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City Council Committee Meeting Agenda

Community Development Committee

Stanwood-Camano School District
Administration Building Board Room
26920 Pioneer Highway, Stanwood

Thursday December 13, 2018 6:00 PM

1. Island Regional Transportation Planning Organization (IRTPO)
2. Department Reorganization
3. Alliance for Housing Affordability ILA Amendment:
4. Wireless Communication Facilities Code Amendment:



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**CITY OF STANWOOD
COMMUNITY DEVELOPMENT COMMITTEE
AGENDA STAFF REPORT**

DATE: December 13, 2018 Meeting

SUBJECT: December CDC Agenda Topics

FROM: Patricia Love, Community Development Director

IRTPO PARTNERSHIP:

Island County staff reached out to the City about participating on the Island Regional Transportation Planning Organization (IRTPO) committee. They are in the process of developing their first Regional Transportation Plan and because Stanwood and Camano Island share a common access off of SR 532 they want to explore future partnerships. Patricia Love, Community Development Director, attended their meeting on November 28th and the Committee was overwhelming supportive of having the City participate as a non-voting member.

In late December or January they will be holding a focused workshop on the entire SR 532 corridor to I-5 and the importance of it for Camano, Stanwood, Island Transit, inter-regional connectivity, and economic vitality of the region.

Below is a copy of their staff report to the IRTPO Committee:

Regarding: Potential IRTPO Associate* Member Invitation to City of Stanwood

Proposal: Consider offering an invitation for IRTPO Associate Membership to an elected official, or designee, of the City of Stanwood to better inform decision making regarding joint transportation interests.

Rationale: Although Camano Island residents, and Whidbey Residents, have ties to many centers outside of Island Region, such as those located in Skagit County and Snohomish County, there is a particularly strong bond between the City of Stanwood and Camano Island in terms of commerce, community cohesion, and transportation system interdependence.

Whidbey Island residents benefit from our relationships with the Cities of Mukilteo and Port Townsend. Some joint planning efforts have occurred, and continue to take place with the City of Mukilteo and exploring opportunities to strengthen ties with Mukilteo and Port Townsend would likely be worthwhile future efforts for the IRTPO.

The relationship between the City of Stanwood and Camano Island is arguably much stronger and more interdependent than other IRTPO affiliations. Some of the key components of that relationship include:

1. SR 532 from Terry's Corner to Interstate 5, is managed by IRTPO member WSDOT Mount Baker Region. IRTPO member Island County and the City of Stanwood also have strong interests in this corridor. A portion of this corridor is within the PSRC, where the IRTPO member Island County holds an Associate Membership.
2. IRTPO member Island Transit serves both Camano and Stanwood and provides Stanwood residents with the only connector service to Everett Station and the Sounder Train. Camano residents are likewise served by the Amtrak Station in Stanwood.
3. Camano Island and the City of Stanwood share the same school district, Stanwood Camano School District. Two elementary schools are located on Camano Island and the middle and High Schools are located in Stanwood.
4. Camano Island residents benefit from the Stanwood Parks and Recreation District, which provides biking/walking paths, a skate park, courts and ball fields and serves a variety of youth sports programs.
5. Camano Island residents with special needs are served by the Stanwood Camano Community Resource Center and the Stanwood Senior and Community Center.
6. Many of the local commercial service centers and commercial recreation facilities for Camano residents are located in Stanwood, including Haggen's, QFC, numerous restaurants, YMCA (pool), Fitness Clubs and movie cinema.
7. Many local medical clinics are available in Stanwood
8. The Port Susan Farmers Market in Stanwood has served both communities since 2012 that also features a Sprouting Healthy Kids youth program.
9. Camano Island is a key component of the Stanwood Non-Motorized Transportation Plan serving active recreation and tourism:

"significant high priority projects were identified. These include . . . improving regional bicycle connectivity to surrounding areas such as Camano Island"

"Reoccurring themes pertaining to the City's pedestrian and bicycle network throughout the documents included . . . Importance to connect Camano Island and Stanwood"

*Associate Member, is the title given to Puget Sound Regional Council members that do not hold voting rights, but are provided a seat at the table to discuss policy.

Ex-Officio members, such as visiting legislators, may be considered equivalent to associate members, but there is a sense that it is by virtue of the higher office they hold, relative to convening members, that they are afforded inclusion.

DEPARTMENT REORGANIZATION:

In the last few weeks the Community Development Department has lost a couple of our longer term employees: Devin Sola, Associate Planner and Trace Justice, Building Official. While losing staff is always difficult, it also gives us an opportunity to reevaluate our operations. For more efficient operations and administrative support, the following reorganization is being proposed:

Building Services	Planning / City Hall Services	GIS Services
- Rehire the Building Official Position (currently being advertised). - Share a Building Inspector with Island County via an Interlocal Agreement.	- Amend the Permit Specialist job description to add minor Permit Technician review duties and retitle the position as Permit Specialist / Planner. - Do not fill the Associate Planner position. - Hire an Administrative Assistant with changes to the job description to include website and social media management.	Contract out for GIS mapping services with Snohomish County until we develop a long term strategic plan for our mapping needs. This contract would be similar to our IT contract with Snohomish County.

Budget Impacts:

Using the most recent AWC Salary Survey (2017) staff conducted a comparison of job duties and salaries to those of the City to evaluate the budget impacts of the above proposed staffing changes. By category, the budget impacts are as follows:

Building Services:	Budget Analysis
Rehire Building Official	No Change
Building Inspector Services	The 2019 / 2020 budget include \$35,000 per year for augment plan review and building inspection services. An option under consideration is sharing a building inspector with Island County giving the City a half time inspector for the next two years. This will provide additional coverage in the Building Division to cover the work load during vacations, sick leave time and out of office training time.
<i>Budget Impact: None</i>	

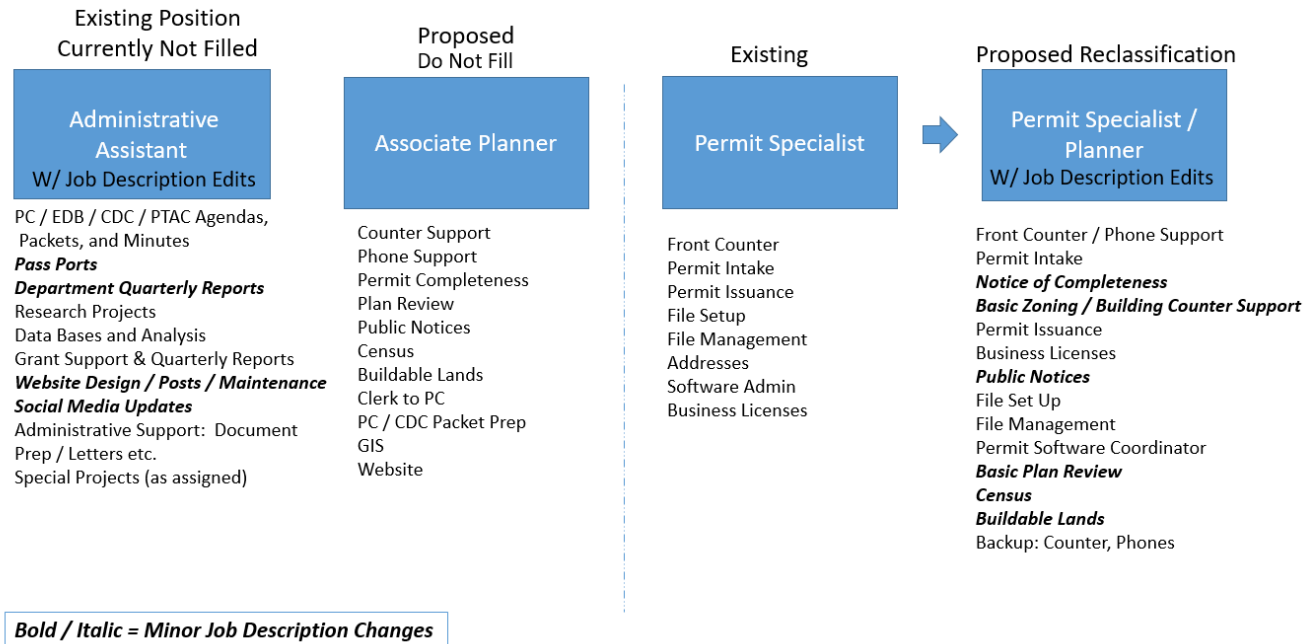
Planning / City Hall Services:	Budget Analysis
Do Not Refill the Associate Planner Position and Hire an Administrative Assistant	The Department is in need of administrative support to help with packets, minutes, website maintenance, social media, economic development support to the Administrator and general office support. Staff is proposing to hire an administrative assistant using the current city job description with minor changes. Associate Planner Salary Range: \$4,958/mo to \$5,776/mo Administrative Assistant Salary: \$4,393/mo to \$5,388/mo Monthly Savings: \$565 / mo to \$388/mo
Reclassify the Permit Specialist to Permit Specialist / Planner	Adding a minor planning duties to the Permit Specialist job description will help fill the gap of not filling the Associate Planner position. Additional duties would include: Permit intake and notices of completeness, plan review of single family permits, sign permits and tenant improvements. Permit Specialist Salary Range: \$4,152/mo to \$5,093/mo Permit Specialist/Planner Salary: \$4,012/mo to \$5,360/mo Monthly Savings: \$140/mo to -\$267/mo
Budget Impact: <i>None; the salary impacts between the two positions balances out at the top range with a slight savings of \$121/mo.</i>	

GIS Services:	Budget Analysis
Contract GIS Services with Snohomish County	Staff is investigating the option to contract with Snohomish County for GIS services versus hiring one to full time staff members as an interim measure while the City prepares its GIS needs assessment. We would be charged an hourly rate of \$72 to \$90 an hour based on the complexity of the project. Work could be as simple as using our existing data to prepare a map to complex data management. In the short term an Interlocal Agreement with the County will cover the technical gap left by losing the Associate Planner position and give the City time to fully evaluate its GIS needs. In the long term the City will need to evaluate if contracting covers the goal of providing a user friendly interactive mapping system.
Budget Impact: <i>Increase to Budget; ILA with Snohomish County would be needed.</i>	

Revised Job Duty Summary:

Stanwood Planning Department - Proposed Staff Reorganization

GIS = Contract with Snohomish County



ALLIANCE FOR HOUSING AFFORDABILITY INTERLOCAL AGREEMENT AMENDMENT #3:

AHA was established to create a venue for cities in Snohomish County to share resources and plan collaboratively for affordable housing. In 2014 the City of Stanwood signed an ILA with 12 other Cities and the County establishing a governing board with representatives from each agency. The Community Development Director acts as Stanwood's representative. This group meets regularly to review policies and legislative initiatives as they relate for housing affordability.

Since its inception, one of the AHA goals has been to establish a fund to support the creation and preservation of affordable housing units in Snohomish County. In 2018 the AHA Housing Trust Fund was established with contributions from the Town of Woodway in the amount of \$5,000 and \$650,000 from Snohomish County.

To administer these funds an amendment to the AHA ILA is recommended. This ILA will describe how the funds will be accounted for and the responsibilities of the Administrative Agency. While Stanwood has not contributed funds to the Housing Trust Fund, we are a member of the Alliance and a signatory to the ILA. AHA staff is currently working on drafting the ILA and expect to circulate the ILA Amendment #3 to the participating cities in January / February 2019 for Council approval. Staff anticipates adding this ILA to the Council's consent agenda once it has been reviewed by the City Attorney.

WIRELESS COMMUNICATION FACILITIES CODE AMENDMENT:

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019. To meet this timeline a public hearing will be held on January 7 by the Planning Commission at a special meeting, followed by a public hearing with the City Council on January 10, 2019

Currently the City has a “cell tower” code, but it is out of date as it relates to the “small cell” technology and federal regulations. Typically, small cells are attached to utility poles or light/traffic poles within the rights-of-way. The purpose of the small cells is to augment capacity for data traffic in dense areas and are typically 25-45 feet in height, rather than tall macro towers that extend beyond 75 feet.

The draft code amendment combines the city’s existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements into three new chapters of the Stanwood Municipal Code:

Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices

Chapter 17.205, Eligible Facility Modifications

Chapter 17.210, Regulation of Wireless Communication Facility Franchise

In conjunction with merging existing city wireless communication facilities codes with the new small wireless facilities requirements, the following Stanwood Municipal Code chapters will be repealed:

- Chapter 17.154, Wireless Communication Facilities
- Chapter 17.156, Eligible Facility Modifications

Small Wireless Facility Amendments

- Caps all fees related to small wireless facilities (SWF) at “a reasonable approximation of the state or local governments’ actual and reasonable costs.”
 - Caps apply to application/review or similar fees for SWF inside and outside the rights of way; right of way use fees; and fees for use of municipal property in the rights of way.
 - The following fees are presumed to meet the standard:
 - Non-Recurring Fees: \$500, including a single up-front application that includes up to five SWF, with an additional \$100 for each SWF beyond five, or \$1,000 for non-recurring fees for a new pole to support SWF.
 - Recurring Fees: \$270 per SWF per year for all recurring fees, including any ROW access fee or fee for attachment to municipally-owned structures in the ROW.
 - Local governments can charge higher fees than those set forth above if they can show the fees are:
 - A reasonable approximation of costs;
 - Those costs themselves are reasonable; and
 - They are non-discriminatory.

- Preempts aesthetics requirements for SWF unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.
 - Under this standard, requirements that all wireless facilities be deployed underground are preempted, as is any undergrounding requirement that “materially inhibits wireless service.”
 - Implies that minimum spacing requirements likely could not meet this standard.
- Imposes shot clocks of 60 days for SWF added to existing structures (regardless of whether the structure already supports a SWF) and 90 days for SWF using a new structure.
 - Existing shot clocks for non-SWF deployments remain in place: 90 days for collocation on an existing structure; 150 days for deployment on a new structure.
 - Both the new and existing shot clocks apply to “any approval that a siting authority must issue under applicable law prior to deployment.” This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights of way, leases for use of municipal poles or property in the rights of way, electric permits and road closure permits, among others.
 - For SWF, shot clocks are reset, not just tolled, if the siting authority notifies the applicant within 10 days after submission that the application is incomplete. For subsequent determinations of incompleteness, the shot clock would toll—not reset—if the siting authority provides written notice within 10 days that the supplemental submission did not provide the requested information.
 - For non-SWF, shot clocks begin to run when an application is first submitted, and can be paused—not reset—if the siting authority notifies the applicant within 30 days that the application is incomplete. For subsequent determinations of incompleteness, the process is the same as described above for SWF.
 - Failure to act within the new small wireless facility shot clock constitutes a presumptive violation of the Communications Act and applicants may seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. There is no “deemed granted” remedy.
- Defines SWF as, among other things:
 - Facilities
 - mounted on structures 50 feet or less in height including their antennas; or
 - mounted on structures no more than 10 percent taller than other adjacent structures; or
 - that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 - Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;
 - All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

- Does not grandfather existing agreements or state small cell bills or other state laws, which may be preempted to the extent they conflict with the Ruling and Order.

Other Definitions:

The following definitions will need to be updated or added to meet federal and state law:

Collocation	Service Provider	Tower Underground
Concealment	Small Cell Network	Areas
Eligible Facilities	Telecommunication	Utility Pole
Modification	Service	
Microcells	Transmission equipment	

Permit Review Process:

Evaluate type of permitting processes are appropriate: Administrative or Conditional Use Permit

- Minor Facilities – Currently a Permitted Use
- Co-Located Facilities – Currently a Permitted Use
- Single Facilities – Currently a Permitted Use
- Towers – Currently a Condition Use Permit
- Small Cell – Need to include in code

Review Timelines (already adopted with WCF code):

Federal law has the following specific timelines for permit review:

Permit / Approval	Mandated Review Period
Eligible Facilities Request – A letter to the city requesting that a permit be reviewed as a facility modification – not as a new facility	60 Days
Eligible Co-locations on Existing Facilities	90 Days
New Wireless Communications	150 Days
Determination of Permit Completeness	30 Days
Determination of Permit Completeness – 2nd submittal and beyond	10 Days plus no new items can be added that were not listed in the first review

Failure to Act:

If the City doesn't meet the timeframes listed above, then the application is "deemed granted".

Appeals / Claims:

Both the City and the Applicant can bring claims in court according to federal law.

Major and Minor Modifications:

A significant area of concern to the cell company providers is what is considered a major or minor modification to an existing facility. Major modifications are equivalent to new permits while minor modifications can usually be permitted administratively more quickly. Federal law is mandating what constitutes a major or minor modification.

Performance Standards:

City code already addresses the following development / performance standards for siting telecommunication facilities. These standards generally address cell towers, attached facilities and the associated land cabinet equipment. The following sections will be evaluated to determine if any additional changes are needed or how the small cell technology may or may not work within these standards.

Separation Distance	Concealment Technology	Maintenance
Setbacks	Noise	Electronic Emissions
Height	Colocation	Exception Use of City right of
Landscaping	Abandonment	Way
Lighting		