



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
January 15, 2019
5:00 p.m.**

WORKSHOP AGENDA

- 5:00 1. **CALL TO ORDER**
- 2. **DISCUSSION ITEM** – Planning Commission’s 2018 Annual Report and 2019 Work Program (*P.3*)
- 5:55 3. **ADJOURN**

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Date: January 15, 2019

To: City Council

From: Glen Pickus, AICP, Planning Director

Subject: **2018 Planning Commission Annual Report to the City Council
Proposed 2019 Planning Commission Work Program**

SUMMARY: At its December 5, 2018 meeting, the Planning Commission approved an Annual Report of its 2018 activities to the City Council and a proposed 2019 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, 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 be engaged with in 2019 and how long it is expected for each project to be processed by the Commission. The proposed program purposely lists more projects than can be accomplished in one year. This is done to ensure that the Planning Commission always has a project it can work on especially if a major project unexpectedly is cancelled or delayed. The last six projects listed will only be addressed if the Commission has time to take them on. Other than the last project related to definitions, all are relatively minor code amendments that staff will work on and have ready to be inserted into the Planning Commission's schedule if time permits.

One project not listed that the Council and Planning Commission should discuss is amending SMC 15.04.022, Utility Service Subject to Annexation Policies. This code section needs to be amended in 2019 to implement the new Comprehensive Plan annexation policy AN 1.11. Amendments to Title 15 – Sewer, Water and Stormwater, do not necessarily have to go to the Planning Commission for their review and recommendation. However, if the City Council decides it wants the Commission to be involved in the amendment process amending SMC 15.04.022 can be added to the Planning Commission 2019 Work Program.

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 2020. 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 adjusted and modified.

Staff drafted an initial 2019 Planning Commission Work Program by projecting, based on its experience and expertise, which land use, regional and comprehensive plan projects will require the City's attention in 2019. At its December 5, 2018 meeting, the Planning Commission discussed the draft work program, reviewing the listed projects and their timing.

Since the Annual Report is provided to the Council for its information, no changes should be offered. However, the 2019 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

STRATEGIC PLAN REFERENCE: Not applicable

COMPREHENSIVE PLAN REFERENCE: Not applicable

RECOMMENDATION: That the City Council and Planning Commission DISCUSS both the Planning Commission Annual Report - 2018 to the City Council and the proposed 2019 Planning Commission Work Program and DIRECT staff to make changes to the work program if necessary.

ATTACHMENTS:

- A. Planning Commission Annual Report - 2018 to the City Council
- B. Proposed 2019 Planning Commission Work Program
- C. 2019 Work Program Project Descriptions

REFERENCE DOCUMENT: [SMC 2.16.060](#)

ATTACHMENT A
PC ANNUAL REPORT – 2018 TO CITY COUNCIL

The City of Snohomish Planning Commission held 10 meetings in 2018. They also met once with the City Council for a joint workshop. During 10 regular meetings there were seven public hearings. Those seven public hearings represent projects the Commission completed in 2018 as they led to ordinances that were adopted by the City Council. Those completed projects were:

Pilchuck District Code Amendments: Modification of development regulations in the Pilchuck District intended to stimulate new development and redevelopment in the district.

Sanctioned Drug Injection Sites: An ordinance was recommended to prohibit the siting of sanctioned drug injection sites in the City of Snohomish.

Shoreline Master Program Amendment and Re-adoption: Last procedural step to adopt an updated Shoreline Master Program to meet the state periodic update requirement.

Docketing Process: Adoption of an improved and more comprehensive process for amending the Comprehensive Plan and Land Use Development Code including strengthening the public participation component.

Final Plat Approval: Taking advantage of a newly-allowed process whereby final plats can be approved administratively rather than requiring City Council approval. This change streamlines a ministerial process.

Sign Code Amendments: Update of the sign code to be consistent with a recent U.S. Supreme Court case and to improve the regulations' clarity and enforceability.

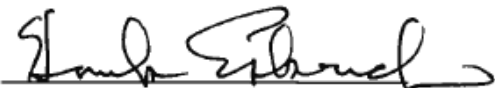
Comprehensive Plan Amendments: Four City-initiated amendments were recommended for City Council approval. The amendments were:

- A rezone of the City boat launch and Cady Park sites to Parks, Open Space, and Public.
- Merger of the Parks and the Open Space land use designation areas into a single Parks, Open Space, and Public land use designation area.
- Amending annexation policy AN 1.11 to allow utility connections in the UGA.
- Dividing the Land Use Designation Map into two maps; one covering just the city and the other covering just the UGA.

During the year the Planning Commission also was briefed on and/or discussed the following issues in preparation for future projects. The issues included:

- Vision for the redevelopment of the former Snohomish County Public Works site on Avenue D
- Regulating vacation/short-term rentals
- Second Street Corridor Project
- Wetland regulations update

Respectfully submitted,



Hank Eskridge, Chair
Snohomish Planning Commission

ATTACHMENT B: 2019 Planning Commission Work Program

Project	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Update Wetland Regulations (SMC 14.260)		pc	pc	PC								
NE Sewer Area code amendment related to plats (SMC 15.04, 14.215.020 and 14.215.120)*					pc	PC						
Update code to reflect merger of Parks and Open Space (SMC 14.205, .207 and .330)*					pc	PC						
Update code to implement revised Policy AN 1.11 (SMC 15.04.022)					pc	PC						
Develop regulations for protecting archaeological sites		pc	PC									
Adopt SEPA categorical exemptions flexible thresholds						pc	PC					
Comprehensive Plan Amendments: <ul style="list-style-type: none"> Eliminate Mixed Use designation Eliminate Urban Horticulture designation 									pc	PC		
Update concurrency code (SMC 14.295.070, .100; 14.20.090; 14.212.160)							pc	PC				
Codify vacation rental code interpretation							pc	PC				
BP minimum lot size code amendment (SMC 14.205.055 and 14.210.230)*										pc	PC	
Change of use for parking code amendment (SMC 14.235.010)*										pc	PC	
Clarify rules about tree retention (consolidate SMC 14.240.030(D)(2)(a) and (D)(3))*										pc	PC	
Fix fence in rear yard height omission (SMC 14.240.060D)*										pc	PC	
Building Height code amendments (SMC 14.210.170, SMC 14.210.215.J.5 and K.2 and SMC 14.210.250)										pc	PC	
Move and consolidate definitions (SMC 14.100) and fix private road definition										pc	PC	

pc = Planning Commission discussion

PC = Planning Commission public hearing

* Annual project

** Less complex project

ATTACHMENT C: 2019 Work Program Project Descriptions

- **Update Wetland Regulations:** The City's wetland regulations should have been updated several years ago, especially since the Washington State Department of Ecology adopted a new wetland rating system in 2014 that the City is required to use. The Planning Commission will consider draft regulations that, among other things, incorporate the DOE rating system and provide for off-site mitigation.
- **NE Sewer Area and preliminary plat criteria code amendment:** SMC 15.04.070, NE Sewer Area, does not address subdivision requirements for plats located in the Northeast Sewer Area. The proposed code amendment will fill in this gap and also amend SMC 14.215.020 and SMC 14.215.120 to include a reference to this in the preliminary plat approval criteria.
- **Update code to reflect creation of new Parks, Open Space & Public designation:** With the consolidation of the Parks Land Use Designation and the Open Space Land Use Designation it is necessary to update Title 14 references to those designations so that they refer to the new Parks, Open Space & Public Land Use Designation. This primarily involves update the permitted land use tables and the dimensional requirement tables.
- **Update code to implement revised Comprehensive Plan Policy AN 1.11:** SMC 15.04.022 currently prohibits connection to City utility services for property located outside City limits. The revised AN 1.11 provides for the possibility for properties in the City's UGA to connect to utilities if certain conditions are met. The code should be updated to provide for this possibility.
- **Cultural Resources Protection Code:** State and Federal laws require the City to protect archaeological and cultural resources. However, there is nothing in the SMC that provides tools for the City to meet this requirement. Staff is proposing a new chapter to provide those tools including sections addressing what to do upon the inadvertent discovery of archaeological resources or human remains during development activity. Also, if the SMC does not have such a chapter then it cannot adopt SEPA categorical exemption flexible thresholds (see next item).
- **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 for 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 was put on hold pending City adoption of a cultural resources protection code and the update of the critical area regulations which must be done before the state will allow the City to adopt any flexible thresholds. Since those updates are planned to take place in 2019 adoption of the flexible thresholds can also take place in 2019
- **Comprehensive Plan Amendments:** Through the annual docketing process private citizens and the city can propose amendments to the Comprehensive Plan and/or development regulations. There are two proposals that were placed on the Final Docket in 2018 which were not taken up in 2018. Those proposals, both initiated by the City, will be taken up in 2019. The proposals are to eliminate the "Mixed Use" and "Urban Horticulture" land use designations. If any new amend proposals are placed on the 2019 Final Docket by the City Council, the Planning Commission will consider them along with the two City-initiated proposals.
- **Update Concurrency Code:** Concurrency is the state requirement that City, during development review, ensure that new development will not cause any part of the street system to fall below the adopted level of service standard. The existing City concurrency code is overly complex and places

authority with the Planning Director when it would be more appropriate for the authority be placed with the City Engineer.

- **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 Planning Commission will investigate whether the code interpretation should be codified or if it would be better to adopt land use regulations for vacation rentals.
- **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 code regarding minimum lot size in Business Park designation:** The current code requires a 5-acre minimum lot size in the Business Park Land Use Designation with some exceptions. The Planning Commission will consider amendments to lower or eliminate the 5-acre minimum and to clarify other aspects regarding lot size.
- **Change of use parking code amendment:** Current, the SMC requires additional parking to be required if an already developed property has a change of use that generates more demand for parking. This requirement can be difficult to meet and may unnecessarily stifle economic development. The Planning Commission will consider whether a code amendment modifying this requirement would be useful.
- **Tree retention clarification code amendment:** Tree retention requirements are addressed in more than one section of Title 14 and in some instances appear to be inconsistent with each other and in other instances are unclear and difficult to administer. This project will consolidate all references to tree retention into a single section to ensure there are no contradictions and to make the requirements easier to administer.
- **Measuring building height code amendment:** The Planning Commission will consider the current rules for measuring building height and determine if it is adequate or whether it should be modified.
- **Consolidate Title 14 definitions:** While there is a chapter in Title 14 called "Definitions" other chapters in Title 14 have their own sections called definitions increasing the likelihood that a meaningful definition could be missed or there could be contradictory definitions within Title 14. This project will bring all of the land use development code definitions into a single chapter to ensure there are no contradictory definitions and to make the code easier to administer by having all of the definitions in one place. This will also be an opportunity to review and improve definitions as needed.