

1. Agenda

Documents:

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2. Meeting Materials

Documents:

[DRAFT SHORELINE ZONING CODE AMENDMENT.PDF](#)
[MINUTES OF FEBRUARY 19, 2019.PDF](#)
[STREET VACATION ORDINANCE DISCUSSION.PDF](#)
[TN ZONING DOCKET DISCUSSION.PDF](#)



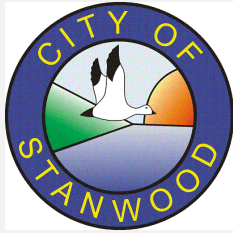
PLANNING COMMISSION AGENDA

Monday, March 11, 2019 – 6:30PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Minutes of February 19, 2019
5. New Business
 - Street Vacation Ordinance Discussion
 - Draft Shoreline Zoning Code Amendment
 - TN Zoning Docket Discussion
6. Old Business
7. Miscellaneous Business
8. Public Comments
9. Recent Council Action on Commission Items
10. Upcoming Items
11. Adjourn

For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 5211.

SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-629-2181 ext. 5211 two business days prior to the meeting.



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

10220 270th St NW
Stanwood, WA 98292
360-629-4577

TO: PLANNING COMMISSION
FROM: Patricia Love, Community Development Director
SUBJECT: Shoreline Master Plan Code Update
DATE: March 11, 2019

BACKGROUND

The Shoreline Management Act requires all jurisdictions review and update their Shoreline Management Plans on an eight (8) year schedule established by the Legislature. This review ensures that local SMP's stay current with changes in state laws and rules, remains consistent with other Stanwood plans and regulations, and is responsive to changing circumstances, new information and improved data.

SHORELINE CODE UPDATES

Stanwood is required to update its SMP on or before June 30, 2019. The State is not requiring any major updates to our inventory, restoration efforts, or cumulative impacts analysis. However, we must include all state mandated updates between 2007 and 2017 as well as any local changes which have occurred since the last SMP adoption.

Below is a summary of the state mandated changes and the City's response to those mandates. All of the state mandates have been included with the exception of the critical area code updates. Those changes are pending.

Update Definitions:

17.20.050 "D" Definitions

Development.

(1) For the purposes of Chapter [17.120](#) SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, "development" means any manmade change to improved or unimproved real estate, including but not limited

to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

(2) For the purposes of Chapter [17.150](#) SMC, Shoreline Management, “development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving or piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. **Development does not include dismantling or removing structures if there is no other associated development or re-development. In addition, a forest practice that only involves timber cutting is not a development under the Act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the Act and may require a substantial development permit as required by WAC 222-50-020.**

(3) Except for purposes of Chapter [17.120](#) SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, and Chapter [17.150](#) SMC, Shoreline Management, “development” means: the placement or erection, of any fill, solid material, or structure on land, in or under the water; or the construction, reconstruction, or alteration of the size of any structure; development shall not be defined or interpreted to include improvement made in the interior of any structure.

17.20.070 “F” Definitions

Floodway” (SMP) means the channel of a river or other watercourse and the adjacent land areas that have been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps. **The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control device maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.**

17.20.150 “N” Definitions

~~Nonconforming use, structure or site” (SMP) means a utilization of land or structures or both, legally established prior to the effective date of this code, which would not be permitted as a new use in the zone in which it is located under the terms of this code or which does not meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access, screening or other regulations in which it is located due to changes in regulations or annexation~~

Nonconforming Use (SMP) means an existing shoreline use that was lawfully established prior to the effective date of the Act or the applicable Master Program, but which does not conform to present use regulations due to subsequent changes to the Master Program.

Nonconforming Development (SMP) or Nonconforming Structure (SMP) means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers, or yards; area; bulk; height; or density standards due to subsequent changes to the Master Program.

Nonconforming Lot (SMP) means a lot that met dimensional requirements of the applicable Master Program at the time of its establishment but now contains less than the required width, depth, or area due to subsequent changes to the Master Program.

Minor Amendment to the Permitting Use Matrix:

Noted that “floating dwellings” ie: boat houses are prohibited.

Procedures:

17.150.061 Procedure.

- (1)** All shoreline permits shall be processed in accordance with **SMC 17.80, Administration; 17.81A, Procedures; and 17.81B, Types of Land Use Review.** [17.80.130](#), Table of land use procedures.
- (2)** **Coordinated Review.** The city will coordinate on issues relating to ecological conditions, functions and processes and on wetland and ordinary high water delineations with the Department of Ecology, the Department of Natural Resources and the Department of Fish and Wildlife as well as other agencies with permit authority over a project to the extent that agencies are timely in their response and coordination does not interfere with meeting timelines for permit review in SMC [17.80.031](#).
- (3)** **Special Procedures for WSDOT Projects.**
 - (a) Permit Review Time for Projects on a State Highway.** Pursuant to RCW 47.01.485, the Legislation established a target of 90 days review time for local governments.
 - (b) Optional Process Allowing Construction to Commence Twenty-One Days After Date of Filing.** Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

Non-conforming status:

Identified specific requirements for non-conforming lots, buildings, and uses.

17.150.064 Nonconforming Lots situations.

In addition to the provisions of SMC ~~17.25.170~~(3), the following provisions shall apply within SMA jurisdiction:

A nonconforming lot may be developed if permitted by other City land use regulations so long as such development conforms to all other requirements of the applicable Master Program and Act. Within Shoreline Management Act jurisdiction, a variance from the buffer or setback must be processed as a shoreline variance.

17.150.065 Extension or enlargement of nonconforming Structures situations.

In addition to the provisions of SMC ~~17.25.180~~, the following provisions shall apply within SMA jurisdiction:

~~(1) The expansion or enlargement may not increase its degree of nonconformity in relation to the provisions of the Shoreline Master Program;~~

~~(2) The expansion or enlargement may not result in enlargement of the building footprint or impervious area in a critical area buffer that extends further toward the water unless necessary to meet minimum standards of life-safety codes; or~~

~~(3) The expansion or enlargement may not result in a net loss of ecological functions.~~

(1) Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks; buffers; yards; area; bulk; height or density may continue as a legal nonconforming structure and may be maintained and repaired.

(2) Nonconforming structures may be enlarged or expanded provided that the enlargement or expansion does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.

(3) Nonconforming single-family residents that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g) upon approval of a conditional use permit.

(4) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

(5) A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the applicable Master Program and the Act.

(6) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to the configuration existing immediately prior to the time the development was damaged, provided that an application is made for the permits necessary to restore the development with two years of the date the damage occurred.

(7) The expansion or enlargement may not result in a net loss of ecological functions.

17.150.066 Change in Non-Conforming Uses ~~use of property where a nonconforming situation exists.~~

In addition to the provisions of SMC 17.25.200, the following provisions shall apply within SMA jurisdiction:

(1) The change in use may not increase its degree of nonconformity in relation to the use provisions of the Shoreline Master Program.

(2) The change in use may not result in a net loss of ecological functions.

(1) Uses that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses.

(2) Nonconforming uses shall not be enlarged or expanded, except upon approval of a conditional use permit.

(3) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent sue shall be conforming unless re-establishment of the use is authorized through a conditional use permit which must be applied for within the two-year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use included phase or rotational operations as part of typical operations.

(4) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) No reasonable alternative conforming use is practical; and

(b) The proposed use will be at least as consistent with the policies and provision of the Act and the Master Program and as compatible with the uses in the area as the preexisting use.

(c) Uses shall not become a nuisance or hazard to the general public and the surrounding neighborhood.

(d) Conditions may be attached to the permit as are deemed necessary to assure compliance with the requirements of the Master Program and Shoreline Management Act.

Exemptions:

Deleted the list of exemptions and referenced state law so that when the law or thresholds are updated, the City's code stays consistent with current law without requiring an update.

17.150.067 Exemption from substantial development permit.

A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.030 and WAC 173-27-040 90.58.140(1). **These exemptions following** shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a shoreline substantial development permit (SSDP); provided, that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the Act or the Shoreline Master Program, or from any other regulatory requirements.

~~(1) Governor's Certification. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.~~

~~(2) Projects Valued at \$6,416 or Less. Any development of which the total cost or fair market value does not exceed \$6,416 if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$6,416 level is subject to adjustment for inflation by the office of financial management every five years beginning July 1, 2007.~~

~~(3) Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.~~

~~(a) "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.~~

~~(b) "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.~~

~~(c) Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.~~

~~(4) Emergency Construction. Emergency construction necessary to protect property from damage by the elements.~~

~~(a) An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the Shoreline Master Program.~~

~~(b) Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter [90.58](#) RCW, Chapter [173-27](#) WAC or this Shoreline Program shall be obtained.~~

~~(c) All emergency construction shall be consistent with the policies of Chapter [90.58](#) RCW and the Shoreline Master Program.~~

~~(d) In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.~~

~~(5) Agricultural Construction or Practices. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.~~

~~(6) Construction of Single Family Residence and Accessory Buildings. Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC [173-27-030](#), and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this section.~~

~~(a) "Single family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.~~

~~(b) Construction authorized under this exemption shall be located landward of the OHWM.~~

~~(7) Construction of Noncommercial Docks. Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multifamily residences.~~

~~This exception applies if:~~

~~(a) The fair market value of the dock does not exceed \$10,000; however, if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall require a substantial development permit;~~

~~(b) A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances; and~~

~~(c) The dock meets all requirements of this code. A private dock generally is prohibited.~~

~~(8) Construction Authorized by the Coast Guard. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.~~

~~(9) Operation, Maintenance, or Construction Related to Irrigation. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.~~

~~(10) Marking of Property Lines on State-Owned Lands. The marking of property lines or corners on state-owned lands when such marking does not interfere with the normal public use of the surface of the water.~~

~~(11) Operation and Maintenance of Agricultural Drainage or Dikes. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.~~

~~(12) Activities Necessary for Permit Application. Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, if:~~

~~(a) The activity does not interfere with the normal public use of the surface waters;~~

~~(b) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;~~

~~(c) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;~~

~~(d) A private entity seeking development authorization under the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the director to ensure that the site is restored to pre-existing conditions; and~~

~~(e) The activity is not subject to the permit requirements of RCW [90.58.550](#).~~

~~(13) Removal or Control of Noxious Weeds. The process of removing or controlling an aquatic noxious weed, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter [43.21C](#) RCW.~~

~~(14) Watershed Restoration Projects. Watershed restoration projects as defined below:~~

~~(a) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:~~

(i) A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

(ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

(iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than 200 square feet in floor area and is located above the OHWM of the stream.

(b) "Watershed restoration plan" means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a city, a county, or a conservation district, for which agency and public review has been conducted pursuant to Chapter [43.21C](#) RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

(15) Projects to Improve Fish and Wildlife Passage or Habitat. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(a) The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.

(b) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter [75.20](#) RCW.

(c) The director has determined that the project is consistent with this Master Program.

(16) Hazardous Substance Remediation. Hazardous substance remedial actions pursuant to WAC [173-27-040](#)(3).

(17) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration. Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the Act approved in accordance with SMC [17.150.073](#).

(18) All of the above exemptions are subject to the following regulations:

(a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

(b) The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.

~~(c) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.~~

Exceptions:

Added a new section consistent with new state law exceptions. This is different from the exemption in that these uses do not require consistency with the Shoreline Management Act.

17.150.067A Exceptions from substantial development permit. [NEW SECTION]

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

- (1) Remedial Actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW.**
- (2) Boatyard Improvements to Meet NPDES Permit Requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a National Pollutant Discharge Elimination System stormwater general permit.**
- (3) WSDOT Facility Maintenance and Safety Improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.**
- (4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.**
- (5) Projects authorized through the Energy Facility Site Evaluation Council process pursuant to Chapter 80.50 RCW.**
- (6) Areas and uses under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter 90.58 RCW.**

Procedural Changes and Notice to Ecology:

Minor changes to the procedural process to update the Shoreline Code and submittal to Ecology.

17.150.087 Amendments authorized.

The provisions of the Shoreline Master Program use regulations or the shoreline environment map may be amended as provided for in RCW [90.58.120](#) and [90.58.200](#) and Chapter [173-26](#) WAC. **Periodic reviews shall be processed consistent with the requirements of RCW 90.58.080 and WAC 173-26-090.**

17.150.091 Transmittal to the Department of Ecology.

Subsequent to final action by the council adopting or amending the Shoreline Master Program or official control, said Master Program, official control, or amendment thereto shall be submitted to the Department of Ecology for approval. No such Master Program, official control, or amendment thereto shall become effective until approval by the Department of Ecology is obtained pursuant to RCW [90.58.090](#), **WAC 173-26-110 and WAC 173-26-120.**



STANWOOD PLANNING COMMISSION MINUTES

February 19, 2019

Call to Order

Vice-Chair Shepro called the meeting to order at 6:33 PM with the following Commissioners present: Darren Robb, Randy Heagle, Sid Roberts and Marcus Metz. Commissioner Dennis and Commissioner Utgard were absent. Staff present; Community Development Director Patricia Love. Also known to be present: Cathy Wooten and Tim Schmitt.

Public Requests or Comments

Tim Schmitt, 27308 101st Avenue, Stanwood. Mr. Schmitt expressed the need for communication with the Planning Commission. He suggested that the Planning Commission is more active on Facebook, let people know about the difficult decisions the commissioners are faced with, get involved with the community survey, publish a Code of Ethics specific to the Planning Commission and have the commission members city email addresses published on the website.

Cathy Wooten, 27828 84th Avenue, Stanwood. Thanked the Planning Commissioners for their service. She wants to see action from the commission when there is citizen involvement and not just documents placed on a shelf and forgotten.

Minutes

The minutes of the January 28, 2019 meeting were approved as presented.

New Business

Community Development Director, Patricia Love, asked the Commission if the new business items could be reversed. The Commission agreed to discuss the Street Vacation Ordinance first and the TN Docket item discussion second.

Street Vacation Ordinance Discussion

The city currently does not have a street vacation process in place and follows the regulations put in place by RCW 35.79. In 2017 a street vacation ordinance was started, but never completed. A new Title 11 will be established and a new Chapter 11.48 for Street Vacations.

Planning Commission and Public Comments Discussion:

- Basic Criteria
- Reasons for a street vacation (development, dead end area, etc.)
- Where a street vacation could take place

- Updates to Chapter 17 as part of the new code Chapter 11.48.
- Upcoming Planning Commission public hearing
- Briefing to Community Development Committee – move forward with draft code
- New code will be unique to Stanwood
- Examples of areas that a vacation could take place
- Use permits vs street vacation
- Easements over right-of-ways

TN Zoning Docket Discussion

Commission Shepro recused himself from the Board. Mr. Shepro submitted the TN Zoning Docket application and cannot vote or be a part of the Commission discussion on the item.

The TN Zoning Docket item will complete an analysis of the zone. Planning Commission and Public discussion included:

- Purpose and intent of the original TN Zone
- All TN Zoning changes that have occurred
- Population allocations
- Density requirements (what is actually being built and what was expected)
- Mix of housing types
- Public outreach (“café” style workshops and open houses)
- Planning Commission recommendation and City Council adoption

Miscellaneous *Business*

- Shoreline Master Plan – update will include changes that are state mandated and will be coming before the Planning Commission
- Josephine Property – purchase and sale agreement will go before the Council. Then a wetland and critical areas studies will be completed.
- Viking Way update

Additional Public Comments

Tim Schmitt, 27308 101st Avenue, Stanwood, spoke about the encroachments of property owners onto public property.

Recent Council Action on Commission Items

Upcoming Items

- The Planning Commission Meeting on February 25, 2019 has been cancelled and a joint Planning Commission and City Council Meeting will take place on February 28, 2019 at the Stanwood Fire Station at 7:00 pm.

Adjourn

The meeting adjourned at 8:21 PM.

Amy Rusko, City of Stanwood



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-4577

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Amy Rusko, Senior Planner

SUBJECT: Title 11 Streets and Sidewalks, Chapter 11.48 Vacations of Streets and Alleys, Edits to SMC 17.81A and Edits to SMC 17.81B

DATE: March 11, 2019

ATTACHMENT: A. Proposed SMC 11.48 Vacations of Streets and Alleys Code Amendment
B. Proposed Code Edits to SMC 17.81A and SMC 17.81B

Issue:

The issue in front of the Planning Commission is to review the proposed language for the vacation of streets and alleys ordinance and related edits to the Stanwood Municipal Code. The draft ordinance for Chapter 11.48 Vacation of Streets and Alleys establishes procedures to process a vacation of city right-of-way. The changes to Chapter 17 include text edits to three areas of the code that mentioned right-of-way vacations.

Background:

Over the past several years, the city has received a handful of street vacation applications. The City of Stanwood currently does not have a code section that addresses the process or procedures for street vacations. The City follows Chapter 35.79 RCW for the review and approval of street vacations. In 2017 a draft street vacation ordinance was started, but never completed.

In December of 2017, staff took the draft street vacation ordinance to the Public Works Committee where discussion items included: concerns with the current process, assessing property valuation, creating a new title in the Stanwood Municipal Code and a new chapter for street vacation. Committee recommendation at that time was to take to full council with the recommendation to approve the proposed language for the street vacation ordinance. For unknown reasons, work on the ordinance was delayed.

State Law Regarding Street Vacations

Vacation of city street rights-of-way is governed by Ch. 35.79 RCW. A road or street vacation is the termination of the public interest in a right-of-way (opened or unopened); it extinguishes the easement for public travel that is represented by the right-of-way. In the typical case, city governments hold an easement for public travel on lands designated or used as roads, streets, and alleys; they do not generally own the fee title to the property underlining the right-of-way.

A petition by abutting property owners to initiate a city street vacation must be signed by owners of more than two-thirds of the property abutting the street to be vacated. A city street vacations may be initiated by the legislative body.

Vacation of rights-of-way abutting bodies of water is governed by RCW 35.79.035 for cities and generally requires a detailed analysis of an agency's projected needs for waterfront access.

For roads that were platted, but unopened or unused prior to 1905, RCW 36.87.090 should be reviewed to determine if those old roads might have been automatically vacated by operation of law.

Amendments to Code:

Chapter 11.48 Code Regulations:

New Chapter – Attached below.

Chapter 17.81A

Table 17.81A-1 – Changed the permit type name from Right-of-Way Vacation to Vacations of Streets & Alleys.

Chapter 17.81B.515

Removed text that is no longer needed within Chapter 17. The new Chapter 11.48 includes these regulations.

Chapter 17.81B.555

Removed text that is no longer needed within Chapter 17. The new Chapter 11.48 includes these regulations.

Next Steps:

Department of Commerce: Sent for 60 day review

Request for Comments to Agencies: Sent

Community Development Committee

Public Works Committee

Planning Commission Public Hearing

City Council Public Hearing

City Council Adoption

Chapter 11.48

VACATIONS OF STREETS AND ALLEYS

Sections:

<u>11.48.010</u>	Statement of Purpose
<u>11.48.020</u>	Petition – Fee – Subdivision Vacation.
<u>11.48.030</u>	Pre-application Procedure.
<u>11.48.040</u>	Petition – Procedure – Investigation.
<u>11.48.050</u>	Resolution Setting Public Hearing.
<u>11.48.060</u>	Compensation.
<u>11.48.070</u>	Nonuser Statute
<u>11.48.080</u>	Public Hearing Notice – Fifty Percent Objection.
<u>11.48.090</u>	Appraisal – Survey – Fees.
<u>11.48.100</u>	Granting Criteria.
<u>11.48.110</u>	Right to Reserve Easements.
<u>11.48.120</u>	Vacation Ordinance.
<u>11.48.130</u>	Notice of Action to Auditor and Appraiser.
<u>11.48.140</u>	Use of Proceeds of Vacation.
<u>11.48.150</u>	Title to Vacated Street or Alley.

11.48.010 Statement of Purpose

This chapter establishes the procedures and criteria that the city will use to decide upon vacation of streets, alleys and other types of public easements relating to street, pedestrian or travel purposes.

11.48.020 Petition – Fee – Subdivision Vacation.

(1) The owner of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition the City Council for the vacation of such street or alley or any part thereof in the manner hereinafter provided in this chapter and pursuant to Chapter 35.79 RCW. Such petition shall be on such form as may be prescribed by the City, shall contain a full and correct legal description and map of the property sought to be vacated, and shall be signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated.

(2) Fees to be paid on the filing of a petition shall be established by resolution of the City Council. Until all fees have been paid in full, no action shall be taken on the petition.

(3) If a proposed street vacation is part of a proposed vacation of a subdivision or short subdivision, then the procedure for vacation of subdivisions under RCW 58.17.212 shall be used and complied with, and the street vacation procedure under this chapter shall not be used.

11.48.030 Pre-application Procedure.

(1) Prior to submitting a petition for the vacation of any street or alley, any abutting property owner may submit a written request to the Public Works Director for a pre-application meeting to discuss the proposal. The request shall include a description of the right-of-way for which vacation is intended to be sought, a statement of the applicant's reasons for requesting vacation, and a statement as to how the requested vacation meets the criteria for granting a vacation as set forth in SMC 11.48.100. No fee shall be required in connection with the pre-application meeting request.

(2) Upon receipt of a request for a pre-application meeting, the Public Works Director shall schedule the meeting. The Public Works Director may preliminarily determine if there are any of the granting criteria that the proposal appears incapable of complying with. This preliminary determination shall not be final or binding in any respect. If the applicant thereafter decides to proceed with a street vacation petition, all provisions of this chapter shall apply.

11.48.040 Petition – Procedure – Investigation.

(1) Upon receiving a petition, and payment of fees for the vacation of a City street or alley, and upon completion of the report referenced in Subsection 3 below, from the Public Works Director or designee (hereafter "Public Works Director"), will place the matter upon the agenda of a meeting of the City Council. The Petitioners shall be notified in writing of the date the matter shall come before the City Council.

(2) The City Clerk shall notify the Public Works Director of all proposed vacations. It shall be the duty of the Public Works Director to investigate and report on the matters set forth in SMC 11.48.040(3).

(3) Prior to the presentation of the petition to the City Council, the Public Works Director shall investigate and report on the following:

(a) Ownership of the property abutting on the street or portion sought to be vacated. Proof of ownership of abutting property by the title insurance or certificates may be required, such proof to be furnished by, and at the expense of, the petitioners;

(b) Whether and in what respect the public may be benefited or harmed by the vacation;

(c) Whether the public benefit of the area's use is insufficient to justify the cost of maintenance;

(d) Which property or properties will be directly benefited or adversely affected by the vacation, and in what way;

(e) What effect the vacation will or may have upon property served or which might be served by said vacated street, and whether said street has been opened or constructed, and if so, to what standard;

- (f) How said street relates to other streets and highways, and whether other portions of the subject street or alley have already been vacated;
- (g) Whether the substitution of an alternate way would be more useful to the public;
- (h) Whether future changes in conditions may increase public use or need;
- (i) How and when the street or alley sought to be vacated became a public right-of-way;
- (j) Whether any utilities now exist in said street, or whether such street may be reasonably necessary for future utility uses;
- (k) The necessity or desirability of the City retaining an easement or the right to exercise and grant easements for emergency vehicle access and construction, repair, and maintenance of public utilities and services over the land sought to be vacated;
- (l) Whether any abutting owner would become landlocked or its access substantially impaired; i.e., whether there is an alternative motive ingress and egress, even if less convenient;
- (m) If the right-of-way abuts a body of water, how the proposed vacation would or would not comply with the requirements set forth in RCW 35.79.035;
- (n) Whether there is compliance with the Comprehensive Plan, Transportation Plan and future road alignments; and
- (o) Any other matters relevant to the vacation of the street or alley.

(4) The Public Works Director shall determine the location and general legal description of the street or alley proposed for vacation and sufficiently known to the City.

11.48.050 Resolution Setting Public Hearing.

(1) The City Council shall consider the report of the Public Works Director, shall consider whether the Council will require that the City be compensated as a condition of the vacation, and shall determine whether to adopt a resolution setting a public hearing on the proposed vacation. The Council will generally make its determination regarding compensation before it adopts the resolution, but the Council shall retain the discretion to review its determination following the public hearing.

(2) For both petition and Council-initiated vacations proposed for public hearing, the City Council shall adopt a resolution setting a time for the hearing, which is not less than 20 nor more than 60 days from the date of passage of the resolution.

11.48.060 Compensation.

The City Council may require the petitioners to compensate the City of Stanwood, prior to the vacation becoming effective, in accordance with the following criteria:

(1) If the City Council determines in its discretion to grant the petition for vacation or any part thereof, the Council may by ordinance vacate such street or alley. Except as otherwise provided herein, such ordinance shall not become effective until the City is compensated in an amount which does not exceed one-half the appraised value of the area to be vacated;

(2) Notwithstanding (1) above, when the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or when the street or alley or portions thereof were acquired at public expense, an amount that does not exceed the full appraised value of the area vacated;

(3) Compensation may be waived or reduced either when the vacation is initiated by the City of Stanwood or when the City Council deems it to be in the best interest of the City in accordance with the following criteria:

(a) When the abutting property is owned by a governmental entity or by a non-profit corporation whose purpose is for the necessary support of the poor or infirm; or

(b) When the street or alley was vacated by the provisions of Section 32, Chapter 19, Laws of 1889-90 (as described in SMC 11.48.050).

(c) When the street or alley (right-of-way) vacated is traded for property of greater or approximately equal value;

(d) When the street or alley (right-of-way) vacated is abutting residential properties and is 1500 square feet or less, the appraisal required under SMC section 11.48.090 may be waived and the value calculated as a percentage of the average Snohomish County Assessor assessed value of the abutting properties.

(e) When the street or alley (right-of-way) vacated is de Minimis, under 500 square feet, or otherwise has little to no assessed value.

11.48.070 Nonuser Statute

(1) Section 32, Chapter 19, Laws 1889-90, is known as the “nonuser” statute and reads as follows: “Any county road, or part thereof, which remains unopened for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority for building it barred by lapse of time.”

(2) The nonuser statute was amended in 1909 by adding a significant proviso, which is set forth in the current, codified version of the statute, which reads as follows:

RCW 36.87.090 Vacation of road unopened for five years -- Exceptions.

Any county road, or part thereof, which remains unopened for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority for building it barred by lapse of time: PROVIDED, That this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat is

within or without the limits of an incorporated city or town, or to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys, or other public places.

(3) The proviso in RCW [36.87.090](#) exempts streets dedicated in a plat from the nonuser statute. In applying this proviso, the statute cannot have a retroactive effect, if it would interfere with vested rights. Thus, where a county road was dedicated and unopened for five years prior to the 1909 proviso and was not annexed into a city during said five year period, the right of abutting property owners to the vacated road vested and is unaffected by the proviso. On the other hand, where the five-year period had not run by the time of the 1909 proviso, the abutting property owner did not have a vested right and the proviso “saved” the unopened road from automatic vacation.

(4) Although the nonuser statute applies without regard to the City’s street vacation process under Ch. 35.79 RCW, property owners who abut a street vacated under the nonuser statute may nonetheless apply to the City to “formally” vacate the street by ordinance. Abutting property owners may use this method to clear title to right-of-way vacated under the nonuser statute rather than filing a quiet title action in Superior Court, which can be more costly and cumbersome than the street vacation ordinance process. Accordingly, the City will consider petitions to formally vacate streets or alleys that have been vacated by operation of the nonuser statute, if said streets or alleys were dedicated and unopened as county roads for five years prior to the 1909 proviso and if the City has not acquired said streets or alleys by prescription /adverse possession, purchase, eminent domain, or other means. The burden shall be on the property owner requesting vacation to provide all necessary title and historical information to the City to demonstrate that the nonuser statute operates to vacate the subject property.

11.48.080 Public Hearing Notice – Fifty Percent Objection.

(1) Upon the passage of the resolution referenced in SMC 11.48.050 the City Clerk shall give twenty days’ notice of the pendency of the petition by a written notice posted in three of the most public places in the City and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the City without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts, or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, or within 300 feet thereof, as shown on the rolls of the County Treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. The costs of the notice shall be borne by the applicant.

(2) In all cases, the City shall be prohibited from proceeding further with the street vacation process, if fifty percent or more of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the time of hearing.

11.48.090 Appraisal – Survey – Fees.

(1) In all cases where the City Council requires compensation for the vacated right-of-way, except for those cases where compensation is waived pursuant to SMC 11.48.040(3), an appraisal of the right-of-way proposed for vacation shall be made. Said appraisal shall be by a professional appraiser selected by the City unless otherwise determined by the Public Works Director. The cost of the appraisal shall be borne by the applicant.

The petitioner may select the appraiser of their choice as follows:

- (a) either from a list of appraisers approved by the City, or
- (b) by selecting a Washington State Certified and licensed Real Estate Appraiser who is familiar with the local market conditions and with a reputation for respecting the rules and regulations applicable to appraisers. The petitioner must submit the Appraisers name and credentials to the City and receive prior written approval by the Public Works Director.

(2) Petition Denial for nonpayment of fee or Failure to submit appraisal.

(3) The petitioners shall provide to the City an accurate professional survey of the property proposed for vacation with the boundaries of the proposed vacation marked upon the ground and an accurate legal description by a licensed surveyor at the applicant's expense.

Pursuant to SMC 11.48.020(2), no action shall take place on the Petition until fees have been paid in full. Therefore, if the application fee is not paid by the petitioner, the professional survey, legal description, and the appraisal is not received by the City within twelve (12) months of the petition filing date, the petition will be denied and the petitioner/applicant/ owner will be required to re-apply and pay a new filing fee.

11.48.100 Granting Criteria.

(1) The City Council shall not vacate any street, alley, or any parts thereof, if any portion thereof abuts a body of saltwater or freshwater, unless such vacation is sought to enable the City or State to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses and unless the requirements of RCW 35.79.030 and this chapter are complied with.

(2) The City Council shall use the following criteria for deciding upon all street vacation petitions:

- (a) That the vacation will provide a public benefit, and/or will be for a public purpose, which public benefit may consist of economic and business support derived by the community from the petitioners;
- (b) That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
- (c) That the public need shall not be adversely affected;

- (d) That the right-of-way is not contemplated or needed for future public use;
- (e) That no abutting owner becomes landlocked or its access will not be substantially impaired; i.e., there must be an alternative motive ingress and egress, even if less convenient; and
- (f) That provision has been made for utility easements, when needed for the right to construct, repair, and maintain public utility facilities.

11.48.110 Right to Reserve Easements.

(1) The City Council may, at the time of its public hearing, determine that the City may retain an easement or right to exercise and grant easements in respect to the vacated land for:

- (a) The construction, repair, and maintenance of public utilities and services;
- (b) Public utilities and services;
- (c) Pedestrian trail purposes; and
- (d) Any other type of easement relating to the city's right to control, use and manage rights-of-way.

11.48.120 Vacation Ordinance.

If the City Council determines to grant such petition, or any part thereof, the Council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the City of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the City Council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until all compensation and fees and costs have been paid in full by the petitioners and all conditions imposed by the City Council have been complied with. When there are multiple properties which are adjacent to right-of-way which is petitioned for vacation, any one or more of the applicants may pay the total compensation, fees and costs in order to complete the vacation and to cause the ordinance to be published and become effective. Such payment shall not affect the vacated right-of-way vesting to the adjacent property owner. If the compensation is not paid and the conditions are not complied with within one year from adoption of the ordinance, then the ordinance shall be void unless the one year period is extended by ordinance of the City Council.

11.48.130 Notice of Action to Auditor and Appraiser.

A certified copy of the ordinance vacating any such street or alley, or part thereof, shall be filed with the Snohomish County Auditor's Office. Following the recording of the ordinance, a certified copy shall be sent to the Snohomish County Treasurer's Office.

11.48.140 Use of Proceeds of Vacation.

One-half of the revenue received by the City as compensation for area vacated under this chapter shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City.

11.48.150 Title to Vacated Street or Alley.

(1) Pursuant to RCW 35.79.040, and regardless of who pays the compensation, fees and expenses of vacation, vacated streets, or alleys shall belong to the abutting property owners, one-half to each, provided that:

(a) When only part of the street or alley is requested to be vacated, only that portion of the adjacent right-of-way up to the center line shall belong to the abutting owner; or

(b) When the street or alley requested to be vacated is wholly contained within a subdivision and is part of the boundary of the subdivision, the entire street shall belong to the owner or owners of the property within the vacated subdivision, in compliance with RCW 58.17.212; or

(c) When dictated by the particular circumstances of the situation, ownership of the underlying fee of a street or alley may be allocated by the City as equally and fairly as possible.

(2) The ownership of the vacated street or alley shall be set forth in the street vacation ordinance in accordance with SMC 11.48.150(1).

SMC 17.81A and SMC 17.81B Code Amendments (Changes in Red):**SMC 17.81A – Procedures**

Table 17.81A-I: Classification of Permit and Decisions

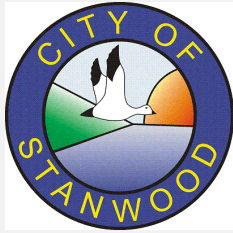
Type of Application	Public Comment Notice Period	Pre-Application Meeting	Public Meeting/ Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Type V:								
Comprehensive plan amendment	NOA 10-day NOH	None	Yes	PC++	PC Recommendation **10-day NOH	No	No	Yes
Development regulations amendments	10-day NOH	None	No	PC++	PC recommendation** CC decision**	No	No	Yes
Annexation	15-day NOA 10-day NOH	CDD, CE	No	CC/SC BRB	CC/SCBRB	No	No	Yes
Final plat	No	No	No	No	CC	No	No	Yes
Right of Way Vacation Vacations of Streets and Alleys	10-day NOH	CE	No	CC	CC Committee recommendation CC decision	No	No	Yes
Zoning map amendment	10-day NOH	CDD	No	PC	CC	No	No	Yes

SMC 17.81B – Types of Land Use Review**17.81B.515 Notice of Application.**

~~(4) (d) Additional Requirements — Right of Way Vacation. A written notice giving 20 days' notice of the pendency of the petition for vacation shall be posted in conspicuous place on the street or alley sought to be vacated.~~

17.81B.555 Expiration of Approval.

Approval of the Type IV application, ~~except for right of way vacations,~~ shall expire five years from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress pursuant to SMC 17.81A.250. ~~Right of way shall expire one year from the date approved, if compensation has not been provided to the city or other conditions have not been met as required in the vacation decision or ordinance.~~



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

10220 270th St NW
Stanwood, WA 98292
360-629-4577

TO: PLANNING COMMISSION
FROM: Patricia Love, Community Development Director
SUBJECT: TN Zoning Evaluation Docket Request
DATE: March 11, 2019

BACKGROUND

2019 begins the process of reviewing the Traditional Neighborhood zoning regulations for community compatibility and meeting the city's population allocation targets. In February, a draft outline was prepared highlighting the steps moving forward with the project. This report focuses on Step 1: Comprehensive Plan Evaluation and Population Allocation.

TN COMPREHENSIVE PLAN & ZONING HISTORY

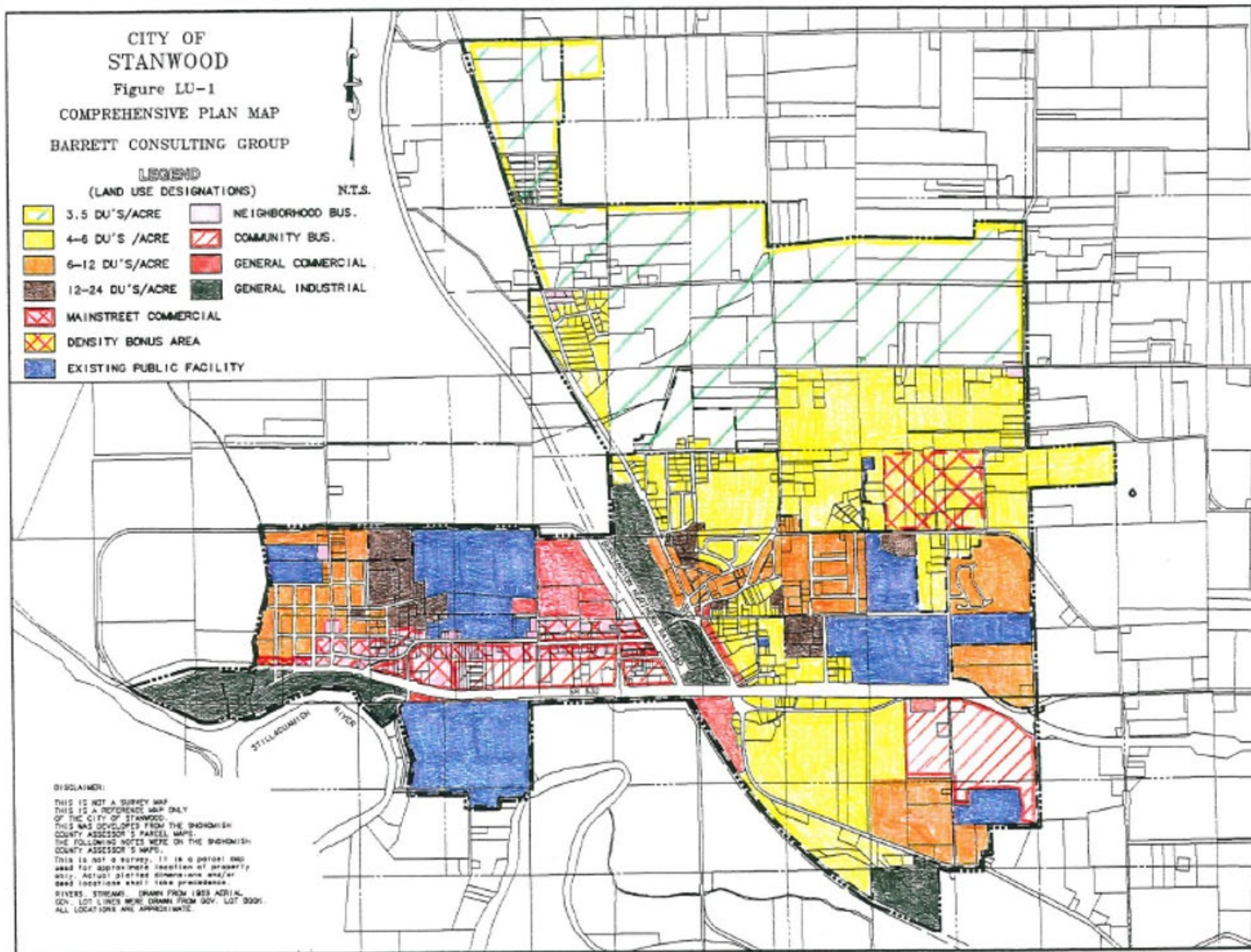
Since the TN zone's inception in 2004, it has undergone multiple changes over the last 15 years in what appears to be an attempt to customize the zone to development pressures and state population mandates. In doing so, the TN zone has now morphed into a mix of uses and density that has transformed from the original intent. While change is inevitable, it is important to understand the history and intent of the designation prior to making any additional code or comprehensive plan alterations.

History of the Traditional Neighborhood Designation

Year	Action	Description
1995	Comprehensive Plan	Standard land use designations: Single Family, Multifamily, Commercial and Industrial; No TN land use designation
2004	Comprehensive Plan	A TN Overlay was added to one parcel in the R 9.6 zoning designation
	Zoning	The Traditional Neighborhood Alternative Code was adopted
2008	Comprehensive Plan	Changed the TN overlay to a standalone TN land use designation Rezoned two parcels to TN Modified the purpose of the TN designation Pre-zoned two parcels in the urban growth boundary to TN with Master Plan Overlay

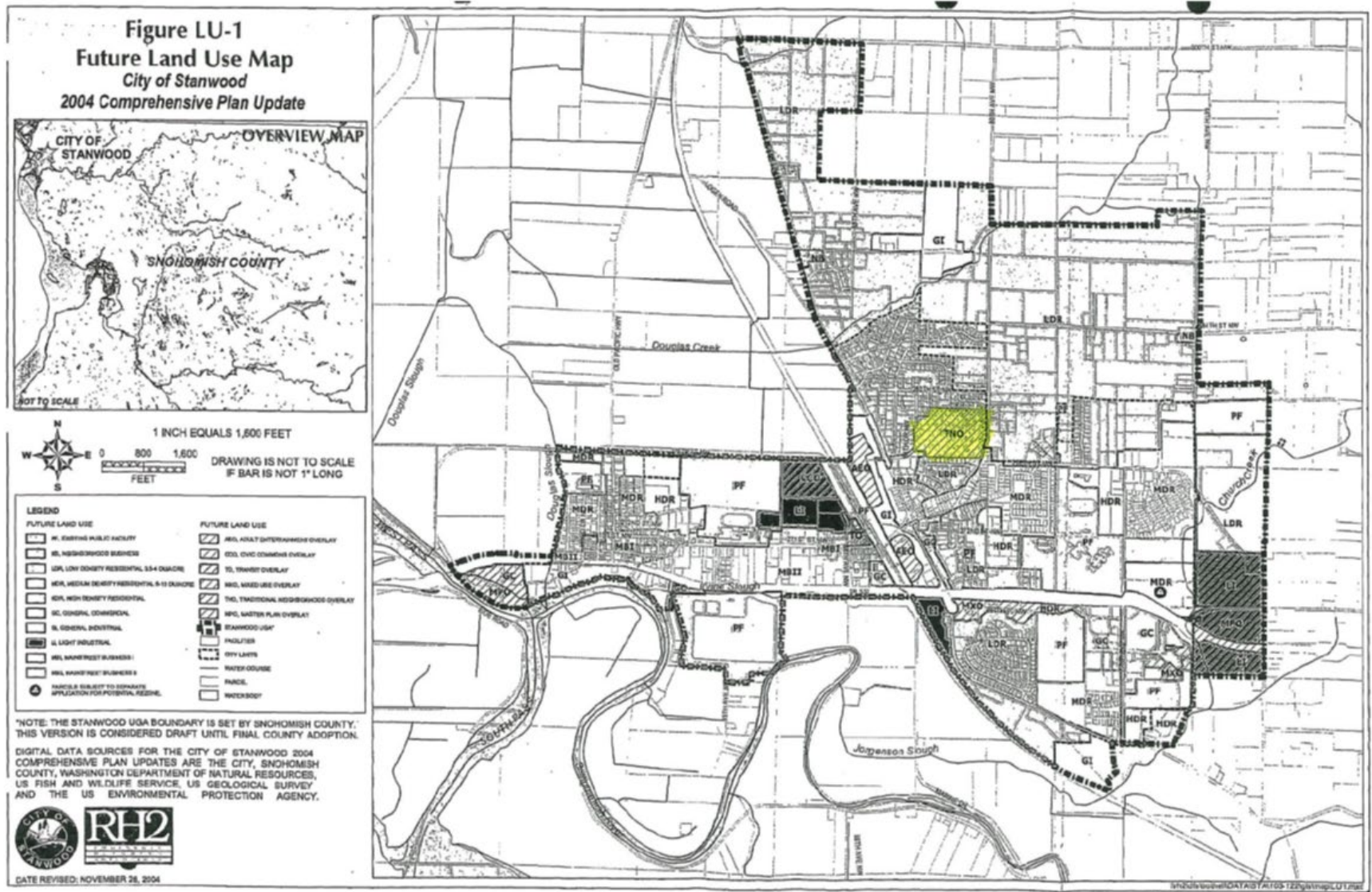
Year	Action	Description
2009	Zoning	Repealed the TN Alternative Code Adopted TN zoning regulations per the 2008 Comprehensive Plan changes
2011	Zoning	Repealed general description, density, lot dimensions, and permitted uses
2013	Zoning	Minor changes referencing the Street and Utility Standards
2015	Comprehensive Plan	Rezoned several sites to TN zoning and multifamily zoning to meet population allocation targets
	Zoning	Major changes including standards for properties near SR 532 and changed density from 15 units / acre to 20 units / acre and increased the height limit of multifamily, townhouses and hotel/motels
2017	Zoning	Major changes to the TN zoning regulations affecting: lot size, removed minimum density requirement, unit types, mix of units, commercial uses and development standards
2019 / 2020	Docket	Pending; review of neighborhood compatibility and population allocation targets

1995 Comprehensive Plan: Standard SFR, MF, Commercial & Industrial Zoning



1995

2004 Comprehensive Plan: Adoption of TN Overlay



2008 Comprehensive Plan: Removal of TN Overlay, Adoption of TN Designation, Rezones, & UGA Pre-Zoning with TN Zoning

**Comprehensive Plan Amendment
Docket Item #5**

Re-designate the Jones property from Low Density Residential (LDR) with a Traditional Neighborhood Overlay (TNO) to Traditional Neighborhood (TN) and the Lindberg property from LDR to TN (parcel #s 32041900103500, 32042000202400).

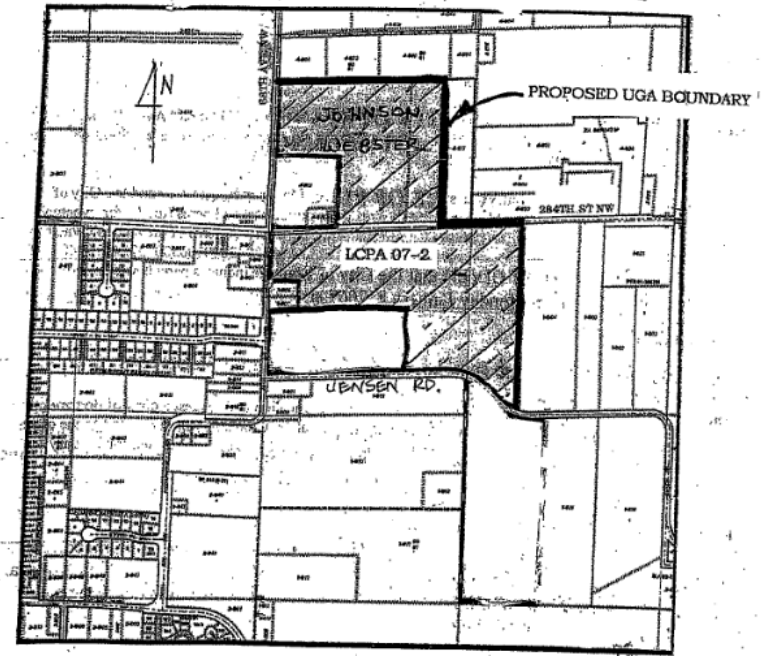
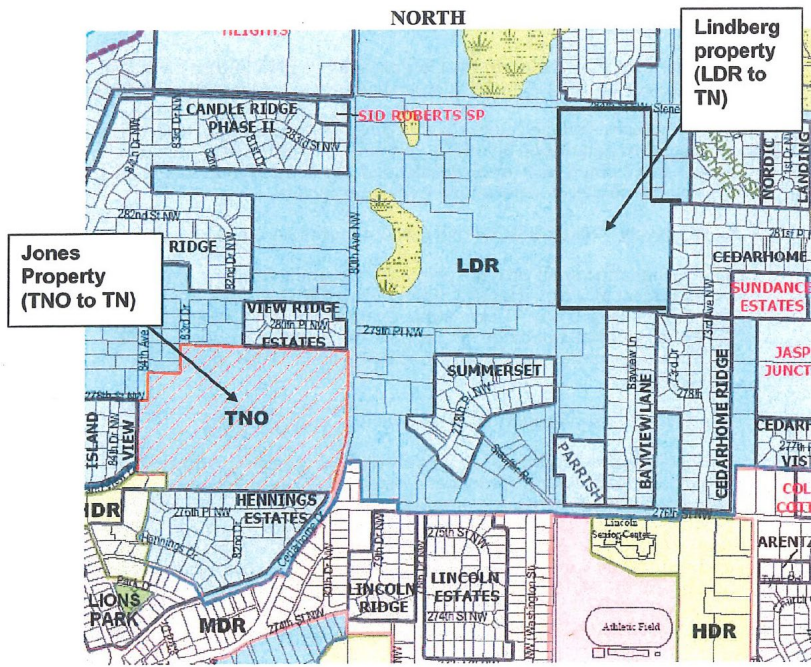
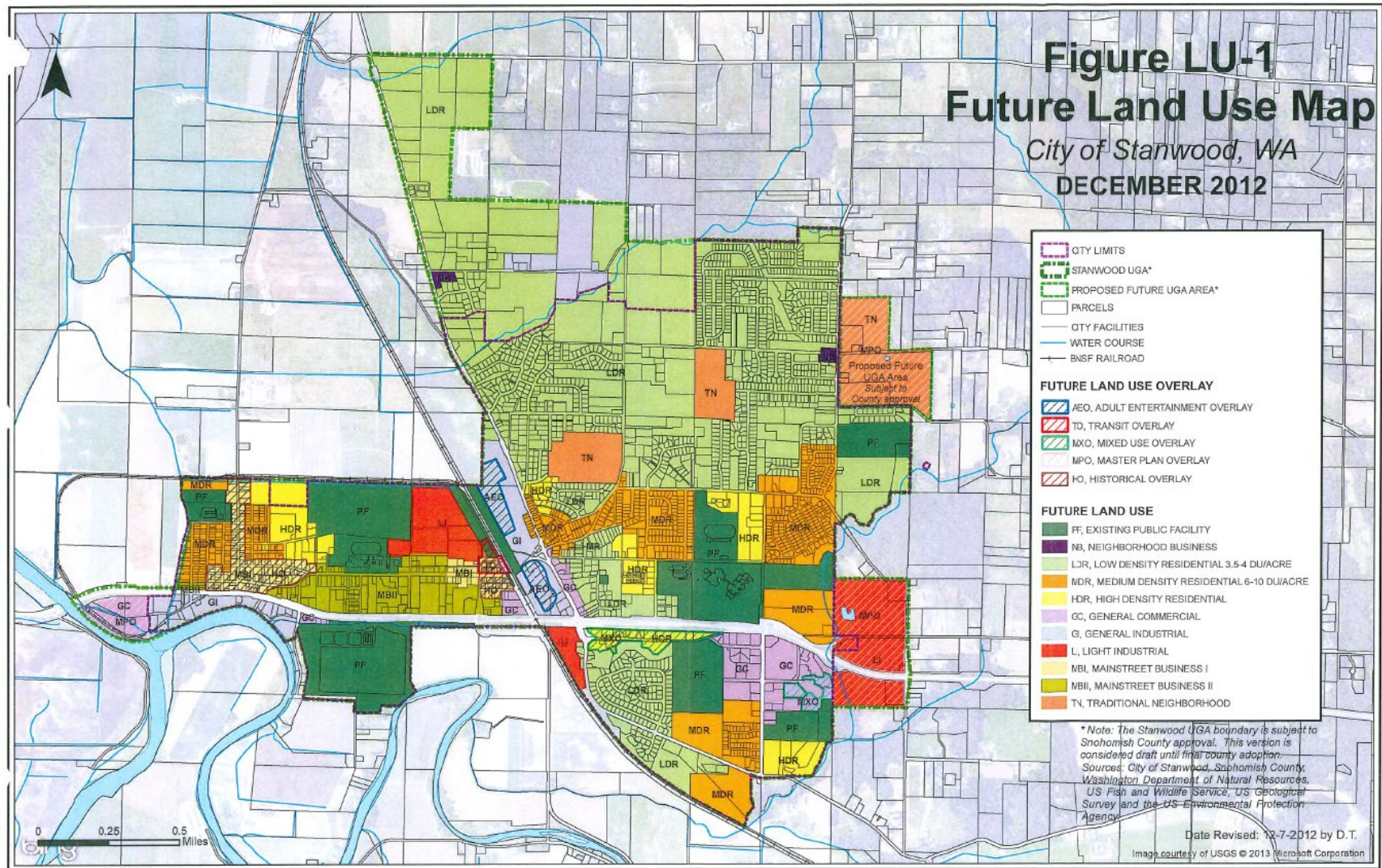
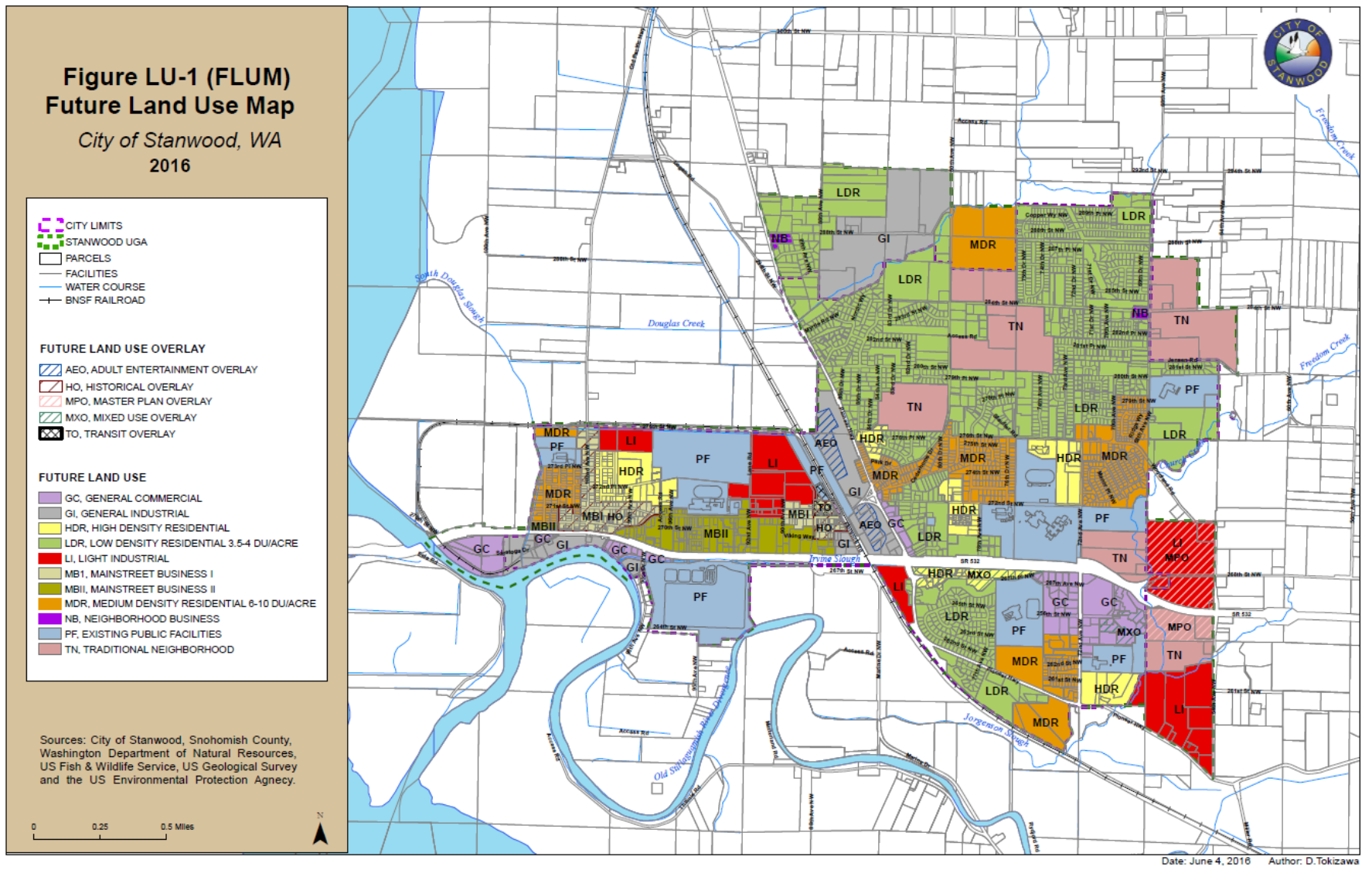


EXHIBIT H



2016 Comprehensive Plan (2015 Amendment): Additional TN Rezones



Purpose and Intent:

The following table shows how the purpose and intent of the Comprehensive Plan TN Designation has changed over time:

2004 Comprehensive Plan Ordinance 1163	2008 Comprehensive Plan Ordinance 1230	2015 Comprehensive Plan Ordinance 1396
The purpose of the traditional neighborhood overlay is to designate property specifically identified by the planning commission for preferred development under the city's traditional neighborhood alternative code (SMC 17.95. 010 through .070). The Traditional Neighborhood Alternative Code (TNAC) was developed to provide an alternative to residential properties in the Low Density areas (SR 9.6) to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through streets, affordable housing and a mix of housing types. Property with the traditional neighborhood overlay is particularly encouraged to develop under the process and regulations detailed in those sections of the TNAC.	The purpose of the traditional neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through street, affordable housing and a mix of housing types.	The purpose of the Traditional neighborhood land use designation is to provide an alternative to typical residential developments. Development in the Traditional Neighborhood designation are intended to develop in higher density, mixed-use fashion more typical of older neighborhood. It features requirements for common open space, through streets and a mix of housing types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. Allowance for commercial development shall also be allowed. The TN designation is implemented by TN (Traditional Neighborhood) zoning.
Original:	Changes:	Changes:
Higher Density in R 9.6 Zone Mix of housing types Mixed-Use: Housing & Commercial Common Open Space Affordable Housing Through (Grid) Streets	Removed Reference to R 9.6 Zone Removed Reference to PC Recommendation Changed from Overlay to Designation	Removed Reference to Affordable Housing Added Density Reference Added Reference to Commercial Uses

Population Growth Targets:

The state requires cities to plan for future growth. Population projections are prepared by the Office of Financial Management and the Puget Sound Regional Council establishes public policy on how populations should be distributed throughout the four County region of King, Pierce, Kitsap and Snohomish. These public policy documents are referenced as Vision 2020, Vision 2040 and Vision 2050 is currently out for public review. Once the growth strategies are established, cities and counties work together at the local level to distribute that population based on zoning and land capacity.

City Population Targets: 1995 - 2035 (Non- UGA Growth Numbers and Projections)

1995 Comprehensive Plan

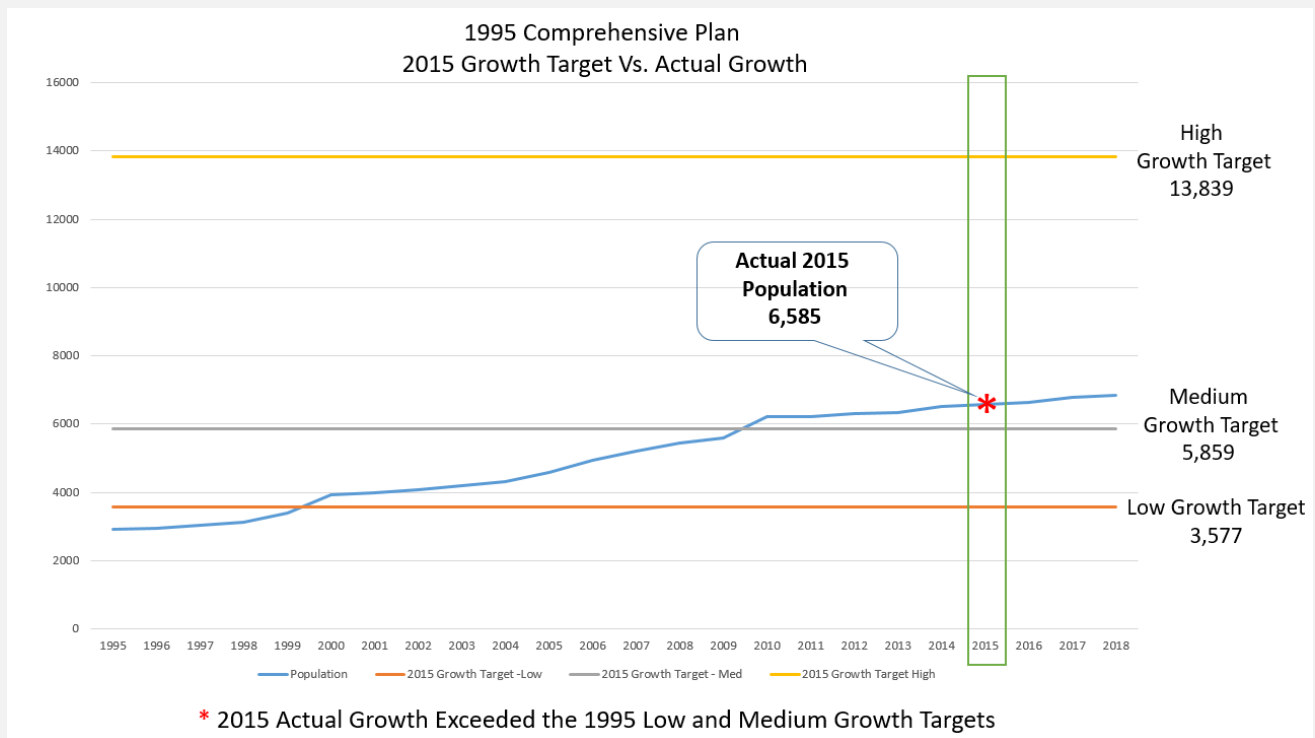
1995 Population: 2,910

2015 Growth Targets

Low: 3,577

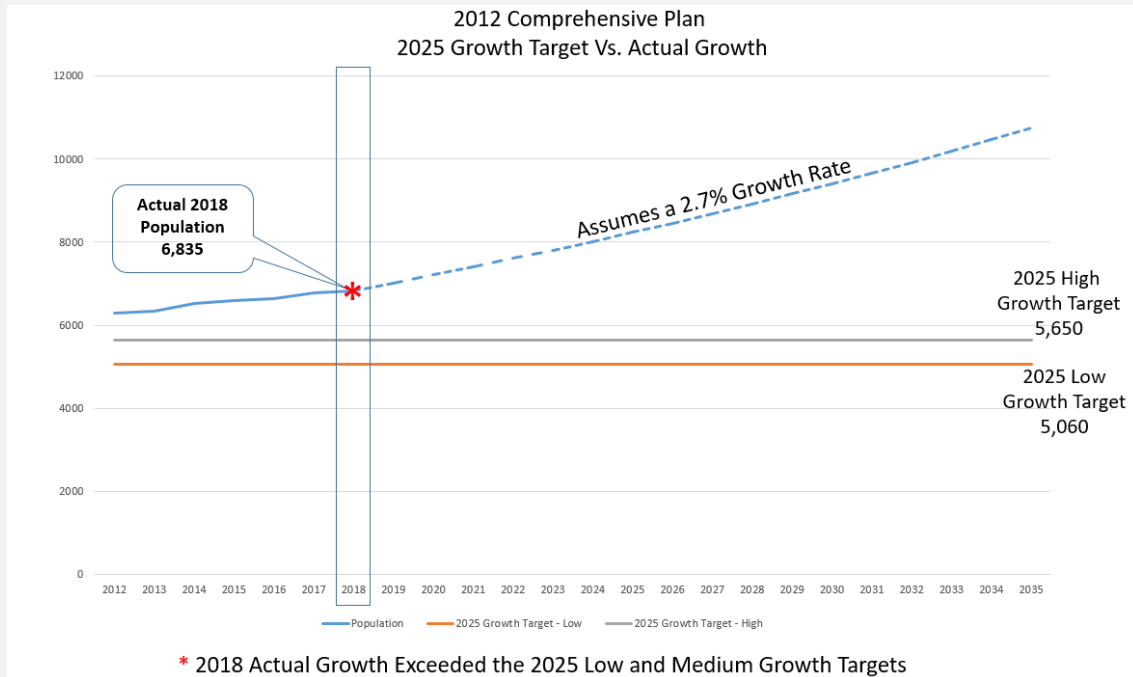
Medium: 5,859

High: 13,839



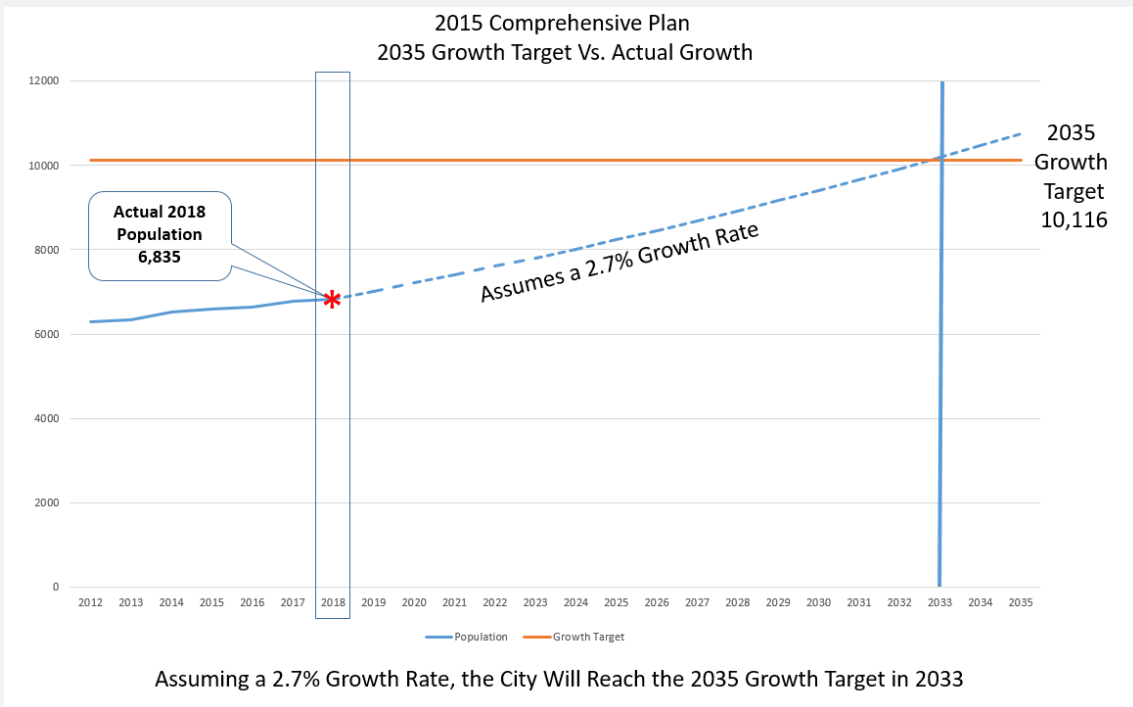
2004 Comprehensive Plan
2004 Population: 4,315

2025 Growth Targets
Low: 5,060
High: 5,650



2015 Comprehensive Plan
2015 Population: 6,585

2035 Growth Target:
Growth Target: 10,116



MEETING DISCUSSION

This is the first introductory discussion on the TN Docket request; staff is presenting the history of the TN zone as it relates to the Comprehensive Plan. The purpose of the Planning Commission meeting is to review and discuss the history of the zone and population growth targets.

No formal action from the Planning Commission is required at this time.