

**Mount Vernon
City Council
Study Session Minutes
April 15, 2009**

The meeting was called to order by Mayor Norris at 7:00 p.m.

Present: Mayor Norris, Councilmembers Cheney, Combs, Fiedler, Lindquist, McMullen, Ragan and Urban

Staff Present: Police Chief Bergsma, Community and Economic Development Director Hanson, Fire Chief Hari, City Attorney Rogerson

Citizens Present: 8

NEW BUSINESS

- A. Critical Areas Ordinance Audit Update: Dr. Lyndon Lee presented information on the field audit that was done following the implementation of the Critical Areas Ordinance (CAO) that was passed in 2007. The goals of the CAO are to avoid and minimize impacts to valuable and difficult to replace resources by developing and implementing a wide variety of compensatory mitigation tools. CAO allows property owners to utilize alternatives to large buffer widths along different drainage areas within the City. Baker View Park buffer area is becoming established and progressing well. Logan Creek has obtained the required permits and the plan has been approved by the Army Corps of Engineers, Washington DOE and Washington DFW. The Logan Creek restoration design work was accomplished by utilizing Skagit Valley Community College students as site workers for original site assessment. The Kulshan Creek design is in its final stages prior to being submitted for permits.
- B. Code Amendments to Mount Vernon Municipal Code Chapter 15.40 Plan: Ms. Hanson presented information regarding the proposed amendments to the Critical Areas Ordinance (CAO). The original CAO was the first of its kind in the state and these are revisions that have been suggested since its inception. There are no substantive changes. The proposed changes are organizational or formatting changes that will make this document easier to use.

Mayor Norris opened the public hearing.

There being no comment Mayor Norris closed the public hearing.

Councilmember Combs moved to approve Ordinance 3444 adopting the amendments to Mount Vernon Municipal Code 15.40 Critical Areas Ordinance. Motion seconded by Councilmember Urban. Motion carried 6-0. 1 abstention, Councilmember Cheney did not feel qualified to vote on this at this time.

- D. Public hearing regarding Ordinance 3442: Mr. Rogerson presented information on this ordinance, adopted February 25, 2009, which created a moratorium and established interim regulations and official control governing requests for municipal utility extensions into

unincorporated urban growth areas. After a public hearing Council must either justify its continued imposition or cancel the moratorium.

Mayor Norris opened the public hearing.

- Mr. Rogerson provided an e-mail correspondence from Cory Ertel, Government Affairs Director, Skagit/Island Counties Builders Association, containing comments on this matter. Mr. Ertel was on hand to ensure that Council received those comments for inclusion in the public record.
- Mr. Young from Gig Harbor representing a property owner in the Urban Growth Area encouraged Council to consider the fact that the City does have capacity that was built by incurring debt and in his opinion extension to new customers will help to expedite the payment of that debt.
- Keith Goldsmith, land development services engineering, is also representing a land owner in the Urban Growth Area. He has compared this document to ones from other cities with similar situations and finds this proposed ordinance to be similar to those.
- David Toyer, representing the property owner who is seeking the extension of the sewer to their property. He is experienced in development procedures and he feels that the Urban Residential Development Process adequately evaluates the process for potential development of property and its potential for accessing public utilities.
- Mr. Young re-approached the Council and encouraged them to approve a process that enables good growth.

There being no further comment Mayor Norris closed the public hearing

Mayor Norris asked Mr. Rogerson to summarize the proposed ordinance. Mr. Rogerson indicated that Council is acting in a proprietary fashion with the provision of utility service. State statute allows Council the discretion to decide when, if and how a utility might be extended into Urban Growth Areas. To consider the economic feasibility of allowing the extensions, including the cost associated with staff assessment of the potential expansion. Any extension agreement must then be consistent with the Skagit County development code that references the property's ability to provide sewer/septic services. Finally, the City is accepting applications; this ordinance will simply define the process that will be followed.

Councilmember Cheney moved to approved Ordinance 3445 adopting the formal findings of fact and conclusions reaffirming the findings of Ordinance 3442. Motion seconded by Councilmember Lindquist. Motion carried 7-0.

There being no further business the meeting was adjourned at 8:13 p.m.

SUBMITTED BY:

Rebecca J. Wade, Recording Secretary

ATTEST:

Alicia D. Huschka, Finance Director

APPROVE:

Bud Norris, Mayor