

**CITY OF BLAINE
PLANNING COMMISSION MINUTES
Thursday, January 10, 2019
7:00 PM
Calvin Armerding - Chair**

A. CALL TO ORDER: 7:01 P.M.

B. ROLL CALL:

PRESENT: Sue Sturgill, Richard May, Steve Hrutfiord, and Tom Hanrahan.

EXCUSED:

ABSENT: None

STAFF: Alex Wenger, Acting Community Development Director,
Andrew Boucher, Community Planner I,

C. AUDIENCE COMMENTS:

Chairwoman Sturgill asks for public comments not related to the public hearings; none.

D. PUBLIC HEARING

Marin Building C

Quesi- Judicial procedures are read and the public hearing is now open; no conflicts of interest or objections preventing the Planning Commissioners from fulfilling their responsibilities.

Mr. Wenger gives staff report:

“Marin Building C is located on Semiahmoo Spit, next to the resort and Marin Buildings 1 and 2. The original PUD was approved in 1985; permits filed throughout the last decade, with the Shoreline Substantial Development Permit being applied for in 2018. The PUD covers entire portion of Semiahmoo Spit; shaded area is the final PUD and the red highlights the preliminary plats. The architecture of the #3 building requested to be amended to be more contemporary, modern, and contain different building materials. The existing Building #2 differs in architectural style, but still very similar. The 2015 PUD modification, administrative decision made by the CDS Director, which changed the design of the building without changing the height, but was still determined to be similar to the original proposal.”

Presents renderings; notes that it is quite different from the existing buildings.

“PUD may significantly alter the approved architectural concept – PUD Amendment – not a new permit, but processed as a new Type II – CC permit; staff and Planning Commission receive public comments and may offer recommendations to City Council after which point, new public comments are not accepted. City Council, at that point, makes a closed record decision. The PUD represents a more creative approach to the unified planning of the development and incorporates a higher standard of integrated design. Otherwise, there is limited support and criteria in the municipal code in regards to PUD amendments changing the architecture.”

Statements from the Resort Semiahmoo Master Plan:

- Architectural vocabulary of the Spit housing and commercial structures should be compatible with the clean, simple forms of the existing APA buildings. In the more natural beachfront areas, this straightforward geometry and massing should be articulated to reduce the apparent size of the clusters of units. The expression of individual units, pitched roofs, large overhangs, and light, natural colors will help to establish a sympathetic relationship between nature and building.
 - o This statement does not support the amendment.

- Major buildings including condominiums should preserve the idea of simple massing and allow for the introduction of more modern architectural elements such as;
 - o Larger areas of glazing
 - o Industrial materials
 - o Expression of heavy timber construction
 - o Colors should be bold and warm to generate a festive and exciting atmosphere.
 - This statement does support the amendment.

- Residential Design Guidelines has three types of standards for the Spit;
 - o Beach Clusters; Bay Clusters; Resort Village Condominiums
 - Beachwalker and Marin
 - Presented as a vision vs. a set standard; the language being used (should) makes these encouraging statements rather than rules.

“It was difficult to review this project as it relates to these guidelines. The more detailed renderings show that this project could meet those guidelines as there are wood elements shown.”

Presents pictures of the Marin Buildings 1 -2 and how they pertain to Building 3 as one development project.

The procedure for this project followed that of BMC 17.06.100 Table A – Type II Notice of Application Requirements; a Notice of Proposal/Notice of Public Hearing was sent out December 18, 2018 and requested public comments until January 10, 2019. This project also uses the adopted 2008 SEPA Mitigated Determination of Non-Significance; it is the

Planning Commission's job to take that and the public comments into consideration when making their decision. These conditions made it difficult for staff to recommend approval or denial, but will assist the Planning Commission in making their decision.

Public Comments entered into the record:

#1 – Letter (January 3, 2019) from the Semiahmoo Resort Association Architectural Standards Committee: “Outlines a number of comments and concerns about the proposal including; roofline, vertical screening materials, railings, and stone. ASC does not support this proposal, urges the Commission to deny the proposal.”

- Additional communication between Jim Quick (1448 Mt. Baker Hwy; Bellingham, WA 98226) and Sharon Holland (2390 Peace Portal Drive #214; Blaine, WA 98230) from November 19, 2018 list all of these concerns.

#2 – Email (January 7, 2019) from Karen and Tom Newberry (Marin Condominium residents): “I am happy to see that something will be built, but I do not support this project on the Spit.”

#3 – Letter (January 7, 2019) from Bob Levine: “I do not support this project and displeased that the Planning Department has not given a recommendation.”

#4 – Letter (January 9, 2018) from Marin Condominium Association President, Alan Ogden: “I do not support this project. While everyone is anxious to get the vacant Pad C developed, it should be done in a thoughtful manner and in a way which makes it compatible with existing buildings on the Spit. We urge you to deny the request in the subject application.”

#5 – SRA President Greg Wednt (8800 Grasshop Road): “I do not support the project until conditions are made to address the issues listed in the comments submitted. The Master Plan does not contradict, but are complementary speaking to the architecture; second paragraph speaks to the elements used in the architecture. The SRA is not against new materials, but will examine the metal/steel/aluminum and determine if it can be approved. We oppose the building as it's currently designed; this building is too modern for the current environment and has an overuse of glass.”

#6 - John K (Unit 301, 9535 Semiahmoo Parkway – Marin Building B): “When we purchased, there were two existing buildings and we believed that the third building would be part of the community and have much of the same look. We did not expect that an orphan would be washed up on the beach. The developments currently existing set the aesthetic for the Spit; if you approve this development, then you lose all control over future development. The exterior envelop and roof pitching are big issues for me.”

#7 – ASC member Joe Madsen (8650 Great Horn Owl Lane): “Reiterates MCA comments submitted into the record; clarify transparency, we met with the Lark Group (Oct. and Nov. 17) and expressed a desire to find alternative design processes. Letter formalized on Nov. 19; received a response on Jan. 3 disregarding our concerns.”

- Letter from Jan. 8 – Stating opposition

#8 - Kenny Bahar (8786 Wood Duck Way): “This washed up orphan is gorgeous; in favor of using modern materials and if they incorporate a complementary color scheme that would help this project fit in.”

#9 - Margarete Bell (Building A, Marin): “What does the view from the parking look like?”

- Steven Cross – Project Architect (1770 Heartsell Road, Ferndale): “This is an old elevation and not actually a rendering but to show walls and window conceptualization; we noted a need for more wood elements and natural plantings in front.”

Applicant: Jim Quick, Lark Group (Suite 1500, 13737 – 96th Avenue, Surrey, BC V3V 0C6) gives his remarks; “We agree that this is an amendment to the PUD since we are modifying the architecture to better seal the building envelope from moisture, which has led to a lot of the public comments regarding the aluminum; applicant considered this to be a better sealant than wood. One letter quotes: ‘The ASC and SRA are open to considering alternative materials given the weather conditions.’ This was discussed with the hotel, but they had no formal comments.”

Chairwoman Sturgill and Mr. May: “Why are there differences in the renderings?”

- Mr. Wenger: “Left rendering is a 2015 PUD modification approved by the previous director as an administrative decision; right image is the proposed amendment change.”
- Applicant: “18 units building, reduced to three stories without changing the height, but the main reason for doing this differently is to properly seal the building to account for water through differences in building and roofing materials.”

Mr. Hrutfiord: “Materials are going to be aluminum; are these available in different colors, any wood colors/scheme for the streetside?”

- Applicant: “Natural wood elements to be introduced as architectural elements in order to address some of the concerns.”

Mr. Hrutfiord: “Current renderings please.”

Chairwoman Sturgill: “So at this point we are tabling this proposal until the January 24, 2019 Planning Commission meeting to allow the applicant to submit updated materials and give the public an opportunity to comment; rescinds call to close public hearing, the public hearing remains open.”

Woodberry PUD

Chairwoman Sturgill: “Previous rules of public hearing apply this; any objection to any Commissioner participating in public hearing; are there any commissioners that have conflicts of interest that would prevent them from participating?”

Mr. Wenger gives staff report:

“This is a Type II – CC permit application as a PUD and Preliminary Plat to create a 29 single family lots on 9.97 acres in the Semiahmoo Uplands, off Semiahmoo Parkway. Condition of approval to make an incidental trail repairs as a result of project development; waive the walking path and the City addresses the bike trail/lane. Proposal requests to deviate from a number of standards in the Residential Planned Recreation; reduce roof pitch, add brick to available siding materials, foundation exposure, and rear yard perimeter fencing. This does not follow the Semiahmoo Master Plan/not part of the Semiahmoo Homeowners Association, will be part of its own Homeowners Association. Waive street tree requirement per practice; 5’ utility easement for future potential use; street stub requirement also be waived and flag lots allowed. Open space requirement enhancing the buffer near the Parkway to screen approximately 50-75% of the residence”
- **Staff recommends approval, but only after public comments;**

Public comments

#1 – Erika Shultz – 5550 Peregrine Way; #3 – Donald Delaney – 5440 Canvasback Rd.; #4 – Del Strasbourg – 3981 Canvasback Rd.; #6 – Larry and Sharon Schell – 5417 Canvasback Rd.; 7 – Mark Phillips – 8740 Wood Duck Way; #8 – Edmund Szol – 9136 Aerie Lane; #9 – Dwight Maetche – 406-5416 Snowgoose Lane; #10 – Michele Watters and Greg Ellis – 8795 Osprey Rd; #11 – Sally Webb - 5484 Canvasback Rd; #13 – Andrew and Renee Robertson – 5875 Hogan Drive; #14 – Arthur Abercrombie – 8965 Bald Eagle Drive; #15 – Bob Franco – 8656 Great Horned Owl Ln: “There should be retention of an appropriate number of significant trees throughout the tract, no tree cutting in sections not being actively developed, and a 30’ – 40’ buffer between the development and Semiahmoo Parkway with appropriate replantings and irrigation.”

#2 – William McNally – 8991 Snowy Owl Ln: “There are concerns with the following: open space, deviations from the RPR Zoning District Design Elements, lack of provisions for conserving large forest trees, lack of compatibility with the existing community, justification for waiving an EIS, stormwater drainage, antenna restrictions, and an inadequate notification and approval process.”

- William McNally (8991 Snowy Owl Lane): “My property is directly across from the proposed development and the area from the entrance to the corner, corresponds to the entrance to Semiahmoo Gate #1, open and unobstructed views of the forest and golf course. I am concerned with the lack of concern with the planning to properly screen the view from the parkway and how that impacts the seven homes. No provision made to irrigate the plantings in the buffer zone which was described as 15’ with 5’ of shrubs; 30’ wide buffer desired. Presentation showed four exceptions to the RPR zoning district; the most concerning was allowing a rear yard perimeter fencing, which is

inconsistent to the other communities; fencing materials were discussed. Notification process flawed and inconsistent; not appropriate to send over Christmas.”

#5 – Rick Beauregard – 8961 Bald Eagle Drive: “I have concerns with the lack of consistency with community; insufficient environmental and public health/safety impact conclusions; disregard for the cumulative impacts and loss of forest habitat on the part of the city for this project and similarly approved projects.”

- o Rick Beauregard (8961 Bald Eagle Drive): “Two issues: 1) Planning Commission has a duty to consider developments compatible with the existing community; 2) Cumulative environmental impacts.”

#12 – Alice and Paul Bessembinders – 5611 Sanderling Way: “Concerns regarding the City of Blaine’s process as several members within the 300’ notification line did not receive notices, website link containing project documents broken, and the required notice to the general public was put out December 27, 2018. Concerns with the applicant includes: clarification on allowable number of units per acre/lot size clarification, multiple development stages, BMC 17.68.080, Section F. – Natural Features (mature trees), BMC 17.38.055 – Residential Design Standards, lot description, and the history of clear cutting violations.”

Applicant, Craig Parkinson (119 Grand Avenue, Suite D):

“Representing Rolf and Linda Hougen; this is the plan the owners would like to do. Landscape plan for what we expect, but does not show the 20% canopy that we are required to maintain per the BMC. Wider buffer areas along the entry and more trees kept on the Stormwater tract/pond. We followed the mandated process; pre-application meeting, neighborhood meeting, TRC meeting, certified notices to people within 300’, and participating in this hearing. We had an opportunity to review the comment letters regarding clearing, but owners remain unchanged.”

Greg Wednt, SRA President (8800 Goshawk Road): “The feedback I’ve gotten indicates the owner would like a clear view of the golf course; refer you to Sea Smoke picture meeting the requirements for the 20% canopy. The SRA determines its buffers and with those, the view of houses will be very limited. My fear is the loss of trees in order to enhance their view of the golf course; concerns regarding clear cutting in two phases. Clear on an as needed basis; noted as an eyesore; comparison to Carnoustie in regards to the effects of clearcutting and concern about stormwater runoff and questioning tree cutting. The SRA allows gates, but not fences; staff’s comment in conflict regarding allowance of fences. What is their signage? Especially appalled at CC&Rs language on boats, campers, and RVs, SRA does not allow this storage. My question is, how do you screen these vehicles? Driveway shall be concrete, but the SRA requires impervious surfaces.”

Douglas Cougill (8992 Gleneagle Drive): “My comment is exactly as you’ve heard regarding the width of the buffer and notification process.”

Jim Little (5701 Sanderling Way): “I agree with those who spoke before; short notice and difficult to receive documentation; given more time and an ability to receive documentation, you may have had more people hear to address their concerns.”

Mr. Hanrahan: “Is the north side of the property factored into the 20% canopy retention? Meeting on June 29, 2017 and more recent meeting?”

Applicant: “Yes, but canopy doesn’t count that goes over the property line. Notices were sent out to the addresses listed with the County Assessor.”

Staff: “Applicant required to send out certified mail, notifications for community meeting and Public Hearing. **We can review certified mail to confirm all property owners within 300’ of the proposed development.**”

Mr. Hanrahan: “Does the applicant have a response to the language and comments concerned about boats, RVs, and campers? How do you screen this?”

Applicant: “Allowed; however, all such storage shall be properly screened and has to be reviewed by the ASC. I don’t know.”

Staff: “Environmental impact statement was conducted for Semiahmoo.”

Greg Wednt: “City of Blaine should stop a development over chain link fence and recreational vehicle storage.”

- Staff: “Clarify on buffer; 20’ buffer, no claiming of native vegetation; extra mitigation through the SEPA review to require planting in a much denser manner, 20’ area planted with the intent to limit how much visibility is available to those lots. Not allowed to impact that buffer and are required to enhance their buffer; the City has adequate stormwater and environmental standards. Regarding the comments on the CC&Rs, the applicant is required to submit preliminary CC&Rs; within six months, the applicant has to come before the Planning Commission with the final CC&Rs. Other items mentioned earlier; staff recommends waving the street trees, but do want native trees planted in the buffer. There’s been a number of comments about inadequate, improper noticing; that concerns me as a staff member, but the timing over the holiday does make it reasonable to extent the public comment period if the Planning Commission should decide. This would give staff an opportunity to ensure that proper noticing procedures have been followed; as the SEPA official, the MDNS still stands.”

Mr. Hrutfiord: “We determine zoning, not whether we like it or not; question about fencing and parking. What is allowed within the city limits?”

- Staff: "Semiahmoo adopted new standards prohibiting fencing through zoning; through the PUD process, they are allowed to circumvent some zoning language. Zoning requirements are for new projects coming, City doesn't restrict fencing in Semiahmoo, but there is an allowance to deviate from that during the PUD process."

Chairwoman Sturgill: "Does the City have a process of dealing with environmental sensitive issues?"

- Staff: "No provision in our code preventing them from clearing the site; Commission can consider limiting clearing to phases."

Mr. Hanrahan: "Echoes public comments."

- Staff: not allowed to clear within the buffers,

Mr. May: "Is it within the Planning Commission's ability to determine buffer length? Specific language be determined by the Planning Commission?"

- Staff: "Yes, but have to be supported by Findings of Fact."

Kathy Stauffer (5571 Harlequin Ct): "30' buffer is what we want;

Chairwoman Sturgill: "Table this issue and keep the public comment period open until January 24, 2019."

E. INFORMATIONAL ITEMS:

- Public Comment from Bob Franco

F. APPROVAL OF MINUTES:

MOTION TO APPROVE MINUTES INTRODUCED BY MR. MAY; SECONDED BY MR. HANRAHAN; PASSED (3-0), HRUTFIORD ABSTAINED.

G. ADJOURNMENT, 10:12 P.M.

Sue Sturgill, Chair

Alex Wenger, Staff

Planning Commission minutes of January 10, 2019 to be approved at the January 24, 2019 Planning Commission meeting.