

**CITY OF STANWOOD**  
Stanwood, Washington

**ORDINANCE NO. 1315**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO STANWOOD MUNICIPAL CODE (SMC) TITLE 14 BUILDINGS AND CONSTRUCTION; AND AMENDING THE TITLE OF SMC CHAPTER 14.42 ENCROACHMENT PERMITS FOR STRUCTURES; AND AMENDING SECTIONS 14.42.020 AND 14.42.030 OF SMC CHAPTER 14.42 ENCROACHMENT PERMITS FOR STRUCTURES.**

**WHEREAS**, a number of community and business groups desire to promote community involvement and activity by organizing special events; and,

**WHEREAS**, the Stanwood City Council supports these community activities as a means of promoting economic development and furthering community awareness; and

**WHEREAS**, the City of Stanwood has a responsibility to consider public safety associated with special event and community signage posted within the city right of way by private entities; and

**WHEREAS**, the city desires to provide updated regulations for encroachment of special event banners and temporary community event banners within the public right of way;

**WHEREAS**, the Planning Commission held a pre-application meeting on special event related encroachment permit amendments for signage on March 12, 2012; and

**WHEREAS**, the Community Development Department filed a zoning text amendment, Application LZCA 12-03, on March 16, 2012 which included a section on encroachment regulations for special event and community signage; and

**WHEREAS**, the City Council referred a work program for consideration of special event related municipal code and zoning regulations to the Planning Commission on March 22, 2012, and

**WHEREAS**, consistent with the State Environmental Policy Act, RCW Chapter 43.21C (SEPA), the Responsible Official issued a SEPA Determination of Non Significance on March 22, 2012; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on Application LZCA 12-03 on April 9, 2012.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The Findings of Fact and Conclusions attached hereto as Exhibit A are hereby incorporated by this reference.

**SECTION 2.** SMC Title 14 Buildings and Construction, the Title of Section 14.42 Encroachment Permits For Structures is amended to read as follows:

14. 42 Encroachment permits for structures and signs.

**SECTION 3.** Section 14.42.020 Encroachment Permit of SMC Chapter 14.42 Encroachment Permits For Structures is amended to read as follows:

**14.42.020 Encroachment permit.**

(1) It is the responsibility of the person who erects, constructs, or maintains signs, structures, or other property and improvements on the city right-of-way to obtain an encroachment permit.

(2) The encroachment permit may be granted at the discretion of the community development director and public works director, who shall consider the permit based on the following review criteria:

(a) The encroachment does not impact public use.

(b) The proposed structure/improvement does not obstruct traffic or create safety hazards.

(c) The proposed structure does not conflict with future city improvement plans and/or can be removed when the city needs to use the right-of-way.

(d) The use is appropriate at the proposed location.

(3) The community development director and public works director may impose limitations and restrictions such as size, location, type of improvement, duration of the permit, or other limitations.

(4) The permit may be revoked and improvements required to be removed at no cost to the city when the right-of-way is to be improved or used for public purposes including but not limited to road widening, utilities, signage, and for maintenance of sight triangle clearance.

(5) Any structure existing as of June 1, 2010, that is located within the city right-of-way shall be made to conform with the provisions of this chapter and obtain an encroachment permit or be removed within six years except:

(a) When an existing structure is located in a right-of-way scheduled for improvement in the 2010 CIP, it shall be removed, or granted a limited term encroachment permit based on the schedule of the planned improvement.

(b) When an existing structure is located in a new right-of-way dedicated to the city as part of a development proposal, it shall be

removed or made to conform to the provisions of this chapter upon acceptance of the right-of-way by the city.

(c) When an existing structure is deemed to create a safety hazard, it shall be removed.

(6) Temporary sign encroachment.

A temporary sign encroachment permit may be issued for temporary use of the public right of way for banners and similar community and special event signage subject to the review criteria in Section 14.42.020(2). Fees shall be as adopted in SMC 3.30.070.

**SECTION 4.** Section 14.42 030 Encroachment Permit Application of SMC Chapter 14.42 Encroachment Permits For Structures is amended to read as follows:

**14.42.030 Encroachment permit application.**

(1) The application shall include a description of the encroaching structure or sign and a site plan showing private property line, right-of-way location, grounds to be maintained, and location of the proposed structure with height, dimensions and distance from the paved travel lane and/or sidewalk. The site plan requirement is waived for temporary signs.


(2) The application shall include a statement signed by the applicant to hold the city harmless from damages to private property or grounds included in the proposal.

(3) The application shall be reviewed and approved as a Type I administrative decision by the community development director and public works director with an appeal right as set forth in SMC 17.80.130.

**SECTION 5.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.


**SECTION 6.** This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.


PASSED by the City Council and signed by the Mayor this 21<sup>st</sup> day of May, 2012.

By:   
Dianne W. White, Mayor

Attest:

Approved as to form:

By:   
Melissa A. Collins, City Clerk

By:   
Grant K. Weed, City Attorney

## FINDINGS OF FACT AND CONCLUSIONS

### Findings of Fact:

1. The Planning Commission held a pre-application meeting on Special Event Related Sign Encroachment Regulations and related housekeeping amendments adding "Signs" to the section addressing encroachment permits, on March 12, 2012.
2. The Community Development Department filed a text amendment, Application LZCA 12-03, on March 16, 2012.
3. Consistent with RCW 43.21C, the Responsible Official issued a Determination of Non Significance March 22, 2012.
4. The Planning Commission held a duly noticed public hearing on Application LZCA 12-02 on April 9, 2012.
5. On May 24, 2012 at its regularly scheduled City Council meeting, which was open to the public, after review of the applications, staff reports, and Planning Commission recommendations and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1315 adopting amendments to SMC Chapter 14.42 Encroachment Permits for Structures.

### Conclusions/Decision:

Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Add "signs" to the title of the section addressing encroachment permits
2. Allow sign encroachment permits for banners across a public right of way.
3. Allow a consolidated permit process for sign permits and encroachment permits.
4. Waive the site plan requirement for temporary signs.