

Special Meeting

At 5:00 p.m. Mayor Laurie Gere called to order the advertised special meeting of the Anacortes City Council for the purpose of conducting a site visit regarding 5 Lot Replat & PUD (PUD-2015-0002). Council convened on the northwest corner of 12th Street and D Avenue in Anacortes. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett, John Archibald and Matt Miller were present. No testimony was received and no action was taken. At approximately 5:20 p.m. the special meeting adjourned.

Regular Meeting

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of April 4, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett, John Archibald and Matt Miller were present. The assembly joined in the Pledge of Allegiance.

Citizen Hearings

Patrick O'Hearn, 11039 Post Drive, asked if he would be allowed to ask a question during the closed record hearing for PUD-2015-0002 later on the agenda. City Attorney Darcy Swetnam asked if Mr. O'Hearn was a party of record in the matter. Mr. O'Hearn said he was not. Ms. Swetnam said a closed record hearing limited comments and questions solely to parties of record. Mr. O'Hearn requested the citation for that procedure. Ms. Swetnam said she would email that to Mr. O'Hearn.

Jan Woodruff, Skyline neighborhood, reported briefly on a 4-year research project regarding cancer rates in the 98221 zip code by the Community Environmental Health Assessment Task Force. Ms. Woodruff reported that after working with the Washington State Cancer Registry the group found statistically significantly higher rates of melanoma, bladder cancer, and prostate cancer in the 98221 area. The group then considered various possible causes including industrial pollution. Ms. Woodruff concluded that SEPA is broken and that citizens are not being guaranteed the fundamental inalienable right to healthful environment. She requested that Council schedule a study session on this topic and help to mobilize an investigation into anomalous rates of cancer and other diseases. Ms. Woodruff provided a CD containing background materials and studies. Mr. Archibald supported scheduling a study session on the topic. Mr. Johnson requested comparisons to the refinery area around Bellingham. Mayor Gere said she would follow up with Council. Ms. Pickett asked Ms. Woodruff to provide her contact phone number for follow up. Ms. Woodruff provided her phone number to the City Clerk.

Mayor/Council Communication and Committee Reports

Mayor Gere reminded the audience of the Free Spring Clean Up event for residents at the Operations Shop on Saturday from 9 a.m. to 1 p.m.

Ms. Lovelett reported from the Public Works Committee which met very briefly earlier in the evening for an update on the fiber optic network project, comprehensive plan language regarding water, and work with the Dept. of Ecology on the sanitary sewer inflow and infiltration reduction project.

Mr. Johnson reported that the Affordable Housing and Community Services Committee would meet Thursday, April 7 at 1:30 p.m. to discuss the symposium scheduled for April 21.

Consent Agenda

Mayor Gere removed Item H from the Consent Agenda for consideration at a future date. Mr. Johnson removed Item G from the Consent Agenda. Mr. Miller removed Item B from the Consent Agenda. Mr. Walters removed Item I from the Consent Agenda.

Mr. Johnson moved, seconded by Ms. Pickett, to approve the following Consent Agenda items. Vote: Ayes – Walters, Pickett, Adams, Lovelett, Archibald, Miller and Johnson. Motion carried.

- a. Minutes of March 21, 2016 and March 28, 2016
- c. **Resolution 1949:** Adopting Revised City Council Procedures
- d. **Resolution 1952:** Lodging Tax Awards
- e. Accept as Complete: Q Avenue Emergency Sewer Repair (16-011-SEW-001, Welch Brothers)
- f. Grant Agreement: 2015-2017 Biennial Stormwater Capacity Grant (Dept. of Ecology)

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 79891 through 80026, total \$388,419.20
EFT numbers: 201898 through 202799, total \$1,029.81

Payroll for April 5, 2016 in the total amount of \$924,635.46
Check Numbers 41226 through 41258 in the total amount of \$30,653.61
Direct Deposit Numbers from 63175 through 63379 in the total amount of \$538,148.19
EFT Numbers from 1941 through 1946 in the total amount of \$355,833.66

- b. Approval of Claims in the amount of: \$357,466.71

Mr. Miller noted a number of Amazon purchases on the voucher list that could have been made at local businesses. He emphasized that local businesses do deliver goods quickly at good prices and that purchasing locally is consistent with several economic development goals in the city's Comprehensive Plan. Mr. Miller moved, seconded by Mr. Johnson, to approve Consent Agenda Item B. Vote: Ayes – Pickett, Adams, Lovelett, Archibald, Miller, Johnson and Walters. Motion carried.

- g. Change Order: Overlay Infrastructure Improvements (15-005-TRN-005, Scimitar Construction)

Mr. Johnson requested more information on this item. Public Works Director Fred Buckenmeyer explained that the contract in question was for preparatory work on utilities and infrastructure prior to an asphalt overlay contract for D Avenue and 32nd Street later in the season. He said that the change order moved some sewer work and roadway patching from the overlay contract into the preparation contract to achieve greater efficiency for both contractors and better pricing. Mr. Johnson moved, seconded by Ms. Lovelett, to approve Consent Agenda Item G. Vote: Ayes – Adams, Lovelett, Archibald, Miller, Johnson, Walters and Pickett. Motion carried.

- i. Street Fair/Street Closure Applications: Anacortes Farmers Market, Shipwreck Days, Kiwanis Block Party, Anacortes Police Department Training Exercise

Mr. Walters recalled extensive discussion the prior year regarding the street closure request by the Anacortes Farmers Market and asked if progress had been made towards eliminating the closure. Planning Director Don Measamer reported that the Market and surrounding businesses had worked together during the prior market season to accommodate all parties during the weekly closure. Mr. Walters asked Police Chief Bonnie Bowers if the Police Department had concerns about the closure. He also objected that the Market was not using the full plaza area. Chief Bowers advised that closing a street always creates some vehicle/pedestrian safety risk so if the Market could fit on the plaza, the police department would prefer that but that it had worked with the street closure for many years. Ms. Lovelett spoke as a member of the Farmers Market board and explained that the Depot is often rented out for private events on Market days which precluded the Market from using or being able to count on using the entire plaza. Mr. Walters repeated his request that the Parks Director provide numbers on how often that occurred. Ms. Pickett and Mr. Adams spoke in favor of the street closure. Mr. Miller suggested perhaps addressing this request at a future meeting with more information available. Ms. Lovelett said the Market manager was present and available to speak.

Charity Payne, 1513 13th Street, manager of the Anacortes Farmers Market, confirmed that the southern part of the plaza was not available to the Market because it was often rented out for special events. She

estimated that if the Market were able to use the entire plaza reliably and did not extend into the street it would still lose at least fifteen vendor spaces, which would cost the Market approximately \$9750. She added that the Depot is already rented for a number of events for the 2016 season and that she had held off committing to additional vendors on the waiting list pending the outcome of the street closure request.

Mr. Johnson move, seconded by Mr. Adams, to approve Consent Agenda Item I. Vote: Ayes – Lovelett, Archibald, Miller, Johnson, Walters, Pickett and Adams. Motion carried.

NEW BUSINESS

Closed Record Appeal Hearing and Closed Record Hearing: 5-Lot Replat, PUD, Code Modifications, ROW Vacation & Dedication, PUD-2015-0002

Mayor Gere opened the closed record hearing on the appeals of the Planning Commission's recommendation of approval of a replat and Planned Unit Development at 12th Street and D Avenue, PUD-2015-002. The Mayor advised this was a quasi-judicial hearing before the Council which was acting as the appellant body reviewing the recommendation of the Planning Commission. She asked City Attorney Darcy Swetnam to address the hearing procedures and the standard to be used in evaluating the appeals.

Ms. Swetnam cited AMC 16.40.060(E) naming Council as the appellant body for PUDs. She asked Council to first consider the appeal, then pending that decision, possibly consider the Planning Commission recommendation on the PUD. Ms. Swetnam said that the standard of evaluation was whether the Planning Commission's Findings of Fact and Conclusions of Law were supported by substantial evidence. If so, the appeal should be denied. If not, the Council could grant the appeal or could remand the project to the Planning Commission for additional consideration of specific issues.

Mayor Gere summarized the Appearance of Fairness Doctrine. She then asked councilmembers to indicate if they had any interest in the property or the application or if they owned property within 300 feet of the subject property. All councilmembers indicated they did not. Mayor Gere asked councilmembers if they stood to gain or financially benefit as a result of the outcome of the hearing. All councilmembers indicated they did not. Mayor Gere asked councilmembers if they could hear and consider the application in a fair and objective manner. All councilmembers indicated they could. Mayor Gere asked councilmembers if they had engaged in any ex parte communication with the proponents or the opponents and if so, to disclose the substance of such communication. Ms. Lovelett disclosed an email months prior from Tim Walters and also a neighborhood letter circulated by the Lervik Engineering group but that's she'd had no direct communication with any party. Mr. Walters disclosed he had received one email which was already in the record. No other councilmembers disclosed any ex parte communication. Mayor Gere asked if anyone in the audience wished to challenge any councilmember's participation on the basis of the Appearance of Fairness Doctrine. No one present raised a challenge.

Mayor Gere invited Planning Director Don Measamer to introduce the project. Mr. Measamer shared the slide presentation included in the evening's Council packet summarizing the project, modifications proposed, existing and surrounding zoning and land uses, proposed lot density, the Tree Assessment and Preservation Plan, the right of way vacation and dedication requests, the cultural resource survey, the chronology and noticing for the application, SEPA environmental review, department and agency comments, staff recommendation, Planning Commission hearing and recommendation, and the one appeal of that recommendation filed by Marilyn Derig. Mr. Measamer added that Council had also been provided a copy of a letter received earlier in the day from Ms. Derig in response to staff's comments on the appeal and the applicant's comments on the appeal. He displayed a site map of the proposed project. He pointed out the meandering concrete pathway proposed for the 11th Street right of way and noted that the Public Works Department was concerned about the Planning Commission recommended Condition 17 that the city maintain the landscaping in that area.

Engineering Technician Steve Lange then presented the Public Works Department review of the proposed project. Referring to the slide presentation included in the record, Mr. Lange reviewed code requirements for street improvements and curb/gutter/sidewalk based on existing platting and the

applicant's proposal for an alternative that would meet Public Works and Fire Department needs for access, circulation, storm water management and utility placement. Mr. Johnson questioned why a six-foot sidewalk was chosen rather than a wider multi-use trail for the 11th Street right of way. Mr. Lange replied that wider, paved pathways resemble driving surfaces and that staff did not anticipate cyclists using this right of way. Councilmembers questioned Mr. Lange about the capacity of the bioswale proposed for the 11th Street right of way, the width and traffic circulation of the proposed paved alley, and where trash would be picked up,

At approximately 6:58 p.m. Mayor Gere opened the hearing to comment from parties of record. The mayor asked all parties of record to stand and swear to tell truth in their testimony, which they did. Mayor Gere reminded the parties to provide full names and addresses for the record, stay within the 10-minute time limit, speak only to the appeal, and submit any additional physical evidence to staff.

Mayor Gere invited the appellant to present the appeal.

Appellant Marilyn Derig, 1302 K Avenue, read from her prepared statement which had been provided to councilmembers prior to the meeting and added to the record.

Mayor Gere invited the applicant to respond to the appeal.

Applicant Susan Harris, 13837 Redtail Ridge Lane, referred councilmembers to her written rebuttal to the appeal which was already in the record. Ms. Harris stated that emergency access to Lots 3 and 4 was what drove the applicant to propose widening the alley to 20 feet. Ms. Harris said pedestrian safety had been sufficiently addressed by the meandering sidewalk proposed for the 11th Street right of way across the bioswale (Lots 3-5) and a sidewalk accessed through gates to 12th Street (Lots 1-2).

Mayor Gere asked if any other parties of record wished to address issues raised by the appellant. No one present wished to speak.

Mayor Gere offered the appellant and the applicant each five additional minutes to respond.

Ms. Derig said that the gate and the steps were new information that had been introduced and referred to in the evening's packet but had not been mentioned in the materials before the Planning Commission. She expressed concern about the wet ground and bioswale between Lots 3-5 and the sidewalk. She reiterated her concern for the safety of pedestrians who would exit homes directly into through traffic with no sidewalks.

Mayor Gere asked Mr. Measamer if the gates and the steps had previously been included in the written materials. Mr. Measamer did not recall that stairs were discussed at the Planning Commission and deferred to Ms. Swetnam as to whether this would require a remand. Ms. Swetnam said stairs were raised by staff based on discussions with the applicant in response to the appeal. She said Council could choose to remand the matter back to the Planning Commission but that it was not necessary. Ms. Derig asked for confirmation that the stairs were in response to her appeal. Ms. Swetnam said her understanding was that the idea of stairs being constructed to reach the 12th Street sidewalk was raised in response to concerns about pedestrian access raised in the appeal. Ms. Derig asked for confirmation that it was not discussed at the Planning Commission level. Ms. Swetnam confirmed.

Mayor Gere confirmed with the applicant that she had nothing further to add.

No one else wishing to speak, the mayor closed the hearing and invited Council to deliberate on the appeal and either make a decision or postpone its decision to a later date.

Councilmembers discussed private road vs. public right of way, neighborhood access via alleyways, driver behavior on paved surfaces with and without curb/gutter/sidewalk, pedestrian safety in the alley, equivalency of cul-de-sacs and alleys, home orientation (fronts facing 11th and 12th Streets), whether Council could change the lot size and whether doing so would require remand to the Planning

Commission, and whether concerns raised by the appellant could be addressed by Council in considering the application if Council were to deny the appeal.

Ms. Pickett moved, seconded by Mr. Miller, to deny the appeal. Mr. Adams reiterated his concerns about pedestrian safety in the alley and reminded that a PUD should provide community benefit. **Vote: Ayes – Archibald, Miller, Johnson, Walters and Pickett. Nays – Adams and Lovelett. Motion carried.**

Council then turned to consideration of the PUD application. Discussion continued about pedestrian safety, the open space and tree preservation aspects of the proposed project, the width of the alley and potential changes to that width. Mr. Lange pointed out the existing 16-foot wide paved alley just north of the proposed project, between 10th and 11th Streets. Mr. Johnson suggested widening the 6-foot sidewalk proposed in the 11th Street right of way, installing bollards at the end if necessary to deter motorized vehicles. Councilmembers discussed the striping in the alley; Mr. Measamer observed that the north six feet of the alley would be striped “No Parking Fire Lane Only” which could be used by pedestrians. Ms. Lovelett expressed concern about the narrower, western end of the alley adjacent to the undeveloped parcel.

Mr. Miller asked about Planning Commission recommended Condition 17 regarding city maintenance of the landscaping in the 11th Street right of way. Mr. Measamer asked Ms. Swetnam whether removing that condition would require remand of the application to the Planning Commission. Ms. Swetnam advised that the matter had been discussed at the Planning Commission open record public hearing so remand would probably not be required but cautioned that the Planning Commission recommendation followed testimony indicating that neighbors did not want to be responsible for that maintenance. Mr. Walters urged striking Condition 17.

Mr. Walters and Mr. Johnson asked if the pedestrian path in the 11th Street right of way would be lit. Mr. Lange said that had not been discussed or suggested. Mr. Walters questioned if the pedestrian path would be useful at all. Mr. Adams reiterated his position that better pedestrian access was needed than what would be provided in the alley. Ms. Pickett and Mr. Walters disagreed with that position.

Ms. Lovelett asked to table the matter for two weeks and asked staff to address concerns about who would be responsible for the 11th Street right of way pedestrian path and to re-evaluate the pedestrian safety element. Mr. Johnson asked that staff also address the utility of a 6-foot pedestrian path that is not lit. Mayor Gere summarized Council consensus to table consideration of the matter for two weeks.

At approximately 8:12 p.m. Mayor Gere called three minute break. At 8:19 p.m. the mayor called the meeting back to order.

Ordinance 2972: Amending 2016 Budget

Senior Accountant Philip Steffen presented draft Ordinance 2972 amending the 2016 budget. Mr. Steffen reviewed each line item in the amendment. Ms. Lovelett reported Public Works Committee supported for the new sewer positions.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Ms. Lovelett moved, seconded by Mr. Archibald, to approve **Ordinance 2972** amending the 2016 budget. **Vote: Ayes – Miller, Johnson, Walters, Pickett, Adams, Lovelett and Archibald. Motion carried.**

Interlocal Agreement: Self-Contained Breathing Apparatus Grant

Fire Chief Richard Curtis requested Council approval to enter into an interlocal agreement with Fire Districts #11 and #17 and the Town of La Conner to pursue a regional FEMA grant to replace self-contained breathing apparatus for firefighters at all four agencies. Chief Curtis reported that the City was not successful with its prior application but that results were looking very favorable in 2016, possibly sooner than expected. In response to Ms. Lovelett's question, Chief Curtis confirmed that the grant would

allow replacement of all 37 SCBAs and that the matching funds required of the City of Anacortes would be approximately \$36,600.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Mr. Johnson moved, seconded by Ms. Lovelett, to authorize the mayor to sign the SCBA interlocal agreement demonstrating intent to pay 10% share if awarded the grant. Vote: Ayes – Johnson, Walters, Pickett, Adams, Lovelett, Archibald and Miller. Motion carried.

2016 Comprehensive Plan Update Discussion – Transportation

Planning Manager Libby Grage reviewed the schedule for Comprehensive Plan Update review and the task for the evening.

City Engineer Eric Shjarback introduced the Transportation Element of the comprehensive plan, authored by Mr. Shjarback and consultant Transportation Solutions, Inc. (TSI). He summarized the role of the transportation element to provide a fiscally achievable realistic plan to provide the needed transportation facilities at the level of service standards adopted by Council concurrent with development and consistent with the land use element. Mr. Shjarback pointed out the element's emphasis on safety, the impact fee calculations to support needed improvements, and the travel mode prioritization list to give priority to the most vulnerable users of the street system. He then introduced Victor Salemann, principal at TSI, who reviewed a slide presentation which was added to the packet for the evening. Mr. Salemann explained the traffic forecasting model and the traffic counts, employment and population projections, and ground checking used to develop projected infrastructure needs. He described level of service (LOS) standards and the proposed LOS for Anacortes, the capital projects predicted to be necessary to maintain that LOS, and the transportation impact fees needed to fund those projects absent grants or other funding sources.

Ms. Grage then invited councilmembers to begin review of the Goals and Policies in the Transportation Element. Mr. Shjarback led the discussion, calling councilmember attention to selected policies.

Mr. Walters asked that the plan “ensure” rather than “strive to” and that “Washington State Ferries” be spelled out consistently.

Ms. Pickett asked about “grade separated intersections” referenced in Policy T-1.13. Mr. Shjarback gave an example of a potential grade separated intersection at Reservation Road and SR 20. Mr. Walters encouraged a robust frontage road system in that corridor and suggested a separate policy to do so as development occurs in that area.

Mr. Shjarback inquired if councilmembers were interested in including Policy T-1.14 calling for an Intelligent Transportation System. Mr. Johnson observed that in most cases in Anacortes there is no alternate route to redirect travelers to.

Ms. Pickett asked about Policy T-1.16 calling for an alternate route to the west end. She noted that the topography through the ACFL would be impractical and asked what other alternatives there might be. Mr. Shjarback suggested West Second Street.

Ms. Lovelett asked that a policy explicitly call for a safe way to get pedestrians to the Park and Ride from Sharpe's Corner.

Regarding the Financial policies, Mr. Walters suggested moving references to specific projects out of that section because the available funding would be used to fund projects described throughout other sections of the element.

Mr. Walters supported Policy T-1.23 calling for an annual update to the impact fees and asked how often other jurisdictions update their fees. Mr. Salemann suggested an annual CPI adjustment to the impact fees, plus adjustments if required when the capital facility plan was updated as part of the five-year

comprehensive plan update cycle. Ms. Lovelett urged specifying a means of providing for reduced impact fees for affordable housing.

Mr. Shjarback asked for councilmember feedback on Policy T-2.2 regarding travel mode prioritization. Councilmembers were supportive.

Mr. Walters questioned the term “non-threatening” in Policy T-2.3. Mr. Shjarback elaborated. Mr. Walters encouraged rewording that policy.

Mr. Walters urged striking Policy T-2.9 because it did not seem to reflect demonstrated intent. Ms. Pickett disagreed and recalled a number of developments where neighborhood connections were called for and created. Mr. Archibald agreed with Ms. Pickett and supported retaining the policy.

Ms. Lovelett requested a policy calling for a sidewalk master plan to guide future projects. Ms. Pickett proposed letting cars and pedestrians share some very low traffic streets which would decrease impervious surfaces and provide an alternative to walking next to busier streets. Mr. Walters agreed with Ms. Pickett on this point. He agreed with the need for master planning for sidewalks, noted that it related to the new LID requirements, and asked for a policy regarding this. Mr. Shjarback said he would add one if it was not already there.

Regarding Policy T-2.12 regarding signs, Ms. Lovelett praised Port Townsend’s effective wayfinding signs. Mr. Miller clarified that businesses need signage to thrive. Mr. Walters suggested, “Develop policies to reduce city sign clutter.”

Mr. Johnson noted the two-block section on West 2nd that prevents it from serving as a major cycling corridor off of Oakes Avenue. He urged moving that up the priority list. Mr. Shjarback agreed that would be good project to add to the CFP.

Regarding Policy T-2.21 supporting transportation demand management programs, Mr. Johnson asked if any such programs existed in the city currently. Ms. Pickett provided the example of the city’s AutoMagic program.

Regarding Policy T-2.26, Ms. Lovelett called for making expectations more clear for developers. Mr. Walters argued for a less specific policy and very specific development regulations.

Regarding Policy T-2.30, Mr. Johnson questioned the efficacy of supporting SKAT and suggested a stronger, “Work with SKAT to expand service and develop routes.” Mr. Walters said this needed to happen with or without SKAT. Mayor asked Mr. Shjarback to rework the language but retain the reference to SKAT. Mr. Johnson suggested possibly combining this policy with Policy T-2.27.

Given the hour, Mayor Gere suggested continuing the review of the Transportation Goals and Policies at the next meeting. Mr. Measamer, Mr. Shjarback and councilmembers concurred.

At approximately 9:45 p.m. the Anacortes City Council meeting of April 4, 2016 was adjourned.