



# City of Ferndale

## **PLANNING COMMISSION STAFF REPORT**

MEETING DATE: April 10<sup>th</sup>, 2019 AGENDA BILL # \_\_\_\_\_

**SUBJECT: Public Participation Plan and Work Program – Shoreline Master Program (SMP)**

**DATE: April 10, 2019**

**FROM: Haylie Miller**

**PRESENTATION BY: Haylie Miller**

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**Exhibit 1 – Public Participation Plan and Work Program**  
**Exhibit 2 – Draft Public Participation Plan and Work Program Resolution**

### **RECOMMENDATIONS:**

Per State guidelines, a Public Participation Plan and Work Program, unique to the City of Ferndale, is required to promote public involvement through the duration of Shoreline Master Program (SMP) update process. Staff has scheduled this item for the City Council to review during the regular April 15<sup>th</sup> City Council Meeting. Staff requests input from Planning Commission related to this document prior to forwarding to the City Council. No public hearing is required.

### **BACKGROUND:**

The SMP is regulated by the Washington State Department of Ecology. The existing version was written between 2000 and 2006, though it was not adopted by Ecology until 2010. A minor update to the Critical Areas portion was revised in May 2017 in order to comply with the City's Critical Areas Ordinance (CAO) update.

The City is required to conduct a periodic review of its SMP to comply with State guidelines by the June 2020. The SMP must include certain regulatory provisions. Public Participation is a required element of the SMP update.

### **ANALYSIS:**

Staff believes the Shoreline Master Program (SMP) update will be lengthy and complex. Many portions of the SMP are out of date and require a new organizational structure in order to be more user friendly and easy to understand.

The purpose of the SMP Participation Plan and Work Program is to provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment during the review process. The plan outlines participation opportunities including access to a SMP update website, email notifications, public mailings, social media updates, and City contact information. The plan further identifies key stakeholders in the process and projected timelines.

Staff believes that with the participation factors listed with the participation will be sufficient in order to include the Public throughout the update process.

In order to include the public early on in the process, Staff will mail a combined Notice of Application (NOA) with supplemental information related to the SMP update to all property owners within the shoreline jurisdiction areas. At minimum the notice will include, all standard NOA information, website links that provide detailed information related to the participation plan, the SMP update and City contact information. This notice will be provided in April or May.

### ***QUESTIONS FOR PLANNING COMMISSION:***

Does the Planning Commission wish to include additional public outreach activities such as an open house, outside of the regularly scheduled Planning Commission and City Council Meetings?

Should condominium owners be included within the mailing list? This element is included within the participation plan currently. The public noticing requirements currently require notices be provided to the landowner only.

Per City noticing requirements, the Public Hearing is the only Planning Commission meeting that requires direct invites be mailed to property owners within the Shoreline area. Should direct invites be provided for a workshop, prior to the public hearing as well? Staff would like to note that the planning commission schedule will be posted on the SMP webpage which will be referenced on the initial Notice of Application (which is mailed to property owners). Is this enough?

### **CONCLUSION:**

Staff requests input from the Planning Commission related to this plan. The participation plan meets the State requirements for the SMP updates.



## COMMUNITY DEVELOPMENT DEPARTMENT

P.O. Box 936, 2095 Main Street, Ferndale, WA 98248 - (360) 685-2367

### **City of Ferndale Shoreline Master Program (SMP) Periodic Review Public Participation Plan and Work Program**

#### Introduction

The City of Ferndale is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other the City of Ferndale plans and regulations, and is responsive to changed circumstances, new information and improved data.

A Public Participation Plan is required to describe how the City of Ferndale will encourage early and continuous public participation throughout the process of reviewing the SMP.

This Public Participation Plan describes the steps that the City of Ferndale will take to provide opportunities for public engagement and public comment, as well as City of Ferndale contact information and web addresses. This plan is in addition to any other minimum requirements for public participation required by the City of Ferndale. This plan is a working document and will be adjusted as needed to provide for the greatest and broadest public participation.

Visit <http://www.cityofferndale.org/SMP> to view the current Shoreline Master Program and additional information related to the periodic update.

#### 1.0 Public Participation Goals

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

## 2.0 Public Participation Opportunities

The City of Ferndale is committed to providing multiple opportunities for public participation throughout the process. The City of Ferndale will use a variety of communication tools to inform the public and encourage their participation, including the following:

### 2.1 Website

The City of Ferndale's website (<http://www.cityofferndale.org/SMP>) will include a Periodic Review webpage where interested parties can access status updates, draft documents, official notices, minutes and other project information. The webpage will be the primary repository of all information related to the Periodic Review process. The page will include who to contact for more information and an email link for questions and comments.

### 2.2 Notice mailing list

An email list of interested parties will be created, advertised and maintained by the City of Ferndale. The list will be used to notify interested parties regarding Periodic Review progress and participation opportunities. Interested parties will be added to the list by contacting the Community Development Department. Individual condominium owners should also be included within this identified list.

### 2.3 Social Media Updates

Periodic social media updates will be provided for Public Hearings related to the SMP Update.

### 2.4 Comment

Interested parties will be encouraged to provide written comments via email or letter to:

**Haylie Miller, Community Development Director/Shoreline Administrator**  
**2095 Main Street**  
**P.O. Box 936**  
**Ferndale, WA 98248**  
[hayliemiller@cityofferndale.org](mailto:hayliemiller@cityofferndale.org)  
[comment@cityofferndale.org](mailto:comment@cityofferndale.org)

All comments will be forwarded to the Ferndale City Council and Planning Commission. The Periodic Review webpage will be the central repository for information under consideration. Documents will be available for review at <http://www.cityofferndale.org/SMP>

### 2.4 Planning Commission

The Planning Commission will be the primary forum for detailed review and recommendations to the Ferndale City Council. Interested parties are encouraged to attend and provide comments during the Planning Commission deliberations and/or Ferndale City Council workshops and public hearings. Official notices will be published as established per Ferndale Municipal Code Chapter 14.15 Public Notices.

### 2.5 News media

The local news media will be provided a link to <http://www.cityofferndale.org/SMP> in order to be kept up-to-date on the Periodic Review process. Public Notices may be reviewed in the Ferndale Record.

### 3.0 List of stakeholders

A minimum, the City will engage the following stakeholders:

- Property owners (including condominium owners) within the existing and proposed Shoreline Jurisdiction areas
- Department of Ecology
- Whatcom County
- Lummi Nation
- City of Bellingham
- Department of Commerce
- SEPA Agencies
- Army Corps of Engineers
- Any other interested parties who request to participate and/or receive information

### 4.0 Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. The City of Ferndale will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage.

*April 2019 – June 2020*

### 5.0 Public Comment Periods and Hearings

The Planning Commission will conduct a public comment period and at least one public hearing to solicit input on the Periodic Review. The Ferndale City Council will hold one public hearing before final adoption.

The City of Ferndale will coordinate with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104).

Public notice of all hearings will state who is holding the comment period and/or hearing, the date and time, and the location of any public hearing. Notices will be published per official policy and comply with all other legal requirements such as the Americans with Disabilities Act. A notice will be sent to the email list (2.4, above) and the Department of Ecology.

**RESOLUTION #**

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**A RESOLUTION OF THE FERNDALE CITY COUNCIL ADOPTING THE PUBLIC PARTICIPATION PLAN AND WORK PROGRAM FOR CONDUCTING THE LEGISLATURE'S MANDATED 2020 SHORELINE MASTER PROGRAM PERIODIC REVIEW UPDATE**

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**WHEREAS**, the City of Ferndale seeks an open and transparent public process; and

**WHEREAS**, RCW 90.58.080(4) of the State Shoreline Management Act (SMA) requires that (jurisdiction name) take legislative action to review its Shoreline Master Program by June 30, 2020, and

**WHEREAS**, to assist SMA planning jurisdictions the State Department of Ecology, which administers the SMA, provides compliance checklists for agencies to review against their local Shoreline Master Program; and

**WHEREAS**, the City Community Development Department staff used the Ecology checklists to review the City of Ferndale SMP for compliance with applicable provisions of the SM; and

**WHEREAS**, the City Community Development Department staff have also conducted an initial review of the City SMP for consistency with the current Comprehensive Plan and Development Regulations, and prepared initial considerations of changed circumstances, new information, and improved data relevant to the City SMP; and

**WHEREAS**, the City Community Development Department staff have identified multiple changes to be made to the SMP including removal of outdated information, consolidation of sections, updates to comply with State guidelines, improvements to usability of the SMP and other necessary modifications; and

**WHEREAS**, local governments are required to establish a program that identifies procedures and schedules for the public to participate in the periodic Shoreline Master Program update process; and

**WHEREAS**, the City of Ferndale Planning Commission reviewed the Public Participation Plan and Work Program on April 10, 2019 and recommended approval of such plan to the City Council; and

**WHEREAS**, the Ferndale City Council considered this resolution during their regularly scheduled meeting of April 15, 2019.

**NOW THEREFORE**, the City Council of the City of Ferndale do ordain as follows:

**Section 1.** Ferndale Municipal Code 14.15 Public Noticing shall be amended as show in Exhibit 1.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Passed by the Council of the City of Ferndale, Washington, on this 15<sup>th</sup> day of April, 2019.

**ATTEST:**

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Jon Mutchler, MAYOR

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Susan Duncan, CITY CLERK