

**CITY OF SEQUIM
CITY COUNCIL MEETING MINUTES
SEQUIM CIVIC CENTER
152 WEST CEDAR STREET
SEQUIM WA
May 28, 2019 CORRECTED
5:30 p.m.**

Mayor Smith announced an executive session at 5:30 p.m. for potential litigation. It is expected to last 25 minutes and no action is anticipated. Meeting reconvened at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Dennis Smith, Bob Lake, Ted Miller, Candace Pratt, Jennifer States, William Armacost, Brandon Janisse

CHANGES TO THE AGENDA

Pratt asked that Student Liaison reports be moved up in the meeting. This is the final meeting for one of our students and she has to leave for another appointment.

CEREMONIAL

Student Liaison Report

Eva indicated the end of the school year is on June 18. Several athletes just returned from state. Finals are coming soon.

Katie reported the first mental health assembly and community event was held. Graduation is next Friday. This is her last meeting. She thanked the council for the opportunity to serve as a student liaison.

PUBLIC COMMENTS *Please limit comments to 3 minutes. Please see "Public Comments" rules attached.*

PUBLIC HEARINGS

1. Jennie's Meadow Phase B and C Preliminary Major Subdivision and Variance

Mayor Smith read the rules for the public hearing. He asked for appearance of fairness issues from the City Council.

States disclosed she received 3 emails and 1 phone call. She told the caller she would not be able to meet to discuss.

Lake also received emails.

Janisse also received emails; Miller received 1 email from a proponent and 1 opponent (the atty); Pratt also received emails and did not respond; Armacost also received 3 emails and they will have no effect on his decision; Smith also received

the emails.

Mayor Smith asked for any appearance of fairness issues from the public. There were none.

The public hearing was opened at 6:20 p.m.

Berezowski stated there are 3 items to add to the record. Exhibit 27 is a letter from Zenovic; Exhibit 28 letter from Craig Miller and Exhibit 29 Hough letter. These were all distributed to council.

The Jennie's Meadow subdivision is north of Walmart and designated single-family residential, R4-R8. It was originally approved as a three-phase project in 2005. Phase A has been built. No development occurred within the allowed time frame so the subdivision lapsed. The current proposal has been reduced to a 71-lot subdivision and is proposed to be developed in two phases. Phase one includes 31 lots; phase C includes 40 lots on 10.02 acres.

The project meets all the criteria through the zoning code except for one lot. This is not a major concern and can be easily remedied.

Each lot must conform with the comp plan and zoning regulations. Each lot must adjoin a public street or a private street, as well as meet other requirements which were reviewed.

The real issue is access. The property is served by Jennie's Boulevard, which is in Phase A of the Jennie's Meadow subdivision and includes all the private roads in the subdivision. The Jennie's Meadow homeowners' association owns Tract A. The question is who has access to Jennie's Boulevard? The developer has requested a variance to use Jennie's Boulevard (a private street) as the sole access to the proposed subdivision, without a separated second entrance. Berezowsky showed various points that have been considered for a second access. He said staff had looked through each variance criteria. The application does not meet the standards for approval and staff recommend denial of the variance request.

At the Planning Commission meeting, the developer indicated they could obtain their second point of access at Snapdragon. That is not the application before the City Council. Staff are not sure if the developer has access to Jennie's Boulevard. Who has ownership? Staff recommends denial of the variance and approval of the subdivision with conditions that they resolve their access issue within the timeframe allowed, or the development loses its vesting/entitlement. This is contrary to the Planning Commission's recommendation. The Planning Commission denied the variance and denied the preliminary plat.

Miller requested a 15-minute recess to review recently submitted documents. While council reviewed documents, a letter from the Kostelec Law Office was submitted as Exhibit 30.

Meeting recessed for 15 minutes at 6:33 p.m. Meeting reconvened at 6:46 p.m.

Scott Headrick, engineer for proposal, stated they are proposing a reduction in lots. The project was previously 201 units. It has been reduced to 160. They have tried to make it the least dense as possible. Jennie's Boulevard was the only access point. They disagree with staff concerning the potential access points. They would need to

move 4000 truckloads of dirt to be able to use option D. The modified proposal extends Snapdragon Lane through Tract C to Priest Road. They have sent a letter to the HOA and will need a road maintenance agreement.

Mark Jacobs stated they looked at 3 years' worth of data. There have been no incidents on Jennie's Boulevard. Jennie's Boulevard has more than ample capacity to accommodate an additional 71 lots.

Craig Miller, attorney for Ruth Bros., has submitted a letter which contains all of his points. He believes that staff analyzed the variance using some of the wrong criteria. There is no definition or procedure for a variance from the subdivision ordinance. It is all from the zoning ordinance. There are several inconsistencies in the ordinance. Staff did not go back and do an analysis to determine why the ordinance exists. The City did not follow its own ordinance in 2005. The applicant is asking for approval of the subdivision. They accept that they have to show ownership of the road. They are asking to approve the variance. Based upon history of this problem and the subdivision, granting of a variance is appropriate to deal with the self-inflicted wound of the City. He fully understands the neighbors' concerns. The covenants address the maintenance rights. The neighbors' objections were anticipated.

Mayor Smith asked for speakers in favor of the subdivision. There were none.

Colette Kostelec, attorney representing Jennie's Meadows HOA, also submitted a letter. Kostelec said the HOA has never conceded there was a legitimate access easement. The access was for Phase A. Ruth Brothers is not a declarant under the original Jennie's Meadow declaration. They do not succeed to declarant's rights. Opening Snapdragon as the second access does not address the purpose of making a more livable community, nor does it deal with the safety issue of trying to get people out in the event of an emergency. Livability and safety are of real concern to the HOA. They request denial of the variance and the subdivision. Jennie's Boulevard does not meet the required criteria. There has been no analysis performed on the eagle nest since 2000. Even in that report the consultant said the conditions will apply indefinitely unless a breeding territory has been unoccupied in existence for 5 years. The traffic engineer looked at the impact to the intersection of Jennie's Boulevard and Priest Road. They did not look at the impact of the traffic through Jennie's Meadow Phase A.

Laurie Gasnick stated this MDNS references a bald eagle/peregrine nest. However, that was all prior to 2005. August 2007 the bald eagle was removed from the threatened species list. Her concern is Priest Road. It is a C1 collector road. This development will add 800 trips per day. Priest is 6/10 of a mile long. The 2017 county traffic study said Priest Road is the third most traveled road in the county; Kendall is the 4th.

Speaking on behalf of Harry Gasnick, Laurie Gasnick stated that variances are to be heard by the Board of Adjustment as per the SMC. There has already been a public hearing on this matter. The application is untimely.

David Hough presented a dash cam video of a drive down Jennie's Boulevard. He said a driver must back out from their garage into traffic. There are 38 houses to the right; there is no sidewalk. There is no on-street parking. The only parking is in the traffic lane. He submitted other comments in a letter.

Dan Maloney, current president of Jennie's Meadow Master Board, provided

information on the history of the development.

Mayor Smith asked for speakers opposed or neutral.

Frank Romeo stated that Jennie's Meadow was faced with bankruptcy. The McCarrys were deeded all the property in Phase A. Phases B and C went to Bill Ruth. Phase A is now complete. Phase B and C were dormant for 15 years. It is a valuable tract of land. It is clear the developer plans to use Jennie's Boulevard for access. This presents a major problem. The entrance off Priest Road does not meet the requirements for ingress/egress. The roadways are substandard.

Nelson-Gross clarified that the Board of Adjustment was replaced by the Hearings Examiner. The applicant has chosen to have the matter heard by the highest decision-making body which is the City Council.

Mayor Smith asked for additional speakers.

Hearing no response, the public hearing was closed at 7:35 p.m.

MOTION to ~~deny~~approve the variance proposal VAR18-001 and approve the preliminary major subdivision SUB 19-001 with conditions made by Miller; second by Pratt. Carried Unanimously.

ACTION ITEMS

CONSENT AGENDA

2. Approve/Acknowledge
 - a. City Council Meeting Minutes – May 13, 2019
 - b. Claim Voucher Recap Dated 5/28/19 Total Payments \$898,246.30
 - c. Reappoint Anji Scalf, Marsha Massey, Namaste Cousins and Gary/Marcella Stachurski to the Lodging Tax Advisory Committee
 - d. Reappoint Bill Biery, JoAnne Yerkes, Bill Wrobel and Maria Seabolt to the Park, Arbor and Recreation Board
 - e. Resolution R2019-01 Adopting the Interlocal Agreement with Peninsula Regional Transportation Planning Organization

MOTION to approve the Consent Agenda made by Pratt; second by Miller. Carried Unanimously.

OTHER

3. Ordinance No. 2019-007 Revising the Residency Requirements for the City Arts Advisory Commission

There was discussion concerning residency requirements and encouraging business owners to participate.

MOTION to amend the ordinance to state that at least two members must be residents of the City of Sequim made by States; second by Miller. Carried Unanimously.

4. The People's Project – By the Numbers

Hagener provided background information on the activities and events that were completed concerning The People's Project. There were 951 total voters. 358 (37%)

were city residents; 539 (57%) county; and 54 (6%) were visitors. County residents were very appreciative of the ability to vote on the projects. There were 149 high school voters. 87 (58%) were county residents and 62 (42%) were city residents.

There was discussion about the potential for online voting in the future. This was low tech. It invited the community in and encouraged communication.

5. 2020 Budget Calendar and Policy

Hagener provided a recap on the key budget policy concepts.

INFORMATION

Committee, Board and Liaison Summary Reports

Lake attended Clallam County Board of Health meeting where they discussed concerns about sudden infant death rates. Infants need to sleep on their backs with no toys.

States attended the Solid Waste Advisory Committee (SWAC) meeting. There was an update on the legislative session from Department of Ecology (DOE). There is a bill to reduce food waste by 50% annually by 2030. They are to come up with a plan by 2020. Another item is paint stewardship. This creates a fee on the purchase of oil-based paints. 50% of costs is from oil-based paint. This will save \$50K on operating costs. Reducing plastic packaging by October 2020 passed in lieu of the bag ban. There are new labeling requirements for compostable products. However, the budget for DOE is too low to implement these requirements.

North Olympic Development Council (NODC) heard a presentation from the Workforce Development Council. The Jamestown Tribe received funding for a new facility in Sequim and a new cell tower in Blyn; a broadband bill has been reintroduced along with a CMS rule change. NODC received a USDA grant for technical assistance.

States met with a Sen. Cantwell staffer. She offered support for federal level.

Pratt attended the free clinic volunteer appreciation event. She attended the housing task force meeting where they met for 90 minutes with builders. She attended the Youth Task Force meeting. This has raised awareness of needs and hopes of youth. Mike Flynn is working on a youth summit in the fall. McKinney Vento is a state program designed to identify homeless and at-risk students in the school district.

Presiding Officer

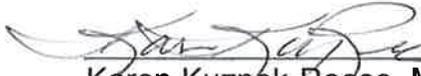
City Manager

GOOD OF THE ORDER

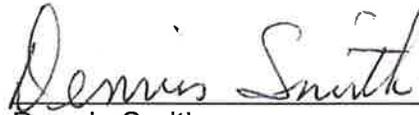
States indicated she is speaking on June 11 at Sequim Science Cafe about what the city is doing on climate change.

ADJOURNMENT 8:35 p.m.

Respectfully submitted,



Karen Kuznek-Reese, MMC
City Clerk



Dennis Smith
Mayor

Minutes approved at a regular Council meeting held on June 10, 2019.