

TOWN COUNCIL MINUTES

February 4, 2008

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of February was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Bill Anderson, Kent Saltonstall, Kevin Fiske and Mike Quinn. Town Administrator Eric Faison; Fire Marshal John Westfall; Amie Broadsword, PACE Engineering; Building Official Tom Phillips; Planner Bill Trimm; Public Works Director Terry Bryant and Clerk-Treasurer Joyce Bielefeld were also present.

APPROVAL OF MINUTES: The following amendments were made to the January 22, 2008 minutes:

- Page 3, 4th paragraph under Town Administrator's report, revise the first sentence to read, "With regard to work done by Pt. Edwards condominium development in Edmonds within the Town's..."
- Page 5, add Councilmember Anderson as the alternate to Snohomish County Tomorrow

Councilmember Saltonstall moved to approve the minutes of January 22, 2008 as amended. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

Councilmember Saltonstall moved to approval the minutes of the February 1, 2008 Special meeting. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Saltonstall* moved to approve Claims Warrants #6211 through #6229 for the total amount of \$10,326.68. *Councilmember Quinn* seconded the motion. Staff was asked to verify the cost of Voter Registration File Maintenance. The motion carried unanimously.

Councilmember Saltonstall moved to approve Payroll Warrants #9314 through #9342 (#9338 and #9339 void) for the total amount of \$47,313.76. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

Mayor Nichols introduced Port of Edmonds Commissioner Marianne Burkhart, the Port's 2008 liaison to the Woodway Town Council.

COUNCIL REPORTS: **Councilmember Saltonstall** asked Councilmember Fiske to attend the Snohomish County Emergency Radio System (SERS) meeting and the SnoCom meeting during his absence.

Mayor Nichols described plans to schedule a retreat with the Town Council and Planning Commission to discuss subjects impacting the community in next 1-2 years and then schedule neighborhood meetings throughout Town. She anticipated the retreat with the Planning Commission would be scheduled after the Council's March 29th retreat and begin neighborhood meetings this spring, not hold any in the summer and continue them in the fall.

Councilmember Anderson asked Councilmember Schillberg to review the checks tomorrow and after the next Council meeting. He reported on the Snohomish County Tomorrow meeting he attended for Mayor Nichols that included speakers and approval of the existing Municipal Urban Growth Area (MUGA) structure. He advised Snohomish County Councilmember Dave Summers represented the

County Council at this meeting. Discussion centered on frustrations voiced by various cities regarding the lack of communication between cities and the County. The Snohomish County Tomorrow meeting also included discussion regarding roads and congestion and future plans to institute tolls.

Councilmember Schillberg reported on the South Snohomish Cities meeting advising they were planning another legislative dinner in May.

MAYOR REPORT: Mayor Nichols reported the new Snohomish County Councilmember serving Woodway is Mike Cooper; Mr. Faison and she plan to meet with him on February 15 and he is planning to attend a Town Council meeting in March.

She reported the capacity of the Mountlake Terrace Park & Ride lot along I-5 was being increased from 390 vehicles to accommodate parking for 890 vehicles in an above ground parking garage. The garage should be completed by fall 2010.

Mayor Nichols reported Mr. Faison and she attended the Association of Washington Cities (AWC) legislative conference. Governor Gregoire spoke at the conference; she is viewed as supportive of problems that cities face. Mayor Nichols reported on workshops she attended regarding small cities, recalling frustration several attendees voiced with the State Auditor's focus on city problems that could become sensational media stories. There was also frustration voiced by small cities with the way Department of Ecology (DOE) standards were interpreted.

Mayor Nichols advised she was following a bill in Olympia that would require a more coordinated effort between cities and county on development regulations for unincorporated island of land. If the bill passed, it would require the local county to adopt the development regulations of the adjacent municipality. She sent an email to Senator Fairley urging her to support the bill and to not dilute the language. It was suggested the Council pass a resolution supporting the Senate bill addressing city/county coordination.

ACTION: Councilmember Schillberg moved that the Council pass a resolution supporting the Senate bill addressing city/county coordination. Councilmember Saltonstall seconded the motion. The motion carried unanimously.

Mayor Nichols reported she met with the new Shoreline Mayor Cindy Ryu and described Woodway's planning for Pt. Wells and past litigation. She informed Mayor Ryu of the countywide planning policy that Snohomish County adopted indicating cross county annexation were allowed between the city seeking to annex and Snohomish County government and that any Snohomish County city that would be impacted must also be a party to the Interlocal Agreement. She informed Shoreline Mayor Ryu that Woodway would not support such an Interlocal Agreement. Shoreline feels they should annex the Pt. Wells because the main access via Richmond Beach Road would significantly impact their city. She and Shoreline Mayor Ryu agreed to schedule discussions between the Shoreline and Woodway Councils in the future. The Council briefly discussed potential impacts to private property on Richmond Beach Road if the roadway were widen to provide access to Pt. Wells and Snohomish County's application to amend the Comprehensive Plan designation for Pt. Wells.

TOWN ADMINISTRATOR'S REPORT: No Report

AUDIENCE COMMENTS: Elizabeth Mitchell, 23611 Woodway Park Road, request the Town's website be corrected to state the caucus results would be used to allocate Democratic Party delegates and the primary election results used to allocate Republican delegates. Mr. Faison advised staff would make that correction. Mayor Nichols advised she had provided the Council the

information Ms. Mitchell submitted regarding her horse arena. Ms. Mitchell highlighted her interest in horses in Woodway, and their historic presence in the community, citing reference to horses on 5 of the 29 pages of the Woodway Park Centennial booklet published in the 1930s.

ACTION:

Councilmember Anderson moved to amend the agenda to move Discussion on Structures in Setbacks to 8:00 p.m. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

APPROVAL OF CONTRACT TO UPDATE ENVIRONMENTALLY SENSITIVE AREAS ORDINANCE

Planner Bill Trimm explained when the Growth Management Act (GMA) was adopted in 1990 and amended in 1991, it established time schedules for adoption and update of Comprehensive Plans as well as the adoption and update of critical area regulations. The first update of the Comprehensive Plan was due in 2004; Woodway completed the update and was compliant with GMA. The Town's critical area regulations were developed in the mid 1990s and an update was due December 2005 which the Town has not done. He pointed out the proposed update was to ensure Woodway's regulations were based on best available science (BAS).

Because the Town had not completed the update, he recommended hiring a well qualified consultant with ESA Adolfson. The consultant estimated approximately 45 hours at \$160/hour to audit the regulations for consistency with Department of Ecology's (DOE) rating system and make a recommendation to staff regarding the update. Using the consultant's recommendation, staff will revise the regulations, review them with the Planning Commission; the Planning Commission will hold a public hearing and the regulations will forwarded to the Council for adoption. He found the consultant's estimate very reasonable and recommended entering into contract with ESA Adolfson for an amount not to exceed \$7500 to update the critical areas regulations. He advised the consultant's scope would not include field studies.

Discussion followed regarding concern with the cost, the requirement to base critical area regulations on BAS, particularly relating to wetland buffers and protection that new regulations based on BAS provide to the Town.

ACTION: *Councilmember Anderson* moved that the Town contract with ESA Adolfson for an update of the Town's Environmentally Sensitive Areas Ordinance. *Councilmember Fiske* seconded the motion.

Mayor Nichols referred to an email from PACE Engineers expressing their support for the contract. The motion carried unanimously.

DISCUSSION ON ROAD STANDARDS/DRIVEWAYS

Mayor Nichols described standards the Council previously discussed and the outstanding item regarding the turnaround required when homes are more than 200 feet from the road. Fire Marshal John Westfall reviewed the private lane standards and turnaround for 1-2 lots, and 3-4 lots, advising the standards were consistent with other municipalities' access standards. He advised access to subdivisions of 5 or more units would require compliance with street standards.

Discussion followed regarding pavement radius, threshold for imposing access regulations on a remodel/renovation, and assurance these regulations apply to new development,

ACTION: *Councilmember Schillberg* moved to adopt Road Standards/Driveways for Fire Access. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

ORDINANCE FOR STORMWATER FACILITIES IN SETBACKS

Amie Broadsword, PACE Engineering, recognized the Town’s mission to preserve its forested character, acknowledging stormwater facilities in the setback had the potential to impact significant trees. She reviewed language she drafted to address that impact, “there shall be no structures or projections, except permitted underground and at grade stormwater facilities, allowed in the setback area. Stormwater facilities shall only be permitted in the setback when there are no impacts to significant trees or their critical root zone.”

Discussion followed regarding whether there should be a requirement for understory restoration in the impacted area, concern with forcing a stormwater vault elsewhere on property where it could have greater impact on trees, and allowing at grade vents and access openings.

ACTION: *Councilmember Schillberg* moved for approval of Ordinance No. 07-486, amending Section 14.08.300 WMC to allow stormwater facilities within the setback area. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

DISCUSSION ON STRUCTURES IN SETBACKS – BILL TRIMM, PLANNER & TOM PHILLIPS, BUILDING OFFICIAL

Mayor Nichols offered audience members an opportunity to comment; there were no members of the audience who wished to comment.

Mayor Nichols recalled during a previous meeting, the Council discussed treehouses and agreed to expand the discussion to play structures. She recalled there was also interest in discussing other structures in the setback such as recreational vehicles. She advised the Council had several options: To allow use of the setback such as applying the existing standard for game courts or developing new criteria for structures.

Planner Bill Trimm reviewed front, side and rear setback requirements for the four zoning districts in the Town, advising game courts were actually allowed in the setback in accordance with the setback of the next smaller zone. :

Zone	Front	Side	Rear
R87 (2 acre)	100 feet	50 feet	50 feet
R83 (1 acre)	30 feet	20 feet	20 feet
14.5(1/3 acre)	30 feet	10 feet	20 feet
UR (1/4 acre)	30 and 25 feet	Total of 15 feet, not less than 5 feet	20 feet

Building Official Tom Phillips advised play structures met the definition of a structure (anything manmade) and therefore were not allowed in the setback. He commented one option for allowing play structures in the setback would be to use the same setbacks as for game courts. He suggested adopting additional restrictions such as a maximum height of 15 feet from the ground to the top. Mayor Nichols drew an example of the setback on a 2 acre lot that would utilize the setback for the one acre zone for siting a gamecourt.

Discussion followed regarding whether the setback exception in the code for gamecourts was an error, options for allowing use of setback such as applying the standard for game courts, allowance in the code for fencing around gamecourts, a recent situation where relocating a play structure outside the setback increased the sight line onto a neighbor’s property, developing a code definition for a

horse arena, allowed height for a secondary structure, and what other jurisdictions allowed to be stored/located in the setback. Resolution via the variance process was also discussed, including the requirement under State law to find a hardship and special circumstance in order to approve a variance and concern with the expense of the variance process.

The Council agreed to schedule at least two public hearings in March/April regarding whether play structures should be allowed in the setback and whether special regulations were needed for horse facilities. It was agreed to discuss and hold separate public hearings in the future regarding whether recreational vehicles/boats should be allowed to be parked in setback. The Council requested staff develop an informational packet for the public hearing that included drawings of options.

INTERLOCAL COOPERATION AGREEMENT WITH SNOHOMISH COUNTY FOR IMPROVEMENTS TO WOODWAY RESERVE

Mayor Nichols advised she was required to have the Council's approval to sign the Interlocal Agreement. Mayor Nichols recalled in 2006 she contacted Snohomish County regarding mitigation funds that were available for communities impacted by Brightwater. Although Woodway was affected by construction of the Brightwater tunnel, it was determined the Town was not eligible for those mitigation funds and Snohomish County suggested the Town submit a proposal for inclusion in the County's annual budget. She advised the funds were included in the Snohomish County 2008 budget which has been approved by the Snohomish County Executive and the Snohomish County Council.

ACTION: *Councilmember Anderson* moved to approve the Interlocal Agreement between Snohomish County and Woodway for improvements to the Woodway Reserve. *Councilmember Fiske* seconded the motion.

Councilmember Anderson recognized Mayor Nichols, former Project Manager Jack Collins, former Councilmember Block and the Parks Committee for their efforts. Discussion followed regarding the location of the play structure, possibly moving the fence slightly into the Woodway Reserve to provide additional space for the play structure, and plans for selecting and installing the play equipment. Mayor Nichols offered to include an article in the *Woodway Whisper* seeking volunteers to assist with selecting play equipment. Discussion continued regarding funds for maintenance and plans to continue limited educational access to the Woodway Reserve.

The motion carried unanimously.

TAX AND LICENSE AUDIT AGREEMENT TO PERFORM UTILITIES AUDIT

Mayor Nichols explained it was difficult to track whether the utility companies (natural gas, telephone, electric and cable) were reporting receipts accurately because 98020 was also Edmonds' zip code. If the audit discovered any utility taxes were being reported incorrectly, Microflex would collect 22% of the utility tax for that address for one year; the Town would collect the remaining 78% for one year and 100% beyond a year.

ACTION: *Councilmember Saltonstall* moved to approve the tax and license audit agreement with Microflex. *Councilmember Quinn* seconded the motion.

Following a brief discussion, Mr. Faison offered to provide the Council further information regarding what other cities have used this company and what other companies provided this service. The motion carried 4-0-1, Councilmember Schillberg abstained.

APPROVAL OF INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY FOR ROAD OVERLAYS

Mayor Nichols explained staff discovered in the past that contracting with Snohomish County for road overlay projects resulted in significant savings. The cost would be at least 30% more if Town contracted for these services on its own. Public Works Director Terry Bryant advised the intent was to overlay Wachusett, 114th and the bridge aprons.

ACTION: *Councilmember Schillberg* moved to approve the Interlocal Agreement between Snohomish County and the City of Woodway 2008 Overlay Program. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

APPROVAL OF CONTRACT FOR ARBORIST SERVICES

Mayor Nichols advised Mr. Bryant and the arborist, Elizabeth Walker, developed the scope of work and estimated the amount of time to address each. A brief discussion followed regarding the Backyard Forest Stewardship workshop Ms. Walker offered last year and hours in her budget to conduct another workshop. It was suggested future workshops be advertised in *Woodway Whisper*.

ACTION: *Councilmember Saltonstall* moved approval of Town Arborist 2008 contract. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

Mayor Nichols explained the recent Edmonds City Council retreat included discussion regarding long term financial issues including EMS costs, plans for an EMS levy this spring, a possible change in the structure of the Edmonds Fire Department and the possibly of annexing Woodway. After being contacted by an *Edmonds Beacon* reporter and Edmonds Mayor Haakenson, she reaffirmed Woodway’s independence as a community.

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Anderson* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:09 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Joyce Bielefeld, Town Clerk-Treasurer

Carla A. Nichols, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)