



CITY OF SNOHOMISH

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NOTICE OF SPECIAL MEETING

**Joint Workshop with the
SNOHOMISH CITY COUNCIL
and
PLANNING COMMISSION**

in the
George Gilbertson Boardroom
1601 Avenue D

**TUESDAY
February 6, 2018
5:00 p.m.**

**NOTE
TIME CHANGE**

WORKSHOP AGENDA

- 5:00 1. **CALL TO ORDER**
2. **DISCUSSION ITEM** – Planning Commission’s 2017 Annual Report and 2018 Work Program *(P.1)*
- 5:55 3. **ADJOURN**

DISCUSSION ITEM 2

Date: February 6, 2018

To: City Council

From: Glen Pickus, AICP, Planning Director

Subject: **2017 Planning Commission Annual Report to the City Council and Proposed 2018 Planning Commission Work Program**

SUMMARY: At its December 6, 2017 meeting, the Planning Commission approved a 2017 Annual Report to the City Council and a proposed 2018 Work Program. At this joint workshop, the City Council and Planning Commission will discuss the two documents.

BACKGROUND: Snohomish Municipal Code (SMC) 2.16.060 requires the Planning Commission provide an annual report to the City Council on its previous year's activities. The Planning Commission approved the attached report to comply with the code's requirements.

Chapter 2.16 SMC creates and empowers the Planning Commission. The role of the Commission is to serve in an advisory capacity to the Snohomish City Council on land use, and regional and comprehensive plan issues. While not explicitly stated that the Council should approve the Planning Commission's work program, to do so will ensure the Planning Commission's efforts are in line with the City Council's needs and expectations.

ANALYSIS: It appears the intent of the annual report required by SMC 2.16.060 is merely to be a tool to provide information to the City Council. The code does not provide specific guidance as to what information the annual report should contain other than requiring the Planning Commission to state "on its activities".

A work program is for guidance and planning purposes only. In the work program, the Commission and staff are projecting which projects the Planning Commission will likely be engaged with in 2018 and how long it is expected for each project to be processed by the Commission. The work program does not bind the Planning Commission. If a listed project ends up taking longer than expected, other listed projects will be affected. Those affected projects could be delayed to later in the year or postponed to 2019. Similarly, if new unlisted projects come along that demand the Commission's attention they will be added to the work program. The work program should be viewed as a living document that through the year will be adjusted and modified.

Staff drafted an initial 2018 Planning Commission Work Program by projecting, based on its experience and expertise, which land use, and regional and comprehensive plan projects will require the City's attention in 2018. At its December 6, 2017 meeting, the Planning Commission discussed the draft work program, reviewing the listed projects and their timing. They also discussed individual projects that should be removed or added to the work program.

Since the 2017 Annual Report is provided to the Council for its information, no changes should be offered. However, the 2018 Work Program is a guiding document so the discussion should include whether to add or delete projects listed on the Work Program.

BUDGETARY IMPACTS: None

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STRATEGIC PLAN REFERENCE: Not applicable

COMPREHENSIVE PLAN REFERENCE(S): Not applicable

RECOMMENDATION: That the City Council and Planning Commission DISCUSS both the 2017 Planning Commission Annual Report to the City Council and the proposed 2018 Planning Commission Work Program and DIRECT staff to make changes to the 2018 work program if necessary.

ATTACHMENTS:

- A. 2017 Planning Commission Annual Report to the City Council
- B. Proposed 2018 Planning Commission Work Program
- C. Work Program Project Descriptions

REFERENCE DOCUMENT: [SMC 2.16.060](#)

DISCUSSION ITEM 2

ATTACHMENT A

2017 PC Annual Report to City Council

In 2017 the City of Snohomish Planning Commission held a meeting every month although for one month (September) there was no quorum. During those meetings there were four public hearings (one of which was continued to the next meeting). Those four public hearings represent four projects the Commission completed in 2017 as they led to ordinances that were adopted by the City Council.

One ordinance updated the city's development regulations regarding fences and retaining walls. A second ordinance brought the city's vesting rules into conformance with recent court decisions and also strengthened the complete application determination process. The third ordinance vastly improved the land use permit process to make it more logical, easier to follow and understand, and simpler to administer. In all three cases the ordinance provided clearer better written regulatory language.

With the fourth ordinance the Planning Commission completed its work in updating the city's Shoreline Master Program. The work started in 2009, stopped in 2012, and then successfully restarted in 2017.

Early in the year the Planning Commission discussed and approved its first ever set of Bylaws to help govern the Planning Commission's activities and meetings.

Not all of the Planning Commission's work results in adoption of ordinances or even recommendations to the City Council, yet still consume a significant amount of the Commission's time and energy.

There were two examples of this in 2017. The Planning Commission discussed amending Snohomish Municipal Code to provide for development agreements at two meetings and was set to schedule a public hearing on a potential ordinance when a recommendation by the City Attorney's Office made clear moving forward on the ordinance was not advisable.

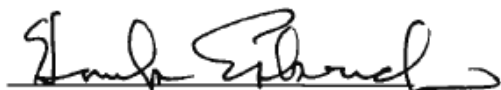
Similarly, the Commission discussed adopting flexible SEPA thresholds for minor new construction. However, after an in-depth discussion it became clear before the flexible thresholds could be considered the Snohomish Municipal Code critical areas regulations needed to be updated and new regulations regarding archaeological discoveries needed to be adopted.

However, the time was not wasted as eventually we expect both items to come back to the Planning Commission for a recommendation to the City Council.

In 2017 the Planning Commission started preliminary discussions on revising the Pilchuck District development regulations and updating the city's critical areas regulations. Both of those topics are expected to take up a significant amount of the Commission's time in 2018 resulting in the adoption of several ordinances to implement the changes.

The Planning Commission also discussed and worked on several items not related to the city's Land Use Development Code – Title 14. These items included revising construction noise hours, reviewing updates to the Historic District Design Standards, and approving a list of comparable cities for the staff to use to compare future code amendment proposals to.

Respectfully submitted,



Hank Eskridge, Chair
Snohomish Planning Commission

ATTACHMENT B
Proposed 2018 Planning Commission Work Program

DISCUSSION ITEM 2

Project	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Modify Pilchuck District Development Regulations (SMP 14.2.210)	pc	pc	PC									
Discuss Vision for Vacated County Public Works Yard (1201 Bonneville Ave.)			pc									
Update Critical Areas Regulations (SMC 14.255-.280)					pc	pc	PC	PC				
Update Sign Regulations (SMC 14.245)		pc		pc		PC						
Update Flood Hazard Areas development regulations (SMC 14.270)								pc	PC			
Develop Annexation Strategy Plan					pc					pc		
Sanctioned Drug Injection Sites				pc	PC							
Develop regulations for protecting archaeological sites									pc	PC		
Adopt SEPA categorical exemptions flexible thresholds											pc	PC
Adopt the multi-family property tax exemption**	pc		PC									
Process Docket/Comp Plan Amendments*									pc		PC	
Comprehensive Plan Amendments: <ul style="list-style-type: none"> Eliminate Mixed Use designation Eliminate Urban Horticulture designation Rezone boat launch site to Parks from Urban Horticulture 												
Revise Docketing Process												
Develop regulations for public notice of adoption of code amendments**												
Fix rear yard fence height omission**									pc			
Revise Final plat approval process to be an administrative decision**												
Codify vacation rental code interpretation**												
Clarify Comp Plan/Title 14 Relationship (SMC 14.05.090)												

pc = Planning Commission discussion

PC = Planning Commission public hearing

* Annual project

** Less complex project

ATTACHMENT C

Work Program Project Descriptions

- **Modify Pilchuck District Development Regulations:** At its July 18, 2017 meeting the City Council, in order to facilitate activity in the Pilchuck District, directed staff and the Planning Commission to investigate amendments to the Pilchuck District Development Regulations (SMC 14.210), including looking at buffers between residential and commercial uses, to achieve this goal.
- **Discuss Vision for Vacate County Public Works Yard:** Snohomish County is in the process of preparing their former public works site at 1201 Bonneville Ave. for sale or development. With its relatively large size (more than nine acres) and frontage on Avenue D this site has prime development potential, which if done properly could be a significant benefit to the City. The Planning Commission will discuss their vision for the best uses of the site in particular (from the City's perspective) and whether a broader approach such as a developing a sub area plan for the Avenue D/Commercial Zone would be appropriate.
- **Update Critical Areas Regulations:** The City's critical areas (wetlands, aquifer recharge areas, flood hazard areas, geologically hazardous areas, and habitat conservation areas-streams) regulations should have been updated several years ago, especially since the Washington State Department of Ecology adopted a new wetland rating system in 2014, which the City is required to use.
- **Update Sign Code:** Recent court decisions require updating the City's sign code to be consistent with the new case law. The new case law only allows sign regulations that can be enforced without having to read the signs. In other words, sign regulations must be the same for all signs (with a very few exceptions) regardless of what their message is. The intent of this update is to amend only the sections of the sign code that are relevant to this issue.
- **Update Flood Hazard Areas Regulations:** The update of federal flood regulations and Flood Insurance Rate Maps requires amending the City's flood hazard area regulations to be consistent with them.
- **Develop Annexation Strategy Plan:** At its Aug. 15, 2017 meeting, the City Council directed staff and the Planning Commission to research and develop an annexation strategy for the City. The intent of the strategy would be to pursue annexation through a proactive program rather than reacting to piecemeal annexation proposals initiated by property owners.
- **Adopt permanent development regulations for sanctioned drug injection sites:** With the City Council's adoption of interim regulations banning sanctioned drug injection facilities in the City, the Planning Commission will work on a permanent code amendment to regulate those facilities, which could be an outright ban on them.
- **Develop Archaeological Site Protection Code:** Pursuant to WAC 197-11-800(1)(c)(iv), flexible thresholds for minor new construction may only be adopted if the city's development regulations provide for protection of cultural and historic resources. The regulations must also include a process to consider and protect known and likely cultural and historic resources and provide for standard "inadvertent discovery" language for all projects. Current code does not provide the required regulatory protection or process.

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- **Adopt SEPA categorical exemptions flexible thresholds:** SEPA rules provide for categorical exemptions for minor new construction. Some construction activity is deemed to be minor if certain thresholds aren't exceeded and if that's the case the project is considered to be "categorically exempt" from SEPA review. The thresholds include number of dwelling units, floor area of buildings, number of parking stalls, and cubic yards of material moved during grading. The rules set minimum thresholds but allows cities to raise the exempt level threshold up to a maximum, at the city's option. Currently, the city has not taken advantage of raising the exempt threshold level. Raising the level would mean fewer projects would be subject to SEPA and the city's permitting process would become more efficient. The Planning Commission started work on this in 2017 but that effort is on hold pending City adoption of an archaeological site protection code and the update of the critical area regulations (see above) which must be completed before the state regulations will allow the City to adopt any flexible thresholds.
- **Adopt a multi-family property tax exemption:** RCW 84.14 provides for a multi-family property tax exemption program to stimulate the construction of multi-family housing within designated areas, including affordable housing. Adopting such a program for the Pilchuck District could help facilitate new development in the district.
- **Comprehensive Plan Amendments:** Through the annual docketing process, private citizens and the city can propose amendments to the Comprehensive Plan and/or development regulations. If there are applications, which the City Council approves in March, then the Commission will hold a public hearing on the proposal(s) in November. Staff will be proposing City-initiated amendments to eliminate the "Mixed Use" and "Urban Horticulture" land use designations and to rezone the new boat launch site to "Parks" from "Urban Horticulture." Staff will also be proposing amending policies related to providing utility services to property in the City's Urban Growth Area (UGA).
- **Revise Docketing Process:** The public may initiate amendments to the Comprehensive Plan and development regulations through a process called "docketing". While the current code provides for docketing the section is minimal and does not appear to meet all of the Growth Management Act requirements. The Planning Commission will discuss a code amendment to make the annual docketing process more formal and consistent with GMA.
- **Notice of Adoption of Code Amendments:** The Planning Commission will consider a minor code amendment to formalize a process to include public notice when a development regulation is amended. Currently, the only public notification of the adoption of a new or revised development regulation is the legal ad placed in the newspaper by the City Clerk.
- **Fix rear yard fence height omission:** In 2017, the Planning Commission adopted an ordinance revising the regulations related to fences and retaining walls. SMC 14.240.060(D) establishes maximum heights for fences in Single-Family, Parks, and Open Space Land Use Designation Areas in the front and side yard setback areas, but does not provide for maximum fence heights in the rear yard setback area.
- **Revise Final Plat approval process:** In 2017, the State Legislature revised regulations so the authority to approve final plats was extended to include administrative approval or approval by the Planning Commission. Prior to the change, only the City Council had the authority to approve final plats.

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- **Codify vacation rental code interpretation:** Snohomish Municipal Code does not address Airbnb and similar land uses. In February 2017, the Planning Director issued a code interpretation in response to a question about whether the SMC regulates Airbnbs. That code interpretation filled gaps in the Development Code’s definitions by defining, among other things, “vacation rental” and “short-term rental” and determining Airbnbs and similar uses are short-term rentals not regulated by the SMC. The code interpretation should be codified.
- **Clarify Comprehensive Plan – Title 14 relationship:** This is a major project to clarify/re-establish the relationship between the City’s development code, Title 14, and the Comprehensive Plan. The current relationship appears to be contrary to Growth Management Act requirements. Among other things, it will require adopting a zoning map and clearly stating the relationship between zoning districts and land use designation areas (they are not the same thing although the current code makes it appear that way).