

**CITY OF SEQUIM
CITY COUNCIL MINUTES
SEQUIM CIVIC CENTER
152 WEST CEDAR STREET
SEQUIM, WA
AUGUST 12, 2019**

WORK SESSION

1. Medication-Assisted Treatment (MAT) Facility Discussion

Miller stated that the public has difficulty understanding why Council has almost no say or involvement regarding the permitting of a MAT clinic, and that for argument purposes he would like to propose a temporary moratorium on Economic Opportunity Area (EOA) zone activity, to find out whether there is support for it on the Council.

MOTION for a three-month moratorium on all permit activity and construction activity in the Economic Opportunity Area (EOA) zones; moved by Miller seconded by Armacost.

Discussion:

States stated that, with financing opportunities available for all types of projects, she hesitates to go forward with a moratorium; it sends a signal to the State that Sequim doesn't want development. Pratt agreed, and stated that it would set a dangerous precedent. Nelson-Gross stated that there are significant liability concerns; a land use case resulted in the City of Seatac getting saddled with a \$13 million settlement after they got hit with an \$18 million jury verdict from Superior Court; in a case against Burien there was a \$10 million verdict; the Newport Beach City Council passed an ordinance prohibiting sober living facilities then endured 7 years of litigation and paid \$4 million in attorney fees, and still had to pay \$5 million in settlements and allow the facilities; and, before acting on a moratorium the risk pool must be notified. Berezowsky stated that an emergency must be declared to enact a moratorium, and asked, with a number of those land uses allowed elsewhere, how would it be justified? Lake asked what would happen if there was a moratorium, and Miller stated that Council would then review allowed uses to determine if changes were wanted. Nelson-Gross stated that moratoriums have been held to be a regulatory taking, and there is liability. Armacost stated that he has heard concerns from people about lack of transparency; he had no idea it was coming; and, MAT is not a solution to addiction. Pratt read information provided by the Tribe regarding the services planned including primary care, dental care, counseling, child care, and transportation if needed. Pratt stated that Dr. Locke spoke about how opioid use causes a brain disorder which is unlike other forms of addiction, these medications are state-of-the-art treatment, opioid addicts cannot function without something to block the disorder caused by brain damage, and treatment has helped many to become functional. Armacost stated that counseling, dental care, and health care are a blessing, but the size and scope of the clinic exceeds the need; and, a lot of the statistical opioid use in Sequim

is use by hospice patients. States stated that she has spoken with many constituents who need these services.

MOTION for a vote to determine City Council support for a three-month moratorium on all EOA development; moved by Miller seconded by Armacost.

YES: Armacost, Miller, Janisse

NO: Lake, States, Pratt, Smith

ABSTAIN: None

The vote Failed.

2. Proposed Ordinance No. 2019-013 Adopting New Sequim Municipal Code Chapter - Code Enforcement

Nelson-Gross presented, stating that the City has been working to develop a consistent process; the Nuisance Code has been updated; the Building Department has processes for Stop Work Orders; a one-stop place in the code is needed for enforcement processes; the proposed code authorizes staff to deny new permits where there is an active code enforcement case, adds administrative penalties intended to remove financial incentives to violating the code, and sets the process for appeals; and, fees for appeals would be set in the code.

Miller stated that Section 1.13.070 line 2, “must be accomplished in strict conformity with the Constitution...”, the adjective “strict” could leave us liable; Section 1.13.030D “if there is conflict between this chapter and any other provision of SMC...the more specific applies” may be too gray; and asked if Section 1.12 would need to be repealed or amended. Nelson-Gross stated that she believes Section 1.12 was changed to General Criminal Penalty, and that as we go through the code scrub we do need to cut out certain references and refer them back to this Chapter.

Pratt stated that Section 1.13.030A says “it is a violation for any person to initiate, maintain, or cause to be initiated or maintained the use of any structure”, and she would like to see that defined better. Nelson-Gross clarified that the verbiage refers to maintaining the *use* of the structure; and, that she could be ready to present the code to Council September 9th.

3. Ordinance No. 2019-004 Providing for Appointment of Hearing Examiner

Nelson-Gross presented, stating that this ordinance sets how we implement the Hearings Examiner, provides a mechanism for appointment and removal, rules of procedure, default, decision and consideration procedures, and annual reporting for City Council.

Pratt suggested changing verbiage regarding how the Hearing Examiner’s decision is sent to include sending decisions electronically, and Nelson-Gross stated that she would revise it to say the decision would be sent in accordance with the applicable RCWs. States asked why day cares and wireless facilities are Type B applications, and Nelson-Gross

stated that she cannot speak to day cares, but typically wireless facilities have federal laws to be dealt with.

4. Vacation Housing Market

Langevin presented research on vacation rentals, stating that the recent Housing Study raised a question as to whether short-term rentals negatively impact the ability to find a long-term rental; there are about 20 vacation rentals in City limits, and another 46 nearby; Clallam County does not have regulations beyond what a home normally has, and defaults to the State if the entity is managing three or more properties as “transient rentals”; Leavenworth banned vacation rentals, but has difficulty with enforcement; Chelan embraces vacation rentals, has proposed new regulations to re-allocate zones where it is allowed, and regulates tenants’ behavior; Port Townsend has a large number of vacation rentals, defines them as “tourist homes”, and the owner maintains occupancy.

Staff suggests three options for consideration:

Option 1: Implement a permitting process for vacation rentals without specific zoning, and generate an official list to monitor growth. This option creates workload due to permitting and enforcement.

Option 2: Assign a taskforce to determine what zones vacation rentals should be allowed in, and implement a permitting process for vacation rentals within specific zones.

Option 3: Maintain informal monitoring of the vacation rental market. There aren't many vacation rentals in Sequim, and this requires little staff time.

Miller stated that he supports option 3. States stated that she has a vacation rental, for the record. Lake asked how the number of vacation rentals were determined, and Langevin said he researched sites such as AirBnB where rentals are advertised.

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

CEREMONIAL

PUBLIC COMMENTS

Pertaining to a potential medically-assisted treatment (MAT) clinic:

Janet Fowler stated that she sees that the Council’s hands are tied; people will not get help until they have treatment and want to go; she is concerned that problems would be

brought into Sequim by clients of MAT, and worries about how the Police Department will handle it; is concerned about what would happen at night with cartels; and, parents in Port Angeles have to clean needles out of the baseball field dugouts.

Wendy Goldberg stated that data shows that patients of MAT have twice the odds of being in an injurious traffic accident; some clients would be transported by van but many would drive themselves; and, www.saveoursequim.org posted studies regarding the effectiveness of medically-assisted drug treatment where placebos and suboxone were used.

Karen Wilcutt stated that the value of her home in Seal Beach depreciated when a MAT opened in Long Beach; the City should get an attorney who will fight for Sequim; she is a realtor and has gotten listings from SOS members who want to move; the Tribe says a MAT clinic would lower crime, but then say their patients are working class people that are not committing crimes; asked, how does a dental clinic reduce crime?; if you are at a stage in your drug use where you need corrective dental you are not a working, productive person; and, statistics come from studies about people that can be tracked, not real junkies.

Jodi Wilke stated that Karen spoke about statistics related to people they can track, and one organization has cured many people but their members are anonymous; division in the community is due to a lack of transparency and concern; beyond the surface of studies we see the effects on communities from this type of treatment; we will schedule a public information session and invite everyone from both sides; we need to evaluate this in a non-biased way; and, we need to know why municipalities decided we are the place to offload addicts and homeless people from urban areas.

Inga Able stated that the Clallam County Health Official talked about 16 opioid deaths in 2016, but more recent data shows there were 2 opioid deaths in Clallam County in 2018, and 31 suicides; the opioid crisis in Clallam County peaked in 2015 and 2016, and has declined since; we do not have new prescription data because they are sitting on it; we lack mental health care and treatment for other addictions; on a State level we have higher death rates from crystal meth; asked, why is one small branch of behavioral health seeing all this funding? It's because 4 or 5 years ago there was an outcry, and now federal funding is trickling in; with the addition of this clinic, there will be 930 treatment spots with only 2 opioid deaths; and, you cannot get treatment for a troubled kid until they are 18 and taking heroin.

Kim McBride stated that the Tribe published a fact sheet stating that when people come to the clinic they will make sure they get back in the car; judges told her that they cannot force people back into the vehicle unless they are in police custody; studies quoted were done 30 years ago in Australia; and, they say people are drug free after treatment, but don't point out that they are in jail.

Cheryl Cuccia read information written by a person she did not name. The writer stated that (he or she) worked in drug enforcement and was widely recognized for (his or her)

work; saw failing treatment centers; saw that extra doses were sold for profit by the same people that give the meds; saw a large influx of people in makeshift shelters and committing crimes in Forks, and some were seen by mental health councilors; over half said that they were told Forks was the place to go for free drugs, housing and food; some rode the bus between Port Angeles and Forks; we should treat those who need and want it, but sacrificing the safety and well-being of those in Sequim is not prudent; and, a location in Port Angeles near OMC would be better suited.

Brody Broker stated that he had worked with two companies that wanted to provide services here, but decided against it because there was not enough need; he is in favor of drug treatment but does not know if MAT is the right kind; wondered if the MAT in Port Angeles is making a difference; visited a treatment center in Swinomish that was well run; and, had close to 1,000 calls from former clients and only 3 wanted MAT.

Karen Wilcutt stated that at the Tribe's meeting, the former addicts who stood up that were clean had gotten help from facilities already in place.

Mary Bell stated that in 2 months Ron Allen will apply, and when the application is deemed complete the public can make comments.

Josh asked the Council what they think the likelihood of the Tribe suing Sequim is, and how it would affect them economically, and stated that it would be suicide for them to do that; he is not for this; it seems like about 20% want this; and asked, is there some way everyone can win, that can we do this in a way the larger community agrees with?

PUBLIC HEARINGS (Quasi-Judicial)

5. Legacy Ridge Preliminary Major Subdivision Application (SUB15-001)

Woolett presented, stating that drainage facilities will be linked by easement; the location is designated SFR in the Comprehensive Plan and zoned R4-8; the property is 38.5 acres; many Garry Oaks will be preserved; 7th Avenue will be built by the developer to curve out around the wetland buffer; plans meet zoning requirements; 97 lots are proposed; plans meet SMC 17.20.040 Approval Criteria A – L; and, no phasing is proposed.

Miller asked whether GFC fees will be collected, and Klontz confirmed that water GFCs will go to PUD; PUD has infrastructure and will upgrade it to provide service to City standards; and, sewer will be provided by the City.

Armacost asked, regarding item I, about missing data sheets and the criteria for wetlands having a 5-year window, and Woolett stated that the plan was updated December 21, 2018.

Steve Calhoun, representing the applicant, stated that the second neighborhood meeting was held; the proposal is consistent with code; a builder has not been identified; about 25

homes will have views to the northwest; many parcels back onto wetlands or buffers; the site will be graded with the lay of the land; daylight basements are possible; there will be two points of entry to the development; and, development will cover about 60% of the property and remaining areas are wetlands or "green areas".

Pratt asked if there will be paths to access wetlands, and Calhoun stated there will not be paths, there will be no fence preventing access, but generally intrusion is limited being that it is a critical area.

Phil Cheeseman, representing the applicant, stated that no deviations or variances are applied for; all homes are proposed to be connected to Highland Irrigation; and, the storm drain system is designed to the Washington State Department of Ecology standards as adopted by the City.

Armacost stated that eleven letters were received from the community with concerns about surface water flows, and asked if flows will be handled by the stormwater system, and Cheeseman confirmed that they would. Woolett stated that the Boyd family owns the land where stormwater facilities will be located.

Public Comments

Liann Finnerty stated that she is against the proposal; owns a parcel nearby; the watercourse drains north toward the lots below Road A; that Klontz stated they would have to contain that stormwater, but it is important that it flows to the pond; and, asked about potential archeological discoveries. Woolett stated that the proponent has requirements related to archeological discoveries, and proponents have looked at the stormwater flows in depth.

William Miano, President of Cherry Blossom Estates, stated that he is neutral regarding the proposal; that regulations state no development may occur that causes flooding, yet the last development causes flooding and nothing has been done; two homes experience crawlspace flooding; and, danger to pedestrian traffic will increase with added homes.

Mike East stated that he is neutral regarding the proposal; the creek flooded down to Silberhorn and his daylight basement was flooded; the property has heavy clay soils; he added a curtain drain around his house; and, he hates to see it turn into a subdivision and hopes it is a nice one, and not one with affordable housing.

Joyce Volmut stated that she is against the proposal; there are five wetlands and three streams there; the City adopted minimal model ordinances, but could enhance ordinances if they wanted to; the handbook talks about monitoring habitat; and asked, who will monitor?

Carolyn Dudley stated that to get to Highway 101 you must take Reservoir Road or Silberhorn Road; Reservoir Road has lots of children; the developer said they would

extend 7th Avenue for construction traffic; a dump truck puts divots in the road; and asked, why not put in a road to River Road, so construction traffic can use that?

Further Discussion

Steve Calhoun, representing the applicant, stated that, regarding the wetland which is would be circumvented by 7th Avenue, the biologist met with Rick Mars of the Department of Ecology and determined how this wetland needs to be mapped to maintain hydrology.

Woolett stated that he is considering having the applicant extend the plat boundary around the ponds to the west so they would be recorded as part of the plat rather than referenced by easement, and that it would still satisfy net density requirements. Nelson-Gross stated that so long as there are appropriate conditions that speak to having an easement that is executed on or about the same time as this plat, and the applicant has the ability to grant that easement, she does not have concerns; and, in terms of whether the applicant wants to do a boundary line adjustment, that is for the applicant to speak to. Calhoun stated he believes that it is sufficient the way it is, and his initial thought would be to leave it as an easement.

Miller asked whether other mitigation can be done regarding stormwater concerns. Klontz described the history of stormwater concerns in the area, stating that a curtain drain was added at the foot of the bluff; breaches in the irrigation system have been repaired; when it floods Highland Irrigation says it's not their water, its stormwater; water flows toward Highway 101 and then to a pond, but before that it used to flood into the City; the City, in partnership with FEMA, is pursuing grant to send the water to the off-channel reservoir; and, stormwater handling for this development has been designed with an added safety factor. Regarding traffic, Klontz stated that the developer will complete a gap in 7th, build sidewalks throughout the development; and, the Traffic Study has been well reviewed. Armacost asked about a crushed culvert at Silberhorn, and Klontz stated that Public Works is working the problem.

Nelson-Gross stated that developers must address stormwater related to their development; and, we cannot hold a developer responsible for other stormwater issues.

Pratt stated that it is wise to listen to old timers, because they know where the water has been running.

Garlington stated that the stormwater engineering has been reviewed multiple times; the stormwater is not currently being handled the way it will be after this development; and, he was not aware of the crushed culvert and will look into it.

Armacost stated that all developments in Sequim, except Jennies Meadow, have developed into a foreclosure scenario, and he worries about that with the size and scale of this development and clay soils.

MOTION to approve the Legacy Ridge Preliminary Major Subdivision subject to the conditions of approval and mitigation measures as set forth in the staff report, and subject to all City regulations, standards and requirements whether articulated or not in the staff report, and to adopt the Planning Commission's Findings of Fact and Conclusions of Law in support of the Council's approval; moved by Miller seconded by Lake.

YES: Smith, Miller, Lake, States, Pratt, Janisse

NO: Armacost

ABSTAIN: None

The vote Passed.

6. Clallam County PUD #1 Special Use Permit (SUP19-001)

Woolett presented, stating that solar panels will be mounted two feet above the ground at a 30-degree angle, facing south; existing landscaping is well maintained; the proposal meets zoning code; and, this is an Essential Public Facility, listed as a Special Use.

Miller stated that he is embarrassed that DCD had to waste their time on this Special Use permit because any solar array or structure should only require a building permit, and he hopes they can change that.

Kevin Black of Clallam County PUD #1 stated that the proposal is for a 30-kw solar array providing AC power to the grid; the system will not initially have batteries; customers can buy into the project; there will be 4 inverters and 96 panels, 325 watts each; and, the project offsets the use of fossil fuels.

States asked about the cost per kw/hour, and Black stated that he does not have that information. Lake suggested adding a car charger, and stated that if an inverter that can provide power when other power sources are down is used, emergency backup power would be feasible. Black stated that PUD is considering adding batteries in the future in order to enable backup power to the communication system.

States stated that she applauds PUD in moving forward, although she would like to encourage the use of solar as part of overall power generation as opposed to doing it as a community project.

MOTION to approve the Clallam County PUD #1 Special Use Permit (SUP19-001) subject to the conditions of approval set forth in the staff report, and subject to all City regulations, standards and requirements whether articulated or not in the staff report, and to adopt the Planning Commission's Findings of Fact and Conclusions of Law in support of the Council's approval; moved by States; seconded by Miller.

Carried Unanimously.

PUBLIC HEARINGS (Legislative)

7. Resolution R2019-02 Adopting the Six-Year Transportation Improvement Program (TIP) for 2020-2025

Klontz presented, stating that this is the second touch on this topic; the TIP is a planning document, and is used when applying for grants; the City's TIP coordinates with regional and State TIPs; when this was last discussed States mentioned that the US 101/East Sequim Corridor Improvement (interchange) project should be added, and it has been; and, last week Sequim was awarded \$350,000 of federal funding.

MOTION to approve Resolution R2019-02 adopting the 2020-2025 Transportation Improvement Program by Miller; seconded by States.

Carried Unanimously.

8. Resolution R2019-03 Adopting the Six-Year Capital Improvement Program for 2020-2025

Klontz presented, stating that year 2020 is intended to go into the budget; this is the 3rd touch on this topic; the Dungeness off-channel project discussed previously has been added to the stormwater section; the City is in position to get a grant; the east Sequim corridor project has been added now that funding has been obtained; the City received a Safe Route to Schools grant to add sidewalk on north Sequim Avenue and add crossings to the roundabout, design work to begin in 2020 and construction to begin in 2021; and, the Fir Street project is going well. Pratt asked about a solar power project at Guy Cole, and Garlington stated that there will be a presentation soon. Klontz stated that next year a new system will be used to develop the CIP.

Public Comment

Charles Haygood stated that there are opportunities to improve traffic flow in conjunction with the proposed Lavender Meadows development, and he has asked that the traffic engineer walk the area with him.

MOTION to approve Resolution R2019-03 adopting the 6-year Capital Improvement Program for 2020-2025 by Lake; seconded by Pratt.

Carried Unanimously.

CONSENT AGENDA

9. Claim Voucher Recap Dated August 12, 2019 Total Payments \$1,548,924.60

10. On-Call Agreements with Construction Inspection Services, LLC, and Northwestern Territories, Inc. for Materials Testing Services

MOTION to approve the Consent Agenda; moved by Pratt; seconded by Janisse.
Carried Unanimously.

OTHER

11. **Ordinance No. 2019-014 Removing Transit Center and Picnic Shelter from Rental Facilities**

Deschenes presented, stating that plans include using the Transit Center as a dedicated location for the Emergency Operation Center and removing it, and the Carrie Blake Park picnic shelter, from the inventory of facility rentals handled by the City; a hired cleaning service is used for facility rentals; and, the cleaning fee depends on the number of attendees. Pratt asked why we charge cleaning fees for the Burkett Conference Room even when there is no food, and stated that she would like to see that changed.

MOTION to adopt Ordinance 2019-014 amending the City of Sequim Rates and Fees; moved by Miller; seconded by Pratt.
Carried Unanimously.

INFORMATION

Committee, Board and Liaison Summary Reports

Presiding Officer

Smith stated that on August 8th he attended the Chamber of Commerce and Shiso Sister City meetings; and, the student exchange is going well.

Garlington spoke about the Pavement Preservation Program and showed photos of problems in the Olympic Crest and Oak Tree neighborhoods, including roads that were not properly compacted and problems with sidewalks. Garlington stated that these problems will be fixed at a cost of \$450,000 - \$500,000; and, the City has advertised but if Council does not approve then the ad will be pulled down.

Hagener provided a preview of 2020 FTE requests, including a request for a part-time non-benefitted Emergency Management Coordinator. City Manager Charlie Bush stated that there will be an active shooter drill this fall, and an earthquake drill in 2022; the Emergency Operation Center is being renovated; and, this position was previously funded, but was cut due to the recession. Hagener stated that there will be increases in salary and benefits over the coming years; and, the budget has been balanced. Bush stated that, by design, the City's budgeting process includes determining what resources are needed to accomplish goals and objectives, and working toward that in a free thinking manner.

Nelson-Gross stated that she is participating in a program in Kettering, Ohio at no cost to the City, on the "Road Island" project, to address public road/private road/public road

situations, starting with the stretch of road from Spyglass through to Sequim Bay Road, and hopes to have a proposal to Council by the end of the year.

City Manager

GOOD OF THE ORDER

Lake stated that he suggests using a Hearing Examiner to address MAT; that there is public input included in that process; and, it would be hard to describe the effect the MAT issue has had. Smith agreed.

Pratt suggested that the Council consider strengthening the stormwater ordinance, and stated that Clallam Transit is offering free rides to the fair.

EXECUTIVE SESSION – Potential Litigation RCW 42.30.110(i)(iii)

9:35 – 9:42 pm

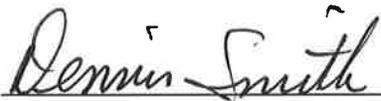
ADJOURNMENT

9:45 pm

Respectfully submitted,



Alisa Hasbrouck
DCD Specialist for City Clerk



Dennis Smith
Mayor

Minutes approved at a regular Council meeting held on September 9, 2019.

