

TOWN COUNCIL MINUTES

January 22, 2008

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of January was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Kent Saltonstall, Bill Anderson, Kevin Fiske and Mike Quinn. Town Administrator Eric Faison, Clerk-Treasurer Joyce Bielefeld and Public Works Director Terry Bryant were also present.

APPROVAL OF MINUTES: Following several minor amendments, *Councilmember Saltonstall* moved to approve the minutes of January 7, 2008 as amended. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Anderson* moved to approve Claims Warrants #6197 through #6201 for 2007 payment for the total amount of \$9,212.40. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

Councilmember Schillberg moved to approve Claims Warrants #6193, #6194, #6195 and #6202 through #6210 for the total amount of \$32,387.97. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS:

Ron Cantu, 23126 Wachusett Road, suggested the Town post the date, time and location of presidential caucuses in the area.

Billy Kennelly, 11010 Algonquin, advised he was attending tonight's meeting to get clarification on accessory structures within or outside the setbacks. He suggested clarifying the building code with regard to what could be located in the setback.

Elizabeth Mitchell, 23611 Woodway Park Road, commented when applying for a variance recently, she discovered an ordinance stating variances were limited to 10% of the setback. She expressed concern with this restriction, pointing out that her request for a variance to construct a covered horse arena within the setback would not be visible to the public.

Steve Sutton, 23825 110th Place SW, referred to a play structure within the setback on an adjacent property affected his privacy. He listed variance criteria in Title 4, Zoning, Chapter 14.5, pointing out the applicant for the variance had the burden of proof, not the complainant. He questioned whether the person who built the structure was in violation of the Town's regulations and he did not support the Council modifying the code to accommodate structures constructed in violation of the code.

Dan Harden, 23946 West Woodway Lane, acknowledged their tree house was constructed within the setback but they were unable to see onto the neighbor's property until the neighbor cleared the vegetation between the two properties. Mayor Nichols clarified her intent when

scheduling this issue was to allow the Council to consider whether to establish a policy regarding play structures in the setback.

Jim Ange, 11110 Algonquin, advised his children and he recently began replacing an existing play structure located within the setback. He noted nearly half of his property was in setbacks and he felt a simple structure such as a tree house should be allowed to be built in the setback. He suggested consideration be given to language similar to what was recently developed to allow stormwater facilities within the setback.

Mr. Cantu commented on a treehouse on an adjacent property that had fallen into disrepair. He recommended if play structures were allowed in the setback, they not be permanent structures and that there be limits on the size.

COUNCIL REPORTS: Mayor Nichols referred to Councilmember Saltonstall's summary in the Council packet regarding the Snohomish County Emergency Radio System (SERS) program. If other Councilmembers had material they wanted included in the Council packet, she requested it be submitted to staff by the Thursday prior to the Council meeting.

Councilmember Anderson requested an excused absence for the February 19 Council meeting.

Councilmember Schillberg attended the Washington State Insurance Authority (WCIA) conference, advising the only claim the Town submitted from 2004 to 2006 was damage to a Public Works truck. He recommended new Councilmembers attend training offered by WCIA. He also suggested a WCIA representative make a presentation to the Council, noting their focus was on loss prevention.

MAYOR REPORT: Mayor Nichols reported on the Richmond Beach Community Club meeting Councilmember Fiske and she attended regarding Pt. Wells (waterfront parcel) and Paramount of Washington's application to Snohomish County to change the zoning. She estimated approximately 60 people attended the meeting including several local officials and Paramount of Washington representatives. Mayor Nichols stated that Craig Ladiser, Snohomish County, Director of Planning and Community Services, reviewed Snohomish County's process for amending the Comprehensive Plan and Zoning Code. Ladiser anticipated a recommendation would be made to the Snohomish County Council by May 2009 regarding whether to accept the amendment requests. If Snohomish County approved the amendment, Paramount of Washington would submit a detailed development plan and the appropriate environmental studies would follow. Mayor Nichols suggested scheduling several community meetings in Woodway during the coming year.

Mayor Nichols advised of Town Administrator Eric Faison's and her plans to meet with Snohomish County Councilmember Mike Cooper. Councilmember Cooper is scheduled to attend a Woodway Council meeting in March to learn more about Woodway's issues and describe his priorities for Snohomish County.

Mayor Nichols advised PACE Engineers was designing a low impact stormwater plan for the Woodhaven Place neighborhood. Once the design was complete, the plan would be presented to the Council and then to the neighborhood.

Mayor Nichols encouraged the new Councilmembers to attend the February 13 Planning Commission meeting where Town Attorney Wayne Tanaka would be making a presentation regarding open public meetings.

Mayor Nichols referred to the calendar of topics anticipated for upcoming meetings and issues to be considered by the Council during 2008. She requested Council members inform staff of any vacation plans. It was agreed to move the second meeting in June to June 23.

Mayor Nichols suggested scheduling two Council retreats this spring, one as a workshop regarding Pt. Wells, possibly as a joint meeting with the Planning Commission, and a second retreat to informally discuss Town issues.

TOWN ADMINISTRATOR'S REPORT: In response to a question raised at the last Council meeting regarding the amount the Town collected from traffic infractions, Mr. Faison provided a memo detailing the account distribution of a \$112 traffic infraction penalty, summarizing for a \$112 infraction, the Town receives \$44 in revenue.

Mr. Faison provided the Council the 2007 Woodway Police Activity Report, advising staff was in the process of preparing a report that identified during what hours callouts occurred. He cautioned that analysis may not accurately reflect the time that crimes were committed as the call for service may reflect when the crime was discovered, not when it occurred. Mayor Nichols relayed one of the Woodway police officers begins his shift at 9:00 p.m.

Mr. Faison also distributed an Investment Report as of December 31, 2007 in response to a question regarding the concentration of investments with one institution. The Council requested the CDs be listed in the report in order of maturity.

With regard to work done by Pt. Edwards Condominium Development in Edmonds within the Town's right-of-way, Mr. Faison reported photographs of the property prior to development submitted by Pt. Edwards indicated no trees were removed to the west but the property has been graded. He anticipated the survey to determine official town property lines versus Pt. Edwards property lines would be completed soon.

It was suggested a summary of the Police Activity Report be published in the *Woodway Whisper* and/or on a police blotter on the Town's website. It was also suggested that the availability of police house checks be periodically published in the *Woodway Whisper* and posted on the Town's website.

DISCUSSION ON STRUCTURES IN SETBACKS

Mayor Nichols described the current code with regard to setbacks and the historic importance of setbacks to provide a buffer between properties. She described the change made in the past at the recommendation of the Town Attorney and Washington Cities Insurance Authority (WCIA) to move from a Board of Adjustment system that considered variances to a formal Hearing Examiner process where the town contracts with a hearing examiner professional. She noted the Council also adopted a 10% limit on setback variances which was done to clarify and protect the importance of maintaining setbacks.

Since last fall, the Town has been made aware of two play structures being constructed in the setback. The property owners have been asked to discontinue construction on their structures

pending further policy direction from the Council. She referred to her memo inquiring whether the Council was interested in discussing the policies associated with setbacks and if certain structures would be allowed and then having Town Planner Bill Trimm draft revisions to the development code that would accommodate treehouses of a limited size that did not impact adjoining properties.

It was suggested the discussion be regarding “children’s play structures” and not just treehouses. Discussion followed regarding the need to address color, size, and materials of the structures; greater need for privacy via setbacks in the past when there were fewer trees; existing nonconforming structures in the setbacks throughout the Town; a suggestion that the Council take a field trip to look at existing structures in the setback; other setback issues such as recreational vehicle parking; and a suggestion to consider how this problem was addressed by other small cities.

It was the consensus of the Council to consider the setback ordinance including options for accommodating children’s play structures. The Council agreed to delay enforcement of complaints regarding nonconforming structures in the setback until the Council considered the issue.

DISCUSSION ON ROAD STANDARDS/DRIVEWAYS

Edmonds Fire Marshal John Westfall recalled the Council had discussed road standards previously and a remaining issue was the length of the access when an approved turn-around was required. He relayed the recommendation that an approved turn-around be required if the access was longer than 200 feet from the public right-of-way to the most distant residential structure as measured along an approved route. Discussion followed regarding hydrant spacing, gated entries and lockboxes to allow Fire Department entry.

Fire Marshal Westfall offered to meet with Olympic View Water District to discuss funding and installation of additional hydrants.

Mayor Nichols advised the proposed driveway standards would be reviewed by Washington Cities Insurance Authority and an ordinance prepared for Council consideration.

ORDINANCE FOR STORMWATER FACILITIES IN SETBACKS

Mayor Nichols advised the proposed ordinance was drafted based on previous Council direction regarding stormwater facilities in the setback. Discussion followed regarding prohibition on stormwater structures or projections in the setback and accommodating public utilities in the setback.

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

Council requested staff consider an amendment to the last sentence of Section 14.08.300: “There shall be no structures or projections, except ~~certain~~ permitted underground stormwater facilities allowed in the setback area. The Council agreed review of this language by staff was necessary.

ACTION: *Councilmember Anderson* moved to table Ordinance No. 07-486. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

UPDATE TO STEEP SLOPES ORDINANCE

Mayor Nichols recalled the Council had previously reviewed revisions to the Steep Slopes Ordinance and Dennis Stettler, Landau & Associates, had reviewed the Town’s ordinances and provided recommendations regarding conditions for which a geotechnical report would be required.

ACTION: *Councilmember Anderson* moved for approval of Ordinance No. 07-485, amending various sections of the Woodway Municipal Code relating to Landslide Hazard Areas. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

RECONFIRM PLANNING COMMISSIONERS GEORGE STEAD AND JIM WILMER

ACTION: *Councilmember Saltonstall* moved to reconfirm Planning Commissioners George Stead and Jim Wilmer. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

DESIGNATE MAYOR PRO-TEM

ACTION: *Councilmember Saltonstall* moved to designate Bill Anderson as Mayor Pro Tem and Bob Schillberg as the alternate. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

DESIGNATE REPRESENTATIVES FOR REGIONAL COMMITTEES

Mayor Nichols distributed a chart with assignment of council members to regional organizations.

| Committee | Representative |
|--|--|
| Snohomish County Cities and Town | Councilmember Fiske |
| SnoCom | Councilmember Saltonstall with Councilmembers Fiske and Schillberg as alternates |
| Snohomish County Emergency Radio System (SERS) | Councilmember Saltonstall with Councilmembers Fiske and Schillberg as alternates |
| South Snohomish Cities | Councilmembers Schillberg and Quinn |
| Snohomish County Solid Waste Committee | Councilmember Schillberg |
| Washington Cities Insurance Authority (WCIA) | Councilmember Schillberg |
| Audit Interviews | Councilmember Schillberg |
| South County Mayors | Mayor Nichols |
| Snohomish County Tomorrow | Mayor Nichols Anderson as alternate |

Mayor Nichols suggested Councilmember Fiske consider representing the Town at the Association of Washington Cities annual conference in June.

AUDIENCE COMMENTS:

Elizabeth Mitchell, 23611 Woodway Park Road, described their desire to construct a cover for a horse arena in their setback and advised she had letters from their neighbors in support of the structure. She recommended making allowances for structures in the setback if the neighbors did not object.

GENERAL COUNCIL DISCUSSION – Council Choice of Topics

Mayor Nichols advised the Interlocal Agreement with Snohomish County Parks for \$82,000 to fund improvements to the Reserve and a play structure would be scheduled on the next Council agenda.

EXECUTIVE SESSION:

At 9:18 p.m. Mayor Nichols recessed the Council to a 10 minute Executive Session regarding possible litigation. The meeting was reconvened at 9:32 p.m.

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Fiske* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:33 p.m.

Respectfully Submitted,

Joyce Bielefeld, Town Clerk-Treasurer

APPROVED BY THE TOWN COUNCIL

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.)