



CITY OF SNOHOMISH

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NOTICE OF REGULAR MEETING

PLANNING COMMISSION

George Gilbertson Boardroom
Snohomish School District Resource Center
1601 Avenue D

WEDNESDAY
February 5, 2020
6:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the December 4, 2019 regular meeting *(P.3)*
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **DISCUSSION ITEMS:**
 - a. Title 14 Definitions Consolidation *(P.5)*
 - b. SEPA Flexible Thresholds Code Amendment *(P.65)*
8. **DIRECTOR'S REPORT**
9. **ADJOURNMENT**

NEXT MEETING: The next regular Planning Commission meeting will be Wednesday, March 4, 2020, at 6:00 p.m., in the George Gilbertson Boardroom, Snohomish School District Resource Center, 1601 Avenue D.

The meeting room is ADA accessible. If required, specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's office at 360-568-3115.

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**CITY OF SNOHOMISH
REGULAR MEETING OF THE PLANNING COMMISSION
MEETING MINUTES
December 4, 2019**

1. **CALL TO ORDER** The regular meeting of the Planning Commission was opened by Chair Terry Lippincott at 6:00 p.m. in the George Gilbertson Boardroom, 1601 Avenue D.
2. **FLAG SALUTE**
3. **ROLL CALL**

COMMISSIONERS PRESENT:

Christine Wakefield Nichols
Gordon Cole
Hank Eskridge
Mitch Cornelison
Nick Gottuso
Terry Lippincott, Chair

STAFF:

Brooke Eidem, Acting Planning Director
Katie Hoole, Permit Coordinator

OTHERS PRESENT:

Steve Dana, Council Liaison

COMMISSIONERS ABSENT:

Van Tormohlen

4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the November 6, 2019 regular meeting

Mr. Cole moved to approve the minutes of the November 6, 2019 regular meeting, and Mr. Cornelison seconded. The motion passed 6-0.

6. **GENERAL PUBLIC COMMENTS** on items not on the agenda

There were no comments on items not on the agenda.

7. **PUBLIC HEARING:** Binding Site Plan Code Amendment

Ms. Lippincott opened the public hearing on the Binding Site Plan Code Amendment. Acting Planning Director Brooke Eidem gave the staff presentation on the proposed amendments to Chapter 14.215. Binding Site Plans would be processed in a manner similar to Boundary Line Adjustments and administratively approved. Commissioners asked questions of staff and discussed the amendments.

Public comments – none.

Ms. Lippincott closed the Public Hearing.

Mr. Cole moved to adopt the proposed SMC 14.215.140 as presented with two modifications: 1) delete section 14.215.140(A)(2); and, 2) add “if the project is a condominium development” to the beginning of the last sentence of section 14.215.140(C)(2)(o), and adopt the Findings of Fact & Conclusions. Ms. Wakefield Nichols seconded, and the motion passed 6-0.

AGENDA ITEM 5.

8. ACTION ITEM: Elect Planning Commission Chair and Vice Chair for 2020

Mr. Cole nominated Ms. Lippincott for Chair; Ms. Wakefield Nichols nominated Mr. Cornelison for Vice Chair. The motions passed 6-0.

9. DISCUSSION ITEMS:

a. 2019 Annual Report to City Council

Commissioners reviewed the 2019 Annual Report, and Mr. Eskridge moved to accept the annual report as written. Mr. Cornelison seconded, and the motion passed 6-0.

b. 2020 Work Program

Ms. Eidem explained that the work program is a living document and can change throughout the year; Commissioners discussed the projects with Ms. Eidem and Councilmember Dana.

Ms. Wakefield Nichols moved to approve the 2020 Work Program with the Midtown Snohomish Subarea Plan moved up to February. Mr. Gottuso seconded, and the motion passed 6-0.

10. DIRECTOR'S REPORT:

- The Boards and Commissions reception is 5:30 p.m. on December 17th at the Double Barrel Wine Bar.
- The January meeting is cancelled, but there will be joint work session with the City Council on January 21st at 5:00 p.m.

11. ADJOURNMENT

The meeting adjourned at 7:08 p.m.

Approved this _____ day of _____ 2020

By: _____
Commissioner Terry Lippincott, Chair

DISCUSSION ITEM 7a.

Date: February 5, 2020

To: Planning Commission

From: Brooke Eidem, Planner

Subject: Code Amendment - Definitions Consolidation

SUMMARY: Staff will brief the Planning Commission on a proposed code amendment to consolidate and update all definitions in Title 14.

THE ISSUE: Although there is a Definitions chapter (14.100 SMC), additional definitions are found in several individual chapters of the land use code. The intent was likely subject-specific terms applying to specific codes; however, in practice it can result in redundancy, confusion, and potentially conflicting information. The following chapters currently contain individual definitions subsections:

- 14.212 Pilchuck District Development Regulations
- 14.222 Transfer of Development Rights
- 14.242 Wireless Communications Facilities
- 14.245 Sign Regulations
- 14.250 Shoreline Management
- 14.270 Flood Hazard Areas
- 14.295 Traffic Impact Fees and Mitigation
- 14.300 Park Impact Fees

PROPOSAL: Staff is proposing to update and consolidate all definitions of the Land Use Development Code. As part of this project, all definitions will be relocated to Chapter 14.100 SMC, and reviewed for relevancy, redundancy, and clarity. Each chapter listed above will be amended to remove the definitions sections, with the exception of the Shoreline Management chapter (14.250), a revision of which would necessitate review by the Department of Ecology.

Attachment A includes all of the definitions found in Title 14. The definitions in **black** are those currently in Chapter 14.100 SMC. The other definitions are color-coded to illustrate their source from other Title 14 chapters. No changes are proposed at this time; the purpose today is to show all the definitions in one place and to discuss the process to be used to consolidate and update the Title 14 definitions. Staff will present proposed changes and consolidations at a future work session.

ACTION REQUESTED: No action is required as this is merely a discussion item. However, questions are encouraged.

NEXT STEPS: The Planning Commission will discuss proposed changes to definitions during work sessions this spring. A public hearing on the amendments is tentatively scheduled for May.

Chapter 14.100 DEFINITIONS

Critical Areas Update

14.212.1020	Pilchuck District
14.222.020	TDR
14.242.020	WCF
14.245.020	Signs
14.250.030	Shorelines
14.270.040	Floodplains
14.295.040	Traffic Impacts
14.300.170	Park Impacts

14.100.010 General

In this title, words in the masculine gender include the feminine and neuter, words in the singular include the plural, and words in the plural include the singular. Words not defined in this title shall have their customary meanings. Texts shall control captions, titles, and maps. Where any requirement of this title results in a fraction, a fraction of five-tenths or more shall be rounded up and a fraction of less than five-tenths shall be disregarded.

14.100.020 Definitions

A-board sign means a type of portable sign with two (2) faces attached at the top so when the sign is deployed the bottom of the faces can be separated to create a stable sign.

Abutting means the state of being next to with no physical separation.

Access, public or public access: means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the state, and/or to view the water and the shoreline from adjacent locations.

Accessory dwelling unit means a separate, complete dwelling unit, of a limited size, attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

Accessory means secondary and subordinate to the premise's primary use, building, or structure.

Accessory structure: means a structure that is incidental to and on the same site as the principal structure.

Accessory use, when applied to a residence, means a use or structure that is subordinate and incidental to a residence, including:

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1. Fallout/bomb shelters.
2. Household pets, provided the number, location, type or other characteristic does not adversely affect public health and they are not for a commercial purpose as in a kennel, cattery, or stable.
3. Private gardens, pea-patch farms, fish and wildlife ponds.
4. On-site rental office.
5. Pools, private docks, piers.
6. Private garages.
7. Other accessory uses as specified in this Development Code.

Adult family home means a regular family abode of a person or persons licensed and regulated by the state under Chapter [70.128](#) RCW to provide personal care, special care, room, and board on a 24-hour basis to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

Adult use means a commercial establishment that functions in whole or substantial part as an adult arcade, adult entertainment cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

Agricultural activities: means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural activities, existing and ongoing means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance, and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to

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be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

Agricultural equipment and agricultural facilities: includes, but is not limited to:

1. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural land: means those specific land areas on which agricultural activities are conducted as of the date of adoption of this code, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

Agricultural products: includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty (20) years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, poultry, dairying, and/or animal husbandry.

Agricultural crop sales mean the retail sale of agricultural products such as from roadside stands or self-pick establishments.

Airport/heliport means a facility for the landing and taking off of public or private aircraft, including taxiways, tie-down areas, hangars, servicing and terminals.

Alley means a public vehicular thoroughfare, occupying City right-of-way parallel to and between named or numbered City streets.

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Alteration means any human-induced change, modification, or addition to an existing condition of a critical area or its buffer or to a building, site, or land use.

Amusement arcade means a facility in which five or more pinball machines, video games, or other player-operator amusement devices (excluding juke boxes or gambling-related machines) are operated as a commercial activity.

Anchor use: a single commercial use occupying a minimum ground-floor area of 30,000 square feet that generates significant pedestrian traffic and increases the traffic of shoppers at or near its location.

Animal See Title [7](#) SMC for definitions relating to animals.

Annexation means the addition of territory to the City as provided by State statute.

Antenna: means a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

Appeal: means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Applicant: means a person applying for permission for a land use or development regulated by this title.

Approving authority: "Approving authority" means the City employee, agency or official having authority to issue the approval or permit for the development involved.

Aquaculture: means the culture or farming of fish, shellfish, or other aquatic plants and animals.

Area of Shallow Flooding: designated as AO, or AH Zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

Area of Special Flood Hazard: is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Arterial means a street designated as an arterial in the Comprehensive Plan.

Arterial unit: "Arterial unit" means a street, segment of a street, or portion of a street or a system of streets, including an intersection, consistent with the level-of-service methodology adopted in the

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City Comprehensive Plan and consistent with the criteria established by the Director, for the purpose of making level-of-service concurrency determinations.

Arterial Unit in arrears: "Arterial unit in arrears" means any arterial unit operating below the adopted level-of-service standard adopted in the Comprehensive Plan, except where improvements to such a unit have been programmed in the City six-year Transportation Improvement Program adopted pursuant to RCW [36.81.121](#), with funding identified that would remedy the deficiency within six years.

Associated wetlands: means wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: proximity to a regulated shoreline, susceptibility to tidally-influenced geo-hydraulic processes, presence of a surface connection, including through a culvert or tide gate; location in whole or in part within the floodplain of a shoreline; periodic inundation; and/or hydraulic continuity.

Attic: the interior part of a building above the structure's plate line.

Auction house means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

Automotive service and repair means the storage and repair of trucks and automobiles, including mechanical work, body and fender works, and painting. The term does not encompass the business of wrecking automobiles or impound car lots, when conducted outside of a structure.

Automotive dismantling and/or wrecking means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

Auto supply store means a retail business supplying goods and services for the operation and maintenance of automobiles and motorists' needs, including petroleum products, tires, batteries, accessories and parts.

Average grade level: within the shoreline jurisdiction means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

Balloon sign: means an inflated sign that is attached to the ground or some other anchor and is not a free-floating conveyance.

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Banner sign: means a temporary sign made of flexible material attached to a building or strung between two (2) support structures.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood: See Chapter [14.270](#) SMC and [44](#) CFR [59.1](#).

Base Flood: means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood" Designated on Flood Insurance Rate Maps by the letters A or V.) See Chapter [14.270](#) SMC and [44](#) CFR [59.1](#).

Base station: means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a tower, as defined herein, or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs 1-2 above that has been reviewed and approved by the City.

Basement means a building story partly or wholly underground and having at least one-half of its height, measured from its floor to its finished ceiling, below the average adjoining grade.

Basement: means any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast means a single family residence within which up to four bedrooms are available for short term lodging for paying guests.

Bed and breakfast inn means a residential facility, but not necessarily a family home, within which up to six bedrooms are available for short term lodging for paying guests.

Belt course: a contrasting horizontal layer of stones, bricks, tile, etc. in a wall.

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Best Available Science means current scientific information used in the process to designate, protect, or restore critical areas; that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

Bog means a low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Bond means a security provided by a bonding company, in an amount and form satisfactory to these regulations, to insure that required improvements are installed, and providing a warranty against defective material or workmanship.

Book, stationery, video, and art supply means an establishment engaged in the retail sale of books and magazines, stationery, video, and/or art supplies.

Breakaway Wall: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Breakwater: means an in-water structure, either floating or not, designed and purposed to absorb, dampen, or reflect wave energy.

Buffer or buffer zone means an area contiguous to a critical area that is established to maintain the functions and/or structural stability of the critical area.

Buffer, shoreline: Buffer or shoreline buffer: means a non-clearing area adjacent to a wetland, river, or stream that, generally, functions to protect the integrity, function, and values of affected critical area or shoreline. Specifically, a buffer may:

1. Physically isolate the water body from surrounding areas using distance, height, visual and/or sound barriers;
2. Minimize risk to the public and property damage from the natural processes and occasional catastrophic actions of water bodies;
3. Protect the functions and values of the water body from adverse impacts of adjacent development and activities;
4. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural wetland, river, or stream characteristics;
5. Cleanse and recharge stormwater runoff to minimize sediment and chemical transport to the water body; and/or

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6. Provide habitat for wildlife.

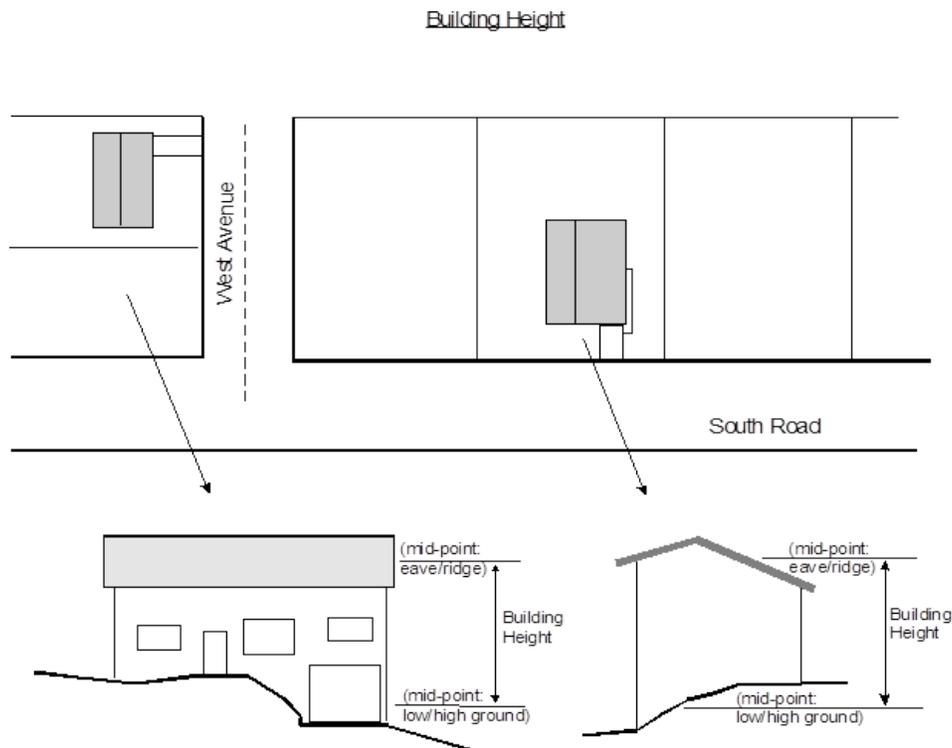
Buffers may be modified and reduced to accommodate allowed uses when consistent with the Act and this program, and when conducted so that no net loss of critical area or shoreline ecological functions occurs. Under optimal conditions, buffers are composed of intact native vegetation. Buffer widths are measured horizontally.

Buildable area means the portion of a lot free of special restrictions that can be developed subject only to the dimensional and other requirements established in Chapter [14.210 SMC](#). Buildable area does not include setback areas established by this Development Code for the land use designation area in which the lot is located nor any easements, native growth protection areas, open space tracts, drainage facilities, or other similar restrictions on construction.

Building means a roofed structure designed to shelter persons, animals, or property.

Building, hardware, and garden materials means an establishment engaged in selling lumber and/or other building materials, feed, and lawn and/or garden supplies.

Building height means the vertical distance from the average adjoining curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where the buildings are set back more than ten feet from the property line adjacent to a street, the height of the building shall be measured from the average elevation of the finished grade of the building, as shown in the illustration below.



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Building height: means the measurement from average grade level to the highest point of a structure, except that television antennas, chimneys, and similar appurtenances that do not obstruct the view of the shoreline from a substantial number of residences shall not be used in calculating height. However, temporary construction equipment is excluded in this calculation.

Building height: the vertical extent of a building, measured in stories.

Building Official means the person responsible for administering building codes in the City of Snohomish.

Building sign: means any sign that is painted on, or attached directly to or supported by, an exterior building wall, including facade signs, awning signs, canopy signs, and marquees, but excluding window signs.

Bulb-out: (also curb extension) a traffic-calming and pedestrian-safety device that narrows the street by widening the curb and sidewalk, typically at intersections.

Bulk retail means a land use that is primarily engaged in the retail sale of bulk goods, including food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, house wares, drugs, auto supplies, hobby, toys, games, photographic supplies, and equipment, and electronics.

Bulkhead: means a solid or open wall of rock, concrete, steel, timber, or other material erected generally parallel to the shoreline for the purpose of protecting upland areas from inundation, saturation, waves, current, etc. A bulkhead may have earthen fill placed upland of the wall structure.

Bungalow court: a configuration of four or more detached single-family residences arranged around and facing a common, shared pedestrian courtyard open to the street, with pedestrian access to the building entrances from the courtyard and street. Parking is aggregated on one portion of the site rather than occurring at each unit, with no vehicular access within the courtyard. In the context of this chapter, the term is applicable only to relocated single-family structures.

By right: a term characterizing a proposal or component of a proposal that, when in compliance with all requirements of this chapter and other applicable portions of the Snohomish Municipal Code, requires no special considerations or conditions for consistency with the intent of this chapter and applicable policies. (see provisional)

Campground means a facility for temporary occupancy of tents, recreational vehicles, and similar abodes without hook-up facilities, primarily for recreational purposes, as an on-going or commercial activity.

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Capacity improvements: "Capacity improvements" means any improvements that increase the vehicle and/or people moving capacity of the street system.

Cemetery, columbarium or mausoleum means land or structures used for burial of the dead. For purposes of this code, pet cemeteries are considered a subclassification of this use.

Cemetery Creek Special Project means the Cemetery Creek Sewer Trunkline, Segments 1-4.

Channel migration zone: means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

Childcare means the same as daycare.

Church, synagogue, temple, or mosque means a place where gathering for worship is the principal purpose of the use. Typical accessory uses associated with this use include private schools, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders and homeless encampments.

City: means the City of Snohomish.

City Attorney means the Snohomish City Attorney.

City Council means the Snohomish City Council.

City Engineer means the Snohomish City Engineer.

City Planner means the same as Planning Director.

Civic: the term characterizing not-for-profit organizations and uses dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civil drawings means construction drawings, calculations, and specifications prepared by a licensed engineer detailing the engineering aspects of a development proposal.

Clearing means the removal of timber, brush, ground cover, or other vegetation from a site and does not include grading.

Clinic means a building for licensed outpatient health services.

Club means a non-commercial association of persons for a common purpose.

Collocation: means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

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Color, lightness: means the degree to which a color appears to emit or reflect light. Lightness ranges from black (dark) to white (light). Sometimes referred to as “brightness” or “value.” Lightness is one (1) of the three (3) standard measures of color appearance.

Commercial: means a use that involves wholesale or retail trade, or the provision of services.

Commercial/industry accessory use means a use that is subordinate and incidental to a commercial or industry use; including employee exercise facilities, employee food service facilities, and employee day care facilities; incidental storage of raw materials and finished products sold or manufactured on-site, and business owner or caretaker residence.

Commercial use means activities which provide goods, merchandise, and/or services for compensation.

Community-based theater means a land use where musical and dramatic performances are staged for public audiences. The term includes only those facilities owned and operated by a non-profit organization. Accessory uses may include arts education, assembly uses, ticket sales, and concessions.

Community residential facility means living quarters meeting applicable federal and state standards that function as a single housekeeping unit for eight or more individuals excluding staff, providing such supportive services as counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification and prisoner release participants.

Community residential facility - prisoner release means a community residential facility for prisoner release participants and programs such as half-way houses.

Community stable means a facility in which horses or other livestock are kept for boarding, training, breeding, rental, or riding lessons.

Comprehensive Plan means the City of Snohomish Comprehensive Plan.

Comprehensive Plan: "Comprehensive Plan" means the generalized, coordinated land use policy statement of the City adopted pursuant to Chapter [36.70A](#) RCW, which may include a land use plan, a capital facilities plan, a Transportation Element, subarea plans, and any such other documents or portions of documents identified as constituting part of the Comprehensive Plan under Chapter [36.70A](#) RCW.

Conditional use means a use allowed on a property within a designation only after review by the Hearing Examiner and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and designation.

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Condominium means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners. A condominium is not effected until a declaration of condominium and a survey map and plans have been recorded pursuant to Chapters [64.32](#) and/or [64.34](#) RCW.

Conference center means a meeting facility, sometimes including accessory facilities for recreation, lodging, and related activities.

Congregate care/assisted living facilities means housing for seven or more elderly and/or disabled persons with services provided such as meals, laundry, housekeeping, personal care assistance, and assistance during temporary illness, but not medical care for the chronically ill or infirm. Kitchens and dining space may be provided in individual dwelling units. Practical nursing and Alzheimer's care, recreational programs, and facilities may be provided. "Disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the facility would constitute a direct threat to the health and safety of other individuals. The term shall not include alcoholism or drug treatment centers or housing facilities serving as an alternative to incarceration. Land uses for which the definition herein of family also applies shall be regulated as a family rather than a congregate care/assisted living facility. For the purposes of this definition, the "elderly" refers to persons 55 years and older.

Construction site sign: means a temporary sign placed on sites where an active building permit has been issued intended to display the names of the companies involved with the construction project.

Convenience Store means a small version of a food or grocery store having a limited stock of items both in regard to variety and quantity. Some convenience stores may also have an associated vehicle fueling facility located in the paved parking area.

Conversion means a change in use of a structure.

Cottage means a small, detached dwelling unit, not greater than 1,000 square feet in total floor area that is developed at a density not greater than the underlying zone, with more than one unit occupying a single lot.

Cottage Housing Development means two or more cottage dwellings constructed upon a single lot.

County auditor means the Snohomish County official as defined in Ch. [36.22](#) RCW.

County treasurer means the Snohomish County official as defined in Ch. [36.29](#) RCW.

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Covenant means a legal restriction on the actions of any land owner who is party to a contractual provision that is binding on real property.

Creation, Wetland means the manipulation of the physical, chemical, or biological characteristics of a site to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical method for wetland creation includes, but is not necessarily limited to, the excavation of upland soils to elevations that will produce a wetland *hydroperiod* and hydric soils, and support the growth of hydrophytic plant species.

Critical area report means an investigation, report, map, study and/or evaluation, which may be required to demonstrate that a proposed development activity is in compliance with this title. As applicable, a critical area report may be a habitat management plan or a geotechnical report.

Critical areas means environmentally sensitive areas of land, including wetlands, frequently flooded areas, habitat conservation areas, geologically hazardous areas, and critical aquifer recharge areas, as defined in RCW 36.70A and this Title, needing protection.

Critical areas: as defined under Chapter [36.70A](#) RCW includes the following areas and ecosystems:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable waters;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

Critical Facility: means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Critical wildlife habitat means habitat areas, which are associated with threatened, endangered, sensitive, or priority species of plants or wildlife and which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term. Such areas are documented in lists, categories, and definitions of species promulgated by the Washington Department of Fish and Wildlife (Non-Game Data System Special Animal Species) as identified in WAC [232-12-011](#) or [232-12-014](#), and in the Priority Habitat Species lists compiled per WAC [365-190-080](#); or by rules and

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regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service. Critical wildlife habitat also includes:

- A. Regionally rare native fish and wildlife habitat (i.e. one of five or fewer examples of the habitat type within Snohomish County);
- B. Fish and wildlife habitats with irreplaceable ecological functions, and
- C. Documented habitat of regional or national significance for migrating birds.

Cul-de-sac means a road closed at one end, where the closed end is a circular or near circular shape providing a permanent turnaround.

Daycare means licensed care of children, including preschool and early learning services, away from their own home a substantial portion of the day but less than twenty-four (24) hours, by persons other than their parents or legal guardian. All daycare facilities shall be licensed by the Washington State Department of Early Learning pursuant to Chapter [170-295](#) WAC as exists now or is hereafter amended.

Daycare, commercial means a daycare facility for more than six (6) children within a nonresidential building or within the nonresidential portion of a mixed use building.

Daycare, family means a daycare facility provided in a residential dwelling unit in which the full-time occupant provides daycare for children other than his/her own family and the children of close relatives. Family daycare facilities may provide care for up to twelve (12) children, including the children living in the home or children of close relatives cared for in the home, between the hours of 6:00 a.m. and 7:00 p.m.

Dedication means conveyance of land to a public agency for general public purposes by deed or some other instrument of conveyance, or by dedication on a plat, short plat, or binding site plan and record of survey.

Dedication: "Dedication" means conveyance of land to the City for street purposes by deed or some other instrument of conveyance or by dedication on a duly filed and recorded plat or short plat.

Degraded wetland buffer means a buffer area which cannot fully protect its adjacent wetland due to one or more of the following existing conditions:

- A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);
- B. Significant cover (over 50 percent) in vegetation that does not contribute to the functionality of the wetland buffer;

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- C. Significant cover (over 50 percent) in invasive species or noxious weeds;
- D. Presence of existing nonconforming structures or improvements.

Density means the number of dwelling units on one acre of land.

Department means the City of Snohomish Department of Planning and Development Services.

Department: "Department" means the City of Snohomish Public Works Department.

Department: means the City of Snohomish Public Works Department.

Department store or variety store means an establishment engaged in the retail sale of various merchandise, such as dry goods, apparel, accessories, home furnishings, and house wares.

Destination resort means an establishment for resource-based recreation which is intended to utilize outdoor recreational opportunities and which includes related services, such as food, overnight lodging, equipment rentals, entertainment, and other conveniences for guests of the resort.

Detached means physically separated.

Detached Condominium means a detached dwelling unit, not greater than 2,000 square feet in total floor area that is developed at a density not greater than the underlying zone, with more than one dwelling occupying a single lot.

Detached Condominium Development means two or more detached condominiums constructed upon a single lot.

Detention means the temporary storage of storm water runoff to control peak discharge rates and allow settling of storm water sediment.

Detention facility means an above- or below- ground drainage facility, such as a pond or tank, that temporarily stores storm water runoff and releases it at a slower rate than it is collected by the drainage facility. The facility includes the flow control structure, the inlet and outlet pipes, and all maintenance access points.

Developer means a person who owns, holds a purchase option on, or otherwise controls property which the person proposes for development.

Developer: "Developer" means the person applying for or receiving a permit or approval for a development.

Development means the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or

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any project of a temporary or permanent nature which modifies structures, land, wetlands, or shorelines.

Development: means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; and/or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

Development: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Development: "Development" means all activities that require the following types of City permits or approvals: subdivisions, short subdivisions, industrial or commercial building permits, conditional use permits, recorded development plans, or building permits (including building permits for multi-family and duplex residential structures, and all similar uses), changes in occupancy and other applications pertaining to land uses; provided that "development" does not include building permits for single-family residential dwellings, attached or detached accessory apartments, or duplex conversions, on existing tax lots.

Development approval: means any written authorization from the City which authorizes the commencement of development activity.

Development right: means one of a series of rights inherent in fee simple ownership of land. It represents the potential for the improvement of a parcel of property, as measured in the number of potential residential dwellings or square footage of commercial use allowed by the property's land use designation and site attributes.

Direct traffic impact: "Direct traffic impact" means any new vehicular trip added by new development to the City street system.

Directional sign: means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience and may include incidental graphics such as trade names and trademarks.

Director: "Director" means the City of Snohomish Department of Public Works Director or his/her authorized designee.

Director: means Public Works Director or his/her authorized designee.

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Distributed Antenna System (DAS): means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the designed coverage area.

Diversity, when applied to habitat means diversity or complexity of vegetation as indicated by stratification of plant communities, variety of plant species, and spacing of vegetation.

Dock: means an anchored platform structure in or floating upon water to facilitate pedestrian access to the water or to watercraft. Docks may provide moorage for watercraft, and may include ancillary features such as piling, anchors, gangways, floats, fingers, etc. For the purposes of this chapter, "dock" is synonymous with "pier."

Downstream analysis means an analysis of potential drainage impacts and drainage facilities downstream of the subject property and/or development activity.

Dredging: means the removal, displacement, and/or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

Driveway means a facility for the passage of vehicles, constructed in accordance with the City of Snohomish street standards, which provides access from a public or private road to an individual development.

Drug store means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Duplex means a residential structure containing two dwelling units that have a contiguous wall, which structure is located on one lot. The term does not include a mobile home or a structure containing an attached or detached accessory dwelling unit.

Dwelling unit means one or more rooms with internal accessibility, designed for one family to live or sleep in, containing kitchen facilities and a bathroom. The term includes individual apartment units and manufactured homes.

Dwelling Unit: is defined in SMC [14.100](#).

Easement means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. "Easement" may include access, pedestrian paths, bicycle paths, utility easements, drainage, native growth protection areas, or open space.

Ecological functions, or shoreline functions: means the work performed or role played by physical, chemical and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

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Ecology means the Washington State Department of Ecology unless specifically stated otherwise.

Electronic changing message sign: means an electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic or digital programming.

Elementary and middle/junior high school: means institutions of learning required by the State of Washington with grades kindergarten through 9, including associated meeting rooms, auditoriums, and athletic facilities.

Elevation Certificate: means the official form (FEMA Form 81-31) used to track development and provide elevation information necessary to ensure compliance with state and federal floodplain management ordinances.

Elevated Building: means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Eligible facilities request: means any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station and involves (a) the collocation of new transmission equipment, (b) the removal of transmission equipment, or (c) the replacement of transmission equipment.

Eligible support structure: means any tower or base station that exists at the time the application is filed with the City.

Enclosed when applied to an activity, means totally concealed from expected human viewpoints by building, wall, fence, or other structure. When applied to a building, enclosed means totally enclosed via floor, walls, roof, and closable doors or windows.

Encumber: means to transfer funds from the general park impact fee fund to an account created to fund, in whole or in part, a particular system improvement. Once funds have been encumbered they cannot be used to fund any other system improvement. Funds may only be encumbered by an action of the City Council.

Energy resource recovery facility means a facility for recovering energy from the incineration, pyrolysis, or use of heat from solid waste.

Enhancement, when applied to wildlife habitat, wetlands, or wetland buffers, means the manipulation of the physical, chemical, or biological characteristics of a critical area or its buffer to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present by means, including but not limited to, increasing plant density or diversity, removing non-indigenous or noxious species, or controlling erosion.

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Environmental checklist means a form filled out to determine whether an action might have an impact on the environment, pursuant to Ch. [43.21C](#) RCW.

Environmental impact statement means a written document required under the State Environmental Policy Act, describing the impacts that could result from an action and how such impacts might be mitigated, prepared in accordance with Chapter [197-10](#) WAC.

Erosion means the wearing away of the earth's surface by wind, water, or other natural agents.

Erosion hazard areas means those areas with naturally occurring slopes, containing soils which are at high risk from water erosion according to the mapped description units of the United States Department of Agriculture Soil Conservation Service Soil Classification System.

Existing and ongoing agricultural activities means activities conducted on lands as defined in RCW [84.34.020\(2\)](#), involving the production of crops and livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, changes between agricultural activities, and normal maintenance and repair of existing serviceable structures and facilities. Such activity ceases to be ongoing when the area is converted to a non-agricultural use or has lain idle for longer than five years, unless the idle land is registered in a federal or state soils conservation program. This definition excludes forest practices.

Existing Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) and is completed before the effective date of the adopted floodplain management regulations.

Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FCC: means the Federal Communications Commission or successor agency.

Fabric shop means an establishment engaged in the retail sale of sewing supplies and accessories.

Fabrication shop means an establishment for the fabricating of goods. The term includes welding, cabinet, machine, and other similar shops.

Façade: the exterior wall of a building.

Family means one or more persons related by blood, adoption, or marriage, or a group of not more than five persons not related by blood, adoption, or marriage, living together as a single

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housekeeping unit in a dwelling unit. For the purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons. Adult family homes and foster homes, as defined herein, shall be included within this definition of family. Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "family".

Family childcare: means the same as family daycare.

Feasible: means that an action, such as a development project, mitigation, or preservation requirement meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; and
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In determining an action's infeasibility, the Planning Director shall also consider the action's relative public costs and public benefits, considered in the short- and long-term time frames.

In cases where certain actions are required unless they are not feasible or infeasible, the burden of proving infeasibility is on the applicant.

Feather sign or feather flag: means a sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one (1) side so the sign can move with the wind.

Fence means a manmade barrier erected to enclose, screen or separate areas of land. Vegetation, such as a hedge, is not a fence.

Fence, open means a chain link fence without slats or a fence where there is a minimum of one inch opening for every two inches of solid material evenly distributed across the length of the fence.

Fence, solid means a fence with no openings or openings less than one inch wide or with less than one inch opening for every two inches of solid material.

Fill: means the addition of soil, sand, rock, gravel, sediment, earth retaining structure or any other earthen or organic material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation of, or creates, dry land.

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Filling means a deposit of earth material placed by mechanical means.

Final plat means the final drawing of a subdivision and dedication prepared for filing for record with the County Auditor.

Float: means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the water in a manner that allows the structure or device to remain at the surface of the water.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood or Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow on inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard area, special ("Special flood hazard area")**;** means the land in the flood plain that is subject to a one percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

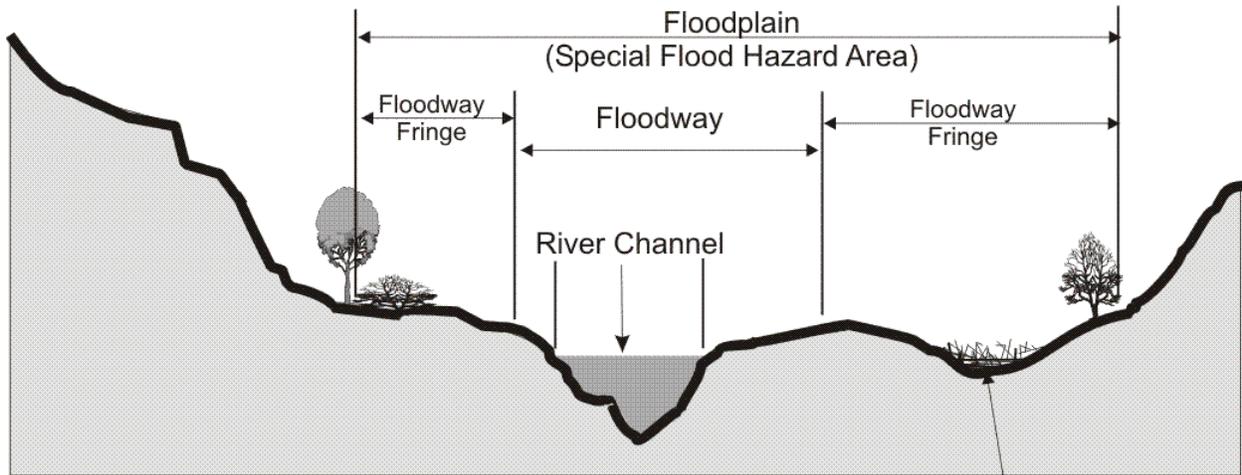
Flood Insurance Study (FIS): means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

Floodplain means a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with frequency and volume of flooding. The floodplain typically consists of the floodway and the floodway fringe.

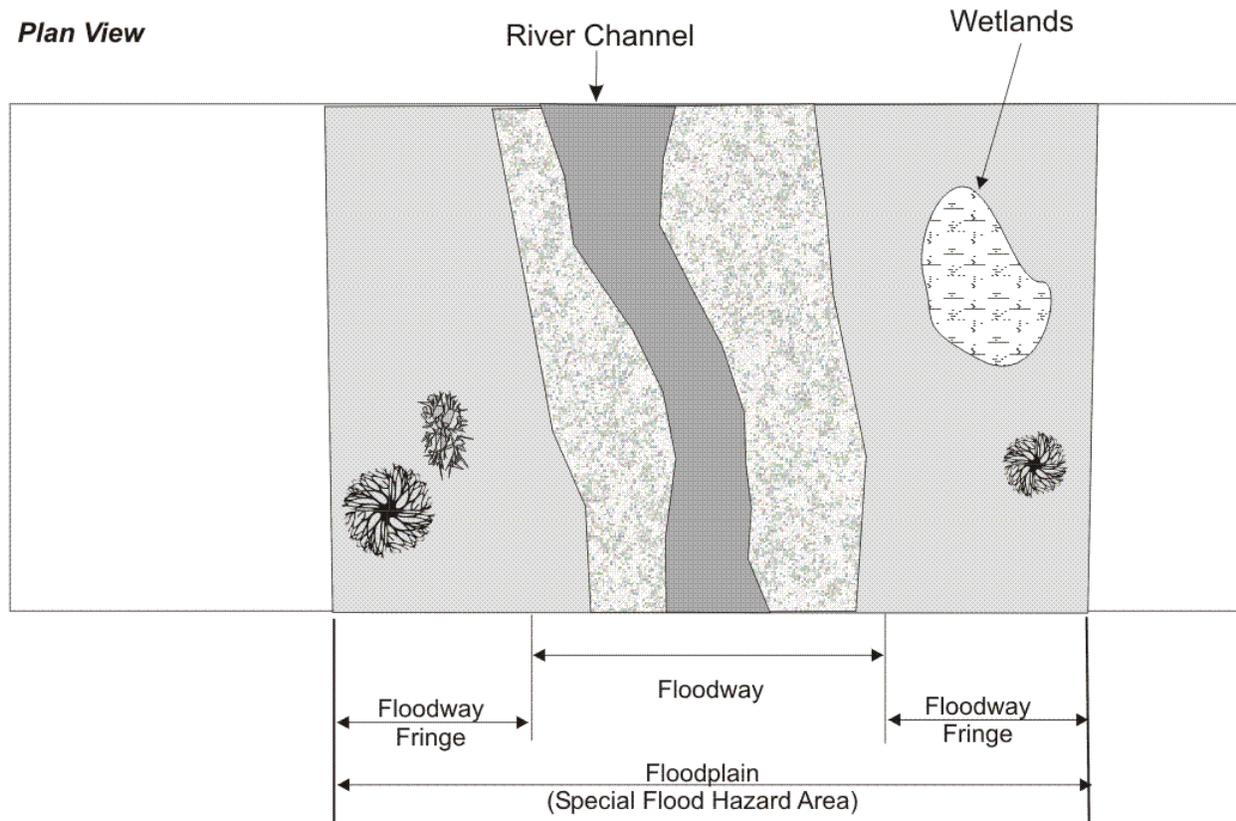
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Typical Floodplain
(special Flood Hazard Area)

Cross-sectional view



Plan View



Floodplain: is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one (1) percent chance of being equaled or exceeded in any given year. The limit

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of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

Flood proofing means any combination of structural and nonstructural additions, changes or adjustments to properties and structures, which reduces or eliminates flood damages to lands, water and sanitary facilities, structures and contents of buildings.

Floodway: means the, as identified in a master program, that either:

1. Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or floodway maps; or
2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area means the space defined by the exterior walls, floor and ceiling of a building or structure.

Floor area ratio means the gross floor area of all buildings on a lot divided by the area of that lot.

Florist shop means an establishment engaged in the retail sale of flowers and plants.

Forecourt private frontage: a private frontage type wherein a portion of the façade is close to the frontage line and the central portion is set back. (see SMC [14.212.1010](#))

Forest product sales means the sale of goods produced, extracted, or harvested from a forest, including trees, logs, firewood, cones, Christmas trees, berries, herbs, or mushrooms.

Forest research means the performance of scientific studies relating to botany, hydrology, silviculture, biology, and other branches of science in relation to management of forest lands.

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Foster home means a residence licensed by the state to provide care on a 24-hour basis to at least one but not more than six unrelated persons under the age of eighteen years.

Fraternity, sorority, or group student house means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and when regulated by such institution.

Freestanding sign: means a sign standing directly upon the ground and being detached from any building or similar structure.

Freestanding wall means a standalone wall not attached to a structure. Freestanding walls can be decorative or functional.

Freestanding wall, decorative means a wall with a primary purpose other than to resist the lateral displacement of soil. For the most part, the primary purpose of decorative freestanding walls is to serve an aesthetic, screening, or buffering purpose.

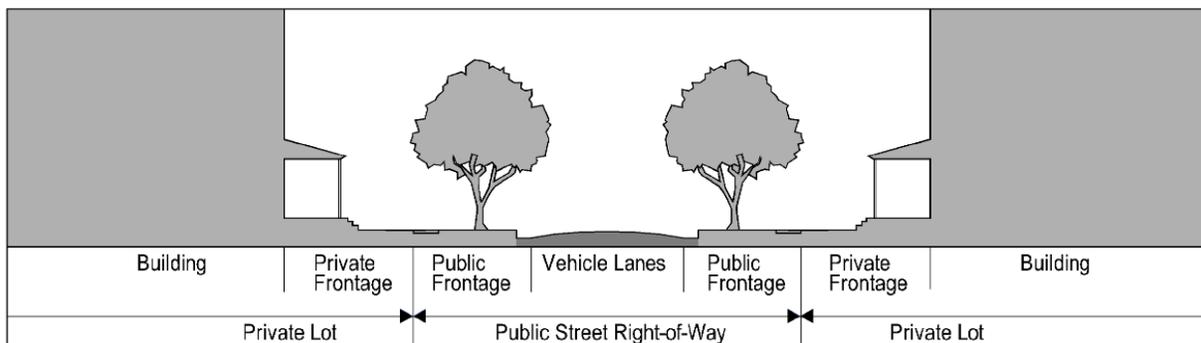
Freestanding wall, functional means a wall whose primary purpose is to resist the lateral displacement of soil. Retaining walls and rockeries are functional freestanding walls.

Front yard area or front yard setback area means the space between the front property line and the front setback line and between the side property lines.

Front setback (front yard): the area between the frontage line and the maximum setback line.

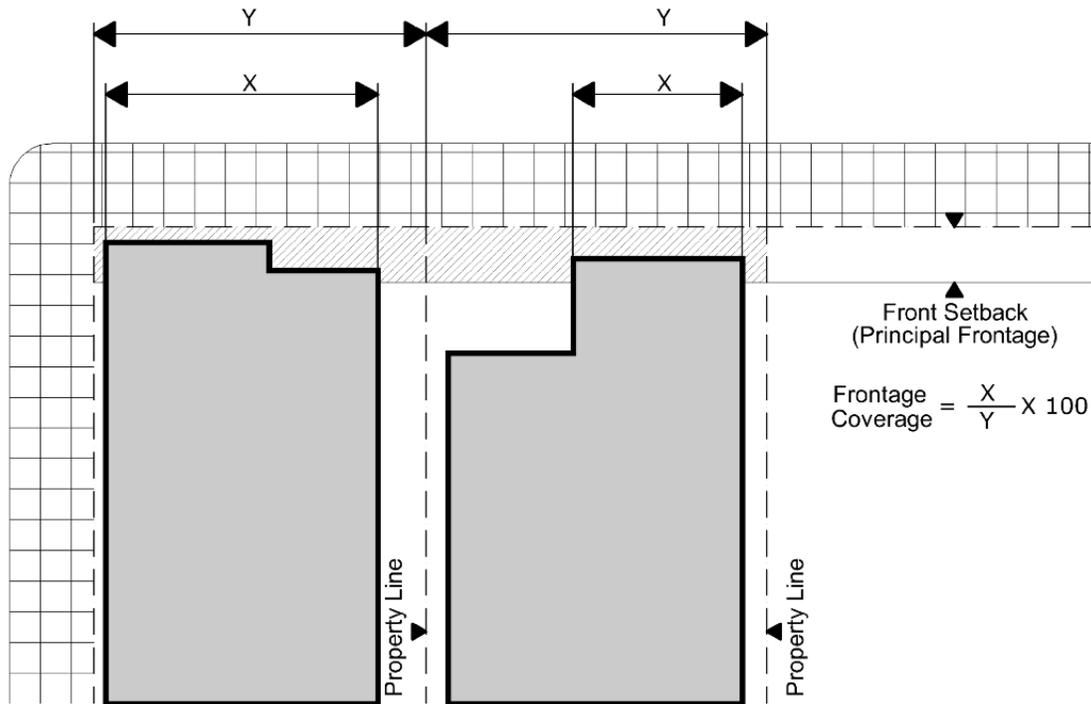
Frontage: the area between a building façade and the centerline of the adjacent street, inclusive of its built and planted components. Frontage is divided into the private frontage and the public frontage. (see Figure X-1)

Figure X-1. Frontages



Frontage coverage: the minimum percentage of the length of the principal frontage occupied by the primary façade(s) within the front setback. (see Figure X-2)

Figure X-2. Frontage Coverage Calculation



Frontage improvements means improvements to roadways abutting a development and required as a result of that development. Generally, frontage improvements shall consist of appropriate base materials, maximum of one lane of paved road section (up to 12 feet), bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, storm drainage improvements, curbs, gutters and sidewalks.

Frontage improvements: "Frontage improvements" means improvements on streets abutting a development and tapers thereto required as a result of a development. Generally, frontage improvements shall consist of appropriate base materials, curb, gutter, sidewalk, storm drainage improvements, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, and lane improvements.

Frontage line: a property line that coincides with the edge or margin of the street (not alley) public right-of-way.

Frontage, private: (see private frontage)

Frontage, public: (see public frontage)

Functions and values means the services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting

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terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Furniture and home furnishings store means an establishment engaged in the retail sale of household furniture and furnishings for the home.

Garage, private ("Private garage") means a building or a portion of a residential building designed or used primarily for shelter or storage of vehicles or boats, but not airplanes. Where any vehicles or boats are equipped for operation, repaired, or kept for remuneration, hire or sale, the term "private garage" does not apply.

Garage, public ("Public garage") means a building or a portion of a commercial building designed or used primarily for temporary shelter or storage of vehicles in exchange for a fee, or accessory to a commercial use.

Gasoline service station means a facility for the retail sale of gasoline and other automobile fuels available at pump islands, together with light general maintenance of automobiles.

General business service means an establishment providing services to businesses or individuals, with no outdoor storage or fabrication.

General personal service means an establishment engaged in providing services to individuals, such as cleaning and laundry, beauty and barber shops, shoe and other clothing repair shops, photographer, bookkeeping, tax preparation, and other personal services.

Geologically hazardous area means an area susceptible to significant or severe risk of landslides, erosion, or seismic activity.

Golf facility means a public or private facility for playing golf, including golf courses, driving ranges, miniature golf, and related pro shops, caddy shacks, restaurants, offices, meeting rooms, and storage facilities.

Governmental facility means a facility owned or leased and operated, by an agency of the federal, state, or local government.

Grade means an established elevation provided by the City Engineer, or, when such information is not available, the elevation of the sidewalk at the property line, or, when there is no sidewalk, the average elevation of the street adjacent to the property line.

Grading means the excavation, filling, leveling, or contouring of the ground surface by human or mechanical means.

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Grading: means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Groin: means a barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore.

Gross floor area: means the sum of all spaces defined by exterior walls, floors, and ceilings, including basements, mezzanines and all floor levels.

Ground floor: the story of a building on which the primary entrance is located.

Habitable floor means any floor usable for living, working, sleeping, eating, cooking, or recreation, excluding floors used only for storage.

Hatchery: means a facility for the rearing and/or holding of fish, the design of which is compatible with the natural environment and contains minimal development necessary for fish propagation.

Hazardous substances means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

Hazardous tree means a tree which poses an imminent danger of falling.

Hearing Examiner means the City of Snohomish Hearing Examiner.

Heavy equipment repair means the repair and maintenance of self-powered, self-propelled, or towed mechanical devices used for commercial purposes, including tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding repair of automobiles, recreational vehicles, boats, and recreational trailers.

Height Overlay: a portion of the Neighborhood Center zone for which additional building height is permitted through Transfer of Development Rights, as shown on the Regulating Plan.

Helipad means a landing area designed for the landing of helicopters, including associated parking, lighting, and related safety/security improvements.

Highway capacity manual: "Highway capacity manual" means the Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council, 1985, 2101 Constitution Avenue, Washington, D.C., amendments thereto, and any supplemental editions or documents published by the transportation research board adopted by the U.S. Department of Transportation, Federal Highway Administration.

Hobby, toy, and game shop means an establishment engaged in the retail sale of toys, games, hobby, or craft kits.

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Home occupation means a limited-scale service activity undertaken for financial gain with minimal or no on-site sales, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises as a residence.

Homeless encampment means an emergency homeless encampment, sponsored by a religious organization and managed by said religious organization or other managing agency, which provides temporary housing to homeless persons either within buildings located on the property owned or leased by a religious organization or located elsewhere on said property outside of buildings. The term "homeless encampment" shall not apply to the provision of indoor temporary housing or indoor sleeping accommodations to homeless persons where the period of accommodation lasts less than 48 consecutive hours.

Impact fee: means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

Impervious surface coverage: the percentage of total area of a parcel, including setback areas, that is covered by an impervious surface. For the purposes of this chapter, impervious surfaces are hard surfaces that do not allow for water infiltration or have a runoff coefficient of 0.90 or more. Examples of impervious surfaces include roofs, standard asphalt or concrete pavement, and gravel driving surfaces.

Inadequate street condition: "Inadequate street condition" means any street condition, whether existing on the street system or created by a new development's access or impact on the street system, which jeopardizes the safety of street users, including no automotive users, as determined by the City engineer in accordance with the Department policy and procedure for the determination of inadequate street conditions.

In-kind mitigation/compensation means replacement of critical areas with substitute areas whose characteristics and functions closely approximate or improve those destroyed or degraded by a regulated activity.

In-water utility: means infrastructure related to public infrastructure for domestic water, stormwater, wastewater, power generation, etc., that by nature and common design must be located in or in the immediate vicinity of a river, stream, or lake.

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Incidental sign: means a small informational sign not legible from the public right-of-way intended for the convenience of the public while on the premises, designed to inform the public of facilities or services available on the premises, and may include but not be limited to signs designating:

1. Restrooms;
2. Hours of operation;
3. Parking space designations;
4. Entrance/exit;
5. Acceptable credit cards;
6. Property ownership or management;
7. Recycling containers;
8. ATM machines;
9. Employment signs; and
10. Open/closed status.

Individual transportation and taxi means an establishment engaged in furnishing individual or small group transportation by motor vehicle.

Industry use means all activities involved in the processing or fabricating of a product.

Isolated wetland means a wetland that is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (RCW 90.48) whether or not they are protected by federal law.

Jail means a facility operated by a governmental agency for the incarceration of persons for the purpose of punishment, correction, and rehabilitation following conviction of an offense.

Jetty: means an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment.

Jewelry store means an establishment engaged in the retail sale of a variety of jewelry products.

Land use designation means a classification of land according to the general use allowed therein, under which certain regulations are imposed and which appears in one or more locations on the City of Snohomish Comprehensive Plan's Land Use Map.

Land Use Map means that the official City of Snohomish map which is a part of the Comprehensive Plan, and which defines the boundaries of the land use designations included in the Land Use Development Code.

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Landscaping means the artificial application of natural and manmade materials to improve the appearance of real property.

Landslide means down slope movement of a mass of soil, rock, snow or ice including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows and snow avalanches.

Landslide hazard area means areas that, due to slope and soil permeability, are susceptible to land sliding.

Landing field means a runway or landing area which is designed, used or intended to be used by private aircraft, including necessary taxiways, storage, and tie-down areas.

Level of service means a qualitative measure, describing operational conditions within a traffic stream and the perception thereof by road users. Level-of-service standards may be evaluated in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations, from A to F, with level-of-service A representing the best operating condition and level-of-service F the worst, as calculated by a methodology endorsed by the Institute of Transportation Engineers (ITE).

Level-of-service: "Level-of-service" or "LOS" means a qualitative measure describing operational conditions within a traffic stream and the perception thereof by street users. Level-of-service standards may be evaluated in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations, LOS A to F, with LOS A representing the best operating condition, and LOS F the worst. For the purposes of this Chapter, level-of-service will be measured only on arterial units.

Light manufacturing means processing and fabricating activities which provide minimal hazards or nuisance related to noise, vibration, glare, odor, smoke, dust, air pollution, toxins, fire, explosion, or traffic. Light manufacturing uses include, but are not limited to, the processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of previously prepared materials or finished products or parts. Light manufacturing uses do not include the basic industrial processing of unfinished unprocessed raw materials.

Lightwell: a private frontage type that includes a below-grade entrance or recess designed to allow light into basements. (see SMC [14.212.1010](#))

Liner building: a building specifically designed to mask a parking structure from a frontage.

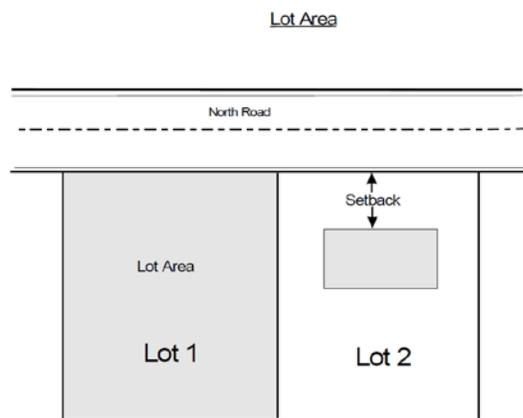
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Loading space means an area required to be maintained on certain business, commercial and industry lots, in addition to regular yard requirements, used for the loading and unloading of trucks and other vehicles.

Log storage means a facility for open or enclosed storage of logs, including incidental offices and repair facilities for on-site equipment.

Lot means a piece of land having fixed boundaries, either as part of a subdivision or through metes and bounds description, including tracts and parcels. The term does not include divisions or descriptions created solely for access purposes, utility purposes, open space or mitigation purposes, or tax record purposes by the Snohomish County Assessor's Office.

Lot area means the total horizontal area within the lot lines of a lot, as shown in the following diagram:



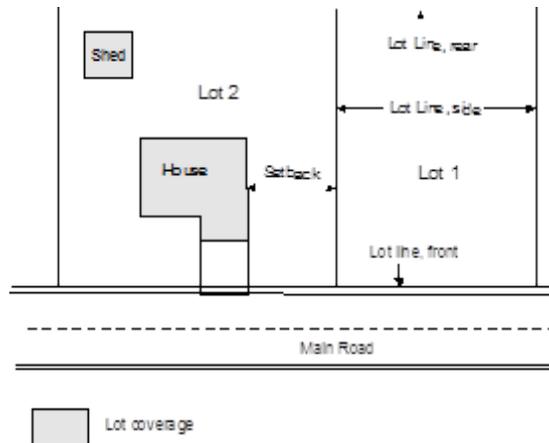
Lot, corner ("corner lot") means a lot bounded by more than one street, road or, private road.

Lot coverage means the area of a lot that can be covered with a building, structure, or required parking. An example of lot coverage is shown in the diagram below which illustrates both lot lines and lot coverage.

Lot, interior ("interior lot") means a lot bounded by no more than one street, road, or private road with the remainder of the lot lines abutting other lots, tracts, or alleys.

Lot line means a boundary of a lot, as shown in the following diagram. Property line means the same as lot line.

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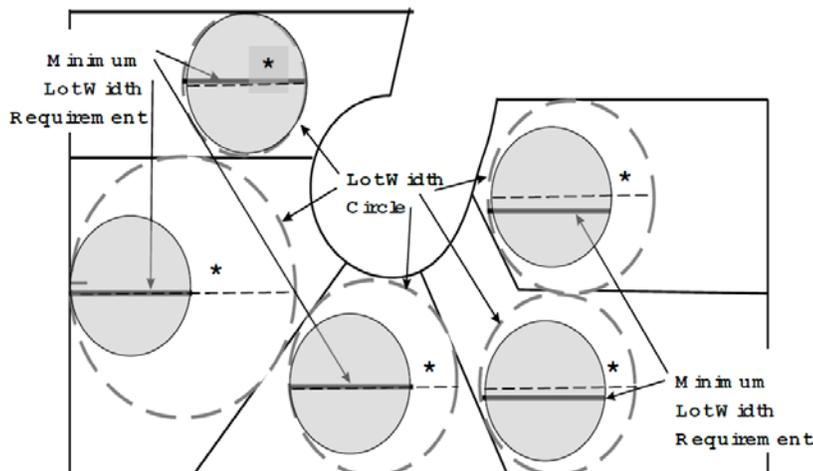


Lot line adjustment means a division made for the purpose of adjusting boundary lines, which does not create any additional lot, cause any lot to contain insufficient area, dimensions, or building setbacks, relocate an entire lot from one parent parcel into another parent parcel, or reduce the overall area in a plat or short plat devoted to open space, and which is not inconsistent with any restrictions or conditions of approval for a recorded plat or short plat, does not involve lots which do not have a common boundary, and does not circumvent the subdivision or short subdivision procedures set forth in this title.

Lot, parent ("parent lot") means the initial lot from which unit lots are subdivided pursuant to SMC [14.215.125](#).

Lot, unit ("unit lot") means one of the individual lots created by the subdivision of a parent lot pursuant to SMC [14.215.125](#).

Lot width means the distance between the side lines of a lot. Lot width shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot, provided that an access easement shall not be included within the circle. Examples of how lot width is measured are shown in the following diagram.



- Note: this line represents actual required lot width

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Lots, contiguous (“contiguous lots”) means lots with a common property line.

Low impact development (LID) is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, storage, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low impact development (LID) facilities are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID best management practices include, but are not limited to, bioretention, rain gardens, permeable materials, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

Lowest floor means the lowest floor of the lowest enclosed area of a building including the basement and excluding unfinished enclosures used solely for parking of vehicles, building access, or storage other than in the basement.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. (i.e. provided there are adequate flood ventilation openings).

Manufactured home means a structure as defined in RCW [35.63.160\(2\)](#), constructed after June 15, 1976, in compliance with Housing and Urban Development standards. For floodplain management purposes, “manufactured home” also includes park trailers, travel trailers, and similar vehicles placed on the site for greater than one hundred eighty consecutive days.

Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina means an establishment providing docking, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and personal services including but not limited to showers, toilets, self-service laundries and boat fueling.

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Marina: means a water-dependent facility that provides launching, storage, supplies, moorage and other accessory services for five or more pleasure and/or commercial water craft.

Mature and old-growth forested wetland means a wetland having at least 1 contiguous acre of either old-growth forest or mature forest, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

Maximum dwelling units (density) means the maximum number of units per acre permitted in the project's land use designation.

Minimum lot size means the specified minimum lot area required for a property to be used for uses allowed under the land use designation in which it is located.

Minor variance means a minor variance as defined in SMC [14.70.020](#).

Mitigation means avoiding, minimizing, or compensating for adverse impacts on critical areas.

Mitigation, in the following sequential order of preference, is:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action.
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project.
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action.
- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- F. Monitoring the impact or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Mobile home park means a development with two or more improved pads or spaces designed to accommodate mobile homes.

Monopole: means a style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are attached to a foundation on the ground. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices.

Monument sign: means a ground-based freestanding sign which is constructed or connected directly on or to a sign support consisting of a permanent solid base material foundation.

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Multi-family means a building or site designed or used to house two or more families independently, excluding accessory dwelling units.

Multi-family unit means an attached or detached dwelling unit in a multi-family structure or on a multi-family site.

Native vegetation means indigenous plant species that occur naturally in a particular region or environment.

NE Sewer Area means an area either within the City of Snohomish's Urban Growth Boundary or within the City limits of the City of Snohomish and located generally north of Blackmans Lake and east of State Route 9. The area is depicted on a map attached as Exhibit A to Ordinance [2252](#).

New Construction: means structures for which the "start of construction" commenced on or after the effective date of this Chapter.

New Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

No net loss: means that the Snohomish Shoreline Master Program provisions shall, to the greatest extent feasible, protect existing shoreline ecological processes and functions and avoid new adverse impacts to ecological processes and functions. The term "net," as used herein, recognizes that any development has potential for short-term or long-term impacts and that through application of appropriate development standards, avoidance of impacts and use of mitigation measures, those impacts will not diminish the shoreline resources and values as they currently exist. This standard is achieved through both the SMP planning process and by appropriately regulating individual developments through the permit review process.

Non-conforming means a structure or use lawfully existing until passage of an ordinance codified in this title and not conforming to said ordinance.

Non-conforming development or non-conforming structure: means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Non-conforming lot: means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

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Non-conforming use: means an existing shoreline use that was lawfully established prior to the effective date of the Act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Non-water-oriented uses: means those uses that are not water-dependent, water-related or water-enjoyment.

Normal protective bulkhead common to single-family residences: means a bulkhead constructed on a lot designated to permit one single-family residence and containing one single-family residence.

Nursing/convalescent home means a structure and/or premises required to be licensed as a nursing home under Chapter [18.51](#) RCW and providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for patients who, by reason of illness or infirmity, are unable to properly care for themselves; but excluding contagious, communicable, or mental illness cases and surgery or primary treatments such as are customarily provided for in hospitals. Group residential facilities and treatment centers are also excluded.

Off-premises sign means a sign which advertises a product, service, or company, not located on the property on which the sign is situated.

Off-site highway sign: means a sign located along, and oriented to, SR-9 and/or US-2 for the purpose of identifying, and providing travel information to, one (1) or more Snohomish businesses not otherwise visible from the highway(s).

Off-site sign: means a sign advertising, identifying, or relating to an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which such sign is located, e.g., billboards.

Offsite street or street improvement: "Offsite street or street improvement" means an improvement, except a frontage improvement, to an existing or proposed City street, which improvement is required or recommended in accordance with this Chapter.

Off-street parking means parking that is not in a public right-of-way and is reserved for a specific land use.

Open porch: a roofed space, open along two or more sides, and adjunct to a residential building, commonly serving to shelter an entrance and provide a private outdoor space.

Open parking: a parking area not fully enclosed within a building and visible from adjacent streets or properties.

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Open space means the area of a lot not covered by structures, streets, driveways, parking and loading spaces, and storage yards.

Ordinary high water mark means that mark which is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

Ordinary high water mark: as defined in Chapter [90.58](#) RCW, as now or hereafter amended and determined in the field, means on all lakes, streams, and tidal water the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water. In cases where the location of the ordinary high water mark is contested, its determination shall rest with the Washington State Department of Ecology.

Out-of-kind mitigation means replacement of wetlands with wetlands whose characteristics do not closely approximate those being damaged or degraded.

Outbuilding: an accessory structure on the same lot as, and usually located toward the rear of, a principal building.

Owner: means the owner person or party of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

Park means a piece of ground maintained for purposes of recreation, including pleasure, exercise, amusement or ornamentation.

Park: means land maintained for purposes of active or passive recreation.

Parking requirement means the number of parking spaces required by this development code for a certain use.

Parking space means the area required to store a vehicle plus the necessary maneuvering area.

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Parking structure: a structure or portion of a structure, enclosed on all frontages except for limited access/egress points and light/ventilation windows, designed for vehicle parking. Parking structures may be at, below, or above the adjacent sidewalk grade.

Party of record means the applicant or a person who testifies at a hearing or in writing about a matter before the Hearing Examiner.

Pedestrian street: (see woonerf)

Permanent sign: means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of "temporary sign." Wall-mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of this chapter.

Permitted use means a use that is unconditionally allowed in a land use designation.

Person means a person, party, firm, corporation, agency, or other entity.

Pet shop means an establishment engaged in the retail sale of pets, pet supplies, or grooming of pets.

Photographic and electronic shop means an establishment engaged in the retail sale of cameras and photographic supplies and/or a variety of household electronic equipment.

Pier: See "Dock."

Planning Commission means the City of Snohomish Planning Commission.

Planning Director means the manager of the City of Snohomish Department of Planning and Development Services. It means the same as City Planner as provided for in Chapter [2.34](#) SMC.

Planning Director: means the manager of the City of Snohomish Department of Planning and Development Services. "Planning Director" means the same as City Planner as provided for in Chapter [2.34](#) SMC.

Plat means the drawing of a subdivision of land and other elements as required pursuant to Ch. 58,17 RCW.

Podium parking structure: a portion of a building intended for vehicle storage built below the main building mass and partially submerged below the elevation of the adjacent sidewalk.

Portable sign: means a freestanding temporary sign which is capable of being moved by one (1) person and is not permanently affixed to the ground, a structure, or a building.

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Portable readerboard sign: means a portable sign, supported by feet or wheels, with changeable letters and generally internally illuminated.

Preliminary plat means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision, which furnishes a basis for the approval or disapproval of the general layout of the subdivision.

Premises means a lot with or without structures.

Principal use parking lot: means a parking lot that is not dedicated to serving the residents, customers, or employees of specific sites or uses but is available for general public use whether free or for a fee.

Print shop means an establishment employing 25 or fewer persons, which provides custom printing services to the public. The term may include publishing of books, magazines, periodicals or newspapers.

Primary entrance: the main/principal point of pedestrian access into a building, located parallel to and visible from the adjacent street or its tangent.

Primary façade: the exterior wall of a building that faces the principal frontage.

Principal building: the primary habitable structure on a lot. (see outbuilding)

Principal frontage: on corner or through lots, the private frontage designated to bear the address and principal entrance to the building. See secondary frontage.

Private frontage:

1. the privately held area between the frontage line and the maximum setback line, if applicable, or the façade of the principal building; and
2. portions of all primary facades up to the top of the first or second floor, including building entrances, located along and oriented to a street.

Physical elements of the private frontage include, but are not limited to, a building's primary entrance treatments and setback areas. (see SMC [14.212.1010](#))

Processing means those activities which alter or refine an existing product.

Professional office means a place of business which is used by licensed professionals or persons in generally recognized professions, requiring training or knowledge of a technical, scientific, or other academic discipline as opposed to manual skills, and which does not involve either outside storage or fabrication, or on-site sale or transfer of commodities.

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Project area means all areas, including those within fifty (50) feet of the area, proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Project improvements: mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the City shall be considered a project improvement.

Property line means the same as "lot line."

Property line, front means the property line separating the lot from the street. In the case of corner lots where there are two or more property lines that abut streets, the front property line shall be the property line abutting the street from which the primary pedestrian entrance is taken.

Property line, rear means the property line which is opposite and most distant from the front property line. In the case of triangular or other irregularly shaped lots, an imaginary line 20 feet in length located entirely within the lot, parallel to and at a maximum distance from the front lot line. When a lot extends into and beyond the mean low water line of a body of water, the rear property line shall be the mean low water line.

Property line, side means any property line other than a front or rear property line.

Proportionate share: means that portion of the cost of public facility improvements that is reasonably related to the service demands and needs of a new development.

Provisional use: a term that characterizes a land use requiring special consideration due either to its potential impacts on the neighborhood and land uses in the vicinity and/or to typical or uncertain aspects of its physical organization, design, or function. A provisional use may be approved if the proposed use, with or without special conditions, is determined to be consistent with the intent of this chapter.

Public access: See "Access, public."

Public agency: "Public agency" means any school district, public water, sewer or utility district, fire district, airport district, public transportation benefit area, or local government agency, seeking a land use permit or approval reviewed under this Chapter.

Public agency office means an office for the administration of any governmental activity or program.

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Public agency training facility means an establishment for training in law enforcement, fire safety, national guard, and transit operations, including classrooms, dining, overnight accommodations, shooting ranges, auto test tracks, and fire suppression simulations.

Public agency yard means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Public facilities: means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, trails and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

Public frontage: the area of the street right-of-way extending from the edge of the vehicle lanes of the adjacent roadway(s) to the frontage line. Physical elements of the public frontage include, but are not limited to, the curb, sidewalk, planter strip, street trees, and streetlights.

Public hearing means a formal meeting on a particular matter for which notice has been given, the public is allowed to comment, and comments become part of the record.

Public street means a roadway which is controlled by the City, other than an alley.

Public use means an activity operated by the federal, state, county, or City government or a special purpose district.

Qualified consultant means a scientist or other professional with the expertise and credentials necessary to provide competent advice on the matter in question.

Qualified landscape designer means a person who possesses a degree from an accredited institute of higher learning in one of the following fields or who has completed apprenticeship requirements in one of the following fields: landscape architecture, horticulture, floriculture, arboriculture, botany, wetland science, urban forestry, or a similar field. A qualified landscape designer may also be a person determined by the City Planner to be qualified based upon that person's education, professional referrals, related experience, work history, and examples of comparable landscape design projects.

Qualified wetland professional means a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

RF: means radio frequency on the radio spectrum.

Rear yard area or rear yard setback area means the space between the rear property line and the rear setback line and between the side property lines.

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Reasonable use means the minimum economic use a property owner is entitled to by virtue of the due process and takings clauses of the state and federal constitutions.

Receiving site or area: means one or more properties designated by ordinance to which TDR credits may be transferred for the right to develop property in excess of the development potential entitled by-right.

Recreational use: means a private or public facility designed and used to provide recreational opportunities to the public. Water-oriented recreation includes fishing, swimming, diving, hiking, and viewing. Recreational development provides the opportunity for the use and enjoyment of the shoreline by the public.

Recreational Vehicle: means a vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle parks means land on which two or more recreational vehicles, including hook-up facilities, are located for occupancy by the general public as temporary living or recreation quarters.

Recorded development plan means a plan approved by the City and recorded by the developer, whereby the development of a site is regulated in a manner which allows some flexibility in order to promote more rational planning and development, while still being consistent with the requirements of this title.

Re-establishment, wetland means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Regulating Plan: the zoning map for the Pilchuck District land use designation, adopted as part of this chapter.

Rehabilitation, wetland means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland.

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Activities to rehabilitate a wetland could involve breaching a dike to reconnect wetlands to a floodplain. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

Repair or maintenance means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Residence or residential refers to a building or part thereof containing dwelling units or rooming units, including houses, multi-family dwellings, boarding houses, and rooming houses. The term excludes hotels, motels, and correctional, medical, and convalescent facilities.

Residential development: means the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land subdivision. Residential development does not include hotels, motels, or bed and breakfast facilities.

Resource accessory use means a use, structure, or part of a structure, that is customarily subordinate and incidental to an agricultural resource use, including housing of agricultural workers on site, on-site storage of agricultural products or equipment, or other uses as specified in this Development Code.

Restoration means measures taken to restore an altered or damaged natural feature, including:

- A. Active re-establishment steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- B. Rehabilitation actions performed to repair structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.

Restoration or ecological restoration: means the reestablishment or upgrading of impaired or diminished ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Retail use means those activities which feature the sale of commodities for compensation.

Retaining wall means a wall of any material to resist the lateral displacement of soil, the slope of which is greater than 1.5 horizontal to 1 vertical. Retaining walls are not subject to the setback

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requirements in Chapter [14.210](#) SMC. Retaining walls are a type of functional freestanding wall. Rockeries are a type of retaining wall.

Retirement apartments means dwelling units exclusively designed for and occupied by senior citizen residents 62 years of age or older in accordance with the requirements of state and/or federal programs for senior citizen housing. There is no minimum age requirement for the spouse of a resident who is 62 years of age or older.

Retirement housing means dwellings exclusively designed for and occupied by senior citizen residents 62 years of age or older, in a building with central kitchen facilities providing meals for the residents. There is no minimum age requirement for the spouse of a resident who is 62 years of age or older.

Review Authority: the individual or official City body identified in this development code as having responsibility and authority to review and approve or disapprove the permit applications described in Article [I](#) of this chapter. The Review Authority will typically be the City Planner but may be the Hearing Examiner.

Right-of-way means land purchased by or dedicated to the public for the movement of vehicular or pedestrian traffic.

Riprap: means angular, quarry rock used for revetments or other bank stabilization projects.

Rockery means the same as “retaining wall.” Rockeries are a type of functional freestanding wall.

Roomer/boarder means a resident of a single-family dwelling or approved accessory dwelling unit who is not a member of the family occupying the single-family dwelling. Compensation may or may not be provided.

School means any institution, such as an elementary, middle, junior high, senior high, be it public, private, or parochial, which offers instruction as required by the State Board of Education.

School bus base means an establishment for the storage, dispatch, repair, and maintenance of school transit vehicles.

School district support facility means facilities other than schools and bus bases, which are necessary for operating a school district, including central kitchens and maintenance or storage facilities.

School impact fee means a payment of money imposed upon residential development as a condition of approval to pay for school facilities needed to serve the development. The school impact fee does not include a permit fee, application fee, administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

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Screening means any fence, horticulture, or other sight-obscuring barrier, which separates two activities.

Secondary frontage: on corner lots, the private frontage that is not the principal frontage.

Self-service storage facility means a facility for leasing or renting individual storage units.

Sending site or area: means one or more properties from which TDR credits may be transferred to use in a designated TDR receiving site as provided in SMC [14.222.030](#).

SEPA means the State Environmental Policy Act, Ch. [43.21C](#) RCW.

Service area: is defined in SMC [14.300.120](#). (from 14.300.120: "The service area established in this section assures a proportional benefit of public facilities to development applicants and establishes a nexus between those paying for the fees and those benefiting from the capital facilities. Because the City's size allows its park and recreation facilities to provide a reasonable benefit to its entire population regardless of their location within the City, the service area for the park impact fee shall be the entire City of Snohomish. The boundary within which impact fees will be charged shall include all unincorporated areas annexed to the City on and after the effective date of the ordinance codified in this chapter.")

Setback means the required minimum distance between structures on a lot and a property line, measured horizontally and at a 90-degree angle to the property line if straight or to a tangent thereto if curved.

Shall means the prescribed action is mandatory.

Shall: means a mandate; the action must be done.

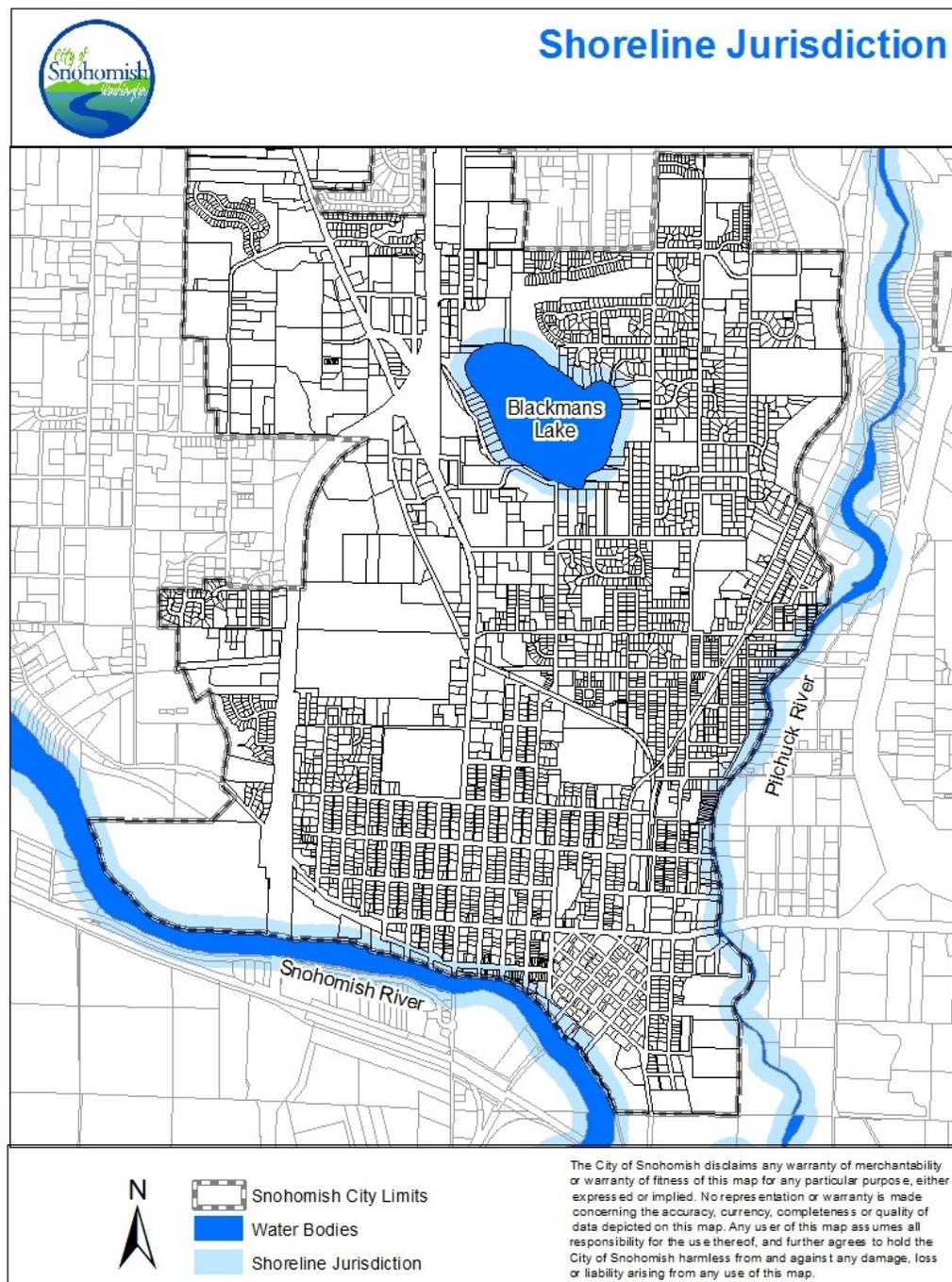
Shorelands or shoreland areas: means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams and lakes that are subject to the provisions of Chapter [90.58](#) RCW.

Shoreline, when applied to areas regulated by the Washington State Shoreline Management Act, means all water areas within the Snohomish City limits, but excluding streams upstream of a point where their mean annual flow is twenty cubic feet per second or less, together with the land extending landward for two hundred feet in all directions measured on a horizontal plane from the ordinary high water mark and all wetlands and flood plains associated with said water areas.

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Shoreline environment designations: means a regulatory classification of shorelines of the state established in the Shoreline Master Program to differentiate between areas subject to differing objectives regarding their use and future development.

Shoreline jurisdiction: means all shorelines of the state and “shorelands” as defined in RCW [90.58.030](#) and as depicted in Map B below.



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Shoreline Management Act (Act): means the Washington State Shoreline Management Act, Chapter [90.58](#) RCW.

Shoreline modifications: means actions that change the physical configuration or qualities of the shoreline area, such as clearing, grading, or the application of chemicals; or the construction of physical elements such as a dike, breakwater, groin, jetty, fill, bulkhead, or similar shoreline structure.

Shoreline stabilization: means actions taken to prevent or diminish erosion impacts to property or structures caused by natural hydrological processes, such as current, flood, tides, wind or wave action. These actions include installation or expansion of structures, such as bulkheads, jetties, groins, etc., and nonstructural methods, such as the planting of vegetation.

Shorelines: means all of the water areas within Snohomish and their associated shorelands, together with the lands underlying them, except:

1. Shorelines of statewide significance; and
2. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

Shorelines of statewide significance: means those shorelines described in RCW [90.58.030\(2\)\(f\)](#). Within the City of Snohomish, the Snohomish River is designated as a shoreline of statewide significance.

Shorelines of the state: means the total of all "shorelines" and "shorelines of statewide significance" within the state, as defined in RCW [90.58.030](#).

Short plat means the drawing of a subdivision of land into four or fewer lots.

Short subdivision means the division of land into four or less lots or tracts for the purpose of sale or lease.

Should: means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Side street: for corner lots, the street adjacent to the secondary frontage.

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Side yard area or side yard setback area means the space between a side property line and the nearest side yard setback line and between the front setback line and the rear setback line.

Sight obstruction means any building, structure or horticultural material, which restricts the vision of automobile and/or pedestrian traffic while using the right-of-way for travel.

Sign: means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, trademarks, or written copy intended to identify any place, subject, firm, business establishment, product, goods, service, point of sale, or event.

“Sign” also includes balloons attached to sign structures, streamers, spinners, pennants, flags, inflatables, or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings, and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message, or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering, or enclosure of persons or products. “Sign” includes any device which streams, televises, or otherwise conveys electronic visual messages, pictures, videos, or images, with or without sound or odors. Refer to SMC [14.245.080](#) for a list of prohibited signs.

Sign: means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, good, service, or event.

Sign area means that area enclosed by straight lines drawn around the periphery of the sign, excluding any supporting structure which does not form a part of the sign. The area of a double-faced sign (display surface on opposite sides of a single board) shall be computed on the basis of one sign face.

Significant stand of trees means trees covering an area of at least 2,500 square feet, where the drip line of the trees covers half of the area which according to an arborist is necessary for the trees to remain healthy and viable.

Significant tree means a deciduous and evergreen tree eight (8) inches or greater in diameter measured at a point four (4) feet above the ground, other than alders and cottonwoods (*Alnas rubra* and *Populis trichocarpa*).

Significant vegetation removal: means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The following do not constitute significant vegetation removal:

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1. Removal of invasive or noxious weeds;
2. Tree pruning, not including tree topping, where it does not affect ecological functions;
3. Mowing of established public and private lawn/grass areas; and
4. Normal maintenance, including mowing and volunteer sapling clearing of utility maintenance corridors and active use recreation areas.

Single-family, attached means any residential dwelling sharing a vertical wall with one or more dwellings on separate lots, with each dwelling having its own access to the outside. No portion of an attached single-family dwelling is located over another dwelling.

Single-family detached means a single-family dwelling not attached to any other dwelling.

Single-family dwelling: means a building containing one dwelling unit on one lot. The term excludes non-HUD-certified mobile homes and travel trailers, recreational vehicles, tents, and other forms of portable or temporary housing.

Site plan means a map or drawing showing the location of buildings, structures, landscaping, parking areas, driveways, streets, and other pertinent features, drawn to scale.

Slope means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

Special pavements: a general term for alternatives to standard concrete or asphalt pavement. The term may include, but is not limited to, bricks, cobbles, precast pavers, aggregates, and patterned concrete. The term typically does not include asphalt, whether stamped or colored.

Specialized instruction school means an establishment providing specialized instruction in such matters as art, dance, music, cooking, driving, pet obedience training and other technical and general educational areas, but not having the full range of facilities, such as sports fields and auditoriums, commonly included in a typical high school or college campus.

Species, Listed means any species listed under the federal Endangered Species Act or state endangered, threatened, and sensitive, or priority lists (see WAC 232-12-297 or page 6 of "Priority Habitat and Species List", Washington Department of Fish and Wildlife, 2008, Olympia, WA. 177 pp).

Spectrum Act: means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, [42](#) U.S.C. §1344(a) (providing, in part, "...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.").

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Sporting goods store means an establishment engaged in the retail sale of sporting goods and equipment.

Sports club means an establishment operating facilities for physical fitness, sports, or recreation.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage means the placement of commodities either enclosed or not enclosed for an indefinite period of time.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above. In situations where the finished floor level directly above a basement or cellar is more than six (6) feet above grade, the basement or cellar shall be considered a story.

Story: a habitable level within a building, excluding an attic or raised basement, subject to ceiling height limitations in Article [V](#) of this chapter.

Stream means an area where open surface water more than 2.5 meters deep produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round.

Street means a way for public circulation of vehicles and pedestrians.

Street: "Street" means an open, public way for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, paths, walkways, or side ditches, including the appertaining

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shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way or access easement.

Street system: "Street system" means those existing or proposed City streets within the transportation service area.

Street vacation means the process whereby the City agrees to relinquish its ownership of a street right-of-way to a land owner.

String course: a narrow horizontal band of masonry or similar building material extending across the façade that creates a visual distinction between the façade areas above and below. A string course may be flush or projecting, and may be flat surfaced, molded, textured, or carved.

Structure means an object composed of one or more pieces, in a fixed position relative to the ground, not completely buried and below grade. Retaining walls are excluded from the definition of structure for the application of setback requirements in Chapter [14.210 SMC](#).

Structure: means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Structured parking: (see parking structure)

Subdivision means the division, for the purpose of sale or lease, of land into five or more lots each capable of being sold separately, including re-subdivisions.

Subregional utility means an above-ground facility, with incidental storage buildings, which is a subset of a regional utility.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial development means a substantial development as defined in RCW 90.58.30(3)(e).

Substantial development: means any development as defined in RCW [90.58.030\(3\)\(e\)](#), as now or hereafter amended, and which requires a shoreline substantial development permit.

Substantial improvement: when applied to a flood prone area, means a repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair, or, if the structure has been damaged, before the damage occurred, excluding 1) improvements to structures to comply with state or local health, sanitary, or safety codes and 2) alterations of structures listed on the National Register of Historic Places or State Inventory of Historic Places.

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Substantial Improvement: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure;

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of the definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantially change means, in the context of an eligible support structure, a modification of an existing tower or base station where any of the following criteria is met:

1. For a tower located outside of public rights-of-way:
 - a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; or
 - b. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
2. For a tower located in the public right-of-way and for all base stations:
 - a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; or
 - b. There is added an appurtenance to the body of that structure that would protrude from edge of the tower by more than six feet.
3. For all base stations:
 - a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; or

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- b. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not more than for four cabinets.
4. For either a tower or a base station:
- a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; or
 - b. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
 - c. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.
5. To measure changes in height for the purposes of this section, the baseline is:
- a. For deployments that are or will be separated horizontally, measured from the original support structure.
 - b. For all others, measured from the dimensions of the tower or base station, inclusive of the originally approved appurtenances and any modifications that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.
 - c. To measure changes for the purposes of this section, the baseline is the dimensions that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.

Supervised drug injection facility means a legally supervised, medically supervised facility designed to provide a location where individuals are able to consume illicit drugs intravenously. "Supervised drug consumption facility" and "safe injection site" mean the same as supervised drug injection facility.

System improvements: mean public facilities that are designed to provide service to the community at large, in contrast to project improvements. System improvements are facilities included in any of the following documents: Capital Facilities Element of the Comprehensive Plan; Parks Element of the Comprehensive Plan; or Parks, Recreation, and Open Space Long Range Plan.

TDR certificate: means a recorded document issued by Snohomish County representing one TDR credit that may be submitted as part of an application for development of a receiving site to allow additional development consistent with the adopted exchange rate.

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TDR credit: means a tradable commodity representing one certified development right.

TDR exchange rate: means the development increment represented by one TDR credit for a specific receiving area, as may be measured in building area, building height, lot coverage, residential density, number of residential dwellings, or other development provisions as provided by this chapter.

Temporary sign: means any sign intended to be displayed for a limited period of time and that is not permanently mounted, painted on a structure, or otherwise affixed.

Temporary WCF: means a nonpermanent WCF installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a WCF, for providing news coverage of a limited event, or for providing emergency communications during a natural disaster or other emergencies that may threaten the public health, safety and welfare.

Tenant: means a business, governmental, or non-profit entity which occupies a building or other real property within the City.

Theater means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations.

Threshold determination means the decision required under SEPA as to whether a proposal will (determination of significance) or will not (determination of non-significance) require an environmental impact statement.

Title, when applied to real estate, means a document evidencing ownership.

Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or FCC-authorized antenna, including any structure that is constructed for wireless communication service. This term does not include base station.

Townhouse (also rowhouse): any residential dwelling sharing a vertical wall with a dwelling on the same or a separate lot. No portion of any townhouse is above or below another townhouse.

Tract means a separate piece of property created as part of a subdivision and intended for a particular specialized purpose other than an individual subdivided lot.

Transfer of development rights (TDR): the mechanism by which the entitlement to develop property may be sold from a designated sending site and purchased for use at an eligible receiving site where it can be exchanged for the license to place an increment of development on the receiving site in excess of the level of development allowed by-right.

DISCUSSION ITEM 7a.

Transfer of development rights (TDR): means the method by which the entitlement to develop property within a designated sending area may be sold for use within an eligible receiving site or area. At a designated receiving site, TDR credits can be exchanged for the license to place an increment of development on the receiving site in excess of the extent of development otherwise allowed.

Transfer station means a staffed facility where individuals and route collection vehicles deposit solid waste for transport to a permanent disposal site, including solid waste recycling facilities.

Transit park and ride lot means a vehicle parking area for access to a public transit system.

Transmission equipment: means equipment that facilitates transmission of any FCC-licensed or FCC-authorized wireless communication service.

Transportation Element: "Transportation Element" means the element of the City's Comprehensive Plan that consists of transportation goals and policies, an inventory of transportation facilities and services, adopted level of service standards for the street system, an analysis of the street system's deficiencies and needs, prioritized street system improvements and management strategies, and a multiyear financial plan, adopted pursuant to Ch. [36.70A](#) RCW.

Transportation Facilities Plan: "Transportation Facilities Plan" means the City approved document containing the prioritized improvements and projects designated by the City to implement the six-year Transportation Improvement Program.

Transportation service area: "Transportation service area" means the entire geographic area of the City, as identified and utilized in the Transportation Element for the purpose of evaluating the transportation impacts of development, determining proportionate shares of needed transportation improvements, and allocating revenue to transportation improvement projects.

Travel trailer means an enclosed space mounted on wheels for towing, designed as a human domicile, which is not a manufactured home.

Unavoidable impacts means adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Upper floor/story: any story above the ground floor.

Use means the existing or intended purpose of land or structures.

Utilities or utility facilities: means services and facilities that produce, convey, store or process electric power, gas, sewage, water, communications, oil, and waste. This includes drainage conveyances and swales. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

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For the purposes of this chapter, “utility facilities” does not mean infrastructure for administrative or support functions, such as professional offices, customer service centers, fleet maintenance facilities, storage yards, etc.

Variance: means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Vegetated low impact development (LID) facilities include bioretention, rain gardens, dispersion, vegetated roofs, and natural treatment areas.

Video board: means a device such as a television, computer monitor, flat panel display, plasma screen, or similar video electronic medium used as signage.

WCF Project: WCF for which a permit is required by the City.

Water Dependent: means a structure for commerce or industry that cannot exist in any other location and is dependent on the water because of the intrinsic nature of its operations.

Water-dependent use: means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment use: means a recreational or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use: means a use that is water-dependent, water-related, or water-enjoyment, or any combination thereof.

Water-related use: means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient

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Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Wetlands: means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Wetland of high conservation value means a wetland that has been identified by scientists from the Washington Natural Heritage Program (WHNHP) as an important ecosystem for maintaining plant diversity in Washington State.

Wetland Mitigation Bank means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources to compensate for future, permitted impacts to similar resources. Impacts mitigated through wetland mitigation banks are not typically known at the time of bank certification.

Wetland mosaic means an area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% percent of the total area of the entire mosaic, including uplands and open water.

Window sign: means any sign located inside or on, affixed to, or located within the frame of a window of a building intended to be seen in, on, or through a window and that is visible from the exterior of the window.

DISCUSSION ITEM 7a.

Wireless communications facility (WCF): or “WCF” means any antenna, associated equipment, base station, small cell system, tower, and/or transmission equipment.

Wireless communications service: means, without limitation, all FCC- licensed backhaul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

Woonerf: a segment of right-of-way with limited demarcation of travel lanes where vehicles share the road equally with bicyclists and pedestrians.

Zone: in the context of this chapter, the term refers to one of the regulatory districts within the Pilchuck District land use designation, as shown on the Regulating Plan.

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DISCUSSION ITEM 7b.

Date: February 5, 2020

To: Planning Commission

From: Glen Pickus, Planning Director

Subject: SEPA Flexible Thresholds for Minor New Construction Code Amendment

SUMMARY: Staff is revisiting a code amendment for the Planning Commission’s consideration to adopt SEPA flexible thresholds for minor new construction. Staff first introduced this code amendment in March 2017, but had to postpone the project because the Snohomish Municipal Code (SMC) did not include all of the required elements to allow adoption of flexible thresholds, as stated in WAC 197-11-800(1)(c). With the adoption of the Archaeological Resources Protection ordinance last year, the SMC now has all of the required elements.

BACKGROUND: The State Environmental Protection Act (SEPA) requires most governmental actions (decisions) go through an environmental review process; actions such as issuing development permits, rezones, amending development regulations and the Comprehensive Plan, and adopting planning documents. However, some actions are categorically exempt from this process, including “minor new construction.” State rules establish a minimum threshold below which construction activity is considered minor, and thus exempt. The rules also establish a range of activity called “flexible thresholds,” from which cities may choose to increase the minimum thresholds.

Chapter 14.90 SMC adopts SEPA by reference to the relevant Revised Code of Washington (RCW) and Washington Administrative Code (WAC) sections. SEPA rules are in Chapter 197-11 WAC. SMC 14.90.040 largely adopts all of the categorical exemptions described in WAC 197-11-800 with an exception: the City customized the categorical exemption section to prohibit the use of the exemption for minor new construction if the project is located in an environmentally sensitive area.

WAC 197-11-800 establishes 27 types of categorical exemptions, including “minor new construction,” “purchase or sale of real property,” “judicial activity,” “business and other regulatory licenses,” “procedural actions,” “adoption of noise ordinances,” and more. See Attachment A for a full list of categorical exemptions.

For the “minor new construction” exemption, cities are allowed to pick a threshold level to differentiate between the exempt minor construction and the non-exempt regular construction. Cities may pick a level within a specified range for six areas of construction activity:

1. Number of detached single-family residential units;
2. Number of multi-family residential units;
3. Size (in gross floor area) of agricultural structures such as barns, loafing sheds, farm equipment storage, produce storage or packing structure;
4. Size (in gross floor area) of an office, school, commercial, recreational, service, or storage buildings;
5. Number of stalls in a parking lot; and
6. Amount of fill or excavation.

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If a city does not choose to take advantage of the flexible thresholds, as is the current case with Snohomish, then the minimum threshold level applies.

The following tables show the range of thresholds from which the City can choose.

Project Type	Minimum Threshold	Maximum Threshold
Single-family Residential	4 dwelling units	30 dwelling units
Multi-family Residential	4 dwelling units	60 dwelling units
Agricultural Structures	10,000 square feet	40,000 square feet
Com., Indus., School and Rec. buildings	4,000 square feet	30,000 square feet
Parking facilities	20 parking spaces	90 parking spaces
Fill or excavation	100 cubic yards	1,000 cubic yards

ISSUES:

- Are current development regulations up-to-date, and will they effectively mitigate adverse environmental impacts without using SEPA?
- Should the threshold levels be consistent Citywide, or should there be different levels adopted for different parts of the City?
- Should the provision in SMC 14.90.040 that prohibits the use of the minor new construction categorical exemption in environmentally sensitive areas be retained, repealed, or modified?

PROPOSAL: To adopt flexible thresholds for minor new construction at a level above the minimum.

RECOMMENDATION: Discuss whether the City should take advantage of the flexible thresholds for minor new construction. If there is support for that (which is the staff recommendation), then provide staff direction on what levels to consider and to answer the “Issues” questions above when drafting an ordinance to establish the flexible thresholds.

ATTACHMENTS:

- A. Categorical Exemptions as listed in WAC 197-11-800
- B. WAC 197-11-800(1)(c) – Minimum requirements to raise exempt levels

REFERENCES

- [SMC 14.90 – State Environmental Policy Act](#)
- [WAC 197-11-800 – Categorical Exemptions](#)

ATTACHMENT A

Categorical Exemptions as Listed in WAC 197-11-800

- (1) Minor new construction – flexible thresholds
- (2) Other minor new construction
- (3) Repair, remodeling and maintenance activities
- (4) Water rights
- (5) Purchase or sale of real property
- (6) Land use decisions
- (7) Open burning
- (8) Clean Air Act
- (9) Water quality certifications
- (10) Activities of the state legislature
- (11) Judicial activity
- (12) Enforcement and inspections
- (13) Business and other regulatory licenses
- (14) Activities of agencies
- (15) Financial assistance grants
- (16) Local Improvement Districts
- (17) Information collection and research
- (18) Acceptance of filings
- (19) Procedural actions
- (20) Reserved
- (21) Adoption of noise ordinances
- (22) Review and comment actions
- (23) Utilities
- (24) Natural resources management
- (25) Wireless service facilities
- (26) State transportation project
- (27) Structurally deficient city, town, and county bridges

ATTACHMENT B

WAC 197-11-800(1)(c)

At a minimum, the following process shall be met in order to raise the exempt levels.

- (i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC [197-11-444](#)) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.
- (ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.
- (iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.
- (iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:
 - Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.
 - Planning and permitting processes that ensure compliance with applicable laws including chapters [27.44](#), [27.53](#), [68.50](#), and [68.60](#) RCW.
 - Local development regulations that include at minimum pre-project cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.