

# TOWN COUNCIL MINUTES

March 16, 2009

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of March 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, Elizabeth Mitchell and Mike Quinn. Town Administrator Eric Faison and Planner Bill Trimm were also present.

**APPROVAL OF MINUTES:** *Councilmember Saltonstall* moved to approve the minutes of March 2, 2009 as amended. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Anderson* moved to approve Claims Warrants #6801 through #6808 and #6810 through #6816 for the total amount of \$197,328.43. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Steve Ohlenkamp, Paramount, delivered a letter dated February 27, 2009. He also provided letters referenced in the February 27 letter, dating back to October 2007, that referred to 3500 units as well as informing Snohomish County there was no specific proposal with regard to the number of units.

Mayor Nichols read from the February 27, 2009 letter that the draft supplemental EIS assumes a potential development of up to 3500 units, not because they intend to seek approval for a development of that size but due to their desire to comply with the goals of SEPA. Paramount felt it advisable and legally required that the EIS cover the broad range of potential density options. In addition Paramount did not want to appear to be anything other than forthright if they eventually sought approval for a project with density approximating that number. Mr. Ohlenkamp pointed out the original application with 1400 units had been submitted by the previous property owner.

**COUNCIL REPORTS:** **Councilmember Anderson** reported he would be participating in the interviews for the Port of Edmonds Executive Director. The current Director, Chris Keuss, is retiring in May. In preparation for those interviews, he met with Mr. Keuss to learn more about the Port and his job description.

Councilmember Schillberg reported at the Solid Waste Advisory Committee meeting it was reported the amount of material being picked up as well as the amount of money they receive for recyclables has been declining due to the economy.

**MAYOR REPORT:** **Mayor Nichols** reported there was a good turnout and discussion of the issues at the March 14 community meeting held at Councilmember Mitchell's home.

Mayor Nichols reported the interview panel on which Councilmember Anderson is serving will produce three finalists for the Port of Edmonds Executive Director position. The three finalists will be interviewed by the Port Commission at their April 6 meeting.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Faison reported Clerk-Treasurer Joyce Bielefeld is attending the Washington State Municipal Clerk's Conference this week.

Mayor Nichols requested the agenda be amended to discuss the Tree Preservation Code Amendment next.

**ACTION:** *Councilmember Anderson* moved to amend the agenda to discuss Ordinance No. 09-502, Tree Preservation Code Amendment, prior to the Draft Snohomish County EIS for Pt. Wells. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

### **ORDINANCE 09-502: TREE PRESERVATION CODE AMENDMENT**

Mayor Nichols explained the proposed amendment would add a penalty of \$1000 for the unauthorized removal of a tree and allow for the imposition of an additional penalty in an amount equal to the appraised value of the removed trees. Mayor Nichols recalled the Council had previously discussed designating landmark trees. She read the purpose and intent section of the Tree Preservation Code that refers to preserving trees that have been determined to constitute a unique historical, ecological or aesthetic value. The issue is whether this includes trees on private property. The Council agreed to delay discussion regarding preservation of landmark trees to a future meeting.

**ACTION:** *Councilmember Saltonstall* moved to adopt Ordinance 09-502, amending Chapter 16.12 Tree Preservation. *Councilmember Mitchell* seconded the motion.

The Council discussed the process that staff follows when a violation occurs, the Town Arborist determining the value of the removed/damaged trees, and imposition of the additional penalty at the discretion of the Director. Mr. Faison recommended the Public Works Director adopt policies for determining when the additional penalty would be imposed. Councilmember Schillberg preferred to delay adoption of the ordinance until those policies were developed.

Motion carried (4-1), Councilmember Schillberg opposed.

### **DRAFT SNOHOMISH COUNTY ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR POINT WELLS**

Mayor Nichols explained she recently submitted testimony to the Snohomish County Planning Commission and stated the Town planned to develop and submit conceptual design guidelines as part of Town's formal comment by the March 23 deadline.

Planner Bill Trimm summarized the key impacts on Woodway that were identified in the EIS were light, glare, noise, land use, preservation of view corridors and general policies. He explained the existing Snohomish County Comprehensive Plan includes Countywide Planning Policies that are intended to provide direction for development projects. The goals, objectives and policies in Countywide Planning Policies reflect that Snohomish County recognized the need to develop design guidelines that would be used in the design of urban development. The comments the Town submits will recommend that the Snohomish County Council adopt amendments to the existing Countywide Planning Policies specific to Pt. Wells.

In considering what topics the design guidelines should address, Mr. Trimm explained he reviewed the draft supplemental EIS which addressed the relationship of Woodway to site, how the site should be developed with regard to density, the importance of the waterfront, connectivity of the site to Woodway and the surrounding area, and the urban character of the development.

Mr. Trimm reviewed the proposed design guidelines with regard to the following topics:

- Vehicular and pedestrian internal and external connectivity
- Sensitivity to the site, natural resources and sustainability
- View protection – the view from future uses on the site as well as from the upper bluff
- Public/semi-public realm with regard to pedestrian scale
- Streetscape
- Building orientation and parking
- Open space
- Architectural compatibility and building height

Discussion followed regarding ways to discourage vehicular traffic, parking ratios, effect the number of units would have on the amount of parking, innovative methods for structured parking, a suggestion to place the railroad tracks in a tunnel and use the area above for parking, how to accommodate parking for all uses, compatibility of the development with Woodway, usable acreage on the site, and impact the development could have on zoning of adjacent, totally residential communities.

Mr. Trimm emphasized the purpose of the design guidelines was to provide general guidance to the applicant and to be used by Snohomish County at the policy level. He explained the comments the Town submits will recommend the Urban Center zoning district adopted by Snohomish County include reference to the following implementation goals, 1) require the applicant to prepare a Master Plan for Pt. Wells, 2) use of a Development Agreement to bind the applicant to the conditions of approval, and 3) Snohomish County create an administrative design review program/process.

Mr. Trimm reviewed the next steps in the EIS process. Discussion continued regarding adding specificity in the design guidelines to encourage native landscaping including conifers, concern with the number of units, compatibility with Richmond Beach and Woodway, concerns with traffic and what would be an acceptable/realistic number of residential units on the site.

**ACTION:** *Councilmember Schillberg* moved to include in the Town's comments an upper limit of 800-900 residential units. Motion died for lack of a second.

**ACTION:** *Councilmember Quinn* moved to submit a recommendation with the design guidelines that Snohomish County consider not more than 1,100 dwelling units for the Pt. Wells Urban Center project. *Councilmember Anderson* seconded the motion.

Discussion continued regarding the anticipated size of units and whether the number of units was a critical factor due to the proposed clean up costs. Mr. Faison displayed a comparison of number of units, total square footage of development assuming 1200 square foot units, development costs including assumptions regarding cleanup and construction, and development costs per unit. Discussion continued on whether the proposed limitation on the number of dwelling units was reasonable. Mr. Faison presented a chart providing estimated development cost per unit based on an average square footage per unit, estimated site clean-

up cost as provided by the Pt. Wells property owner, construction cost, soft cost and land cost. The conclusion was that the unit limitations proposed by Council were reasonable.

The motion carried unanimously.

**PRESENTATION: LAND USE TRAINING**

Stephanie Croll, Keating, Bucklin & McCormack, Inc., P.S. provided training to the Council regarding City Council roles in land use decision making, vested rights and legal claims over municipal land use risk management.

**AUDIENCE COMMENTS: None**

**GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS**

In light of the current economy, Councilmember Anderson suggested the Council review the budget in April. Mayor Nichols advised the first quarter budget review by the Council was scheduled in April.

Mayor Nichols distributed background information on Olympic View Water District (OVWD). She advised further discussion regarding OVWD is scheduled for the April 6 Council meeting.

**ADJOURNMENT OF PUBLIC MEETING:** *Councilmember Anderson* moved to adjourn the meeting. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

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Joyce Bielefeld, Clerk-Treasurer

**APPROVED BY THE TOWN COUNCIL**

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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.)