



Planning Commission Meeting Minutes July 27, 2020

Call to Order 6:31 pm

Roll Call

<u>Present:</u> Linda Utgard	Patrick Hosterman	<u>Absent:</u> Justin Burns	<u>Staff Present:</u> Patricia Love
Darren Robb	Larry Sather		Amy Rusko
Marcus Metz			Krista Hintz

The Minutes of the July 13, 2020 Planning Commission Meeting were approved as presented with a motion by Marcus Metz and a second by Larry Sather.

New Business

At the July 9, 2020 Council Community Development Committee and the July 13, 2020 Planning Commission meeting, an outline of the proposed Permit Process Code Amendment was presented. This proposed amendment will consolidate the existing three procedural chapters into a single chapter that follows the standard permit processing steps. Both the Community Development Committee and the Planning Commission were supportive of the approach. Advice moving the project forward included:

- Focus on improving the process
- Avoid significant substantive changes which could hinder the procedural update
- Include tables and charts as needed to provide clarity and simplicity
- Follow a logical step by step process

New Chapter Outline:

The new permit procedures chapter will include four Articles describing the entire permitting process: permit submittal to certificate of occupancy. These Articles include each of the permit procedural elements:

- Article I - General Provisions
- Article II - Application Provisions and Procedures
- Article III - Permit Review Procedures
- Article IV - Post Permit Requirements

Applications by Permit Type:

The first step in the permit process is to identify what permit applications are required for a proposed development

Permit Submittals:

All applications for site development permits are required to submit plans and reports necessary for the City to review the application against city code and development standards. An example of submittal chart is provided below; it provides a clear list of what types of plans and reports are necessary for planning and engineering review. If the applicant provides the items listed in the table, a Notice of Completeness is issued.

A checklist was created for each step of the submittal process which will be used by both staff and the developer.



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Classification of Permits and Decisions:

A table was created to show the permit review process for each of the five types of land use permits. Once the permit type has been determined, applications are processed according to the associated process.

Permit Type	Public Comment / Notice Period	Required Pre-Application Meeting	Public Meeting with PC	Open Record Public Hearing	Project Decision	Open Record City Appeal	Closed Record Appeal	Non-City or Judicial Appeal ¹
Type I	No	No	No	No	CDD / CE	HE	No	Yes
Type II	Yes	No	Yes ² /No	No	CDD / CE	HE	No	Yes
Type III	Yes	Yes	Yes	HE	HE	No	No	Yes
Type IV	Yes	Yes	Yes	HE ³	CC	No	No	Yes
Type V	Yes	No	No	Yes/No ⁴	CC	No	No	Yes

Abbreviations:
 CC = City Council
 CE = City Engineer
 CDD = Community Development Director
 HE = Hearing Examiner
 PC = Planning Commission

Footnotes:

- 1 Non-City or Judicial Appeals are filed with Snohomish County Superior Court
- 2 Only major site development projects require a public meeting with the Planning Commission
- 3 Hearing Examiner makes a recommendation to the City Council after holding a public hearing
- 4 Final Plats are approved by the City Council at a public meeting; a public hearing is not required

Notice of Completeness:

Once an application is submitted, a Notice of Completeness is required for all permit types except Type 1. A Notice of Completeness is a document noting if the applicant provided all the submittal requirements noted in the table above. If yes, then a Notice of Complete Application is issued and the project is vested for land use; If no, then a Notice of Incomplete Application is issued with a list of the items that are required to make the application complete. Vesting only occurs once the application is complete; not when it is submitted.

Public Noticing Requirements:

After a Notice of Completeness is issued, the permit is either reviewed administratively without notice or requires some form of public notice. A table was created that clearly lays out the noticing requirements, including who gets noticed and the noticing distance.

Footnotes:

- 1 Type 1 Permits are not subject to a Notice of Application Requirement; However, Type I permit applications shall be circulated for comment to internal and external departments that may have an interest in the project.
- 2 Final Plat Applications do not require NOA's or noticing.

Public Comment Noticing Timeframes:

Along with who gets noticed of a project, the code identifies the minimum timeframe for which the public has the opportunity to comment on a project. This table was prepared to provide consistent public noticing timeframes based on permit type.



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As a matter of practice, staff takes all comments up to when a permit decision is issued, or a public hearing is held. However, state law requires that agencies provide minimum noticing requirements. Staff will continue to work on the table to make it clearer.

Appeals:

Once a project has been approved, approved with conditions or denied there is an appeal period. There are two types of appeals: local review and judicial. Local review is heard by the City's Hearing Examiner and judicial begins with Snohomish County Superior Court. To have "standing" to appeal, the person appealing must have commented on the project in writing or provided verbal testimony at a public hearing.

*Add clarification to the Appeals table for Types III, IV and V. Add a hyperlink for Shoreline Appeals.

Permit Approval Timeframe:

Land use approvals/permits are valid for a period of time defined by State law. The following table details how long a permit is valid and if an extension is allowed:

Permit Type	Approval Period	Extension If Approved
Subdivisions	5 Years	1 Year
Short Plats	5 Years	1 Year
Conditional Use Permits and Variances	2 Years	None
Shoreline Permits	2 Years	1 Year
All Other Type I Permits	1 Years	1 Year
All Other Type II – V Permits	2 Years	1 Year

Marcus Metz would like to see changes made to the SMC site with hyperlinks and hover ability to show applicable flow charts. The SMC site is its own entity under Code Publishing and not one that can be managed by city staff.

The Commission was in supportive of changes made to the process.

Miscellaneous Business

- Elizabeth Callaghan was elected as the new mayor leaving an opening on the Council. Oftentimes, Councilmembers come from the Planning Commission so those interested can apply on the website.
- Hamilton Park will not require on site mitigation after soils clean up report from Department of Ecology. Levels came back well below the federal limits of contamination.
- New planner Tansy Schroeder will be joining the first meeting in September.

Adjourn: 7:37 pm

Krista Hintz, Administrative Assistant



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