



## City Council Study Session Minutes – February 8, 2010

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At 7:30 p.m. Mayor Maxwell called the regularly scheduled study session of February 8, 2010 to order. Nick Petrish, Erica Pickett, Brad Adams, Cynthia Richardson and Brian Geer were present. Kevin McKeown and Bill Turner were absent.

### **Public Works Excellence in Infrastructure Awards**

Public Works Director Fred Buckenmeyer presented the 2009 Excellence in Infrastructure Awards to the SR20/Commercial Avenue Roundabout project team and shared some slides of the work in progress and the finished project. Mr. Buckenmeyer recognized Steve Verbarendse, John Snyder, Carl Engles and Shane Hamilton of SRV Construction, the general contractor; Sam Schwetz and Damon Schwetz from Schwetz Construction, the concrete subcontractor; Shannon Lambert, Kelly Owen and Rachel Price of Reid Middleton, the Engineer of Record; the City of Anacortes Operations Department represented by Terry Nemeth on behalf of Sandi Andersen and Mac Jackson; the City of Anacortes Engineering Department represented by Lyle Davis and Eric Shjarback; and Todd Harrison of Washington State Dept. of Transportation. Mr. Buckenmeyer reviewed the criteria for the award and reported that the Roundabout was the unanimous award nominee for 2009. Mayor Maxwell presented plaques to the award recipients and thanked them all for their outstanding efforts to complete this showcase project in the tight 30-day window while minimizing inconvenience to local businesses and the traveling public.

### **Shoreline Master Program Discussion**

Planning Director Ryan Larsen presented a revised matrix with proposed new language for 38 items identified at the February 1, 2010 Council meeting plus several separate pages of proposed new language addressing aquaculture, a definition of interpretation, a new page 23 of the matrix, and a page of alternative language from Mrs. Richardson. Mr. Larsen said the City Council Planning Committee will review these materials on February 12, then will bring the language back for consideration at the regular City Council meeting on February 16, but he requested some general feedback from Council at this meeting. Mr. Larsen introduced Dan Nickel from the Watershed Company to help answer questions.

Mr. Petrish expressed concern about ensuring that all the City and State codes and plans are consistent. Mr. Larsen said the Municipal Code and the SMP are compatible and that applicants will have to be sure they meet the criteria of other jurisdictions.

Mr. Larsen, assisted by Mr. Nickel, then walked through each item explaining the background and noting Council feedback where it was offered. Regarding Item 3, Mrs. Richardson supported the proposed draft language.

Councilors had no comments on the proposed new language for Items 17, 18 or 19. Regarding Item 23, mitigation options for residential setback reductions, Mrs. Richardson observed that a green roof option would be difficult or impossible to enforce over an extended period and subsequent property transfers and suggested that it be deleted as an allowed mitigation strategy. Mr. Geer agreed. Mr. Nickel suggested that a notice on title can record conditions on a property. Mrs. Richardson reiterated that follow on owners might not have the knowledge to maintain a green roof. Mr. Larsen stated he would remove that option.

Regarding Item 25, Mrs. Richardson provided some alternative language for consideration to make it clear that the preferred strategy is not to disturb existing vegetation and that only if that can't be done can planting beds be substituted. Mr. Petrish asked Mr. Larsen to identify Futurewise since they initiated many of the changes under discussion. Mr. Larsen said Futurewise is a statewide environmental watchdog organization formerly known as 1000 Friends of Washington. Mrs. Pickett asked if vegetation requirements could be expressed as a percentage of the shoreline instead of using precise dimensions. Mrs. Richardson argued that some absolute minimum dimensions are required for planting success, for instance, an 18" strip along the entire shoreline would not serve a purpose. Mrs. Pickett asked the basis for the minimum sizes suggested. Mr. Nickel listed many of the purposes the vegetation serves along a shoreline, said that's why policies encourage a variety of vegetation, and noted larger flora such as trees

need 10' wide beds to establish themselves. Mrs. Pickett argued against picking an arbitrary bed size that would be difficult for property owners to work with. Mrs. Richardson and Mr. Nickel reiterated that for success the plan should set reasonable minimum dimensions. Mr. Larsen deferred the discussion to the Planning Committee.

Councilors had no comments on the proposed new language for Items 26 or 27. Regarding Item 28, which identifies public facilities as a subset of commercial uses, Mrs. Richardson observed that the zoning ordinance already governs these and asked why the SMP needs to break them out as a separate use category when the City's other codes don't. Mr. Nickel said this was suggested by Dept. of Ecology but is not required. Mr. Larsen said it would add clarity. Mr. Adams stated that he had specifically asked to distinguish churches from other commercial uses. Mr. Larsen deferred the discussion to the Planning Committee.

Regarding Item 31, public access and trails, Mrs. Pickett questioned the proposed new language. She suggested instead, "... while providing protection of intact shoreline ecological functions or enhancement to shoreline functions where impaired conditions exist, where such enhancements are feasible."

Councilors had no comments on the proposed new language for Item 37. Regarding Item 39, which includes boat launches and mooring buoy fields in the definition of marina, Mrs. Pickett questioned the addition and noted Washington Park would be a marina by that definition because it has a boat launch. Mr. Larsen disagreed but noted that the proposed language is not required. Mrs. Pickett asked to delete it. Mr. Larsen agreed to remove it. Mrs. Richardson asked if boat launches should be addressed somewhere besides the definition of marina. Mrs. Pickett agreed. Mrs. Pickett and Mr. Petrish both asked that Washington Park not be construed as a marina.

Councilors had no comments on the proposed new language for Item 40. Regarding Item 41, Mrs. Pickett asked why single family residential docks and piers are being prohibited; she does not foresee a proliferation of them if they were allowed. Mr. Nickel noted the community can allow them but needs to show no net loss of ecological functions so would have to estimate the impact of any new docks or piers the SMP would allow. Mrs. Richardson asked if the state is trying to prohibit residential docks. Mr. Nickel said no. Mrs. Richardson asked why the City would want to then. Mr. Nickel said the SMP needs to look at potential impacts of allowed new docks. Mr. Larsen noted the proposed language does allow residential docks and piers as a conditional use. Mr. Nickel said one way to mitigate impact is to require joint-use structures. Mr. Larsen deferred the discussion to the Planning Committee.

Regarding Item 42, which adds DR 5.9.1(e) to prohibit new docks, piers and floats associated with multi-family residential development, Mrs. Richardson pointed out that a mixed use development could have a multi-family residential component and this language might rule out docks there that would otherwise be permitted and desired. She suggested rewording. Mr. Larsen deferred the discussion to the Planning Committee.

Councilors had no comments on the proposed new language for Item 71. Mrs. Richardson asked about heights and setbacks in Item 65. Mr. Larsen deferred the discussion to the Planning Committee.

Councilors had no comments on the proposed new language for Item 78. Regarding Item 80, which requires consideration of geologic hazards in the case of rebuilding non-conforming structures, Mrs. Richardson noted geologic hazards must be considered, but then what? She suggested the language needs to be more specific. Mr. Larsen said he would discuss this further with the consultant.

Councilors had no comments on the proposed new language for Item 84. Regarding Item 86, Mrs. Richardson noted that the proposed language is illegible on the matrix and said it should say *Urban and Urban Maritime* if it doesn't already to address the existing Port warehouse.

Councilors had no comments on the proposed new language for Item 93 or Item 94. Mayor Maxwell noted an apparent typo in the DR numbering in Item 94. Mr. Nickel said DR-5.9.6 is what it should be.

Regarding Item 96, regarding lots which border the ordinary high water mark, Mrs. Richardson noted that's the entire shoreline. Mr. Larsen disagreed, noting that some lots within 200 feet of the OHWM have a lot directly waterward of them. Mrs. Richardson concurred.

Councilors had no comments on the proposed new language for Item 100. Regarding Item 101, Mrs. Richardson asked to have the new language removed. Mr. Geer agreed. Mr. Larsen said he will do so.

Regarding Item 102, which requires a view analysis for any proposal over 35 feet high in DR 6.4.19, Mrs. Pickett asked which shoreline designations this applies to. All of them, replied Mr. Larsen. Mayor Maxwell reminded that this requirement came out of a court case. Mrs. Richardson noted that the chart sets the height limit at 50 feet but the zoning sets lower limits. Mayor Maxwell said projects can go to 50 feet if they can demonstrate there's an overriding public benefit. Mrs. Richardson said the proposed language doesn't make that clear. Mrs. Pickett agreed. Mr. Larsen deferred the discussion to the Planning Committee.

Councilors had no comments on the proposed deletion of DR 6.5.2 in Item 104. Councilors had no comments on the proposed new language for Item 105, Item 107 (which will be reviewed at the next City Council meeting due to length), Item 110, Item 112, Item 116, Item 121 or Item 125.

Mrs. Richardson asked about language to allow temporary structures to protect wooden boats for youth programs. Mr. Larsen said he looked for that language in past drafts but did not find it and will ask the Planning Committee to help find or draft it. Mrs. Richardson suggested looking at the language in the Port's agreement with the Adventure Scouts.

Mrs. Pickett asked about Table 5.1 on Page 66 of the December 2009 draft SMP which shows shoreline stabilization for single-family residences as permitted in the Aquatic environment. Mr. Larsen stated he'd double check it.

Mrs. Richardson asked if Table 5.2 on page 68 of the December 2009 draft SMP needs to have the minimum lot size column; she is concerned that information will get out of sync with other documents. Mr. Larsen said having that column is strongly recommended. Mrs. Richardson asked if the table can reference the lot sizes called out in the zoning code instead.

Mrs. Pickett recalled that the SMP prohibits RV parks in the shoreline area but that there is one such in the City now and the City doesn't want it to be a nonconforming use. Mrs. Richardson agreed.

Mr. Adams noted that some of the changes from prior drafts don't appear in the December 2009 draft. He asked what the process is for obtaining a shoreline permit. Mr. Larsen said that's been moved to Chapter 18 of the Municipal Code as part of the 2009 Comprehensive Plan and Development Regulations Amendments; this allows the process to be amended without amending the SMP.

Mr. Adams observed that Council didn't receive the revised matrix with the new language until today and noted that after Mr. Larsen's session with the Planning Committee the full Council still needs time to review and discuss this information. Mr. Geer asked if Councilors not on the Planning Committee can email Mr. Larsen with specific language. Mr. Ryan said of course and offered to meet with Councilors individually as well.

Mrs. Richardson expressed regret that the City can't address Urban Growth Area shorelines in the City's SMP but stated that the City doesn't have that authority. Mrs. Pickett complimented Mr. Larsen and Mr. Nickel on the process. Mayor Maxwell reminded that the SMP needs to move forward and be approved so it can be implemented.

### **Public Works Project Updates**

Mr. Buckenmeyer presented a slide show highlighting the Public Works Department accomplishments during 2009, work currently in progress and goals for 2010.

- The Tommy Thompson Parkway trestle demolition is finished. 90 piles and 150 tons of creosote were removed and will be disposed of.
- The Water Treatment Plant upgrade final design is underway and the project will bid this spring.
- The Operations shop sweeper debris dewatering facility was recently completed and will provide covered sand and salt storage as well.
- The Padilla Bay waterline project is all but complete. Mayor Maxwell pointed out that between this project and others Anacortes has removed more creosote than any other jurisdiction he's aware of. Mr. Geer complimented the project. Mr. Petrish asked what the restoration plans are for the former pipe location. Mr. Buckenmeyer replied that per easement agreements, the Swinomish Nation will restore the area.
- Fidalgo Bay Road will be improved with sidewalk, curb and gutter around the entrance to the RV park using grant funds received by the Samish Nation.
- The former Scott Paper Mill site clean up is underway with support from the City including utility installation and wastewater treatment of wash water and dredging decant water.
- The Solid Waste Department took over March Point, negotiated the roll on roll off contract, put a new yard waste contract in place, and is helping with design of the new Skagit County transfer station.
- The Deception Pass waterline is complete after two years of work tied in with WSDOT work on Highway 20.
- The North Texas Road waterline will be built in 2010 to provide redundancy for the single line that now serves both refineries.
- Water Treatment Plant intake pump station motor control units are being replaced now. A leak was repaired in the 42-inch intake line as well.
- Guemes Channel Trail construction has begun and the first segment completed has been very well received.
- The SR20/Commercial Avenue Roundabout is completed. Mr. Buckenmeyer observed that the accident rate at that intersection has already dropped dramatically.
- Flounder Bay Dredging has been designed and will take place this summer when the fish window opens for in water work.
- The Pennsylvania Avenue traffic calming project has been completed near Tursi Park.
- Pennsylvania Avenue street improvements will continue this year to connect to Jasper Way.
- 6<sup>th</sup> Street improvements have been bid and work will begin soon in the blocks around the Guemes ferry terminal.
- The Wastewater Treatment Plant odor control ductwork project is nearly complete.
- A gravel road has been built at the City's Old Brook Lane 9-lot short plat development using grant funds to make the site accessible to potential tenants.
- The largest oversize transport project ever undertaken in the City was completed last month moving two towers from the Port dock to March Point.

There being no further business, at approximately 9:23 p.m. Mayor Maxwell adjourned the regularly scheduled study session of February 8, 2010.