



Planning Commission
Meeting Minutes
February 8, 2021

Call to Order 6:32 pm

Roll Call

Present: Marcus Metz
Larry Sather
Monae Birkhofer
Patrick Hosterman
Cody Davis

Staff Present: Patricia Love
Amy Rusko
Amy Bergemeier
Tansy Schroeder
Sara Robinson
Jennifer Ferguson
Shawn Smith

Absent: Justin Burns

Also known to be present:

Peggy Wendel, Sid Roberts

Approval of Minutes:

The Minutes of the January 25th, 2021 Planning Commission Meeting were approved as presented with a motion by Cody Davis and a second by Patrick Hosterman.

New Business:

Public Meeting – Pioneer Highway Interceptor Sewer Upgrade Project:

Senior Planner, Amy Rusko, provided the Commission the information regarding this project. Here is that summary.

- The project is Phase II of the Pioneer Highway sewer upgrades and includes the installation of approximately 2,100 linear feet of 15" and 18" sewer line, replacing the existing 8" sewer line, to upgrade the line along Pioneer Highway from 267th Street to 272nd Street and along Pioneer Highway on the back side of Fox Hill Estates from 7956 262nd Street to 8012 262nd Street. The project takes place within the existing asphalt and rights-of-way of Pioneer Highway.
- The project is listed on the City's Capital Improvement List and is planned for construction in Spring/Summer of this year.

Procedural Information:

- The applicant has submitted for a Type II – Major Site Development permit. The notice of application was issued pursuant to SMC 17.81B.225, the community development director is responsible for the permit decision and the decision will be appealable to the hearing examiner.
- Stanwood Municipal Code 17.80.033 states the community development department shall apprise the planning commission of the general intent of a project of this type and collect comments from the commission members. These comments will be considered by the Community Development Director prior to issuing a decision.
- The application was submitted on January 20, 2021 and deemed to be complete. The Notice of Application and Notice of Public Meeting was published in the newspaper, posted at the required sites and mailed on January 26, 2021. The Notice of Application comment period



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ends on February 10, 2021. The Notice of SEPA Determination of Non-Significance was published in the newspaper, posted at the required sites and mailed on February 2, 2021. The SEPA Determination comment period ends on February 17, 2021.

Public Comments:

To date the project has received the following public or agency comments:

- Stillaguamish Tribe is requesting notification of ground disturbance on the project. They would also like to be sent schedule of timeline of project activities that involve ground disturbance from the project manager.
- Snohomish County Public Works Department commented that the project does not impact any county capital improvement projects or county roads with additional traffic impacts. No mitigation or offer is required for this development.

Commission Comments/Questions:

- Commissioner Davis asked if there are any trees nearby that will be disturbed from the project area. The response was none that the City is aware of.
- Commissioner Birkhofer asked what the start date is. Amy Rusko answered, Spring of 2021. City Engineer, Shawn Smith said the Bid Opening is currently out and they would be opened Thursday, Feb. 11th. He predicts ground-breaking to be close to early May and the length of the project will take approximately 100 working days (close to 4 months).
- Commissioner Hosterman asked, how does this project not impact traffic in this area. Senior Planner, Amy Rusko said Snohomish county responds to traffic mitigation fees for additional trips to a project. It was determined that this project doesn't add additional trips, so while the project might disrupt the people traveling in this area, however it is not going to add additional traffic to the road.

Public Meeting – 101st Avenue Reconstruction Project

- The project includes the installation of an 8" water line, a 12" stormwater line, concrete curb, gutter, sidewalks, driveway aprons, and paving the entire street section. The project will take place along 101st Avenue from 271st Street to 274th Street and along 273rd Place from 100th Avenue to 102nd Drive. The project takes place within the existing asphalt and rights-of-way of 101st Avenue and 273rd Place.
- The project is listed on the City's Capital Improvement List and is planned for construction in Spring/Summer of this year.

Procedural Information:

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Public Comments:

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- Snohomish County Public Works Department commented that the project does not impact any county capital improvement projects or county roads with additional traffic impacts. No mitigation or offer is required for this development.
- Jeff Trudo, a neighboring property owner, has concerns on how the project will impact his yard and driveway off of 273rd Street. The improvements could make his house sit very close to the sidewalk. He also has concerns regarding a large tree across the street from his property because it appears that it should be removed. I delivered a copy of the submitted plans to his house. He is going to review and get back to me with any additional comments.

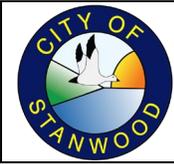
Commission Comments/Questions:

- Commissioner Hosterman asked does this project require a total street reconstruction? City Engineer, Shawn Smith, said yes this is a complete reconstruction with a new water main down the middle of the road and new drainage installed.
- Commissioner Hosterman also asked is 273rd Pl also getting torn up and will it be the same time as 101st? Shawn Smith replied that the main roadway construction is happening on 101st Ave, and 273rd Pl is getting a separate walkway added to this street, not a complete road redo.
- Director Love asked Shawn Smith what the timeline is for this project. Shawn said the project is "funding dependent". The construction for this project was originally in 2022's budget, but the project can be ready to go this year. The actual start of the project may not be until 2022 due to the funding schedule.

Old Business:

Enhanced Service Facilities – Permitted Use Matrix Code Amendment:

The City Council adopted interim Enhanced Service Facilities (ESF) regulations in October of 2020 prohibiting the siting of Enhanced Service Facilities in the City for a period of six months to give the City enough time to evaluate the use and determine how best to regulate these uses.



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RCW 70.97.030 outlines the admission criteria for ESFs. Below are the 2020 updated admission criteria for ESF which includes: A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (4) of this section:

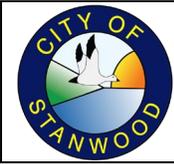
1. The person requires: (a) Daily care by or under the supervision of a mental health professional or nurse; and (b) assistance with three or more activities of daily living; and
2. The person has: (a) A behavioral health disorder; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and support services;
3. The person has been assessed by the department to need the services provided in an enhanced services facility; and
4. The person has been assessed as medically and psychiatrically stable and two or more of the following apply:
 - a. Is currently residing in a state mental hospital or psychiatric unit of a hospital and the hospital has found the person to be ready for discharge;
 - b. Has a history of an inability to remain medically or psychiatrically stable for more than six months;
 - c. Has exhibited serious challenging behaviors within the last year;
 - d. Has complex medication needs and an inability to manage these medications, which has affected their ability to live in the community;
 - e. Has a history of or likelihood of unsuccessful placements in other licensed long-term care facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or needs;
 - f. Has a history of frequent or prolonged behavioral health disorder-related hospitalizations; or
 - g. Requires caregiving staff with training in providing behavioral supports to adults with challenging behaviors.

The following facilities are not considered Enhanced Service Facilities by the State of Washington:

1. Nursing homes licensed under chapter [18.51](#) RCW;
2. Assisted living facilities licensed under chapter [18.20](#) RCW;
3. Adult family homes licensed under chapter [70.128](#) RCW;
4. Facilities approved and certified under chapter [71A.22](#) RCW; [Day Training Center and Group Training Home]
5. Residential treatment facilities licensed under chapter [71.12](#) RCW; and
6. Hospitals licensed under chapter [70.41](#) RCW.

At the January 25, 2021 Planning Commission meeting, the Commission was introduced to the topic and reviewed current city codes in relationship to the different types of housing and care facilities allowed within the city. In summary, city code is inconsistent and contradictory on how different types of housing and care facilities are regulated. To help better understand how best to address these inconsistencies, the Commission requested the following information:

- What types of facilities is the city required to allow by state law and which are optional?
- How much developable land remains in the city?
- What are the potential impacts on adjacent residential neighborhoods or businesses?
- Should these facilities be located next to other health care facilities and / or along transit lines?



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- How do the floodplain regulations affect residential care facilities or homeless shelters, and should they be located in the floodplain?
- What is the impact of care facilities on city resources?

Allowed vs. Optional Uses:

State law mandates that cities and counties allow two housing types: group homes for the disabled and adult family homes. All other housing types are allowed at the discretion of the jurisdiction.

Group Homes

Federal Fair Housing Act Amendments of 1988 - [42 U.S.C. § 3601 et seq.](#)

Washington Housing Policy Act - [RCW 35.63.220](#), [RCW 35A.63.240](#), [RCW 36.70.990](#):

No [city/county] may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family, or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

The Stanwood Municipal Code includes in its definition of "family" a maximum of 6 nonrelated persons living together as single household unit. This means that the City must allow group homes serving up to 6 disabled persons as a permitted use in all residential structures.

Adult Family Homes - RCW 70.128.140(2):

An adult family home must be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

Director Love presented a chart describing the Housing and Care Facilities in or near Stanwood and went over that chart with the Commission members.

Patricia also covered a couple of the questions from the last meeting and they are below.

- ***How much developable land remains in the city?***

The City has been working on our residential buildable lands inventory and population capacity analysis over the last year. We have yet to start the employment analysis which will include an evaluation of the available commercial and industrial land supply. A February 2020 land use inventory showed that the city has approximately 340 acres of vacant and underdevelopment residential land. This number does not include the city's urban growth area. We are expected to accommodate a 9 to 9.5 percent growth rate to meet the Puget Sound Regional Council's 2050 growth strategy for the cities and towns category.

We are currently falling below our growth targets. However, this last Comprehensive Plan update that added a mixed use overlay over the uptown general commercial district should help the city towards accommodating its projected growth.



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Allowing different housing types, such as senior housing, low income housing, assisted living, adult family homes, or group homes helps the City meet the requirements of the Growth Management Act to provide a variety of housing types. A code amendment that addresses these types of housing would be consistent with the Growth Management Act and add to the city's population base.

- **What are the potential impacts of ESF's on adjacent residential neighborhoods or businesses?**
Per the State's website there are only 5 Enhanced Service Facilities licenses issued in the state. Of the 5, 3 have had some form of investigation or enforcement letter. With so few facilities in the state it is difficult to fully analyze how these facilities fit into or affect a community. Of the few cities and counties that have regulations regarding ESF's, their codes have general criteria for siting an ESF. It is Director Love's opinion that there aren't enough of these types of facilities in the state to be able to answer this question and she is not comfortable giving the commission a recommendation to adopt such broad language without knowing what the impacts are.
 - Commissioner Hosterman commented that even though Pierce County and the City of Burien have regulations regarding ESF's, though neither currently have any of these facilities within their boundaries. Director Love suspects these jurisdictions are planning ahead by getting their regulations in place before any applications are submitted.
- **Should these facilities be located next to other health care facilities and / or along transit lines?**
 - Residents of ESF are there to help manage their health issues. These are not lock down facilities; people can come and go as needed for jobs or everyday living. From the limited amount of information available, they do not appear to have limits on the length of stays and appears that people can stay as long as needed.
 - Stanwood is a bedroom community where most jobs, besides retail or restaurant work, are a commute away. While we have some transit service, we do not have robust transit services that is generally available in most urban areas or in south Snohomish County. Our health care facilities are basic care clinics – not hospitals or mental health care facilities that may be needed near ESF's. The closest Behavioral Health Hospital is in Smokey Point.
 - If the City supports permitting or conditionally permitting ESF's, staff recommends that they be located within a quarter mile walking distance of bus routes that go to Everett to the south or Mount Vernon to the north.
- **How does the floodplain regulations affect residential care facilities or homeless shelters, and should they be in the floodplain?**
Generally, all the downtown area, with a few exceptions, is in the floodplain. The base elevation in the downtown area ranges between 8 and 11-feet above sea level. According the most recent FEMA maps, the floodplain elevation is 13 feet above sea level. Floodplain regulations only prohibit a few critical facilities; all other new buildings must be either elevated one foot above the floodplain or be floodproofed.



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Stanwood Municipal Code defines critical facilities as: a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, essential public facilities, schools, nursing homes, hospitals, fire and emergency response installations, and installations that produce, use or store hazardous materials or hazardous waste.

If critical facilities have no other option but to be in the floodplain, the floodplain regulations allows them to be built under the following conditions:

- a) Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available.
- b) Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood).
- c) Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters.
- d) Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Except for nursing homes, housing for care or treatment facilities is not prohibited from being in the floodplain. Any new building, or redevelopment exceeding 50 percent of the buildings assessed value, would be subject to the development standards for building in the floodplain. However, given that the City is reviewing all types of housing, it should be noted that emergency shelters should not be in the floodplain, even if they are built to floodplain standards.

- **What is the impact of care facilities on city resources?**

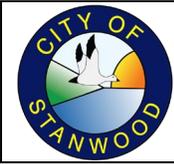
There is not enough information to make an informed recommendation to the Planning Commission on the potential impact on police and fire EMS calls currently. Staff has reached out to the Stanwood Police Chief to see if we can get call volumes or other information from the City of Everett. This information will be shared with the Commission once it becomes available.

Staff recommendation:

While staff agrees that Enhanced Service Facilities are desperately needed in the Puget Sound Region, with only five ESF statewide there is not enough information at this time to fully understand the impact of these facilities on the community and how best to provide supportive services.

If the Planning Commission wishes to allow Enhanced Service Facilities in some form, staff recommends that they be allowed as a conditional use on an interim basis at limited locations within walking distance to bus routes. A more in-depth analysis would be needed to determine appropriate locations. Staff would bring recommendations back to the Planning Commission at future meetings.

- Commissioner Sather is in favor of waiting a year or two before deciding.
- Commissioner Davis wants to know how long the other NW facilities have been operating.



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- Commissioner Hosterman points out that none of the other cities nearby has these types of facilities in their towns. The closest type of facility is south Everett. There is also the issue of no support services for these facilities in Stanwood. According to the map there are very few areas we could even allow them. He feels it would be a high risk for the City of Stanwood to allow them at this time.
- Commissioner wants to know is there a way around our current codes to put one of these facilities in Stanwood. Director Love said the current rule of the City is they are not allowed at all.
- Commissioner Metz does not want them to be allowed at this time. Commissioner Birkhofer agrees as well as Commissioner Davis.
- Director Love will send the Commissions general consensus making this a prohibited use in the permitted use matrix.

Miscellaneous Business:

Planning Commission Meeting Dates Discussion

Staff recommends going to a once a month meeting schedule for Planning Commission instead of twice a month and to hold them on the second Mondays of every month. We would hold a second meeting only as needed except for February as there is already a Public Meeting scheduled for Feb. 22nd.

Recent Council Action on Commission Items:

Comprehensive Plan Amendment Update

The Council heard the first reading of the Amendments and we got great feedback on the work the Planning Commission has done on this and are very supportive of the changes and updates. They like the rezones and the mixed-use overlay areas. There will be a second reading on Thursday and Director Love feels with the positive feedback from the first reading things will continue into this Council meeting.

Upcoming Items:

For the next meeting in February, there will be a Public Meeting for the Creekside Apartments. It will be for 60 new units that will be spread amongst 4 buildings. It is a shoreline permit, so it goes for 30 days. In the first meeting in March staff will be bringing the residential portion of the permitted use matrix.

A motion to adjourn was made by Larry Sather and seconded by Patrick Hosterman.

Adjourn: 8:05 pm

Amy Bergemeier, Administrative Assistant