

Anacortes City Council Minutes – August 17, 2020

Mayor Laurie Gere called to order the Anacortes City Council meeting of August 17, 2020 at 6:00 p.m. Councilmembers Jeremy Carter, Anthony Young, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller all participated in the meeting in absentia via video conference.

Mayor Gere noted that the Public Comment portion of the agenda had been reinstated following City Council adoption of Resolution 2096 and that the meetings were now being held using Zoom Webinar. The instructions for public participation in the City Council meetings were displayed.

Announcements and Committee Reports

COVID-19 Update: Mayor Gere reported current case statistics for Anacortes, Skagit County and the country. She compared the county statistics to the criteria required to move to Phase 3 of the Safe Start Washington plan. The mayor praised the essential businesses located along the length of Commercial Avenue for continuing to serve the public during the health crisis.

Port/City Liaison Committee: Ms. Cleland-McGrath reported from the committee meeting on August 11. She elaborated on topics discussed including the schedule for receiving the Commercial Avenue parklets, COVID-19 signage now in place in the Central Business District, rental assistance to be administered by the Anacortes Family Center, record breaking boat launch statistics for the season, opening public restrooms at the Port, a downturn in shipping through the Port, a rental deferment offered to Port lease tenants, business grants administered by EDASC, Leadership Skagit participation, the Port's economic recovery plan, Port capital improvement projects, and the status of the Port's NW Basin redevelopment project.

Finance Committee: Mr. McDougall reported from the committee meeting the prior Wednesday. He said the meeting featured a presentation by the City's bond counsel on refinancing the Water Treatment Plant bonds. Mr. McDougall indicated that the topic would be presented to full Council soon.

Fiber Committee: Mr. McDougall reported from the committee meeting the prior Thursday. He shared current installed customer statistics and the take rate for the pilot zones, which he said had already exceeded the target rate in two of the three pilot zones. Mr. McDougall described the current construction schedule for the aerial expansion areas.

Public Works Committee: Ms. Moulton reported from the committee meeting earlier in the evening. She listed the topics discussed including the A Avenue dump site, the wastewater treatment plant outfall project, the wastewater treatment plant Genifuel feasibility study, the water treatment plant clearwell and raw water line projects, decommissioning the old water treatment plant, the appointment of WiL Ludemann as Operations Division manager, Mr. Buckenmeyer's recent presentation at a climate change adaptation webinar, potential acquisition of the south Fidalgo water system from the Skagit PUD, face mask use by public works staff, and R Avenue improvements.

Public Comment

Ian Munce commented on the wetland portion of the proposed critical area ordinance, which he said had very serious structural problems. He said if there's no development application, there is no way for city staff to protect a wetland from intrusion or damage. Mr. Munce recounted the history of a specific such instance in 1989, and of the protections City Council put in place by ordinance after that event. Mr. Munce said that earlier ordinance is still on the books but is not included in the current Draft 2 of the revised regulations. Mr. Munce said the burden is on the property owner to prove something is not a wetland rather than on the city to prove that

it is. Mr. Munce urged Council to include the earlier ordinance in the revised regulations and make sure the city protects designated wetland areas and wetland buffers.

Tom Glade said that at the August 10, 2020 City Council meeting Mr. Walters had insisted that the ACFL be delisted as a critical area. Mr. Glade said that formerly in the state regulations community forestlands were not listed as critical areas so there's no statewide requirement, but he argued that the Anacortes community believes the ACFL is definitely a critical area. He urged the city to develop its own protections for the ACFL as a critical area.

Consent Agenda

Mr. Miller moved, seconded by Mr. Young, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of August 10, 2020
- b. Approval of Claims in the amount of: \$570,310.97

The following vouchers/checks were approved for payment:
EFT numbers: 97892 through 97940, total \$316,910.40
Check numbers: 97891 and 97941 through 97957, total \$248,910.68
Wire transfer numbers: 272255 through 272559, total \$4,392.56

OTHER BUSINESS

Critical Area Regulations - Workshop: Draft 2 Wetlands and Fish and Wildlife Habitat

Planning Director Don Measamer introduced the second City Council workshop on Draft 2 of the critical areas regulations update and the Planning Commission's recommendations on that draft. Mr. Measamer explained that once Council had completed its workshops to review Draft 2, staff would compile a revised draft incorporating Council suggestions, then public review of and comment on Draft 3 would begin.

Mr. Measamer asked City Attorney Darcy Swetnam to address the question of takings that had been raised at the August 10, 2020 City Council meeting.

Ms. Swetnam described regulatory takings and the potential for critical areas regulations to result in takings. She said the proposed ordinance includes a reasonable use exception, similar to that used by many other jurisdictions, to provide means of granting relief from strict application of code requirements when strict compliance would leave a land owner with no reasonable use of property. Ms. Swetnam and Associate Planner Tess Cooper responded to councilmember questions on this topic. Mr. Measamer concluded that staff would define "necessary appurtenances" and add that to the table.

Ms. Cooper then facilitated Council review of the next two sections of Draft 2 of the Critical Area Regulations, addressing Wetlands (Section 19.70.2xx) and Fish & Wildlife Habitat Conservation Areas Section 19.70.3xx). Ms. Cooper and Mr. Measamer responded to councilmember questions. Staff noted revisions and additional research requested by councilmembers.

There being no further business, at approximately 8:20 p.m. the Anacortes City Council meeting of August 17, 2020 was adjourned.