



PLANNING COMMISSION REGULAR MEETING

**Wednesday, May 3, 2023
at 6:00 p.m.**

In person at the Snohomish Carnegie 105 Cedar Avenue, Snohomish
and remote on-line/telephone access via *Zoom*
ONLINE Zoom remote meeting access: <https://us02web.zoom.us/j/87975036921>
or call in at (253) 215-8782 and use Meeting ID# 879 7503 6921

AGENDA

- 1. CALL TO ORDER**
 - a. Roll Call
 - b. Flag Salute
- 2. PUBLIC COMMENT on Items Not on the Agenda**
- 3. APPROVE AGENDA Contents and Order**
- 4. APPROVE MINUTES of Previous Meeting(s)**
 - a. April 5, 2023 Regular Meeting Minutes
- 5. PUBLIC HEARING**
 - a. Site Development Plans Code Amendment
 - b. Inadequate Street Conditions Code Amendment
- 6. COMMISSIONER COMMENTS**
- 7. DIRECTOR'S REPORT**
- 8. ADJOURN**

NEXT MEETING: The next regular meeting is 6 p.m. Wednesday, June 7, 2023, at the Snohomish Carnegie, 105 Cedar Avenue, Snohomish, and online via Zoom.

Specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's Office at 360-568-3115. This organization is an Equal Opportunity Provider.

**CITY OF SNOHOMISH
REGULAR MEETING OF THE PLANNING COMMISSION
MEETING MINUTES
April 5, 2023**

1. **CALL TO ORDER:** Chair Terry Lippincott opened the regular meeting of the Planning Commission at 6:01 p.m. on Wednesday, April 5, 2023.

COMMISSIONERS PRESENT:

Terry Lippincott, Chair
Gordon Cole
Mitch Cornelison
Hank Eskridge
Nick Gottuso
Christine Wakefield Nichols
Merritt Weese

STAFF:

Brooke Eidem, Planning Director
Nova Heaton, Public Works Director
Thomas Kreinbring, Assistant Planner

OTHERS PRESENT:

Lea Anne Burke, City Council Liaison
Judith Kuleta, City Council Liaison

2. **GENERAL PUBLIC COMMENTS:** There were no public comments on items not on the agenda.
3. **APPROVAL OF AGENDA ORDER:** Hearing no objections, Chair Lippincott stated the agenda order stood as presented
4. **APPROVAL** of the minutes of the March 1, 2023, regular meeting.

Commissioner Wakefield Nichols moved to approve the minutes of the March 1, 2023, meeting as written. Commissioner Cole seconded the motion, which passed 7-0.

5. **DISCUSSION ITEMS:**

- a. Inadequate Street Conditions

Public Works Director Nova Heaton presented a summary and background regarding inadequate street conditions. The Commission discussed and asked questions. Commissioner Cole stated SMC 14.295.100(A)(5) should be revised to add “non-residential” in front of “short subdivision” in the first sentence, to which Director Eidem suggested revising the sentence to refer to the Binding Site Plan. There was consensus amongst the Commission on this proposed revision.

- b. Site Development Plans

Director Eidem presented a summary and background information on the applicability for projects requiring Site Development Plans (SDPs), and proposed amendments to the SDP exemptions, as well as a purpose statement and a modifications section. The Commission discussed the draft language and asked questions. The Commission agreed that adding “exterior configuration of the” to the first sentence of the proposed SMC 14.65.020(A) verbiage on utilities would add additional clarity.

Public Comment:

Morgan Davis commented on water line upgrades related to site development.
Public Comment Closed.

c. Accessory Dwelling Units

Director Eidem presented a summary and background information to the Commission on Accessory Dwelling Units (ADUs). The item was added to the work plan by the Planning Commission to discover whether regulatory barriers were present. No draft language or recommendation was provided. The Commissioners discussed and asked questions. Commissioners Eskridge and Weese were against the guarantee of owner occupancy requirement. Commissioner Cornelison was in favor of retaining it. Commissioner Cole stated he believed the parking requirement should be retained, and that the design review criteria should be revised to require consistency with the primary structure. The Commission agreed to consistency with the primary structure; however, they could not come to consensus on ownership or parking requirements. Commissioner Cornelison expressed interest in a robust public engagement campaign, to which Commissioner Wakefield Nichols agreed.

Public Comment:

Jim Lewis commented against the owner occupancy requirement, as well as the parking requirement and short-term rental usage.

Morgan Davis commented to preserve small town character by requiring owner occupancy, and stated it ultimately depended on what the Commission wished the community to look like.

Public Comment Closed.

Councilmember Burke provided input on each provision of SMC 14.207.075(2), reiterating City Council's unanimous stance that more housing was needed in town, and provided a background history of single-family zoning.

Councilmember Kuleta spoke in agreement with Councilmember Burke and Commissioner Weese.

6. **COMMISSIONER QUESTIONS & COMMENTS:** None

7. **DIRECTOR'S REPORT:** Director Eidem stated the July regular meeting of the Planning Commission needed to be rescheduled as it would conflict with the City Council meeting, and the Commission provided feedback that later in July would be preferable to July 3rd.

Director Eidem updated the Commission on the Civic Ambassador Program and stated the Commission's APA group membership application had been submitted and was pending approval. The Commission was updated about the upcoming Comprehensive Plan Carnival and Open House.

8. **ADJOURNMENT:** The meeting adjourned at 7:53 p.m.

Approved this 3rd day of May, 2023.

By: _____
Commissioner Terry Lippincott, Chair



PLANNING COMMISSION STAFF REPORT

Date: May 3, 2023

Agenda Section: PUBLIC HEARING

From: Brooke Eidem, AICP, Planning & Development Services Director

Subject: Site Development Plans Code Amendment

SUMMARY: The Planning Commission will consider proposed code amendments to Chapter 14.65 SMC, Site Development Plans.

PUBLIC HEARING PROCEDURE:

- a. Chair opens hearing
- b. Staff presentation
- c. Commission questions
- d. Public testimony
- e. Close hearing
- f. Deliberations

BACKGROUND + ANALYSIS:

In 2017, Site Development Plan (SDP) regulations were adopted for certain types of development. The purpose was to provide an appropriate mechanism to ensure that important site-specific issues, such as utilities, stormwater, and critical areas regulations were considered as part of land development. As a Type 3 land use permit, the SDP process also requires public notice and an appeal period. The initial code adoption was broad in its scope, only exempting a single detached home on a single lot from the permit. This has proven onerous for property owners and staff.

At the April 5, 2023 Planning Commission meeting, proposed amendments to Chapter 14.65 SMC were discussed. Proposed changes were to add a purpose section and a modifications section, and to adjust the applicability for types of proposals that require an SDP.

PROPOSAL:

The proposal is to amend Chapter 14.65 SMC, Site Development Plans, as provided in Attachment A. The proposed amendments reflect the discussion and direction provided by the Planning Commission in April, with one additional proposed change. Staff is proposing to clarify that new buildings that require a building permit are subject to an SDP in SMC 14.65.020(A), in order to exempt accessory structures below 120 square feet.

RECOMMENDATION:

- Motion to recommend City Council approval of amending Chapter 14.65 SMC as proposed.
- Motion to approve the Findings of Fact and Conclusions as drafted.

REFERENCE(S): [Chapter 14.65 SMC](#)

ATTACHMENT(S):

A: Draft SMC 14.65

B: Findings of Fact & Conclusions

Chapter 14.65 SITE DEVELOPMENT PLANS

Sections:

14.65.010	<u>Purpose</u>
14.65.020	Applicability
14.65.030	Approval Criteria
<u>14.65.040</u>	<u>Modifications</u>

14.65.010 Purpose.

The purpose of this chapter is to establish a permit process for the development or significant redevelopment of nonresidential land uses and multi-unit residential land uses where a division of property is not proposed under this Title. A site development plan is separate from and does not replace other required permits. However, a site development plan may be combined with and reviewed concurrently with other land use permits. An approved site development plan shall be issued and its associated appeal period concluded prior to issuance of a building, mechanical, plumbing, site civil, or other administrative permits for a proposed development.

14.65.020 Applicability.

A site development plan shall be required for the following development proposals.

- A. All new nonresidential development and redevelopment that involves a new building that requires a building permit; alters the exterior configuration of the water, sewer, or stormwater system of the site; converts open space or vacant land; or converts parking areas that are required to meet minimum parking standards pursuant to this Title to other uses. ((the site or building footprint for all development types except detached single-family residential.))
- B. All new residential development for four or more dwelling units, where a division of land pursuant to the regulations of Chapter 14.215 SMC is not proposed.

~~((In each instance where the approval of site development plan is required, specific issues are noted that must be addressed as part of the approval and will be discussed in the staff report and included in the recommended action.))~~

14.65.030 Approval Criteria.

- A. The criteria for approval of a site development plan shall be as follows:

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1. Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.
 2. The design and appearance of the structure shall be compatible with applicable design standards and guidelines.
 3. The development shall be consistent with the Comprehensive Plan.
 4. The development shall mitigate any significant adverse environmental impacts.
 5. Concurrency requirements (SMC [14.20.090](#)) shall be complied with.
 6. The development shall be consistent with the health, safety, and general welfare.

B((C)). In approving a site development plan, to protect the health, safety and general welfare, the City may:

1. Require a site plan showing exact location and dimensions of existing and proposed structures or equipment.
2. Require dedication to the public of land for street rights-of-way or other public purposes, to the extent necessary to implement the City's Transportation Plan or mitigate environmental impacts, provided the dedication does not constitute an unconstitutional taking of private property.
3. Require improvements designed to mitigate the proposal's environmental impacts.
4. Otherwise impose conditions as may be consistent with the purpose of this title or the purpose of the land use designation.

14.65.040 Modifications.

- A. Minor. Minor changes in an approved site development plan may be authorized by the Planning Director in cases where the proposed modifications do not impact the ability of the project to meet the requirements of this title or other applicable codes and restrictions or conditions of approval. Changes in land use may be considered minor if the new land use does not require additional site changes, such as an increase in parking or a change in the approved utility layout. All such requests for minor changes to an approved site development plan shall be made in writing and supported by documentation as required by the Planning Department.
 - B. Major. A modification to a site development plan shall be considered major if it involves more than a ten percent increase in building area from the approved site development plan, increases residential density or intensity of land use, has a greater impact on the environment or facilities than the approved plan, or changes the boundaries of the
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approved plan. Major modifications shall require a new application for site development plan pursuant to SMC 14.20.160(B).

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to Site Development Plan regulations, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. Currently, Chapter 14.65 SMC, Site Development Plans, lacks a purpose statement and a process for modifications, and is limited in applicability.
4. The following Comprehensive Plan goals support the proposed code amendments:
 - GOAL LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
 - GOAL HO 6: Maintain permit processes and other regulatory costs that achieve the intended public purpose with the least added cost to housing development.
5. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on March 30, 2023, the city notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to Site Development Plans.
6. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On April 18, 2023, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
7. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on April 17, 2023.
8. On May 3, 2023, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.65, Site Development Plans. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.

2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. No new impacts will be created by exempting residential development up to three units and minor commercial development that does not alter exterior utility configurations or converting land from the Site Development Plan process.
6. The proposed code amendments will clarify language and expand the types of development that do not require an SDP, to streamline and simplify the permitting process.

Date: May 3, 2022

By: _____
Terry Lippincott, Planning Commission Chair



PLANNING COMMISSION STAFF REPORT

Date: May 3, 2023

Agenda Section: PUBLIC HEARING

From: Nova Heaton, PE, Public Works Director
Brooke Eidem, AICP, Planning & Development Services Director

Subject: Inadequate Street Conditions Code Amendment

SUMMARY: The Planning Commission will consider proposed code amendments to SMC 14.295.100, Level-of-Service Requirements and Concurrency Determinations.

PUBLIC HEARING PROCEDURE:

- a. Chair opens hearing
- b. Staff presentation
- c. Commission questions
- d. Public testimony
- e. Close hearing
- f. Deliberations

BACKGROUND + ANALYSIS:

Staff is proposing amendments to the Traffic Impacts chapter of the Snohomish Municipal Code (SMC) to improve the City's authority to require developers to make needed improvements to deficient street conditions as part of their development if the development will cause or exacerbate the inadequate condition. SMC 14.295.110 gives the City the authority to require improvements to inadequate street conditions as a condition of development. However, because the previous section (SMC 14.295.100, Level-of-Service Requirements and Concurrency Determinations) only references intersections and arterial units, local roads are not covered under this authority.

At the April 5, 2023 Planning Commission meeting, proposed amendments to SMC 14.295.100 were discussed. Proposed changes were to improve clarity throughout the section, identify the proper approving authority as the City Engineer, make the timing of Concurrency Determinations consistent with current policy, and to add "street" to the references of intersections and arterial units.

PROPOSAL:

The proposal is to amend SMC 14.295.100, as provided in Attachment A. The proposed amendments reflect the Planning Commission's April discussion.

RECOMMENDATION:

- Motion to recommend City Council approval of amending SMC 14.295.100 as proposed.
- Motion to approve the Findings of Fact and Conclusions as drafted.

REFERENCE(S): [SMC 14.295.100 Level-of-Service Requirements and Concurrency Determinations](#)

ATTACHMENT(S):

A: 14.295.100

B: Findings of Fact & Conclusions

14.295.100 Level-of-Service Requirements and Concurrency Determinations.

A. The City Engineer~~((Department))~~ shall make a concurrency determination for each development application to ensure that the development will not impact any street or an arterial unit where the level-of-service is below the adopted level-of-service standard or, as determined by the City Engineer, will not cause the level-of-service ~~((on an arterial unit))~~ to fall below the adopted~~((level-of-service))~~ standard. If ~~((unless))~~ improvements are programmed and funding identified which would remedy the deficiency within six ~~(6)~~ years of the development approval, the application may be determined concurrent. The approval authority shall not approve any development that is not deemed concurrent under this section.

1. The City Engineer ~~((Department))~~ shall make a concurrency determination during review of a proposed development ~~((upon receipt of a development's pre-application submittal. The determination may change based upon revisions in the application.))~~ Any change in the development after approval will be resubmitted to the City Engineer, and the development will be reevaluated for concurrency purposes.

2. ~~((The concurrency determination shall expire if the development for which the concurrency is reserved is not applied for within one hundred twenty (120) days of the concurrency determination. This determination is a prerequisite for a complete development application.))~~ The expiration date of the concurrency determination for a ~~((filed))~~ development application shall be six ~~(6)~~ years after the date of the determination, except where the application is later withdrawn or approval is allowed to lapse.

3. Building permits for a development must be issued prior to expiration of the concurrency determination for the development, except when the development is a residential subdivision or short subdivision in which case the subdivision or short subdivision must be recorded prior to expiration of the concurrency determination for the development, and except where no building permit will be associated with a conditional use permit. ~~((, in which case the conditional use permit must be issued prior to expiration of the concurrency determination))~~ No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.

4. If an issued concurrency determination expires pursuant to the timelines below, then at the request of the applicant the City Engineer shall consider evidence that conditions have not significantly changed and make a new concurrency determination according to this section.

a. For a building permit not associated with a residential subdivision: prior to building permit issuance.

b. For a residential subdivision: prior to recording of the final plat map.

c. For a conditional use permit with no building permits: Prior to conditional use permit approval.

~~((If the concurrency determination expires prior to building permit issuance, except when the development is a residential subdivision or short subdivision, then prior to the recording of the subdivision or short subdivision, and except where no building permit will be associated with a conditional use permit, then prior to issuance of the conditional use permit, the City Engineer shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination in accordance with this section.))~~

5. Building permit applications for development within a ~~recorded site development plan, non-residential subdivision or short subdivision or~~ binding site plan, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent; provided, that the concurrency determination has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the recorded development plan, non-residential subdivision or short subdivision approval is performed as a condition of building permit issuance.

B. In determining whether or not ~~to deem~~ a proposed development ~~((as))~~ is concurrent, the ~~((Department))~~ City Engineer shall analyze likely street system impacts ~~((on arterial units))~~ based on the size and location of the development.

1. A development shall be deemed concurrent for the period prior to the expiration date of the concurrency determination for the development.

- 2. A development's forecasted trip generation at full occupancy shall be the basis for determining the impacts of the development on the street system. The City will accept valid data from a traffic study prepared under this chapter.
- C. A concurrency determination made for a proposed development under this section will evaluate the development's impacts on any intersections, streets, or arterial units in arrears. If a development which generates seven (~~7~~) or more p.m. peak-hour trips, or a nonresidential development which generates five (~~5~~) or more p.m. peak-hour trips, is proposed to affect an intersection, street, or arterial unit in arrears, then the development may only be deemed concurrent based on a trip distribution analysis to determine the impacts of the development. Impacts shall be determined based on each of the following:
- 1. If the trip distribution analysis indicates that the development will not place three (~~3~~) or more p.m. peak-hour trips on any intersection, street, or arterial units in arrears, then the development shall be deemed concurrent.
 - 2. If the trip distribution analysis indicates that the development will place three (~~3~~) or more p.m. peak-hour trips on any intersection, street, or arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SMC [14.295.100\(E\)](#).
- D. Any residential development that generates less than seven (~~7~~) p.m. peak-hour trips or any nonresidential development that generates less than five (~~5~~) p.m. peak-hour trips shall be considered to have only minor impact on City arterials for purposes of a concurrency determination on impacts to level-of-service on intersections, streets, and arterial units and shall accordingly be deemed concurrent.
- E. Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:
- 1. A development which meets the Department's criteria for transit compatibility, in accordance with the City Engineer's policy and procedure for transit compatibility, shall be deemed concurrent if the impacted intersection, street, or arterial unit in arrears meets the criteria for transit supportive design in accordance with the City Engineer's policy and procedure for transit compatibility, and if the level-of-service on the impacted intersection, street, or arterial unit in arrears meets the City's adopted LOS standards, and provided that

the development can be deemed concurrent in accordance with all other provisions of this section.

2. A development may modify its proposal to lessen its impacts on the street system in such a way as to allow the City to deem the development concurrent under this section.

3. The City may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the City Engineer’s recommendation under SMC [14.295.050\(B\)](#), and referenced in the concurrency determination, as a condition of approval.

a. Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the City has made or programmed capacity improvements which would remedy any intersection, street, or arterial units in arrears.

b. Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any intersection, street, or arterial units in arrears.

i. If a developer chooses to mitigate the development’s impact by constructing off-site street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the City Engineer for construction of the off-site improvements. Construction of improvements shall be in accordance with the City’s engineering design and development standards.

ii. In cases where two (~~2~~) or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

iii. Any developer who chooses to mitigate a development’s impact by constructing off-site improvements may propose to the City that a joint public/private partnership be established to jointly fund and/or construct the

proposed improvements. The City Engineer will determine whether or not such a partnership is to be established.

iv. Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; provided that where no building permit will be associated with a change in occupancy, then construction of improvements is required as a precondition to approval.

F. *Adopted Level-of-Service.*

1. The level of service for intersections shall be LOS E or better.
2. The Transportation Element may designate intersections that are exempt from the level-of-service standard set forth in this subsection.

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to Concurrency regulations, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. Currently, SMC 14.295.100, Level-of-Service Requirements and Concurrency Determinations, lacks clarity, provides inaccurate approval authority and timelines, and does not account for local roads and streets for evaluating street system impacts.
4. The following Comprehensive Plan goals support the proposed code amendments:
 - GOAL LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
 - GOAL TR 5: A stable, long-term financial foundation for improving the quality, effectiveness, and efficiency of the transportation system.
5. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on March 30, 2023, the city notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to concurrency regulations and street system impacts.
6. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On April 18, 2023, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
7. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on April 17, 2023.
8. On May 3, 2023, the City of Snohomish Planning Commission held a public hearing to consider amendments to SMC 14.295.100, Level-of-Service Requirements and Concurrency Determinations. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendments will implement and be consistent with the goals and

policies of the City of Snohomish Comprehensive Plan.

2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendments will reduce impacts to the City's street system.
6. The proposed code amendments will clarify language and process, and improve the City's ability to require street system improvements as a condition of development.

Date: May 3, 2022

By: _____
Terry Lippincott, Planning Commission Chair