



PLANNING COMMISSION

P.O. Box 936, 2095 Main Street, Ferndale, WA 98248 - (360) 384-4006

MINUTES

October 16, 2013– 7:00 PM

Commissioners Present: Susan Cole – Chairperson
Tom Black
Rebecca Xczar
JoAnn Moore
Yvonne Goldsmith
Dave Turner
Fred Kennedy

Commissioners Absent:

Staff Members Present: Jori Burnett, Community Development Director
Haylie Miller, Assistant Planner
Jenny Welters, Executive Secretary

Councilmembers Present: Cathy Watson
Jon Mutchler

Call to Order: Chairperson Cole called the meeting to order at 7:00 PM.

Agenda Item 3 – Public Comment on items/issues not on the agenda – Seeing no one come forward, moved on to next item.

Agenda Item 4 – Approval of minutes from September 25, 2013 meeting - Minutes are approved as presented.

Agenda Item 5 – New Business

A. Global Enforcement Chapter – Code Reference Changes – Public Hearing – Mr. Burnett began that at the second meeting in September, this topic was first introduced to Commissioners. Propose a number of different policies, depending on chapter. This chapter will dictate how to enforce violations. Proposing to adopt global enforcement chapter for land use as well as public works actions. This will allow staff to be more portable, staff is working with city attorney's office, not talking about any dramatic changes just getting them put into one place. One change draw attention to in the manufacturing zone, mayor has ability to appoint a citizen committee for individuals who live in or near a manufacturing zone. If there are neighbors complaining about odors, odors are subjective. There is not an objective measurement, City felt it was appropriate to allow the mayor to appoint the committee, manufacturing zone is close to residential properties, there are conflicts between neighbors opposed to development of manufacturing coming in. Mayor did not feel he would ever institute a committee and staff recommends removing possibility for committee.

Mr. Burnett added that in Chapter 18.12 violations within any zones just in administration and enforcement for entire title of 18. Manufacturing itself has specific criteria to the zone. Only other two in chapter 18 are RV parks, sign code and landscape standard could remove violation sections acknowledge 18.12 have procedures for all of title 18. Recommend making that change. Refer to Chapter 18.12 except for signs where there are unique requirements.

Commissioner Kennedy asked for clarification on the amount in Exhibit 1 item A1 regarding the violation being \$500 per violation per day.

Mr. Burnett noted that this is to provide an extreme disincentive for violations. There is a possibility to reduce violation amount. Could change that when you have repeat violators, that there is a minimum. There are instances where there are property owners that do not know that they are violating. City is mostly reactive and complaint based. Those instances might need a formal letter with 10 day time limit to get in compliance. There is a small percentage of people have day in court demonstrate to City is wrong or right.

Commissioner Kennedy asked for clarification on page 6 section 18.80.40 under the removal of unlawful signs paragraph B. He asked about the sign on I-5, if a private company has a moving sign can city come in and say they are taking it out.

Mr. Burnett responded yes, if a sign is visible from street. This is a judgment call from the city, is it going to be distracting to motorists or is it a sign. Staff would notify property owner that the sign is distracting, and to put it on a delay. If perceived as an imminent danger can stop because then it is a safety issue.

Commissioner Kennedy asked about the sign at the Chiropractor office on Main Street.

Mr. Burnett answered that there was time city did not allow electronic signs. Signs can't show animations or they must have a 5 second delay, they can't have movies and moving pictures. Told Chiropractic office to change sign to static images, they willingly complied, Sonic Drive-In, same thing they complied.

Commissioner Kennedy asked if they are provided a formal hearing of some sort before it is removed.

Mr. Burnett responded that in extreme cases do not believe it is in the best interest, need to shut it down. Stop work or equivalent, immediate hearing, argue what the city has now done has created an adverse impact to their business prove. City can mitigate before it actually occurs.

Commissioner Turner wanted to clarify 5 second delay.

Mr. Burnett responded that in the sign code, they must be on a delay of 3 or 5 seconds.

Commissioner Turner noted that they change so fast.

Mr. Burnett added that this is a new toy that the sign companies have, signs that are geared towards pedestrians, in more of a walkable city. Ferndale needs to consider the safety of predominate mode of travel.

Commissioner Kennedy asked about landscape standards and replacing landscape that dies, which areas that it applies.

Mr. Burnett responded that it applies to anywhere that there is required landscaping, trees that died required that they replace them. For instance, Rite Aid let trees die, it was a substantial process to get them to replace.

Commissioner Kennedy asked if you have a homeowner will he be receiving a fine.

Mr. Burnett responded no. In residential subdivisions there are landscaping requirements, responsibility of the home owners association, individual single family residences are exempt, however multi-family are different.

Chairperson Cole read the instructions for the public hearing.

At 7:27 PM Chairperson Cole opened the public hearing.

Seeing no one come forward Chairperson Cole closed the public hearing at 7:27 pm.

Motion by Commissioner Moore second by Commissioner Black:

Based on the staff report and public testimony provided at the public hearing, motion to recommend that the City Council approve the changes identified in Exhibit 1 and remove violation sections in chapter 18.64 and 18.74.

Motion passes unanimously.

Agenda Item 6 – Old Business

- A. UGA Population Allocation Recommendation – Public Hearing – Mr. Burnett introduced the staff report and would like to direct Planning Commission attention to exhibit 3 of the staff report, UGA review. City is working with the other 6 cities and the county to prepare for the 2016 update. Bottom up approach, county initially identifies how much growth will come in throughout the years and then allocates to each jurisdiction. City's recommendations will then go to the county planning commission. Have low, medium and high projections for population and employment.

Staff provides documents to county, start with the city profile. Ferndale is a growing community in transition, prior to 1970s, were self enclosed, get whatever you needed in town, then Bellis Fair came in and brought other stores to Bellingham. Ferndale then started to become more of a bedroom community, small town where you can get what you need. Can show that Ferndale's population has been consistent and have been consistent not a lot of large subdivisions, but smaller subdivisions. Ferndale growth has exceeded Bellingham's, strong for residential growth, recommend high growth scenario. Ferndale has a consistent growth rate, the closest small city alternative to Bellingham, along I-5, close to cherry point, and continuing to grow. Could grow more if there were more shopping opportunities. Staff has talked to county and looking at how much Ferndale could grow, asked what would that do to UGA. County is confident there would be no change in residential UGA, no expansion and no reduction in the UGA.

Regarding employment allocation, a reduction can only contribute to a lot of changes in the UGA. Bellingham expect less than 2009, everyone is cutting employees down. Most all jurisdictions don't want to give up employees. City needs to make sure the planning commission and council know not ok with pulling out that number of employees without justification on what has changed, will be a policy question for county council. Ferndale is proposing higher than high growth scenario, 41% of citizens are employed in the City of Ferndale. With the high employment scenario, new growth only 34% would be employed in City. In the initial numbers, the UGA is possibly twice as big for commercial industrial lands. There is the possibility that development only exists because it is in the UGA. For instance , Vancouver fastest growing, grown from 3 million in 1986 to 6 million now, have not had a recession and have continued to expand. Expecting county to grow by another 60,000 over the next twenty years, the lower mainland is expected to grow 1 million next twenty years. There is a lot of expensive land in Canada, purchased less expensive land in Washington.

Commissioner Black added that we should never reduce UGA by one set of numbers, should consider a buffer. If reduce may have to change it again, shouldn't ever go back.

Mr. Burnett noted that can be put into the annexation blueprint.

Chairperson Cole opened the public hearing at 7:53 pm.

Seeing no one come forward Chairperson Cole closed the public hearing at 7:54 pm.

Commissioner Black noted that he supports staff recommendations.

Motion by Commissioner Black second by Commissioner Goldsmith:

Based upon the staff report and public testimony provided at the public hearing, recommend that the City of Ferndale propose a population allocation as shown in Exhibit 3, which includes a high growth population allocation of 6,833, an

employment allocation of 2,802, which will preserve the existing population to employment ratio, and a justification for both allocations.

Motion passes unanimously.

B. Recreational Marijuana / I-502 Implementation – Public Hearing – Mr. Burnett introduced the staff report and noted that there have been several workshops on I-502 implementation, looking to let I-502 be implemented without political or moral ideas. Redline on page 13, include businesses required to provide traffic study for retail businesses that will have the traffic impact. Other changes include maps, Alternative A, not labeled and does not have parcels or Alternative B. Staff is looking for recommendation or further changes to tweak maps.

Commissioner Kennedy asked about the location criteria and if it is similar to standards for alcohol.

Mr. Burnett responded that I-502 identified these areas as unable to be within 1000' of a recreational marijuana business. If City were more strict, it would be stepping beyond the bounds of the voters of Washington, keep the City away from being a guinea pig, City attorney and Carol Morris have advised. Also, regarding the definition of "playground" a public outdoor church playground is not included in that definition.

Commissioner Kennedy asked if consumption is addressed in I-502.

Mr. Burnett responded that it may include discussion of consumption, only looking at the land use portion, that is more of a police action.

Commissioner Goldsmith asked if a store meets the location criteria and gets established and then a daycare is proposed within a 1000', if that would be allowed.

Mr. Burnett responded that once a use was established, coming in close to that retail marijuana location, the use would not be forced to vacate.

Chairperson Cole opened the public hearing at 8:08 PM.

Seeing no one come forward at 8:08:27 PM, Chairperson Cole closed the public hearing.

Commissioner Moore suggests adopting map alternative A.

Commissioner Black agrees.

Commissioner Kennedy brought up possibly requiring businesses to go through the conditional use process.

Mr. Burnett noted that the concern goes to litigious nature that could be argued or used to go through a process and additional conditions added. Condition that was placed on business that lacked a clear nexus, where is the nexus between business and impacts and the condition. City attorney recommended that the City is much safer with permitted route.

Commissioner Kennedy added that marijuana is legal in Canada and they have high electrical usage, also have very high incidents of mold, damages structure. Under conditional permitted use would be able to gather information and see what would work for the City.

Chairperson Cole noted that going through the conditional use process, gives citizens chance to be involved. City is not going to be able to add anything that the state is not currently requiring.

Mr. Burnett asked what types of conditions could be placed on such a use that we would not be able to place on any other normal project. It would be an additional process that could then be seen as a regulation for the reason of just having another process and could be seen as the city obstructing in some way.

Chairperson Cole added if went to conditional use, it is misleading to community members, hearing examiner cannot add additional conditions.

Commissioner Kennedy asked what impact these business will potentially have on treatment plant.

Mr. Burnett responded they would have to comply with development regulations. The international property maintenance code would allow City to take action on buildings not maintained. Also, as part of development review process, required to notify what types of materials putting down including chemicals. I-502 scrutinizes what is put into product.

Chairperson Cole noted that Planning Commission is only talking about locations for the retail siting of stores.

Motion by Commissioner Goldsmith, second by Commissioner Moore:

Based on the staff report dated October 16, 2013 as well as testimony provided at the public hearing, motion to recommend that the City Council adopt a new chapter 18.67 into the Ferndale Municipal Code, adopting I-502 Implementation Maps Version A by reference.

Motion passes 6-1 – Commissioner Kennedy opposing.

Agenda Item 7 – Directors Comments - Went to Washington State Planning Conference, came back with a lot of good ideas. One is looking at SEPA amendments, since established has not changed a great deal since then, possibility to relax certain regulations. There is a SEPA for everything but no one actually looks at the document, we never get comments back. Also, bringing a few zoning text amendments including a rezone north of Slater intersection on Rural and Slater, applicant wants to change from general business zone. Lummi acquiring land takes it out of our ability to have retail. Also, a zoning text change to include creative way of increasing density based on duplexes in the single family zone, few have ability to purchase a duplex lot, more can purchase single family attached unit.

Adjourned at 8:27 PM.

Recording Secretary:

Jenny Welters, Recording Secretary

Presented By:

Jori Burnett, Community Development Director

Approved By:

Susan Cole, Chairperson