

**Snohomish City Council Workshop Minutes
February 6, 2018**

1. **CALL TO ORDER:** Mayor Kartak called the Snohomish City Council Joint Workshop with the Planning Commission to order at 5:00 p.m., Tuesday, February 6, 2018, in the Snohomish School District Resource Service Center, George Gilbertson Boardroom, 1601 Avenue D, Snohomish, Washington.

MAYOR/COUNCILMEMBERS PRESENT

Larry Countryman
Steve Dana
Karen Guzak
John Kartak, Mayor
Tom Merrill
Linda Redmon
Jason Sanders
Lynn Schilaty

STAFF PRESENT

Pat Adams, HR Manager/City Clerk
Debbie Burton, Finance Director
Glen Pickus, Planning Director
Steve Schuller, Interim City Administrator
Grant Weed, City Attorney

PLANNING COMMISSION

Hank Eskridge, Chair
Van Tormohlen
Mitch Cornelison
Terry Lippincott
Christine Wakefield Nichols
Laura Scott
Gordon Cole

2. **DISCUSSION ITEM: 2017 Planning Commission Annual Report and Proposed 2018 Planning Commission Work Program**

Mr. Pickus stated 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.

Planning Commission Chair Hank Eskridge stated in 2017, the 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). The four public hearings each represented four projects the Commission completed in 2017. All projects 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 ordinances provided clearer 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.

Mr. Pickus explained the 2018 Work Program is a living document and subject to change. He reviewed the work projects with the Council, which included:

1. 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.

2. Discuss Vision for Vacant County Public Works Yard: Snohomish County is in the process of preparing their former public works site at 1201 Bonnevill Avenue 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 developing a sub area plan for the Avenue D/Commercial Zone would be appropriate.

Mr. Pickus has been discussing the above with Mr. Schuller, and will get the discussion started with the Planning Commission.

Councilmember Guzak noted for several years, the City has been studying this site. Her meetings with the Snohomish County project managers indicated the County does want to work with the City. The City needs a vision on how it would like to see that area developed.

Councilmember Schilaty asked if the County is still interested in leasing the land or do they now want to sell.

Mr. Pickus stated he believes the County is undecided.

Mr. Schuller explained the City doesn't want to be ahead of the Planning Commission or the City Council. However, this site has been discussed extensively. 9.5 acres in this area is a big opportunity for the City. A vision which will serve the City long term would be the best result. The City would like to play an active role, and dedicate some energy to this project.

Councilmember Schilaty inquired about the need for a consultant.

Mr. Schuller supports a visual concept showing the framework of what the potential could be and how it would serve the community.

Commissioner Cole stated the City needs to be very careful that it doesn't develop a vision for something which is not feasible or so restrictive in what it wants that nothing happens there.

Commissioner Eskridge noted the lot is large and beautiful. However, as far as the layout, is there some input the City can have regarding that.

Mr. Schuller responded the opportunities are multiple. It's a public ownership, so the City may have an opportunity to partner with the County to obtain something more specific than just zoning. There may be an opportunity for a Developer Agreement with conditions.

Commissioner Scott explained the land may be bought by different owners. There is underlying zoning, so there is a framework.

Councilmember Dana stated there will need to be a master planning process. This needs to occur prior to an applicant applying for a permit. The City needs to plan ahead.

Councilmember Schilaty commented it may be necessary to increase heights. The property is sloped.

Mr. Pickus responded the County is speaking with City and there is opportunity here. The City will be aware of the County's schedule when moving forward.

Councilmember Redmon asked if the City has any ideas on what it may like to see developed at this location.

Mr. Pickus stated the Planning Commission and Economic Development Committee will be tasked with starting the discussion.

Mr. Schuller stated the City has heard repeatedly from the development community and community leaders that it would like to see retail on Avenue D that would enhance the street scape. There has been discussions on mixed use – retail with some combination of affordable housing. There can be parking on site as well.

3. 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.
4. 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.

Councilmember Guzak commented on the A-board signs in the Historic District which were reviewed for many months as there were concerns about the clutter and sidewalk obstructions.

Planning Director Glen Pickus stated the code needs to be amended and will be regulated differently in different zones.

Mayor Kartak asked about signs containing obscenities, profanity or nudity and if the City can prohibit that type of signage.

Mr. Pickus is not sure, and will report back. He feels there may be some First Amendment issues.

5. 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.
6. Develop Annexation Strategy Plan: At its August 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.
7. 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.

Mr. Pickus commented this would be a good opportunity to give the Planning Commission some feedback on what the Council would like to see reflected in the sanctioned drug injection site regulations.

Councilmember Redmon noted there hasn't been enough research completed yet to know what factors the City is looking at related to the type of language to include in the regulations.

Councilmember Schilaty commented there isn't a lot of regulations, because there are not a lot of these injection sites around the country. As the Council learns more, it can always modify the code.

Councilmember Guzak supports an outright ban. It should be plain and clear.

Mayor Kartak indicated neighboring cities are implementing bans.

Mr. Pickus explained this has become a topic of conversation because the King County Heroin and Opiate Addiction Task Force issued a final report and recommendations. One of the recommendations is to establish at least two sites, on a pilot program basis, where supervised consumption of drugs is allowed. The Seattle City Council is very supportive of this and has budgeted funds to help establish the facility.

Commissioner Cole commented without a specific ban, there is a potential variance in the code where application could be made as a "medical facility", which may allow this use. The City either needs to allow it or ban it.

Councilmember Sanders explained the reason the Council adopted a six-month moratorium on these sites is to make sure an application was not made and to provide time to adopt a long term solution.

Mr. Pickus noted in his discussion with the City Attorney, the City Council can allow the Planning Commission to hold a Public Hearing, and citizens can comment at the Planning Commission meeting, and then take their recommendation to the City Council. There may not be a need to hold an additional hearing before the City Council.

Councilmember Dana stated it will be important to do an outreach to the press, so the community understands the City is not supporting these sites.

8. 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.
9. 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.

10. 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.

Councilmember Guzak commented the Council had hoped for more development in the Pilchuck District just as the economy crashed. This effort would help stimulate development and the City needs more affordable housing.

11. 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).

Mr. Pickus explained the City has not currently received any applications from the public. However, staff plans to move the staff-initiated amendments forward.

12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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).

In summary, Mr. Pickus asked the Council if there were any items not included on the list that should be, or if there were any projects the Planning Commission should not be working on in 2018.

Councilmember Dana asked about off-site mitigation and an inventory of developable lands. There have been parcels sitting idle for thirty years because they are impacted by critical areas. He asked if there was a way to develop language that provide for development within or outside the drainage basin. There are some very large parcels that are not being used.

Mr. Pickus explained that would be addressed as part of the discussion concerning critical areas.

Commissioner Cornelison inquired about electronic signs and whether the issue should be revisited. He has noticed electronic signs on Avenue D continue to increase.

Mr. Pickus responded electronic signs are regulated. However, the brightness of the signs are not.

The Council indicated their support for the 2018 Planning Commission Work Program, and thanked staff and the Planning Commission for their hard work.

3. **ADJOURN** at 5:55 p.m.

APPROVED this 20th day of ~~January~~ February 2018

CITY OF SNOHOMISH

ATTEST:

John Kartak, Mayor

Pat Adams, City Clerk