

Planning Commission  
Meeting Minutes  
January 15, 2019  
Approved: kmo



6:30:02 PM

Chair Chris Holland called the meeting to order. Commissioners in attendance: Kathryn Beck, Greg Tisdel, Michael Zelinski, Christine Lavra, Adam Yanasak, Carly McGinn, and Michael Finch.

Commissioner Absent: Alex Lark

Voting Alternate: None, all commissioners present

Staff Present: Allan Giffen, David Stalheim, Karen Stewart, David Tyler, Steve Ingalsbe, and Kathy Davis

Meeting Minutes

Chair Holland asked to change "modified" to "modification" on page 3, 1<sup>st</sup> sentence, under Item 5.

**Motion:** Commissioner Zelinski made a motion to approve the December 18, 2018 meeting minutes with the revision. Commissioner Tisdel seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Yanasak, yes; Commissioner Lavra, abstain; Commissioner Zelinski, yes; Commissioner Tisdel, yes; Commissioner Beck, abstain; and Chair Holland, yes.

**Motion Carried.**

Commissioner Reports

None

Staff Comments

Allan Giffen, Planning Director, congratulated Commissioner Zelinski and Commissioner Yanasak on their reappointments; and welcomed Commissioner Finch on his appointment as an alternate.

Mr. Giffen stated that the first, three items on the agenda are not major substantive revisions. The City's Shoreline Master Program (SMP) needs to be consistent with all the changes made in State law with respect to shorelines since the last City SMP update in 2005. Both the critical areas and sign code are under review to simplify and streamline the regulations.

General Citizen Comments

None

### **Item 1: Shoreline Master Program Briefing**

Karen Stewart, Environmental Planner, acknowledged the Shoreline Advisory Committee members in the audience. She stated that the periodic review is a State requirement. The intent is to keep the City's SMP current with amendments to State laws, as well as changes to local plans, regulations, new information, or improved data. The deadline for the update is June 2019. She provided an overview on the work elements, which included changes to shoreline jurisdiction, maps, local plans and regulations, and the regulatory consistency.

The City has been working with State Department of Ecology (DOE) staff on the update. She reviewed the changes made to the draft since the November Commission meeting. There is a joint public hearing with DOE on February 5. The comment period is from January 15 to February 13, 2019. There will be a meeting on February 19 to review the comments and city responses, and a meeting on March 19 to take action on the revised draft SMP.

Chair Holland asked if DOE provided justification for reducing the width of piers or docks along Silver Lake. Ms. Stewart responded that justification related to Best Available Science. In general, DOE prefers community docks because that provides less overwater coverage. Chair Holland asked about existing 6-foot dock replacement requests. Ms. Stewart responded that those requests would be permitted. The new regulation would be for any new docks proposed.

Commissioner Tisdell asked about Ruggs Lake and Beverly Lake. Ms. Stewart responded that shoreline jurisdiction doesn't apply to every waterbody in the City because jurisdiction is based on the size of the waterbody and both Ruggs Lake and Beverly Lake are smaller than the 20 acres required.

Commissioner Lavra asked about maps 6 and 6a. Ms. Stewart responded that map 6a would replace map 6. She asked about the crosshatching added to 6a. Ms. Stewart responded that one of the requirements in the Washington Administrative Code (WAC) states that shoreline master programs must include known information about environmental features of a property within shoreline jurisdiction. The area shown in 6a is the smelter clean up area. Commissioner Lavra asked about 7a. Ms. Stewart responded that 7a addressed property boundaries and a more extensive area for aquatic conservancy for known shallow habitat.

Commissioner Finch referred to page 15, where there was a reference to a 1986-87 study by the University of Washington for Silver Lake and asked if there was a need to update that study. Ms. Stewart responded that the nature of the current update did not allow any time to do an inventory and research other studies. He asked if the element objectives were prioritized. Ms. Stewart responded no.

### **Item 2: Critical Areas Briefing**

Dave Tyler, Planning staff, stated that the purpose of the update was to combine the two sets of critical area regulations into one, update the best available science and wetland buffers per the latest guidance from Department of Ecology, and streamline and simplify where possible. He provided background information regarding the regulations, a summary of the proposed changes, and next steps.

Chair Holland referred to the new regulation regarding allowances for some structures within the buffer areas and asked if that regulation would affect homeowners that are located in proximity to a critical area but their home and structures were present prior to the critical areas regulations. Mr. Tyler responded that the critical areas regulations were effective on January 13, 1990. When there is a complaint, staff check the aerial maps to see if structures were added after the effective date of the critical area regulations. If not, the structures are nonconforming and can remain. If changes have encroached into the buffer over time, the complaints go to the Code Enforcement division. The new regulation provides some flexibility for lots that are in proximity to critical areas.

Commissioner Zelinski asked about stakeholder outreach. Mr. Tyler responded that the Port of Everett and Smith Island property owners reviewed the drafts. There have been a couple meetings where Smith Island property owners raised the issue on the applicability of wetland compensation ratios on Smith Island. The Snohomish Estuary Wetland Integration Plan (SEWIP) provides an inventory and methodology for evaluating wetlands and mitigation in the estuary. The request was to keep some of the SEWIP methodologies in place to provide certainty based upon prior experience. Another comment was the ability to use reasonable use provisions in the shoreline area. Currently, the City uses the shoreline variance criteria for reasonable use of a property; however according to DOE the City can get to the same place using the reasonable use process.

Commissioner Tisdell asked if there had been any outreach to realtors or home-builders. Mr. Tyler responded that the update is minor so there wouldn't be any significant changes to the regulations that would warrant that level of outreach.

Commissioner Yanasak asked if the City would notify homeowners in proximity to critical areas. Mr. Tyler responded that there would be no changes for the homeowners around Silver Lake because they are already established. The only change for property owners in proximity to critical areas was additional flexibility in minor structures located in buffer areas.

### **Item 3: Sign Code Briefing**

David Tyler, Planning staff, stated that the purpose is to update the regulations, streamline, simplify and consolidate, and to address the Reed v. Gilbert decision regarding free speech. He provided a summary of the proposed changes, the review criteria used to streamline, photos of various signs, and the next steps.

Chair Holland referred to Table 36-1 and asked about the instructions referencing Chapter 6. Mr. Tyler responded that the development standards table in chapter six shows what sign categories apply to what zones. Chair Holland requested a copy of that table as part of their review of the sign chapter. Chair Holland asked if the temporary signage maximum square foot size was to address content neutral signage. Mr. Tyler responded that content neutrality wasn't based on size or height but how cities classify various types of signs. The Reed v. Gilbert case focused on special event signage for a church. The Supreme Court ruled that cities can't treat church signage differently from any other type of noncommercial signage. The changes to the temporary sign section eliminates those distinctions.

Currently, there are regulations for political signs, real estate signs, and special events signs. Chair Holland asked if the maximum size for temporary signs was 6 square feet, whereas before it was all over the board depending on the type of sign. Mr. Tyler responded yes.

Commissioner Yanasak asked about signage definitions. Mr. Tyler responded that the specific sign definitions were in Chapter 4 and he would forward that information to Commission. Commissioner Yanasak stated that flags for government or non-commercial institutions were exempt from the regulations and asked why flags at residential structures weren't also listed as exempt. Mr. Giffen responded that staff would review. Commissioner Yanasak asked if real estate signs and political signs would fall under the definition of temporary signs. Mr. Tyler responded yes.

Commissioner Zelinski asked about the sign categories. Mr. Tyler responded that the categories have distinguishing characteristics such as size, height, and setbacks.

Commissioner Finch asked about sign enforcement costs. Mr. Tyler responded that in the case of the City removing illegal temporary signs, he understood that the City stores the signs for pickup by the property owner. Mr. Giffen added that the cost of removal would be borne by the property or business owner if signs were installed without permits and don't meet the sign requirements. Commissioner Finch asked about illegal sign enforcement. Mr. Giffen responded that the City sends a sign violation letter to the property or business owner with a removal date to comply.

Commissioner Lavra asked about traffic safety. Mr. Tyler responded that the City's traffic engineer reviews sign locations in relation to sight distance.

Commissioner Yanasak asked what the new 25-foot setback for freestanding signs regulation was based on. Mr. Tyler responded that was in Lynnwood's mixed-use zone along Highway 99. Mr. Giffen added that since the adoption of the 1990 sign code, there are a number of new zones. There are different sign standards for the four major corridors of the City. The challenge is to consolidate those standards to improve the aesthetics to be more in line with the sign regulations for Evergreen Way or Broadway. The intent is to simplify the regulations by putting the major corridors all in one category.

Commissioner McGinn asked about the 7-day maximum time a temporary sign can stay. Mr. Tyler responded that was a new addition and that is intended to apply to events. The temporary sign would be removed within seven days after the conclusion of the event.

Commissioner Beck asked about enforcement in regards to window displays now being limited to 25% of window area. She added there are a number of businesses along the Evergreen Way corridor and along other corridors that have window displays. Mr. Tyler responded that there is a mechanism to review that when an applicant comes in for a wall sign permit, they need to show the City all the existing signage. If windows are completely covered, the City can ask that they bring that into compliance. Mr. Giffen added that sign enforcement is usually complaint driven and the signs the City gets the most complaints about are the ones along the street frontage.

**Item 4: Planning Commission Bylaws**

**Motion:** Commissioner Yanasak made a motion to approve the Bylaws as revised. Commissioner Zelinski seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Yanasak, yes; Commissioner Lavra, yes; Commissioner Zelinski, yes; Commissioner Tisdell, yes; Commissioner Beck, yes; and Chair Holland, yes.

**Motion Carried.**

**Item 5: Other Business**

Election of Officers

**Motion:** Chair Holland made a motion to elect Commissioner Beck as Planning Commission Chair. Commissioner Lavra seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Yanasak, yes; Commissioner Lavra, yes; Commissioner Zelinski, yes; Commissioner Tisdell, yes; Commissioner Beck, yes; and Chair Holland, yes.

**Motion Carried.**

**Motion:** Commissioner Beck made a motion to elect Commissioner Lavra as Planning Commission Vice-Chair. Commissioner McGinn seconded the motion.

**Vote:** Commissioner McGinn, yes; Commissioner Yanasak, yes; Commissioner Lavra, abstain; Commissioner Zelinski, yes; Commissioner Tisdell, yes; Commissioner Beck, yes; and Chair Holland, yes.

**Motion Carried.**

Other Business

Mr. Giffen reminded Commission of the special meetings scheduled on February 26 and March 26 on amendments to the Riverfront development agreement, which is a quasi-judicial item. He asked Commissioners to get back to Ms. Davis regarding their attendance.

ADJOURNED 7:54:08 PM

  
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Planning Commission Secretary

2-19-19  
Date

  
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Kathy Davis, Administrative Assistant

2-19-19  
Date