



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
March 4, 2020
6:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **GENERAL PUBLIC COMMENTS** on items not on the agenda
6. **PUBLIC HEARING:** Flexible Thresholds for SEPA Categorical Exemptions for Minor New Construction Code Amendment (P.3)
 - a. Chair opens hearing
 - b. Staff presentation
 - c. Commission questions
 - d. Public testimony
 - e. Close hearing
 - f. Deliberations
7. **DISCUSSION ITEM:** Title 14 Definitions Consolidation (P.9)
8. **DIRECTOR'S REPORT**
9. **ADJOURNMENT**

NEXT MEETING: The next regular Planning Commission meeting will be Wednesday, April 1, 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. This organization is an Equal Opportunity Provider.

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PUBLIC HEARING 6.

Date: March 4, 2020

To: Planning Commission

From: Glen Pickus, Planning Director

Subject: Flexible Thresholds for SEPA Categorical Exemptions for Minor New Construction Code Amendment

SUMMARY: The Planning Commission will hold a public hearing to consider a code amendment to adopt the maximum allowed flexible thresholds for the SEPA categorical exemption for minor new construction.

BACKGROUND: The State Environmental Protection Act (SEPA) requires most governmental actions (decisions) go through an environmental review process; actions such as issuing development permits. Chapter 14.90 of the Snohomish Municipal Code (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.

SEPA rules categorically exempt some governmental actions from environmental review. One such exemption is for “minor new construction,” and is broken down into six areas:

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.

If the construction activity falls below specified thresholds in WAC 197-11-800, they are automatically exempt because the construction activity is considered to be minor, and is thus automatically assumed to not have a substantial negative environmental impact. The rules provide for a range of activity, called “flexible thresholds,” from which cities may choose to increase the minimum thresholds for minor new construction.

SMC 14.90.040 adopts the categorical exemptions for minor new construction at the minimum level described in WAC 197-11-800. The section also prohibits the use of the exemption if the project is located in an environmentally sensitive area.

ANALYSIS: The City of Snohomish’s development regulations are up-to-date and are based on the best available science. Specifically, revised Shoreline Development regulations were adopted in 2018 and the regulations for development near wetlands was comprehensively updated last year. In addition, the City adopted regulations to protect archaeological and cultural resources in 2019, which is a required step prior to adopting flexible thresholds for minor new construction.

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With the City’s development regulations fully up-to-date, all imaginable substantial negative environment impacts a development might cause are mitigated by the regulations, making SEPA review a redundant process in almost every case other than the out-of-the-ordinary project by type or scope.

Adopting the maximum threshold levels for minor new construction will remove most projects from SEPA review, making the entire development review process more efficient (both in time and resources) without sacrificing environmental protection.

Beyond protecting the environment, one valuable aspect of requiring projects to go through the SEPA process, is the requirement for public notice and providing a public comment period. The City proactively considered this in anticipation of adopting higher thresholds, and have retained the public noticing and commenting provisions by making them independent of SEPA review, and required for virtually all development projects except for construction of a single house.

The following table shows the current thresholds (Minimum Threshold) and the Maximum Threshold staff recommends:

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

In addition to adopting the maximum threshold, staff also believes it is no longer necessary to prohibit using the minor new construction categorical exemption for projects in critical areas because of the recent updates to the wetland and shoreline regulations. Requiring these projects go through SEPA review will not result in mitigation measures not already required by the Land Use Development Code.

There is also a prohibition from using the categorical exemption described as WAC 197-11-800(24) in environmentally sensitive areas. This categorical exemption is for “natural resources management” (e.g. grazing leases, approvals for firewood removal). It is not clear why this prohibition was included, but looking at it today, it does not appear to provide any value to the process so staff recommends deleting it as well.

PROPOSAL: The following SMC amendments are necessary to adopt flexible thresholds for minor new construction at the maximum levels allowed, and to remove the prohibition from using the two referenced categorical exemptions for projects located in environmentally sensitive areas:

Amend SMC 14.90.040

This section needs to be amended to remove the two categorical exemption exceptions for environmentally sensitive areas. Also, the title is amended so it is clear the section does not address categorical exemption with flexible thresholds (e.g. minor new construction).

14.90.040 Categorical Exemptions Without Flexible Thresholds.

All of the categorical exemptions in WAC 197-11-800(2) through (27) shall apply in the City of Snohomish **and are categorically exempt from requiring a threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Chapter 197-11-305 WAC.** ~~except in the environmentally sensitive areas designated in SMC 14.90.090 the exemptions set forth in WAC 197-11-800(1) and 197-11-800(24) shall not apply.~~

New SMC 14.90.045

Since SMC 14.90.040 is amended to not refer to the minor new construction categorical exemption, a new section must be added, and to adopt the maximum allowed thresholds.

14.90.045 Flexible Thresholds for Minor New Construction Categorical Exemption

The City establishes the following exempt levels for minor new construction pursuant to WAC 197-11-800(1)(d):

- A. For single-family residential projects, up to thirty dwelling units;
- B. For multifamily residential projects, up to sixty dwelling units;
- C. For agricultural structures, up to forty thousand square feet;
- D. For office, school, commercial, recreational, service or storage buildings, up to thirty thousand square feet;
- E. For parking facilities, up to ninety parking spaces;
- F. For fills and excavations of up to one thousand cubic yards. All fill or excavation, of any quantity, necessary for an exempt project in subsections A-D of this section shall be exempt.

Amend SMC 14.90.090

This section needs to be amended as it refers to the prohibition of using the two categorical exemptions for projects in environmentally sensitive areas. Some additional proposed language is proposed to improve clarity and to include the maps in SMC 14.250, Shoreline Management.

14.90.090 Environmentally Sensitive Areas

- A. The map(s) associated with Chapters 14.255~~250~~ through 14.280 SMC identify the areas of the City that are considered environmentally sensitive. ~~The categorical exemptions in WAC 197-11-800 that are inapplicable for these areas are WAC 197-11-800(1) and 197-11-800(24). All other categorical exemptions shall continue to apply within environmentally sensitive areas.~~
- B. The City shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals **if required**. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

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- C. Certain categorical exemptions in WAC 197-11-800 do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

RECOMMENDATIONS:

Motion to recommend City Council AMEND SMC 14.90, as proposed, to adopt the maximum allowed thresholds for categorical exemptions for minor new construction and repeal the prohibition on using the categorical exemption for minor new construction and natural resources management for projects located in environmentally sensitive areas.

Motion to ADOPT the Findings of Facts & Conclusions as presented.

ATTACHMENT: Findings of Facts & Conclusions

REFERENCES:

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

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed amendments to Title 14 Snohomish Municipal Code related to adopting the maximum allowed flexible thresholds for SEPA categorical exemptions for minor new construction, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. WAC 197-11-800(1) provides for flexible thresholds for SEPA categorical exemptions for minor new construction.
3. WAC 197-11-800(c) sets the minimum standards required in order to raise the exempt levels for minor new construction.
4. Chapter 14.90 Snohomish Municipal Code (SMC) implements the State Environmental Policy Act (SEPA) and SMC 14.90.040 addresses categorical exemptions but does not address flexible thresholds for minor new construction.
5. Snohomish Municipal Code's development and environmental regulations are up-to-date and reflect the best available science, specifically with the recent updates of the Snohomish Shoreline Master Program in 2018 and the City's wetland regulations in 2019
6. On May 7, 2019, the Snohomish City Council adopted Ordinance 2369 to implement an archaeological and cultural resources protection code which provides qualified City staff access to the Washington State Department of Archaeology and Historic Preservation's data, historic information and predictive models, ensures compliance with Chapters 27.44, 27.53, 68.50, and 68.60 RCW, and includes standard inadvertent discovery language for all projects.
7. The proposed amendment implements the following goal contained in the Snohomish Comprehensive Plan:

Goal LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
8. Procedural requirements.
 - a. The proposed amendment is consistent with state law.
 - b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on Feb. 10, 2020.

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- c. Pursuant to WAC 197-11-800(1)(c)(iii) a 60-day notice with an opportunity to comment on the proposed amendment was provided to affected tribes.
 - d. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.
9. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish, as the designated lead agency for review of the proposed amendment, issued a Determination of Non Significance on February 17, 2020 pursuant to WAC 197-11-340(2). No appeal of the determination was filed so the determination stands as issued
10. The Planning Commission held a public hearing on March 4, 2020, to receive public testimony concerning the proposed amendment.
11. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendment.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions.

- 1. The minimum requirements of WAC 197-11-800(1)(c) have been met.
- 2. The City of Snohomish's adopted development regulations are up-to-date and based on best available science so they provide adequate environmental analysis, protection and mitigation for impacts to the environment that development may generate.
- 3. The City of Snohomish's adopted development regulations and applicable state and federal laws provide adequate protection for cultural and historic resources.
- 4. The proposed amendment is consistent with Washington State law and the SMC.
- 5. The proposed amendment implements and is consistent with the goals and policies of the Comprehensive Plan.
- 6. The proposed amendment protects the public health, safety, and general welfare.
- 7. The proposed amendment does not result in an unconstitutional taking of private property for public purpose and it does not violate substantive due process guarantees.

Date: _____

By: _____
Terry Lippincott, Planning Commission Chair

DISCUSSION ITEM 7.

Date: March 4, 2020

To: Planning Commission

From: Brooke Eidem, Planner

Subjects: Definitions Code Amendment

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

THE ISSUE: In addition to the existing definitions of Chapter 14.100 SMC, eight subject-specific definitions sections have been adopted in various chapters of Title 14. Having definitions in multiple locations creates difficulties for users of the code, and can cause confusion as well as potentially conflicting information. At the February meeting, the Planning Commission was presented with a consolidated document containing all definitions found in Title 14, and as discussed, there were redundant definitions and unclear language.

PROPOSAL: As discussed by the Planning Commission in February, staff is proposing to relocate, consolidate, and update all definitions of Title 14. This will require amending several other chapters to remove the definitions sections. In some cases, additional minor clarifications may be necessary, such as identifying who the “director” is referring to in the Traffic Impacts chapter.

Staff has reviewed definitions for relevancy, redundancy, and clarity. Proposed changes have been organized into four categories: definitions proposed for deletion (Attachment A); definitions proposed for revision to improve clarity (Attachment B); new definitions (which will be discussed at a future work session); and definitions that will remain essentially unchanged (and not provided at this time).

Many of the definitions are proposed to be deleted because staff believes the customary everyday definition found in dictionaries will suffice. By deleting these definitions, not only is the code made shorter and thus simpler, but also some added flexibility is provided which could help the Planning Director address unique situations should they arise.

ACTION REQUESTED: No action is required as this is merely a discussion item. Staff is requesting input, discussion, and direction from the Commission on language.

NEXT STEPS: A further work session will be held in April. A public hearing on the amendments is tentatively scheduled for May.

ATTACHMENTS

- A. Definitions proposed for deletion
- B. Amended definitions

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DEFINITIONS PROPOSED FOR DELETION	
Definition being deleted	Reason
<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>Accessory structure means a structure that is incidental to and on the same site as the principal structure.</p>	<p>Redundant definition; keeping “accessory”.</p>
<p>Accessory use, when applied to a residence, means a use or structure that is subordinate and incidental to a residence, including:</p> <ol style="list-style-type: none"> 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. 	<p>Redundant definition; keeping “accessory”.</p>
<p>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 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.</p>	<p>Redundant definition; keeping more concise version (from shorelines).</p>
<p>Agricultural equipment and agricultural facilities includes, but is not limited to:</p> <ol style="list-style-type: none"> 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 	<p>Specific to Shorelines, keeping in SMC 14.250.</p>

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4. Roadside stands and on-farm markets for marketing fruit or vegetables.	
Applicant means a person applying for permission for a land use or development regulated by this title.	Customary meaning.
Approving authority "Approving authority" means the City employee, agency or official having authority to issue the approval or permit for the development involved.	Not necessary.
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.	Specific to Shorelines, keeping in SMC 14.250.
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.	Specific to Shorelines, keeping in SMC 14.250.
Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.	Redundant definition; keeping version from Flood Hazard Areas code.
Base flood See Chapter 14.270 SMC and 44 CFR 59.1 .	Redundant definition; keeping version from Flood Hazard Areas code.
Basement means any area of the building having its floor sub-grade (below ground level) on all sides.	Keeping standard definition, including a statement about basements for flood loads.
Book, stationery, video, and art supply means an establishment engaged in the retail sale of books and magazines, stationery, video, and/or art supplies.	Customary meaning.
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: <ol style="list-style-type: none"> 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; 	Specific to Shorelines, keeping in SMC 14.250.

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<p>4. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural wetland, river, or stream characteristics;</p> <p>5. Cleanse and recharge stormwater runoff to minimize sediment and chemical transport to the water body; and/or</p> <p>6. Provide habitat for wildlife.</p> <p>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.</p>	
<p>Building means a roofed structure designed to shelter persons, animals, or property.</p>	<p>Customary meaning.</p>
<p>Building, hardware, and garden materials means an establishment engaged in selling lumber and/or other building materials, feed, and lawn and/or garden supplies.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Redundant definition; keeping more concise version.</p>
<p>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.</p>	<p>Customary meaning.</p>
<p>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)</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Not necessary to define.</p>
<p>Commercial use means activities which provide goods, merchandise, and/or services for compensation.</p>	<p>Customary meaning.</p>
<p>Comprehensive Plan means the City of Snohomish Comprehensive Plan.</p>	<p>Redundant definition; keeping more descriptive version.</p>
<p>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.</p>	<p>Customary meaning; not included in land use tables.</p>

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<p>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.</p>	<p>Incorporating into “cottage housing development”.</p>
<p>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.</p>	<p>Redundant definition; keeping more descriptive version.</p>
<p>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.</p>	<p>Not included in land use tables. Incorporating into “childcare” definition.</p>
<p>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.</p>	<p>Redundant definition; keeping more concise version.</p>
<p>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.</p>	<p>Customary meaning.</p>
<p>Developer means a person who owns, holds a purchase option on, or otherwise controls property which the person proposes for development.</p>	<p>Redundant definition; keeping more concise version.</p>
<p>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.</p>	<p>Redundant definition specific to Shorelines; keeping more concise and general version.</p>
<p>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.</p>	<p>Redundant definition specific to traffic impact fees and identifies applicability; keeping more concise version. Inserting an applicability statement in SMC 14.295.</p>
<p>Development approval means any written authorization from the City which authorizes the commencement of development activity.</p>	<p>Customary meaning.</p>
<p>Director “Director” means the City of Snohomish Department of Public Works Director or his/her authorized designee.</p>	<p>Not necessary.</p>
<p>Dwelling Unit is defined in SMC 14.100.</p>	<p>Redundant from Parks chapter.</p>
<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>

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<p>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.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Redundant definition; keeping “agricultural activities”.</p>
<p>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.</p>	<p>Redundant definition; keeping “manufactured home park or subdivision”.</p>
<p>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).</p>	<p>Redundant definition; keeping “manufactured home park or subdivision”.</p>
<p>Fabric shop means an establishment engaged in the retail sale of sewing supplies and accessories.</p>	<p>Customary meaning.</p>
<p>Feasible means that an action, such as a development project, mitigation, or preservation requirement meets all of the following conditions:</p> <ol style="list-style-type: none"> 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. 	<p>Specific to Shorelines, keeping in SMC 14.250.</p>

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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.	
Filling means a deposit of earth material placed by mechanical means.	Unnecessary; keeping definition of “fill”.
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.	Specific to Shorelines, keeping in SMC 14.250.
Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: <ol style="list-style-type: none"> 1. The overflow on inland or tidal waters and/or 2. The unusual and rapid accumulation of runoff of surface waters from any source. 	Redundant definition; keeping more concise version.
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 of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.	Redundant definition specific to Shorelines; keeping in SMC 14.250.
Florist shop means an establishment engaged in the retail sale of flowers and plants.	Customary meaning.
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.	Redundant definition; keeping more descriptive version.
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.	Keeping under “setback”.
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.	Redundant definition; keeping more concise version.
Furniture and home furnishings store means an establishment engaged in the retail sale of household furniture and furnishings for the home	Customary meaning.
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.	Unnecessary definition; keeping a concise version of “grading”.
Grading means the excavation, filling, leveling, or contouring of the ground surface by human or mechanical means.	Redundant definition; keeping more concise version.

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<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>Hobby, toy, and game shop means an establishment engaged in the retail sale of toys, games, hobby, or craft kits.</p>	<p>Customary meaning.</p>
<p>Jewelry store means an establishment engaged in the retail sale of a variety of jewelry products.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Redundant definition; keeping more concise version.</p>
<p>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.</p>	<p>Redundant definition; keeping more descriptive version.</p>
<p>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.</p>	<p>Redundant definition, keeping Flood Hazard Areas version.</p>
<p>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.</p>	<p>Redundant definition; keeping more descriptive version.</p>
<p>New Construction means structures for which the “start of construction” commenced on or after the effective date of this Chapter.</p>	<p>Customary meaning; will add a statement to flood hazard areas code.</p>
<p>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.</p>	<p>Redundant. Keeping definition for “non-conforming”. This version will remain in SMC 14.250.</p>
<p>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.</p>	<p>Redundant. Keeping definition for “non-conforming”. This version will remain in SMC 14.250.</p>
<p>Non-conforming use means an existing shoreline use that was lawfully established prior to the effective date of the Act or the</p>	<p>Redundant. Keeping definition for “non-conforming”. This version will remain in SMC 14.250.</p>

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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.	Specific to Shorelines, keeping in SMC 14.250.
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.	Specific to Shorelines, keeping in SMC 14.250.
Off-premises sign means a sign which advertises a product, service, or company, not located on the property on which the sign is situated.	Redundant definition; keeping more descriptive “off-site sign”.
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.	Redundant definition; keeping more descriptive version from shorelines.
Owner means the owner 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.	Customary meaning.
Park means land maintained for purposes of active or passive recreation.	Redundant definition; keeping more descriptive version.
Person means a person, party, firm, corporation, agency, or other entity.	Customary meaning.
Pet shop means an establishment engaged in the retail sale of pets, pet supplies, or grooming of pets.	Customary meaning.
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.	Customary meaning.
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.	Redundant definition; keeping duplicate version.
Premises means a lot with or without structures.	Customary meaning.
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.	Customary meaning.
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.	Customary meaning.
Public agency office means an office for the administration of any governmental activity or program.	Unnecessary definition, as it doesn’t matter to the land use.

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<p>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.</p>	<p>Unnecessary definition, as it doesn't matter to the land use.</p>
<p>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.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Unnecessary definition; Recorded Development Plans are no longer a permit type in the City.</p>
<p>Regulating Plan the zoning map for the Pilchuck District land use designation, adopted as part of this chapter.</p>	<p>Specific to Pilchuck District; identified in SMC 14.212.</p>
<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>Retail use means those activities which feature the sale of commodities for compensation.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Customary meaning.</p>
<p>Shall means a mandate; the action must be done.</p>	<p>Redundant definition; keeping better version.</p>
<p>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.</p>	<p>Redundant definition; keeping more descriptive version.</p>
<p>Shoreline Management Act (Act) means the Washington State Shoreline Management Act, Chapter 90.58 RCW.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>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</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>

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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.	Specific to Shorelines, keeping in SMC 14.250.
Short subdivision means the division of land into four or less lots or tracts for the purpose of sale or lease.	Redundant definition; keeping “short plat”.
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.	Redundant definition; keeping more descriptive version.
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: <ol style="list-style-type: none"> 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. 	Specific to Shorelines, keeping in SMC 14.250.
Story a habitable level within a building, excluding an attic or raised basement, subject to ceiling height limitations in Article V of this chapter.	Redundant definition; keeping more descriptive version.
Street means a way for public circulation of vehicles and pedestrians.	Redundant definition; keeping more descriptive version.
Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.	Customary meaning.
Substantial development means a substantial development as defined in RCW 90.58.30(3)(e).	Redundant definition specific to Shorelines, keeping in SMC 14.250.
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.	Specific to Shorelines, keeping in SMC 14.250.
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; <ol style="list-style-type: none"> 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 	Redundant definition; keeping more concise version.

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<p>“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.</p> <p>The term can exclude:</p> <ol style="list-style-type: none">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; or2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.	
<p>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:</p> <ol style="list-style-type: none">1. For a tower located outside of public rights-of-way:<ol style="list-style-type: none">a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; orb. 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:<ol style="list-style-type: none">a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; orb. 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:<ol style="list-style-type: none">a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; orb. 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:<ol style="list-style-type: none">a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; orb. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; orc. 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.	<p>Applicability statement that will be inserted in Chapter 14.242 SMC.</p>

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<p>5. To measure changes in height for the purposes of this section, the baseline is:</p> <ul style="list-style-type: none"> 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- 	
<p>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.</p>	<p>Unnecessary definition.</p>
<p>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.</p>	<p>Redundant definition; keeping more concise version.</p>
<p>Use means the existing or intended purpose of land or structures.</p>	<p>Customary meaning.</p>
<p>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.</p>	<p>Redundant definition, keeping Shorelines definition in SMC 14.250.</p>
<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>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.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or any combination thereof.</p>	<p>Specific to Shorelines, keeping in SMC 14.250.</p>

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<p>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:</p> <ol style="list-style-type: none">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; or2. 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	<p>Specific to Shorelines, keeping in SMC 14.250.</p>
<p>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.</p>	<p>Redundant definition; keeping duplicate version.</p>

Modified/Amended Definitions

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. Also referred to as a sandwich board sign.

Abutting: ~~means~~ the state of being next to with a common boundary and no physical separation.

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

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.~~

Adult family home: ~~means~~ a regular family abode residence 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 offers its customers for viewing, purchase, loan, or otherwise, prurient or sexually explicit materials or entertainment, ~~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, activities, and practices involved in the production of crops and livestock, 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

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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 land: ~~means those specific land areas as defined in RCW 84.34.020(2), 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.~~

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

Agricultural crop sales: ~~mean the retail sale of agricultural products that have been grown, raised, and/or harvested from a farm products such as from roadside stands or self-pick establishments.~~

Appeal: ~~means a request for a review of the an interpretation of a regulatory any provision or a reversal of a decision made pursuant to this Title. of this chapter or a request for a variance.~~

Arterial: ~~means a roadway classification as identified street designated as an arterial in the Comprehensive Plan.~~

Assisted living: See congregate care

Attic: ~~the interior part of a building above the structure's plate line. the space between the ceiling beams of the top story and the roof rafters.~~

Auction house: ~~means an establishment or company that facilitates the buying and selling of assets, such as art and collectibles 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 motor vehicles, including mechanical work, body and fender works, and painting. The term does not include encompass the business of wrecking automobiles or impound car lots, when conducted outside of a structure.~~

Automotive dismantling and/or wrecking: ~~means any dismantling disassembly, deconstruction, or breaking up wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.~~

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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.

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. For flood loads, a basement is the portion of a building having its floor below ground level on all sides.

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

Bond: means a financial security provided by a surety, insurance, or 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.

Let Boundary line adjustment: means a ~~division~~survey instrument made for the purpose of adjusting or relocating existing property 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.~~

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

Buildable area: means the portion of a lot free of special restrictions, easements, or encumbrances 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~~Title 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 height: means the vertical distance from a specified point on the ground to a specified point on a building. Refer to SMC 14.210.170, ~~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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Campground: means a facility for temporary occupancy of tents, and recreational vehicles, and similar abodes trailers, without hook-up facilities, primarily for recreational purposes, as an on-going or commercial activity.

Childcare: means the same as a non-residential facility licensed for the daytime care of more than six children, including preschool and early learning services.

Church, synagogue, temple, or mosque: means a place where gathering for worship is the principal purpose of the use and includes all places of worship regardless of the religious institution served. Typical ~~a~~Accessory uses associated with this use ~~include~~ are limited to private schools, preschools and daycares, reading rooms, assembly rooms, and residences for ~~nuns and clergy~~ and unordained monks, friars, nuns, and religious brothers and sisters, but excluding facilities for training of religious orders and homeless encampments.

Club: means a ~~non-commercial~~ not-for-profit association of persons for a common purpose.

Comprehensive Plan: ~~"Comprehensive Plan" means the~~ generalized, coordinated land use policy statement of the City of Snohomish adopted pursuant to, and in compliance, with Chapter 36.70A RCW, also known as the Washington State Growth Management Act, 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.

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~~ which may include accessory facilities for recreation, lodging, and related activities.

Congregate care/assisted living facilities: means housing, licensed by the State of Washington, for seven or more elderly and/or disabled persons ~~with providing basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC,~~ 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

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~~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.~~

Cottage housing development: ~~means two or more cottage~~ small, detached dwellings constructed upon a single lot. Refer to SMC 14.210.215.

Critical area report: ~~means an investigation, report, map, a study and/or evaluation prepared by a qualified professional for development proposals located within protected environmentally sensitive areas and/or their buffers. Refer to SMC 14.255.060., 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: environmentally sensitive areas of land as defined under Chapter [36.70A](#) RCW including 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.

Daycare: See childcare

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.~~

Detached: ~~means physically separated.~~ physically separated and not sharing a wall or other building element; unconnected.

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 unit occupying a single lot.~~

Detention facility: ~~means an above or below ground~~ a 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.

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Developer: ~~"Developer" means the person who controls property for which development has been proposed, or the person applying for or receiving a permit or approval for a development.~~

Development, floodplain: 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. Refer to Chapter 14.270 SMC.

Diversity, ~~when applied to habitat:~~ ~~means diversity~~ variety 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 pilings, anchors, gangways, floats, and fingers, etc. For the purposes of this chapter, "dock" is synonymous with "pier."~~

Driveway: means a travel lane 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~~ or dwelling.

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

Dwelling unit: ~~means a space with internal accessibility to all portions of the space that provides complete, independent living facilities for one or more persons that includes permanent provisions for living, sleeping, eating, cooking and sanitation. 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.~~

Easement: ~~means an encumbrance on land that provides a right granted by a property owner to specifically named parties or to the public for the use of certain that land, or a portion thereof, for specified purposes, to specifically named parties or to the public. 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.~~

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.

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Eligible support structure, wireless communications: means any tower or base station that exists at the time a wireless communications facility ~~the~~ application is filed with the City.

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

Enhancement, critical area: ~~when applied to wildlife habitat, wetlands, or wetland buffers,~~ means the manipulation of the physical, chemical, or biological characteristics of wildlife habitat, 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.

Environmental checklist (SEPA): 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 and prepared in accordance with Chapter [197-10](#) WAC, 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 hazard areas: means those areas with naturally occurring slopes, containing soils which are at high risk from being worn away by water erosion ~~erosion~~ according to the mapped description units of the United States Department of Agriculture Soil Conservation Service Soil Classification System.

Fabrication shop: ~~means an establishment for the fabricating of goods.~~ creation of products from refined materials. ~~The term includes welding, cabinet, machine, and other similar shops.~~

Fence: means a manmade exterior 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.~~

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

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 by more than one foot. The floodway, 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.

Floor area: ~~means~~ the floor space defined by the exterior walls, floor and ceiling of a building or structure as measured in square feet.

Gross floor area, gross: ~~means~~ the sum of all floor spaces defined by exterior walls, floors, and ceilings, including unoccupied accessory areas, basements, and mezzanines and on all floor levels.

Floor area ratio: ~~means~~ the ratio of a building's gross floor area to the size of the lot upon which it is built. gross floor area of all buildings on a lot divided by the area of that lot.

Frontage improvements: ~~means~~ improvements to roadways rights of way abutting a development and ~~required as a result of that development~~. Generally, frontage improvements shall consist of appropriate base materials, lane paving, 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.

Garage, private ("Private garage") : a building or portion of a building in which motor vehicles used by the tenants of the building or buildings on the premises are stored or kept, without

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provisions for repairing or servicing such vehicles for profit. ~~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.~~

General personal service: ~~means an establishment a business or occupation which provides engaged in providing services to individuals, such as but not limited to, for the well-being of a person’s body, mind, clothing, or finances., such as cleaning and laundry, beauty and barber shops, shoe and other clothing repair shops, photographer, bookkeeping, tax preparation, and other personal services.~~

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

Ground floor: ~~the lowest story of a building on which the primary entrance is located~~located at or near, but not below, the nearest street level.

Hazardous tree: ~~means a tree which poses an imminent danger of falling in such a way as to possibly cause personal injury or property damage.~~

Hearing Examiner: ~~means the City of Snohomish Hearing Examiner. A third-party land use attorney who is charged with conducting open record public hearings and given authority to make decisions on certain land use permits and appeals. Refer to Chapter 14.95 SMC.~~

Height Overlay: ~~a portion of the Neighborhood Center zonedesignated area for which additional building height is permitted through incentives, including but not limited to, Transfer of Development Rights, as shown on the Regulating Plan.~~

Highway capacity manual: ~~“Highway capacity manual” means the Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council, 1985~~2016, 2101 Constitution Avenue500 Fifth Street NW, 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.

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

Impact fee: ~~means a payment of money imposed upon new development and possibly redevelopment as a condition of development approval to pay for new or expanded public facilities needed to serve new growth as provided for in this Title. and development, and that is reasonably related to the new development that creates additional demand and need for public~~

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~~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 hard surface material that does not allow water to infiltrate into the ground, or has a runoff coefficient of 0.90 or more. ~~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 all 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.

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.~~

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 easements, 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 measured horizontal area contained within the lot lines of a lot, typically in acreage or square footage,~~ as shown in the following diagram:

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Lot, corner (corner lot): (~~“corner lot”~~) means a lot bounded by ~~with more than one~~ two frontages on intersecting streets, 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 line: means a boundary of a lot, as shown in the following diagram. See Property line means the same as lot line.

Lot width: means the distance between the side lines of a lot. ~~Lot width shall be,~~ as 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.

Lowest floor: means the lowest floor of the lowest enclosed area of a building (including the basement) ~~and excluding~~. An unfinished or flood resistant enclosure, ~~usable~~ used 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 14.270 SMC. (i.e. provided there are adequate flood ventilation openings).

Marina: means a water-dependent facility that provides docking, launching, storage, supplies, moorage and other accessory services such as showers, toilets, self-service laundries, and boat fueling, for five or more pleasure and/or commercial water craft.

Maximum dwelling units (density): means the ~~maximum~~ highest number of units per acre permitted in the project's land use designation. See also “density”.

Minimum lot size: means the smallest specified minimum lot area of a unit of real estate required allowed for at the property to be used or developed ~~for uses allowed under~~ pursuant to the regulations of the land use designation in which it is located.

Minor variance: means a minor variance as defined in SMC 14.70.020, a departure of no more than ten percent from a dimensional standard of this Development Code.

Mobile home park: means a development with two or more improved pads or spaces designed to accommodate ~~mobile homes~~ manufactured homes and other prefabricated structures, built in a factory on a permanently attached chassis before being transported to site.

Monopole: means a style of free-standing wireless communications antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are attached

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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.

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

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

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 avoiding~~ 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 an existing structure, lot, or use lawfully created but is no longer fully consistent with present regulations after existing until~~ passage of an ordinance codified in this title ~~and not conforming to said ordinance.~~

Off-site 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~~ Title in order to increase the capacity of the street system to mitigate the impact of a development.

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

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

Park: ~~means a piece of groundsite maintained for purposes of active or passive recreation, including pleasure, exercise, amusement or ornamentation.~~

Parking requirement: ~~means the minimum number of parking spaces required by this development code~~ Title for a specified certain uses. When calculating parking requirements, all fractions are round up to the next whole number.

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

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Party of record: means the applicant or a person who shows interest in a project or issue by ~~testifying or offering written comments~~ testifies at a hearing or in writing about a land use decision or other matter before the Hearing Examiner, Planning Commission, Design Review Board, or City Council. All applicants are automatically considered to be a Party of Record.

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

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. a detailed graphic depiction of a proposed subdivision and associated text showing the layout of property boundaries, tracts, easements, land use, streets, utilities, drainage, and other elements that furnish a basis of approval for the proposed subdivision.

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

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.

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, site development plan, binding site plan, ~~planned unit development,~~ or rezone, the project area shall include the entire parcel, at a minimum.

Property line: ~~means the same as "lot line."~~ a legal perimeter boundary of a unit of real estate, delineating and limiting land ownership.

Property line, front: means the ~~property line~~ perimeter boundary of a unit of real estate separating the ~~lot~~ 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~~ perimeter boundary of a unit of real estate 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.

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Property line, side: means any ~~property line~~ perimeter boundary of a unit of real estate other than a front or rear property line.

Provisional use: a term that characterizes a land use proposed in the Pilchuck District 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 agency office: means an ~~office for~~ place for the administration of any governmental activity or program.

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

Public hearing: ~~means a formal~~ an official meeting open to all interested parties and where testimony from interested parties on a particular matter is heard prior to issuance of a decision by the decision-making authority for which notice has been given, the public is allowed to comment, and comments become part of the record.

Receiving site or area: means one or more properties designated by ordinance to which Transfer of Development Rights 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 type unit primarily designed as temporary living quarters for camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle as defined by NFPA 1192 Standard on Recreational Vehicles, current edition. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers. ~~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.~~

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Recreational vehicle parks: ~~means land, which may or may not include utility hook-up facilities, on which~~ where two or more recreational vehicles may park, including hook-up facilities, are located for occupancy by the general public as temporary short-term (less than 30 days) living or recreation quarters.

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 without changing the character, size, or scope of the original development. ~~Activities that change the character, size, or scope of a project beyond the original design and/or drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.~~

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

Restoration: ~~means~~ measures taken to restore or upgrade an altered, impaired, diminished, or damaged natural feature, process, function, or structure to its original condition. When applied to critical areas, such measures can include:

- 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.
- C. Revegetation, removal of intrusive structures, and removal or treatment of toxic materials.

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.

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Rockery: means the same as “retaining wall.” Rockeries are a type of functional freestanding wall comprised of interlocking, dry-stacked rocks without mortar or steel reinforcement. See also “wall, retaining”.

School: means any institution of learning, such as an elementary, middle, junior high, ~~senior or~~ high school, ~~be it public, private, or parochial,~~ which offers instruction as required by the Washington State Board of Education, including associated meeting rooms, auditoriums, and athletic facilities.

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

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

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

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

Front Setback, (front yard): ~~the area between the frontage line and the maximum setback line.~~ the required minimum distance between the front property line and a parallel line as measured horizontally within the lot, where a structure may be built pursuant to this Title.

Rear yard area or rear yard setback, area rear yard: ~~means the space between the rear property line and the rear setback line and between the side property lines.~~ the required minimum distance between the rear property line and a parallel line as measured within the lot, where a structure may be built pursuant to this Title.

Side yard area or side yard Setback, side yard 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~~ the required minimum distance between the side property line and a parallel line as measured within the lot, where a structure may be built pursuant to this Title.

Shall: means the prescribed action is mandatory; the action must be done.

Short plat: means the drawing of a subdivision of land into four or fewer lots. Also referred to as a short subdivision.

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Should: means that the particular action is required unless ~~there it can be~~ a demonstrated undertaking the action is not feasible or there is a compelling reason that it would be in the public interest, based on policy of the Shoreline Management Act and this chapter, against taking the action.

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, including devices that stream, televise, or otherwise display an electronic visual message, picture, video, or image, with or without sound.

~~“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.~~

Single-family detached: means a single-family dwelling containing one residential unit not attached to any other dwelling.

Single-family dwelling: means a building containing one residential 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 aerial drawing showing the location of buildings, structures, landscaping, parking areas, driveways, streets, property lines, and other pertinent features, both existing and proposed, drawn to scale.

Start of construction: the first land-disturbing activity associated with permitted development, including land preparation such as clearing, grading, and filling; installation of streets, utilities, and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms. If no land disturbance is proposed, start of construction is the first permanent framing or assembly of a structure of any part thereof. ~~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,~~

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~~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~~keeping of commodities materials for an indefinite period of time in a specific area that is either enclosed or not enclosed~~whether enclosed or not~~for an indefinite period of time.

Story: ~~means that~~ habitable level portion of~~within~~ a building included between the upper surface of any floor and the upper surface of the floor next above, excluding an attic or basement. 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.

Street: ~~“Street” means an open~~ passage, public way for the passage ~~circulation~~ of vehicles, that where appropriate, may include ~~non-motorized~~ pedestrian, equestrian and bicycle facilities. ~~Limits include the outside edge of sidewalks, or curbs and gutters, paths, walkways, or side ditches, including the appertaining 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 vacation: ~~means the process whereby the City agrees to relinquish its ownership of~~ interest in a street right-of-way to a ~~adjacent~~ land owners.

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. See plat.~~

Transportation Facilities Master Plan: ~~“Transportation Facilities Plan” means the City approved document~~ that provides the framework to guide the growth and development of the City’s transportation infrastructure. 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~~

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~~the transportation impacts of development, determining proportionate shares of needed transportation improvements, and allocating revenue to transportation improvement projects.~~

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

Breakaway Wall, breakaway: ~~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.~~

Wall, Decorative freestanding: ~~an exterior standalone wall not attached to another structure nor supporting a roof or other overhead structure.~~

Wall, freestanding, decorative: ~~means a freestanding 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.~~

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

Wall, landscape: ~~A low retaining wall, no taller than two feet in height, to retain landscape features within a site.~~

Wall, retaining: ~~A structure designed and constructed to hold back material and prevent it from sliding or eroding.~~

Zone: ~~a regulatory district or geographical classification corresponding to the regulations of this Title that restrict the physical development and uses of land, 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.~~