

**MINUTES
SPECIAL MEETING
Ferndale City Council
Held Monday, December 13, 2004
City Hall Annex – Council Chambers
7 p.m.**

PRESENT:

**Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Carol Brumet**

**Councilmember Mel Hansen
Councilmember Marianne Elgart
Councilmember Ron Wilson**

ABSENT: Councilmember Susan Cole (Excused)

STAFF:

**City Administrator Greg Young
Public Works Director Bob Cecile
Assistant Planner Corey Smith**

**City Clerk Linda Knutson
City Treasurer Mark Peterson
Associate Planner Michael Jones**

Mayor Jerry Landcastle Presiding

CALL TO ORDER

Mayor Landcastle called the Special Meeting of the Ferndale City Council to order at 7 p.m.

MOTION TO SUSPEND RULES

It was moved by Councilmember Hansen and seconded by Councilmember Wilson to suspend the Council Rule requiring confirmation of all seven Councilmembers of a Special Meeting. Motion passed unanimously.

PUBLIC COMMENT

No one spoke

ORDINANCE #1334 – ADOPTING THE 2005 BUDGET – SECOND READING

Mayor Landcastle stated that the 2005 budget has been reviewed over numerous work sessions and Council meetings, and the ordinance's first reading was approved.

It was moved by Councilmember Wilson and seconded by Councilmember Oliver to approve Ordinance #1334 adopting the 2005 budget.

Councilmember Reilly stated that he would vote against the ordinance, because the property tax was not held at one-percent. He felt that the voters of Whatcom County overwhelmingly mandated this restriction by passing the Eyman initiative a few years ago. He further felt that the Council should have looked at budget cuts.

Councilmember Elgart said that budget cuts might have been considered, had any come forward.

Motion passed five-to-one, with Councilmember Reilly voting no.

ORDINANCE #1337 – SEWER BASE FEES

Mayor Landcastle reviewed that at their last meeting, the Council had directed staff to prepare an ordinance that would raise the base fee for sewer service rates by \$1.00 per month, \$2.00 per bi-monthly billings.

It was moved by Councilmember Hansen and seconded by Councilmember Oliver to approve Ordinance #1337 raising the sewer service base fee by \$1.00 per month.

Councilmember Hansen wanted to point out that the surcharge on sewer service is being reduced from eighteen-percent to fifteen-percent, effective January 1, 2005.

Motion passed unanimously.

HIGHWATER DOWNS – APPEAL OF PLANNING COMMISSION RECOMMENDATION
Closed Record Hearing/Deliberation – Protocol Reviewed by Mayor Landcastle

Staff Report

Assistant Planner Corey Smith reviewed for the Council that the Planning Commission had unanimously recommended approval of the Highwater Downs Preliminary Plat and PUD on October 13th. Mr. John P. Ravnik, P.E. (representing certain owners within the Lakeridge Estates subdivision) has submitted a written appeal of the Planning Commission's 10/13/04 recommendation. The issues presented in the appeal fall generally into one of 2 major categories: (1) traffic concerns; (2) drainage concerns.

The Appellant states that the desired outcome/changes to the Planning Commission's recommendation would include the City Council's ultimate approval of the project, subject to the 3 "recommendations of support with conditions" contained on page 9 of the written appeal. These conditions would require that additional studies be prepared at the expense of both the project proponent and the City, and that the City Council postpone making a final decision on the project until the additional information is submitted.

The Appellant states that Pacific Heights Drive must be classified at a minimum as a "neighborhood collector" and thus constructed as such under the City Development Standards. This would require a wider pavement section between curbs. The Public Works Director's assessment of the above claims is that Pacific Heights Drive, even when ultimately constructed north to Thornton Road, will be classified and function as a "local street", as defined in the Development Standards. This is consistent with the City's Comprehensive Plan, which classifies all streets in the City's residential core as local streets, with the exception of Thornton, Church, Main, Vista, and Malloy. The fact that a street is planned for future extension, or provides interconnectivity between residential neighborhoods does not make it a neighborhood collector.

The Appellant also desires to see the Highwater Downs project modified to include a secondary access street from the site directly to Church Road, on which the site partially fronts. Staff has considered the Appellant's proposed secondary access arrangement and found it to be unnecessary, inconsistent with the Development Standards, and not in the City's best interest. No need has been demonstrated for an additional access point to Church Road with the addition of a 30-lot subdivision. The Highwater Downs traffic study, required as part of the SEPA environmental review, provided staff with adequate information to assess traffic impacts and determine that no secondary access is necessary to be provided to the project site. The existing road network within the Lakeridge Estates development has been shown to be currently underutilized and the increase of 300 vehicle trips per day is not enough to cause significant impacts to nearby intersections. The project was also reviewed by the City's Technical Review Committee and no emergency service access issues were identified by the fire district or police department.

Staff understands the need for a future east-west connection between Pacific Heights Drive and Church Road. It is staff's professional assessment that such an east-west connector should be located further to the north of the Highwater Downs project to provide greater separation between intersections and/or alignment with existing streets on the east side of Church Road. This concept was discussed between the Public Works Director and the Streets and Utilities Committee during initial discussions of the Highwater Downs project.

Finally, the Appellant is concerned with drainage impacts from the proposed project to the Lakeridge Estates stormwater pond. The appeal states that the preliminary drainage report submitted by the applicant contained insufficient information for staff to adequately assess the project's impacts, and subsequently for the Planning Commission to make its recommendation for approval.

Staff believes that the information contained in the developer's preliminary stormwater report does include sufficient information to review the proposal. Per standard City procedure, a detailed stormwater analysis will be required at the time that civil construction drawings are submitted to the City for review. The stormwater facilities for the project will be required to meet current Department of Ecology stormwater guidelines. It is typical that the Appellant's questions would be answered through information provided in that review. The end result is a simple one – the civil plans for the project's stormwater facilities must either conform to DOE standards or they will not be approved.

Planner Smith concluded that many of the Appellant's statements appear to be a matter of "difference of opinion" between professionals with regard to how the development standards are to be applied. In the case of both administration of the development standards, and determination of the adequacy of the technical studies used to determine impacts, staff's position is that the information was sufficient to provide the analysis required by code and that the recommended conditions of approval for the project adequately mitigate any adverse impacts. In response to drainage concerns brought up by citizens during the 10/13/04 public hearing, the Planning Commission added further conditions to require an interceptor drain to be installed across portions of the project adjacent to several lots in Lakeridge Estates.

Call for Ex-parte Communications

Councilmembers Elgart, Reilly, and Hansen all stated that they had received phone calls and been involved in casual conversations regarding this project and appeal. All confirmed that they would be fair and unbiased in their deliberations.

Council Deliberation of Appeal

Councilmember Reilly asked staff about prior considerations regarding traffic levels on Lakeridge when the estates were developed, and in particular the "dead-end" portion of Lakeridge. Planner Smith indicated that the stubbed-off street appears to have been in anticipation for future annexations into the adjoining urban growth boundaries.

Councilmember Elgart inquired as to how city streets are designated. Planner Smith responded that designations are made through the Comprehensive Plan.

Motion

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to deny the appeal of the Planning Commission's recommendation to approve Highwater Downs.

Further Deliberations

Councilmember Reilly felt that the Planning Commission had done a good job regarding this project, but was not certain how he would vote.

Councilmember Hansen was confident that staff had considered impacts to transportation in the area, and that in the future there will be many accesses to many collectors.

Councilmember Elgart agreed, saying that current and future planning in this area was based on an "evolution of growth". She further stated that drainage issues are well addressed, and that the Planning Commission looked at all concerns, using best available science to address those concerns.

Councilmember Oliver concurred, and was supportive of the Planning Commission's thoroughness.

Vote

Motion to deny the appeal passed unanimously.

HIGHWATER DOWNS – PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT

(This item was scheduled to be heard *only* if the related appeal was denied by Council in the previous action)

Planner Smith reviewed the Highwater Downs project, a Preliminary Plat and Planned Unit Development, a proposed 30-lot residential subdivision on approximately 30 acres of land, located in the RS 10.56 zone, on the west side of Church Road, just south of the intersection of Church and Thornton Street.

The Planning Commission voted unanimously to recommend approval of the Highwater Downs PUD/Preliminary Plat. The Commission's Resolution states the recommended findings of fact and conditions of approval. Planner Smith made special note that the Planning Commission added Conditions 32 and 33 to those recommended by staff.

It was moved by Councilmember Brumet and seconded by Councilmember Wilson to approve the Highwater Downs Preliminary Plat and Planned Unit Development based on Findings of Fact and subject to all Conditions of Approval.

The Council asked staff about dedicating mitigation fees to Church Road improvements. Staff felt that such improvements would be appropriate. This discussion will go to the Streets and Utilities Committee.

Motion passed unanimously.

WOODSIDE VILLAS – PRELIMINARY PLAT

Associate Planner Michael Jones reviewed that the Woodside Villas Preliminary Plat is a 17-lot Preliminary Plat on 5.3 acres of land located in the RM 1.5 zone. The project is designed to include 16 four-plex lots and one tri-plex lot. If developed in this arrangement, it would accommodate 67 units in total. The applicant proposes to develop the necessary infrastructure and sell the lots to individual builders. Therefore, ultimate density will be subject to the discretion of individual lot owners, and could be somewhat lower than the 67-unit maximum. The 17-lot project would be governed by CC&R's and a homeowners' association. The project is located just west of downtown Ferndale in a residential area. The subject property is zoned RM 1.5 (multi-family residential).

The Planning Commission held a public hearing on November 10, 2004 to consider the proposed Preliminary Plat, and voted unanimously to recommend approval of the proposed Preliminary Plat based on the staff analysis and findings of fact, subject to 23 Conditions of Approval.

Councilmember Reilly asked if there were any water-flow concerns in this area. Peter Torkild, the applicant, responded that the capacity on the Legoe side is more than adequate, and the capacity on the Washington side will be upgraded in association with the project.

It was moved by Councilmember Wilson and seconded by Councilmember Oliver to approve the Woodside Villas Preliminary Plat based on Findings of Fact and subject to all conditions of Approval.

Councilmember Elgart stated that with the added conditions, this project was a good addition to the City.

Councilmember Oliver added that he was pleased to see these kinds of projects being introduced within the City, which he felt were good projects that maximize infrastructure and infill.

Motion passed unanimously.

MALLOY VILLAGE – PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT

Associate Planner Jones reviewed the Preliminary Plat for Malloy Village, a proposed 154-lot residential development on approximately 40 acres, zoned RS 8.5, and located on the east side of Malloy Avenue just north of Thornton Road.

The project is a “postage stamp” development, with small lots surrounded by commonly owned property. The open space, private roads, and community office would be held in common ownership by the homeowner’s association. The individual lots would be approximately 1,400 square feet. The lots would not have building setbacks. The building footprint occupies the entire lot. The project’s overall density is 3.85 dwelling units per gross acre. The plan includes passive and active open space areas. Parks and yard areas create useable open space of approximately 20% of gross acreage as required by the PUD ordinance.

The project is designed in a “neo-traditional” style. This incorporates narrower than standard streets, garages served by alleys in the rear of some homes, and homes with front porches generally oriented toward pocket parks, green belts or the street. Where homes face the street, the front porches are set near the sidewalk. This design style mimics an “old fashioned” residential neighborhood.

The Planning Commission held a public hearing on November 10, 2004 to consider the proposed Preliminary Plat and PUD. Staff recommended that, at a minimum, the applicant be required to provide 616 on-site parking spaces. While this is well short of what would generally be found in a single-family neighborhood it is the minimum that would be required by zoning standards.

After a discussion of the proposed project, including some questions directed to staff and the applicant, the Planning Commission voted unanimously to recommend approval of the proposed PUD and Preliminary Plat based on the staff analysis, findings of fact, and subject to the original 27 Conditions of Approval listed on pages 16-18 of the staff report, and 3 additional conditions, following:

28. Development style and character shall be in substantial compliance with the exhibit labeled “Conceptual Streetscape” presented into the record at the November 10, 2004 Planning Commission hearing.
29. A minimum 6-foot high chain link fence shall be installed along the east property line between the residential development and the railroad right-of-way.
30. The applicant shall provide additional parking through modifications to the plat. Such revisions shall be submitted to Planning Department staff for review and approval. Adequacy of parking shall be determined by Planning and Building Director.

Council and staff noted that any interior issues will be worked through CCR’s and the Homeowners Association.

It was moved by Councilmember Wilson and seconded by Councilmember Brumet to approve the Malloy Village Preliminary Plat and Planned Unit Development based on Findings of Fact and subject to all Conditions of Approval.

Councilmember Oliver said he supported this project as an innovative addition to the City’s housing inventory. Councilmember Elgart agreed.

Motion passed unanimously.

SET COMMITTEE MEETINGS

The Streets and Utilities, Recreation and Finance, and Planning and Judicial Committees will meet on Wednesday, December 15th.

ADJOURNMENT

There being no further scheduled business, the meeting was adjourned at 8:35 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk