

MINUTES
Ferndale City Council Meeting
Held Monday, August 21, 2006
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Keith Olson

Councilmember Mel Hansen
Councilmember Gary Jensen

ABSENT: Councilmember Ken Downey (Excused)

STAFF:

City Administrator Greg Young
City Treasurer Mark Peterson
Public Works Director Bob Cecile
Deputy City Clerk Sylvia Stiles

City Clerk Linda Knutson
Planning Director Tom Black
Police Chief Michael Knapp
City Attorney Richard Langabeer

Mayor Pro Tem Steve Oliver Presiding

CALL TO ORDER

Mayor Pro-Tem Oliver called the meeting to order at 7 p.m.

CONSENT AGENDA

The following consent agenda was moved for approval by Councilmember Jensen and seconded by Councilmember Hansen:

- *Approval of Minutes of Council meeting of August 7, 2006*
- *Approval of Payroll of August 18, 2006 – Auto Deposit amount \$120,652.48; Checks #23174 - #23193 amount: \$51,433.66 Total Payroll: \$172,086.14 (Regular Payroll)*
- *Approval of Claims Run of August 21, 2006 – **Manual** Checks #60123 - #60136; amount: \$553,033.64; **Regular** Checks #60137 - #60223; amount: \$377,904.97, Totaling \$930,938.61*

Motion passed unanimously.

PRESENTATION: CENTENNIAL COMMITTEE RECOMMENDATIONS

Bob Tull, a member of the Mayor appointed Centennial Committee addressed the Council on the Committee's recommendations for the Centennial year. He enumerated for the Council those recommendations as follows:

1. That the City and community immediately move forward to assemble financing to acquire 100 acres of well-situated lands to meet parks, recreation, and open-space needs for the next century.
2. That the City completes the Riverview Plaza and Trail in order to create a riverside focal point and provide a unique gathering place.
3. That the City direct staff and appropriate committees to rapidly identify an optimum network of trails, paths, and bikeways, as well as systematically identify funding increments as quickly as public and private resources will allow.
4. That a physical structure be placed on the Riverside Plaza which is observable when crossing the Nooksack River bridge and from the Plaza, as a designated Centennial observance of Ferndale's riparian roots.

Mr. Tull stated that the Centennial Committee's goals were very much in concert with those of the EDC Committees and various sub-committees. In answer to some Council questions, he felt that the community would be receptive to ballot measures designed to pay for some of the proposals. He added that the School District puts together bond issues better than most, and he has served on those committees as well, and would like to emulate those approaches.

Council Discussion

The Council generally felt that with all of the recent recommendations coming forth from the various groups and committees, a retreat should be held that would allow the Council to prioritize the requests, along with financing options. Bond issues, levy lid lift, councilmatic bonds, special funds, would all be considered. Because there are so many less interesting but very important infrastructure needs, the Council felt like they should look at the whole financial picture before committing to any project, program or recommendation.

The following two dates were set for Council Priorities Retreats:

Monday, September 25th from 5 p.m. to 9 p.m.

Saturday, September 30th from 9 a.m. to 2 p.m.

PRESENTATION: ICLEI CLIMATE ACTION PLAN FOR THE CITY OF FERNDALE

Amy Shatzkin, Project Coordinator for the ICLEI Local Governments for Sustainability, in cooperation with the Northwest Clean Air Agency, thanked the Council for participating in this project. She introduced Evan Malczyk who worked all summer collecting and interpreting data for the cities of Ferndale and Lynden.

Mr. Malczyk reviewed how greenhouse gasses are produced and projected, as well as several recommendations that the City can institute to help reduce those gasses and conserve energy. A typical small but effective measure was instituted by Mayor Landcastle when he had one main coffee station installed, and eliminated all of the individual coffee pots set up in many offices, which has saved the City nearly \$700 a year in energy costs. He added that Puget Sound Energy has special programs to help fund Resource Conservation Manager positions, whose role would be to recommend and institute energy conservation measures.

The Council had several questions and comments regarding these programs and support follow-up. They generally felt that this program was worthwhile, and that it would be wise to become a member entity of ICLEI.

It was moved by Councilmember Jensen and seconded by Councilmember Reilly to have the City of Ferndale become a member of ICLEI for the remainder of 2006 and to recommend 2007 membership through the budget process (\$600/year). Motion passed unanimously.

PUBLIC HEARING: MOUNTAIN VIEW MEADOW LATECOMERS AGREEMENT

Mayor Pro-Tem Oliver reviewed the protocol governing public hearings, including participant conduct and appearance of fairness. When asked if they could render a fair and impartial decision on this matter all Councilmembers replied in the affirmative.

Public Works Director Cecile reviewed that RAM Construction General Contractors, Inc. extended 1016 linear feet of 12-inch diameter PVC sanitary sewer main along Mountain View Road to provide sewer service for the plat known as Mountain View Meadows near Church Road, south of Mountain View Road. Completion of this project benefits other properties that abut the new line.

Notice was sent to the affected property owners to inform them that the developer intends to file a latecomer agreement to help recover a portion of the costs associated with the construction project from the properties benefiting from this improvement. These costs are payable only if the property owners develop and/or acquire sewer utility service from the City of Ferndale within the next 15 years. Under the proposed latecomer agreement, the developer is eligible for reimbursement of these costs on a per lineal foot basis for each property directly benefiting from the water and sanitary sewer system improvements.

Public Hearing Opened

James Irwin, one of the affected property owners (parcel #4), said that his parents obtained a 1970's easement that would allow them or their successors to connect to City sewer at any future date. He asked to be exempted from the latecomers. He added that he represented the Browns in parcel #5, and asked that they be exempted as well, although they had already connected to sewer, so he felt it was a "moot point".

Public Hearing Closed

The Council had many questions relating to the formula used to calculate the assessments, and what circumstances would trigger the required connections to sewer.

City Attorney asked that the Council review Mr. Irwin's easement/agreement and his comments related to same. Mr. Irwin responded that he did not mean to insinuate that any connection would be free, only that the latecomer fee be waived.

Ultimately, the Council asked that staff re-work the Latecomers Agreement with the following criteria:

- 1. Remove parcels 4 and 5 from the assessment list.**
- 2. Re-calculate the remaining parcels with an acre/pro-rata formula.**
- 3. Consider a maximum potential units per parcel calculation.**
- 4. Define what circumstances, such as a remodel, would trigger a connection requirement and latecomer payment.**

This will be reviewed at Committee and return for Council consideration at a future date.

Ten minute break 9:15 – 9:25 p.m.

VISTA RIDGE PUD/PLAT AMENDMENT DENIAL: FINDINGS OF FACT

Planning Director Tom Black reviewed that at their last regular meeting, the Council had denied a proposed pud/plat amendment submitted by Dan Balean, the owner of a large lot in the Vista Ridge Division two PUD. Mr. Barlean wished to subdivide and build two additional homes. The Council voted three-to-one to deny the amendment. During their discussion, they directed that the Findings of Fact for the denial be further formulated and discussed at the Planning and Judicial Committee, then forward back to the full Council for confirmation at the meeting of August 21. After discussion, it was determined that the following be entered into the record as Findings of Fact and Basis for Denial:

1. Vista Ridge is not only a Plat, but a PUD containing numerous deviations from normal subdivision requirements.
2. The City Council previously considered the design of the PUD to determine whether it included sufficient public benefit to warrant approval of the PUD despite the deviations from normal subdivision requirements.
3. Base on that previous assessment, the City Council ultimately decided that it was appropriate to approve the PUD in its current configuration, including the current configuration of Lot 54.
4. While the proposed Plat Amendment would create lots that would generally comply with the minimum development standards of the underlying RS 8.5 zone, it would also create a lot configuration that would not be consistent with the design of the PUD previously approved by the City Council.
5. The applicant has not demonstrated that the Plat Amendment would serve a compelling public use or interest sufficient to warrant a reversal by this City Council of a decision on the design of the PUD made by the previous Council after due consideration of all aspects of the development.
It was moved by Councilmember Jensen and seconded by Councilmember Reilly to approve the Findings of Fact, as presented, as the basis for denial of the requested PUD/Plat amendment submitted by Mr. Barlean. Motion passed unanimously.

REMOVAL OF TWO ITEMS FROM AGENDA

Mayor Pro-Tem Oliver announced that due to the large number of items on the agenda, two items were being moved to the September 5th Council meeting:

G. ENGINEERING PROPOSAL: SOUTHWEST REGIONAL STORMWATER FACILITY

- *Public Works Director Bob Cecile*

H. DISPOSTION OF GRANT FUNDS: DOUGLAS AND MAIN SIGNALIZATION

- *Public Works Director Bob Cecile*

RESOLUTION #06-08-21 A: SUPPORTING REVISIONS TO THE SHORELINE MASTER PROGRAM

Planning Director Black noted that at the last regular Council meeting, a public hearing was held on the revisions made to the City's Shoreline Master Program. This has been a multi-year process, with many meetings between the City and the Department of Ecology. This document incorporates all requested items from DOE after the last submission that had been rejected for incompleteness. There were no comments received during the public hearing.

It was Moved by Councilmember Jensen and seconded by Councilmember Reilly to approve Resolution #06-08-21A supporting revisions to the Shoreline Master Program for submission to the Department of Ecology. Motion passed unanimously.

ORDINANCE # 1402: AMENDING R/O R/M ZONES

Planning Director Black reviewed that the City Council had directed staff and the Planning Commission to review and revise allowances for single-family residences in the RM 1.5 zone and the R-O Zones. The Council felt that it would be difficult to achieve the goals of the Growth Management Act and the City's Comprehensive Plan related to infill and density if these two zones continued to allow for sfr's.

The Planning Commission held a public hearing and has made recommendations to the Council, via this ordinance, that allows for "grandfathering" of certain lots created before certain dates, while removing sfr's from allowable uses after the effective date of the ordinance.

It was Moved by Councilmember Reilly and seconded by Councilmember Hansen to approve Ordinance #1402. Motion passed unanimously.

ORDINANCE #1396 THROUGH #1401 AMENDING, REVISING OR REPLACING SEVERAL TITLES OF THE FERNDAL MUNICIPAL CODE

Planning Director Black reviewed code revisions that he and the planning staff have been working on for several months. Some provisions of the code were antiquated and confusing, and others in conflict with ordinances passed over the last several years. Black discussed with the Council, in general terms, that all of the revisions were administrative in nature, and intended to clarify and unify the sometimes overwhelming complexity of the code.

Councilmember Olson had some questions regarding the elimination of a public hearing on final plats in Title 17. Director Black explained that the procedure statewide for final plats is that they are reviewed by the Plat Administrator (Black) and the Public Works Director (Cecile) for completeness and adherence to preliminary plat conditions. The inclusion of a "public meeting" for final plat had in the past been interpreted as "public hearing", but is not in conformance with accepted practice, and is redundant in nature. State law requires one public hearing to be held during preliminary plat.

Because of the very large amount of documentation presented this item will go forward for to a public hearing to be held September 5th, followed by Ordinance approval. The proposed revisions will be on display at City Hall during the review period.

REVIEW OF COUNCIL VACANCY MATERIALS

City Clerk Knutson reviewed the Council Vacancy packet that staff assembled in preparation for the process necessitated by Councilmember Elgart's resignation. The Planning and Judicial Committee recommended some changes and additions which have been incorporated into the packet for full Council review. It is recommended that the vacancy be announced and opened to applicants beginning August 22nd, with a closing date of September 21st. City Clerk Knutson will copy all submitted and complete applications and deliver them to the Council so there will be ample time for review before discussion and possible appointment at the meeting of October 2nd.

One correction was noted for the Council Rules of Procedure: The Council meeting place will be changed from the Ferndale Senior Center to the City Hall Annex Council Chambers.

It was moved by Councilmember Jensen and seconded by Councilmember Reilly to approve the Council Vacancy Packet, and to begin accepting applications commencing August 22 and closing September 21st. Motion passed unanimously.

MOTION TO EXTEND COUNCIL MEETING

At 10:02 p.m. it was moved by Councilmember Jensen and seconded by Councilmember Reilly to extend the Council meeting an additional fifteen minutes to 10:17 p.m. Motion passed four-to-one with Councilmember Hansen voting no.

REVISIONS TO CIVIL SERVICE RULES

Police Chief Michael Knapp reviewed some recommended language changes to the City's Civil Service Rules. Chief Knapp worked with the Commission to craft some minor revisions that helped the rules be more consistent with established procedures, as well as removing some language that caused some redundancy in review and notifications processes.

It was Moved by Councilmember Reilly and seconded by Councilmember-Mayor Pro tem Oliver to approve the changes to the Civil Service Rules as presented. Motion passed unanimously.

RESOLUTIONS (4) SUPPORTING ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS

Economic Development Consultant Paul Koch presented **Resolution #06-08-21 B** which establishes a 12-15 member Parks, Recreation, and Trails Advisory Board. This board would be a reconstitution of the current Parks Board, and would expand on its stated goals for more active involvement in the Parks Master Plan, volunteer recruitment, creation of a financial plan, networking with the School District, and annual reports to the Council.

Council had several questions regarding the make up of the proposed Board, as well as residency requirements. City Clerk responded that oftentimes such advisory boards are made up of a mix of City residents and persons with a vested interest in the City, such as business owners, etc.

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to approve Resolution #06-08-21 B establishing a 12-15 member Parks, Recreation and Trails Advisory Board. Motion passed three-to-two, with Councilmembers Reilly and Olson voting no.

MOTION TO EXTEND COUNCIL MEETING

At 10:17 p.m. it was moved by Councilmember Reilly and seconded by Councilmember Jensen to extend the Council meeting an additional fifteen minutes to 10:32 p.m. Motion passed four-to-one with Councilmember Hansen voting no.

RESUMPTION OF DISCUSSION ON: RESOLUTIONS (4) SUPORTING ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS

Consultant Koch introduced **Resolution #06-08-21 C** which adopts a tentative City Vision Statement, and outlines some general statements that would be refined and used to produce a cohesive vision statement for final adoption.

The Council had some comments and suggestions regarding the Vision Statement as presented. Several felt that the presented tentative agreement should be more vision oriented and less goal oriented. After much discussion, it was suggested that the statement be reformatted to include the underlined general statements in the Vision, and the more specific goals listed in a work plan. Mr. Koch felt that that was a good approach.

Brent Goodrich, who helped author the vision statement, said that the Committee moved forward with a “pie-in-the-sky/money is no object/wish list” attitude, but with full awareness that Council would need to make any and all monetary decisions.

It was moved by Councilmember Jensen and seconded by Councilmember Hansen to approve Resolution #06-08-21 C. Motion passed three-to-two, with Councilmembers Reilly and Olson voting no.

Resolution #06-08-21 D establishes (and charters) a Community Coordinating Association whose purpose is to serve as an educational source that would coordinate the work of the various task forces, organize annual community meetings, outreach to volunteers, and generally keep citizens motivated and informed in the economic development process.

It was moved by Councilmember Jensen and seconded by Councilmember Hansen to approve Resolution #06-08-21 D establishing a Community Coordinating Association. Motion passed three-to-two, with Councilmembers Reilly and Olson voting no.

MOTION TO EXTEND COUNCIL MEETING

At 10:32 p.m. it was moved by Councilmember Jensen and seconded by Councilmember Olson to extend the Council meeting 11 p.m. Motion passed three-to-two with Councilmembers Hansen and Reilly voting no.

RESUMPTION OF DISCUSSION ON: RESOLUTIONS (4) SUPORTING ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS

Resolution #06-08-21 E establishes an Economic Development Commission consisting of 12-15 members whose purpose would be to implement the EDC plan, conduct forums, advise the community and council on EDC issues, help keep the city competitive, develop a Ferndale Promotional Plan, and several other EDC initiatives.

Councilmembers Reilly and Olson both felt that it was futile to organize so many advisory boards, with Mr. Koch scheduled to end his contract in December. They pointed out that no one else on staff has time to coordinate with these groups and keep them closely tied to the City, and that they might be setting these groups up for failure, due to lack of staff support

It was moved by Councilmember Reilly and seconded by Councilmember Olson to table this item. Motion failed three-to-two with Councilmembers Reilly and Olson voting yes.

Mr. Koch felt confident that the advisory boards and groups proposed for organization could very well operate without staff support because of the energy and commitment of the individuals involved.

It was moved by Councilmember Hansen and seconded by Councilmember Jensen to approve Resolution #06-08-21 E as discussed. Motion passed three-to-two, with Councilmembers Reilly and Olson voting no.

RESOLUTION #06-08-21 F ESTABLISHING A CASHIERS CHANGE FUND

City Treasurer Mark Peterson reviewed that Finance recently instituted an armored car pick-up and delivery system, which is working well for the department. Personnel are requesting permission to establish a "change fund" that would enable the cashiers to have a readily available source of coinage and smaller bills during peak over-the-counter traffic times. This would help avoid the necessity of sending someone to a nearby bank to get change, or telling customers that the City cannot take their larger bills.

It was moved by Councilmember Reilly and seconded by Councilmember Jensen to approve Resolution #06-08-21 F creating a change fund in the amount of \$150. Motion passed unanimously.

COUNCIL REPORTS/COMMENTS

Councilmember Olson wondered if staff had completed a mechanism to charge people a surcharge for connecting to the newly installed sewer on Third Avenue. Staff will check.

Councilmember Jensen noted that this was the last Council meeting for City Treasurer Peterson, who will be leaving at the end of the week. He thanked Peterson for the great job he has done for the City. The rest of the Council agreed and wished him well.

Councilmember Hansen said he was looking for Council volunteers to man the hot dog wagon at the upcoming street festival.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 10:46 p.m.

ATTEST:

Steve Oliver, Mayor Pro Tem

Linda Knutson, City Clerk

**ATTACHMENT A: MINUTES - Recreation and Finance Committee Meeting
Held Wednesday, August 16, 2006**

RESOLUTIONS IN SUPPORT OF EDC STEERING COMMITTEE RECOMMENDATIONS

The Council held a recent workshop at which they heard from the Economic Development Steering Committee and various sub-committees regarding future goals and directions desired by its members for Ferndale's future.

Resolution #06-08-21 B establishes a 12-15 member Parks, Recreation, and Trails Advisory Board. This board would be a reconstitution of the current Parks Board, and would expand on its stated goals for more active involvement in the Parks Master Plan, volunteer recruitment, creation of a financial plan, networking with the School District, and annual reports to the Council.

Resolution #06-08-21 C adopts a tentative City Vision Statement, and outlines some general statements that would be refined and used to produce a cohesive vision statement for final adoption.

Resolution #06-08-21 D establishes (and charters) a Community Coordinating Association whose purpose is to serve as an educational source that would coordinate the work of the various task forces, organize annual community meetings, outreach to volunteers, and generally keep citizens motivated and informed in the economic development process.

Resolution #06-08-21 E establishes an Economic Development Commission consisting of 12-15 members whose purpose would be to implement the EDC plan, conduct forums, advise the community and council on EDC issues, help keep the city competitive, develop a Ferndale Promotional Plan, and several other EDC initiatives.

It was the consensus of the Committee to move these resolutions forward as presented.

RESOLUTION #06-08-21 F ESTABLISHING A CASHIERS CHANGE FUND

City Treasurer Mark Peterson reviewed that Finance recently instituted an armored car pick-up and delivery system, which is working well for the department. Personnel are requesting permission to establish a "change fund" that would enable the cashiers to have a readily available source of coinage and smaller bills during peak over-the-counter traffic times. This would help avoid the necessity of sending someone to a nearby bank to get change, or telling customers that the City cannot take their larger bills.

It was the consensus of the Committee to move the resolution forward as presented.

RESOLUTION #06-08-21 G: CENTENNIAL COMMITTEE PRESENTATION AND RECOMMENDATIONS

City Clerk Knutson updated the Committee that Bob Tull, who sits on the City Centennial Committee will be present at the next Council meeting with a recommended resolution that contains the recommendations of the Committee on the various things that can be accomplished in honor of the City's Centennial legacy. Mayor Landcastle notes in his memo to the Council that all of the recommendations dovetail into and are in concert with the City's Economic Development goals.

It was the consensus of the Committee to move this resolution forward to the full Council.

ICLEI ROUND-UP

City Clerk Knutson stated that Evan Malczyk, who has been interning for the City over the summer to work on the greenhouse gas, sustainability project, through ICLEI, will be present at the next Council meeting to deliver the results of his project, and to answer questions from the Council and public. A large amount of material will be provided in the Council's packets regarding the project.

ATTACHMENT B:

**MINUTES - Streets and Utilities Committee Meeting
Held Wednesday, August 16, 2006**

MT. VIEW LATECOMER AGREEMENT AND BILL OF SALE

Public Works Director Cecile reminded the Committee that the Mt. View Meadows Latecomers Agreement will be in front of the Council as a Public Hearing at the next meeting. Director Cecile note that around a half dozen properties will be affected by the latecomers and they have all been notified of the hearing.

This item will move forward to a public hearing and Council action as presented.

LABOUNTY LOCAL IMPROVEMENT DISTRICT

Administrator Young reviewed that there will be a presentation at the next Council meeting regarding the formation of a LaBounty Local Improvement District. If it is deemed financial feasible (cost-to-benefit formula), the City would recommend moving forward with the formation of the LID. Otherwise it would be necessary to either abandon the project or look into a possible EDI grant. Administrator Young will be ready to submit documents to request EDI grant funding regardless of the feasibility results.

This item will be in front of the Council as a presentation at the next regular meeting.

(Note to Minutes: Administrator Young has coordinated with the presenter to move this item to September 5th in order to have the best information for the Council)

ENGINEERING PROPOSAL FOR THE SW REGIONAL STORMWATER FACILITY

The City has received an engineering proposal from OTAK Engineering for the Southwest Regional Stormwater Facility, as presented to the Council at the meeting of August 7th. Director Cecile said he fully expects that Developer Agreements will be formulated to help share in the engineering and construction of this project, as they will benefit from not having to install small facilities in their developments. The City will work with the City Attorney for a standardized "Developer Agreement" in order to minimize ongoing legal review of such documents.

It was the consensus of the Committee to move the engineering proposal to the full Council for consideration. Administration will follow-up with proposed developer agreements at a September meeting.

REQUEST FOR CITY FUNDS FROM BUTLER DITCH DRAINING DISTRICT

Director Cecile distributed a letter from the Butler Ditch Draining District, which resides outside of the City's UGA, requesting City participation in maintenance costs. The District is contending that "...westward expansion of the Ferndale City limits and resulting development activity north and south of the Thornton Road has significantly increased runoff into Butler Ditch". Director Cecile disputes that development in the City is the cause of any increased runoff and has explained this to District representatives, along with presenting various analysis that contests the District's claims.

The Committee asked staff to send a letter to the District declining their request for funds.

REQUEST FOR WATER BILL ADJUSTMENT

City Clerk Knutson stated that the City received a letter from Ms. Ivanyuk regarding her very high water bill. Ms. Ivanyuk insists that they have had no leaky faucets or toilets, nor have they been watering. The City sent workers out to this location in Shields Estates on at least three instances to check the meter, take readings, and look for leaks. The City could find no indication of any leaks, either by visual inspection or leak detectors. Her bill for this month is just about back to normal, which would indicate that this household did use a lot of water over the period in dispute. If there had been leak, the bill would have remained high, probably higher. Clerk Knutson added that the code does not allow adjustments for situations like this where there is a one-time large water usage of unexplained origin.

In response to questions from the Committee, Knutson explained that the code, along with audit requirements, does not allow for time-payments on water bills. She added that although water shut-offs for non-payment were beginning as this Committee was meeting, she had held off on disconnecting the Ivanyuks until a decision was reached by this committee.

It was the consensus of the Committee that the no adjustment be made on this bill, and that the Ivanyuk's must pay \$300.00 toward the outstanding balance no later than seven days after notification of this decision, or be disconnected. Staff was asked to provide the Ivanyuks with a list of service organizations that might be able to assist in paying their bill.

GRANT FUNDS FOR DOUGLAS ROAD INTERSECTION

Director Cecile updated that Committee that the project known as the Douglas/Main Signalization Project was put on hold a few years ago, and the federal dollars transferred to the Main Street Project at a time when there appeared to be a shortage of funds. The City has transferred the unused fed monies in the amount of \$285,000 back to the Main Street Project.

Recently the City was notified by the School District that they were awarded \$95,000 as part of a "Safe Routes to School" grant program which they would like to use towards the Douglas/Main Signalization Project. Director Cecile believes that this is a financially viable plan with almost all the pieces in place necessary to revive this project. He is asking for Council approval to get a scope of services for final design and bid documents, and an engineer's estimate of probable costs.

It was the consensus of the Committee that this item go forward for Council consideration.

ATTACHMENT C:

**MINUTES - Planning and Judicial Committee Meeting
Held Wednesday, August 16, 2006**

VISTA RIDGE PUD/PLAT AMENDMENT DENIAL – FINDINGS OF FACT

At the last regular Council meeting, the Council vote to deny a PUD/Plat Amendment filed by Don Barlean for his property located in the Vista Ridge Division II development. Mr. Barlean owns a very large lot that he wished to subdivide and build two additional homes. The Council voted three-to-one to deny the amendment. During their discussion, they directed that the Findings of Fact for the denial be further formulated and discussed at the Planning and Judicial Committee, then forward back to the full Council for confirmation at the meeting of August 21. After discussion, it was determined that the following be entered into the record as Findings of Fact and Basis for Denial:

1. Vista Ridge is not only a Plat, but a PUD containing numerous deviations from normal subdivision requirements.
2. The City Council previously considered the design of the PUD to determine whether it included sufficient public benefit to warrant approval of the PUD despite the deviations from normal subdivision requirements.
3. Base on that previous assessment, the City Council ultimately decided that it was appropriate to approve the PUD in its current configuration, including the current configuration of Lot 54.
4. While the proposed Plat Amendment would create lots that would generally comply with the minimum development standards of the underlying RS 8.5 zone, it would also create a lot configuration that would not be consistent with the design of the PUD previously approved by the City Council.
5. The applicant has not demonstrated that the Plat Amendment would serve a compelling public use or interest sufficient to warrant a reversal by this City Council of a decision on the design of the PUD made by the previous Council after due consideration of all aspects of the development.

These findings will go forward to the full Council at the August 21st meeting.

REVIEW OF COUNCIL VACANCY MATERIALS

The Committee reviewed the Council Vacancy packet that City Clerk Knutson assembled in preparation for the process necessitated by Councilmember Elgart’s resignation. The Committee recommended some changes and additions which will be incorporated into the packet for full Council review on August 21st. It is recommended that the vacancy be announced and opened to applicants beginning August 22nd, with a closing date of September 21st. City Clerk Knutson will copy all application and deliver them to the Council so there will be ample time for review before discussion and possible appointment at the meeting of October 2nd.

This item will be revised and moved forward to the full Council.

RESOLUTION #06-08-21 A: SHORELINE MASTER PROGRAM REVISIONS

Planning Director Black noted that at the last regular Council meeting, a public hearing was held on the revisions made to the City’s Shoreline Master Program. This has been a multi-year process, with many meetings between the City and the Department of Ecology. This document incorporates all requested items from DOE after the last submission that had been rejected for incompleteness. There were no comments received during the public hearing.

It was the consensus of the Committee to move this item forward to the full Council.

REVISIONS TO CIVIL SERVICE RULES

City Clerk Knutson reviewed some recommended language changes to the City’s Civil Service Rules. Chief Knapp worked with the Commission to craft some minor revisions that helped the rules be more consistent with established procedures, as well as removing some language that caused some redundancy in review and notifications processes.

It was the consensus of the Committee to move this item forward to the full Council.

ORDINANCE # 1402: AMENDING R/O R/M ZONES

Planning Director Black reviewed that the City Council had directed staff and the Planning Commission to review and revise allowances for single-family residences in the RM 1.5 zone and the R-O Zones. The Council felt that it would be difficult to achieve the goals of the Growth Management Act and the City’s Comprehensive Plan related to infill and density if these two zones continued to allow for sfr’s.

The Planning Commission held a public hearing and has made recommendations to the Council, via this ordinance, that allows for “grandfathering” of certain lots created before certain dates, while removing sfr’s from allowable uses after the effective date of the ordinance.

It was the consensus of the Committee to move this item forward to the full Council.

ORDINANCE #1396 THROUGH #1401 AMENDING, REVISING OR REPLACING SEVERAL TITLES OF THE FERNDAL MUNICIPAL CODE

Planning Director Black reviewed code revisions that he and the planning staff have been working on for several months. Some provisions of the code were antiquated and confusing, and others in conflict with ordinances passed

over the last several years. Black discussed with the Committee, in general terms, that all of the revisions were administrative in nature, and intended to clarify and unify the sometimes overwhelming complexity of the code.

The Committee was appreciative of the great amount of work put into this project and, because of the very large amount of documentation presented, ***recommended that this information go forward for initial Council review, with a public hearing to be held September 5th, followed by Ordinance approval.***