

MINUTES
Ferndale City Council Meeting
Held Monday, March 5, 2007
City Hall Annex – Council Chambers
7 p.m.

PRESENT BY ROLL CALL:

Councilmember Steve Oliver
Councilmember Mike Reilly
Councilmember Ken Downey
Councilmember Keith Olson

Councilmember Mel Hansen
Councilmember Jim Elliott
Councilmember Gary Jensen

STAFF:

City Administrator Greg Young
City Treasurer Mark Peterson
Public Works Director Bob Cecile
Senior Planner Robb Millspaw

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

Mayor Jerry Landcastle Presiding

5 P.M. WORK SESSION: SHORT-TERM VERSUS LONG TERM PLANNING AREAS & UGA PLANNING

City Administrator Young reviewed for the Council the currently defined short-term and long-term planning areas in the City's Urban Growth Area. Ideally, the short-term area should make up approximately ninety-percent of the entire UGA, but realistically it is difficult to pre-determine where and when such areas will annex and develop. Planning Director Black added the County designated the City's short-term and long-term areas without any actual analysis or study, but is willing to work with City staff to better plan out the short-term areas.

Council and staff discussed many issues including commercial land supply, low value wetlands, and off site wetland mitigation areas, including the lower Nooksack. He added that a regional commercial/industrial land supply analysis would define and identify the most logical areas up and down the Interstate-5 corridor for such development, noting that there are five I-5 interchanges within the City's UGA.

Ultimately Council directed that staff prepare UGA revision requests:

- 1.) to the north in the identified utility corridor (east of I-5), and***
- 2.) to the south to (and including) the Slater Road Interchange (east of I-5)***

CALL TO ORDER

Mayor Landcastle called the regular Council meeting to order at 7:00 p.m.

PUBLIC COMMENT – FOR ITEMS NOT ON THE REGULAR AGENDA (Items on Consent Agenda excepted)

Lloyd Zimmerman commented on a business that plans to rebuild on Main Street but can't afford to build to the new downtown standards. He hoped that the City would make an exception.

Bob Imhoff stated that a "vocal minority" has urged various cities to ban or place a moratorium on large retail and noted the "irony of that same group saying to the County that large retail should be located in cities". He said it was wise to "be prudent, plan for impacts, and accommodate large retail".

Don Imhoff, speaking as the Old Settlers Association President, hoped that the Council was formulating a plan for the fire-damaged Boys and Girls Club building, as the OSA plans its events around the use of that building/

Glen Defore stated that he and other concerned seniors recently went to various Whatcom County offices seeking answers to the large jump in his property taxes. He felt that the City needed to provide additional goods and services to its citizens that would add retail tax revenues to the City, and put less pressure on property taxes to make up shortfalls.

Ted Wood told the Council they were wrong to place a moratorium on large retail, citing that the City already has building codes and design standards in place to address issues. He felt that proponents of the moratorium were "anti-competition" and "anti-free enterprise"

Sue Remaklus said she appreciated the Council's recent decision to fund a Thornton Overpass study. She handed in a petition to stop consideration of a Church Road Extension, saying that it was not a good option and would cost much more than the \$500,000 staff estimate.

Betty Stoneking Said she is concerned about downtown traffic and wondered when the City would consider a signal at Douglas and Main. She further felt that commuters should be encouraged to use alternate routes such as Slater, Portal Way, and Grandview, instead of "clogging" Main Street through downtown.

ADDITIONS – DELETIONS TO AGENDA

Councilmember Olson requested that an item be added to address Council mailbox key authorizations. This was added as item "L-1".

Mayor Landcastle announced the removal of agenda items "F" - **Trigg Road Sewer Upsizing Update**, and "G" - **Water Comp Plan Update**, pending more detailed information.

CONSENT AGENDA

The following consent agenda was moved for approval by Councilmember Oliver and seconded by Councilmember Hanson:

- *Approval of Minutes of Council meeting of February 20, 2007*
- *Approval of Payroll of 3/02/2007 – Auto Deposit amount \$97,564.95; Federal Tax Auto Deposit Amount: \$34,624.95; Checks #50189 - #50202 amount: \$51,165.15; Total Payroll: \$183,355.05 (Regular Payroll)*
- *Approval of Claims Run of 3/05/2007 – **Manual** Checks #61355- #61367; amount: \$8,496.99; **Regular** Checks #61368 - #61459 amount: \$136,854.24, Total Claims Run: \$145,351.23*
- *Revised False Alarm Ordinance*
- *Authorization to go to bid – Douglas and Main Signalization Project*

Motion passed unanimously.

CHAMBER OF COMMERCE – MONTHLY UPDATE

Chamber Boardmembers Wayne Galloway (Les Schwab Tires) and Michael Culberson (Quiznos) updated the Council on the Chamber's February activities, including the number of visitors to the Center, and the recent membership drive resulting in four new members. The Chamber is also planning for the upcoming flower basket project, City-wide garage sale, Street Festival, and Centennial celebration.

LARGE RETAIL MORATORIUM – LANGUAGE REFINEMENT

City Administrator reviewed that the standing Council Committees had studied four options of additional language for the recently passed moratorium on large retail establishments. Most concurred that option number two most closely fit the intent of the moratorium:

Option 2: "A 6-month moratorium on acceptance of development applications which include new construction of any buildings in excess of 75,000 square feet that are to be occupied by a single tenant and used primarily for retail purposes."

Councilmember Reilly stated that he agreed to the previous moratorium that specified commercial planned unit developments, and felt the proposed language revision was unnecessary and restrictive.

Councilmember Jensen stated that many people are expecting to be able to speak to the moratorium at the Special Meeting scheduled for March 26th.

Mayor Landcastle the purpose of the Special meeting is to decide whether or not a moratorium is merited, and the public and Council can have an open communication on what the community wants.

Councilmember Hanson cautioned that this moratorium should not be considered a "ban on big boxes", and that this is an opportunity to review regulations to prepare for large retail. He said the discussion on March 26th must remain focused on the moratorium itself, and not a debate over big boxes.

Councilmember Elliott felt that the current moratorium language limiting commercial PUD's was more than adequate and City standards and regulations would address any issues.

Councilmember Downey indicated that he was in favor of adding the language outline in option number two, and that this was an opportunity to revisit current standards for possible revisions.

Councilmember Reilly stated that the new Wilson Furniture building located on Pacific Highway was the first large retail store to fall under the revised City standards, and that it was an attractive and well thought out design.

Councilmember Oliver stated that current regulations could be interpreted several ways, and that some revisions were needed to clean up some of the ambiguous sections.

Motion

It was moved by Councilmember Downey and seconded by Councilmember Jensen to modify the large retail moratorium passed at the February 20th Council meeting to read/include: "A 6-month moratorium on acceptance of development applications which include new construction of any buildings in excess of 75,000 square feet that are to be occupied by a single tenant and used primarily for retail purposes."

Discussion

In relation to the Special Council Meeting scheduled for March 26th, Administrator Young noted that once the Council has determined Findings of Fact, identified the merits of the moratorium, and any other requested relevant criteria, staff will craft regulations revisions to match same.

Tom Edwards stated that Council has the responsibility to raise adequate revenues to fix streets, build sidewalks, and provide services necessary to a growing community. He felt that Whatcom County has become anti-business, and that it is "short-sighted to keep business at bay".

Steve Malpezzi stated that as President of the Community Coordinating Association, that group will help coordinate any needed meetings and disperse information to the community as directed by Council.

Brent Goodrich stated that the Economic Development Committee also stands ready to work with the City Council no matter what decision is ultimately made.

John Flarry said that while his property taxes have risen dramatically, he has not seen matching improvements to the recipients of those taxes. He further stated that he had concerns over the amount of traffic that would be generated by large retail, and that big development would not pay for associated impacts.

Vote

Motion passed five-to-two with Councilmembers Reilly and Elliott voting no.

20/20 PLAN REVISED APPROACH

Planning Director Tom Black reviewed that the 20/20 Planning Project grew out of discussions with Whatcom County about how planning and development is to occur within the unincorporated portions of the Urban Growth Area. These unincorporated areas are to be part of Ferndale's "future city", but are presently regulated under County zoning, subdivision, and development regulations. As a result, what gets approved in the County may not lend itself to future urban-level development, or may in fact preclude it. This is a concern for the City in terms of being able to develop efficient plans for its future population growth, as well as meeting urban density mandates/targets of the Growth Management Act and the County itself.

The Comprehensive Plan is not very specific in terms of how the unincorporated UGA is to develop. Therefore, a more detailed plan for development in the unincorporated UGA was needed. This more detailed plan has been come to be known as the 20/20 Plan. The 20/20 plan can be considered a "sub area" plan. Sub area plans provide a finer-grained vision of what an area is to look like than is usually the case in a Comprehensive Plan.

Director Black reviewed the 20/20 work to date, the goals of the plan, and identified three main sub areas.

Sub area One is the area west of I-5 and extending directly west of the City limits which is mainly residential and is the area most likely to be needed to accommodate Ferndale's projected population growth.

Sub areas Two and Three are the areas from I-5 north to Grandview and south to Slater, respectively.

Administrator Young stated that as a result of the recent strong focus on large retail throughout Whatcom County, it may be advisable to concentrate on retail growth as it may relate to Interstate-5. This would concentrate the 20/20 process on sub areas two and three, due to their proximity to the freeway.

It was moved by Councilmember Elliott and seconded by Councilmember Downey to direct the 20/20 planning approach to sub areas two and three. Motion passed unanimously.

(AT 9 P.M. THE HIGH SCHOOL STUDENTS IN ATTENDANCE WERE EXCUSED)

COMPREHENSIVE PLAN AMENDMENTS – TWO ELEMENTS

PUBLIC HEARING ELEMENT ONE: COMPREHENSIVE PLAN TECHNICAL UPDATE

Staff Report

Senior Planner Robb Millspaw summarized the considerable amount of work that has gone into the Comprehensive Plan which began in 2005 and included numerous Planning Commission meetings, a public participation program, analysis of relevant plans and regulations, and legislative action. Every step of the process has been guided by RCW statutes to ensure that Growth Management Act requirements are met. It is important that each step identified is affirmed by the local government's legislative body as having been accomplished in accordance with RCW 36.70A.130, both to comply with the statute and to set time and subject matter limits for possible challenges.

Steps one and two have been successfully completed. Step three will be complete upon Council action. The City Council must adopt an ordinance or resolution that includes specific findings that the review, analysis and update of the Comprehensive Plan has been completed. The ordinance or resolution adopted should also include a finding that the City has completed its seven-year update requirement under RCW 36.70A.130.

The technical update of the Ferndale Comprehensive Plan began in May 2005 with the adoption of Resolution No. 05-05-02A which outlined the public participation process for the project. In June, the City hired a Senior Planner to manage the project. To begin the process of bringing Ferndale's Comprehensive Plan into compliance with the state Growth Management Act requirements, two Community Visioning Workshops were conducted to kick off the Plan Update process. The first workshop was held on Saturday morning, June 4, 2005. An identical second workshop was conducted on Wednesday evening, June 8, 2005. Each workshop was designed to last approximately 3 hours. Both workshops were conducted at the Eagleridge Elementary School cafeteria.

An executive summary of the outcome of these Visioning Workshops was presented to the Council on July 15, 2005. Although a Community Vision Statement was not developed immediately after the workshops, sufficient information was presented at the workshops to craft updates to the Comprehensive Plan.

Staff obtained a series of checklists from the State of Washington Growth Management Services Division to assist in developing the Comprehensive Plan, as there have been more than 175 changes made to the Growth Management Act since the adoption of the 1996 Comprehensive Plan. Staff utilized the checklists and other technical memorandums published by the Washington State Department of Community, Trade and Economic Development to begin the process of reviewing the existing (1996) Comprehensive Plan and to perform what has been dubbed as a "technical update" of the Plan to meet GMA requirements.

Although staff has been using the term "technical update" to describe the process of updating the Ferndale Comprehensive Plan, the actual work done on updating the Plan has been far greater than what one would normally consider as a "technical update." The term "technical" was used only in the sense that the Plan did not consider changes to the Urban Growth Area boundary or any changes to existing land use designations. The basic (community) goals and policies of the Comprehensive Plan were also not substantially revised. In every other sense, the Comprehensive Plan has been completely updated. The scope of work that went into updating the Plan to ensure its compliance with the GMA involved a complete re-write of several portions of the Plan. As an example, the Utilities Element was completely re-written to include the utilities required to be discussed by the GMA. The 1996 Plan only briefly discussed the electrical, natural gas and communications utilities. Utilities described in the 2005 Plan Update includes domestic water, wastewater (sanitary sewer), solid waste and recycling, stormwater, electricity, natural gas, utility conveyance systems (such as major transmission lines and pipelines), and telecommunications (including cellular service, cable TV and the Internet). The Element also describes utility service provided by private utility purveyors, which is also required by the GMA. There was no such discussion contained in the 1996 Comprehensive Plan.

Resolution No. 06-02-06 was prepared and adopted in February 2006. This resolution superseded Resolution No. 05-05-02, updating and expanding the public participation process and identifying a revised schedule for work on the Plan.

As part of the Public Participation Process, the Planning Commission held a total of 24 public hearings and public workshops to review portions of the Plan, from November 16, 2005 to February 7, 2007. The individual elements discussed at each meeting and the dates of all meetings are outlined in Appendix A to Chapter I, the Introduction, and beginning on page 24.

The 1996 Comprehensive Plan was found to be deficient in several areas. Two elements, the Transportation Element and the Capital Facilities Element, contained no goals or policies. The 6-year Transportation Improvement Plan (TIP) was contained within the Capital Facilities Element instead of the Transportation Element. The Essential Public Facilities Goal was erroneously housed within the Land Use Element instead of the Capital Facilities Element. Many goals and policies were obsolete or in direct conflict with other goals and policies. The Utilities Element did not contain a discussion on several utility systems, as required by the GMA. The Whatcom County-wide Planning Policies were not referenced in the 1996 Comprehensive Plan. Staff has ensured that all items identified during its review have been adequately addressed, and that the Plan meets GMA requirements.

The City of Ferndale Comprehensive Plan is a guide for future development within Ferndale's urban growth area (UGA). Until the year 2025 (the Comprehensive Plan's "planning horizon"), the Plan's goals and policies will be used as yardsticks to ensure that the City stays on track toward the future described in the City's Vision Statement. The Plan defines the level of service that businesses and residents should receive for everything from police to sewers. It outlines a wide range of improvement projects – all in accord with the goals and policies – that are needed to maintain those levels of service and keep the City on track to its vision. Two planning periods are used throughout:

- First planning period – 2006 through 2011 (6-year)
- Second planning period – 2012 through 2025

The purpose of identifying the two planning periods is to provide a time frame for preparation and adoption of required transportation improvement (TIP) and capital facilities improvement (CFIP) plans and their related Finance Plans. Both the current TIP and CFIP are 6-year plans that are consistent with the first planning period identified above.

The Comprehensive Plan was developed using a "snapshot date" of April 2005. Most of the data contained in the Plan is as of this date. Some data contained in the Transportation Element, such as traffic count information, dates to 2003, and is the most current data available. Maps and demographic information contained in the Plan also use the snapshot date of April 2005.

The Planning Commission conducted two public hearings to receive comment on the complete Comprehensive Plan at their regularly schedule meetings of January 24 and February 7, 2007. After the conclusion of the February 7 2007 public hearing, the Planning Commission forwarded a unanimous recommendation of approval to the City Council.

Public Hearing Opened

Steve Malpezzi, President of the Community Coordinating Association, stated that he was "frustrated" that the Planning Commission had adopted a different vision statement than the one adopted by the Planning Commission. He noted that other than that, he thought the Comp Plan Update was well done.

Brent Goodrich echoed Mr. Malpezzi's disappointment in the vision statement.

Brian Wilson, who chairs the Planning Commission, stated that visioning statements aside, the Commission has worked very hard updating the Plan, and is proud of the result. He noted that it is now a complete yet flexible document that should serve the City well.

Sam Boulos, Planning Commission member, said that he also felt the document was a satisfying result of many months of hard work, and he hoped the Council would consider adoption as presented.

Public Hearing Closed

It was moved by Councilmember Reilly and seconded by Councilmember Jensen to approve Element One – Comprehensive Plan Technical Update as presented. Motion passed unanimously.

PUBLIC HEARING ELEMENT TWO: KIWI DRIVE COMPREHENSIVE PLAN AMENDMENT & REZONE REQUEST

Councilmember Reilly noted for the record that he had received a letter on this item, and felt that he could be fair and impartial in reaching a decision.

Staff Report

Planning Director Black reviewed that Element Two is a proposed Comprehensive Plan Amendment and associated Rezone to change the Comprehensive Plan land use designation for approximately 4.2 acres of land within the Ferndale city limits from Industrial to Low-Density Residential, and rezone the property from Manufacturing to Single-Family Residential, minimum lot size 8,500 sq. ft. and located southeast of the terminus of Kiwi Drive, addressed as 2035 Kiwi Drive.

The applicant has submitted a Comprehensive Plan Amendment Application to change the land use designation for approximately 4.2 acres of land at the terminus of Kiwi Drive from Industrial to Low Density Residential. The applicant has also submitted an associated Rezone Application which would change the zoning of the property from M (Manufacturing) to RS 8.5 (Single-Family Residential, minimum lot size 8,500 sq. ft.). The Rezone Application may only be considered after an affirmative recommendation or decision on the Comprehensive Plan Amendment.

A public hearing was conducted by the Planning Commission on December 13, 2006 to consider the proposed Comp Plan Amendment. After consideration of the Staff Report dated December 13, 2006, and verbal testimony from the applicant and other citizens, the Planning Commission discussed the matter and decided to recommend to the City Council that the proposed amendment be denied. The proposed Amendment was forwarded to the State its 60-day mandatory review. No comments were received from any state agency.

Director Black reviewed that in the case of Comprehensive Plan Amendments, the City Council must conduct a second public hearing prior to making a final decision (the first being the Planning Commission public hearing). Section 18.12.280 (I) of the FMC states that "At the public hearing, the Council shall consider each recommendation of the Planning Commission, public testimony presented at the hearing and any written comments received prior to the hearing." Section 18.12.280 (J) of the FMC states that "Following the hearing, the City Council shall order amendments or revisions to the Comprehensive Plan consistent with its decisions." If the City Council decides to approve this Comprehensive Plan Amendment application the Council may then consider the associated Rezone request.

Public Hearing Opened

John Slaughter lives on Westerlund Court near Kiwi Drive. He said that the property in question is not suitable for residential development due to the soft ground and runoff issues that he has observed for years.

Steve Goodrich, Representative of the Property Owner, said that the site just does not seem right for light manufacturing, as it is situated so near other established residential areas. While the property is near the railroad tracks, he felt that building smaller affordable homes was right for the area. He further noted some wetland mitigation techniques that could be employed.

Janice Schuch felt that the City did not need any more industrial land supply.

Lloyd Zimmerman has walked the property and felt that innovative and mixed uses were suitable for this site.

Dave Force, Owner and Applicant, said that he wants to do what is best for this property and the surrounding properties, and is willing to do as the Council directs.

Public Hearing Closed

It was moved by Councilmember Reilly and seconded by Councilmember Olson to approve the Comprehensive Plan Amendment.

Discussion

Councilmember Reilly felt that the property would not be able to make use of the railroad spur and that changing to residential probably made sense to the area in question.

Vote

Motion passed unanimously

EXTENSION OF MEETING

At 10 p.m. It was moved and seconded to extend the Council meeting an additional 30 minutes. Motion passed unanimously.

ELEMENT TWO – KIWI DRIVE ASSOCIATED REZONE REQUEST

It was moved by Councilmember Oliver and seconded by Councilmember Reilly to approve the rezone request for Kiwi Drive from manufacturing to residential as requested. Motion passed unanimously.

PRELIMINARY PLAT – SUMMERS LANDING

Planning Director Tom Black reviewed Summers Landing Preliminary Plat and Planned Unit Development, a proposed 75-lot residential Planned Unit Development and Preliminary Plat located on approximately 18.3 acres of land in the Residential Single-Family (RS 8.5) zone, located at the northeast corner of the intersection of Main Street and Church Road, addressed as 2490 Main Street.

The applicant requests City approval of a land division to create 75 lots for single-family residential development. The applicant also requests approval of a Planned Unit Development.

The Hearings Examiner held a public hearing on February 8, 2007 to consider the application. After considering the materials provided, the attached staff report and exhibits dated February 8, 2007, and public testimony, the Hearings Examiner recommends approval of the Preliminary Plat and Planned Unit Development applications, based on the Findings of Fact and Conclusions of Law, and subject to the Conditions of Preliminary Plat and Planned Unit Development Approval contained in the Hearings Examiner Decision.

Director Black noted that this Plat was somewhat difficult to process due to the extreme topography. After Councilmember Olson questioned the close proximity of the houses, Director Black explained that "hillside techniques" were to be employed for all inclined lots, and further explained that the applicant met all building regulations, including setbacks, as required by Code and state fire regulations. Black also noted that that staff was pleased with how density needs were met within the plat.

Councilmember Hansen stated that while his property neighbors this plat, he could make a fair and unbiased decision. He noted that he'd rather have a different connector than directly onto Church and wondered if other connectors had been considered. Director Black stated that other connectors had been studied, but due to the terrain which includes steep slopes and numerous wetlands, the only economically feasible connector was Church Road.

Councilmember Jensen had real concerns about view obstruction in this area, and asked if a condition could be made to limit the lifetime height of any landscaping to twenty feet. Director Black responded that there were no ordinances to that effect, but that the Council could request that such a condition be added to the covenants, conditions & restrictions (CC&Rs).

It was moved by Councilmember Jensen and seconded by Councilmember Reilly to recommend approval of the Summers Landing Preliminary Plat to the full Council, subject to all findings of fact and conditions of approval as outlined in the Hearings Examiner Report and Recommendation, plus a requirement to include a lifetime landscaping height limit of twenty feet to the covenants, conditions & restrictions (CC&Rs). Motion passed unanimously.

PRELIMINARY PLAT – FRANCES VIEW

Planning Director Tom Black introduced the Frances View Preliminary Plat, proposed to create 9 single-family residential lots on approximately 3.4 acres in the RS 8.5 zone (Residential single-family, 8,500 square foot minimum lot size), and located on the east side of Church Road, at the end of a dead-end private drive, approximately 900 feet north of the intersection of Church Road and Main Street, addressed as 5788 Church Road.

The Hearings Examiner held a public meeting on February 8, 2007 to consider the application. After considering the materials provided, the report submitted by staff, and public testimony, the Hearings Examiner recommended approval of the Preliminary Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Preliminary Plat Approval contained in the Staff Report dated February 8, 2007.

As in the earlier reviewed Summers Landing Preliminary Plat, staff reviewed the proposed trails, with logical connections to other trails in the area.

It was moved by Councilmember Jensen and seconded by Councilmember Reilly to recommend approval of the Frances View Preliminary Plat to the full Council, subject to all findings of fact and conditions of approval as outlined in the Hearings Examiner Report and Recommendation, plus a requirement to include a lifetime landscaping height limit of twenty feet to the covenants, conditions & restrictions (CC&Rs). Motion passed unanimously.

MAYOR REPORTS

Mayor Landcastle announced that the City has again received the "Tree City USA" designation.

COUNCIL REPORTS

ITEM ADDED TO AGENDA BY COUNCILMEMBER OLSON

Councilmember Olson stated that at the Committee meetings held the previous week Councilmembers had signed for keys to the newly installed mailboxes located outside the front door at City Hall. Councilmember Olson objected to the language on the key assignment cards that required key recipients to pay for the re-coring of City facilities should they lose their key. Mayor Landcastle responded that the language did not apply to the Council's mailbox keys, and that he had stated this at the Committee meetings. Councilmember Olson disagreed.

It was moved by Councilmember Olson and seconded by Councilmember Reilly to destroy the signed cards and issue new key assignment cards without the language regarding the re-core requirement. Motion passed unanimously.

Some Councilmembers stated that they would be fine with a line drawn through the language which they would initial.

EXECUTIVE SESSION

At 10:30 Mayor Landcastle announced that the Council would adjourn to executive session to discuss real estate issues and personnel matters. He expected that the session would last approximately twenty minutes, with no action being taken upon reconvening.

EXTENSION OF MEETING

At 10:30 p.m. It was moved and seconded to extend the Council meeting an additional 20 minutes. Motion passed unanimously.

ADJOURNMENT

There being no further scheduled City business, the meeting was adjourned at 10:55 p.m.

ATTEST:

Jerry Landcastle, Mayor

Linda Knutson, City Clerk

ATTACHMENT A:

MINUTES - Streets and Utilities Committee Meeting Held Wednesday, February 28, 2007

PRESENT: Councilmembers Oliver, Reilly, and Hanson
ADMINISTRATION: Jerry Landcastle, Greg Young, Mark Peterson, Bob Cecile, Tom Black,
Linda Knutson

MORATORIUM ON LARGE RETAIL – LANGUAGE ALTERNATIVES

Administration stated that in anticipation of large retail, Council and staff had worked diligently over the past two years on creating regulations and standards for large retail development including design standards and landscaping requirements. Adoption of these standards had satisfied proponents of a similarly proposed moratorium at that time. Staff asked for direction from Council on what was needed to augment current regulations.

Administrator Young reviewed several language options for the moratorium clarification sought by Council since instating an emergency moratorium on large retail establishments at the Council meeting of February 20th. Planning Director Black prepared a list of four alternatives for consideration.

Committee discussion varied among the members, with Councilmember Reilly stating that citizens already have the mechanism to institute such a moratorium. Others felt that a moratorium was valuable in order to make certain appropriate regulations are in place to handle large retail.

Councilmember Oliver stated that he had two concerns to be addressed in the moratorium language. First, he wanted to make certain that any proposed established that had retail as only an accessory usage should be exempted from the moratorium. Second, he requested that language be added that would prohibit any proposed non-retail establishment from converting to a retail establishment during the moratorium.

Councilmember Hansen pointed out that the Special Meeting scheduled for March 26th needed to focus on the Council deciding whether or not a moratorium is warranted; whether a ban was necessary; to perhaps set geographical restrictions; and that discussion regarding specific retail establishments would not be germane to the subject.

It was the consensus of the Committee that moratorium language option #2 be used is further refining the moratorium established on February 20th. This will go forward to the next regular Council meeting.

DISCUSSION ON SURPLUS HOUSES

A proposed item for the next Council meeting involved the possible surplus of two houses recently purchased for r-o-w for the Roundabout project. Councilmembers expressed some concern about taking this action before the project has been approved.

It was decided to pull this request from the agenda and reconsider at a future meeting once the disposition of the roundabout project has been determined.

DOUGLAS AND MAIN STREET SIGNALIZATION PROJECT – AUTHORIZATION TO GO TO BID

Administrator Young stated that the authorization to go to bid on the Douglas and Main Street Signalization Project was to come before the Council at its next meeting. Since this is a previously expected and routine item, it was suggested that it be included in the consent agenda section of the meeting.

It was the consensus of the Committee to move this item forward for approval via the consent agenda.

BOYS AND GIRLS CLUB BUILDING AT PIONEER PARK

Staff updated the Committee on the latest estimates and damage evaluations of the fire damaged Boys and Girls Club at Pioneer Park. It is expected that a meeting will be held in the very near future to determine the future of the building.

WATER COMPREHENSIVE PLAN

Public Works Director Cecile noted that while this item is scheduled as a public meeting at the next scheduled Council meeting, the Department of Health has not yet finished their review of the Water Comprehensive Plan. This presentation at the Council will involve review of the needed projects and upgrades of the City's water infrastructure.

TRIGG ROAD SEWER UPGRADE

Public Works Director Cecile stated that elevation survey is being conducted for the sewer upgrade slated for Trigg Road. Reichhardt and Ebe Engineering are establishing a "practical depth" for the sewer and staff expects to have some preliminary figures and updates for the full Council on Monday.

SCHELL MARSH

Director Cecile noted that the City had received a grant from the Department of Ecology to study the Schell Marsh area for possible regional stormwater inclusion. It was suggested that staff meet with property owner in that area to inform them of the study.

ATTACHMENT B:

**MINUTES - Recreation and Finance Committee Meeting
Held Wednesday, February 28, 2007**

PRESENT: Councilmembers Oliver, Jensen, and Downey
ADMINISTRATION: Jerry Landcastle, Greg Young, Mark Peterson, Bob Cecile, Tom Black,
Linda Knutson

MORATORIUM ON LARGE RETAIL – LANGUAGE ALTERNATIVES

Administrator Young reviewed several language options for the moratorium clarification sought by Council since instating an emergency moratorium on large retail establishments at the Council meeting of February 20th. Planning Director Black prepared a list of four alternatives for consideration.

Councilmember Oliver stated that he had mentioned two of his concerns at the earlier Streets and Utilities Committee meeting that he wanted addressed in the moratorium language. First, he wanted to make certain that any proposed established that had retail as only an accessory usage should be exempted from the moratorium. Second, he requested that language be added that would prohibit any proposed non-retail establishment from converting to a retail establishment during the moratorium.

Councilmember Oliver also pointed out that at the Special Meeting scheduled for March 26th Council must focus on whether or not a moratorium is warranted; whether a ban was necessary; to perhaps set geographical restrictions; and those references to specific retail establishments should not be part of the discussion.

It was the consensus of the Committee that moratorium language option #2 be used is further refining the moratorium established on February 20th. This will go forward to the next regular Council meeting.

BOYS AND GIRLS CLUB BUILDING AT PIONEER PARK

Staff updated the Committee on the latest estimates and damage evaluations of the fire damaged Boys and Girls Club at Pioneer Park. It is expected that a meeting will be held in the very near future to determine the future of the building.

OTHER

- Staff noted that an executive session is scheduled for the end of the next Council meeting to discuss real estate issues and personnel matters.
- Councilmember Jensen suggested that staff contact the County regarding the desirability of a signal at Imhoff and Slater.
- Councilmember Oliver stated that the Committee should begin review of the Financial Management Policies so that any changes or revisions are in place before the next budget cycle.
- Councilmember Oliver stated that the Centennial Riverwalk EDI loan/grant has been well received by the County.
- City Treasurer Peterson stated that he and Administrator Young are reviewing policies from other jurisdictions regarding partial or full refunds from expired building permits.

ATTACHMENT C:

**MINUTES - Planning and Judicial Committee Meeting
Held Wednesday, February 28, 2007**

PRESENT: Councilmembers Jensen, Elliott, and Olson (for Downey)
ADMINISTRATION: Jerry Landcastle, Greg Young, Michael Knapp, Mark Peterson, Tom Black,
Corey Smith, Michael Jones, Linda Knutson

MORATORIUM ON LARGE RETAIL – LANGUAGE ALTERNATIVES

Administrator Young reviewed several language options for the moratorium clarification sought by Council since instating an emergency moratorium on large retail establishments at the Council meeting of February 20th. Planning Director Black prepared a list of four alternatives for consideration, noting that the two earlier Committees had favored option number two.

It was noted that at the Special Meeting scheduled for March 26th Council must focus on whether or not a moratorium is warranted; whether a ban was necessary; to perhaps set geographical restrictions; and those references to specific retail establishments should not be part of the discussion.

For procedural purposes, Council may wish to rescind the moratorium language passed at the meeting of February 20th, or move for reconsideration of that action.

It was the consensus of the Committee that moratorium language option #2 be used is further refining the moratorium established on February 20th. This will go forward to the next regular Council meeting.

REVISIONS FALSE ALARM ORDINANCE

Councilmember Olson had requested that this item be pulled from the last consent agenda for clarification of the appeal process. In answer to Councilmember Olson's concerns, Police Chief Knapp explained that the language used was model language that is used in codes across the United States. He noted that over 99% of all alarms called in are false alarms, tying up police resources and "de-sensitizing officers" in potentially dangerous situations. He recommends leaving the language as proposed so that the ordinance itself is not litigated, and using the regulations as a teaching tool for groups/persons violating the regulations. The City Administrator is named in the ordinance as the appeal authority due to the fact that he is a neutral party. Often Police Chiefs are named as the appeal authority, which the Chief believes can have the appearance of being less than impartial. Once the ordinance has been enforced and in place for several months, it could be reviewed for possible revisions, if needed.

It was moved by Councilmember Jensen and seconded by Councilmember Elliott to forward the Ordinance to the full Council for approval via the consent agenda. Motion passed unanimously.

BOYS AND GIRLS CLUB BUILDING AT PIONEER PARK

Staff updated the Committee on the latest estimates and damage evaluations of the fire damaged Boys and Girls Club at Pioneer Park. It is expected that a meeting will be held in the very near future to determine the future of the building.

FERNDALE 20/20 PLAN – REVISED APPROACH

Administrator Young reviewed that the Council may wish to redirect the focus of the Ferndale 20/20 Plan from an Urban Growth Area approach to an Interstate-5 Corridor approach. Due to the increased interest in the Commercial zones on both sides of the freeway, it could be useful to concentrate planning effort from Slater to Grandview in order to clearly plan direct the City will look over the next several years. Councilmember Jensen stated that he would appreciate the opportunity to further discuss and understand the City's land supply and inventory. This discussion will be held with the full Council at the next regular meeting.

PRELIMINARY PLAT – SUMMERS LANDING

Planning Director Tom Black reviewed Summers Landing Preliminary Plat and Planned Unit Development, a proposed 75-lot residential Planned Unit Development and Preliminary Plat located on approximately 18.3 acres of land in the Residential Single-Family (RS 8.5) zone, located at the northeast corner of the intersection of Main Street and Church Road, addressed as 2490 Main Street.

The applicant requests City approval of a land division to create 75 lots for single-family residential development. The applicant also requests approval of a Planned Unit Development.

The Hearings Examiner held a public hearing on February 8, 2007 to consider the application. After considering the materials provided, the attached staff report and exhibits dated February 8, 2007, and public testimony, the Hearings Examiner recommends approval of the Preliminary Plat and Planned Unit Development applications, based on the Findings of Fact and Conclusions of Law, and subject to the Conditions of Preliminary Plat and Planned Unit Development Approval contained in the Hearings Examiner Decision.

Director Black noted that this Plat was somewhat difficult to process due to the extreme topography. After Councilmember Olson questioned the close proximity of the houses, Director Black explained that "hillside techniques" were to be employed for all inclined lots, and further explained that the applicant met all building regulations, including setbacks, as required by Code and state fire regulations. Black also noted that that staff was pleased with how density needs were met within the plat.

The Committee had several questions regarding the layout and connectivity of proposed trails in and around the proposed development (and the neighboring Frances View Plat) which was explained more in depth by Planners Smith and Jones.

It was moved by Councilmember Jensen and seconded by Councilmember Elliott to recommend approval of the Summers Landing Preliminary Plat to the full Council, subject to all findings of fact and conditions of approval as outlined in the Hearings Examiner Report and Recommendation. Motion passed unanimously.

PRELIMINARY PLAT – FRANCES VIEW

Planning Director Tom Black introduced the Frances View Preliminary Plat, proposed to create 9 single-family residential lots on approximately 3.4 acres in the RS 8.5 zone (Residential single-family, 8,500 square foot minimum lot size), and located on the east side of Church Road, at the end of a dead-end private drive, approximately 900 feet north of the intersection of Church Road and Main Street, addressed as 5788 Church Road.

The Hearings Examiner held a public meeting on February 8, 2007 to consider the application. After considering the materials provided, the report submitted by staff, and public testimony, the Hearings Examiner recommends APPROVAL of the Preliminary Plat Application, based on the Findings of Fact and Conclusions of Law contained in the Hearings Examiner Decision, and subject to the Conditions of Preliminary Plat Approval contained in the Staff Report dated February 8, 2007.

As in the earlier reviewed Summers Landing Preliminary Plat, staff reviewed the proposed trails, with logical connections to other trails in the area.

It was moved by Councilmember Jensen and seconded by Councilmember Elliott to recommend approval of the Frances View Preliminary Plat to the full Council, subject to all findings of fact and conditions of approval as outlined in the Hearings Examiner Report and Recommendation. Motion passed unanimously.

OTHER

- Public Works Director Cecile noted that review of the Blomquist Plat has revealed plans for cul d' sac radii and street widths below City standards. Staff and emergency agencies are not concerned about the reduced cul d' sacs, but will require that streets be built to City standards.
- Administrator Young relayed that he had met with the County's EDI officials regarding the grant/loan for the Centennial Riverwalk Project, noting that the application was well-received.