



## City Council Minutes – June 5, 2006

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At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of Monday, June 5, 2006 to order. Roll call found present Loren Hoboy, Nick Petrish, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson, and Brian Geer. Roll call was followed by the Pledge of Allegiance.

### Minutes of Previous Meeting

Mrs. Richardson recommended that the following sentence be deleted from page 2: "~~As written, this Ordinance would require a developer to retain potentially hazardous trees.~~" With that correction, Mr. Petrish moved, seconded by Mr. Geer, that the minutes of May 15, 2006 be approved as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

### Citizen Hearings

No citizens present wished to testify on matters not on the agenda.

### Mayor/Council Communication

Mayor Maxwell presented a *Life Saving Commendation* for Police Officer Chad Pruiett whose bravery and selflessness was responsible for saving a life and the prevention of a tragic drowning. He is to be commended for placing his own life at risk to assure the safety of a member of our community. Officer Pruiett received the Commendation to a standing ovation. Police Chief Mike King added that it was a pleasure and honor to award this commendation; Officer Pruiett's actions were representative of the City's officers who, when called, are willing to take the risks and make the sacrifices that are being honored this evening.

Ms. Nicole Johnston, the Recreation Coordinator for the Parks and Recreation Department, reported on the 14<sup>th</sup> annual Kids All American Fishing Derby at Heart Lake. Of the 83 participants, 53 caught fish. Ms. Johnston said that the event would not have been possible without the support of the Fidalgo Chapter of the Puget Sound Anglers. The club members used their boats and equipment to take the children fishing; they also fed the families and participants. Ms. Johnston then presented a Certificate of Appreciation to Angler club member, Mr. Karl Frantz together with thanks from the City of Anacortes Parks Department. Mr. Frantz said he took two young men out in his boat and they both caught their first fish. Mr. Frantz, an employee of the City at the Water Treatment Plant, thanked the Parks Department personnel for allowing the Anglers to participate in this positive event.

The Mayor then read the first of two Proclamations: A Proclamation designating Anacortes as "A City of One" participating in a global movement to significantly reduce poverty in 2006; the Mayor thanked Anacortes High School student, Ms. Lindsey Hearn, for her advocacy and for this noble cause and for bringing community focus to this significant campaign.

The Mayor read a Proclamation designating June 2006 as Hire-a-Veteran Month in the City of Anacortes; the Proclamation reads, in part, "Whereas, we recognize those who have responded without hesitation to the call to duty and have served to make our country free, and those men and women that are serving today to keep our country free, especially our troops in troubled spots around the world."

The Mayor asked for Council confirmation of the reappointment of Mr. David Staton as the third ward representative on the Anacortes Improvement Board. Mr. Parrish so moved, seconded by Mr. Hoboy. The vote was unanimous.

There will be a Public Safety Committee meeting June 6<sup>th</sup> 4:00 p.m. at the Anacortes Police Department.

Mr. Geer thanked the Mayor, City of Anacortes, and the citizens who participated in the Relay for Life fundraising event - total donations to date: \$82,000. This significant effort to carry on the fight against cancer will continue through August 31<sup>st</sup>.

Mrs. Richardson wished the Mayor a Happy Birthday.

**Tree Ordinance: Planning Sub-committee Recommendation**

By way of background, Mr. Ian Munce, Planning Director, explained that the Council's subcommittee met to review how the proposed tree preservation element can be incorporated into existing land clearing and landscaping statutes. Discussions have been held on updating land clearing provisions to include expanded environmental reviews, larger performance bonds, and arborist assessments. Additionally, significant restrictions will be placed on new development: If property is subdivided, those actions will trigger tree preservation requirements. Mr. Munce added that the landscaping code specifies that shrubbery alone is acceptable as ground cover; in the proposed language half of plantings would typically be trees that grow to over 20' at maturity. It was agreed that drafts of the modified ordinances will be brought back to Council for review and possible adoption.

**Consent Agenda**

Mrs. Richardson moved, seconded by Mr. Adams, to approve the following Consent Agenda items. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

**Approval of Vouchers/Cancellation of Warrants**

Council voted unanimously that the following vouchers/warrants audited and certified by the City's Auditing Officer (Finance Director) and subsequently reviewed and approved by the Council Finance Committee on May 18, 2006, May 25, 2006, and June 1, 2006 are approved for payment as of this date June 5, 2006.

**Claims Warrants**

May, 2006: Warrant Numbers 36450 through 36702 in the total amount of \$730,209.25

**Prewritten Warrants:**

May, 2006: Warrant Numbers 36447, 36448, 36449 in the total amount of \$5,830.94

**Payroll # 1 for May 15, 2006 in the total amount of \$450,198.06**

Warrant Numbers 29112 through 29179 in the total amount of \$66,784.88

Direct Deposit Numbers 18418 through 18566 in the total amount of \$241,743.15

EFT Numbers 550 through 555 in the total amount of \$141,670.03

In the same motion Council:

Approved the Anacortes Arts Festival Street Fair application and associated downtown street closures for August 4, 2006 and August 5, 2006 from 10:00 a.m. to 9:30 p.m., and August 6, 2006 from 10:00 a.m. to 5:00 p.m. Staff recommends approval subject to applicant's submitted plan and conditions regarding services. Mrs. Pickett asked that the City streets remain open until 6:00 p.m. on Thursday night.

**Award: Stevenson Road Sewer Contract**

Mr. Fred Buckenmeyer, Assistant City Engineer, explained to the Council and audience that portions of the City in the March point area south of Highway 20 are currently on septic systems. The City initiated the design for sanitary sewer in this area in 2002; the City has also worked with several property owners in the area to seek grant money for economic development. The request before Council is to award the construction contract for the Reservation, Stevenson, and Thompson Roads Sanitary Sewer extension construction project, Contract # 03-012-SEW-005. If awarded, a future budget amendment for the project will be required. Additionally, a Conditional Use application has been submitted for a small wetland buffer encroachment. Approximate project cost is \$710,000. With that, Mr. Turner moved, seconded by Mr. Geer, to award Contract # 03-012-SEW-005 to Trico Contracting in the amount of \$682,412.04. Vote: Ayes – Turner, Richardson, Geer, Hoboy, Petrish, Pickett, and Adams. Motion carried.

**Interlocal Agreement with Port of Anacortes/Arts Commission**

Mr. Gary Robinson, Park and Recreation Director, presented an Interlocal Agreement for Council review and adoption. The agreement establishes a structure for the Arts Commission to assist the Port in selecting artwork for their central plaza at the Cap Sante Boat Haven. Mr. David Cortelyou, art commission member, reported that the Commission has worked with the Port, with Island Hospital in acquiring fine art for their remodel project, and has had discussions with the State relative to the Ferry Terminal artwork selection process. The Commission has encouraged various types of artwork throughout the community. Mr. Adams commended the work of the Commission. With that, Mr. Hoboy moved, seconded by Mr. Geer, to authorize the Mayor to enter

into an Interlocal Agreement with the Port of Anacortes regarding the City of Anacortes Arts Commission – Selection of Artist and Conceptual Design for Central Plaza Placemaker at the Cap Sante Boat Haven.” Vote: Ayes - Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

**Closed Record Meeting: Woods at Sunset Cove Planned Unit Development (PUD) and Conditional Use Permits**

Mr. Geer said that he lives on Shannon Road near this project. Neither the applicant nor the appellant objected to Mr. Geer’s participation. Mayor Maxwell initiated the Closed Record Meeting for the Woods at Sunset Cove Planned Unit Development and Conditional Use Permit applications. Mr. Ian Munce outlined the procedure for this PUD project. The Planning Commission held Public Hearings, took public testimony, and conducted a site visit; all the extensive and complete application materials, exhibits, transcripts, and recommendations were forwarded to Council for review.

Mr. Munce then outlined the features of the project. Substantial buffer averaging is requested. The property was platted many years ago and the preliminary proposal re-designs rather than uses the old grid system; as a result the Woods lot layout better suits the terrain and works around the wetland areas. Mr. Munce then used a series of overheads to highlight the project area located off of Sunset Avenue and adjacent to Sunset Cove. Staff supports buffer area averaging in exchange for the wetland and buffer area (just over 7 acres) being deeded to the City; in that regard, half the site would be in protected open space. While current zoning would allow for 52 units, the Woods proposal is for 25 units. No deviations from City standards were requested; small lots are proposed; infrastructure will maintain the existing water balance; and Public Works will manage the detention levels and discharge rates. Final engineering will be brought back at the preliminary plat process. The Planning Commission recommends approval subject to 37 conditions. One appeal was filed.

Mr. Ross O. Barnes, 1004 7<sup>th</sup> Street, referred to his appeal and supporting documents. Speaking on behalf of himself and Evergreen Islands, he addressed issues that are not clarified in the existing conditions. In particular, lots on the north are reverse frontage lots and he recommended revisions for lots 1, 7, and 8 setbacks. He then challenged the water balance calculations submitted as part of the application; Mr. Barnes also discussed his concerns regarding water flow with regard to drainage basin C. He asked for clarification on the methods to be used.

Mr. Glenn J. Amster, attorney with Lane Powell, 420 5<sup>th</sup> Avenue, spoke on behalf of the applicant, Chaffey Homes. Mr. Amster underscored that while the property is platted for 52 lots, the proposed lot layout adds design flexibility as the code suggests. That, together with a buffer averaging and reduced setbacks proposal, will provide for quality home sites. None of the next door neighbors filed an appeal of the Planning Commission recommendation. Further, the City’s code establishes that the setbacks are to be determined by the Planning Coordinating Committee during the Final Development (Preliminary Plat) phase. With regard to the drainage issue, Mr. Barnes has introduced a new argument with his criticism of the hydrological analysis. Mr. Amster asked Council to reject Mr. Barnes’ interpretations of the reports submitted with respect to retaining a predevelopment water regime.

Mrs. Richardson asked for a clarification of the proposed setbacks. Ms. Marianne Manville-Ailles of Skagit Surveyors, said that reduced setbacks were requested so that design flexibility can be maintained; she referenced the project narrative for more detail. The proposal also includes upgrades to the drainage system in order to maintain the existing flows but not to exceed them. Mr. Fred Buckenmeyer, Assistant City Engineer, using an overhead display, described the water flow/drainage system in the project area. An increase in flow is not anticipated with the proposed mitigation. Mr. Hoboy suggested that “storm” be deleted in condition # 15. Mr. Adams emphasized the flexibility of this proposal and benefit to the community. Mrs. Richardson suggested certain amendments: add to Condition # 16 “... and shall also be subject to a Native Growth Protection Easement.”; add to Condition # 23 “.. trees shall be included along all street frontages;” various typos were addressed; add to Condition # 37 “...and herbicides”; add two Conditions # 38 “Building setbacks adjacent to the wetland buffer shall be 20’ minimum.”; and Condition # 39 “front yard setbacks shall be 20 feet; rear yard setbacks shall be 10’; side yard setbacks shall be 5’; except 10’ side yard setbacks on corner lots; and lot coverage shall not exceed 45%.”

Mrs. Pickett responded that it was clarified earlier in the discussion that setbacks would be designated at the Preliminary Plat stage. Mr. Hoboy supported Mrs. Richardson’s buffer setback suggestion. Mr. Munce responded that these proposed changes may well cause a loss of the unique public benefit provided by this

project. Mr. Turner suggested the use of an arborist to monitor lots adjacent to the buffer. After discussion, Mr. Adams moved, seconded by Mrs. Pickett, to approve the Woods at Sunset Cove Preliminary Development Plan together with the Findings of Fact and Conclusions of Law as recommended by the Planning Commission. Mr. Hoboy moved to amend the motion to include Mrs. Richardson's amendments. Mrs. Richardson seconded the motion. Vote on the amendment: Ayes – Hoboy, Richardson No - Geer, Petrish, Pickett, Adams, and Turner. Motion failed. Vote on the main motion: Ayes – Petrish, Pickett, Adams, Turner, Richardson, and Geer. No – Hoboy. Motion carried.

**Public Hearing: 2006 Development Regulations (referral to Planning Commission)**

Mayor Maxwell opened the Public Hearing to consider which proposals should receive further consideration as part of the 2006 Comprehensive Plan (CP) and Development Regulation (DR) Amendment process:

Mr. Ian Munce, Planning Director, reviewed the three new proposals: (1) De-list the Anaco Bourn as a stream protected under the City's Critical Area Ordinance. (2) Delete the requirement that wetlands only be delineated by a professional wetland scientist. (3) Add a specific "Reasonable Use" exemption to stream regulations. Staff recommends that all three items be brought forward for Planning Commission consideration. The Planning Commission will also consider the remaining items from 2005 at that time. There were no further comments and the Mayor declared the Public Hearing closed. With that, Mrs. Pickett moved, seconded by Mrs. Richardson, to move these three items forward for further consideration by the Planning Commission. Vote: Ayes - Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

**Executive Session**

At approximately 9:45 Mayor Maxwell announced that the City Council would convene in Executive Session to discuss City water rights litigation. At approximately 10:30 p.m. the Council reconvened and without taking any further action, continued the meeting to June 7, 2006 for the purpose of conducting the City Council Comprehensive Plan Work Session; Council then continued the meeting to June 12, 2006 for the purpose of conducting a Public Hearing: South Fidalgo Zoning and associated issues.