
June 7th Hearing Re 124th Street SE (South) Annexation

[Transcriber notes:

1. The quality of this tape was quite poor. The only individuals who could be heard clearly were Laura Koenig, Roy Bysegger, Loretta Storm, Ray Kistenmacher, Ron Kraut and most of the time, Mayor Rowe. However, the voices of Bob Ostrom, whose comments were especially of interest to us since they related to legal points concerning the Growth Management Act, and other council members, did not come through very well. We do not understand this, because each councilperson has a microphone in front of them on the council table.
2. When someone's voice could not with certainty be identified, the initial "M" was used if it was a male voice, and an "F" used if a female was speaking. "Voice" was used if the gender could not be identified.
3. Wherever something could not be heard, either due to poor tape quality or the way the person spoke, we have used the word "unintelligible" place in brackets.
4. Anything added by the transcriptionist to add clarity or explanation is always placed within [brackets].
5. Addresses were withheld from this transcription, since it is intended for general distribution and it is not a city-approved version.
6. Whenever a question mark appears in parentheses, such as: (?) it represents a guess on the part of the transcriber as to whom is speaking or what is being said.]

C. Rowe124th Street [SE]. And at this time we'll turn it over to the city administrator. He will make a presentation on it. Oh, first. Is there anyone here who has any objections to me being the chairperson on this or any of the council members hearing it, sitting in on it? If not, we'll proceed. Roy?

Bysegger What, what I intend to do is to, uh, is provide, uh, information to the public and to the council, uh, regarding this annexation request. I have, uh, on the map up there – and I'll go up there in a little bit – where the area is located. But on November of 1998, the property owners – I'll go on up there now – the property owners in this general area, which extended north of 124th Street I don't know if you can all see it there, but it, uh, it extended north of 124th Street [SE], submitted letters of intent to annex. The Council that year excepted that Mr. Davies did not provide all the information for the annexation because of a pending sale of his property, which is right here. In February of 1999, it was indicated to us that the area north of 124th Street [SE] was not in the Urban Growth Area. Therefore, it cannot be annexed until the county amends the boundaries. And we have submitted an application for that to occur. But that will not result until December of this year. In the meantime, this property has been sold to Garth York, and he has requested, since he is in the Urban Growth Area Boundary, has requested that the annexation boundaries be amended to only include his property. And the Council accepted that letter of intent at the last meeting. So this meeting is the public hearing regarding the annexation of this property. It has nothing to do with any future development that may occur on the property. It's only the annexation request. Are there any questions?

Ron Kraut Is it going to be an isolated piece of property separated – like it will be an island of urban [unintelligible] for city limits between, with urban growth area between it in the city limits, or how's that going to work? Are you going to extend all the way down to the –

Bysegger I believe the city limits is right south of his property. It's adjacent to that property.

L.Koenig If you look at the colored map over there, the purple line is the current city limits and his property is directly above that..

Voice And where does the city limit run?

Bysegger [unintelligible]

L.Koenig Right above it, Roy. Right there.

Bysegger Right, right, right in here. [extended pause, some inaudible comments] I believe the basic way of getting to it would be on 124th [Street SE], coming in on 124th.

Voice [inaudible].

Bysegger So this is the time for public comment regarding the annexation, if there are no more questions, I'll go ahead and sit down.

M When you ask if there are any more questions do you mean comments or..

Bysegger If there are no more questions of me. Now it's time for any comments from the public.

L.Storm I would like to speak, if possible....

C. Rowe You got someone back here with his hand up, uh – each one of you, when you stand and speak, please identify yourself and give your address so we can put it on the record?

Ron Kraut Ron Kraut, *[address withheld. Ron is the City's planning commissioner.]*. I have a few concerns. I noted on the Sky Harbor application, the Washington State Department of Transportation suggested that the Sultan Basin Road, at the intersection Highway 2 and the Sultan Basin Road be widened to have a left-turn lane as a condition of the acceptance of that application. And that's for 62 units. This has the potential for up to 240 units. Is there any type of mitigation plan to improve the Sultan Basin Road to handle all this proposed potential traffic?

Bysegger If I may address that now for *[unintelligible]*. Again, we don't have a project submitted to the City. There has not been a project for development.

Ron Kraut No plans? Okay. The next question was has that area proposed for annexation had a complete critical area study? I know with Wagley's Creek Phase 2 just recently, we had to spend a bunch of money to do a bunch of new critical area studies to determine whether we can extend the sewer line up there. Now are we going to get – if we annex this property, will we be burdened with another all-encompassing critical area study, or should the applicant be burdened with that? How does that work?

City lawyer Maybe I can assist with the answer to that question. The evaluation of critical areas is not one of the factors that are generally considered in determining whether an annexation should occur. Evaluation of critical areas are generally done when the City has a development proposal or some other land use action in front of it. The annexation of that territory isn't, isn't the same as land use action. But, if and when the land use action is proposed, whether it be in the county or in the City, the applicant will be required to do a certain level of environmental analyses, a SEPA review and probably a critical area evaluation, but that's not been really a, a, uh, a consideration given at the time of an annexation proposal.

Ron Kraut I was just concerned about that 'cause somehow we ended up with the tab for that critical area stuff—study for the Wagley's Creek Phase 2 and I don't understand how that happened. But, uh...

F That should have been part of the LID. Okay, [Barry?], you're on.

Barry(?) That's not being paid for by, by the, uh, the taxpayers of the City. It's being paid for by the people who will be in the LID.

Ron Kraut Wasn't there a grant for that study?

Barry No. There is a grant being applied for, uh, for the water system uh through rural development for that annexation, for that LID. [An LID stands "Local Improvement District" and is usually one or more entities who join together to share the cost of infrastructure/mitigation improvements before development can occur.] But the critical area study that you're talking about would be paid, will be paid for by the LID.

Ron Kraut Just – the reason I – I see we've got a critical area map here and it does, it's hard to tell by our current comprehensive map *[from the City's Comprehensive Plan]* showing our, our, our Urban Growth Area and the one that was approved in 1994, they don't even, you know, they don't, none of them, they don't even compare. They're not even – they don't have the same boundaries. I just want to know if that, that area has, had the critical area study that was required when our Comprehensive Plan was adopted back in 1994.

Male Is it in the UGA?

L.Koenig Yes.

Male Then the answer's yes.

Ron Kraut Well, we've – our Urban Growth Area maps don't comply with the Urban Growth Area maps that we have on our walls here. They're two separate maps.

L.Koenig That area was always included in both plans, the county and the city.

Ron Kraut So critical area studies have been done in all that area?

L.Koenig Um-hm *[indicating affirmative]*.

Male But not to the levels that need to be done before development only to the level that needs to be done for a UGA ...and for GMA.

Ron Kraut Thank you.

C. Rowe Okay. The next person.

L.Storm Yeah, I have one question before my comment.

Male *[unintelligible]*.

L.Storm What would be the purpose for the annexation? What was the purpose for the –

C. Rowe Please identify yourself for the record.

L.Storm Loretta Storm, S-t-o-r-m *[address withheld]*. What was the purpose – what was the reason given for the request for annexation?

Bysegger To receive city services.

L.Storm And what city services are those?

Bysegger The, primarily the water.

L.Storm Is there something wrong with their well there, or -- ? I mean, what's wrong with their water that they have right now? Someone's been living there, I believe, haven't they? Haven't they, on that property?

Bysegger I haven't been up to the property yet. I don't know.

L.Storm What, but – I mean, it must be in the file. What is the reason given in the file for the annexation?

City Lawyer Under the annexation statutes, no reason needs to be given. The person has a right as a matter of law to petition the city for annexation and request that they become part of the city limits. There isn't anything in the state law that requires a person to specify the reasons why they want annexation. They simply have to provide the city with a petition representing 60% of the assessed value of the property proposed for annexation. There isn't anything that requires them to state the reasons. There may be underlying reasons why the individual wants to be annexed, but they don't, they aren't required by law to provide that.

L.Storm Um-hm. Okay, well, I would like to make a written statement, or a spoken statement. I'm not an orator, by any stretch. I'm a writer. Uh, I'm Loretta, again, by the way. For the record. Tonight's hearing is to obtain – you want me to stand up? -- Okay. Tonight's hearing is to obtain input on an area that will set the stage for huge growth – 700 – no matter how we cut it – 750 homes to start, all adding to an overburdened infrastructure. To give you idea of how many homes that is, in relation to Eagle Ridge, who only has 161, I think we can see what an impact 750 homes would have. This file *[holds up file]*, which includes, which is the file on this annexation, as well as the northern portion – includes some of the truth about this annexation. It's an example, and I think it's an example of what's wrong right now with Sultan. I believe right now we have a power-hungry government (sic)—government that's driven wild by the smell of money. A government that encourages the wholesale slaughter of rural lands, and places a muzzle on citizen input. This government works covertly and undercover of darkness. Citizens are not made aware of potential land use actions until those lethal little land *[use]* signs are erected. And those land signs are blooming like deadly flowers, poisoning our quality of life. How important IS citizen input? According to personal communication with Craig Bruner *[according to the last Sultan newsletter, Craig's position was "Building Official"]* on May 25th, by the time a sign is erected, "it's already too late." And if that's true – and I suspect it is – this hearing is a charade. How much importance does the city council give to citizen input? We're allotted only 15 minutes

for a hearing on an issue of this magnitude. The resolution that was typed for tonight's issue is in here [*refers to file again*] already, and it uses sentence structure in the past tense, as if it is already a done deal. Notices of this hearing were not posted in the post office. Nothing was posted on the property until three days ago, and only after I mailed a flyer to 120 people living in rural lands off Sultan Basin Road. Files – such as this one – are hidden or withheld, and games are played by deeply-bureaucratic city personnel, for purposes to delay the request until it dies of old age. Efforts to obtain this file represent many hours of hard work and effort, and it's outrageous what we had to go through to get this. A file that the law mandates should be accessible for viewing at all times prior to a hearing was as, as difficult to obtain as a Top Secret CIA document. How long will we let this insane development continue? I believe we get the government we deserve. And if we stand by and do nothing, we will get growth without grace, a Sultan for sale to the highest bidder. We will lose our quality of life. And you on the Council are not looking out for our interests. The council today is Big Business. I am not anti-development. But I am FOR development with property planning, with an infrastructure already in place before construction begins. I am FOR development in the light of day when the process occurs in an open forum environment. Because we would like to make certain that everyone here understands the details and possible consequences of tonight's annexation, we have made copies of the complete file. The briefing paper the Council was given on this issue was pitiful. And brief. [*to someone else*] You want to give them to the council?

Male I'm just counting, I need one more.

L.Storm I would like to ask you, Mr. Mayor, on a scale of one to ten, how important is citizen input? Wait a minute, one being where holding this hearing is strictly a charade and formality, and ten being, voting against it because of what you hear tonight?

C. Rowe Well, my, how much importance I put on the publics input?

L.Storm Right.

C. Rowe I put it right at a ten.

L.Storm As, as mayor. As mayor.

C. Rowe I can assure you there has been nothing done behind the scenes here on this.

L.Storm No, no, no – as mayor. Wait. As mayor. As mayor, you give it a ten?

C. Rowe I'm speaking as a mayor.

L.Storm Okay.

C. Rowe I put public input as number ten. And I can assure you that there has not been anything done behind the scenes on this annexation.

L.Storm Why did it take me so MANY days, after so MANY requests – written and verbal to follow-up and what-have-you – to try to get, get this file? To see this file?

C. Rowe That, I don't, I don't know what you've done as far as how many days you've put in. You haven't contacted me asking for any of this.

L.Storm Wh—YOU are not the proper channel for contact.

C. Rowe Well, I know, but if you've got a problem with people that work for me, then you come to me.

L.Storm You know what? I – it's really been documented, I think, in conversations if nothing else, and on the forum of Sky Valley – the problem the citizens are having trying to get information from this city.

C. Rowe Wait, wait, wait. Back up one – what is Sky Valley?

L.Storm The forum, the discussion forum on skyvalley.net which is basically the only way we get any kind of input.

C. Rowe Well, that's not the city, though. That's not a city –

L.Storm No. It's not the city. You're right. It's the only way we have to get minutes, though. Copies of the minutes. And copies of council agenda and maybe have some idea what's going on here.

C. Rowe Our minutes are a matter of public record.

L.Storm They are – well, maybe you could tell me how we get a copy of them. Briefly – quickly, after the meeting.

C. Rowe How do you get a copy of them?

L.Storm Yeah.

Bysegger You should – I'm sorry.

C. Rowe Just come to city hall and...

Bysegger You should have received a letter addressing all of the comments that you provided.

L.Storm I got that tonight in the mail just in the knick of time, yes. From you. And I do thank you for that. Thank you.

Bysegger The – again, the minutes for the minutes for the last council meeting are, are not available until accepted by this council. Then they become official. Those minutes then can be reviewed at city hall, or copies purchased at city hall, by anyone.

L.Storm And that's been the case ... forever?

Bysegger That, that has been the case since, uh, as long as I have been here and I'm sure it's a case prior to that time, because once the minutes are adopted, they are official and as, then is a public document.

L.Storm O-o-o-oh, okay. Well, you give it a ten, Mr. Mayor? How about the rest of you? How much, how much do you take into account public input on these decisions?

C.Eslick I'll speak first.

L.Storm Yeah, please.

C.Eslick Loretta, I'm Carolyn Eslick. And we have to weigh, not only the public input, but what the law and the code say to us. It isn't just – if you all come in here and say no on the annexation, we cannot just say no because you folks say no. There's lots of different areas and we have to look at that.

L.Storm I understand that. I understand.

C.Eslick I – I think it's very important that we have public input. I encourage people to come here at, for all the meetings. At the 7 o'clock meeting we have a whole bunch more people coming in here about the food bank. It's very important for all of us to hear what the public has to say. This is very unusual for the City of Sultan. In the past, there has not been public input.

L.Storm What –

C.Eslick So this is okay.

L.Storm It just does not seem that you guys want it. I have talked to I don't know how many people, who say getting information out of the city is – they've just given up. They cannot get the information, even when it's put into writing as a request.

C.Eslick Well, I'm sorry for that because it isn't my *[unintelligible]*.

L.Storm Right, right. And I know you have to address –

C.Eslick But I have no problem giving you a copy of my council minutes when they come to me, after we have okayed them. But I cannot give them to you beforehand either. Exactly what Roy says.

L.Storm Well, you know, all we can do is draw conclusions based on what we see. And we do not see communication... Let me put it this way: when you go into city hall, there are copies of developer applications, permits – all kinds of things. Gosh, the developer comes in and he doesn't even need to ask anybody. It's right there, even behind the counter where the public is. You know, when a citizen goes in there, it's like, "Well who the heck are you? What do you want? Don't bother me." And it's real.

C.Eslick *[unintelligible]*. I'm sorry for that, Loretta.

L.Storm And when I ask – when I – my first council meeting when I was here April 10th that started this whole thing off, I asked, "Well, where are these notices appearing for land use action posted and advertised for people?" And the answer I got was, "It's in the Post Office, it's in the papers," it's – um, I think I got – no, it never said website—but they're on the land use signs and these land use signs – I could've brought a – if I had had time, I would have blown up a photograph and showed you where some of these land use signs are posted and how they're posted. You cannot get to them. They're behind 8-foot sewer culverts, you know, behind weeds, and you have to actually physically come into the city and TRY to view the file. I mean, if you can find someone who can find the file. It, it's just an unprofessional, VERY anti-citizen way of dealing, you know, with your people. We pay your salaries. I know, God forbid, that's an old-fashioned notion these days, but we do. So, you know, I guess that's really, that's really all I have to say. It's too much.

Voices *[unintelligible]*.

L.Koenig Loretta?

M. Raney Tell us as a council, under what circumstances – or what we should consider as a council, so the public can hear what we have to consider, under what basis we can reject an annexation or conditionally approve it or table it for further....?

City lawyer Yes, I do know. There is a set of several factors to be considered under the state law for annexation. They're essentially the same factors that the county's boundary review board considers if the annexation goes beyond this stage. The next step is for it to be submitted to the county boundary review boards. That list of factors is, is stated in state law, and I can sort of list them off if that would be helpful for the council and for the audience to kind of understand what it is by law that the city council has to consider.

Male Do you have a number? An RCW number or two or three?

City Lawyer Yeah. The RCW is RCW 35A.14.200. And some of these factors are –

L.Storm Excuse me, can I interrupt for just a second, I'm sorry? Could we maybe have some kind of guarantee that what you are about to say, along with the RCW number, appears in the public minutes? Word for word?

City Lawyer It's not for me to take the minutes –

L.Storm This is very important.

City Lawyer -- but I presume this meeting's being recorded verbatim –

L.Storm Right.

City Lawyer -- and any citizen that wants public information and records has the rights to it under state law. We have a Freedom of Information Act in Washington –

L.Storm Right.

City Lawyer -- and you can fill out a, a, uh, form that's provided by the city clerk here to request public records and you're entitled to those. You're entitled to review those.

L.Storm Well, then, then what do you when you request those records and they're not produced?

City Lawyer If something is not included verbatim in the minutes or council meetings, the tape should be available for getting a copy or listening to so that you can hear word for word what ever person on the council says and what every person who gives testimony says. So between the minutes and the verbatim tapes, there should be everything recorded that's, that's happened here tonight.

L.Storm I think the operative words there are "should be." Um, I had asked about duplicates tapes several weeks ago, actually, for meetings and – I run a transcription business – and I was told that the machine, the duplication machine is down. And I suggested, well, I guess I could come in and with my own machine, copy things. But I mean, it's – I thought by law, if I request and pay for a tape, I'm supposed to provided a tape. Um, Is that not correct, or -- ?

City Lawyer I know for a fact that the city clerk is very familiar with requirements of fulfilling a public records request and the process for that. And any citizen should be able to get any, any documents that is an official public record. And there's, there's a definition in the state law

for what is and what is not public record. But citizens should have access to that information and as far as I know, the city clerk is well-versed on how to process citizen requests for information.

L.Storm Okay. And then the other question I had is, when we fill out this form, and within five days – I think it's a five-day period you have to comply with, uh, giving us the copy or the information, whatever was requested?

City Lawyer Not exactly. There is a requirement in the law that some response be given, but if it takes time to compile information to make copies of documents or to find them in files, the city needs to let you know that.

L.Storm Okay. Okay, that's fine. But suppose I'm asking for just, like, one permit on one particular piece of property? And I fill out this form, and I come back, and it's not produced. Or I call, I can't get anybody on the phone, or they say, "Well, gee, I just don't have it right now I can't find the file---" you know, whatever – what do I do then? What course of action do I have available to, available to them then?

City Lawyer Generally, you know, a single document or a small number of documents, I presume can be produced within five days. And if there's a reason why they can't, then the city needs to let you the, know that. If you still haven't been able to get records within a reasonable period of time, then there's a process in the Freedom of Information Act that a citizen has where they can take to force the issue –

L.Storm Yeah. I printed out a copy of it, actually. But I, it just, you know, it seems like this information should be available.

Male(CH?) Who did you make contact with when they told you that...?

L.Storm Well....

C. Rowe The recorder was broke down? Is that what you said? Or the copier...

L.Koenig It wasn't me, because we don't have –

L.Storm Yeah, actually, Laura, it was.

L.Koenig -- we, we don't, we don't have –

L.Storm Yes.

L.Koenig -- no, no, no, no, no. We don't have a spare –

L.Storm Yeah.

L.Koenig -- tape recorder. I said if you bring in a recorder, we can make tapes available.

L.Storm Exactly. Right, right.

L.Koenig So if you bring in your own recorder, the taps are always available. But we don't, we actually don't have a spare tape recorder anymore that works.

L.Storm Well, maybe I misunderstood what this gentlemen [the city lawyer] just said, but I thought duplicate tapes were supposed to be provided.

L.Koenig No. We make them –

L.Storm Upon request. And that's –

L.Koenig -- we make –

L.Storm Is that not what you just said, or -- ?

L.Koenig -- them available.

City Lawyer They need to be made available one way or the other, and if, um if a citizen doesn't have their own tape recorder, and they're willing to pay for the city to send a tape out to make a copy and are willing to pay for that, that cost, that's another way it can be done.

L.Storm In other words, I would – in this case, I would have to bring in my own tape recorder and sit there for what? Two hours or whatever it might be – three hours – and actually record it?

City Lawyer No. That is one way that I, I, I understand it can be done, but, uh, if the person doesn't have their own recorder or doesn't want to spend the time, they can make the request and if

they're, they're willing to pay the cost of having someone else make the copy of it, then it can be done that way.

L.Storm Well, I, I don't want to bore everybody else here, but if, if – hey, guys, it's a big, big, BIG problem. And you're not – I know this is a small town, but with all this development going on and with all this money floatin' around, and with all these new people you're hiring, to, to, to do this development and make this city grow like crazy, you should be thinking of running it more like a business in terms of communication with your citizens. I checked the Sultan website this morning, or this afternoon, and, and I checked in on it after my first meeting [April 10th council meeting] and looked at what was there, and there wasn't really that much there. But this afternoon when I checked it, nothing was updated, EXCEPT for the planning and development page, where all the impact fees and mitigation fees and permit fees and filing fees and yadda-yadda-yadda were all there. But there wasn't anything about, you know, where you can get a Comprehensive Plan or a budget or any of the rest of it. I mean, it's not there easily for citizens. The places that I was told had it, really didn't have that information. I had to get it from another, from another citizen. I mean, you guys really need to get it together here. Or, you know, anyway I'm finished. OK, I'm sorry.

C. Rowe Is this on the city's web page, again, you're talking about now?

L.Storm Yeah.

C. Rowe One thing, before you said the people we're hiring? Just for the record, there's been a hiring freeze on since the first of the year.

L.Storm I am SO bloody glad to hear that.

C. Rowe You're saying we hired a bunch of people. But there's still a hiring freeze on so I don't know who hired them.

L.Storm Well, I don't know. I saw somebody new the other day in a new position.

C. Rowe There's been replacements for people that left. But we have not hired any new people –

L.Storm Well that's –

C. Rowe -- for expanded.

L.Storm That's good, actually. I think you guys need to try to handle what you got right now.

Bysegger May I –

C.Broughton We'd like to hear the reasons. Thank you.

City Lawyer Um.

R.Kistenmacher The RCW number again?

City Lawyer The types of factors to be considered in the, in the, um, decision by the, um, uh, boundary review board are among the following. Some of these are general, too. [These are paraphrased from the precise RCW.] The immediate and prospective populations of the areas to be annexed. The assessed value of the areas to be annexed in its relationship to population. The history of and prospects for construction of improvements in the area to be annexed. The need and possibilities for geographical expansion of the city. The present and anticipated need for governmental services in the area proposed to be annexed. The relative capabilities of the city, county and other political subdivisions to provide governmental services when the need arises. The existence of special districts, except school districts, within the area proposed to be annexed and the impact of the annexation upon such districts. The elimination of isolated unincorporated areas existing without adequate economical governmental services. The immediate and potential revenues that would be derived by the city as a result of the annexation and their relation to the cost of providing services to the area. The design review board for the county also considers whether the, the boundary of the city, the boundary of the annexation, would be a regular or irregular boundary as it, as it would appear as your city limits were revised. So these are generally the types of factors. The boundary review board also has a list of objectives that are in state law, and some of the objectives that they consider. Things like the, adhering to what the county's land use and comprehensive plans are for the, for the city and, and those sorts of things.

M. Raney Several of those points, actually, do have fairly forward-looking components to this – anticipated services, projected building and things like that. And so despite the absence of a land use action in conjunction with this annexation, I think that indicates that we do need to look out to those services.

Male *[unintelligible]*.

B.Ostrom Well, as a matter of history, if you go back to when the comprehensive plan under growth management we were doing a target population, and it turns out *[unintelligible]* the target population for the year 2012, and all our planning has to serve that particular population. The plan was adopted in 1994, and the Urban Growth Area approved by Snohomish County *[unintelligible]* to Kathy Haight who's in our audience and she was on our planning task force at the time and we, there was a lot of discussion urban growth, the boundary itself. But that, basically, when you establish that was approved at all levels, anything within that urban growth area is, should, has gotta be annexed into the city, or the intent is that it be annexed in that period of time. It doesn't have to *[unintelligible]* obviously *[unintelligible]* As I mentioned before, there was a little bit of political gerrymandering, I think, toward the end of the process. But if you look at the growth management monitoring report, where we are in population – last year it was *[unintelligible]*. In fact, we're pretty much tracking to where we want to be in the Year 2012. But anything that we do whether it's the infrastructure or the facilities or the sewer plant or *[unintelligible]*, those types of services all are targeted to that particular population.

L.Storm And excuse, me. What is that population for 2012 that you have?

B.Ostrom Well, according to the last Growth Management monitoring report, it's about 5145. And that's our, that's our requirement.

L.Storm And where are we at right now?

B.Ostrom Right now we're about 32...

Bysegger 3200.

B.Ostrom 3200?

L.Koenig 32.

B.Ostrom Uh, the, uh --

L.Storm And we have how many – does that include the developments that are right now being planned?

B.Ostrom That's the actual number of noses. That's the number of people *[unintelligible]*.

L.Storm Right, but –

B.Ostrom And I'm not sure exactly how many units we've got there, how many population *[unintelligible]*, but there are people that track this information. And the fact is, we are up for an update of the Comprehensive Plan...

M. Raney Bob, that doesn't necessarily mean, though, that just because something's inside the UGA means that it's an automatic annex at the time of the request.

B.Ostrom Well, it has to be petitioned. It has to be petitioned. It has to be *[unintelligible]* by the – by the – you've got the documentation for the uh, petition method.

M. Raney But who, then, makes the decision that infrastructure's not in place to a sufficient level yet, or that there's safety issues of – ?

[simultaneous comments]

B.Ostrom It doesn't have to be in place. The fact is, it only has to be in place for a development project. And, uh, it's –

M. Raney Now, where did that come from? That's – I guess that's a real key piece.

B.Ostrom Yeah, but that, that comes from the Growth Management Act itself. That says that you have to plan for that particular population within the UGA geographic boundaries.

M. Raney We have to plan for it, but it doesn't say in what order, does it?

B.Ostrom Well, obviously, we can't be too *[unintelligible]* four thousand five hundred, because you can't put septic on it. It has to have sewers. You know, obviously, there's certain requirements that we have to have available to provide everyone with *[unintelligible]* water and so forth to get the density.

M. Raney And shouldn't growth and safety features be part of that?

B.Ostrom Absolutely.

M. Raney *[unintelligible]*?

B.Ostrom Absolutely. Road mitigation is part of the Growth Management Act. Absolutely. *[unintelligible]*

M. Raney And all I'm trying to establish here is that there, there is a place for these considerations when you're considering annexation. It doesn't make it just that it's inside a boundary.

B.Ostrom Well the –

M. Raney It has to be inside the boundary AND have certain conditions.

B.Ostrom Well, those ..typically when the development, when the permit for development comes, then you have things like a traffic impact study and all those. You don't do a traffic impact study just on an annexation.

M. Raney But what about in a situation like this, where we've already got traffic impact studies that say it's inadequate and no promise of a functioning stoplight or adequate turn lanes?

B.Ostrom Then that's an issue that you have to *[unintelligible]*. It may be an issue but we may be able to annex it, but we may not be able to develop it, if the *[unintelligible]* is sufficiently that it is not adequate *[unintelligible]*

C. Rowe And here again, that would be done at the time of development. Not at the time of annexation.

M. Raney Except that I could see where that would leave the city open for some sort of action because the property owners come in and purchased the land with the intent of developing it, was sort of lead to believe by the easy annexation that it wasn't going to be a problem, and all of a sudden they've got their money out there –

B.Ostrom There's no promise–

M. Raney -- and they're told that –

B.Ostrom at all in the annexation that they can develop anything.

L.Storm No, but that's the reality.

M. Raney There's an inference, though.

B.Ostrom The inference is that we, this was set up long along that like I said, the boundaries have already been pre-approved by through a very lengthy public disc—public process, um, that went on for a couple of years. And, as a matter of fact lots of public hearings. Lots of input, there were hearings done at the county level also. Then it finally goes to the state for approval, and uh, so it's a long process and it's a long term plan.

M. Raney IF that's the case, then why wasn't, when they set those boundaries, you just annexed it all right then? And then start developing it bit by bit by bit ?

B.Ostrom Because it – that, that, that's not the intent. The intent is that we target this particular population to have a certain growth. You don't want *[unintelligible]* –

M. Raney But if the growth doesn't occur until you issue a, until you approve the development, then what does the annexation – why is there annexation step ?

L.Koenig *[Laura's whispering to someone else, close to mic obscures several words].*

F (K. Haight Can I say one thing? Let me say one thing about the annexation process, the part relating to the UGA...my understanding is that the original reason for having an urban growth area, not an automatic, lets take the *[unintelligible]* to them, was that the in the Growth Management Act the city was expected to fill their available building lots within the city boundaries, and then annexation could be done. And that was the philosophy, and that was –

B.Ostrom It doesn't state that. It may be, that may be *[unintelligible]* from a practical standpoint

K.Haight I think it does say that.

L.Storm I think it does, too.

Ron Kraut It was intended for phased growth. The intent is for phased growth.

B.Ostrom Well – Despite the fact that there are certain guidelines, I think that the attorneys gone over the fact it can't be an island annexation of contiguous, uh – Right now we are restricted to *[unintelligible]* only properties within the Urban Growth Area. We can't go outside of that. We'll let the Boundary Review Board [county] approve the petition for annexation or there's some other, there's a very lengthy process –

L.Storm Excuse me. You know – Excuse me. Bob? I don't mean to interrupt you, but I actually have a quote – just happen to have a quote here – from the Washington State web page where it talks about the GMA and it says: The GMA states that urban growth should be located first in areas characterized by urban growth that have existing public facility and service capability," and then, um, second, "in areas characterized by urban growth that will be served by existing and additional needed facilities and services." It very clearly states you *[unintelligible]* first –

B.Ostrom Yeah, correct. The, the, the reason is you don't want to leapfrog development. In fact, it isn't cost-effective to, you know, to go way out and then send the services out and have an island development out there. You want to develop as you go out just because it's more cost effective. That's the intent of it. That's not to say it's a mandate or a legal requirement. But the annexation – we're not looking at the developer right now. The fact is he can come in for rezones and say look, I want to do commercial, I want to do industrial, I want to do something else; I don't want homes out there. I want something else. He's not obligated to come to us necessarily to do any kind of development. Nor is the city obligated to rezone his property.

[simultaneous comments]

M However, that's, that's something you can say that, but they likelihood of that not happening is...

L.Storm Non-existent.

F Can you look at that as –

[simultaneous comments]

City Lawyer May I suggest that because we're having a public hearing, that you accept all of your public input on the merits of the annexation, and then the council can have a, you know, deliberation where they're asking quest—questions and debating the pros and cons of the annexation technique? In terms of having an orderly public hearing it's probably appropriate to accept all of the public testimony first

F Hear, hear.

City Lawyer and then have a deliberation.

C. Rowe Just a second Tom, we've got a fella in the back.

Male Ralph *[last name unintelligible; address heard but withheld]*. I'll go along with Raney. I think the annexation of this property is only for one reason and that's for development. And I'm no fool, and that's what's going to happen. And it's going to impact the roads. And whether you're not, whether or not we like it, it's going to impact the schools. Sultan itself *[unintelligible]* school districts go up to Gold Bar all the way up to Index and that area is being developed. So you've got the roads, you've got the schools, you've got the environment, and I don't *[unintelligible]* care what's happened so far. It's not very appealing to me. And I have to spend two or three months going around a building development, costing me time and money for no reason, that's ridiculous. The same thing will happen here. It's an inconvenience to me. So it has an effect on the schools, the roads, the environment and to me personally. That isn't why I moved out to this area.

C. Rowe Okay. Thank you.

Tom Green Tom Green, *[address withheld]*. I support the annexation. I think it's a good move for the city to approve the annexation. I don't see any development happening out there for quite a few years. I think Bob hit it on the head. It's not economically feasible to bring the sewer all the way up to that – I would love that, if they did. Might solve some of my problems. But I support the annexation. I think, uh, it would put a nice big chunk of land in the tax base of the city of Sultan that they'll get some extra revenue for a lot of years to come. I hear people talk about, uh, loading up the basin road and, uh, and making too much traffic to, uh, get out of that area to serve those houses. And then I look at Monroe, and I see that whole, uh, Florence Acres, that whole massive area of Monroe all comes out the Old Owen Road. One road feeds all that out. I think the state likes to see fewer outlets onto its highways. And, uh, I drive in and out of basin road all the time. I don't have any, uh, traffic problem. I think it's great. I support the annexation.

C. Rowe Thank you.

R.Kistenmacher Ray Kistenmacher *[address withheld]*. Um, just to go back to something that was said when he was reading off the RCW, one of the things that was called out there that you MUST consider when you look into annexation, IS the prospect for development. It's not "maybe." It's that you "must." Okay, I, I, first of all, I'd like to make a general objection to the fact that public input on projects like the annexation on 124th Street is not even possible at a time when it could make a real difference, because land use signs are not posted until the deal is basically finalized. Those signs should be posted – this is an ideal situation I'm not saying the law says this – those signs should be posted from the very, uh, moment that the first request form is filed with the city or the county, and should remain posted until the last formalities are completed, or the project is scrapped. That would give the public some time to respond. And now to the actual subject at hand about the annexation. The annexation on the property on 124th Street is being done for the express purpose of allowing a full-scale housing development, and it is so stated in the file that you were given. If you read through there, you'll find that. I am strongly opposed to our present rate of growth, and this annexation and its attendant sewer and water connection will virtually guarantee that Sultan Basin Road and the surrounding area, all the way up to 124th Street, will soon be heavily developed. This annexation is only a small piece of a huge mosaic of growth in and around Sultan. We know of 16 projects already made public, and are researching to find what I'm sure will be countless others still being planned. These projects will add many hundreds of homes and they're *[there's]* even talk of something like a Wal-Mart at the proposed industrial area, all of them placing increased demands on our shrinking resources. Our infrastructure cannot sustain this explosive growth. And to allow it to continue is totally irresponsible. Sewer and water are basically at capacity right now, and State Route 2 is well beyond capacity, with no relief in sight. I feel that no new development should be allowed to even break ground until mitigations for all its impacts are actually in place, not simply talked about. We must step back, take a long, deep breath, look at what is happening to our town and ask what we see for the future. I know the city would love to have the increased tax base and power, and I know that the land owners who are selling out would love to have the windfall profits, and I'm sure developers and the contractors will make tidy profits, too. But what will be left after all the money is made? As our city... [end of Side A was reached and statement not caught on tape. But the remainder of the written statement was obtained from the speaker and follows: ... planning commissioner said at a recent council meeting ; "We must plan for those who live here, not for those who leave here." I close simply by saying, If you are not already familiar with what is in this file you have no business even voting on this annexation.]

[Side B begins in process...]

K.Haight Kathy Lee Haight *[address withheld]*. My primary concern about this particular annexation is that although it is in the Urban Growth Area, the boundaries of the property are contiguous to current city property, and the details of the requirement of the Growth Management Act are being fulfilled. But. The property, if we look at it on the ground, meaning access to the property, is not contiguous to the city. The access down the Sultan Basin Road and then turn left on 124th, you are going through current UGA and county property, through a neighborhood that fought very hard back awhile ago to not be in the UGA. And the reason

we didn't want to be in the UGA was primarily because of all the consequences of density and development, one of which is traffic. Now, I live far enough from that property, that I won't be able to – if I stood on my very back property line, I could see it – but from my house I'm not going to even see it. But I'm going to have all the traffic coming down, down the Sultan Basin Road past my house, because it is the ONLY road from there. And I think that the issue of the land not really being contiguous if you look at the road infrastructure, and if you look at the fact that that neighborhood that all those cars are going to be driving through is not part of the city, then it should not be annexed. It's not just looking at a map and lines on a map and whether *[unintelligible]* contiguous. It is how are the neighborhoods impacted.

C. Rowe Thank you. Yes sir? In the back row there?

F.Cotterill My name is Frank Cotterill. *[address withheld]* And I, I'm not necessarily against development, because years ago I, I developed a 110-acre piece of ground up there. But the, uh, the, uh, the roads, I think the last time any roadwork was done was the road to, between the, uh, what is now, where your stoplight is now in Monroe, that was give-or-take a few years, on 50 years ago. The Sultan Basin Road, the only time anything was done on that was when they took the switchbacks out on the hill there, probably –well, it must have been when I was in the service, 'cause it wasn't there before. There was a switch-back on the hill when I went in the service and after I came out of World War II, why the road was straight. Other than –

C. Rowe 1946 for your –

F.Cotterill Pardon?

C. Rowe 1946 was when the road...

F.Cotterill Okay. Well, I got out in 1946. So that's when it was done. So anyway, the, the only thing that's been done is put those catch basins up in there that we got a run-over where the new development is. And our schools are in, are terribly impacted. I was on the school board for 15 years, so I know a little bit about that, too. That was a few years back. But, uh, what I would like to see the council think about – and I have not gone around and looked – but there should be some way to get into Sultan, the town, without going on US 2 and the basin road, from the basin road. You have all your schools in there. You have your businesses downtown, your city hall and everything, and the only way to get there is the one road – block. And I certainly think that you oughta think about those things before you stick your necks out too far and get too many more people around here. Thank you.

C. Rowe Okay. Thank you. Is there any more comments? Yes, ma'am?

F I'm new here and I don't know my address. *[address withheld]* I pretty much agree with everything that's been said. I live just north – yeah, just north of Eagle Ridge and I'm sitting on a 10-acre piece of property and virtually 300 feet, uh 200 yards from my boundary line, the density is so thick that people can reach out of their windows and touch each other in their homes. And I'm really concerned about planning for communities. I don't see that happening. I see a lot of attention being given to people who want to develop. I understand their right to do that. But there is no absolute right that you have on your own property to be able to do with it what you want. I can't do whatever I want on my property. I have to consider the community that I live in. Until – as these developments do naturally occur, I'd really like to see it happen in a *[unintelligible]*. It's ridiculous to be living in a rural place and 200 yards away I've got that kind of density. That just sounds like really poor planning to me. What she was, uh whoever it was saying about not being contiguous on the map is completely true. *[unintelligible]* you look at a flat *[unintelligible]*. But if you go out and look at the geography and look at the community that's up there, it's not contiguous to Sultan. It's contiguous to me, and I'm rural. And that makes a critical difference.

C. Rowe Thank you. Is there anyone else?

Ron Kraut Ron Kraut. I spoke earlier. But that was my point about the critical areas that we may not know what we're getting into as far as getting facilities up in those areas. I mean, I don't know if there's critical slopes out there, if there's a salmon stream that the county's taking care of now rather than we might have to take the burden of which is an expensive thing to

do these days. So we might be better off without annexing a piece of property.. Something to consider before doing it.

Voice [unintelligible].

C. Rowe Thank You. Is there anyone else?

J. Roberts Jean Roberts [address withheld]. I have 20 acres, uh, which would be almost next door to the proposed annexation. I agree with Kathy that the geography of the area is not conducive to the annexation. It's a very rural area, and people would have to come up Sultan Basin to 124th through the county and through the rural areas to have access. So the key to what's proposed to be annexed [unintelligible] is down the hill, it's not completely flat it's down-hill with a lot of springs in the hillside. And I just want to go on the record as being opposed. Thank You.

C. Rowe Thank you. Is there anyone else? Yes, the gentlemen back over here.

Paul Hi. I'm Paul [unintelligible]. And I've heard a lot of accusations tonight., and I don't know If they're based on fact or based on innuendo. But I'd like to ask the council regarding Sultan Basin Road and the services regarding sewer and the water and things like electricity and gas. Are there any provisions being thought of at this time to include the include the roads and Sultan Basin Road [unintelligible] and is there going to be a light down on highway 2 , because there's [unintelligible] to eliminate some of the hazards of people trying to get on and off the road. And as far as the sewer, what is the position [unintelligible] development?

C. Rowe The sewer system is not up to capacity by any means at this time. Uh, the light at the basin road and highway 2, we're in the preliminary stages right now of trying to get it designed and some costs on it and it's estimated, as I've been told, in the neighborhood of \$5 million to put that light [unintelligible]. So that's going to be awhile before it gets put in. But we are working on it, but believe me, it's slow when it's that expensive.

Male I'd just like to go on the record. I'm for improvements and , and, you know additional development, 'cause I think it's good for the community to have the additional tax revenue and [unintelligible] as long as it's done in the proper manner that, uh, [unintelligible].

C. Rowe Thank you. For the ones here still catching your breath about the \$5 million price tag it's because you can't just go put a light up like we did out here at the Red Apple. There have to be left turn lanes put in from all four directions, on the basin road and both directions on Highway 2, which means that the Wagley Creek Bridge has to be widened. Have to do something with that little road that goes up on – Walbrun Hill there. That has – so altogether, it's been estimated at \$5 million. And we just refer to it as replacing the light, but there's a lot more to it then just putting the light in.

L.Storm And then, of course, it's not even enlarged. It's still going to have the same bloody traffic.
[simultaneous comments]

Male Route 2 still has the same capacity.

L.Storm Yeah. It's not going to be enlarged. It's not going to be new – its not going to be any bypass to the city. It's still going to have the same capacity.

C. Rowe [unintelligible] That's just for the intersection. I'm not talking about widening either road. Except –

L.Storm Right.

C. Rowe -- there would be a left turn lane.

L.Storm You know what I would like to get this point –I'm sorry, for sort of monopolizing this meeting – but can the city somehow get a coalition of cities up and down Route 2 to address this issue as a whole picture, with the State?

C. Rowe We've had that in place for how long, Fred? Three, two years?

Walser The Highway 2 Safety Coalition was put together right after Donna Moore was killed in '97.

C. Rowe September of '97.

Walser There was plans to four- lane Highway 2 in the 10-year DOT project. They got money from the legislature last year to do an environmental assessment on Highway 2 from Monroe to east of Gold Bar to look at four-laning the road. The bypass that was originally designed into it, is now in the 30-year plan, but we'll never live to see it.

[simultaneous comments]

F.Walser *[unintelligible]* on the drawing board.

C. Rowe As a result of this Highway 2 Coalition, we took up a collection and sent some lobbyists to Olympia, and that's how the left turn lane on – correct me if I'm wrong on this, Fred – that's how the left turn is getting put in at Fern Bluff Road, the left turn lanes through Startup and Gold Bar, also all the way through Sultan. That's all we've been able to accomplish yet. Is there any more comments? We need to move along. Yes?

F I would like to make a request to the council before they decide on annexation, either before or against. That is to visit the site. See it with your own eyes.

C. Rowe Thank you.

F I'd like to make one more comment. Since there was so much discussion about notice not being – easy access to information and *[unintelligible]*. It would be nice to have that addressed in some way. *[unintelligible]* are not be posted at the Post Office, I would like to see that happen. And who *[unintelligible]*.

C. Rowe Roy?

Bysegger Yeah, there, there's several things that, uh, are definitely going to be done. The postings did occur. What we, uh, will be doing, though, is making even a more of a conscious effort to get information out to the public through the web page, through, uh, uh, maybe publishing, uh, the agendas, uh, in the newspapers. And we do advertise for public hearings. It is in the newspapers. Uh, we're going to be looking at various ways of, uh, getting information out to the public in a timely manner.

C. Rowe And we realize that not everybody has a computer where they can pull up the web page, but if you do have one and you know someone that doesn't, well, pass the information on to them. Okay, we better end this I suppose, we're way over our time limit.

Bysegger We need to possibly recess the public hearing, if we want to have more public comment, which we could have at a later date, a later time, uh, regarding this particular annexation, but we need to convene the next, the regular council meeting and maybe adjourn that to have the other two public hearings that we had advertised for. Or the other three.

C. Rowe OK, do we want to continue this public hearing on, then *[unintelligible]*?

Male *[unintelligible]* we do.

C. Rowe When should we do that, at the next council meeting or sooner than that or -- ?

Male *[unintelligible]*.

[some unintelligible comments from council members]

C. Rowe 6 o'clock before the next council meeting?

Male Is there a specific date set for that meeting because I saw in your agenda, that there might be a need to, uh, –

Male The 28th.

Male -- change your, your date, uh, due to a possible conflict.

Male (lawyer?) My suggestion is that if you're going to continue this hearing, that you do so to a date specific so that all the public knows what date that's going to be and it also would require you not to have to go through all the same, uh, notice that you went for, that you went through originally, to save the city some money.

C. Rowe I suppose we should go into our regular meeting before we decide that. *[unintelligible]* we've got June 21st and we'd like to change that to the 28th right?

Bysegger That is a recommendation that will be considered at the regular session of the council, that if you want to establish a date right now, the 28th, even if we don't have that as a regular meeting, that can be done.

Male We could do that even if it's not a regular meeting?

Bysegger That's correct.

[Some brief discussion about dates for continuance not discussed.]

C. Rowe Say the 28th, then? That works for everybody?

Bysegger Okay, then what you would be doing is recessing this public hearing to the 28th at, say, 6 o'clock?

C. Rowe And we'll recess the public hearing, then, until the 28th at 6 o'clock. Okay.

Bysegger Now what, before we convene the regular meeting, we need to convene the regular meeting –

C. Rowe Right.

Bysegger -- but yet we have the option of recessing, then, that regular meeting for the other public hearings that were scheduled for 6:15.

L.Koenig As a point of order, you had a motion to recess this meeting to June 28th. I need a vote on the motion.

C.Rowe Was it seconded?

L.Koenig Yes. We have a motion on the second to –

C. Rowe Do we do a roll call vote?

L.Koenig Just a –all ayes.

C. Rowe All in favor of rescheduling this hearing till the 28th, 6 o'clock? Ayes?

Voices Ayes.

C. Rowe All opposed? *[no responses]*. Okay, we'll recess it to the 28th.

L.Koenig Thank you.

C. Rowe Okay. With that, we are going to regular session. *[gavel bangs. End of this transcription.]*

Transcriptionist(s)' Certification:

I, Loretta Storm, do hereby swear that I am a professional transcriptionist and that this transcription is a true and accurate transcription and has been transcribed to the best of my mental, physical and professional abilities. However, this transcription was made from a copy of the city's tape and may not represent all the recorded material which might be found on the original.

Additional certification:

I, Ray Kistenmacher, certify that I am an electronics professional with extensive experience related to audio equipment and devices. I used an alternative playback device than the one used for the original transcription sworn to above, reviewing the transcript to discern words which might have been missed previously. Different machines have different head alignments and audio characteristics, which can and often do result in varying audio quality.

The above will attest to the verification of this transcript by affidavit, if necessary, at some point in the future.

(This transcription represents approximately 15-20 hours' work by unpaid volunteers, which represents approximately \$375 to \$600, using current industry rates for transcription.)