all new equipment. He noted when completed it will be a show piece project with an estimated cost of \$4-\$500,000.

Hunter entertained Council questions to include graffiti resistant material, security, dedication plaque, turf vs. grass and dirt, parking in alley, plans and the old equipment.

Councilmember Sandström moved to allow Rotary to proceed with the baseball project. Seconded by Councilmember Galbraith. Motion carried (6-0).

Public Comment

No public comment received.

PUBLIC HEARING

UNFINISHED BUSINESS

NEW BUSINESS

BLS Ambulance Transports

City Supervisor/Attorney Berg reviewed a draft agreement between Skagit County and the City of Sedro-Woolley to allow the City and the County to work in cooperation on the delivery of emergency medical services within the Sedro-Woolley Fire Department Response Area to provide basic life support (BLS) ambulance services. He detailed the agreement and noted the go live date will be July 1, 2015. He also noted there are still numerous parts (i.e. Medicaid, Medicare and L & I numbers, and rates and fees) to be completed.

Fire Chief Klinger addressed the formalized agreement noting it is not much different than what is currently being done.

Discussion followed to include additional revenue for staffing, commitment of volunteers, system equity and fairness.

AFSCME

City Supervisor/Attorney Berg reviewed a Memorandum of Understanding between the City of Sedro-Woolley and AFSCME Local 176-SW addressing labor relations regarding the new position for the Solid Waste Department if the new service is not operationally sustainable. The agreement covers a 24 month period.

Councilmember Kornegay moved to approve the Memorandum of Understanding with AFSCME Local 176-SW. Seconded by Councilmember Wagoner. Motion carried (6-0).

City Supervisor/Attorney Berg pointed out the approval of a budget amendment on the consent calendar which give approval to proceed with the truck and toter purchase. He also spoke on a meeting with Waste Management on transition planning in trying to figure out who will be the provider of the material we collect. The City of Anacortes is switching from Rabanco to Waste Management and have approximately 6,700 green Rabanco containers that have been offered to us at \$0.55 per container. Purchasing the used containers could save us approximately \$200,000 at implementation.

Discussion ensued regarding can sizes, replacement cycle, life of cans, can colors, can liners, pilot program end date, comingling glass in recycling and price difference with glass pulled out. More information will be presented at the next meeting.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Report of contracts approved under SWMC 2.104.060

Fire Chief Klinger – reported on the absence of Police Chief Tucker noting he has had a very busy week.

Fire Chief Klinger – reported they are starting to prep for the training academy. Sedro-Woolley has been requested to run the recruit academy. It will run September through December for various departments throughout the County.

Planning Director Coleman – updated Council on the Northern State annexation, EIS statement progress, Sub Area plan and the buildable lands analysis. He also spoke on various builders building up at Sauk Mountain Estates and that the building department has been very busy.

City Supervisor/Attorney Berg – reported on the upcoming Northern State tour and requested an attendance list, it may also include a tour of the second Omniprocessor which would require Photo ID (Passports preferred) to enter. He then announced the upcoming Joint Special Meeting to be held on July 17th from 10:00 – 12:00.

Finance Director Nelson – reported that she has finished the annual report to the State Auditor’s office for both the City and the TBD as well as the USDA report and various other reports.

Councilmember Kornegay – commented on the Memorial Day service at Union Cemetery. She mentioned some of the markers in need of restoration and inquired on the accident at Woolley Market.

A discussion took place on the bars in town and overserving.

Councilmember Kinzer – requested a letter be sent to the property owners for clean-up of the lot behind Woods Logging.

Councilmember Galbraith – addressed the need of a speed wagon in the vicinity of Fidalgo, Sterling and Township. He also noted the lack of sidewalks in old Sedro-Woolley and that the traffic has noticeably slowed in the Dukes Hill area after the State Patrol has issued a few tickets.

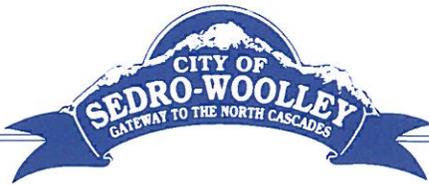
Councilmember Sandström – commented on the need for a sidewalk arterial system. He also addressed campaign season and conflicts of interest.

Councilmember Galbraith moved to adjourn. Seconded by Councilmember Kornegay. Motion carried (6-0).

The meeting adjourned at 8:38 P.M.

JUN 10 2015

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



DATE: June 10, 2015
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 10, 2015.

Motion to approve Claim Checks #181649 to #181727 in the amount of \$275,622.65.

Motion to approve Payroll Checks #58570 to #58587 plus EFT's in the amount of \$276,604.36.

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

05/28/2015 To: 06/10/2015

Time: 08:52:30 Date: 06/05/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3831	06/10/2015	Claims	2	181649	A WorkSAFE Service, Inc.	208.00	
					001 - 521 10 41 000 - Professional Services	52.00	
					103 - 542 30 49 030 - Misc-Tuition/Registration	52.00	
					105 - 572 20 41 000 - Professional Services	52.00	
					101 - 576 80 49 020 - Misc-Dues/CDL/Background	52.00	
3832	06/10/2015	Claims	2	181650	AT & T	140.31	
					001 - 512 50 42 020 - Telephone	0.70	
					001 - 513 10 42 020 - Telephone	0.70	
					001 - 514 23 42 020 - Telephone	11.22	
					001 - 515 30 42 001 - Telephone	4.21	
					001 - 521 20 42 020 - Telephone	54.72	
					001 - 522 20 42 020 - Telephone	16.84	
					001 - 524 20 42 020 - Telephone	4.21	
					401 - 535 80 42 020 - Telephone	2.81	
					412 - 537 80 42 020 - Telephone	4.21	
					001 - 558 60 42 020 - Telephone	11.22	
					105 - 572 20 42 020 - Telephone	8.42	
					001 - 595 10 42 020 - Telephone	21.05	
3833	06/10/2015	Claims	2	181651	Alpine Fire & Safety	3,134.39	
					001 - 521 20 31 002 - Office/Operating Supplies	68.90	
					001 - 522 20 48 000 - Repairs/Maint-Equip	194.97	
					001 - 522 20 48 000 - Repairs/Maint-Equip	498.02	
					101 - 576 80 48 004 - Community Center	1,205.00	
					101 - 576 80 48 005 - Senior Center	1,167.50	
3834	06/10/2015	Claims	2	181652	Aramark Uniform Services	29.88	
					401 - 535 80 49 000 - Laundry	8.22	
					401 - 535 80 49 000 - Laundry	8.22	
					103 - 542 30 49 000 - Misc-Laundry	6.72	
					103 - 542 30 49 000 - Misc-Laundry	6.72	
3835	06/10/2015	Claims	2	181653	Assoc Petroleum Products	9,977.76	
					001 - 518 20 32 000 - Auto Fuel	62.98	
					001 - 521 20 32 000 - Auto Fuel	1,328.70	
					001 - 521 20 32 000 - Auto Fuel	582.09	
					001 - 522 20 32 000 - Auto Fuel/Diesel	502.01	
					001 - 523 20 32 000 - Auto Fuel	48.67	
					425 - 531 50 32 000 - Vehicle Fuel	82.44	
					425 - 531 50 32 000 - Vehicle Fuel	120.61	
					401 - 535 80 32 000 - Auto Fuel/Diesel	113.64	
					401 - 535 80 32 000 - Auto Fuel/Diesel	85.18	
					102 - 536 20 32 000 - Auto Fuel/Diesel	103.20	
					102 - 536 20 32 000 - Auto Fuel/Diesel	97.35	
					412 - 537 80 32 000 - Auto Fuel/Diesel	110.51	
					412 - 537 80 32 000 - Auto Fuel/Diesel	1,829.43	
					412 - 537 80 32 000 - Auto Fuel/Diesel	1,456.23	
					412 - 537 80 32 000 - Auto Fuel/Diesel	1,377.22	
					412 - 537 80 32 000 - Auto Fuel/Diesel	40.65	
					103 - 542 30 32 000 - Auto Fuel/Diesel	179.21	
					103 - 542 30 32 000 - Auto Fuel/Diesel	83.50	
					103 - 542 30 32 000 - Auto Fuel/Diesel	241.45	
					103 - 542 30 32 000 - Auto Fuel/Diesel	287.63	
					103 - 542 30 32 000 - Auto Fuel/Diesel	326.40	
					103 - 542 30 32 000 - Auto Fuel/Diesel	296.68	
					103 - 542 30 32 000 - Auto Fuel/Diesel	229.77	
					101 - 576 80 32 000 - Auto Fuel/Diesel	140.96	
					101 - 576 80 32 000 - Auto Fuel/Diesel	162.97	
					101 - 576 80 32 000 - Auto Fuel/Diesel	88.28	
3836	06/10/2015	Claims	2	181654	Bay City Supply	1,843.85	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			101 - 576 80 31 001		Operating Sup - Riverfront	173.50	
			101 - 576 80 31 004		Operating Sup - Comm Cente	173.50	
			101 - 576 80 31 005		Operating Sup - Senior Ctr	173.50	
			101 - 576 80 31 006		Operating Sup - City Hall	520.50	
			101 - 576 80 31 006		Operating Sup - City Hall	107.96	
			101 - 576 80 31 007		Operating Sup - Library	173.50	
			101 - 576 80 31 008		Operating Sup - Memorial	174.39	
			101 - 576 80 31 009		Operating Sup - Bingham Par	173.50	
			101 - 576 80 31 012		Operating Sup - Hammer	173.50	
3837	06/10/2015	Claims	2	181655	Blumenthal Uniform & Equip	3,070.77	
			001 - 521 20 26 000		Uniforms/Accessories	459.76	
			001 - 521 20 26 000		Uniforms/Accessories	767.10	
			001 - 521 20 26 000		Uniforms/Accessories	770.19	
			001 - 521 20 26 000		Uniforms/Accessories	211.47	
			001 - 522 20 26 000		Uniforms	226.77	
			001 - 522 20 26 000		Uniforms	635.48	
3838	06/10/2015	Claims	2	181656	Carl's Towing Inc	388.44	
			001 - 521 20 41 001		Professional Services	194.22	
			001 - 521 20 41 001		Professional Services	194.22	
3839	06/10/2015	Claims	2	181657	Coastal Wear Products	1,269.58	
			103 - 542 67 31 000		Operating Supplies	1,269.58	
3840	06/10/2015	Claims	2	181658	Comcast	148.95	
			001 - 518 80 42 021		Internet Services	148.95	
3841	06/10/2015	Claims	2	181659	Cues	2,595.53	
			401 - 535 50 48 010		Maintenance Of Lines	2,595.53	
3842	06/10/2015	Claims	2	181660	Data Base Records Destruction LLC	109.08	
			001 - 512 50 31 000		Supplies	22.39	
			001 - 514 23 31 000		Supplies	22.39	
			001 - 521 20 31 002		Office/Operating Supplies	44.78	
			001 - 524 20 31 000		Off/Oper Supps & Books	6.51	
			001 - 558 60 31 000		Supplies/Books	6.51	
			001 - 595 10 31 000		Supplies	6.50	
3843	06/10/2015	Claims	2	181661	Databar	345.57	
			001 - 522 20 41 040		Advertising	345.57	
3844	06/10/2015	Claims	2	181662	Dimensional Comm Inc	862.58	
			001 - 594 18 64 001		Network Hardware	862.58	
3845	06/10/2015	Claims	2	181663	Dykstra Farms LLC	940.00	
			412 - 537 60 47 020		Site Yard Waste Disposal	400.00	
			412 - 537 60 47 020		Site Yard Waste Disposal	540.00	
3846	06/10/2015	Claims	2	181664	E & E Lumber	134.71	
			401 - 535 80 31 010		Operating Supplies	14.27	
			101 - 576 80 31 005		Operating Sup - Senior Ctr	12.30	
			101 - 576 80 31 005		Operating Sup - Senior Ctr	34.20	
			101 - 576 80 31 006		Operating Sup - City Hall	6.40	
			101 - 576 80 35 000		Small Tools & Minor Equip	21.70	
			101 - 576 80 48 009		Hammer Square	20.38	
			101 - 576 80 48 009		Hammer Square	25.46	
3847	06/10/2015	Claims	2	181665	EBSCO	2,094.05	
			105 - 572 20 41 001		Catalogue Subscriptions	2,094.05	
3848	06/10/2015	Claims	2	181666	Edge Analytical Inc	82.00	
			401 - 535 80 41 000		Professional Services	47.00	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			401 - 535 80 41 000		Professional Services	35.00	
3849	06/10/2015	Claims	2	181667	Elec Handbook Pub Inc	45.46	
			105 - 594 72 64 000		Books & Materials	45.46	
3850	06/10/2015	Claims	2	181668	Emergency Medical Products Inc	1,212.27	
			001 - 522 20 31 011		EMS Supplies	254.19	
			001 - 522 20 31 011		EMS Supplies	80.88	
			001 - 522 20 35 011		EMS Minor Equipment	268.95	
			001 - 522 20 35 011		EMS Minor Equipment	608.25	
3851	06/10/2015	Claims	2	181669	Enterprise Office Systems	133.04	
			001 - 512 50 31 000		Supplies	69.97	
			001 - 513 10 44 009		Senior Crime Watch	11.23	
			001 - 514 23 31 000		Supplies	51.84	
3852	06/10/2015	Claims	2	181670	FEI	81.71	
			101 - 576 80 31 003		Operating Sup - Parks Shop	81.71	
3853	06/10/2015	Claims	2	181671	Fastenal Company	277.85	
			401 - 535 80 31 010		Operating Supplies	114.19	
			103 - 542 30 31 000		Operating Supplies	163.66	
3854	06/10/2015	Claims	2	181672	Frontier Building Supply	4,543.89	
			103 - 542 64 31 001		Painting & Striping Supplies	4,543.89	
3855	06/10/2015	Claims	2	181673	Generator Services NW	1,177.99	
			401 - 535 50 48 050		Maint Of General Equip	103.08	
			401 - 535 50 48 050		Maint Of General Equip	1,074.91	
3856	06/10/2015	Claims	2	181674	Grandview North LLC	1,189.10	
			401 - 535 50 48 010		Maintenance Of Lines	1,189.10	
3857	06/10/2015	Claims	2	181675	Great America Financial Svcs	125.69	
			105 - 572 20 48 020		Repair/Maintenance-Equip	125.69	
3858	06/10/2015	Claims	2	181676	HB Jaeger Co LLC	857.76	
			401 - 535 50 48 010		Maintenance Of Lines	857.76	
3859	06/10/2015	Claims	2	181677	Hach Company	335.87	
			401 - 535 80 31 010		Operating Supplies	335.87	
3860	06/10/2015	Claims	2	181678	Hanson Consulting LLC	4,250.00	
			001 - 558 70 41 010		Professional Services	4,250.00	
3861	06/10/2015	Claims	2	181679	Honey Bucket	75.00	
			101 - 576 80 47 090		Portable Toilets	75.00	
3862	06/10/2015	Claims	2	181680	Ingram Library Services	294.43	
			105 - 594 72 64 000		Books & Materials	214.12	
			105 - 594 72 64 000		Books & Materials	74.63	
			105 - 594 72 64 000		Books & Materials	5.68	
3863	06/10/2015	Claims	2	181681	Joys Bakery & Cafe	431.83	
			103 - 542 30 28 000		Employee Wellness	215.91	
			101 - 576 80 28 000		Employee Wellness	215.92	
3864	06/10/2015	Claims	2	181682	Lakeside Industries	4,269.32	
			103 - 595 30 63 020		Contracted Overlay	4,000.24	
			103 - 595 30 63 020		Contracted Overlay	269.08	
3865	06/10/2015	Claims	2	181683	Language Exch Inc (The)	240.00	
			001 - 512 50 41 040		Language Interpreter	240.00	
3866	06/10/2015	Claims	2	181684	Law Office of Glen Hoff	88.00	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			001 - 515 93 41 001		- Indigent Defense Conflict Coi	16.50	
			001 - 515 93 41 001		- Indigent Defense Conflict Coi	16.50	
			001 - 515 93 41 001		- Indigent Defense Conflict Coi	44.00	
			001 - 515 93 41 001		- Indigent Defense Conflict Coi	11.00	
3867	06/10/2015	Claims	2	181685	Library Corporation (The)	7,988.86	
			105 - 572 20 41 001		- Catalogue Subscriptions	7,988.86	
3868	06/10/2015	Claims	2	181686	Lithtex NW	1,232.23	
			001 - 514 23 31 000		- Supplies	236.68	
			001 - 514 23 31 000		- Supplies	622.79	
			001 - 524 20 31 000		- Off/Oper Supps & Books	141.54	
			001 - 524 20 31 000		- Off/Oper Supps & Books	141.54	
			412 - 537 60 47 020		- Site Yard Waste Disposal	89.68	
3869	06/10/2015	Claims	2	181687	Jack R Moore	449.89	
			001 - 524 20 41 000		- Professional Services	449.89	
3870	06/10/2015	Claims	2	181688	National Fire Academy	300.48	
			001 - 522 45 31 000		- Supplies & Books	300.48	
3871	06/10/2015	Claims	2	181689	Neofunds By Newpost	1,200.00	
			001 - 512 50 42 010		- Postage	133.69	
			001 - 514 23 42 010		- Postage	203.20	
			001 - 515 30 42 000		- Postage	2.71	
			001 - 521 20 42 010		- Postage	142.43	
			001 - 522 20 42 010		- Postage	9.42	
			001 - 524 20 42 000		- Postage	8.46	
			425 - 531 50 31 000		- Operating Supplies	23.94	
			401 - 535 80 42 015		- Postage	311.22	
			102 - 536 20 42 010		- Postage	2.97	
			412 - 537 80 42 010		- Postage	143.64	
			001 - 558 60 42 010		- Postage	189.94	
			101 - 576 80 42 010		- Postage	1.48	
			001 - 595 10 42 000		- Postage	26.90	
3872	06/10/2015	Claims	2	181690	North Hill Resources Inc	540.00	
			412 - 537 60 47 020		- Site Yard Waste Disposal	540.00	
3873	06/10/2015	Claims	2	181691	Oliver-Hammer Clothes	674.67	
			103 - 542 30 49 000		- Misc-Laundry	290.69	
			103 - 542 30 49 000		- Misc-Laundry	383.98	
3874	06/10/2015	Claims	2	181692	Pacific Power Batteries	555.14	
			401 - 535 80 31 010		- Operating Supplies	12.24	
			401 - 535 80 31 010		- Operating Supplies	26.43	
			501 - 548 30 31 000		- Operating Supplies	516.47	
3875	06/10/2015	Claims	2	181693	Pape Machinery	268.50	
			103 - 542 30 48 010		- Repair/Maintenance-Equip	268.50	
3876	06/10/2015	Claims	2	181694	Petty Cash-Debra Peterson	67.61	
			105 - 572 20 41 000		- Professional Services	15.00	
			105 - 572 20 42 010		- Postage	0.57	
			105 - 572 20 43 000		- Travel	12.95	
			105 - 572 20 49 010		- Tuition/registration	25.00	
			105 - 594 72 64 000		- Books & Materials	14.09	
3877	06/10/2015	Claims	2	181695	Puget Sound Energy	13,451.99	
			001 - 521 20 47 000		- Public Utilities	21.95	
			001 - 522 50 47 000		- Public Utilities	112.76	
			425 - 531 50 47 000		- Public Utilities	130.52	
			401 - 535 80 47 000		- Public Utilities	9,516.99	
			102 - 536 20 47 000		- Public Utilities	47.27	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			412 - 537 80 47 000		Public Utilities	139.93	
			103 - 542 63 47 000		Public Utilities	41.13	
			103 - 542 63 47 000		Public Utilities	1,124.73	
			108 - 557 30 41 000		Advertising	24.76	
			101 - 576 80 47 010		Community Center	127.15	
			101 - 576 80 47 070		City Hall	2,164.80	
3878	06/10/2015	Claims	2	181696	Rene's World		10.85
			001 - 521 20 26 000		Uniforms/Accessories	10.85	
3879	06/10/2015	Claims	2	181697	Rick's Refrigeration Inc		259.32
			412 - 537 60 47 020		Site Yard Waste Disposal	259.32	
3880	06/10/2015	Claims	2	181698	Ricoh USA Inc		151.90
			001 - 521 20 48 000		Repairs & Maintenance	75.95	
			001 - 522 20 45 000		Equipment Lease	75.95	
3881	06/10/2015	Claims	2	181699	Sedro-Woolley Auto Parts		458.34
			001 - 521 20 31 002		Office/Operating Supplies	4.54	
			401 - 535 50 48 040		Maintenance Of Vehicles	79.85	
			401 - 535 50 48 040		Maintenance Of Vehicles	146.88	
			103 - 542 30 35 000		Small Tools/Minor Equip	65.62	
			103 - 542 30 48 010		Repair/Maintenance-Equip	9.81	
			103 - 542 30 48 010		Repair/Maintenance-Equip	70.20	
			103 - 542 30 48 010		Repair/Maintenance-Equip	5.97	
			501 - 548 30 31 000		Operating Supplies	37.41	
			501 - 548 30 31 000		Operating Supplies	18.55	
			101 - 576 80 48 021		Equipment	19.51	
3882	06/10/2015	Claims	2	181700	Sedro-Woolley Glass		237.62
			101 - 576 80 48 016		City Hall	237.62	
3883	06/10/2015	Claims	2	181701	Sedro-Woolley Volunteer		9,390.50
			001 - 522 20 11 010		Salaries-Volunteers	9,390.50	
3884	06/10/2015	Claims	2	181702	Skagit Co. Dept of Public Health		597.02
			001 - 566 00 51 000		Sk Cty Substance Abuse	597.02	
3885	06/10/2015	Claims	2	181703	Skagit County Treasurer		34,410.58
			114 - 523 60 51 022		Jail Sales Tax Pass Through 2	34,410.58	
3886	06/10/2015	Claims	2	181704	Skagit Farmers Supply		740.84
			111 - 521 20 31 111		Supplies - Kennel	32.54	
			111 - 521 20 31 111		Supplies - Kennel	9.75	
			412 - 537 80 31 000		Operating Supplies	140.98	
			103 - 542 30 31 000		Operating Supplies	65.09	
			103 - 542 30 31 010		Operating Supplies-Propane	5.38	
			103 - 542 30 48 010		Repair/Maintenance-Equip	50.97	
			101 - 576 80 48 015		Library	436.13	
3887	06/10/2015	Claims	2	181705	Skagit Hydraulics Inc		46.86
			412 - 537 50 48 000		Repairs/maint-equip	46.86	
3888	06/10/2015	Claims	2	181706	Skagit Publishing		142.43
			425 - 531 50 41 002		Contracted Services	142.43	
3889	06/10/2015	Claims	2	181707	Skagit River Steel		56.49
			101 - 576 80 48 016		City Hall	56.49	
3890	06/10/2015	Claims	2	181708	Soils Plus LLC		143.77
			101 - 576 80 48 015		Library	86.26	
			101 - 576 80 48 015		Library	57.51	
3891	06/10/2015	Claims	2	181709	Solid Waste Systems Inc		577.07

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			412 - 537 80 34 000		Containers - Garbage	577.07	
3892	06/10/2015	Claims	2	181710	Staples Business Advantage	170.79	
			001 - 521 20 31 002		Office/Operating Supplies	159.77	
			001 - 521 20 31 002		Office/Operating Supplies	11.02	
3893	06/10/2015	Claims	2	181711	Stiles & Stiles	50.00	
			001 - 521 20 41 001		Professional Services	50.00	
3894	06/10/2015	Claims	2	181712	TKE Corp	1,047.16	
			101 - 576 80 48 016		City Hall	1,047.16	
3895	06/10/2015	Claims	2	181713	The Blind Pro	125.00	
			401 - 535 50 48 060		Maintenance Of Buildings	125.00	
3896	06/10/2015	Claims	2	181714	The Seattle Times	425.94	
			105 - 594 72 64 000		Books & Materials	425.94	
3897	06/10/2015	Claims	2	181715	Thompson's Greenhouse	19.88	
			401 - 535 80 31 020		Op Supplies-Chemicals	19.88	
3898	06/10/2015	Claims	2	181716	Traffic Safety Supply Co	2,406.73	
			103 - 542 64 31 003		Temporary Devises TCCD	2,406.73	
3899	06/10/2015	Claims	2	181717	True Value	351.54	
			001 - 517 90 49 003		Employee Wellness (supplies)	36.75	
			001 - 522 20 31 000		Operating Supplies	1.71	
			103 - 542 30 31 000		Operating Supplies	30.61	
			101 - 576 80 31 003		Operating Sup - Parks Shop	7.58	
			101 - 576 80 31 007		Operating Sup - Library	30.36	
			101 - 576 80 31 007		Operating Sup - Library	44.47	
			101 - 576 80 31 009		Operating Sup - Bingham Par	36.88	
			101 - 576 80 35 010		Safety Equipment	13.01	
			101 - 576 80 48 004		Community Center	7.03	
			101 - 576 80 48 009		Hammer Square	39.03	
			101 - 576 80 48 012		Harry Osborne	73.74	
			101 - 594 76 64 001		Holiday Displays	30.37	
3900	06/10/2015	Claims	2	181718	USA Blue Book	110.91	
			401 - 535 50 48 020		Maint Of Pumping Equip	110.91	
3901	06/10/2015	Claims	2	181719	United Laboratories	629.48	
			401 - 535 50 48 010		Maintenance Of Lines	629.48	
3902	06/10/2015	Claims	2	181720	Verizon Wireless	2,473.21	
			001 - 513 10 42 020		Telephone	55.28	
			001 - 514 23 42 020		Telephone	55.28	
			001 - 515 30 42 001		Telephone	55.28	
			001 - 518 80 42 020		Telephone	79.28	
			001 - 521 20 42 020		Telephone	468.52	
			001 - 521 20 42 020		Telephone	243.17	
			001 - 521 20 42 020		Telephone	386.96	
			001 - 522 20 42 020		Telephone	263.14	
			001 - 522 20 42 020		Telephone	73.04	
			401 - 535 80 42 030		Nextel Cell Phones	44.64	
			401 - 535 80 42 030		Nextel Cell Phones	177.26	
			102 - 536 20 42 020		Telephone	37.03	
			412 - 537 80 42 025		Nextel Cell Phones	19.59	
			412 - 537 80 42 025		Nextel Cell Phones	165.84	
			103 - 542 30 42 020		Telephone	73.04	
			101 - 576 80 42 020		Telephone	91.74	
			101 - 576 80 42 020		Telephone	55.28	
			001 - 595 10 42 025		Cell Phones	18.28	
			001 - 595 10 42 025		Cell Phones	110.56	

CHECK REGISTER

City Of Sedro-Woolley
MCAG #: 0647

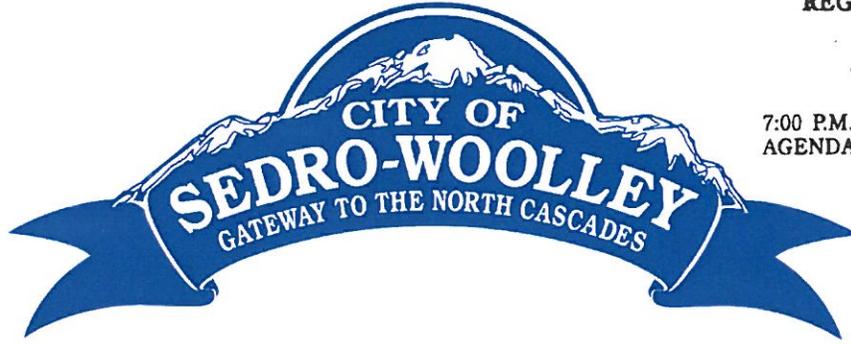
05/28/2015 To: 06/10/2015

Time: 08:52:30 Date: 06/05/2015
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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3903	06/10/2015	Claims	2	181721	Villani, Shannon	83.98	Refund inactive customer credit balance
		425 - 343 10 00 000 - Stormwater Fees				-6.58	
		401 - 343 50 00 000 - Sewer Service Charges				-66.67	
		412 - 343 70 00 000 - Garbage/Solid Waste Fees				-10.43	
		412 - 343 74 00 000 - Equipment Rental				-0.30	
3904	06/10/2015	Claims	2	181722	WA Assoc Of Sheriffs &	300.00	
		001 - 521 40 49 000 - Tuition/Registration				300.00	
3905	06/10/2015	Claims	2	181723	Ariel Wesson	20.40	
		001 - 521 20 26 000 - Uniforms/Accessories				20.40	
3906	06/10/2015	Claims	2	181724	Western Peterbuilt	143,415.00	
		501 - 594 37 64 501 - Equip & Vehicles - Solid Was				143,415.00	
3907	06/10/2015	Claims	2	181725	Witmer Public Safety Group Inc.	273.94	
		001 - 522 20 31 000 - Operating Supplies				273.94	
3908	06/10/2015	Claims	2	181726	Wood's Logging Supply Inc	315.54	
		401 - 535 50 48 010 - Maintenance Of Lines				53.69	
		102 - 536 20 31 010 - Operating Supplies				27.11	
		412 - 537 50 48 000 - Repairs/maint-equip				39.24	
		412 - 537 50 48 000 - Repairs/maint-equip				32.91	
		103 - 542 30 31 000 - Operating Supplies				10.84	
		103 - 542 30 35 000 - Small Tools/Minor Equip				111.35	
		103 - 542 30 35 010 - Safety Equipment				40.40	
3909	06/10/2015	Claims	2	181727	Xylem Water Solutions USA, Inc.	2,445.53	
		401 - 594 35 64 001 - Portable Equipment				2,445.53	
						29,873.48	001 Current Expense Fund
						9,817.23	101 Parks & Facilities Fund
						314.93	102 Cemetery Fund
						17,227.48	103 Street Fund
						11,102.46	105 Library Fund
						24.76	108 Stadium Fund
						42.29	111 Dog Fund
						34,410.58	114 Law Enforcement Sales Tax
						20,351.45	401 Sewer Fund
						7,964.04	412 Solid Waste Fund
						506.52	425 Stormwater
						143,987.43	501 Equipment Replacement Fund
						275,622.65	Claims:
						275,622.65	275,622.65
						*	Transaction Has Mixed Revenue And Expense Accounts

JUN 10 2015

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



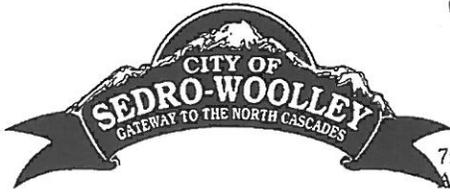
May 27th, 2015

To the Mayor, City Supervisor, & City Council

We, the Library Board, would like to recommend the Librarian, Debra Peterson, be allowed to attend the 2016 Public Library Association Meeting to be held next spring (early April 2016) in Denver, CO. The Library would be responsible for the initial Conference fee, and for the Hotel costs – the Librarian would pay the costs of the flights and other expenses. This sharing of costs allows for more flexibility, and for less burden to either party. By starting the process this early, the Librarian hopes to get a very favorable early rate for the Hotel & Conference fees. Likely some of the costs would be borne in 2015, and the remainder in 2016 – further allowing for sharing costs within our budget. We believe this to be a very valuable experience both for the Library, and for the Librarian. Thank-you for your consideration.

Signed, the Sedro-Woolley Library Board:

Sharon Spahr
Beverly Ringhouse
Robert H. Abrams
Wagui Cole
Margaret Burke



CITY COUNCIL AGENDA
REGULAR MEETING

JUN 10 2015

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

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 Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County Re 2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project, City Project 2015-PW-04**

DATE: June 3, 2015 (for Council review June 10, 2015)

ISSUE

Should the city council ratify the attached Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County for the purpose of reimbursing the City for cost of asphalt pavement to repair water line trenches in conjunction with the 2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project, totaling \$22,008.00?

BACKGROUND/DISCUSSION

In early 2015, PUD upgraded the water lines in Greenstreet Blvd, Dean Dr and Virginia Ave. Since the City had an upcoming project that would be doing sewer work and repaving the roadways, it was agreed with PUD to allow them to leave their trenches covered with temporary patching with the understanding that they would pay a portion of the sewer project's asphalt cost based on their trench area and the unit bid price for asphalt. This calculated out to be 250 tons and the unit bid price for the asphalt is \$83.84 per ton for the total of \$22,008 (cost for 250 tons of asphalt plus 5% administration fee).

The proposed Interlocal is similar to previous ILA's done for the Fruitdale-McGarigle Road Project, the SR20, F&S Grade Road Project, SR20, Metcalf to Township Lane Widening Project, and the SR9 Pedestrian/Bicycle Safety Improvements Project.

MOTION

Ratify the proposed Interlocal Agreement between the City of Sedro-Woolley and Public Utility District No. 1 of Skagit County for the purpose of reimbursing the City for cost of asphalt pavement to repair water line trenches in conjunction with the 2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project, totaling \$22,008.00?

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEDRO-WOOLLEY AND PUBLIC UTILITY DISTRICT NUMBER 1 OF SKAGIT COUNTY

THIS AGREEMENT is made and entered into this 20th day of May 2015, by and between the City of Sedro-Woolley, a Washington Municipal Corporation, herein referred to as "CITY," and Public Utility District Number 1 of Skagit County, herein referred to as "PUD."

WHEREAS, the City is in the process of constructing the **2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project, City Project 2015-PW-04,**

WHEREAS, PUD has replaced and upgraded an existing PUD water main located within the project limits,

WHEREAS, the City and PUD agree to have the final waterline trench paving restoration work related to PUD project **Greenstreet Blvd. (State St to Dean Drive), Dean Drive (Greenstreet Blvd to Virginia Ave) and Virginia Ave (Dean Drive to Wicker Rd) Project, C.O.4741, W.O.12-03428,** to be conducted pursuant to the City's contract with the prime contractor,

WHEREAS, the City and PUD are each independently authorized by law to conduct such activity; and,

WHEREAS, RCW 39.34.080 authorizes a public agency to contract with another public agency to perform any governmental service, activity, or undertaking which each public agency is authorized to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities, including an agency of state government, on a basis of mutual advantage; and,

WHEREAS, it is of mutual advantage to the City and PUD to enter into this Agreement providing a mechanism for the PUD's work related to the City's project to be constructed by the City and paid for by the PUD as part of the **2015 Greenstreet-Dean-Virginia Sanitary Sewer and Sidewalk Improvements Project, City Project 2015-PW-04** (the Project); and,

WHEREAS, it is necessary for the City and the PUD to enter into an agreement setting forth the terms, conditions, and requirements for completing the Project.

NOW, THEREFORE, in consideration for the terms and conditions contained herein and in the documents incorporated herein, the parties agree as follows:

STATEMENT OF WORK

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

Bid Schedule B: Roadway Improvements

Item No.	Item Description	Quantity	Unit of Measure	Fisher Construction Group	
				Unit Price	Amount
6	HMA CL ½" PG 64-22	250	TN	\$83.84	\$20,960.00
	Contract Administration	5%			\$1,048.00
	TOTAL (ROUNDED)				\$22,008.00

COMPENSATION

2. 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 \$22,008.00 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.

It is contemplated that the City will contract for all aspects of the job, and the PUD will reimburse the City for its respective share of the contract costs associated with the scope of work identified above.

PUD will review and approve design documents and furnish design survey data in electronic format.. City's contract manager and inspector will coordinate with PUD and schedule testing and administer change orders and pay requests.

The actual cost will be billed based on invoices from the appropriate sub-consultant.

In the event a dispute arises between the City and a contractor that may affect the costs of the work for which PUD is responsible, the City will consult with PUD concerning the dispute and the method of resolution.

In the event the work requires change orders due to unforeseen conditions or other matters, the City is authorized to approve change orders related to the portion of the work for which PUD is responsible, after consultation with PUD, for a total amount not to exceed the amount provided for in the construction contract for changes, overruns and contingencies.

PAYMENT PROCEDURE

3. The City shall submit invoices to PUD on a monthly basis. Payment shall be made by warrant or account transfer by PUD to the City within 30 days of receipt of the invoice. Details of payment process shall be determined by the parties' respective financial offices.

INDEPENDENT CAPACITY

4. The officials, employees or agents of each party who are engaged in the performance of this Agreement shall continue to be officials, employees or agents of that party and shall not be considered for any purpose to be officials, employees or agents of the other party.

LEGAL RELATIONS

5. Neither party shall be liable for damage or claims which arise from or relate to the performance or non-performance of this Agreement by the other party. Each party shall be responsible only for the negligent acts and omissions of its own officers, employees, and agents, and no party shall be considered the agent of the other.

ASSIGNMENT

6. PUD understands that the City will contract for services to be provided under this agreement and amendments thereto. However, neither party shall assign or convey its interests or obligations under this Agreement without the written consent of the other. There are no third-party beneficiaries of this agreement.

DISPUTES

7. It is expected that any conflicts arising out of the implementation of this Agreement will be resolved at the staff level. In the event that issues cannot be resolved by staff in a timely fashion, the parties agree to elevate the dispute through equivalent management levels of each party, and if necessary to the general manager and City Supervisor.

In the event that a dispute cannot be resolved in the manner described above, they shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto.

AMENDMENT

8. This Agreement shall be amended only by written mutual consent of the parties. Amendments to this agreement may be initiated by any of the parties and will become final after written agreement by all parties and appropriate signatories is executed.

TERMINATION

9. This agreement is effective from the date of signature by all parties and remains in effect until modified by written mutual consent or terminated. Either party may terminate this Agreement upon thirty (30) days written notification to the other party. If this Agreement is so terminated, PUD shall be responsible to the City for performance rendered or costs incurred or contracted for

in accordance with the terms of this Agreement prior to the effective date of termination, including the cost of any work contracted for by the City or the cost to the City to terminate the contract for said work.

CONTRACT MANAGEMENT

10. The contract administrators shall be the persons listed below. The contract administrator for each party shall be responsible for and shall be the contact person for all notices and communications regarding the performance of this Agreement.

Mike Benton
Project Manager
Skagit County PUD No. 1
POB 1436
1415 Freeway Drive
Mount Vernon, WA 98273
(360) 848-4439
benton@skagitpud.org

David Lee, PE
City Engineer
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284
(360) 855-0771
dlee@ci.sedro-woolley.wa.us

GOVERNANCE

11. This Agreement is entered into and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable state and federal constitution statutes and rules;
- Statement of work; and
- Any other provisions of the Agreement, including materials incorporated by reference.

WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in writing signed by an authorized representative of the party and attached to the original Agreement.

SEVERABILITY

12. If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements

of applicable law and the fundamental purpose of the Agreement, and to this end the provisions of this Agreement are declared to be severable.

ALL WRITINGS CONTAINED HEREIN

13. This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

ADDITIONAL PROVISIONS

14. This Agreement does not create any separate legal entity, create any joint organization, establish any common budget, nor authorize the joint acquisition of any personal or real property.

DATED this _____ day of _____, 2015.

CITY OF SEDRO-WOOLLEY

Mayor

ATTEST:

APPROVED AS TO FORM:

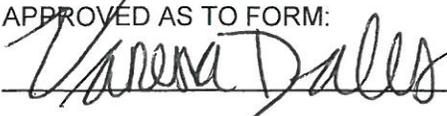
Deputy Clerk

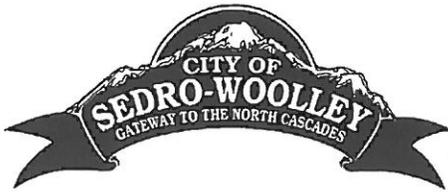
City Attorney

PUBLIC UTILITY DISTRICT NO. 1 OF
SKAGIT COUNTY



Robert B. Powell, General Manager

APPROVED AS TO FORM:




CITY COUNCIL AGENDA
REGULAR MEETING

JUN 10 2015

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

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 Anderson

FROM: Mark A. Freiberger, PE

RE: **Possible Purchase Order 2015-PO-11
Wheeled Carts for Recycle/Food and Yard Waste Programs
Toter LLC**

DATE: June 3, 2015 (for Council action June 10, 2015)

RECOMMENDATION: Authorize Public Works Director Mark Freiberger to sign Purchase Order 2015-PO-11 in the amount of \$57,787.10 to Toter LLC for Wheeled Carts to support the Recycle and Food & Yard Waste Programs.

EXPLANATION: As noted in the May 13, 2015 Recycling/Yard Waste Contract Expiration memorandum to council, assumption of these programs from Waste Management Inc. will require purchase of approximately 4,200 Wheeled Carts. The city bid for Wheeled Carts closed in January 2015 anticipated purchase of these units. Toter LLC was the low bidder for this class of Wheeled Carts. The attached purchase order is for 1,000 each 95 gallon Wheeled Carts.

Additional Wheeled Carts will be required to provide for the complete project. A separate memorandum will cover the proposed acquisition of surplus Wheeled Carts from Republic from previous use at Anacortes.

Funding for this purchase is available from the Account 413 Solid Waste Reserve Fund, with a 2015 beginning fund balance of \$289,397.

FINANCIAL:

REVENUE

Account 413 Solid Waste Reserve Fund balance at 1/1/15	\$289,397
Additional Deposits planned for to 12/ 2015	\$ 27,285
Subtotal Revenue - through December 2015	\$316,682

ESTIMATED EXPENDITURES -

This Acquisition	\$ 57,787
Other planned purchases (Surplus carts from Anacortes)	\$ 15,000
Subtotal 2015 Expenditures through Dec 2015	\$ 72,787

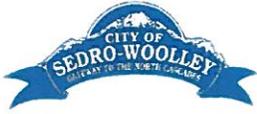
Expected Ending Fund Balance through Dec 2015	\$243,895
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ANALYSIS:

Funds are available from the Account 413 Solid Waste Reserve Fund (est. \$289,397 as of 1/1/2015) to fund this purchase.

MOTION:

Move to authorize Public Works Director Mark Freiburger to sign Purchase Order 2015-PO-11 in the amount of \$57,787.10 to Toter LLC for Wheeled Carts to support the Recycle and Food & Yard Waste Programs.



PURCHASE ORDER
CITY OF SEDRO-WOOLLEY

Purchase Order No. 2015-PO-11
Product Wheeled Carts
Vendor Name Toter LLC
Vendor Address 841 Meacham Road, Statesville, NC 28677
Vendor Contact Kellie Clark, Sr Mgr, 800-424-0422
Bids/Contracts Phone Ext. 257 Email kclark@toter.com
Ship To City of Sedro-Woolley, 315 Sterling Street, Sedro-Woolley, WA 98284
Bill To City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284
City Contact Leo Jacobs Phone 360-661-6449 Email ljacobs@ci.sedro-woolley.wa.us
City Department Solid Waste Budget (BARS) No. 537.80.34.001.412

DESCRIPTION OF PRODUCT

Per Attached Bid: Toter LLC., Dated: January 6, 2015

COMPENSATION

LUMP SUM - Compensation for the product will be on a Lump Sum price basis, not to exceed \$57,787.10 includes WSST and Freight without written authorization.

Equipment and Selling Price Summary:

95 gallon Wheeled Plastic Carts qty 1000 x \$53.26 = \$ 53,260.00

Subtotal: \$ 53,260.00
Sales Tax (8.5%): \$ 4,527.10
Total: \$ 57,787.10

SCHEDULE The Vendor shall deliver the product and services as described above:

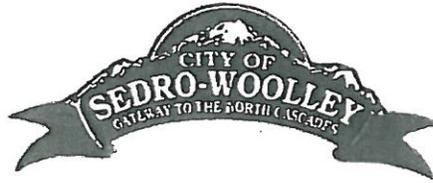
By Before August 1, 2015
In accordance with the attached schedule.

APPROVED

CITY OF SEDRO-WOOLLEY
By: Mark A. Freiburger, PE, Director of Public Works

Signature

Date



Toter Bid as listed below

JAN - 6 RECD
1:14pm HRC

Wheeled Carts, BID

Bids due by 2 pm January 6, 2015

Bids may be submitted in person or by U.S. Mail, facsimile or email to: City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284, (360) 855-0771, facsimile 360-855-0733, email jrosario@ci.sedro-woolley.wa.us.

We, the undersigned, hereby agree to furnish the following per the specifications, F.O.B. City of Sedro Woolley: **Wheeled Carts 20, 35, 45, 68, 95, and 195 gallon**

Dumpster type	Estimated Quantity	Base Unit Price (minimum 1 each)	Quantity discount if applicable (state minimum required)	Price per unit (with quantity discount)
WHEELED CARTS - PLASTIC				
20 Gallon Plastic Inserts	Model VRI20 75	\$25.03*	minimum 75, or truckload quantities	\$25.03*
35 Gallon	Model 76532 150	\$41.28*	minimum 75 or truckload quantities	\$41.28*
45 Gallon	Model 79248 75	\$45.28*	minimum 75, or truckload quantities	\$45.28*
68 Gallon	Model 79264 75	\$47.28*	minimum 75, or truckload quantities	\$47.28*
95 Gallon	Model 79296 75	\$53.28*	minimum 75, or truckload quantities	\$53.28*
195 Gallon	20	NO BID	NO BID	NO BID

Option to purchase up to 4,000 more if program and funding is approved

95 Gallon With recycling logos and in molded graphics.	Model 79296 4,000	\$50.71*	4,000 or minimum truckload quantities	\$50.71
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BIDDER COMPANY NAME:

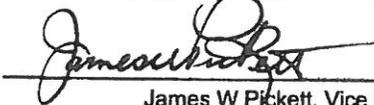
Toter, LLC

ADDRESS:

841 Meacham Road
Statesville, NC 28677

* Please see Toter's "Note to Pricing".

TELEPHONE: 800-424-0422 Ext. 257
 EMAIL: kclark@toter.com
 LICENSE NO. N/A
 CONTACT: Kellie Clark, Sr Manager, Bids/Contracts

SIGNATURE: 
 James W Pickett, Vice President, Sales

Prompt Payment Discount (if applicable) 0 % net 30 days, net 30.

Delivery 30-45* calendar days from receipt of purchase order at prices quoted.
 *30-45 days after written PO, order confirmation and markings approval.

Unit Prices are before 8.5% Sales Tax

Include Shipping in unit pricing

Base Unit Price per units to be based on minimum 1 each

Attach any clarifications or terms as appropriate.

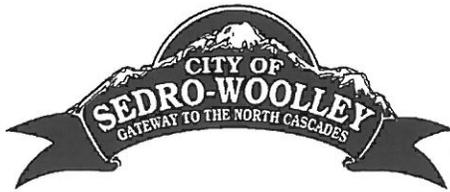
***Notes to Pricing:**

- Please add a \$300.00 one-time hot stamp die fee for each new hot stamp die created for body and/or lid.
- Please add a \$500.00 one-time set up fee for each in-mold graphic (IML) on lid.
- Pricing is valid through December 31, 2015.

*Page 1 Toter Cart pricing does not include applicable taxes.

Lump Sum of Cart prices:

20 Gallon Insert	75 at \$25.03	\$1,877.25
35 Gallon Cart	150 at \$41.28	\$6,192.00
45 Gallon Cart	75 at \$45.28	\$3,396.00
68 Gallon Cart	75 at \$47.28	\$3,546.00
95 Gallon Cart	75 at \$53.28	\$3,996.00
95 Gallon Cart	4,000 at \$50.71	\$202,840.00
		\$221,847.25
	Plus 8.5% tax	\$18, 857.01
	Total Lump Sum	\$240,704.26



CITY COUNCIL AGENDA
REGULAR MEETING

JUN 10 2015

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 39

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 Anderson

FROM: Mark A. Freiberger, PE

RE: **Possible Contract Award
New Side Loader Refuse Truck
Western Peterbilt Inc.**

DATE: June 3, 2015 (for Council action June 10, 2015)

RECOMMENDATION: Award and authorize Public Works Director Mark Freiberger to sign Purchase Order 2015-PO-12 in the amount of \$306,011.62 to Western Peterbilt Inc. for one (1) New Side Loader Refuse Truck under the terms of the Agreement for Ride-On to the City of Tacoma Bid #ES14-0216F.

EXPLANATION: This unit will be necessary to support the assumption of the Recycle and Green Waste operations in September 2015, after expiration of the Waste Management Inc. contract. The actual delivery will not occur until early 2016; a prepayment of \$133,450 will be required in late 2015 (approximately November or December) to secure the \$1,500 discount noted on the Western Peterbuilt bid. We expect our current backup waste truck will be used for the recycle operation until the new truck is on line.

The ERR balance will support this additional purchase, with the assumption that the scheduled 2016 Public Safety Ambulance purchase of \$200,000 is reduced to a 2015 expense of \$30,000, as is currently the plan. Skagit County is supporting upgrade of our existing ambulance chassis reducing the cost to the city significantly. With that assumption, the ERR remains positive through 2016, albeit with a minimum fund balance of \$28,920 at the end of 2015. The balance recovers in 2017 and subsequent years.

This purchase will be made as a ride on under our Interlocal Agreement with the City of Tacoma and per terms of Tacoma's contract ES14-0216F with Western Peterbilt Inc. contract. Estimated delivery is 120 days, expected for early 2016. As noted above, a prepayment \$138,450 on chassis delivery will secure a \$1,500 discount, which is included in the cost noted below. The final payment will be due after delivery, net 60 or approximately February 2016.

FINANCIAL:

REVENUE – to June 2015

Account 501 ERR Fund balance at 12/31/2014	\$376,555
Additional Deposits planned for to 12/ 2015	\$622,035

Subtotal Revenue - through December 2015 **\$998,590**

ESTIMATED EXPENDITURES – to December 2015

Fleet Maintenance	\$ 70,695
This Acquisition – chassis prepurchase only	\$138,450
Other planned purchases (Street, Solid Waste, Police)	\$771,585
Subtotal 2015 Expenditures through Dec 2015	\$980,730

Expected Ending Fund Balance through Dec 2015 **\$ 17,860**

ANALYSIS:

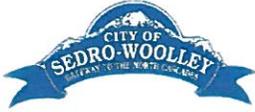
Sufficient funds are projected to be available from the ERR for the 2015 chassis prepurchase. The final payment of \$167,561.62 will be due sometime early in 2016. For cash flow purposes, an interfund loan from Account 413 Solid Waste Reserve Fund may be required. The overall ERR fund is solvent through 2016 with projected purchases resulting in a projected 12/31/2016 balance of \$22,118, after allowing for other scheduled purchases and expenses.

A budget amendment will be required to permit the chassis prepurchase in the end of 2015.

Funds are available from the Account 413 Solid Waste Reserve Fund (est. \$260,550 as of 12/31/2015, less Wheeled Cart purchases of approximately \$70,000) to fund the ERR purchase until deposits catch up with the expenditures for the chassis prepurchase and the final payment in early 2016. Other cash flow issues may come up depending on the timing of the delivery of the Public Safety Engine/Pumper currently on order.

MOTION:

Move to award and authorize Public Works Director Mark Freiburger to sign Purchase Order 2015-PO-12 in the amount of \$306,011.62 to Western Peterbilt Inc. for one (1) New Side Loader Refuse Truck under the terms of the Agreement for Ride-On to the City of Tacoma Bid #ES14-0216F.



**PURCHASE ORDER
CITY OF SEDRO-WOOLLEY**

Purchase Order No. 2015-PO-12

Product 2016 Peterbilt 320 RH Hand Drive ASL Chassis and 2015 Labrie Automizer Automated Side Loader Body per City of Sedro-Woolley Specifications.

Vendor Name Western Peterbilt Inc.

Vendor Address 3801 Airport Way South, Seattle, WA 98108

Vendor Contact Stu fox Phone 206-624-7383 Email _____

Ship To City of Sedro-Woolley, 315 Sterling Street, Sedro-Woolley, WA 98284

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

City Contact Leo Jacobs Phone 360-661-6449 Email ljacobs@ci.sedro-woolley.wa.us

City Department Solid Waste Budget (BARS) No. 594.37.64.501.501

DESCRIPTION OF PRODUCT

Per Attached Bid Extension Agreement for Ride on to the City of Tacoma Bid-Refuse Truck – Reference ES14-0216F

COMPENSATION

LUMP SUM – Compensation for the product will be on a Lump Sum price basis, not to exceed \$306,011.62 without written authorization.

Equipment and Selling Price Summary:

- 1 – 2016 Peterbilt 320 RH Drive ASL Chassis per the City of Sedro-Woolley specifications.
- 1 – 2015 Labrie Automizer Automated Side Loader body per the City of Sedro-Woolley specifications.

Total: \$ 306,011.62 per attached quote (bid extension) dated May 11, 2015

SCHEDULE The Vendor shall deliver the product and services as described above:

- By Estimated 120 days
- In accordance with the attached schedule.

APPROVED

CITY OF SEDRO-WOOLLEY

By: Mark A. Freiburger, PE, Director of Public Works

Signature _____

Date _____



WESTERN PETERBILT, INC.

3801 Airport Way South
Seattle, Washington, 98108
(206) 624-7383



May 11, 2015

Mr. Leo Jacobs
Sanitation Supervisor
City of Sedro-Woolley
315 Sterling Street
Sedro-Woolley, WA 98284

REF: AGREEMENT FOR RIDE-ON TO THE CITY OF TACOMA
BID-REFUSE TRUCK –ES14-0216F.

Western Peterbilt, Inc. would like to formally extend all bid prices, terms, and conditions to the City of Sedro-Woolley for the purchase of (1) one or more Automated Side Loader Refuse Trucks through a bid extension with the City of Tacoma, reference ES14-0216F. All conditions that applied to this bid will apply to this extension.

Following, please find the breakdown of the base prices and options:

-2016 Peterbilt 320 RH Drive ASL Chassis per the City of Sedro-Woolley specifications. Current list price \$ 190,408.00 minus 26.5% discount of \$50,458.00 for a total of \$ 139,950.00.	\$ 139,950.00
-2015 Labrie Automizer Automated Side Loader body per the City of Sedro-Woolley specifications. Current list of \$151,582.80 minus 7% discount of \$10,790.80 for a total of \$140,972.00.	\$ 140,972.00
-Washington State B&O tax on the Labrie Automizer ASL body.	<u>\$ 1,065.28</u>
 Sub Total Per Unit	 \$ 281,987.28
-Early pay discount for chassis-(chassis to be paid for upon arrival at AA Welding.	(<u>\$ 1,500.00</u>)
 Sub Total Per Unit	 \$ 280,487.28
 Washington State Sales Tax (9.1%)	 <u>\$ 25,524.34</u>
 Total	 \$ 306,011.62 =====

Again, all other terms, prices, delivery quotations and all conditions will remain the same as this Tacoma bid. Please see the attached bid documentation.

Thank you for the opportunity to earn your business!

Stu Fox

Stu Fox
Director of Refuse Sales
Western Peterbilt, Inc.

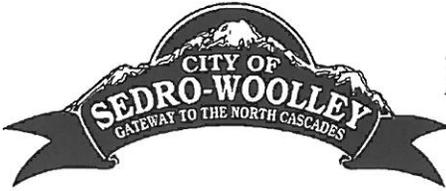
CITY COUNCIL AGENDA
REGULAR MEETING

JUN 10 2015

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

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

Eron M. Berg
City Supervisor/City Attorney



2ND READING
CONSENT CALENDAR

MEMO TO: City Council
FROM: Eron Berg
RE: BLS ambulance transports (2nd reading)
DATE: May 27, 2015

ISSUE: Should the Council approve the interlocal agreement between the city and Skagit County for EMS services and funding?

BACKGROUND: This was on your agenda at the last meeting. As we discussed, the city has been in conversations with Skagit County and with the Central Valley Ambulance Authority to participate in BLS integration. The concept is to utilize the SWFD, when available, to provide BLS transport services when the ALS unit assigned to our area is unavailable, thereby leaving the other ALS units available for the higher need calls in their service areas. BLS integration is also called for in the work plan between the CVAA and Skagit County as a means to allow the ALS units to provide ALS inter-facility transfers which, if successful, will generate more revenue for the system. Chief Klinger is working with the CVAA on a chiefs' memorandum that will address the operational understanding between the SWFD and the CVAA.

To make all of this happen, the city and the county have a draft agreement that addresses five elements including: (1) the use of EMS levy money for disposable supplies (2) dispatch fees for EMS calls (3) \$35.00 fee for EMS call responses (4) Funding for the purchase of transport capable ambulances, and (5) funding for and the requirement to use ESCI for ePCR reports (data collection for Skagit County). We would like to make the agreement effective July 1st, if possible.

In addition to the interlocal agreement, the Medicare application (and related provider applications), the chiefs' memorandum, the city council will also need to adopt transport rates. We are required to follow a process under state law and will be working through that process in June/July.

RECOMMENDATION: Motion to approve the attached interlocal agreement between Skagit County and Sedro-Woolley regarding EMS services.

INTERLOCAL COOPERATIVE AGREEMENT

BETWEEN

THE CITY OF SEDRO-WOOLLEY
AND
SKAGIT COUNTY

FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES

THIS AGREEMENT is made and entered into by and between the City of Sedro-Woolley, a Washington municipal corporation ("City") and Skagit County, Washington, a political subdivision of the State of Washington ("County") pursuant to the authority granted by Chapter 39.34 RCW, INTERLOCAL COOPERATION ACT. The City and the County may be individually referred to herein as a "Party", and may be collectively referred to herein as the "Parties." In consideration of the following, the parties agree as follows:

RECITALS

- A. The City is an optional municipal code city, organized under RCW Title 35A, with all powers possible for a city or town under the Constitution and laws of the state.
- B. The City has and continues to provide a complete range of municipal services to its residents, as well as to its neighboring communities through mutual aid agreements, including fire, emergency medical services and emergency responses.
- C. To maintain quality of service to the community the City has established as a part of its services pursuant to RCW 35.21.766 and other authority a system of basic life support services (BLS) including an ambulance service as a governmental function of the City to provide emergency services occurring for emergencies within the City.
- D. The City has in the past supported County-wide efforts for EMS funding. Current EMS funding for ambulance service is derived from fees and charges as well as contracts for receipt of proceeds of an EMS levy paid by city and county residents.
- E. The City adopted Ordinance No. 1703-11 establishing the City's ambulance service and authority to provide for inspection, regulation, licensing and control of emergency medical services within the City to achieve high standards and eliminate inadequate, improper and harmful practices that may endanger the health and safety of the people.
- F. The City and the County wish to enter into an interlocal for the provision of BLS ambulance service on such terms and conditions agreed upon by the City and the County.

AGREEMENT

1. RECITALS: The Parties agree the Recitals are true and accurate statements of facts and law and are included as terms of this Interlocal Agreement.

2. **PURPOSE:** The purpose of this Agreement is to allow the City and the County to work in cooperation on the delivery of emergency medical services (EMS) within the Sedro-Woolley, Washington Fire Department's Response Area as established by the Department, as well as outside its Response Area as allowed by mutual aid requests as applicable. The City's service consists of providing trauma verified basic life support (BLS) ambulance services during the agreement period. Services shall be available for dispatch twenty-four (24) hours per day, seven (7) days per week on an as needed basis and when available at the operational discretion of the City's Fire Chief or designee.

3. **RESPONSIBILITIES:**

Pursuant to the terms of this Agreement:

- 3.1. The City shall provide the County EMS Director a 2015 Work Plan with appropriate ambulances, support vehicles and equipment in accordance with regional plans approved by the Washington State Department of Health pursuant to WAC Chapter 246-976, and other applicable laws, regulations and MPD established policies to match resources to service demand levels.
- 3.2. Field personnel performing services under this Agreement shall at all times be certified to practice in the State of Washington, and in the case of Paramedics, certified in Skagit County.
- 3.3. City shall respond for calls for BLS services in the Fire Department's Response Area, as well as mutual aid requests as applicable.
- 3.4. All City field personnel shall be under the direct medical control and supervision of training of the Skagit County Medical Program Director (MPD) or his designee, and shall comply with medical protocols, online medical control, and other requirements as established by the MPD and the state.
- 3.5. If requested by County, the City shall utilize a County designated electronic Patient Care Reports ("ePCR") system for documentation of all dispatches received by the City from the Skagit 9-1-1 Dispatch Center to create a single uniform county-wide ePCR and Data Collection System.
 - 3.5.1. The County shall reimburse the City for the actual annual contract price of the ePCR data collection system, not to exceed \$7,000.00 annually.
 - 3.5.2. The County will reimburse the City for the purchase of up to two (2) mobile data entry devices (compatible with the ESO software), 3 year warranty, accident replacement plan, QCR scanner and protective case. Total reimbursement not for the items listed in 3.2 shall not exceed \$4,000.00 for a period of thirty six (36) months from the date of purchase of devices by City.
 - 3.5.3. Any additional ePCR data collection system costs not currently anticipated will be mutually agreed upon prior to expense being incurred and, upon receipt of documentation of actual expenses paid by city, shall be reimbursed by the County.
- 3.6. The City is responsible for complying with all current rules and regulations associated with providing services for recipients of and being reimbursed by Medicare, Medicaid and other state and federally funded programs, and any amendment there to.
- 3.7. The City agrees to adhere to any specific HIPAA protocols, including any required training, requested by County required under HIPAA related to transmitting, storing, and using HIPAA information pursuant to this Agreement. The City agrees to sign any required Business Associate Agreements

- 3.8. Any violations of HIPAA rules and regulations, including a breach of Protected Health Information (PHI), shall be reported immediately to County along with City's actions to mitigate the effect of such violations.
 - 3.9. City agrees to use the approved User Fees schedule applicable for BLS services as set forth in EXHIBIT A during the Agreement period; provided, that such fees shall be uniform for the same class of users of the city ambulance service and so long as such fees are in compliance with federal and state law. County agrees to give City forty-five (45) days' notice of any anticipated changes to the User Fee Schedule (Exhibit A). In the event City does not accept the changes to the User Fee Schedule requested by County then either party shall have the right to terminate this agreement.
 - 3.10. City shall provide and maintain proof of insurance or participation in a risk pool as outlined in EXHIBIT B during the Agreement period.
 - 3.11. City shall utilize the same third party Billing Service designated by County for all EMS agencies.
 - 3.12. City agrees to provide the County EMS Director with access to call volume and financial performance reporting data available from the third party electronic patient care reporting system and third party billing service.
 - 3.13. County will reimburse the City for the actual cost, not to exceed \$21.00 per dispatch, per EMS incident dispatch received by the City, as documented by EMS calls billed to the City by Skagit 9-1-1, to be billed to the County quarterly.
 - 3.14. County will reimburse City for actual costs of disposable EMS supplies upon presentation of appropriate documentation, until such time as a centralized County EMS ordering system is in place. Upon implementation of a County EMS ordering system, County will provide City disposable EMS supplies through the centralized system. Upon termination of the Agreement, any and all unused supplies purchased under this agreement shall remain with City so long as all items are used for provision of emergency medical services within Skagit County by City.
 - 3.14.1. Maximum reimbursement of EMS disposable supplies shall not exceed \$9,000.00 in 2015. For years 2016 and later the EMS Director shall set the annual cap for reimbursable supplies.
 - 3.14.2. City agrees to inspect all goods to make sure that they are free of defect and acknowledges that the County does not warrant the quality of the goods purchased through the centralized county EMS ordering system.
 - 3.15. County and City agree to meet no later than the third week of June to negotiate the Work Plan and compensation for the following calendar year.
 - 3.16. County will reimburse City for the purchase of small equipment up to \$5,000.00 as authorized in writing by the County EMS Director to be utilized in the provision of EMS services.
 - 3.17. County and City agree to discuss any necessary capital equipment needs. Any ambulance replacement agreed to by the County by prior written authorization shall be reimbursed by County in accordance with EXHIBIT C.
 - 3.18. County will compensate City \$35.00 per EMS incident responded to by City upon completion of required ePCR, to be billed to County quarterly.
4. TERM OF AGREEMENT: The term of this Agreement shall commence upon signing, and continue until December 31, 2018. Any party may terminate this Contract by giving 90 days' notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph.

5. MANNER OF FINANCING: The County has established the following GL expenditure code(s) for this Agreement: 123 55800015100, which shall be included on all billings or correspondence in connection therewith.
6. ADMINISTRATION: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.
 - 5.1 The County's representative shall be the Emergency Medical Services Director, or his designee.
 - 5.2 The City's representative shall be the Fire Chief, or his designee.
7. TREATMENT OF ASSETS AND PROPERTY: No fixed assets or personal or real property will be jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement. Any equipment purchased in whole or in part by the County for the provision of services under this Agreement shall remain with the City so long as all items are used for provision of emergency medical services within Skagit County by the City.
8. DEFENSE & INDEMNITY AGREEMENT: The City agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the City, its subcontractors, its elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County, its appointed or elected officials or employees. It is further provided that no liability shall attach to either the County or the City by reason of entering into this contract, except as expressly provided herein. City's insurance shall be primary. Any insurance or self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of City's insurance and shall not contribute to it.
9. TERMINATION FOR PUBLIC CONVENIENCE: Either party may terminate the contract in whole or in part after written notice of not less than thirty (30) business days whenever either party determines, in its sole discretion, that such termination is in the best interests of either the County or the City, respectively. Whenever the contract is terminated in accordance with this paragraph, the City shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. If either party elects to terminate for public convenience, termination shall be effective no earlier than thirty (30) days following the other party's receipt of notice of termination or as otherwise stated in the termination notice. Termination of this contract by either party at any time during the term, whether for default or convenience, shall not constitute a breach of contract by that party.
10. CHANGES, MODIFICATIONS, AMENDMENTS AND WAIVERS: The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

11. SEVERABILITY: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.
12. ENTIRE AGREEMENT: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.
13. NO PARTNERSHIP OR JOINT VENTURE: No partnership and/or joint venture exists between the City and the County, and no partnership and/or joint venture is created by and between the City and the County by virtue of this Agreement. No agent, employee, contractor, subcontractor City, consultant, volunteer, or other representative of the parties shall be deemed an agent, employee, contractor, subcontractor, consultant, volunteer, or other representative of the other party.
14. NO THIRD PARTY BENEFICIARIES: This Agreement is not intended to nor does it create any third party beneficiary or other rights in any third person or party, including, but not limited to, property owners and/or residents, or any agent, contractor, subcontractor, consultant, volunteer, or other representative of either party.
15. ASSIGNMENT AND SUBCONTRACTING: Unless otherwise expressly provided herein, no portion of this Agreement may be assigned, contracted, and/or subcontracted to any other individual firm, company, and/or entity without the express and prior written approval of the County.
16. VENUE AND CHOICE OF LAW: In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Skagit. This Agreement shall be governed by the law of the State of Washington.
17. NEUTRAL AUTHORSHIP: Each of the terms of and provisions of this Agreement have been reviewed and negotiated, and represents the combined work product of the Parties hereto. No presumption or other rules of construction which would interpret the provisions of the Agreement in favor of or against the Party preparing the same shall be applicable in connection with the construction of interpretation of any of the provisions of this agreement. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement and have either done so, or have voluntarily chosen not to do so. The Parties represent and warrant that they have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. The Parties have entered into this Agreement without duress or undue influence.

DATED this ____ day of _____, 2015.

CITY OF SEDRO WOOLLEY:

Attest:

Mike Anderson, Mayor

Finance Director

Approved as to form:

Eron Berg, City Supervisor / Attorney

DATED this _____ day of _____, 2015.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Attest:

Ron Wesen, Commissioner

Clerk of the Board

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

Recommended:

County Administrator

Department Head

Approved as to form:

Civil Deputy Prosecuting Attorney

Approved as to indemnification:

Risk Manager

Approved as to budget:

Budget & Finance Director

EXHIBIT "A"

AMBULANCE USER FEE SCHEDULE

- 1) The City will utilize fee schedule as set by the Board of County Commissioners.
- 2) Residency is defined as the primary residential address of the patient.
 - a) "Resident" is defined as having primary residential address within Skagit County, WA.
 - b) "Non-Resident" is defined as having primary residential address outside of Skagit County, WA.

EXHIBIT "B"

PROOF OF INSURANCE

The City shall provide proof of insurance for Commercial General Liability, Professional Liability and Automotive Liability each in the amount of \$20,000,000.00 per occurrence to cover City's activities during the term of this Contract. Insurance coverage shall be primary.

Proof of insurance shall be in a form acceptable and approved by the County.

The type of insurance required by this Agreement is marked below.

- X 1) Commercial General Liability Insurance
Certificate Holder – Skagit County
**The Certificate must name the County as additional insured:
Skagit County, its elected officials, officers and employees
are named as additional insured.**

Thirty (30) days written notice to the County of cancellation of the insurance policy.

- X 2) Professional Liability
Certificate Holder – Skagit County
Thirty (30) days written notice to the County of cancellation of the insurance policy

- X 3) Automobile Liability
Certificate Holder – Skagit County
Thirty (30) days written notice to the County of cancellation of the insurance policy

OR

City's continued participation as member with either the Washington State's Insurance Authority or the Cities Insurance Authority of Washington during the contract period shall constitute sufficient coverage meeting the terms and conditions to this Agreement.

NOTE: No contract shall form until and unless a copy of the Certificate of Insurance, properly completed and in the amount required, is attached hereto.

- 3) Insurance is waived

Date: _____
Risk Manager

EXHIBIT "C"

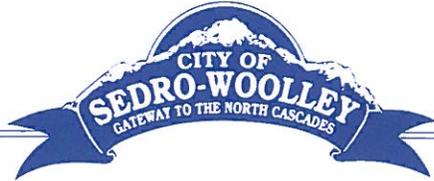
AMBULANCE REPLACEMENT

- 1) Upon request by the City, recommendation by the County EMS Director, and approval of available EMS levy funds by the Board of County Commissioners, the County will reimburse the City the applicable percentage of the total purchase cost of either a (a) new or (b) remounted ambulance according to the matrix below:

City's Annual EMS calls	New Ambulance		Remount Ambulance	
	County pays	City pays	County pays	City pays
1,501 +	80%	20%	90%	10%
1,001 – 1,500	60%	40%	70%	30%
501 – 1,000	40%	60%	50%	50%
0 – 500	20%	80%	30%	70%

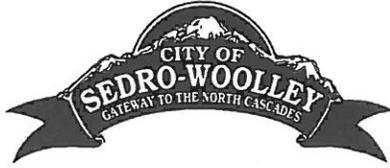
JUN 10 2015

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



SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:



**CITY COUNCIL AGENDA
REGULAR MEETING**

JUN 10 2015

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

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: Jana Hanson
Planning Consultant

Date: April 8, 2015

Subject: Proposed Amendments to the Sedro-Woolley Municipal Code, Chapter 17.04 -
Definitions and Chapter 2.90 - Consolidated Planning Procedures – ***First Read***

ISSUE

The proposed amendments to Chapters 2.90 and 17.04 are necessary to accomplish the processing and adoption of Planned Actions.

PROJECT DESCRIPTION / HISTORY

The City is currently working together with the Port of Skagit, Skagit County and a team of consultants to develop plans, procedures and processes to facilitate the redevelopment of the Northern State Property that is under the current ownership of the State of Washington and managed by the Department of Enterprise Services. The plans and uses envisioned for the site include research & development facilities, manufacturing, hospitality and general commercial uses.

In order to support future redevelopment activities, a Planned Action Environmental Impact Statement will be utilized. A Planned Action Environmental Impact Statement in accordance with RCW 43.21.C.031(2) and WAC 197-11-164 the purpose of which is to emphasize quality environmental review of early planning efforts and early public input to shape decisions. The basic steps in designating planned action projects are to prepare an environmental impact statement (EIS), designate the planned action projects by ordinance, and review permit applications for consistency with the designated planned action ordinance. The intent of a planned action is to provide more detailed environmental analysis during formulation of planning proposals, rather than at the project permit review stage. The Planned Action Ordinance is expected to encourage redevelopment and revitalization at the Northern State site and property owners and potential investors will be encouraged by the streamlined development process that takes place under the Planned Action.

Through the environmental impact statement review, the Planned Action EIS, which will study elements of the human and physical environment, will help the City identify impacts of development and specific mitigation measures in advance of development proposals. This level of study and detail will facilitate proposed development and will provide developers with the information that will be required to qualify as a Planned Action project.

The Sedro-Woolley Municipal Code (SWMC) does not currently include a definition of a Planned Action, or procedural rules for processing a Planned Action. The proposed code amendments will include a definition of Planned Action and identify the type of review that the adoption of a Planned Action ordinance requires as well as review of projects under an adopted Planned Action.

In addition to the proposed amendments before Council this evening, staff will in the near future propose amendments to several chapters within the Municipal Code. These amendments will follow the adoption of the Planned Action Ordinance and reference said ordinance within the code sections. These amendments will reflect the approved Planned Action Ordinance that specifies permitted uses and development regulations.

Staff recommends amending the Municipal Code as proposed.

ATTACHMENTS

- Attachment 1 – Proposed Ordinance No. _____ regarding amendments to Chapter 2.90 SWMC
- Attachment 2 – Proposed Ordinance No. _____ regarding amendments to Chapter 17.04 SWMC
- Attachment 3 – Planning Commission Findings and Recommendation

REQUESTED ACTION

Council is requested to make motions on two ordinances:

- Motion to approve Ordinance No. _____ approving amendments to Chapter 2.90 SWMC; and
- Motion to approve Ordinance No. _____ approving amendments to Chapter 17.04 SWMC.

Attachment 1

Proposed Ordinance – Chapter 2.90

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON,
RELATING TO AMENDMENTS TO CHAPTER 2.90 SWMC REGARDING PLANNED
ACTIONS.**

WHEREAS the requisite public hearings before the Planning Commission on May 19, 2015 and before the City Council on June 10, 2015 were preceded with appropriate notice, published on May 9, 2015; and

WHEREAS, the City is currently working together with the Port of Skagit, Skagit County and a team of consultants to develop plans, procedures and processes to facilitate the redevelopment of the Northern State Property that is under the current ownership of the State of Washington and managed by the Department of Enterprise Services. The plans and uses envisioned for the site include research & development facilities, manufacturing, hospitality and general commercial uses; and

WHEREAS, in order to support future redevelopment activities, a Planned Action Environmental Impact Statement will be utilized. A Planned Action Environmental Impact Statement in accordance with RCW 43.21.C.031(2) and WAC 197-11-164 the purpose of which is to emphasize quality environmental review of early planning efforts and early public input to shape decisions. The basic steps in designating planned action projects are to prepare an environmental impact statement (EIS), designate the planned action projects by ordinance, and review permit applications for consistency with the designated planned action. The intent is to provide more detailed environmental analysis during formulation of planning proposals, rather than at the project permit review stage. The Planned Action Ordinance is expected to encourage redevelopment and revitalization at the Northern State site and property owners and potential investors will be encouraged by the streamlined development process that takes place under the Planned Action; and

WHEREAS, the proposed code amendments will include a definition of Planned Action and identify the type of review that the adoption of a Planned Action ordinance requires as well as review of projects under an adopted Planned Action; and

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

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

SECTION 1. Recitals. The City council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

SECTION 2. The City Council makes the following findings:

- A. The proposed ordinance is procedural.
- B. The proposed ordinance is needed to address adoption of a Planned Action Environmental Impact Statement and to review future development under an adopted Planned Action.
- C. Planned Action, as defined in WAC 197-11-164, will enable early environmental review of complex phased projects in accordance with RCW 43.21.C.031 (2) and WAC 197-11-164.
- D. The proposed amendments are supported by and implement the Sedro-Woolley Comprehensive Plan, Economic Element.
- E. Pursuant to Washington Administrative Code (WAC) 197-11-800(19), the proposed ordinance is categorically exempt from review under the State Environmental Policy Act (SEPA).
- F. The proposed ordinance is in the best interest of City of Sedro-Woolley citizens and promotes the health, safety and welfare of the citizens of the City of Sedro-Woolley.
- G. The proposed ordinance has been disseminated and opportunities have been provided for written comments and public hearing after effective notice.

SECTION 3. That Chapter 2.90 of the Sedro-Woolley Municipal Code is hereby amended as follows:

2.90.060 C (1, g-n); E (5) & G (10-17) Authority and responsibilities; and

2.90.070 G (1) Permit Classification Table; and

2.90.100 C (16) Definitions of Terms Used in Submittal Requirements for Building, Planning and Public Works Permit Applications (EXHIBIT A).

SECTION 4. That the Sedro-Woolley Municipal Code is hereby amended to add a new section to Chapter 2.90:

2.90.073 Planned action review process (EXHIBIT A).

SECTION 5. Severability. If any section, subsection, sentence, clause, chapter, provision, or phrase of this ordinance or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the

validity of the remainder of the ordinance, chapter, or the application or the provisions to other persons or circumstances.

SECTION 6. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED AND ADOPTED this 10th day of June, 2015.

MIKE ANDERSON, Mayor

PATSY NELSON, Finance Director

Approved as to form:

ERON BERG, City Attorney

EXHIBIT A

Chapter 2.90 CONSOLIDATED PLANNING PROCEDURES*

Sections:

- 2.90.010 Purpose and intent.
- 2.90.020 Applicability.
- 2.90.030 Effect of permit.
- 2.90.035 Permit processes classified by type.
- 2.90.040 Exemptions from state process requirements.
- 2.90.050 Submittal requirements—General.
- 2.90.060 Authority and responsibilities.
- 2.90.070 Permit classification.
- 2.90.075 Public notice requirements.
- 2.90.080 Application and decision—General.
- 2.90.090 Appeals.
- 2.90.100 Submittal requirements—Specific to application type.

* Prior ordinance history: Ords. 1449-03, 1485-04, 1491-04, 1602-08 and 1607-08.

2.90.010 Purpose and intent.

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

The mandatory nature of the one-hundred-twenty-day processing time notwithstanding, it is neither the intent nor the purpose of this chapter to establish a claim or remedy for a delay in the final decision beyond one hundred twenty days. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.020 Applicability.

All applications for development shall be subject to the provisions of this chapter, except where specifically exempted under Section 2.90.040, Exemptions from state process requirements. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.030 Effect of permit.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.035 Permit processes classified by type.

Development subject to review by the city is classified and processed using one of the six types of land use permit procedures listed in Section 2.90.070(G). The review processes for the types of permit review procedures are described in Section 2.90.070. If the code does not expressly provide for review according to one of the six types of permit review procedures, and another specific procedure is not required by law, the planning department shall classify the application. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.040 Exemptions from state process requirements.

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

B. Exemptions from City Goal of One-Hundred-Twenty-Day Review Process for Certain Actions Requiring More Time. RCW 36.70B.140 provides that local governments may determine that there are special circumstances relative to certain actions or processes that warrant a different review process than that set forth in state law. Therefore, the city exempts the following actions since they typically require more than one hundred twenty days to process or would be deemed emergencies:

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;
2. Sedro-Woolley Municipal Code amendments;
3. Annexations;
4. Planned residential developments;
5. Development agreements;
6. Environmental impact statements;
7. Temporary emergency wetland permit;

8. Declared emergency under SEPA;
9. Street vacations;
10. Any project once it is appealed to the hearing examiner and/or city council;
11. Any project once it becomes the subject of a petition under the Land Use Petition Act;
12. Any project that is determined by the mayor to present extenuating circumstances which would require more than one hundred twenty days to process.

C. Exemptions from State Notification and Procedural Requirements for Permits Relating to Use of Public Areas/Facilities. As permitted by RCW 36.70B.140, the city also exempts the following approvals relating to the use of public areas or facilities from the notification and procedural requirements of RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130:

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

D. Exemptions from State Notification and Procedural Requirements for Permit Applications Not Subject to Environmental Review. RCW 36.70B.140 allows local governments to exclude certain approvals and building and engineering permits from the public notification and procedural requirements of the statute if they are categorically exempt from environmental review or if environmental review has already been completed at an earlier stage. However, the city's one-hundred-twenty-day maximum processing time would still apply. Therefore, the city exempts the following

actions from the public notification and procedural requirements since they are typically processed very quickly and would be considerably delayed by imposition of a public comment period(s):

1. Building and grading permits (SEPA exempt);
2. Business licenses for home occupations;
3. Fire installation/construction permits;
4. Mechanical, plumbing, sign and fence permits;
5. Lot line adjustments;
6. Final plats;
7. Minor amendments to a previously approved PUD;
8. Occupancy permits;
9. Shoreline exemptions;
10. Temporary use permits (SEPA exempt), but not exempting sign requirements;
11. Water, sewer, storm drainage, roadway permits (SEPA exempt);
12. Other SEPA exempt actions/activities as outlined in WAC 197-11-800. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.050 Submittal requirements—General.

A. Purpose. In order to comply with the state law, the city is required to detail the requirements for complete building, public works and land use permit applications.

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

1. Supplemental information required after acceptance shall not affect the validity of the vesting for such application.
2. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions would result in a substantial change in the basic site design plan, intensity, density, and the like, involving a change of ten percent or more in area or scale. Vesting for the new application shall occur upon the date of submission of a valid and fully complete building application for the changed project.

C. Application Location. All land use, building, fire, and public works applications addressed in this title shall be filed with the planning department.

D. Complete Application. Unless waived by the planning department, the requirements for a full complete land use, building, or public works permit application shall consist of the information listed in this code and any site-specific information identified in a preapplication meeting summary. Application fees pursuant to this chapter are also required for a complete application.

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

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

G. Letter of Completeness. Upon finding a Type II, III or IV application complete, the development services department will provide a letter of completeness to the applicant and property owner(s). (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.060 Authority and responsibilities.

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

B. Specific Responsibilities. The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are listed as set forth in subsections C through G of this section and Title 2.

C. Planning Director or Designee.

1. Authority. The planning director or designee shall review and act on the following:

- a. Building and grading permits;
- b. Binding site plan approval for commercial or industrial developments;
- c. Environmental Review.
 - i. Make threshold determinations for environmental checklists;
 - ii. Authorize circulation of draft environmental impact statements;

- iii. Approve and issue final environmental impact statements;
- iv. Approve mitigation conditions for mitigated determinations of nonsignificance and final environmental impact statements;
- d. Interpretation of flood insurance rate map boundaries;
- e. Boundary line adjustments (B.L.A.);
- f. Modifications.
 - i. Minor modifications to previously approved site plan;
 - ii. Modifications of street standards;
 - iii. Minor modifications of landscaping requirements;
 - iv. Minor amendment to PUD;

g. Planned Action determinations

hg. Review of business licenses for home occupations;

ih. Shoreline exemptions;

ji. Shoreline permits;

kj. Short plats—Nine or less;

lk. Temporary use permits;

ml. Variances—Administrative;

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

D. City Engineer or Designee.

1. The city engineer shall review and act on the following:

- a. Appeals of administrative decisions/determinations regarding requests for modification of storm drainage regulations;
- b. Revocable permits for the temporary use of public right-of-way;
- c. Sewer modifications, alternates, and appeals;
- d. Modifications to street design standards;
- e. Waivers of on-site and off-site improvements (including deferrals).

E. Planning Commission. The planning commission shall review and act on the following:

1. Comprehensive Plan. Duties related to the comprehensive plan. Recommendations to city council regarding amendments after holding a public hearing.
2. Shoreline Master Program Amendments. Recommendations to city council regarding shoreline master program amendments after holding public hearing.
3. Area-Wide Zoning. The planning commission, in conducting area land use analysis, may from time to time recommend to the city council area-wide zonings to implement the recommended amendments to the comprehensive plan.
4. Land Use Regulations and Processes. Upon council request and based upon the goals and policies of the comprehensive plan, recommendations to council regarding effective and efficient land use regulations and processes.

5. Planned action ordinance recommendation to City Council.

F. Hearing Examiner.

1. Authority. The hearing examiner shall review and act on the following:
 - a. Appeals of administrative decisions/determinations and SEPA threshold decisions;
 - b. Conditional approval permit for nonconforming uses;
 - c. Conditional use permits;
 - d. EIS hearing;
 - e. Shoreline conditional use permit;
 - f. Shoreline variance;
 - g. Variances.
2. Recommendations. The hearing examiner shall hold a hearing and make recommendations to the city council on the following:
 - a. Major amendment to PRD;
 - b. Master plan with and without PRD;
 - c. Mobile/manufactured home park or subdivision;
 - d. Preliminary plats;
 - e. Planned residential developments;

- f. Rezones, site-specific, in conformance with the comprehensive plan;
 - g. Variances from the provisions of the subdivision regulations relating to a full subdivision.
3. Appeals. Unless otherwise specified, any decision of the responsible SEPA official or the planning director or designee or the city engineer or designee in the administration of this title shall be appealable to the hearing examiner as an administrative determination pursuant to Section 2.90.090, Appeals.

G. City Council. The city council shall review and act on the following:

- 1. Annexations;
- 2. Appeals of hearing examiner decisions, excepting hearing examiner decisions that were appeals of administrative decisions;
- 3. Comprehensive plan map or text amendment;
- 4. Dedications of property for public purposes;
- 5. Development and zoning regulations text amendment;
- 6. Development agreements;
- 7. Designation of historic overlay district;
- 8. Final plats;
- 9. Preliminary plats;

10. Planned Action Ordinance, final action.

110. Planned residential developments, preliminary and final;

121. Release of easements;

132. Rezones consistent with the comprehensive plan;

143. Rezones with associated comprehensive plan map or text amendment;

154. Street vacations;

165. Variances from the provisions of the subdivision regulations relating to a full subdivision;

176. Appeals of design review committee decisions.

H. Review Authority for Multiple Permit Applications. Where required permits are subject to different types of permit review procedures, then all the associated applications are subject to the highest level of review authority that applies to any of the required applications. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.070 Permit classification.

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

B. Review Process Based upon Application Type. Subsection G of this section lists the development applications and explains the basic steps in the review process. This table also outlines the responsible review authority.

C. Consolidated Review Process for Multiple Permit Applications.

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

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

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

E. Time Frames—Maximum Permitted. Final decisions on all permits and reviews subject to the procedures of this chapter shall occur within one hundred twenty days from the date an application is deemed complete, unless the applicant consents to an extension of such time period. If a project application is substantially revised by an applicant, the one-hundred-twenty-day time period shall start again after the revised project application is determined to be complete. Development applications which are specifically exempted under Section 2.90.040, Exemptions from state process requirements, are not subject to this time frame.

F. Exclusions from One-Hundred-Twenty-Day Time Limit. In determining the number of days which have elapsed since the applicant was notified that the application is complete, the following periods shall be excluded:

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

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

3. Applicant Agreements. Any time extension mutually agreed upon by the applicant and the planning department.

G. Land Use Permit Procedures.

1. Permit Classification Table.

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Conditional Use Permit			X			
Design Review with Building Permit	X					

Design Review with Hearing Examiner Land Use Permit			X			
Development Agreement					X	
Development Regulation Text Amendments Referred to Planning Commission						X
Development Regulation Text Amendments Not Referred to Planning Commission					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit	X					
Floodplain District Development Permit or Variance				X		
Home Occupation	X					
Landscape Modifications	X					
Major Modification PRD				X		
Master Plan Approval				X		
Minor Modifications	X					
Nonconforming Use—Ordinary Maintenance or Repair	X					
Nonconforming Use—Certificate of Use or Occupancy	X					
Nonconforming Use—Special Permission to Enlarge, Expand, or Reconstruct			X			
Plat, Preliminary				X		
Plat, Final					X	
Planned Action Determination		X				
Planned Action Ordinance						X
Planned Residential Development				X		

Rezoning Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit			X			
Shoreline Variance			X			
Short Plat		X				
Short Plat—When Hearing Requested			X			
Site Plan Approval	X					
Special Use Permit			X			
Street Vacations				X		
Street Design Modifications	X					
Temporary Use Permit		X				
Variations			X			
Zoning Waivers				X		

2. Summary of Permit Processes.

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-Application Meeting	No	Required for short plats, building permits with street	Required, unless waived by	Required, unless waived by director	Required, unless waived by	Required, unless waived by director	Required, unless waived by director

		improvements, and all other non-single-family residential actions	director		director		
Letter of Completeness	No	Required	Required	Required	No	No	No
Notice of Application	No	Required	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Hearing	Not applicable	Not applicable	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Open Record Public Hearing	No	No	Yes, before hearing examiner or to	Yes, before hearing examiner or planning commission to	No	Yes, before planning commission to make recommendation	See Chapter 35A.14 RCW or the shoreline

			render final decision	make recommendation to city council		on to city council	management master program
Closed Record Appeal/Final Decision	Only if appealed, then before hearing examiner	Only if appealed, then before hearing examiner	Only if appealed, then before city council	Yes, before council to render final decision	Yes, before council to render final decision	Yes, before council to render final decision	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Decision	Required	Required	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Recommendation Made By	Not applicable	Not applicable	Not applicable	Hearing examiner or planning commission	Staff	Planning commission	See Chapter 35A.14 RCW or the shoreline management master program
Final Decision Made By	Planning director	Planning director	Hearing examiner	City council	City council	City council	See Chapter 35A.14 RCW or the shoreline

							managem nt master program
Judicial Appeal	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Section 2.90.09 0	See Section 2.90.090	See Chapter 35A.14 RCW or the shoreline managem nt master program

(Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.073 Planned action review process.

The review process for a project that is proposed as a planned action shall be determined by the permits required for the planned action. Because an environmental impact statement will previously have been prepared, review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. A planned action includes a type of project action, or a subsequent project that implements an adopted subarea plan, master planned development, or phased project, that is designed by ordinance or resolution as a planned action and meets the criteria in RCW 43.21C.031(2)(a), WAC 197-11-164 and 168.

A. Verification.

A project proposed as a planned action shall be reviewed for consistency with the comprehensive plan and adopted planned action ordinance and for compliance with applicable development regulations and city ordinances.

To determine whether a proposed action qualifies as a planned action, planned action project review shall include:

1. Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in, the designating ordinance or resolution; and
2. Verification that the probable significant adverse environmental impacts of the project have been adequately addressed in the prior environmental impact statement through review of an environmental checklist or modified environmental checklist form provided by the city for this purpose as allowed by WAC 197-11-172 and 197-11-315.

B. Mitigation, public notice, and appeals.

All projects processed as planned actions shall comply with mitigation requirements set forth in applicable development regulations and city ordinances and the adopted planned action ordinance or resolution. Public notice and appeal procedures for projects that qualify as planned actions shall follow the requirements for the project permit. If notice is required, the notice shall state that the project has qualified as a planned action.

2.90.075 Public notice requirements.

A. Applicability. A notice of application is not required for actions which are classified as a Type I land use procedure under Section 2.90.060(G), and for actions specifically exempted under Section 2.90.040, Exemptions from state process requirements, but is required for all land development permit applications subject to notice requirements.

B. Notice of Development Application.

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

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

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

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

1. A description of the decision(s), including any conditions of approval.
 2. A statement explaining where further information may be obtained.
 3. Any threshold environmental determination issued for the project. If an application subject to an administrative approval requires an environmental threshold determination, the notice of administrative approval shall include the threshold determination and its appeal process.
 4. The decision and a statement that the decision will be final unless an appeal to the hearing examiner is filed with the planning director within fourteen days of the date of the decision.
- D. Notice of Public Hearing. Notice of a public hearing for all development applications subject to notification requirements and all open record appeals shall be given as follows:
1. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:
 - a. Publication at least ten days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city;
 - b. Mailing at least ten days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent and affected government agencies; and
 - c. Posting of not less than one notice per frontage at the site of the proposed development on or near the subject property at least ten days before the meeting, hearing, or pending action at or near the project site.
 2. Content of Notice. The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing, where further information may be obtained, and the following, or equivalent, statement: "If the hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required."
- E. Notice of Hearing Examiner Decision. Notice of hearing examiner decisions subject to notice requirements shall be made by the hearing examiner's office to all parties of record, the project proponent, the planning department, and affected government agencies. Notification shall be made by mail and must include:
1. A description of the decision(s), including any conditional approval.
 2. A statement explaining where further information may be obtained.
 3. Any threshold environmental determination issued and its appeal process.
 4. The decision date and a statement that the decision will be final unless an appeal to the city council is filed with the city clerk within fourteen days of the date of publication of the decision.

F. Notice of City Council Decision. Notice of city council decisions subject to notice requirements shall be made by the city clerk's office to all parties of record, the project proponent, the planning department, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval.
2. A statement explaining where further information may be obtained.
3. Any threshold environmental determination issued and its appeal process.
4. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the city council is filed with the superior court within fourteen days of the date of the decision. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.080 Application and decision—General.

A. Preapplication Meeting.

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

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

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

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

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

3. Preapplication Submittal Requirements. Preapplication meeting submittal requirements are available through the city of Sedro-Woolley's planning department.

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

B. Submittal of Formal Application. Applications, except appeals of administrative or environmental determinations, shall be filed with the planning department.

C. Letter of Completeness.

1. Timing. Within twenty-eight days after receipt of an application, the planning department shall provide a written determination that the application is deemed complete or incomplete according to

the submittal requirements as listed in Section 2.90.100(A), (B) or (C), and any site-specific information identified after a site visit. In the absence of a written determination, the application shall be deemed complete.

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

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

D. Notices to Applicant. The applicant shall be advised of the date of acceptance of the application and of the environmental determination. The applicant shall be advised of the date of any public hearing at least ten days prior to the public hearing.

E. Report by Planning Department.

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

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

F. Public Hearing.

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

2. Constitutes Hearing by Council. On applications requiring approval by the city council, the public hearing before the examiner, if required, shall constitute the hearing by the city council.

3. Hearing Rules. The examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter, subject to confirmation by the city council, and to administer oaths and preserve order.

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

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

G. Examiner's Decision.

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

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

3. Conditions. The examiner's recommendation or decision may be to grant or deny the application, or the examiner may require of the applicant such conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the city of Sedro-Woolley, and the approved preliminary plat, if applicable. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements and dedications of additional road rights-of-way. Performance bonds may be required to insure compliance with the conditions, modifications and restrictions.

4. Reconsideration of Examiner's Decision. Any interested person who believes that the decision of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written application for review by the examiner within fourteen days after the written decision of the examiner has been rendered or within fourteen days of the publication of decision, if required. The application shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further

information which shall be provided within ten days of the request. The examiner's written decision on the request for consideration shall be transmitted to all parties of record within ten days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later.

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

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

J. Expiration of Large-Scale or Phased Projects. For large-scale or phased development projects, the examiner may at the time of approval or recommendation set forth time limits for expiration which exceed those prescribed in this section for such extended time limits as are justified by the record of the action.

K. Council Action.

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

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

3. Applications to Be Placed on Council Agenda. Except for rezones, all applications requiring council action shall be placed on the council's agenda for consideration. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.090 Appeals.

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

1. Appeals to hearing examiner of administrative decisions and environmental determinations;
2. Appeals to city council;
3. Appeals to superior court; and

4. Appeals to the State Shorelines Hearings Board.

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

C. General Information Applicable to All Types of Appeals.

1. Standing. (Reserved)

2. Time to File. (Reserved)

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

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

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

6. Notice of Appeal. (Reserved)

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

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

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

9. Exhaust of Administrative Remedies. (Reserved)

D. Appeals to Examiner of Administrative Decisions and Environmental Determinations.

1. Applicability and Authority.

- a. Administrative Determinations. Any administrative decision may be appealed to the hearing examiner by submitting a written appeal to the planning department along with the applicable appeal fee.
- b. Environmental Determinations. Except for permits and variances issued pursuant to shoreline master program regulations, when any proposal or action is granted, conditioned, or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the hearing examiner under the provisions of this section.
- c. Authority. The examiner shall have all of the powers of the office from whom the appeal is taken insofar as the decision regarding the specific issue is concerned.

2. Standing.

- a. Standing for Filing Appeals of the City's Environmental Determinations. Appeals from environmental determinations as set forth in this title may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the city affected by such determination. Any agency or person may appeal the city's compliance with Chapter 197-11 WAC for issuance of a threshold determination.
- b. Standing for Appeals of Administrative Determinations Other Than Environmental. Appeals from administrative determinations of the city's land use regulation codes and from environmental determination required by the Sedro-Woolley environmental review regulations may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the city affected by such determination.

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

- a. Appeals of Environmental Determinations. Appeals of a final environmental determination under the Sedro-Woolley environmental review regulations shall be filed within fourteen days of publication of notice of such determination.
 - i. A Final DNS. The appeal of the DNS must be made to the hearing examiner within fourteen days of the date the DNS is final.
 - ii. A DS. The appeal must be made to the hearing examiner within fourteen days of the publication date of the DS in the official city newspaper.
 - iii. A Final EIS. The appeal of the FEIS must be made to the hearing examiner within twenty days of the date the permit or other approval is issued.

b. Appeals to Examiner of Administrative Determinations Other Than Environmental. Appeals from an administrative decision pursuant to this chapter shall be filed within fourteen days of the date that the action was taken or publication of notice of determination, if applicable.

The appeal from an administrative decision implementing a land use decision of the city council or the hearing examiner pursuant to this chapter shall be filed with the hearing examiner, along with the required fee, within fourteen days of the administrative decision or, if no date of administrative decision can be determined, within fourteen days of the issuance of any permit which requires interpretation of that land use decision, such administrative decision being an essential part of the issuance of the permit, license, or other city permission to proceed.

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

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

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

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

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

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

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

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

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

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

6. Examiner Decision.

a. Substantial Weight. The procedural determination by the SEPA responsible official or city staff shall carry substantial weight in any appeal proceeding. The hearing examiner shall give substantial weight to any discretionary decision of the city rendered pursuant to this chapter/title.

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

i. In violation of constitutional provisions; or

ii. In excess of the authority or jurisdiction of the agency; or

iii. Made upon unlawful procedure; or

iv. Affected by other error of law; or

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

iv. Arbitrary or capricious.

c. Time for Examiner's Decision. The hearing examiner shall render a written decision within ten days.

7. Appeal of Examiner Decision.

a. Appeal of Examiner's Decision to Council. Unless a specific section or state law providing for review of decision of the examiner requires review thereof by the superior court or other body, any interested party aggrieved by the examiner's written decision or recommendation may submit a notice of appeal to the city council, subject to subsection (C) of this section.

E. Appeals to City Council—Procedures.

1. Time for Appeal. Unless a specific section of state law providing for review of a decision of the examiner requires review thereof by the superior court or any other body, any interested party aggrieved by the examiner's written decision or recommendation may submit a notice of appeal to the planning director, within fourteen calendar days from the issuance date of the examiner's written report or date of publication, if applicable.

2. Notice to Parties of Record. Within five days of receipt of the notice of appeal, the planning director shall notify all parties of record of the receipt of the appeal.

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

4. Transmittal of Record to Council. Thereupon the planning director shall forward to the members of the city council all of the pertinent documents, including the written decision or recommendation, findings and conclusions contained in the examiner's report, the notice of appeal, and additional letters submitted by the parties.

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

6. Council Evaluation Criteria. The consideration by the city council shall be based solely upon the record, the hearing examiner's report, the notice of appeal and additional submissions by parties.

7. Findings and Conclusions Required. If, upon appeal of a decision of the hearing examiner on an application submitted pursuant to Section 2.90.060(F)(1), and after examination of the record, the council determines that a substantial error in fact or law exists in the record, it may remand the proceeding to examiner for reconsideration, or modify or reverse the decision of the examiner accordingly.

8. Council Action. If, upon appeal from a recommendation of the hearing examiner upon an application submitted pursuant to Section 2.90.060(F)(2), and after examination of the record, the council determines that a substantial error in fact or law exists in the record, or that a recommendation of the hearing examiner should be disregarded or modified, the city council may remand the proceeding to the examiner for reconsideration, or enter its own decision upon the application.

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

10. Council Action Final. The action of the council approving, modifying or rejecting a decision of the examiner shall be final and conclusive, unless appealed within the time frames established under subsection (F)(5) of this section.

F. Appeals to Superior Court.

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

2. **Applicability.** Any decision or order issued by the city pursuant to this section may be judiciary reviewed provided that available administrative appeals have been exhausted.
3. **Standing.** Those persons with standing to bring an appeal of a land use decision are limited to the applicant, the owner of property to which land use decisions are directed, and any other person aggrieved or adversely affected by the land use decision or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. The terms “aggrieved” and “adversely affected” are defined in RCW 36.70C.060.
4. **Content of Appeal Submittal.** The content, procedures and other requirements of an appeal of land use decision are governed by Chapter 36.70C RCW which is incorporated herein by reference as if fully set forth.
5. **Time for Initiating Appeal to Superior Court.**
 - a. **Appeals of Land Use Decisions.** An appeal to superior court of a land use decision, as defined herein, must be filed within twenty-one days of the issuance of the land use decision. For purposes of this section, the date on which a land use decision is issued is:
 - i. Three days after a written decision is mailed by the city or, if not mailed, the date on which the local jurisdiction provided notice that a written decision is publicly available;
 - ii. If the land use decision is made by ordinance or resolution by the city council, sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
 - iii. If neither (F)(5)(a)(i) nor (ii) of this subsection applies, the date the decision is entered into the public record.
 - b. **Appeal of Environmental Determinations.** Appeal to the superior court of the environmental decision and the substantive determination must be made within twenty days of the substantive determination and must be made by writ of review to the superior court of Washington for Skagit County.
6. **Appeals of Other Than Land Use Decisions—Superior Court.** Appeals to superior court from decisions other than a land use decision, as defined herein, shall be appealed within the time frame established by ordinance. If there is no appeal time established by an ordinance, and there is no statute specifically preempting the area and establishing a time frame for appeal, any appeal, whether through extraordinary writ or otherwise, shall be brought within twenty-one days of the decision.
- G. **Appeals of Shoreline Permit Decisions to Shorelines Hearing Board.**
 1. **Standing for Appeals to Shorelines Hearings Board.** Any person aggrieved by the granting or denying of a substantial development permit, a conditional use permit and/or a variance on shorelines of the city, or by the rescinding of a permit pursuant to the provisions of the shoreline master program, may seek review from the state of Washington Shorelines Hearing Board.

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

3. City Requires Copy of Appeal Notice. A copy of any such appeal notice shall likewise be filed with the planning department of the city of Sedro-Woolley.

4. Limited Utility Extensions and Protective Bulkheads—Appeals. Appeals of substantial development permits, for a limited utility extension as defined in RCW 90.58.140(11) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion, shall be finally determined by the legislative authority within thirty days. (Ord. 1627-08 § 1 (App. A)(part), 2008)

2.90.100 Submittal requirements—Specific to application type.

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

A. Table 2.90.100(A)—Building and Public Works Submittal Requirements (View Table 2.90.100(A) as a PDF).

B. Table 2.90.100(B)—Land Use Permit Submittal Requirements (View Table 2.90.100(B) as a PDF).

C. Definitions of Terms Used in Submittal Requirements for Building, Planning and Public Works Permit Applications.

1. Definitions A.

Action: Environmental review procedures, use only.

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

i. New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

ii. New or revised agency rules, regulations, plans policies, or procedures; and

iii. Legislative proposals.

b. "Actions" fall within one of two categories:

i. Project Actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(A) License, fund, or undertake any activity that will directly modify the environment, Whether the activity will be conducted by the agency, an applicant, or under contract.

(B) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land whether or not the environment is directly modified.

ii. Non-Project Actions. Non-project actions involve decisions on policies, plans, or programs such as:

(A) The adoption of amendment on legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(B) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(C) The adoption of any policy, plan or program that will govern the development of a series of connected actions (WAC 197-11-060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementations;

(D) Creation of a district or annexations to any city, town or district;

(E) Capital budgets; and

(F) Road, street, and highway plans.

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

"Administrative authority" means the planning director and/or the public works director of the city of Sedro-Woolley, or his/her duly authorized representative or agent.

"Affidavit of installation of public information sign" means a notarized statement signed by the applicant of applicant's representative attesting that the required public information sign(s) has been installed in accordance with city code requirements.

"Annexation, ten percent notice of intent" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least ten percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.

"Annexation, sixty percent petition" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least sixty percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of

record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.

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

“Applicant agreement statement” means a signed notarized statement indicating that:

- a. The applicant agrees to allow for the potential collocation of additional wireless communication facility equipment by other providers on the applicant’s structure or within the same site location; and
- b. That the applicant agrees to remove the facility within six months after that site’s use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

“Application fee” means the appropriate processing fee as required by the Sedro-Woolley Municipal Code.

“Application form, building” means the planning department form required for the type of work to be performed (e.g., grading permit application for grading work, sign permit application for installation of a sign, etc.). Information requested includes the following:

- a. Skagit tax assessor’s number for the property;
- b. Legal description of property;
- c. Street address, if applicable;
- d. Property owner’s name, address and phone number;
- e. Prime contractor’s business name, address, phone number, current state contractor registration number; and
- f. Either the name, address and phone number of the lender administering the interim construction financing, if any, or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount fifty percent or more than the total construction project.

“Application form, civil construction” means the city of Sedro-Woolley form used for all public works construction projects. Information requested includes the name, address, and telephone number for the project applicant and property owner, legal description, Skagit County tax assessor’s number, site area, area of impervious surface, description of work, preliminary cost estimate, and, if applicable, water meter size.

“Application form, master” means the city of Sedro-Woolley planning department combined land use permit application form used for most environmental and land use reviews. Information requested includes the name, address, and telephone number for the project applicant, all owners, contact person, tax account number for the property, and other site information.

“Approved testing agency” means an agency, as determined by the Washington Association of Building Officials, whose purpose is to provide special building inspection(s).

“Architectural plans, commercial, industrial, attached dwellings with three or more units” means a twenty-four-inch by thirty-six-inch plan prepared by an architect licensed in the state of Washington (unless project exempted by WAC 18-04-410) drawn at a scale of one-eighth inch equals one foot or one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- a. General building layout, both existing and proposed—indicate square footage of rooms, use of each room or area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, IBC occupancy group, and IBC type of construction;
- b. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, anchor bolts; insulation of walls, floors and roof/ceiling;
- c. Details of stairs, fireplaces and special construction, if any;
- d. Skagit County health department approval on plans submitted to the city for dining/food-handling establishments;
- e. Skagit County health department approval on plans submitted to the city for public pools/spas;
- f. Independent plan review by the State of Washington Labor and Industries Electrical Division for I and E occupancies;
- g. Asbestos assessment by the for interior demolition; and
- h. Independent review by State Department of Health for hospitals.

“Architectural plans, detached dwellings, semi-attached dwellings, and two attached dwellings” means an eighteen-inch by twenty-four-inch, minimum, plan drawn at a scale of one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- a. General building layout and room use;

- b. Window and door size and window ventilation area;
- c. Plumbing, duct, and electrical layout;
- d. Opening headers, size and material;
- e. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details;
- f. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;
- g. Special details as needed, (i.e., stairs, fireplaces, special construction); and
- h. Insulation of walls, slab, floors, and roof/ceiling.

“Assessment information” means records obtained from the Skagit County assessor’s office for each tax lot included in an area proposed for annexation. The records display all taxpayers of record and assessed value for each tax lot.

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

2. Definitions B. (Reserved)

3. Definitions C.

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

“Colored display maps” means full-size plan sheets of each of the following maps colored with a wide tip marker in order to clearly define the site’s outer property boundary, the area of new construction and/or proposed new lot lines (dashed), existing buildings, landscaping areas, and adjacent street names for use in presenting the project at public hearing and/or to the environmental review committee.

- a. Neighborhood detail map;
- b. Site plan;
- c. Landscaping plan; and
- d. Elevations.

“Conditional use permit justification” means a written description/justification setting forth the reasons in favor of the application and addressing the criteria listed in Section 17.56.060, Conditional use permits.

“Construction mitigation description” means a written narrative addressing each of the following:

- a. Proposed construction dates (begin and end dates);
- b. Hours of operation;
- c. Proposed hauling/transportation routes;
- d. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics;
- e. Any specialty hours proposed for construction or hauling (i.e., weekends, late nights); and
- f. Preliminary traffic control plan.

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

“Covenants, existing” means the recorded limitation on property which may be set forth in the property deed and/or identified in a title report.

4. Definitions D.

“Deeds (draft) to city for any land to be dedicated” means a legal document proposing to convey ownership of real property and including a legal description of the area to be dedicated.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

“Drainage plan” means the plan for receiving, handling, transporting surface water within the subject property.

“Drainage plan/map” means plans drawn to scale and stamped by a state of Washington licensed engineer and complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

“Drainage report” means a report stamped by a state of Washington licensed engineer complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

5. Definitions E.

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

“Easements, proposed” means a draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

“Elevations, architectural” means a twenty-four-inch by thirty-six-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot or one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- a. Existing and proposed ground elevations;
- b. Existing average grade level underneath proposed structure;
- c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;
- d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;
- e. Fence or retaining wall materials, colors, and architectural design;
- f. Architectural design of on-site lighting fixtures; and
- g. Cross-section of roof showing location and height of roof-top equipment (include air conditioners, compressors, etc.) and proposed screening.

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

“Energy Code Checklist, Residential” means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC or city-provided form detailing building components to be used to comply with the State Residents Energy Code.

“Engineering geologist” means a licensed geologist who is experienced and knowledgeable in engineering geology.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

“Engineering geology report” means a report that includes an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

“Environmental checklist” means the standard state of Washington form required under WAC 197-11-742 and 197-11-960.

“Erosion control plan, temporary” means drawings of the entire site showing the proposed erosion control measures for the project in conformance with the city of Sedro-Woolley drafting standards (or as approved by the public works department) and 2005 Department of Ecology’s Storm Water Management Manual for Western Washington as adopted by the city of Sedro-Woolley.

6. Definitions F.

“Final plat plan” means the final plat or final short subdivision map (for short subdivisions of five or more lots) shall be drawn to a scale of not less than one inch representing one hundred feet unless otherwise approved by the department, and on sheets eighteen inches by twenty-four inches. The original reproducible drawing shall be in black ink on stabilized drafting film, and shall:

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

- i. Include coordinates per city surveying standards for permanent control monuments.
- j. Display all interior permanent control monuments located per city surveying standards.
- k. Be mathematically correct.
- l. Contain a legal description of the land to be subdivided on the final mylar.
- m. Include certifications:
 - i. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.
 - ii. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.
 - iii. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.
 - iv. Certification by the Skagit County finance department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the Skagit County finance department in sufficient amount to pay the taxes for the following year.
 - v. Certification by the city finance department that there are no delinquent special assessments and that all special assessments certified to the city treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.
 - vi. Certification of approval to be signed by the planning director.
 - vii. Certification of approval to be signed by the mayor and attested by the city clerk.

Flood Hazard Data. "Flood hazard data" includes:

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

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

7. Definitions G.

“Grading plan” means a twenty-two-inch by thirty-four-inch plan drawn by a state of Washington licensed landscape architect at a scale of one inch to forty feet (horizontal feet) and one inch to ten feet (vertical feet) or other size plan sheet or scale approved by the planning department clearly indicating the following:

- a. Graphic scale and north arrow;
- b. Dimensions of all property lines, easements, and abutting streets;
- c. Location and dimension of all on-site structures and the location of any structures within fifteen feet of the subject property or which may be affected by the proposed work;
- d. Accurate existing and proposed contour lines drawn at five-foot, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet of the site;
- e. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains;
- f. Setback areas and any areas not to be disturbed;
- g. Finished contours drawn at five-foot intervals as a result of grading;
- h. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown; and
- i. General notes addressing the following (may be listed on cover sheet):
 - i. Area in square feet of the entire property.
 - ii. Area of work in square feet.
 - iii. Both the number of tons and cubic yards of soil to be added, removed, or relocated.
 - iv. Type and location of fill origin, and destination of any soil to be removed from site.
 - v. Finished floor elevation(s) of all structures, existing and proposed.

8. Definitions H.

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

“Heat loss calculation” means a State of Washington Energy Code mandated analysis performed to determine the heat loss of a structure in order to determine the size of the required heating equipment.

9. Definitions I.

“Installer certification” means Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a state-registration number.

10. Definitions J. (Reserved)

11. Definitions K. (Reserved)

12. Definitions L.

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

“List of current property owners and residents” means a listing of all current property owners and residents and their mailing addresses and Skagit County assessor’s account numbers within five hundred feet of the boundaries of the subject site as obtained from a title company or the Skagit County assessor’s office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. “Current” shall mean obtained within the past thirty days unless otherwise approved by the planning department.

13. Definitions M.

“Mailing envelopes” means postage-paid, addressed envelopes including the name, mailing address, and Skagit County assessor’s account numbers (optional) for all property owners and residents within five hundred feet of the boundaries of the subject site.

“Map of existing site conditions” means a plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topographical or five-foot contours or less, and structural and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

“Master application form” means the standardized application form used for the majority of land use permit applications including, but not limited to, the following:

- a. Owner, applicant, and contact person names, addresses and telephone numbers;

- b. Notarized signatures of all current property owners;
- c. Name of the proposed project;
- d. Project/property address;
- e. Skagit County assessor's tax account number;
- f. Existing and proposed land uses;
- g. Existing and, if applicable, proposed comprehensive plan map designation;
- h. Existing and, if applicable, proposed zoning designation;
- i. Site area;
- j. Estimated project cost;
- k. Whether or not the project site contains any environmentally sensitive areas; and
- l. Property legal description.

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

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

14. Definitions N.

"Neighborhood detail map" means a map, drawn at a scale of one inch equals one hundred feet or one inch equals two hundred feet (or other scale approved by the planning department). The map shall show the location of the subject site relative to the property boundaries of the surrounding parcels within approximately one thousand feet or approximately two thousand five hundred feet for properties over five acres and identifying the subject site with a darker perimeter line than that of surrounding properties. The map shall also show the property's lot lines, existing land uses, building outlines, city boundaries of the city of Sedro-Woolley (if applicable), north arrow (oriented to the top of the plan sheet), graphic scale used for the map, and street names for all streets shown.

15. Definitions O. (Reserved)

16. Definitions P.

“Parking, lot coverage, landscaping analysis” means a listing of the following information (may also be included on the first sheet of the site plan):

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

“Plat certificate” means a document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication and listing all encumbrances. In the case of a final plat, the certificate shall be dated within forty-five days prior to the granting of the final plat by the city council.

“Planned Action” is defined in WAC 197-11-164 as one (1) or more types of project action that has had significant environmental impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with the Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project.

a. A project action addressed in a planned action does not require an environmental checklist or threshold determination, but may require the checklist for review to mitigate environmental impacts through the site plan review process.

b. To qualify, a project action shall:

i. Be subsequent to or implementing projects in a Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project;

ii. Be located within the City's adopted urban growth areas;

iii. Be consistent with the Comprehensive Plan;

iv. Not be an essential public facility, as defined in RCW 36.70A.200.

c. The City Council shall designate and approve by ordinance a planned action. The ordinance:

i. Shall describe the type(s) of project action being designated as a planned action;

ii. Shall describe how the planned action meets the criteria in subsection (b) of this section, including specific references to the EIS;

iii. Shall include findings that the environmental impacts have been identified and adequately addressed in the EIS, subject to project review under WAC 197-11-172;

iv. Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as a planned action.

d. The planned action may be limited to certain types of development, to specific geographical areas of the City, and/or a time period identified in the EIS, plan, ordinance or resolution.

e. Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. Review of the project shall include:

i. Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;

ii. Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

"Plumbing plan" means plans as required by the currently adopted Uniform Plumbing Code (UPC) and state amendments.

"Preliminary plat or binding site plan" means a plan, with a two-inch border on the left edge and one-half-inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the planning department) and shall include the following:

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

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

- c. Legal description of the property to be subdivided.
- d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet.
- e. Vicinity map (a reduced version of the neighborhood detail map as defined above).
- f. Drawing of the subject property with all existing and proposed property lines dimensioned. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Indicate the required yards (setbacks) with dashed lines.
- g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way.
- h. Names, locations, types, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.
- i. Location, distances from existing and new lot lines, and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements.
- j. Location of existing conditions on or adjacent to the site which could hinder development.
- k. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area.
- l. A legend listing the following included on the first sheet of the preliminary plat plan:
 - i. Total area in acres;
 - ii. Proposed number of lots;
 - iii. Zoning of the subject site;
 - iv. Proposed square footage in each lot; and
 - v. Percentage of land in streets and open space.
- m. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.
- n. Contours and Elevations. Shall include contour and/or elevations (at five-foot vertical intervals minimum) to the extent necessary to accurately predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed plat.
- o. Zoning. Shall indicate the zoning applicable to the land to be platted, subdivided or dedicated and of the land adjacent and contiguous.

“Project information sheet” means an eight and one-half-inch by eleven-inch sheet of paper listing the following information:

- a. Job address;
- b. Property owner’s name;
- c. Skagit County tax assessor’s number;
- d. Legal description of property.

“Project narrative” means a clear and concise description and summary of the proposed project, including the following:

- a. Project name, size and location of site;
- b. Zoning designation of the site and adjacent properties;
- c. Current use of the site and any existing improvements;
- d. Special site features (i.e., wetlands, water bodies, steep slopes);
- e. Statement addressing soil type and drainage conditions;
- f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);
- g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);
- h. Total estimated construction cost and estimated fair market value of the proposed project;
- i. Estimated quantities and type of materials involved if any fill or excavation is proposed;
- j. Number, type and size of trees to be removed;
- k. Explanation of any land to be dedicated to the city; and
- l. For shoreline applications only:
 - i. Name of adjacent water area or wetlands;
 - ii. Nature of existing shoreline—describe:
 - (A) Type of shoreline (i.e., lake, stream, lagoon, marsh, bog, floodplain, floodway);
 - (B) Type of beach (i.e., accretion, erosion, high bank-low bank);
 - (C) Type of material (i.e., sand, gravel, mud, clay, rock, riprap); and
 - (D) The extent and type of any bulkheading; and

iii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project; and

m. The proposed number, size, and density of the new lots, for subdivision applications only.

“Proposal description” means a complete, unabridged copy of the proposal (i.e., draft ordinance, resolution, plan or policy) and all attachments.

“Proposal summary” means a concise description of the scope, intent and timing of the proposal.

“Public works approval letter” means written confirmation from the public works department that all required improvements have been substantially installed or deferred and authorizing the submittal of the final plat, final short plat, final binding site plan, or final PUD application.

17. Definitions Q. (Reserved)

18. Definitions R.

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

“Roadway construction plans” means plans prepared by a state of Washington licensed civil engineer as detailed by the document City of Sedro-Woolley Public Works Department Standards.

19. Definitions S.

“Screening detail, refuse/recycling” means a detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings.

“Short plat or binding site plan map, final” means a plan, with a two-inch border on the left edge and one-half inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.010 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on eighteen-inch by twenty-four-inch plan sheet(s) (or other scale approved by the planning director). The reproducible original shall be in black ink on stabilized drafting film and shall include the following:

- a. Name and location of the short plat or binding site plan;
- b. Space reserved for “city of Sedro-Woolley file number” (large type) at top of first sheet;
- c. Legal description of the property;
- d. Date, graphic scale, and north arrow;

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

v. Certifications by:

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

w. Signature and date line for:

- i. All property owners (signatures must be notarized with an ink stamp);
- ii. The Skagit County assessor;
- iii. The city of Sedro-Woolley city clerk-treasurer with the following text preceding: "There are no delinquent special assessments and any special assessments for any dedicated property herein contained have been paid in full"; and
- iv. The public works director.

"Short plat map, preliminary" means a fully dimensioned plan, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the planning director) and including the following information:

- a. Name of the proposed short plat (and space for the future city file number);
- b. Names and addresses of the engineer, licensed land surveyor, and all property owners;
- c. Legal description of the property;
- d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;
- e. Vicinity map (a reduced version of the "neighborhood detail map" as defined above);
- f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;
- g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots;
- h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;
- i. Contours and elevations at minimum five-foot vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed short plat;

- j. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;
- k. Location of existing conditions on or adjacent to the site which could hinder development;
- l. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area; and
- m. A legend listing the following included on the first sheet of the short plat plan:
 - i. Short plat;
 - ii. Proposed number of lots;
 - iii. Zoning of the subject site;
 - iv. Proposed square footage in each lot; and
 - v. Proposed square footage of land in streets and open space.

“Sign plans” means a plan drawn at a scale approved by the building official clearly indicating the following:

- a. Footing connections to building, size of supports and materials used in supports and sign itself;
- b. Elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines; and
- c. Elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

“Site plan, commercial, industrial, multifamily” means a twenty-four-inch by thirty-six-inch plan drawn by a state of Washington licensed architect at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

- a. Scale and north arrow;
- b. Legal description;
- c. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, alleys and easements;
- d. Condition of all public rights-of-way and verification of right to use easements;
- e. Off-street parking layout and driveways;

- f. Curbs, gutters, sidewalks, paving, storm drainage, meters (domestic and fire), and grease interceptors;
- g. Grading plan showing proposed and existing contours and site elevations;
- h. Landscaped areas, irrigation meters;
- i. Lighting and sign structures (new and existing);
- j. Location of garbage containers and recycling storage;
- k. Fire hydrant locations (new and existing) within three hundred feet of building;
- l. For wireless communication facilities, indicate type and locations of existing and new plant materials used to screen facility components and the proposed color(s) for the facility;
- m. General notes addressing the following (may be listed on cover sheet):
 - i. Full name of the project;
 - ii. Name, address, and telephone number of owner and agent(s);
 - iii. Existing zoning of the project site;
 - iv. Area, in square feet, of the project site;
 - v. Reference to the current International Building Code (i.e., IBC and date of current adopted version);
 - vi. Proposed use of each building (if multifamily, the number of dwelling units);
 - vii. IBC occupancy group designation;
 - viii. IBC type of construction of all buildings;
 - ix. Allowable and proposed building height and number of stories of new buildings;
 - x. Square footage (by floor and overall total) of each individual building and/or use;
 - xi. Total square footage of all buildings (footprint of each building);
 - xii. Allowable area calculation;
 - xiii. Occupancy load (maximum capacity) of each building;
 - xiv. Percentage of lot coverage;
 - xv. Square footage of all landscaping (total, parking lot, and wildlife habitat);
 - xvi. Seismic zone of the project site;

- xvii. Floor, roof, and wind design loads;
- xviii. Identity of special inspection agency selected by the owner to perform special inspections;
- xix. Building setbacks required by code;
- xx. Proposed building setbacks;
- xxi. Parking analysis, including:
 - (A) Number of stalls required, by use; number of stalls provided, by use;
 - (B) Sizes of stalls and angles;
 - (C) Location and number of handicap stalls, compact, employee and/or guest parking stalls;
 - (D) Location and size of curb cuts;
 - (E) Traffic flow within the parking, loading, and maneuvering areas and ingress and egress;
 - (F) Location of wheel stops;
 - (G) Loading space;
 - (H) Stacking space; and
 - (I) Square footage of interior parking lot landscaping.

“Site plan, sign” means a twenty-four-inch by thirty-six-inch plan drawn at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

- a. Scale and north arrow;
- b. Location, identification and dimensions of all buildings, property lines, existing and proposed signs, streets, alleys and easements, and the setbacks from property lines and easements;
- c. Location and dimensions of off-street parking layouts and driveways;
- d. Location and dimensions of the landscaped areas;
- e. General notes addressing the following (may be listed on cover sheet):
 - i. Note if any proposed signage will flash or be animated;
 - ii. Name, address and telephone number of owner and agent(s);
 - iii. Zoning of the project site;

- iv. Street frontage(s) (in feet) for the site or, for multiple tenants building, indicate frontage of individual tenant space;
- v. Type (e.g., freestanding, wall, etc.), size and number of all existing signs;
- vi. Type, size and number of all proposed signs;
- vii. Reference to the current sign code; and
- viii. Wind design loads.

“Site plan, single-family/duplex” means an eight-and-one-half-inch by eleven-inch plan drawn at a scale of one inch to twenty feet or one inch to forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

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

“Stream and lake data” include the following information, prepared as specified:

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

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

i. In addition to any submittal requirements in this chapter, the site map(s) shall indicate:

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

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

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

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

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

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

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

(1) Avoid any disturbances to the stream, lake or buffer;

(2) Minimize any stream, lake or buffer impacts;

(3) Compensate for any stream, lake or buffer impacts;

(4) Restore any stream, lake or buffer area impacted or lost temporarily; and

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

(D) Any proposed alteration of lakes or streams shall be evaluated by the planning director using the above hierarchy.

“Street lighting plan” means a drawing showing the proposed lighting system, including luminaries, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans of the public works department and conforming to the city of Sedro-Woolley street light standards.

“Structural calculations” means an analysis of loads, materials, etc., prepared and stamped by a state of Washington licensed professional engineer.

“Structural plans” means twenty-four-inch by thirty-six-inch plans prepared and stamped by a state of Washington licensed professional engineer drawn at a scale of one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the permits

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

- a. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;
- b. Cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling; and
- c. Details of stairs, fireplaces and special construction, if any.

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

20. Definitions T.

“Topography map” means a map showing the existing land contours using vertical intervals of not more than five feet. For any existing buildings the map shall show the finished floor elevations of each floor of the building.

“Traffic study” means a report prepared by a state of Washington licensed engineer containing the elements and information in sufficient detail to define potential problems related to the proposed development and identify the improvements necessary to accommodate the development in a safe and efficient manner.

“Tree cutting/land clearing (tree inventory) plan” means a plan, based on finished grade, drawn to scale with the northern property line at the top of the paper clearly showing the following:

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

21. Definitions U.

“Utilities construction plans” means plans prepared by a state of Washington licensed civil engineer as stipulated by the city of Sedro-Woolley standards.

“Utilities plan, generalized” means a plan drawn on twenty-two-inch by thirty-four-inch plan sheets using a graphic scale of one inch equals twenty feet (or other scale or size approved by the public works department) clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown.

22. Definitions V.

“Variance justification” means a written statement setting forth the reasons in favor of the application and addressing the criteria listed in Chapter 17.60 which are used by the hearing examiner/administrative staff when reviewing the variance request.

23. Definitions W. (Reserved)

24. Definitions X. (Reserved)

25. Definitions Y. (Reserved)

26. Definitions Z. (Reserved)

(Ord. 1627-08 § 1 (App. A)(part), 2008)

[Home](#)

Attachment 2

Proposed Ordinance – Chapter 17.04

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON,
RELATING TO AMENDMENTS TO CHAPTER 17.04 SWMC REGARDING
DEFINITIONS FOR PLANNED ACTIONS.**

WHEREAS the requisite public hearings before the Planning Commission on May 19, 2015 and before the City Council on June 10, 2015 were preceded with appropriate notice, published on May 9, 2015; and

WHEREAS, the City is currently working together with the Port of Skagit, Skagit County and a team of consultants to develop plans, procedures and processes to facilitate the redevelopment of the Northern State Property that is under the current ownership of the State of Washington and managed by the Department of Enterprise Services. The plans and uses envisioned for the site include research & development facilities, manufacturing, hospitality and general commercial uses; and

WHEREAS, in order to support future redevelopment activities, a Planned Action Environmental Impact Statement will be utilized. A Planned Action Environmental Impact Statement in accordance with RCW 43.21.C.031(2) and WAC 197-11-164 the purpose of which is to emphasize quality environmental review of early planning efforts and early public input to shape decisions. The basic steps in designating planned action projects are to prepare an environmental impact statement (EIS), designate the planned action projects by ordinance, and review permit applications for consistency with the designated planned action. The intent is to provide more detailed environmental analysis during formulation of planning proposals, rather than at the project permit review stage. The Planned Action Ordinance is expected to encourage redevelopment and revitalization at the Northern State site and property owners and potential investors will be encouraged by the streamlined development process that takes place under the Planned Action; and

WHEREAS, the proposed code amendment will include a definition of Planned Action; and

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

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

SECTION 1. Recitals. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

SECTION 2. The City Council makes the following findings:

- A. The proposed ordinance is procedural.
- B. The proposed ordinance is needed to address adoption of a Planned Action Environmental Impact Statement and to review future development under an adopted Planned Action.
- C. Planned Action, as defined in WAC 197-11-164, will enable early environmental review of complex phased projects in accordance with RCW 43.21.C.031 (2) and WAC 197-11-164.
- D. The proposed amendment is supported by and implements the Sedro-Woolley Comprehensive Plan, Economic Element.
- E. Pursuant to Washington Administrative Code (WAC) 197-11-800(19), the proposed ordinance is categorically exempt from review under the State Environmental Policy Act (SEPA).
- F. The proposed ordinance is in the best interest of City of Sedro-Woolley citizens and promotes the health, safety and welfare of the citizens of the City of Sedro-Woolley.
- G. The proposed ordinance has been disseminated and opportunities have been provided for written comments and public hearing after effective notice.

SECTION 3. That Chapter 17.04.030 of the Sedro-Woolley Municipal Code is hereby amended to read as follows:

“Planned Action” is defined in WAC 197-11-164 as one (1) or more types of project action that has had significant environmental impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with the Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project.

- 1. A project action addressed in a planned action does not require an environmental checklist or threshold determination, but may require the checklist for review to mitigate environmental impacts through the site plan review process.
- 2. To qualify, a project action shall:

- a. Be subsequent to or implementing projects in a Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project;
 - b. Be located within the City's adopted urban growth areas;
 - c. Be consistent with the Comprehensive Plan;
 - d. Not be an essential public facility, as defined in RCW 36.70A.200.
3. The City Council shall designate and approve by ordinance a planned action. The ordinance:
 - a. Shall describe the type(s) of project action being designated as a planned action;
 - b. Shall describe how the planned action meets the criteria in subsection (b) of this section, including specific references to the EIS;
 - c. Shall include findings that the environmental impacts have been identified and adequately addressed in the EIS, subject to project review under WAC 197-11-172;
 - d. Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as a planned action.
4. The planned action may be limited to certain types of development, to specific geographical areas of the City, and/or a time period identified in the EIS, plan, ordinance or resolution.
5. Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. Review of the project shall include:
 - a. Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;

- b. Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

SECTION 4. Severability. If any section, subsection, sentence, clause, chapter, provision, or phrase of this ordinance or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the ordinance, chapter, or the application or the provisions to other persons or circumstances.

SECTION 5. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED AND ADOPTED this 10th day of June, 2015.

MIKE ANDERSON, Mayor

PATSY NELSON, Finance Director

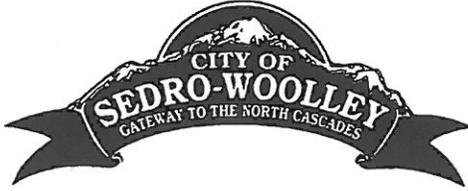
Approved as to form:

ERON BERG, City Attorney

Attachment 3

Planning Commission Findings and
Recommendation

Procedural Items
Notice of Public Hearing, and Commerce materials



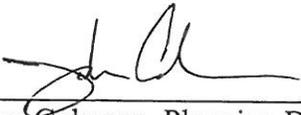
CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

TRANSMITTAL & REPORT MEMORANDUM

DATE: May 19, 2015

TO: Sedro-Woolley Planning Commission

REGARDING Proposed Amendments to Chapter 17.04 - Definitions and Chapter 2.90 - Consolidated Planning Procedures of the Sedro-Woolley Municipal Code

FROM: 
John Coleman, Planning Director

The following amendments are proposed and submitted by the Planning Department. This report serves as the staff report for the proposed amendments and was submitted in accordance with Chapter 2.90 SWMC.

FINDINGS OF FACT

PROPOSAL

Proposed are amendments to the Sedro-Woolley Municipal Code (SWMC) Chapter 17.04 (Definitions) and Chapter 2.90 (Consolidated Planning Procedures) adding the definition of Planned Action and treating Planned Actions as a process type.

Please see the attached code sections, labeled as **Exhibit A** and **Exhibit B**, formatted in a tracking program, so that the proposed changes to the code are easily identifiable.

BACKGROUND

Staff is continuously looking for ways to improve our municipal code. As staff applies our current code to projects, discrepancies are found and better ways to apply the code are discussed and eventually brought forward to the Planning Commission and City Council.

The City is currently working together with the Port of Skagit, Skagit County and a team of consultants to develop plans, procedures and processes to facilitate the redevelopment of the Northern State Property that is under the current ownership of the State of Washington and managed by the Department of Enterprise Services. The plans and uses envisioned for the site include research & development facilities, manufacturing, hospitality and general commercial uses.

In order to support future redevelopment activities, a Planned Action Environmental Impact Statement will be utilized. A Planned Action Environmental Impact Statement in accordance with RCW 43.21.C.031(2) and WAC 197-11-164 the purpose of which is to emphasize quality environmental review of early planning efforts and early public input to shape decisions. The basic steps in designating planned action projects are to prepare an environmental impact statement (EIS), designate the planned action projects by ordinance, and review permit applications for consistency with the designated planned action. The intent is to provide more detailed environmental analysis during formulation of planning proposals, rather than at the project permit review stage. The Planned Action Ordinance is expected to encourage redevelopment and revitalization at the Northern State site and property owners and potential investors will be encouraged by the streamlined development process that takes place under the Planned Action.

Through the environmental impact statement review, the Planned Action EIS, which will study elements of the human and physical environment, will help the City identify impacts of development and specific mitigation measures in advance of development proposals. This level of study and detail will facilitate proposed development and will provide developers with the information that will be required to qualify as a Planned Action project.

The proposed code amendments will include a definition of Planned Action and identify the type of review that the adoption of a Planned Action ordinance requires as well as review of projects under an adopted Planned Action.

Staff recommends amending the Municipal Code as proposed. Future code amendments will be proposed to the Public Zone that will reflect the approved Planned Action, uses and development regulations.

The proposed amendments are supported by and implement the Sedro-Woolley Comprehensive Plan, Economic Element:

Goal E1: To develop a sound fiscal base.

Policy E1.1: Create employment opportunities within the Sedro-Woolley economy, particularly for residents who now commute to other distant employment areas.

Policy E1.2: Participate with other public agencies and private interests in labor force training programs that take advantage of traditional resources.

Policy E1.3: Identify and promote sites which can be developed for a variety of local employment projects. Promote development of business and industrial parks, office and professional centers, and specialized commercial and entertainment centers.

PROPOSAL REVIEW PROCESS

- A SEPA threshold Determination of Non-Significance was not required for the procedural amendments.
- Public Notice of the Planning Commission Hearing was published on May 8, 2015.
- The State Department of Commerce (COMM) was notified of the proposed amendments on April 30, 2015, an acknowledgment letter of the receipt of that notice was received May 4, 2015 (COMM material ID #21237). Expedited review of the proposed amendments was granted via email on May 19, 2015.

RECOMMENDATION

Staff Recommends that the Planning Commission review the proposed amendments to Chapter 17.04 (Definitions) and Chapter 2.90 (Consolidated Planning Processes), hold a public hearing and make a recommendation to the City Council to adopt the amendments (with PC recommended amendments if applicable).

NOTICE OF HEARING PUBLISHED IN THE SKAGIT VALLEY HERALD: May 8, 2015

EXHIBITS:

- A. Chapter 2.90 Proposed Code Amendments Formatted in Tracking Program
- B. Chapter 17.04 Proposed Code Amendments Formatted in Tracking Program
- C. Procedural Items: Notice of Public Hearing, and Commerce materials

CONCLUSIONS

The Planning Commission, having reviewed the Planning Department Transmittal and Report Memorandum and hearing public testimony, makes the following conclusions:

1. Adoption of the proposed amendments to Chapters 17.04 and 2.90 of the SWMC comply with the State GMA, have been approved by the State Department of Commerce, and have been adequately vetted through the public review process; and
2. Adoption of the proposed amendments to Chapters 17.04 and 2.90 of the SWMC are in conformance with the goals and policies of the Sedro-Woolley Comprehensive Plan.

DECISION

Based upon the foregoing, the Planning Commission recommends approval of amendments to Chapters 17.04 and 2.90 of the SWMC, found herein as Exhibits A and B.

CERTIFICATION

The City of Sedro-Woolley Planning Commission hereby recommends to the City Council **APPROVAL** of amendments to Chapter 17.04 SWMC and Chapter 2.90 SWMC to address Planned Actions as a vital tool to facilitate review and processing of large scale development projects, at a **REGULAR** meeting of the City of Sedro-Woolley Planning Commission held on **Tuesday, May 19, 2015**, at which time a quorum was present and the decision was for approval by a vote of **5 FOR, 0 AGAINST, and 0 ABSTENTIONS**.

Patrick Huggins, Planning Commission Chair

Date



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

May 4, 2015

John Coleman
Planning Director
City of Sedro Wolley
325 Metcalf Street
Sedro-Woolley, Washington 98284

Dear Mr. Coleman:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Sedro-Woolley - Proposed amendment to Chapters 2.90 and 17.04. Proposed changes add definition and process to approve Planned Action Ordinances and determinations. These materials were received on April 30, 2015 and processed with the material ID # 21237. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce may deny expedited review and the standard 60-day review period will end on June 29, 2015. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than May 18, 2015. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

Pursuant to RCW 36.70A.106(3)(b), the following jurisdiction provides notice of a proposed development regulation amendment and requests expedited state agency review under the Growth Management Act.

*****Under statute, proposed amendments to comprehensive plans are not eligible for expedited review. The expedited review period is 10 business days (14 calendar days).***

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	City of Sedro-Woolley
Mailing Address:	325 Metcalf Street Sedro-Woolley, WA 98284
Date:	

Contact Name:	John Coleman
Title/Position:	Planning Director
Phone Number:	(360) 855-0771
E-mail Address:	jcoleman@ci.sedro-woolley.wa

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	Proposed amendment to Chapters 2.90 and 17.04. Proposed changes add definition and process to approve Planned Action Ordinances and determinations. <i>See attached amended code sections.</i>
Public Hearing Date:	Planning Board/Commission: May 19, 2015 Council/County Commission: May 27, 2015
Proposed Adoption Date:	June 3, 2015

REQUIRED: Attach or include a copy the proposed amendment text.

SKAGIT PUBLISHING
 C/O ISJ PAYMENT PROCESSING CENTER
 PO BOX 1570
 POCATELLO ID 83204-1570
 (360)424-3251

ORDER CONFIRMATION

Salesperson: Jeanette Kales

Printed at 05/06/15 08:45 by jka30

Acct #: 228136

Ad #: 1280353

Status: N

CITY OF SEDRO-WOOLLEY PUBLIC WORKS
 325 METCALF ST
 SEDRO WOOLLEY WA 98284

Start: 05/08/2015 Stop: 05/08/2015
 Times Ord: 1 Times Run: ***
 STDS 1.00 X 9.31 Words: 217
 Total STDS 9.50
 Class: 0001 LEGAL NOTICES
 Rate: LACR Cost: 100.23
 # Affidavits: 1

Contact:

Phone: (360)855-0771

Fax#:

Email: jcoleman@ci.sedro-woolley.wa

Agency:

Ad Descrpt: SVH-1280353

Given by: *

Created: jka30 05/06/15 08:39

Last Changed: jka30 05/06/15 08:45

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
SVH	A	97	W	05/08/15	1	05/08/15	SMTWTFS
WEB	A	97	W	05/08/15	1	05/08/15	SMTWTFS

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

 Name (print or type)

 Name (signature)

(CONTINUED ON NEXT PAGE)

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(360)424-3251

ORDER CONFIRMATION (CONTINUED)

Salesperson: Jeanette Kales

Printed at 05/06/15 08:45 by jka30

Acct #: 228136

Ad #: 1280353

Status: N

**NOTICE OF
PUBLIC HEARINGS
CITY OF
SEDRO-WOOLLEY
Amendments to
Development
Regulations and
Comprehensive Plan**

The City of Sedro-Woolley Planning Commission will hold public hearings on **May 19, 2015 at 6:30 PM**, at the Sedro-Woolley Council Chambers located at 325 Metcalf Street, to hear testimony regarding following proposed amendments to the City Comprehensive Plan and Development Regulations:

1. Proposed amendments to the Sedro-Woolley Municipal Code Chapter 17.04 (Definitions) and Chapter 2.90 (Consolidated Planning Procedures) adding a definition of Planned Action and identify the process and review for future Planned Action projects.
2. Proposed amendments to the Sedro-Woolley Municipal Code Chapter 17.92 (Recreational Marijuana Producers, Processors and Retailers) to address potential odors from processors and producers.
3. Proposed amendments to the Land Use Element of the Comprehensive Plan including a review of the Urban Growth Area boundaries as related to the city's 20-year population and employment projections. File #CPA1-15

Interested parties can comment on the proposed changes in writing or at the hearing. **Written comments must be received by 4:30 PM May 19, 2015** to be considered at this public hearing. Send written comments to: Sedro-Woolley Planning Department, 325 Metcalf Street, Sedro-Woolley, WA 98284. Complete project files are available for review at the Planning Department between the hours of 8:00 AM to 5:00 PM, Monday through Friday.

Published
May 8, 2015
SVH-1280353

John Coleman

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Tuesday, May 19, 2015 7:35 AM
To: John Coleman
Cc: Andersen, Dave (COM)
Subject: 21237, City of Sedro-Woolley, Expedited Review Granted, DevRegs

Dear Mr. Coleman:

The City of Sedro-Woolley has been granted expedited review for the: Proposed amendment to Chapters 2.90 and 17.04. Proposed changes add definition and process to approve Planned Action Ordinances and determinations. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Sedro-Woolley has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

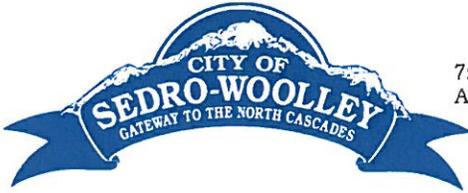
If you have any questions, please contact reviewteam@commerce.wa.gov

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525

CITY COUNCIL AGENDA
REGULAR MEETING

JUN 10 2015



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) 855-1661
Fax (360) 855-0707

Christine Salseina
Deputy Clerk

MEMO TO: City Council
FROM: Christine Salseina, Deputy Clerk
RE: **Report of Contracts approved under SWMC 2.104.060**
DATE: June 10, 2015

The following agreement(s) were approved and are provided for your information:

<u>Contract</u>	<u>Purpose</u>	<u>Date</u>	<u>Dollar Amount</u>
1. Public Safety Testing, Inc.	Testing Services	5/21/2015	\$800.00

Contract(s) available in their entirety at the Finance Department