

SEDRO-WOOLLEY PLANNING COMMISSION
AUGUST 3, 2004 – 6:30 P.M. – MUNICIPAL COURTROOM

The Meeting was called to order by Chairman Johnson at 6:34 P.M. with Commissioners Shewmaker, Quam, Loy and Johnson in attendance. Commissioners Lefeber, Huggins and Massey not in attendance.

PUBLIC HEARINGS

PRD #2021 Klinger Estates

Chairman Johnson opened the Public Hearing at 6:35 P.M.

Applicant: Grandview, Inc. P.O. Box 159, Arlington, WA 98262. Represented by Skagit Surveyors & Engineers, Contact person: Dave McLaughlin (360) 855-2121.

Address: The property is located at 705 F & S Grade Road.

Request: Klinger Estates Planned Residential Development Preliminary Plat application. Approximately 13.63 acres zoned Single Family and Duplex (SF1). Applicant is proposing to divide property into 94 residential lots. The application includes a variance to reduce the setback requirement from natural resource properties from fifty (50) feet to twenty-five (25) feet. Project includes excavation of approximately 7,500 cubic yards of material and filling of approximately 7,000 cubic yards of material for the entire project.

Planner Lahr reviewed background information including an exception request to allow approximately half of the lots to access garages via public streets, with the other half accessing garages from alleys, the variance request to reduce the natural resource buffer, common wall structures within the development, use of the stormwater detention facility to be used as open space. She noted that staff recommends approval of the preliminary plat application subject to the following conditions:

- A. Comply with the mitigation measures included in the Mitigated Determination of Non-significance dated June 23, 2004, and as set forth below:
 - i. Erosion and sedimentation control: Provide erosion and sedimentation control plan in compliance with the Best Management Practices of the Department of Ecology Manual to prevent erosion during construction.
 - ii. Comply with the 1992 Department of Ecology Stormwater Manual.
 - iii. Frontage improvements to F & S Grade Road will consist of money in-lieu of improvements at the rate of \$150/LF as per SWPWDS 1.2.10.C2.
 - iv. Impact fees shall be assessed and collected at the rate adopted by ordinance at the time of building permit issuance.

- v. Submit a lighting plan indicating the location of any lighting within the project. Lighting shall be shielded so as not to spill onto neighboring properties.
- vi. Provide plans to the City showing the design and construction of the sewer system as approved by the City Engineer. All sanitary sewer lines shall be public and shall be located within the public right-of-way.
- vii. Provide water to the site per plans approved by the Skagit County Pubic Utility District. Locate fire hydrants and provide adequate fire flow as approved by the Fire Chief.
- viii. Comply with conditions in traffic impact analysis report dated 5-27-04, including offsite improvements consisting of intersection improvements to West Jones Road and F & S Grade Road, as described in the traffic impact analysis report and as approved by the City Engineer. Traffic impact fee credits may be given for improvements east of the F & S Grade Road centerline, as provided by city ordinances.
- ix. Contribute voluntary police impact fees of \$202.96 per unit as per the City of Sedro-Woolley Comprehensive Plan Capital Facilities Element.
- x. Hours of construction shall be limited to 7:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends as required in SWMC 9.46.020.
- xi. Construct a pedestrian walking path along the western property line to be dedicated to the city, as indicated on the PRD Master Plan design.
- xii. Construct a play area of at least 5,000 square feet in area, which includes equipment suitable for a variety of age groups as approved by the Planning Commission
- xiii. Natural on-site vegetation must remain undamaged as well as any significant trees on-site as provided for in SWMC 17.65 during site construction.
- xiv. Obtain and comply with conditions of a NPDES Stormwater general permit from the Department of Ecology.
- xv. All construction traffic shall use an approved F & S Grade Road access with a 100' geotextile and quarry spall construction entrance.
- xvi. Obtain and comply with conditions of a Hydraulic Project Approval from the Department of Fish and Wildlife for discharge into Brickyard Creek.
- xvii. Comply with Northwest Air Pollution Authority Requirements during construction activities.
- xviii. Comply with SWMC 17.65, Natural Resources and Sensitive Areas.
- xix. Comply with all local, state and federal regulations, including Sedro-Woolley Municipal Code Chapter 15.40 Public Works Construction Standards; Title 16 Subdivisions, Title 17 Zoning; Sedro-Woolley Public Works Design Standards and Sedro-Woolley Comprehensive Plan.

- B. Submit a play area design which includes equipment suitable for a variety of age groups, to be located on the playground areas labeled on the plat map, and construct or bond for play area improvements as a condition of final plat approval, all subject to approval by the city planner.
- C. Contribute the project's pro-rata share towards WSDOT's programmed project "SR 20, Sapp to Reed Street", based on calculations submitted by WSDOT, subject to approval by the City Engineer.
- D. Submit revised open space calculations in compliance with SWMC 16.20, which do not include the stormwater detention facility as common open space, subject to approval by the City Planner.
- E. Submit a landscaping and fencing plan designed to protect the adjacent agriculture property to the west as recommended herein, subject to approval by the City Planner. Such improvements must be constructed or bonded for, prior to final plat approval.
- F. Include the following language on the face of the final plat:
 - i. "The subject property is within or near designated agricultural, forest or mineral resource lands on which a variety of commercial activities and management practices may occur that are not compatible with residential development for certain periods of limited duration."
- G. Comply with the City of Sedro-Woolley Solid Waste Enclosure Standards.
- H. Pursuant to SWMC 16.20.120B(2), the developer shall pay any additional or accelerated costs of off-site improvements required as part of the development, or engineering studies to compute such costs, all as determined by the City Engineer.
- I. Comply with all other conditions recommended in the staff report.

Bill Foster – attorney for Grandview, Inc., addressed the Commission regarding the staff reports comments on frontage improvements. He noted that the applicant has no objection to paying the appropriate fees but questioned how the figure was arrived at. He also noted that there is a general objection to the condition because it does not satisfy the requirements of RCW82.02.020.

John Ravnik – Ravnik & Associates, a consultant for Grandview addressed the cost of full street improvements. He noted the improvements would not include a sewer system because the City has their own sewer improvements being proposed at F & S Grade Road and Jones Road and the only other potential utility would be storm drainage. Ravnik noted they are not contesting the fee in lieu of the improvement, but believes the payment needs to be justified based on what the improvement would be.

Foster speaking again, noted that the F & S Grade Road project is listed in the Capital Facilities Plan and therefore if the developer would be paying money to finance improvements that are within the Capital Facilities Plan they would be entitled to repayment and therefore the condition does not make a lot of sense within this project.

Discussion took place regarding the F & S Grade Road project within the Capital Facilities Plan and stormwater runoff. Ravnik addressed the regulations of road

improvements made for projects on the Capital Facilities Plan and potential credits back to the developer with traffic impact fees.

Dave McLaughlin – Skagit Surveyors & Engineers, representing Grandview Inc., presented the project overview and history of the project. McLaughlin addressed the consistency in development design with the adjoining developments, infiltration, surveying, permits, open space and density credits, playground equipment, hiking trail, buffering to neighboring agriculture property, offsite improvements and traffic impact fee credits.

Foster addressed detention pond calculations and the use as open space, the differences between useable and common open spaces and the role of critical areas as open space. He noted it is his interpretation that detention ponds under the code should be counted as open space. He pointed out discrepancies in the code with useable and unusable open space.

Commissioner Shewmaker noted that Foster excluded code 16.21.3 (c) in his presentation, which addressed the subtraction of multi-use ponds.

Discussion was held on the code in which Shewmaker was referencing. Foster argued that the code referenced does not answer how open space is calculated but addresses calculating density. Discussion also ensued regarding critical areas being off limits and the distinction between a detention pond and critical areas.

Sherman Hadley – 423 Klinger St., expressed concern of the quality of people that would be living in the multi-family homes. He referenced the Trail Road development which has had multiple problems with their multi-family housing. He noted the style and quality of living is much higher in single family homes. He stated it was his understanding that the multi-family housing will be town houses and will be sold, not rented which was more agreeable to him and addressed the benefits of a homeowners association in addressing problems. He requested speed bumps be placed on the road to control the speed of traffic, children at play signs and a speed limit of 15 miles per hour. He also expressed concern of no fencing requirement around the detention pond and questioned the impact of the drainage on Phase II of Brickyard Meadows. He requested that the project be placed on hold until the issue of the playground (common area) in Brickyard Meadows has been addressed. He noted that staff is aware that the playground had been promised but the promise was not fulfilled. He noted it has been left to the homeowners association to handle. Hadley recommended specific intentions be in writing as to what the open space or playground area will contain. He noted that both Spring and Brickyard Meadows had been promised play areas and they have not been supplied.

Paul Hieb – 8643 Westerman Rd., noted he owns the property to the west of the development. Hieb stated he has been working with the developer regarding fencing which is indicated as part of the conditions of approval. Hieb displayed pictures of Brickyard Creek that comes into his property showing debris, trash and development

materials that are remaining from construction of the other developments and requested action on the cleanup. He also addressed the ditch on F & S Grade Road with high waters in winter. He noted the ditch gets full of water and goes over the top into the fields and believes that running more water into the ditch will only add problems. He noted it was his preference for the detention pond to be shallow so no water will lay stagnant during the summer to collect mosquitoes. Hieb stated he agreed with Mr. Hadley's comments and requested fencing to be placed around any detention pond for safety. He noted during the development of Spring Meadows a fence was removed along the buffer of the creek and he would like it replaced and requested shorter varieties of shrubs to be planted along the fence.

Sherman Hadley – commented that he has called Scott Wammack at his office numerous times and the office will not put him through. He has addressed the problem with Scott Benham, Wammack's office manager and requested the debris be removed because of problems with kids hanging out in the non fenced area as well as debris left over from the two construction sites to no avail.

Patrick Hayden – City Attorney, addressed the frontage improvements along F & S Grade Road. He stated F & S Grade Road was slated for improvements in the near future as part of the 6-year TIP and Comprehensive Plan Improvement list. He noted normally a developer would be asked to pay either to construct half street frontage improvements but it makes no sense to do that in this case because the frontage is relatively small on F & S Grade Road for the size of the parcel. He noted the road is going to be rebuilt in the near future and there's no point putting in improvements and then tearing them out. He stated that Mr. Ravnik discussed options for drainage and street design which are not really relevant. The design of the frontage needs to be consistent with the frontage for the rest of the road. It was the City Engineers opinion was that the \$150/LF would address a pro rata share of the cost. Hayden suggested wording change in the Staff recommendation A iii to read that "the developer shall make payment in lieu of improvement to F & S Grade Road frontage prior to final plat approval in an amount determined by the City Engineer based upon the F & S Grade Road design". Hayden noted that once the F & S Grade Road project bids are received it will be easy to determine the frontage dollar amount.

Hayden also addressed comments regarding the credit against traffic impact fees. He noted that is what the state statute and the city ordinance says. The credit is commonly computed at the time the traffic impact fees are paid and he encouraged that provision not be deleted in part because there may be a dispute over traffic impact fees later, even though they are supported by the developers traffic study.

Hayden noted that Section F, addressing the open space calculation, the word "common" should be deleted. Hayden requested that be deleted from the sentence. He presented the City's opinion of the open space issue and examples that supported the various considerations.

Planner Lahr noted the definition of what standard open space could include. Referring to 16.20.150(D) it states it could include bicycle/pedestrian path, natural landscape buffer

area, community recreation facilities such as tennis courts, recreation buildings or swimming pools. She noted it does not list detention ponds.

Hayden restated the suggested modifications to the recommendation A, to permit the City Engineer to determine the exact amount of contribution in lieu of construction for F & S Grade Road, based on the final F & S Grade Road Design, which should be paid prior to final plat approval and encouraged upholding the City Planner's recommendation to not allow the detention pond to be used as open space.

Bill Foster – readdressed the frontage improvements issues noting that it is unsure at this time what the numbers are going to be which doesn't meet the requirements of the statutes. He also addressed the open space issue and the deletion of the word "common" noting that it is confusion on the part of the City not understanding their own ordinance. He noted the typo appears three times in the staff report in four separate paragraphs, including the boldface paragraph at the bottom of page 7 and even if deleted it does not answer the question. He then readdressed the definition of common open space which is in section 150, with Council saying this is a detention pond, it's a structure. He noted the City's definition of a structure which a structure means a stationary manmade object or part thereof erected on the ground with the intention of some permanence excluding objects less than three feet in height.

Foster questioned Ravnik as to how tall a detention pond is. Ravnik answered that it is less or minus 1 foot from the existing ground elevation.

Hayden questioned Ravnik as to how deep the detention pond would be from the top of the bank. Ravnik's answer was approximately four feet.

Chairman Johnson questioned fencing of the detention pond. Ravnik noted if it's a requirement from the City, a fence can be provided. He noted at the time of the preliminary drainage design no fence was proposed because it was only a preliminary design. He reviewed the drainage codes used by the City of Sedro-Woolley which are based upon the Department of Ecology 1992 Puget Sound Drainage manual and within that manual it states that if a detention pond has side slopes steeper than 3-1 or has a water depth in excess of 3 feet, than a fence is required. He also noted that once the final detention design is completed there will be an idea where the storm system is going and the pond can be sized exactly. If it exceeds either of those criteria then a fence will be provided. Also if the City feels a fence is necessary for the good of the public then it can be incorporated into the project as well.

Commissioner Loy questioned what effect the open space issue has on the project.

Foster noted that want to create more open space in order to maintain the lot sizes as shown. If unable to accommodate that open space a reduction in the lot sizes will be necessary. Foster stated the density calculations have been done in that scenario and they are able to meet the density calculations for the PRD by reducing some of the lots. He

stated essentially you will have smaller lots in this development that will clearly meet the density calculations however it is not the developers desire to do smaller lots.

Foster then addressed section 150 defining what certain other open spaces are and noted the problem is they cannot look at 150 because it does not define open space, it defines useable and common open space which he noted he believed the ordinance uses synonymously. He stated the City's argument says it's the planner's determination that the detention pond is not open space but believes the ordinance says otherwise and encouraged the ordinance be followed. He noted there is nothing in the code that says the detention pond can't be open space.

John Ravnik – spoke on the public comments of the detention pond turning into a mosquito haven and the comment that Brickyard Creek dries up. He noted Brickyard Creek does not have a uniform creek bottom, it has highs, lows, ponds, puddles, rocks and the fact that Brickyard Creek can dry up because the water can soak into the ground. He noted the same will occur within the bottom of the detention pond. He stated the site can support infiltration but they have not used that as the primary factor for releasing stormwater because it is not significant and because the detention pond would need to be significantly larger than what is proposed. He also noted during times of the year when rain is more frequent and Brickyard Creek does have water flowing in it the detention facility will have what is termed a wet cell or a dead storage cell which is a means for assuring sufficient water quality is being discharged from the project into Brickyard Creek. The water stored in the detention pond will be synonymous with the water that flows within Brickyard Creek. He noted the stormwater runoff from the residential development being considered will not utilize any drainage facilities within Brickyard Creek divisions I or II. Ravnik stated it is a standalone project and the only association that Brickyard Meadows division II will have is a storm pipe from the detention facility that goes south crossing lots 1 & 2 within Brickyard Meadows division II discharging into Brickyard Creek. He stated there are no shared utilities between the two in regards to drainage.

Discussion on the effect of counting open space to the project ensued with McLaughlin addressing the discussion and presenting several options with lot size reduction as a possible solution.

John Ravnik – addressed utilizing the detention pond as open space if it was planted. He cautioned utilizing it as a man-made critical area stating one of the primary functions of a detention pond is as a capture location for sediment and debris from stormwater before the water gets into Brickyard Creek and as such it requires the detention facility be cleaned out. If it would be planted as a critical area the only benefit to the adjoining property owners is the aesthetic impact to the adjoining property owners. The aesthetic impact can be achieved by landscaping around the pond but trying to create the pond as a critical area defeats its function as a maintainable system.

Chairman Johnson read a letter received from Ann Braden – 439 Spring Lane, into the record. Braden addressed planting of native trees and shrubs around the detention system. She notes the aesthetic value as well as the absorption factor.

Commissioner Loy moved to continue the public hearing to the meeting of August 17, 2004, to allow staff and the applicant to get together to discuss and iron out some of the contentious issues. Commissioner Quam seconded.

Chairman Johnson closed the public hearing at 8:17 P.M.

A vote was taken for the motion on the floor. Motion carried 3-1 (Shewmaker opposed).

The hearing was continued to the August 17, 2004 meeting.

Commissioner Loy moved to adjourn. Seconded by Commissioner Shewmaker. Motion carried.

The meeting adjourned at 8:20 P.M.

Commission Chair: _____