



## **City Council Minutes – December 1, 2008**

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At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of December 8, 2008 to order. Roll call found present: Kevin McKeown, Nick Petrish, Erica Pickett, Brad Adams, and Cynthia Richardson. Absent: Bill Turner and Brian Geer. Roll call was followed by the Pledge of Allegiance.

### **Minutes of Previous Meetings**

Mr. Richardson moved, seconded by Mr. McKeown to approve the minutes of November 3, 2008 as if read. (On page 2, *CEBD* was changed to read *CDBG*.) Vote: Ayes – Petrish, Pickett, Adams, Richardson, and McKeown. Motion carried.

### **Citizen Hearings**

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

### **Mayor/Council Communication**

The Port/City Liaison Committee meeting will meet on December 2, 2008 at 8:30 a.m. in the Mayor's office.

### **Pride in Service Awards**

Mayor Maxwell announced that Mr. Adams will receive a 5 year Pride in Service Award and Mr. McKeown will receive his 5 year Award.

### **Appointments/Reappointments**

Richardson moved, seconded by Mr. Petrish, to appoint and reappoint the following citizens to various volunteer boards. The Mayor and Council thanked all the following appointees for their dedication to the community. Vote: Ayes – Pickett, Adams, Richardson, McKeown, and Petrish. Motion carried.

Reappointment: Forest Advisory Board – Mr. Marty Laumbattus  
Reappointment: Anacortes Parks and Recreation Board – Mr. Doug Colglazier  
Reappointment: Museum & History Advisory Board – Mr. Gibb Moore  
Appointments: Anacortes Historic Preservation Board – Ms. Susan Fahey and Mr. Robert Harrison  
Appointment: Anacortes Arts Commission – Ms. Courtney Orrock

### **Consent Agenda**

Mr. Petrish moved, seconded by Mr. McKeown to approve the following Consent Agenda items. Vote: Ayes – Adams, Richardson, McKeown, 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 November 20, 2008 and November 26, 2008 are approved for payment as of this date December 1, 2008.

#### **Claims Warrants**

Nov 2008: Warrant Numbers 48770 through 48937 in the total amount of \$363,783.04

#### **EFT**

Nov 2008: EFT Number 48768 through 48769 in the total amount of \$78.40

#### **Payroll for November 20, 2008 in the total amount of \$496,690.66**

Warrant Numbers 32967 through 33008 in the total amount of \$40,524.51

Direct Deposit Numbers 28683 through 28850 in the total amount of \$280,236.20

EFT Numbers 919 through 924 in the total amount of \$175,929.95

#### **Cancellation of Warrant**

Warrant Number 48678 in the total amount of \$216.00

In the same motion Council:

Approved the following Street Fair Applications: (1) the Lions Club Christmas Parade on Saturday, December 6, 2008 from 10:30 a.m. to 12:30 p.m.; and (2) the Christmas Tree Lighting ceremony on December 5, 2008 from 6:00 p.m. to 7:00 p.m. Staff recommended approval of both applications subject to the submitted plans.

**Approval of Contract Modification for Flounder Bay Dredging Project**

Mr. Fred Buckenmeyer, Public Works Director, presented a modification to an existing contract with HDR for the Flounder Bay Dredging Project – Phase II. Mr. Buckenmeyer said it was decided to increase the depth of dredging to better utilize the dredging equipment and to extend the life of the project. A rock shelf at the entrance to the harbor may affect dredging plans; this feature needs to be studied and mapped. This modification also includes extra sediment sampling and analysis. With that, Mrs. Pickett moved, seconded by Mrs. Richardson, to authorize the Mayor to approve the HDR contract amendment to increase the scope and associated costs in a negotiated amount not to exceed \$43,627. Vote: Ayes – Richardson, McKeown, Petrish, Pickett, and Adams. Motion carried.

**Public Hearing: Development Regulations**

Mayor Maxwell opened the Public Hearing to take comments only on the proposed changes to Chapter 17 – Zoning of the Anacortes Municipal Code. Mr. Ryan Larsen, Director of Planning, Community, and Economic Development, reported over the last 2 years City Council, staff, Planning Commission and the Council Planning Subcommittee have undertaken amendments to the Development Regulations via approximately 30 meetings with the Council and Commission and 6 meetings of the Council Subcommittee. The proposed changes range from minor clerical corrections to policy changes. Mr. Larsen provided Council with a summary of all proposed changes together with a draft Ordinance that will be considered at the December 15<sup>th</sup> meeting. The purpose of the Hearing will be to take public comment and to discuss 10 items outlined in a November 25<sup>th</sup> memorandum from Mr. Ryan to Council. The Council already approved Section 17.26 – Old Town Overlay District and no additional action is required. A November 29, 2008 letter from Kirk Kennedy, 4610 Hickory Drive, was distributed to Council and added as an exhibit. Mr. Larsen then turned to “Exhibit 3” outlining clarifications to Chapter 17.10.100 (D) adding language regarding boundary line adjustments relative to private roads; Chapter 17.22.120 (D) creating a new “D”; 17.46.020 clarifying required parking spaces; and 17.56.010 including changes recommended by CTED regarding zoning of annexed land.

Mr. Don Yankacy, 2033 “L” Avenue, spoke against allowing buildings of 40-50,000 square feet; he cited traffic congestion and loss of local businesses. He referred to previous studies supporting his position.

Mr. Randy Burgess, owner of Ace Hardware, 1720 “Q” avenue, said Ace is locally owned and operated and will soon celebrate its 30<sup>th</sup> anniversary. He stated that there are 28 full time employees; Ace has reinvested in this community in countless ways over the last 30 years. Mr. Burgess asked the Council to consider what would be lost if big box stores are allowed including reduced staff and inventory at his store.

Ms. Virginia Heiner, 804 “K” Avenue, spoke against allowing big box stores in Anacortes. She is opposed to any non-commercial marine uses in CM zones.

Mr. Andy Rothman, 216 5<sup>th</sup> street, spoke against paving the way for big box stores. He referenced marine oriented Comprehensive Plan goals and policies. He asked Council not to disturb the City’s existing vibrant retail core.

Ms. Arlene French, 1411 8<sup>th</sup> Street, supported previous comments and asked Council to continue support of maritime activity.

Mr. Bob Hyde, Director of the Port of Anacortes, referred to marina parking requiring inwater businesses to have their own parking; Mr. Hyde characterized this requirement as unduly restrictive especially in this economic climate.

Mr. Terry Christiansen, 3302 “K” Avenue, contributed significant input to the revised zoning code now before Council; his proposals centered on developing the Code to be used as a financial planning tool.

He asked Council to consider jobs on a regional basis; to set limits on how much of a CM zone could be used for housing; to allow for increased populations in the high density areas; and to consider MJB property as an economic key to the future of the community. Mr. Christiansen appreciated the Council's efforts.

Ms. Florence Lovric, 3022 Oakes Avenue, has owned a marina and ship yard on Oakes Avenue since 1965. Her property is zoned LM and would like to see her property zoned for multiple uses including residential. The Mayor suggested that Ms. Lovric meet with the Planning Director to discuss the zoning process.

Mr. Nels Strandberg, 4504 Sea Otter Lane, asked for clarification regarding multi-family and condos in the LM zone.

Ms. Boshe Morris, 1618 7<sup>th</sup> St., spoke against allowing big box stores.

Mr. Heiko Miles, 4719 Woodside Drive, with the current economic climate relying on many small businesses and if a box store is allowed keep it small. He suggested that an economic study could help illuminate the impact of such a development.

Charles Stavig, 1114 10<sup>th</sup> street, spoke against the 25' height restriction in the overlay zone.

The Council then discussed language changes and Mrs. Pickett asked if the Fidalgo Bay Resort will become a non-conforming use if RV Parks are deleted from the CM Zone language. Council discussed, and agreed, to leave RV Parks as a conditional use in the CM Zone. With regard to limiting residences in the CM zone to 25% of the land (at Ship Harbor and on Fidalgo Bay Road) Mrs. Pickett ask how the 25% will be computed? Mr. Adams pointed out that CM housing proposals would come to Council through the Conditional Use process. Council discussed, and agreed, to address this issue in 2009.

Council then reviewed 10 outstanding issues. **(1)** Review language regarding goals for retail use/sales in CM 1 Zone. Also review deletion of 17.22.120(D)(4)(c). Council discussed, and agreed to address this issue in 2009. **(2)** Chapter 17.30.010 (R4A) Maximum Density. Review definition added to Maximum Density and also Maximum Density clarification. Council approved clarification. Note: The City Council Planning subcommittee recommends tabling rezone changes to the R4A and R4B until 2009. **(3)** Chapter 17.08.020 Building Permits (Administration). Review lot frontage and access requirement for lots. Council approved proposed language. **(4)** Chapter 17.15.040 HM Zone Conditional Uses. Review height limit for structures in the HM zone requiring a conditional use permit. Council agreed to strike proposed change. **(5)** Chapter 17.17.090 MS Zone Maximum Building Height. New addition for temporary structures and height limitation for these uses. Council agreed to include new language regarding temporary equipment. **(6)** Chapter 17.20.xxx CBD – Commercial Avenue Street Frontage. New section which limits access to Commercial Avenue to specific uses. Council agrees to new section. **(7)** Chapter 17.21.040 CM Zone Conditional Uses. Added language to clarify percentage of land utilized for single family homes. Council will re-evaluate this section in the 2009 amendment process. **(8)** Chapter 17.21.050 CM Zone Minimum Lot Size. City Council Planning subcommittee recommends leaving language as is. **(9)** Chapter 17.46.020 Parking. Review and discuss “When a use is established....” for parking. Council approved section for additional uses. Combined parking was discussed with regard to marinas. Council agreed to add new section. **(10)** Chapter 17.46.030 Parking. Section now requires City Council to establish a fee for parking spaces “in lieu payments” for parking. Council agreed to additional language.

There were no further comments and the Mayor continued the Public Hearing to the evening of December 15, 2008. Written comments will be accepted through December 15, 2008.

At approximately 9:00 p.m. Mayor Maxwell continued the regularly scheduled meeting of December 1, 2008 to Monday, December 8, 2008 for the purpose of: CDBG – Close Public Comment Period and Approve Revised Action Plan.