



PLANNING COMMISSION REGULAR MEETING

Wednesday, January 7, 2026
6:00 p.m.

Snohomish Carnegie, 105 Cedar Avenue
Remote Option Available

Zoom Meeting Participation Information
Use link: <https://us02web.zoom.us/j/86295897298>
Dial in: (253) 215-8782
Meeting ID: 862 9589 7298

AGENDA

1. **CALL TO ORDER**
 - a. Roll Call
 - b. Flag Salute
2. **PUBLIC COMMENT on Items Not on the Agenda**
3. **APPROVE AGENDA Contents and Order**
4. **APPROVE MINUTES of Previous Meeting(s)**
 - a. December 3, 2025, Regular Meeting Minutes
5. **DISCUSSION ITEMS**
 - a. Regulations for ADUs and Detached dwellings
6. **COMMISSIONER COMMENTS**
7. **DIRECTOR'S REPORT**
8. **ADJOURN**

NEXT MEETING: The next meeting is Wednesday, February 4, 2026, it will be at 6 p.m., at the Snohomish Carnegie, 105 Cedar Avenue, and online via Zoom.

Specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's Office at 360-568-3115. This organization is an Equal Opportunity Provider.

**Snohomish Planning Commission Minutes
December 3, 2025**

1. CALL TO ORDER

Chair Gottuso opened the regular meeting of the Planning Commission at 6:00 pm on Wednesday, December 3, 2025. The meeting was held in hybrid format with in-person attendance at the Snohomish Carnegie, 105 Cedar Avenue, Snohomish, and remote online access via Zoom.

a. ROLL CALL

COMMISSIONERS PRESENT:

Jackie Burkett
Hank Eskridge
Nick Gottuso, Chair
Kevin Karlson
Christine Wakefield Nichols
Merritt Weese

COMMISSIONERS ABSENT:

STAFF:

Brooke Eidem, Planning & Development Services Director
Tom Kreinbring, Associate Planner

b. FLAG SALUTE

2. GENERAL PUBLIC COMMENTS

Public comment was taken.

3. APPROVAL OF AGENDA ORDER

Hearing no objections, the agenda order stood as presented.

4. APPROVAL of the minutes for the November 5, 2025, regular meeting.

Commissioner Weese moved to approve the minutes of the November 5, 2025, regular meeting as written. Commissioner Wakefield Nichols seconded, which passed 6-0.

5. ACTION ITEMS

a. Election of Officers for 2026

Chair Gottuso opened the floor for nominations for Planning Commission Chair and Vice Chair in 2026. Commissioner Wakefield Nichols nominated Commissioner Gottuso for Chair and Commissioner Eskridge for Vice Chair. Chair Gottuso closed the floor to

Snohomish Planning Commission Meeting Minutes

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nominations. The Commission voted 5-0-1 for Chair Gottuso to be Chair and Commissioner Eskridge to be Vice Chair in 2026 with Chair Gottuso abstaining.

b. 2025 Annual Report to City Council

Director Eidem presented the draft 2025 Planning Commission Annual Report.

There was no public comment.

Commissioner Wakefield Nichols moved to approve the 2025 Planning Commission Annual Report as presented and to forward it to the City Council as required by SMC 2.16.050. Commissioner Karlson seconded the motion, which passed 6-0.

c. 2026 Planning Commission Work Program

Director Eidem presented the draft 2026 Planning Commission Work Program. The Commission discussed the work items for ADUs and detached dwellings, Pilchuck District Regulations, Cannabis Retail Uses, and the potential for bumping the Shoreline Master Program item to 2027 if necessary.

Public comment was taken.

Commissioner Eskridge moved to approve the 2026 Planning Commission Work Program and to forward it to the City Council for their acceptance. Chair Gottuso seconded the motion, which passed 6-0.

6. COMMISSION MEMBER COMMENTS

Commissioner Weese thanked newly appointed City Councilmember Terry Lippincott for her many years of service on the Commission.

Commissioner Karlson thanked fellow Commissioners for time and energy spent on the 2025 work program and for staff’s professionalism.

7. DIRECTOR’S REPORT

Director Eidem informed the Commission that the Critical Areas Ordinance was adopted by City Council as recommended by the Commission; notice of vacancy on the Commission had been posted; staff will endeavor to share the January agenda early; and reminded the Commission of the upcoming Boards and Commissions event.

8. ADJOURN

There being no objection, the meeting adjourned at 7:01 pm.

Approved this 7th day of January, 2026.

By: _____

Commissioner Nick Gottuso, Chair



PLANNING COMMISSION STAFF REPORT

Date: January 7, 2026

Agenda Section: DISCUSSION ITEMS

From: Brooke Eidem, AICP, Planning & Development Services Director

Subject: Regulations for ADUs and Detached dwellings

SUMMARY: The Planning Commission will begin discussing updates to Chapters 14.170 and 14.175 related to Accessory Dwelling Units (ADUs) and detached dwellings, including cottage housing.

BACKGROUND & ANALYSIS: Background

As discussed in November, the regulations for ADUs need to be updated to be in alignment with state law and the City's requirements for detached dwellings. ADU regulations were updated in 2024 in response to HB 1337 (2023), which modified the regulatory framework, making ADUs easier overall to construct and sell as independent units. State law limits the local government's authority to impose mitigating conditions such as frontage improvements as a condition of permit approval, and impact fees are capped at 50% of the rate that would be assessed on a principal unit. There is no such restriction on utility fees or connections, although the Department of Commerce's guidance publication encourages an allowance for shared meters and/or reduced fees.

The Planning Commission discussed the issue of utility connection and ultimately recommended shared utilities for all ADUs unless proposed for independent sale via the Unit Lot Subdivision or condominium process. The City Council adopted Ordinance 2425 in September 2024 with this recommendation.

Condominium Process

A condominium differs from a traditional subdivision under RCW 58.17, but both refer to the division of ownership of a parcel of land. Condominium ownership defines ownership horizontally, vertically, or both; however it must include ownership interest of common elements in addition to individual units. The definition of *condominium* is provided in RCW 64.90.010(11) as:

"a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners."

Common interest community is defined in the statute as:

"real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. 'Common

interest community' does not include an arrangement described in RCW 64.90.110 or 64.90.115. A common interest community may be a part of another common interest community."

And *real estate* is defined as:

"any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. 'Real estate' includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water."

The condominium process does not create a separate lot, but rather a child lot similar to the City's Unit Lot Subdivision regulations (SMC 14.215.125). Condominium units can be limited to the interior of a stacked flat, defined by the outer walls of a townhouse, or a portion of a lot that includes a detached structure. In all cases, *condominium* does not refer to a structure but to an ownership regime.

Legal Considerations

The provision for separate utility connection based on independent sale is inconsistent with the state's condominium statute, specifically RCW 64.90.025, which prohibits imposing "any requirement upon a structure in a common interest community that it would not impose upon a physically identical development under a different form of ownership." The effect of this regulation is that, for any ADU under common ownership, the ADU must be regulated the same as if it were under individual ownership. ADUs are physically identical to other developments containing more than one detached dwelling on a single lot and therefore must be treated the same. Any regulation based on whether the ADU is sold independently as a condominium violates RCW 64.90.025. Similarly, RCW 80.28.100 prohibits utility purveyors from assessing special rates to different customers under substantially similar conditions receiving the same service. Like the requirement of the condo law, this includes the similarity between ADUs and other forms of detached dwellings.

Based on these statutes, the legal opinion is that Commerce's guidance publication erroneously encourages shared utility connection for ADUs. The City's regulations have been temporarily addressed through Ordinance 2525; this is in effect for a period of six months unless extended, allowing time for the Planning Commission to go through its regular process to make a recommendation to the City Council.

Several other Washington state cities have been contacted to develop an understanding of how other jurisdictions are addressing the matter of utility connections for ADUs, particularly detached ADUs (DADUs). There are a variety of methods being used, largely because many cities contract with individual utility districts to provide services to their residents rather than providing water and sewer services like Snohomish does. Those cities that are not also utility purveyors require "will serve" documentation as part of the ADU application, meaning applicants must apply separately to the utility district. Many districts require separate connection for ADUs; some connection fees are based on the square footage of the building using the same fee structure as new single-family construction (meaning there is no reduction for ADUs apart from the smaller size).

Comparison cities will be discussed in more detail at the meeting, however for those cities that do provide utility services, some are unaware of the conflict with state law. Some, like Gig Harbor and Shoreline, are in the midst of revising their regulations for consistency with the statute. Sultan is one that requires separate connection at a 50% rate. There are a number of ways to address the requirement outside of development regulations; these can include deferral to the Unified Plumbing Code (UPC) through a fixture count assessment, or within the Engineering Design Standards.

Accessory Dwelling Units

At this time, staff's proposal is to address the legal conflict in Chapter 14.170 SMC by modifying or deleting SMC 14.170.030(G), but no other changes are proposed. The Planning Commission has previously expressed interest in revisiting the parking requirement, and increasing the size limit is another potential option for further discussion. Staff will also present options for consideration that could reduce the cost of permitting and construction for DADUs, to offset the necessary cost of addressing the legal issue discussed above. These include a Pre-Approved DADU program, also referred to as Permit-Ready ADU (PRADU), standards for Tiny Houses or Tiny Houses on Wheels as ADUs (TH/THOWs), and other programs for reducing or mitigating the utility cost burden.

Detached Dwellings and Cottage Housing

Chapter 14.175 SMC addresses detached dwellings and cottage housing; both are housing types that can be sold independently as condominiums and therefore must also be addressed. The legal guidance is the requirement for utility connection must match the ADU regulations to be in compliance with the condominium statute and the rate discrimination statute.

This presents an opportunity to take a closer look at these regulations, which are not frequently used. In fact, the cottage housing regulations have not been used at all in the last two decades. Cottage housing is a housing type that should be prioritized for its affordability. Moreover, due to the smaller footprint and increased community-focused design, cottage housing is known for offering independent senior living, lower heating and cooling costs, and "starter homes".

Staff will present various policy options for discussion including development scenarios, with ideas to improve the regulations. Based on the Planning Commission's feedback, draft regulations will be presented for further discussion at the February meeting.

REFERENCE(S):

- [October 7, 2025 City Council agenda - item 5b](#)
 - [December 2, 2025 City Council agenda - item 9a](#)
 - [Chapter 14.170 SMC - Accessory Dwelling Units](#)
 - [Chapter 14.175 SMC - Detached Dwellings and Cottage Housing](#)
 - [64.90 RCW - WA Uniform Common Interest Ownership Act](#)
 - [RCW 80.28.100 Rate discrimination prohibited--Exception](#)
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