City of Mount Vernon
Planning Commission Meeting
Minutes from July 19, 2016

Vice Chairperson, Shelley Acero, called the meeting to order. Present were Planning Commission members Adair Orr, Chris Bollinger, Linda Piazza, Al Lyon, Fred Clark, and staff members Bob Hyde and Rebecca Lowell. Planning Commission member Tom Waller was absent. There were also 16 audience members.

Minutes:
Mr. Orr moved, second by Mr. Bollinger, to approve the minutes from July 5, 2016 as presented. Motion carried. Mr. Orr moved, second by Mrs. Piazza, to approve the minutes from June 21, 2016 as presented. Motion carried.

Public Hearing on Marijuana Collective Gardens & Group Cooperatives:
Mrs. Lowell gave a presentation on the progression of ordinances related to marijuana uses.
The first Ordinance was approved in May of 2014 which regulated the marijuana use to the C-L zone with conditions. In December of 2014 an Ordinance was approved to prohibit the marijuana use in the Residential use in the C-L zone.

Mrs. Lowell explained that in April of 2015 a new state law was passed regarding the Marijuana Collective Gardens & Group Cooperatives and in July of 2016 new provisions were passed. In 2015 The City of Mount Vernon passed a moratorium prohibit Collective Gardens & Group Cooperatives. Later in 2015 and Ordinance was passed to prohibit Collective Gardens & Group Cooperatives. Mrs. Lowell asked Planning Commission to support the current ordinance provided to prohibit Collective Gardens & Group Cooperatives.

Mr. Orr asked about specific issues that might arise that are concerns.
Mrs. Lowell responded that there would be concerns from the police department and neighborhood issues.

Mrs. Acero opened up the Public Hearing and requested comments from the audience. No comments from the audience were received and the hearing was closed.

Mr. Lyon made a motion to approve the ordinance as presented by staff. Mr. Orr, Mr. Bollinger, Mr. Clark and Mrs. Piazza opposed. Mr. Bollinger makes a motion to deny recommendation to City Council. Mrs. Piazza seconds the motion and is passed by a majority vote.

Public Hearing on the Deferral of Impact Fees:
Mrs. Lowell gave a presentation on the State requirement to Defer Impact Fees. The State has given options to defer the impact fees to one of the following: Final Inspection, Certificate of Occupancy, or Closing of Sale. After discussion with staff, the Mount Vernon and Sedro Woolley School Districts and with the input of local builders, the ordinance provided puts the payment of the deferred impact fees at the final inspection of a construction project. Mrs. Lowell went on to explain that the maximum time of deferral is 18 months, there shall be a maximum of 20 single family permits allowed for deferral per builder per year. The administrative fee for the processing of paperwork, for the deferral of impact fees, is proposed at $150.00.

Mrs. Acero opened up the Public Hearing and requested comments from the audience.

Dan Mitzel: He applauds the City of Mount Vernon to progressing with the process to defer impact fees. He went on to explain that he feels that asking for payment of the deferred impact fees prior to closing could be problematic. He would like the City of Mount Vernon to look at an option to wait to pay until closing. He feels that more than 20 single family houses per builder should be allowed. He does think that the administrative fee is fair.

Al Lyon asked what happens if the impact fees are deferred to closing but, doesn't sell or becomes a rental. How does the city get the money?

Mrs. Lowell responded that it would become an administrative problem and that requesting the deferred impact fee payment at final inspection minimizes the risk.

Linda Piazza asked why is the maximum number of deferrals for single family permits restricted to 20.

Mrs. Lowell responded that it is state law.

Mrs. Acero asked for any other comments from the audience. There were none and the hearing is closed.

Mr. Orr makes a motion to recommend the Ordinance as is to City Council. Mr. Bollinger seconds the motion. All approve.

<u>Public Hearing on the Vendor Ordinance:</u>
Mrs. Lowell presented the proposed Vendor Ordinance. The ordinance is specifically for non-motorized, self-contained carts. The carts would be allowed at three locations: Pine Square, the Riverfront, and the space near the Gates statue. The vendor carts would be restricted to the sales of food, beverages or flower sales. She asked the Planning Commission how they felt about the number of vendors allowed in each space, either 1 or 2. She asked if there should be a time limit that carts could be left unattended. Similar ordinances allowed the cart to be left unattended for up to one hour and not to be left permanently.

Mrs. Acero asked for clarification on the location near the Gates statue.

Mrs. Lowell used a sight plan to describe that the card would not be in the Public Right of Way.

Mrs. Acero asked how the vendor carts would be left if left unattended. Would it be covered, have a closed sign or have a clear indication that it was closed.

Mr. Bollinger asked why there were restrictions on the type of sales that a cart could provide. Why no souvenir sales?

Mrs. Lowell explained that the idea was to start small with this ordinance and see how it works out. Then go from there.

Mrs. Piazza shared concerns about the temperatures of the food being properly maintained if the vendor left the cart for a break.

Mrs. Acero asked if the downtown restaurants had been contacted.

Mrs. Lowell responded that they had not.

Mrs. Acero opened up the Public Hearing for comments from the audience.

Fred Barnum: Provided information to the Planning Commission. He explained that he is hoping to be a hot dog vendor in the downtown. The Empire Ale restaurant has offered to be support for him. He would not leave the cart unattended.

Nadine Hartman: She explained that shed is hoping to be a hot dog vendor in downtown. She explained that there are Health Department regulations that require her to log temperatures. She expressed that she would like the ordinance to allow for the vendors to move sites.

Balisa Koetje: She expressed concerns about the vendors being a fit in the downtown and in the future. She is a property owner in the downtown area.

Liz McNett Crowl: She asked what would the permanent vendors do when there are Downtown events and other vendors are coming in.

Dan Mitzel: He asked if the vendor ordinance would consider allowing on private property.

Karla Haro: She expressed that the vendors will enhance the community events.

Mrs. Lowell responded to the questions explaining that the proposed ordinance does provide vendor cart site requirement and does limit the signage. She also explained that the ordinance is specific and documents that the vendors would need to apply for separate permits for the special events to be allowed to work in the area during those events. The ordinance provides for vendors at specific city owned locations. The Mobile Food Van code allows for those to be on private property.

Mrs. Acero asked if the ordinance were to pass the and the vendors are given a permit good for the calendar year can that vendor keep their location for the next year. She also asked about the signage.

Mrs. Lowell explained that the permits are given on a first come first serve basis and that the signage is specifically allowed just through the new ordinance.

Mr. Bollinger asked about the possibility of rotating the vendors.

Mr. Orr shared that that by allowing the vendors that it could be a good starter business. He is concerned about the one year term.

Mr. Lyon asked if the ordinance could allow the existing vendor first right of refusal?

Mrs. Piazza again expressed her concern about leaving the food carts unattended.

Mrs. Lowell explained that in Subsection F of the ordinance it does specify that food may not be left unattended.

There was discussion that a Fire Marshall inspection would be a good idea.

Mr. Lyon made a motion to approve recommendation of the ordinance with the amendment of adding the first right of refusal to the original vendor within 7 days of expiration.

Mrs. Piazza seconds the motion and is passed.

Public Hearing 2016 Comprehensive Plan Transportation Element:
No presentation

Mrs. Acero opens up the Public Hearing for comments from the audience.

Marie Erbstoeszer: She presented a letter to the Planning Commission.

Liz McNett Crowl: She reminded staff and Planning Commission that she had submitted eleven to twelve pages of notes for review. Three changes were made from her notes. She shared that she supports Complete Streets.

Dan Mitzel: He shared that the felt that the Traffic Impact fee structure was not fair, that the residential rate was higher than commercial. He feels that this is hindering residential building in the City of Mount Vernon.

Mrs. Lowell clarified that the Comprehensive Plan does not set the impact fees through this process.

Mr. Hyde expressed that Complete Streets is an expensive process.

Liz McNett Crowl: She expressed that Complete Streets is a concept and that the Policy should be worked on after the Comprehensive Plan. She explained that the program does not apply to all streets. She does feel that the Complete Streets should be a part of building brand new projects such as a new school. It is important to provide walkable transportation and access to transit for affordable and low income areas.

There was discussion on the phrase, in paragraphs, in Objective 7.1: The phrase states “to the extent possible”.

Mr. Orr asked if it was possible to strike that phrase or to make a change to the language.

Mrs. Lowell expressed that it would be ok to strike that language.

Mrs. Acero closes the public hearing.

Mr. Orr made a motion to recommend approval of the Transportation Element and the Findings of Fact before the Commission with the condition that the phrase “to the extent possible” within Objective 7.1 is removed. Mr. Lyon made the second. Approved.

Public Hearing on the 2016 Comprehensive Plan Land Use Element:
No presentation.

Mrs. Acero opened the hearing up for comment to the audience. There were no comments by the public.

The hearing was closed. Mr. Bollinger makes a motion to recommend approve the Land Use Element and the Findings of Fact before the Commission for this element. Mr. Orr made the second. Approved.

Public Hearing on the 2016 Comprehensive Plan Goals, Objectives & Policies of the Housing Element:
No presentation.

Mrs. Acero opened the hearing up for comment to the audience.

Dan Mitzel: He expressed thanks to Mrs. Lowell and Mr. Hyde for the work on the Comprehensive Plan. He feels that it is a good document. He also recommended reading the Skagit County housing report from Mr. Schissler.

Joan Penney: She also expressed thanks to Mrs. Lowell and Mr. Hyde for their work on the Comprehensive Plan. She too felt that Mr. Schissler's report was good and that it provides specific recommendations that would be good to consider. She wants to send a message of urgency but, understands the importance of planning.

Balissa Koetje: She expressed that the vacancy rate is still low. There is a lack of available housing. A report she recently read states that Skagit County is a very hot market right now.

Mrs. Acero gave thanks to staff and Closes the Public Hearing.

Mr. Lyon made a motion to recommend approval of the Goals, Objective and Policies within the Housing Element and the Findings of Fact before the Commission.

Mr. Orr made the second. Approved.

The meeting was adjourned at 8pm.