

PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
JANUARY 26, 1999

MEMBERS PRESENT: Frank Martin, Don Van Etten, Sharon Dillon, Jack Bryant, Nancy Paine-Donovan, Dennis Klinger, Kristjan Ochs

STAFF: Gloria Rivera, City Planner
Doug Barnet, City Engineer

Klinger called the meeting to order at 7:30 P.M.

Approval of Minutes

Paine-Donovan moved to approve the minutes of the December 15, 1998 meeting. Martin seconded. Motion carried.

COMMUNICATIONS

Rivera reported the Urban Growth Boundary is back before the County Planning Commission. Rivera stated there are three areas that are being looked at. Public hearings have been held and they decided to remove from the UGA the area on 3rd Street. This is the property the City is currently trying to annex. Rivera said because the annexation process had already started, it might be vested. The County and Boundary Review Board will make the decision whether it stays in the UGA. The corridor to Riverfront park has been retained. The Northern State Complex was to be deleted but the recommendation is to keep the ball field and main portion within the UGA but delete the forest area to the north. This will go before the County Commissioners on February 1, 1999 at 9:00 A.M. in the Commissioners Meeting Room for a vote.

Rivera also announced an upcoming meeting on in-fill to be held Thursday, January 28, 1999, 7:00 P.M., in the Aqua Room at the Skagit PUD building.

NEW BUSINESS

County Planning Commission Report

See Communications above.

OLD BUSINESS

Continuation of Appeal of Short Plat #07-98 (Calkins)

Rivera reviewed the background and changes in the staff report for Short Plat #07-98 (Calkins).

City Engineer Barnet reported that one of the conditions of short plats is to extend sewer lines. He stated it had been brought to his attention the sewer line has already been installed. It is within 30' from the south property line. Barnet stated the line was determined to be shallow and it appears that future sewer in that area will need to be run to the south, down the hill with some type of pump station. Barnet believes the condition of the plat requiring the line be extended to the south is satisfied. Barnet stated the line is as far south as can be prudent.

Klinger opened the public hearing.

Ray Houser – 22628 Rhodes Road, requested the sewer and drainage be adequately addressed.

Louie Requa – Skagit Surveyors & Engineer, 806 Metcalf representing Calkins, stated after the last meeting and the concerns expressed of standing water he had gone out to the property. He stated he had to dig down 24" until he hit water, while watching the hole that was dug, about 2" of water came into the hole which would indicate water at about 22" below the surface. Requa indicated the low area on the west end of the Calkins property and the northeast corner of the Houser property, is where the water congregates. Requa also stated he found no evidence of standing water and addressed the sewer. He referenced the Barrett Comprehensive Sewer Study which did not include Rhodes road in the study but said it has always been understood that a lift station would need to be installed within the area of Suenic. The sewer department and engineer did not see any reason for an extension of 37'. Requa stated he believes Houser should have some sort of relief in the future because of the hookups to the system that he paid for but this short plat is already being served by sewer and should not have to participate in future ULID's.

Tim Garrison – Skagit Surveyors & Engineers, 806 Metcalf, stated they have analyzed the increase in runoff that would occur due to the impervious surfaces. The best soils on the property have been selected to infiltrate that increase of runoff so the amount of runoff leaving the property after the development will be no greater than prior to development.

Dan Dibble – 1008 Rhodes Road questioned the possibility of water from the front being drawn to the rear of the property.

Garrison explained how the systems works and stated the goal, according to the DOE standards is to not increase runoff leaving the property. He stated with the infiltration trench as shown on the plan there will be no increase in runoff. Garrison stated there is nothing in the regulations stating that runoff has to be stopped, only that it can not be increased and the plans meet that goal.

Louie Requa – noted a letter dated January 20, 1999 from the City Engineer which requires a note to be placed on the plat stating “the size of the system is determined by assumed square foot of the new homes of 2000 sq ft.”. Requa assured the note will be placed on the plat.

Klinger closed the public hearing.

Paine-Donovan questioned if the depth of the sewer line will accommodate the new houses.

Garrison indicated that it will be close and it may be that it can’t work that way. If that is the case the recommendation will be that the person in the far west house install an individual booster station and pump into the system. Garrison stated this is a common solution.

Van Etten questioned the Highway 20 line.

Barnet stated that line has problems of it’s own with being shallow and he felt it would be too shallow to be able to tie Rhodes Road into that line.

Paine-Donovan moved to accept the staff findings for Short Plat #07-98. Bryant seconded. Motion carried.

Ochs moved to approve Short Plat #07-98 with the condition that the engineers note be placed on the plat. Martin Seconded. Motion carried.

Rivera stated she would be mailing a copy of the plat to adjacent property owners on Thursday. Any appeals would need to be filed within 14 days of the meeting. Any appeal would go to the City Council.

Preliminary Plat of Subdivision #02-98 (Ankney Heights)
Variance #10-98 (Ankney)

Paine-Donovan requested permission to step aside for the Ankney Heights hearing and decision.

Permission was granted by Chairman Klinger.

Rivera reviewed the subdivision request which is in the vicinity of 400 Sapp Road. The request is to subdivide approximately 18.5 acres in the SF2 zone. The applicant is also requesting a variance from the public works requirements that sidewalks be constructed on both sides of the street. Rivera pointed out changes in the staff report. The staff report recommends approval of the variance subject to the following conditions:

1. The sidewalk on the south side of the street must be five feet wide in width;
and

2. Curb and gutter must be provided on both sides of the street.

The staff report also recommended approval of the preliminary subdivision with the following conditions:

1. The following language shall be noted on the face of the plat: “Future residential development on these lots may be subject to street, parks, fire, police, and school impact fees.
2. The subdivision is subject to the conditions set forth in the Mitigated Determination of Non-Significance issued for this project on May 15, 1998 and published on May 20, 1998.
3. Language must be placed on the face of the final plat that future residences on site must comply with the City’s Natural Resources and Critical Area’s Ordinance as it relates to construction on steep slopes.
4. Language shall be placed on the face of the final plat that the lots are located in the vicinity of a business operation which may subject the residents of the plat to occasional nuisances associated with the operation of that business
5. Language shall be placed on the face of the final plat that the lots are located in the vicinity of a former city landfill.

Klinger opened the public hearing.

Arnold Donovan – 310 Sapp Road, spoke regarding drainage onto his property. Donovan read a letter with attached pictures, dated January 26, 1999 into the record. The letter addressed the history of drainage on the Donovan property and opposed any drainage of storm water run off onto his property. Donovan recommended drainage into Brickyard Creek. Donovan disagreed with the historical watercourse as stated in the engineering report.

Marianne Manville-Ailles – Skagit Surveyors & Engineers, 806 Metcalf St., speaking on behalf of the applicant, spoke on the small triangle piece within the proposed plat that is in the County. She stated the County doesn’t regard the triangle as a big issue to hold up the plat, and there are several options that could resolve this issue. The County and City will work on those issues together. It will either be an annexation process or a boundary line adjustment process. Manville-Ailles also spoke in regards to the County comment of the plat not being four units per acre. She stated the physical constraints on the property make it almost impossible to have four (4) units per acre. This project was started prior to the county’s adoption of the Comprehensive Plan and is therefore vested and should not be judged by that criteria. Manville-Ailles also stated in the original MDNS a comment on a traffic study was included, she indicated she has a letter from the City stating a traffic study will not be required. Manville-Ailles questioned the required six-foot fence on the applicants property line and stated they had no problem with placing a fence as long as it is along the applicant and City property lines. She indicated they would object to placing a fence on any other area. Manville-Ailles stated a great deal of work regarding drainage has been done on this project. The drainage study has been

prepared by a registered engineer, reviewed by the City's registered engineer and an outside registered engineer and has passed all engineers review.

Doug Barnet – City Engineer stated the proponent has asked permission to bring the water line down from Bassett Road across the old City landfill to the northern edge of his property. There is a trailer park west of there. In exchange for the City allowing him to use the City right-of-way for the water line, the City is requesting a fence down on the western edge of the City landfill from Bassett road to the corner of his property. The City is also requesting a fence for a border between the landfill and the new development. The fence will be on two sides.

Louie Requa – Skagit Surveyors & Engineers, 806 Metcalf, recounted an onsite meeting with the developers and City where the subject of the fence came up as discussion. Requa did not believe the fence was required. He did not recall this being documented in any of the requirements and states it comes as a surprise to them. Requa felt this should have been addressed in the staff report.

Engineer Barnet recalled the meeting and how the decision of the fence came about. He indicated it was in exchange for the easement for the water line on City property and had not been memorialized in writing but agreed to as a verbal agreement.

Klinger questioned the water coming off the hill and where it will go.

Tim Garrison – Skagit Surveyors & Engineers, presented the basic principles involved in the drainage. Garrison stated to his knowledge there is no high ground water on this property and the property is very pervious. The soils are sandy, gravelly soils pretty much throughout and there is a rocky area in the northwest where there will not be any houses. The ground percolates very fast. He also stated there is no visible runoff during a rainstorm, the goal was to make sure no more water leaves the site after the project is done than what leaves now. Garrison explained the water currently is intercepted by Ankney's driveway and another driveway that is higher up the hill, that water is directed to the east into a depression area offsite to the east where it disappears into the ground. There is a small portion of the southern most part of Ankney's property which is the slope between Ankney's driveway and Donovan's field below that currently where, if there is any runoff at all would go onto Donovan's property. We have collected all the new impervious flow from the houses and the road and collected. The vast majority of that runoff will be taken into an infiltration pond which is near the Ankney shop. A considerable amount of time and money was spent to test the soils in that area, and to make sure that the amount of water we are running there can infiltrate. Tests were done to ensure there were no clay layers that could catch this infiltrating water and slope it out to daylight onto Donovan's property. With the amount of testing completed we are confident we can percolate the amount of water that is coming off there now. Garrison indicated there will be an emergency overflow from the infiltration system that runs along the Ankney driveway just like it goes now, into the depression area to the east where all the water is going now, that may or may not ever see any water. The infiltration pond is sized for a 100-year storm. The depression has no outlet that is known

of, the water goes there and disappears. We designed an overflow from that depression into the Sapp road ditch that is on the south side of Sapp road which ultimately winds up in Willard Creek. There is no increase of runoff to this project. We are going to infiltrate it. Garrison stated it is believed this property historically has drained to the Willard Creek basin and knows that state law requires any property to have a drainage outlet. Garrison believes they have provided the historic drainage, which is only an emergency overflow situation but the intended drainage outlet for the property.

Klinger questioned Willard Creek.

Garrison stated there is a 36" concrete culvert under Sapp road onto Donovan's property which is the historic Willard Creek channel. It then goes through the property due west through two culverts under the railroad trestle and then on out. That is the historic Willard creek channel.

Larry McCormick – 412 Sapp Road questioned how water can get in and act as a drainage ditch if according to Donovan, Willard Creek is legally blocked off.

Arnold Donovan – stated the 36" culverts can not take the runoff because of blockage on the west side of the tracks. Donovan expressed concerned with the fact when he purchased the property the creek bed going through his property was zigzag, improper and overgrown, he cleaned it up and made it so it would have good drainage. He stated it was a great improvement when Willard Creek was deleted and put into Brickyard Creek.

Tim Garrison – stated they had looked at Brickyard Creek as an option and were strongly discouraged from discharging any water into Brickyard Creek, particularly when the historic outlet was Willard Creek. He stated the applicant has met the requirements of the City's stormwater requirements and a downstream analysis for a ¼ mile for the project. Garrison stated it is not incumbent on the applicant to analyze and be responsible for drainage facilities beyond that.

Larry McCormick – 412 Sapp Road, commented he believes there are two issues, one is the run off and how its gotten down the City's water systems and the other is how it is going to impact the neighbors property. McCormick stated he is very concerned with the depression and the impact it may have on any future development plans he may have. He feels it is totally unacceptable as it is now, let alone future run off. McCormick proposed to enlarge Brickyard Creek or Willard Creek and encouraged the need to look at the broader picture. He also requested a buffer of trees be place along the north side for noise and requested low light that won't flood the area.

Marianne Manville-Ailles – stated noise and light were addressed in the SEPA and no comments were received during the open comment period addressing these issues.

Bob Donovan – 306 Sapp Road, stated he had not received any notification of the SEPA or other notices.

Rivera stated the SEPA is a published notice and is not required to be mailed to adjacent property owners. Other notifications are mailed to property owners within 300 feet.

Robert Donovan – read a letter into the record dated January 21, 1999 addressing concerns of the emergency outflow from the Skagit Surveyors & Engineers Final Drainage Report and encouraged a moratorium be placed on any further construction within a Sensitive Water Buffer Boundary. He also requested a heavy rock retaining wall to stop encroachment of road bed and surface water drainage onto adjacent properties, the remaining Red Cedar and Douglas Fir on the downhill side of the road grade and along the Donovan fence line be undisturbed and the planting of Red Cedar, Douglas Fir and Vine Maple to stabilize the bank and create a sound buffer. Other issues addressed were lighting, hours of construction and a minimum set back buffer. Donovan also addressed SEPA inconsistencies, the current business on the Ankney property and traffic on Sapp Road.

Paul Hieb – 8643 Westerman Road, expressed concern of drainage. He questioned if the bulk of the water goes into Brickyard Creek and overflow into Willard Creek.

Garrison stated that none of the water will go off the property. It will go where it has always gone. In the event of a failure in the infiltration system or depression then it would go into the Sapp road ditch on the south side of Sapp road into Willard Creek. Nothing is proposed to go into Brickyard Creek.

Paul Hieb – stated retention ponds don't work well and Willard Creek is maxed out. Hieb discouraged the use of Willard Creek until something can be done to fix Willard Creek.

Larry McCormick – objected to any runoff onto this property, which the depression area is on. He again encouraged looking at the broad scope, not just this particular development and read from the Bek Purnell report which addresses the depression area on his property.

Nancy Paine-Donovan – 334 Sapp Road, questioned if the whole north side needed the variance on what is listed as Longtime lane or if just the stretch of lots 1 & 2. She indicated the steep part of the bluff is only in front of lot 1 & 2 and believes there is room for sidewalk just past the second lot which would provide additional safety. She also spoke of concern of traffic increase on Sapp road and safety as well as concern of the drainage issue and maintenance of drainage ponds. Paine-Donovan pointed out items in Bek Purnells report which were of concern to her, mainly the assumptions made in designing the infiltration pond and also the issue of the discharge into the Sapp road drainage ditch and into Willard Creek which hasn't been resolved. Paine-Donovan encouraged the use of Brickyard Creek and requested a 25 foot buffer along the bluff as recommended in the geological survey performed.

Paul Hieb – inquired if the land was in the Sedro-Woolley drainage system. He believes running the water to Sapp road and on into Brickyard Creek should be looked at.

Louie Requa – questioned the fact of Paine-Donovan stepping down and not leaving the room. He reminded the Commission they are here to consider a preliminary plat and they have submitted drawings in more detail than normal. Requa stated all issues being raised are SEPA issues, due process has been given and the comment period lapsed. Concerns should have been brought forward during that time. He also questioned the term “legally closed” being used with Willard Creek. He would like to see proof of the creek being legally closed. Requa encouraged approval be granted upon the condition of determination if Willard Creek is legally closed.

Discussion was held on fencing and drainage issues.

Larry McCormick – stated he believes the drainage problem is a City problem and should be looked at as a City wide drainage plan.

Barnet – stated the preliminary plat layout is fine with the City, but final plans are still being reviewed on construction drawings, storm drainage etc., none of those issues have final approval. Barnet addressed the comments of making a walking path back to the landfill. He stated the landfill will make a nice park someday, but it is still premature in trying to do something with the landfill now. Barnet also addressed the fence on the south, the location of the homes and possible children playing. He encouraged support in the requirement of the fences.

Nancy Paine-Donovan – stated she had cleared stepping down from the Commission and testifying with the City Attorney.

Robert Donovan – Expressed concern on drainage.

Martin questioned the studies at the landfill.

Barnet stated there were five test wells dug at the landfill and explained the work that has been done at the landfill.

Klinger closed the public hearing.

Van Etten moved to approve the preliminary plat subject to whether Willard Creek is closed or drainage put into Brickyard Creek. Dillon seconded. Motion carried 4-2, (Dillon and Ochs opposed).

Bryant moved to accept the staff findings A through R for SUB #02-98. Seconded by Van Etten. Motion carried 4-2, (Dillon and Ochs opposed).

Van Etten moved to approve the sidewalk variance. Martin seconded. Motion carried 5-1, (Ochs opposed).

Bryant moved to accept staff findings on the sidewalk variance. Dillon seconded. Motion carried 5-1, (Ochs opposed).

Rivera stated a letter on the subdivision approval will be mailed Thursday to those within 300 feet of the project. She would look into whether Robert Donovan was within the 300 feet. Rivera also stated there is an appeal period of 14 days from the date of the decision. Any appeal would go to the City Council.

Dillon moved to adjourn. Seconded by Martin. Motion carried. The meeting was adjourned.