



PLANNING COMMISSION AGENDA

July 13, 2020– 6:30 PM

Online Via Zoom

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Approval of Minutes
 - Approval of the June 22, 2020 Planning Commission Minutes
5. New Business
 - Permit Review Procedures
6. Old Business
7. Miscellaneous Business
8. Recent Council Action on Commission Items
9. Upcoming Items
10. Adjourn

For information about this agenda, contact the Community Development Department at 360-454-5212.

SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-454-5212 two business days prior to the meeting.



Planning Commission Meeting Minutes June 22, 2020

Call to Order 6:30 pm

Roll Call

Present

Linda Utgard
Darren Robb
Patrick Hosterman
Larry Sather
Justin Burns

Excused

Marcus Metz

Absent

Lance Dennis

Staff Present: Patricia Love, Amy Rusko, Krista Hintz

The Minutes of the May June 8, 2020 Planning Commission Meeting were approved as presented.

New Business

Planning 101: Role of the Planning Commission presented by Community Development Director

Patricia Love.

What is a Planning Commission?

- Volunteer Advisory Committee
- Governed by RCW 35.63 and SMC 2.12
- Appointed by the Mayor and Confirmed by the City Council
- Provides citizen review and perspective on issues
- Make recommendations on planning-related matters to the city Council

Planning Commission Duties:

SMC 1.12 Planning Commission

Powers and Duties. The planning commission shall advise the mayor and council in matters concerning the comprehensive land use and development of the city and its environs, hold public meetings and hearings when called for by this code when requested by the city council, and provide the council with

copies of all minutes of each session of the commission. The commission shall prepare and submit to the city council for adoption any additional plans and undertake any plans and studies assigned by the city council to better accomplish the objectives, intent, purpose, scope, goals, and policies of this code. The commission shall also perform other duties as assigned by city council.

Guidance Document

A short Course on Local Planning Resource Guide

- New to the Planning Commission
- FAQ's
- The Planning Model in Washington
- The Planning Commission Act
- Growth Management Act

Download: Dept of Commerce Short Course Guidebook



Planning Commission Meeting Minutes June 22, 2020

Planning 101: Introduction to Land Use Planning presented by Community Development Director Patricia Love.

A brief history of Stanwood was presented.

History of Land Use Regulation- Federal | State | Local Authority

US Constitution = Land Use Rights Ruled

-Belief that it was an unreasonable intrusion into private property rights for a government to restrict how an owner might use property

Still Applies Today with Exceptions:

- Public Health,
- Welfare, &
- Safety

Federal Government

Federal Level: Code of Federal Regulations = CFR

-Authorized by President Roosevelt in 1938 to organize and maintain material published by federal agencies

- 50 Chapters =
- Department of Transportation,
- Department of Education
- Environmental Protection Agency
- National Environmental Protection Act,
- Federal Clean Water Act,
- • Endangered Species Act,

Many of these regulations get passed down from the Federal Government to the State & Local level which we as Planners have to implement

Washington State Government

Washington State Constitution

- Ratified on October 1, 1889
- Statehood Granted on November 11, 1889
- 32 Sections with 3 Amendments

Revised Code of Washington (RCW)

- Laws of the State of Washington under the State Constitution
- 91 Titles

Washington Administrative Code (WAC)

-Rules & Regulations on implementation the RCWs



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Local Level: Stanwood Style

Comprehensive Plan:

- Vision & Road Map to Stanwood's Future = Policy Document
- Incorporated in 1903
- First Comp Plan was adopted in 1966

Zoning & Development Regulations:

- Established land use rights & vesting rights
- First zoning code was adopted in 1967

Other: Evolution of Case Law

United States: Strong Land Use Rights

- Lawsuits heavily influence land use laws
- States and Cities must adapt to changes in case law

Planning and the US Constitution

- Follow Due Process – 5th Amendment
 - Provide Notice & Follow Time Lines
 - Follow & Draft Clear Regulations
- Equal Protection – 14th Amendment
 - No Discrimination – race / religion
- Just Compensation – 5th Amendment
 - Cannot "Take" Land without Payment
- Protection of Free Speech – 1st Amendment
 - Religion / Signs / Public Speech

Our jobs as City Planners & Engineers is to Protect the US Constitution.

Why Plan?

Washington State Growth Management Act:

RCW 36.70a Requires local governments to:

- Manage growth & housing
- Protect critical areas & resource lands
- Prepare comprehensive plans
- Adopt capital & transportation plans

Adopt development regulations



Who Are We? Stanwood's Vision

- Snow Goose Is Our Symbol
- Small Town Feel
- Rural / Agricultural Community
- Commercial & Cultural Center
- Arts Oriented
- Good Schools
- Environmental Protection
- Sustainable

What is a Comprehensive Plan?

The Comprehensive Plan is a statement of the community's vision for the future and a guide to achieving that vision.

- Sets Policy for Future Growth & Development
- Framework for Regulation
- Addresses Issues Important to the Community
- Serve as Administrative Guidelines

-Governed by RCW 36.70A: Growth Management Act

=8 Mandatory Elements:

1. Land Use
2. Housing
3. Capital Facilities
4. Utilities
5. Rural (N/A Stanwood)
6. Transportation
7. Economic Development
8. Parks & Recreation

-Cities Can Add Additional Elements

9. Stanwood added: Natural Features Element

A Comprehensive Plan is a 20 year forecast or vision of what you want your community to look like in the future. Stanwood is currently planning for the 2015 – 2035 horizon.

What is the Relationship between Comp Plans & Zoning?

Zoning Codes and Development Regulations Implement the Policies of the Comprehensive Plan.

What is Zoning?

Zoning is a set of land use regulations used to implement Comprehensive Plan policies:

- It segregate uses that are thought to be incompatible – such as single family residential from industrial
- It preserves the "character" of a community by establishing housing types, density, uses,
- Lot coverage, setbacks, building height
- Protection of critical areas
- Sometimes it includes design guidelines



Planning Commission Meeting Minutes June 22, 2020

How Are Permits Reviewed?

State Law: 3 Basic Foundations of Land Use Law:

Land Use Decision

Type of Land Use

Density

Adequacy of Public Facilities

Guiding Document

Comprehensive Plan & Zoning

Zoning

Zoning & Development Standards

"The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting."

RCW 36.70B.030 Findings

SEPA / NEPA

How Does Environmental Review Fit Into Permit Review

What is NEPA / SEPA?

Federal / State Environmental Review Authority

NEPA

National Environmental Policy Act

- Effective Date: 1970
- Requires a Federal Nexus:
Permit or Funding
- Three Review Levels
 - Categorical Exclusion
 - Environmental Assessment
 - Environmental Impact Statement

SEPA - WA

State Environmental Policy Act

- Effective Date 1971
- Invoked if a Project Exceeds Predetermined Thresholds
- Three Review Levels
 - Determination of Non- Significance
 - Mitigated Determination of Non- Significance
 - Environmental Impact Statement

Review Authority

NEPA

Agency with Jurisdiction:

- Corp of Engineers
- FTA; RR; EPA
- WSDOT = Assigned By
Federal Highway Administration

SEPA

Agency with Jurisdiction:

- State
- Counties
- Cities

SEPA Thresholds:

State Determined Levels of No Impact = Thresholds

- Managed by the WA Dept of Ecology
- Cities / Counties Can Adopt State Thresholds or Lower
- Stanwood Thresholds:
 - Single Family Residential Plots of 30 units or fewer
 - Multifamily structures of 60 units or fewer
 - Commercial buildings of 30,000 sf or less
 - Parking lots of 90 stalls or less
 - Grading of 1,000 cubic yards or less



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Miscellaneous Business

Commissions recommendations were forwarded to the Community Development Committee and Economic Development Board. The project was well received by both and recommend to get it done.

Upcoming items:

Next meeting will be July 13 ,2020. The agenda will cover Permit Procedure Code Process Update

Adjourn: 7:38pm

Krista Hintz, Administrative Assistant



CITY OF STANWOOD
CITY COUNCIL COMMUNITY
DEVELOPMENT COMMITTEE

AND

PLANNING COMMISSION

AGENDA STAFF REPORT

MEETING DATES:	Community Development Committee: July 9, 2020 Planning Commission: July 13, 2020
SUBJECT:	Permit Review Procedures
CONTACT PERSON:	Patricia Love, Community Development Director
ATTACHMENTS:	Flow Charts by Permit Type

Issue

One of the City's 2019 / 2020 work items is to review and improve our permitting process to: improve our communication with the public regarding permitting and to reduce procedural conflicts in the code which causes confusion.

We have been working on this project over this past year. Improvements to date include:

- Updated all of our application forms and created submit checklists so that it is clear to applicants what is needed prior to application submittal.
- All the application forms are easily available on the City's redesigned website.
- Permit flow charts have been prepared for each permit type.
- By the end of July, a new on-line permit portal will be implemented which will allow our customers to submit and pay for their permits electronically, eliminating the need to come to City Hall if they so choose.

The next step in the overhaul of our permitting process is to evaluate and amend the permitting procedures outlined in the municipal code.

Background

The Stanwood Municipal Code contains three chapters addressing the processing of permits:

- SMC 17.80, Administration
- SMC 17.81A, Procedures
- SMC 17.81B, Types of Land Use Review

These code sections have been amended over time and contain conflicting requirements. They also contain imbedded development regulations, such as grading standards and variance criteria, which should be located in their own separate and distinct chapters.

Instead of trying to fix the inconsistencies and conflicts in the existing code sections, staff is proposing to re-write the permit procedures following the process outlined in the Washington State Regulatory Reform Act contained in RCW 34.05.328. This re-write also provides an opportunity to evaluate the City's existing permit types and processes. A second effort will be to review the allowed uses by zoning district and permit type.

Proposed Code Changes

In evaluating how to amend the City's permitting procedures chapters, staff is proposing the following amendments:

- Consolidate the three permitting procedures chapters into a single chapter that follows the permitting steps.
- Eliminate duplicative and conflicting code sections.
- Include easy to read tables detailing permit types and process.
- Move the following non-procedural permit processes out of the administrative code sections and create new chapters:
 - Grading Regulations
 - Development Agreements
 - Variance and Conditional Use Criteria
 - Amendments to Annexations (Similar to Comprehensive Plan Amendments)
- Create flow charts for each permit type (Completed).
- Adopt new permit procedures following the following outline:
 - Article I: General Provisions
 - Article II: Application Provisions and Procedures
 - Article III: Permit Review Procedures
 - Article IV: Post Permit Requirements
- Review and update the permitted use matrix based on use and permit type.

Below is a summary of the permit procedural elements that will be contained in each of the proposed Articles:

Article I General Provisions	Article II Application Provisions and Procedures	Article III Permit Review Procedures	Article IV Post Permit Requirements
Purpose	Pre-Application Meeting	Notice of Completeness	Inspections
Applicability	Vesting	Notice of Application	Modifications
Permit Required	Submittal Requirements	Noticing Requirements	Extensions
Exemptions	Permit Types	Public Comment Period	Certification of Occupancy
Approval Criteria	Complete Application	SEPA	Expiration Period
Administrative Authority	Phased Permit Applications	Project Review	Commencement of Work
Administrative Interpretations	Consolidated Permit Applications	Public Hearing Requirements	Permit Revocation
		Notice of Decision	Re-Applications
		Appeals	Effect of Decisions
		Expiration Periods	Violations

Next Steps:

The purpose of the meeting is to discuss the proposed code amendment approach and evaluate the various options for moving forward.



Community Development
Department

10220 – 270th Street
Stanwood, WA 98292

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Permit Application Category Types

Type I: Administrative Decisions without Notice	Type II: Administrative Decisions With Public Notice	Type III: Decisions After Public Hearing by Hearing Examiner	Type IV: City Council Decisions	Type V: City Council Decisions
- Minor Site Development* - Grading - Sign - Home Occupation - Accessory Dwelling Unit - Parcel Combination - Manufactured Home Infill - Boundary Line Adjustment - Administrative Zoning Code Interpretation - Code Enforcement - Floodplain Development - Small Cell WCF - Co-Located WCF - Minor Modification to WCF - Public Works Deviation Requests - TN – Public Facilities - Right of Way Permits - Encroachment Permit	- Major Site Development** - Variance - Administrative CUP - Reasonable Use Permit - Short Plats - Binding Site Plans - Shoreline Substantial Development Permit - Forest Practice Waiver – SFR - SEPA Determinations - Concurrency Evaluation with Major Site Development - Right to Farm	- Major Site Development with 5+ Comments** - Conditional Use Permit - Preliminary Plat; Including PRD's and Cottage - Shoreline CUP - Shoreline Variance - Essential Public Facilities - Forest Practice Waiver – Nonresidential - WCF – Mono Pole - WCF – Deviation - TN – Residential Subdivisions - TN_ Commercial / Mixed Use Projects - Code Enforcement Appeals - Building Code Appeals - Administrative Appeals	- Development Agreements - Site Specific Rezones	- Street Vacations - Final Plats



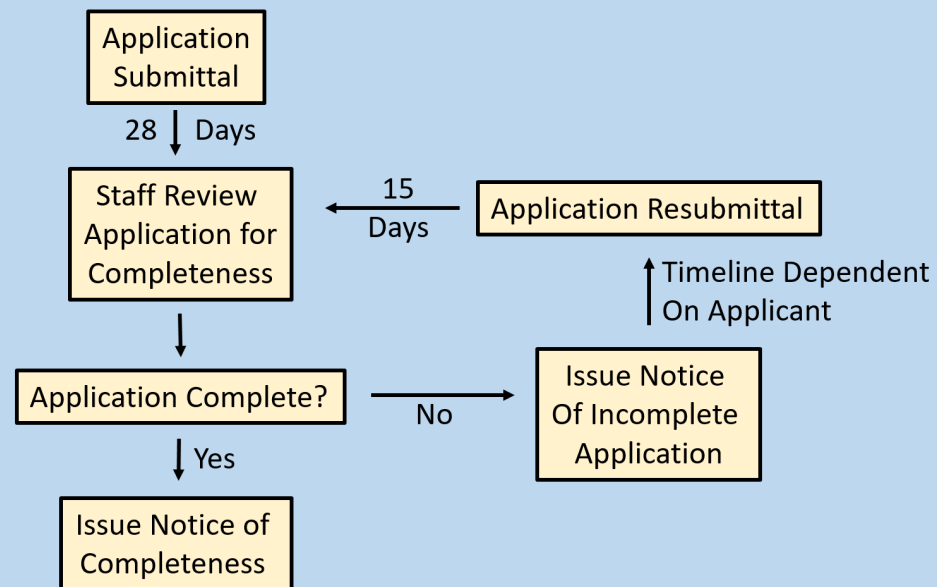
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Permit Process Obtaining a Complete Application





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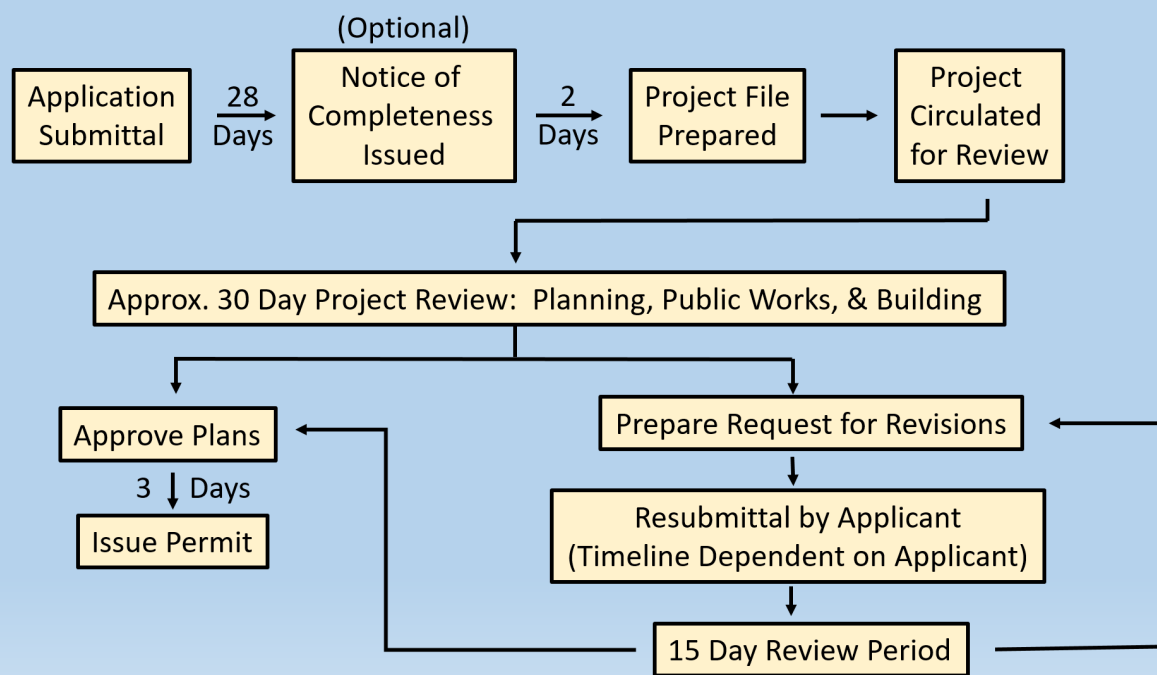
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Type 1 Permits:
The City Strives to
Complete
Project Reviews within
60 Days of Issuance of
the
Notice of Complete
Application - Excluding
Time for Applicant
Revisions

Permit Process Type I: Administrative Review





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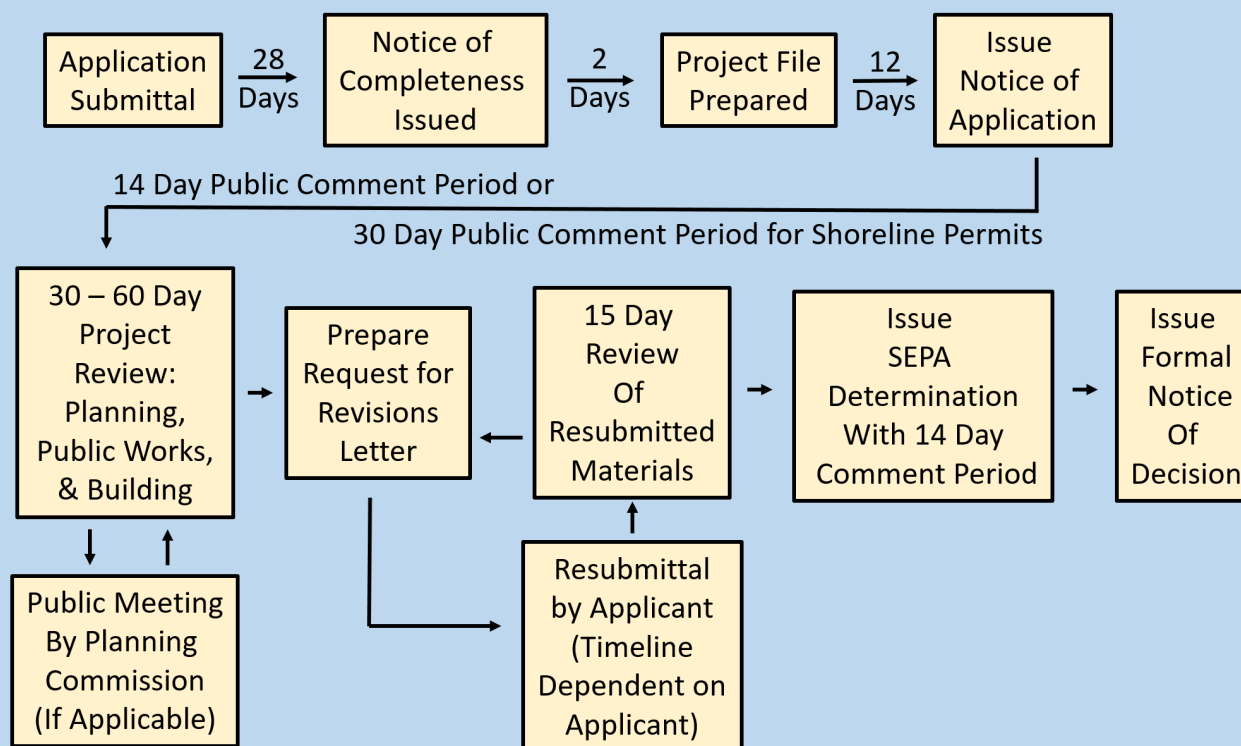
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Type II Permits:
120 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process

Type II: Administrative Review With Public Comments





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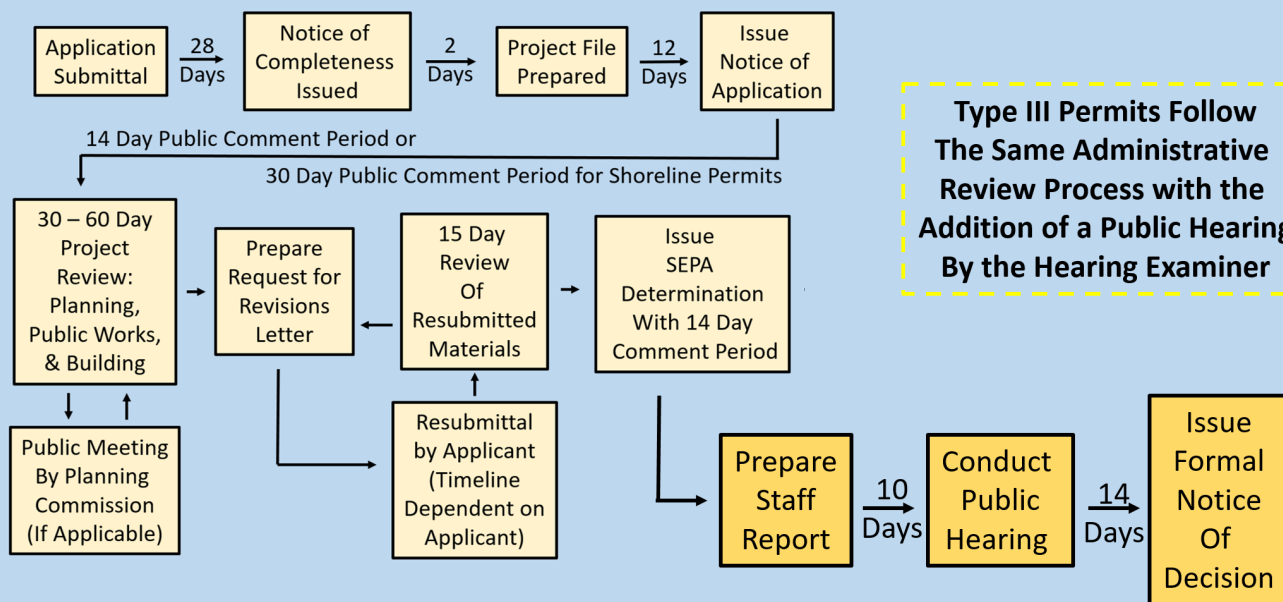
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Type III Permits:
120 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process

Type III: Public Hearing Required with Hearing Examiner



Type III Permits Follow
The Same Administrative
Review Process with the
Addition of a Public Hearing
By the Hearing Examiner



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Type IV Permits:
The 120 Day
Review Period
Does Not
Apply to
Type IV Permits

Permit Process Type IV: Approval By City Council

