



# CITY OF SNOHOMISH

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## NOTICE OF REGULAR MEETING

### SNOHOMISH PLANNING COMMISSION

**WEDNESDAY**  
**April 6, 2022**  
**6:00 p.m.**

at the  
**Snohomish Carnegie**  
105 Cedar Avenue  
and

#### **Remote on-line/telephone access via Zoom**

*ONLINE Zoom remote meeting access:* <https://us02web.zoom.us/j/84224510265>

Passcode: 926221

*Or call in at (253) 215-8782 and use Meeting ID# 842 2451 0265*

Passcode: 926221

### AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the March 2, 2022 regular meeting (*P.3*)
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **PUBLIC HEARING:** Chapter 14.207 Land Use Tables Consolidating Tables and Uses and Prohibiting Certain Uses in Commercial Zones (*P.7*)
  - a. Chair opens hearing
  - b. Staff presentation
  - c. Commission questions
  - d. Public testimony
  - e. Close hearing
  - f. Deliberations

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8. **PUBLIC HEARING:** Title 14 Amendments Removing References to Deleted Chapter 14.205 SMC and creating a new Chapter 14.211, Business District (P.27)
  - a. Chair opens hearing
  - b. Staff presentation
  - c. Commission questions
  - d. Public testimony
  - e. Close hearing
  - f. Deliberations
  
9. **PUBLIC HEARING:** Amend SMC 14.240.060 Regarding Fence, Retaining Wall, and Rockery Height (P.39)
  - a. Chair opens hearing
  - b. Staff presentation
  - c. Commission questions
  - d. Public testimony
  - e. Close hearing
  - f. Deliberations
  
10. **COMMISSIONER COMMENTS**
  
11. **DIRECTOR'S REPORT**
  
12. **ADJOURNMENT**

**NEXT MEETING:** The next regular meeting is scheduled for Wednesday, May 4, 2022, at 6 p.m., at the Snohomish Carnegie, 105 Cedar Avenue, and online via Zoom.

*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.*

**CITY OF SNOHOMISH  
REGULAR MEETING OF THE PLANNING COMMISSION  
MEETING MINUTES  
March 2, 2022**

*NOTE: Due to the COVID-19 declared federal, state and local emergency, and pursuant to Governor Inslee's Proclamations 20-05 and 20-28, the Snohomish Planning Commission held its meeting via remote participation.*

1. **CALL TO ORDER:** Chair Hank Eskridge opened the regular meeting of the Planning Commission at 6:03 p.m. on Wednesday, March 2, 2022. Mr. Pickus informed the Commission that City Council Liaison Lea Anne Burke would not be attending as she is out of town.

2. **FLAG SALUTE**

3. **ROLL CALL:**

**COMMISSIONERS PRESENT:**

Hank Eskridge, Chair  
Nick Gottuso, Vice Chair  
Gordon Cole  
Merritt Weese  
Terry Lippincott  
Christine Wakefield Nichols

**STAFF:**

Glen Pickus, Planning Director  
Brooke Eidem, Planner  
Thomas Kreinbring, Assistant Planner

**OTHERS PRESENT:**

Judith Kuleta, City Council Liaison

**COMMISSIONERS ABSENT:**

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4. **APPROVAL OF AGENDA ORDER:** Chair Eskridge asked for the agenda order to be approved as presented. Hearing no objections, the agenda order stood as presented.

5. **APPROVAL** of the minutes of the January 5, 2022, regular meeting. Commissioner Lippincott moved to approve the minutes of the January 5, 2022 meeting as written. Commissioner Cole seconded the motion, which passed 6-0.

6. **GENERAL PUBLIC COMMENTS:** There were no public comments on items not on the agenda.

7. **DISCUSSION ITEMS:**

a. Uses in Commercial Zones & Updating Land Use Tables

Mr. Pickus provided a summary and background information about uses in commercial zones and the proposed land use tables update. He said the Commission's discussion on the issue at their December 2021 meeting provided staff with the direction to minimize the changes to the existing permitted uses and to treat each commercial zone differently.

Mr. Pickus presented the staff proposal. The Commission discussed and asked questions. The Commission agreed that warehousing and wholesale trade should be

separate uses, with wholesale trade allowed in commercial zones. The Commission asked staff to either define “courier service” in Chapter 14.25 SMC, or add a size element to allow small-scale operations in certain commercial zones.

Mr. Pickus presented a new staff recommendation to make places of worship a prohibited use in the Midtown District. Commissioners Eskridge, Weese and Lippincott were in favor of prohibiting places of worship in Midtown, while Commissioners Cole, Gottuso and Wakefield-Nichols supported allowing places of worship in existing buildings to keep buildings fully occupied. The Commission agreed that staff should bring two versions of the code to the public hearing.

Mr. Pickus then presented staff’s proposal to consolidate the land use tables into five tables (from nine) and reduce the number of listed uses. The Commission discussed and asked questions. Mr. Pickus explained that staff would populate the Midtown column and revise the footnote errors after the Commission brought these issues to his attention.

b. Title 14 Amendments Removing References to Deleted Chapter 14.205

Mr. Pickus presented the summary and background information before describing the staff proposal to amend Title 14 to correct references to Chapter 14.205 SMC, which was repealed in November 2021. The Commission discussed the proposal. Commissioner Weese stated that SMC 14.210.230(B) should be struck from the final code amendment and the Commission agreed.

c. Fence Height Code Amendment

Mr. Pickus presented the summary and background information before describing the staff proposal to provide a maximum height limit of six feet for fences in rear yard setback areas, and to remove the arbitrary height limit for retaining walls and fences located in setback areas. The Commission discussed the proposal. No revisions were recommended to the draft language.

d. Rezoning Process Code Amendment

Mr. Pickus presented the summary and background information before describing the staff proposal to provide a process for considering rezone applications in Chapter 14.15 SMC. The Commission discussed the proposal and asked questions.

Mr. Pickus explained that Commissioner Weese pointed out the two City Council options for rezones provided for in the draft and asked if a third possibility should be provided. Mr. Pickus agreed and recommended adding a third option of remanding the rezone proposal back to the Planning Commission with direction on how to reconsider the proposal; the Commission agreed. Further, the Commission directed that a definition of property owner should be added to Chapter 14.25 SMC to provide consistency in the use of the terms “property owner” and “property owner or designee”. The Commission also directed the rezone criteria, as proposed, should be revised to become factors to consider rather than criteria to be met to make it less problematic in interpreting and administering rezone applications.

e. Update of SMC 14.215.125 Fee Simple Unit Lot Subdivision

Mr. Pickus presented the summary and background information before describing the staff proposal to amend SMC 14.215.125 and SMC 14.210.215 so they are not contradictory. The Commission discussed and asked questions. The Commission provided direction to clarify the wording regarding a required maintenance easement and its relation to a common wall or zero-lot-line development. Mr. Pickus stated staff would offer a revision in the draft presented at the public hearing that would clarify the language.

f. Pilchuck District Equivalence Clarification Code Amendment

Mr. Pickus presented the summary and background information before describing the staff proposal to delete remaining references to "Neighborhood" before the zone district names in Chapter 14.212 SMC and to clarify the process for seeking a determination of equivalence and a code deviation. The Commission discussed the proposal; no revisions were recommended.

**8. COMMISSIONER QUESTIONS & COMMENTS:**

Chair Eskridge proposed adding a standard item to all future agendas to provide an opportunity for Commissioners to discuss issues not on the agenda. Other Commissioners supported the proposal. Chair Eskridge then asked Mr. Pickus to define and explain the purpose of the subarea study.

Commissioner Weese asked Mr. Pickus to provide a broad description of the purpose of the Growth Management Act.

Chair Eskridge inquired about the Steuber Distributing business and its future. Mr. Pickus explained he had no new information he could provide regarding the status of the property and that to the best of his knowledge there have not been any recent inquiries about how it could be redeveloped.

Commissioner Cole requested an update on the Bickford Avenue assisted living project.

Chair Eskridge asked for an update on the Maple Avenue project to build a dental office.

Commissioners questioned the process to add items to the Planning Commission agenda for future meetings. Mr. Pickus explained, and Commissioner Gottuso moved, that any proposed addition would need a vote of approval by a minimum of three Commissioners. Chair Eskridge seconded the motion, which passed 6-0. Mr. Pickus stated that staff would provide an update to the Planning Commission bylaws to provide that process for the Commission to consider.

**9. DIRECTOR'S REPORT:**

Mr. Pickus explained that as the Planning Director, he makes code interpretations when necessary, and that the best practice is that they eventually are codified through the Planning Commission code amendment process. He explained he has made code interpretations regarding short-term vacation rentals and preschools that he would like to see codified before the end of the year, but were not included on the 2022 Work Program.

He stated it was possible public hearings on the two topics could take place in June, but he needed input from the Commission regarding whether a discussion on either item would be required before going to a public hearing. The Commission was receptive to meeting in June for the public hearings, meaning the Commission would meet twice in the month, as a joint workshop with City Council is already scheduled for June 7. Mr. Pickus said he would email the Commissioners the code interpretations for them to review. The Commissioners were asked to respond to Mr. Pickus if they had any questions or concerns about going straight to public hearing on the two topics.

Mr. Pickus referenced the 2022 Work Plan schedule to highlight and reiterate which public hearings on the items discussed tonight were coming up first. He then described the work City staff was conducting to allow the Commission to meet in person at the Snohomish Carnegie next month. Commissioner Lippincott stated she would be out of town. Mr. Pickus informed Commissioner Gottuso, who was absent at the February Joint Workshop with City Council, of the City Council's decision regarding the Midtown District.

10. **ADJOURNMENT:** The meeting adjourned at 7:52 p.m.

Approved this 6<sup>th</sup> day of April, 2022.

By: \_\_\_\_\_  
Commissioner Hank Eskridge, Chair

**Date:** April 6, 2022

**To:** Planning Commission

**From:** Glen Pickus, AICP, Planning Director

**Subject:** **Uses in Commercial Zones and Consolidating Land Use Tables**

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**SUMMARY:** The Planning Commission will conduct a public hearing to consider code amendments to prevent uses from being established in commercial zones that are not supportive of the zones' purposes, and to consolidate and simplify the land use tables.

**BACKGROUND:** In November 2021, the City Council expressed concern with the possibility that a potential buyer of the former Snohomish County public works yard site on Avenue D could become vested to develop the site in a manner inconsistent with the Midtown District regulations that were being drafted at the time. As a result, interim regulations were adopted to prohibit uses currently allowed in commercial zones that could potentially be detrimental to the purpose of the zone.

Interim zoning regulations, as provided for by RCW 35A.63.220 and RCW 36.70A.390, allow the City Council to adopt temporary zoning regulations without going through the Planning Commission. However, the RCWs require adoption of permanent regulations through the normal development code amendment process, within six months of adoption of the interim regulations.

**PROPOSALS:** To address this issue, land use tables in Chapter 14.207 SMC must be amended.

The City's commercial zones are:

- Commercial
- Historic Business District
- Business Park
- Neighborhood Business
- Pilchuck District
- Midtown District

For this analysis, uses were considered not supportive of a commercial zone's purpose if they:

- Do not generate adequate tax revenue;
- Do not provide for living wage jobs;
- Do not provide for housing options;
- Detract from the pedestrian experience;
- Do not provide any public amenities;
- Require large impervious areas for the buildings and parking lots; or
- Do not provide services to the community.

Commercial Zoning District: The purpose of the Commercial zone is to provide shopping areas offering a wide range of convenience and general merchandise goods and services. Staff recommends the following uses no longer be permitted:

- Farm product refrigeration/storage
- Farm product warehousing
- Freight and cargo service
- Self-service storage
- Warehousing and wholesale trade
- Heavy machinery and equipment
- Industrial and commercial machinery
- Recreational vehicle park
- Raising livestock/small animals
- Jails

Historic Business District: The Historic Business District is intended to provide a broad range of pedestrian-oriented services while preserving and renovating existing structures. Staff recommends minimal changes to the allowed uses in the Historic Business District, recommending only that “freight and cargo service” no longer be allowed.

Business Park Zoning District: The Business Park zone is intended to be a hybrid commercial/industrial zone suitable for a mixture of light industrial and commercial uses to improve the economic base of the City. Staff recommends the following uses no longer be allowed in the zone:

- Raising livestock, small animals
- Mineral extraction (which was allowed with a Conditional Use Permit)

Midtown District: Since the permitted uses in the Midtown District were very recently addressed with the adoption of the Midtown District code amendments, staff is not proposing any changes except to limit “trucking and courier service” to office use and related parking for vehicles and equipment.

Pilchuck District: Since the Pilchuck District was created after an extensive public process that included an Environmental Impact Statement, and because uses allowed in the zone are not addressed in the land use tables in Chapter 14.207 SMC, staff is not recommending any changes to the permitted uses in the Pilchuck District.

Neighborhood Business: The Neighborhood Business zone has not yet been fully implemented in Title 14 SMC, nor has any area been zoned Neighborhood Business. Staff is not proposing any changes in the land use tables related to the Neighborhood Business zone.

Places of Worship: At the March 2, 2022 meeting, staff’s recommendation of not allowing places of worship in the Midtown District was discussed. Staff was directed to bring two proposals to this public hearing for the Planning Commission to consider:

- Do not permit any places of worship in Midtown; or
- Allow places of worship in Midtown but only allow new places of worship to be located in existing buildings.

After conducting more extensive research, including considering whether to also limit or prohibit places of worship in the Pilchuck District, staff's recommendation has changed. Staff now recommends to leave unchanged the regulations regarding places of worship in Midtown or any other zone.

While there are several reasons for this change, one key factor is the delay and resources that would be required for staff to perform the necessary analysis to ensure the proposal meets the "strict scrutiny" standard for laws that limit constitutional rights. Ultimately, staff concluded it was more important not to delay moving forward with the primary purpose of these code amendments rather than to address the secondary issue of whether places of worship support the purpose of commercial zones.

Nonconforming Uses: Staff reviewed business licenses and conducted a windshield survey of the commercial zones to identify existing uses that would become nonconforming if the above recommendations were adopted. The only uses identified as becoming nonconforming are the following two self-service storage facilities in the Commercial zone:

- Snohomish Mini Storage, 602 Maple Avenue
- ABC Self-Storage, 511 Pine Avenue

Both of these were rezoned last year to Commercial when the Mixed Use zone was eliminated.

**Other Proposal:** Because the main proposal involves amending the land use tables in Chapter 14.207 SMC, staff also recommends taking advantage of this opportunity to simplify the entire chapter. Simplification would consist of reducing the number of tables from nine to five, and reducing the number of uses listed from 189 to 132.

The five recommended consolidated tables are:

- Residential Uses
- Commercial Uses
- Industrial Uses
- Recreational, Community, and Public Uses
- Utility Uses

These tables correspond closely to the future land use designations in the Comprehensive Plan and on the Future Land Use Map.

The number of uses listed was reduced by consolidating similar uses with similar impacts under a more generalized term. For instance, use "office" rather than specifying individual types of offices (medical, professional, etc.); use "retail" rather than split retail into the type of products being sold; and use "manufacturing, light" and "manufacturing, heavy" to encompass all types of manufacturing processes, rather than list by type of things being manufactured.

Some uses are proposed to be removed from the land use tables entirely. Four uses which were only allowed in the Urban Horticulture zone are removed because the Urban Horticulture zone has been eliminated. Also removed is "Jail," which was only allowed in the Commercial zone; and "Limited agriculture uses," which was allowed in residential zones, but is unnecessary since having gardens in residential zones is allowed as an accessory use.

This proposal also includes amending SMC Chapter 14.25 Definitions, to delete uses that will no longer be listed on any of the land use tables, to add new definitions for new uses listed in the tables, and to amend others.

**RECOMMENDATION:** That the Planning Commission open the public hearing, hear the staff presentation, ask questions, take public testimony, deliberate and then make the following motions:

1. Move to recommend City Council approval of the proposed amendments to the land use tables and regulations in Chapter 14.207 SMC and the proposed amendments to Chapter 14.25, Definitions as presented.
2. Move to adopt the Findings of Fact & Conclusions as presented.

**NEXT STEPS:** The City Council will hold a public hearing to consider the Planning Commission's recommendation at their meeting on April 19, 2022.

**REFERENCE:** [Chapter 14.207 Snohomish Municipal Code](#)

**ATTACHMENTS:**

- A. SMC 14.207.070 Residential Uses, and 14.207.075 Residential Uses: Regulations
- B. SMC 14.207.080 Commercial Uses, and 14.207.085 Commercial Uses: Regulations
- C. SMC 14.207.090 Industrial Uses, and 14.207.095 Industrial Uses: Regulations
- D. SMC 14.207.100 Recreational, Community, & Public Uses, and 14.207.095 Recreational, Community & Public Regulations
- E. SMC 14.207.110 Utility Uses, and 14.207.115 Utility Uses: Regulations
- F. SMC Chapter 14.25 Definitions (new, amended, deleted)
- G. Findings of Fact & Conclusions

## ATTACHMENT A

### 14.207.070 Residential Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
Accessory dwelling units	p2	p2	p2	p2	p2	p2	p2			p2			
Accessory structures	p	p	p	p						p			
Accessory uses	p10	p10	p10	p10						p			
Adult family home	p	p	p	p	p					p			
Animal keeping (see Ch. 7.04 SMC)													
Bed and breakfast	c4	p	p	p	p		p						
Caretaker residence						p11			p5		p5		
Community residential facility-CRF		c	c	c	c		c			c			
CRF-prisoner release											c		
Foster home	p	p	p	p	p					p			
Home occupation	p3	p3	p3	p3	p3		p3		p3	p3			
Manufactured home	p	p	p	p						p			
Mobile home park		c8	c8	c8									
Multi-family		p	p	p	p9		p		c6	p			
Single-family detached	p7	p	p	p	p12		p		p12				
Single-family attached	p13	p	p	p	p9		p		p6	p14			
Student Housing		c	c	c						p			
Roomers/boarders	p7	p7	p7	p7			p7		p7		p7		

### 14.207.075 Residential Uses: Regulations.

1. See SMC 14.212.410 Allowed Uses, for the permitted and provisional uses in the Pilchuck District.
2. Accessory dwelling units must meet the following conditions:
  - a. One unit must be owner occupied.
  - b. The design of any exterior alteration or new structure necessary for the unit must comply with the City's design standards adopted in Chapters 14.225 and 14.230 SMC.
  - c. One additional on-site parking space must be provided.
  - d. If the accessory unit is in a separate structure, it must be no greater than 800 square feet or half the floor area of the primary structure, whichever is less.
  - e. Occupancy of the accessory unit, together with all roomers or boarders permitted under SMC 14.207.075(8), shall not exceed three.
3. Home occupations must meet the following conditions:

- a. The occupation shall be conducted within an enclosed building.
  - b. No indication of the occupation, such as outdoor storage areas, abnormally higher traffic volumes, noise, vibration, dust, smoke or odors, shall be evident from outside the building in which the occupation is located.
  - c. The occupation shall not produce ground water pollution or introduce objectionable waste into the City sewer system.
  - d. Not more than one person outside the immediate family group residing on the premises shall engage in such occupation.
  - e. Signing must comply with Chapter 14.245 SMC.
  - f. The occupation cannot exceed 25 percent of the home square footage.
  - g. The occupation must have a City business license.
  - h. The premises must be occupied by the occupation owner.
4. Bed and breakfast (B&B) establishments must meet the following conditions:
- a. The residence must be owner-occupied.
  - b. The Design Review Board must review the plan for off-street parking and, if the property is located within the Historic District, the design of the sign.
  - c. No more than four B&B rooms per residence.
  - d. One on-premises parking space must be provided per B&B room, in addition to parking required for the residence.
  - e. B&B rooms must be located in the structure of the principal residence.
  - f. No meals other than breakfast shall be provided, and no meals shall be sold to non-renters.
  - g. No room shall be rented to the same person or persons for more than 30 days per year.
  - h. No rooms shall be rented on a permanent basis, and no other business activity may be conducted on the premises.
  - i. The B&B must maintain a City business license.
5. Employee living quarters as an accessory use shall meet the following conditions:
- a. Living quarters shall be restricted to the use of caretakers, security people, and special employees in training.
  - b. Living quarters may be a separate building, manufactured home, or a portion of another building.
  - c. Only two dwelling units shall be used for employee living quarters.
6. Multi-family housing is allowed in conjunction with commercial use as a mixed use.
- a. The gross square footage of multi-family housing must not exceed the gross square footage of commercial use.
  - b. Multiple family density may not exceed 18 units/acre, in accordance with Chapter 14.210 SMC.
7. Up to three roomers or boarders may reside in an owner-occupied, single-family home, or accessory dwelling unit associated with the owner-occupied, single-family home, irrespective of the definition of family in Chapter 14.25 SMC; provided, that with the exception of an approved accessory dwelling unit, the property contains only one dwelling unit, and provided that any nonfamily members occupying the accessory dwelling unit shall be counted against the limit of three-roomers or boarders.
8. Must meet mobile home park design requirements set forth in SMC 14.210.220.
9. Except where a higher density is permitted by SMC 14.285.060 for low-income senior housing, multi-family residential density may not exceed 18 units per acre, in accordance with SMC 14.210.210.

10. Signs, fences, landscaping and screening in compliance with SMC Title 14.
11. Employee and/or accessory living quarters as an accessory use shall meet the following conditions:
  - a. Living quarters must be on the second floor above the primary commercial use on the site.
  - b. The density of the employee and/or accessory living quarters shall not exceed the density of the highest density adjacent residential designation.
12. Permitted only through the unit lot subdivision process in SMC 14.215.125 and only where in compliance with the standards in SMC 14.210.215.
13. Permitted only in conjunction with a planned residential development under the provisions of Chapter 14.220 SMC.
14. Attached units shall be a minimum of three separate dwelling units. Duplexes are not permitted.

## ATTACHMENT B

### 14.207.080 Commercial Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
Adult uses											p8		
Animal grooming w/o kenneling/boarding					p		p		p	p	p		
Auction house					p		p			p	p		
Automotive parking					p		c		p	p7	p	p	
Automotive rental and leasing					p		p12		p	p15	p	p	
Automotive and boat dealer					p		p		p	p	p		
Automotive service and repair					p		p2		p2	p2	p	p2	
Automotive supply store					p4		p4		p4	p4	p		
Building supply, hardware, and garden materials					p		p		p	p	p		
Cemetery, columbarium or mausoleum					p		p		p	p	p		
Childcare					p3	p3			p	p3			
Childcare, family – 12 children or less					c		c			c			
Childcare, family – 6 children or less					p		p			p			
Commercial accessory use					p10		p10		p10	p10	p	p	
Congregate care/assisted living	c7	c	p	p	p		p		p	p			
Department and variety stores					p		p		p	p			
Equipment rental					p	p	p12		p		p	p	
Fitness center					p	p	p		p	p	p		
Funeral home					p		p		p	p	p		
Gasoline service station					p		p		p	p	p	p	
Grocery store					p	p6/9	p		p	p	p		

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
Hotel/motel					p		p		p	p	p		
Kennel or animal boarding, commercial	p5								p5	p5	p		
Medical/dental lab					p		p		p	p	p		
Nursing/convalescent home	c7	c	p	p	p		p		p	p	p		
Office					p11	p	p11		p	p	p	p	
Outdoor advertising service					p12		p12		p12		p	p	
Passenger transportation service					p11		p11		p	p15	p	p	
Personal medical supply stores					p		p		p	p	p		
Personal services					p		p		p	p	p	p	
Pet store					p	p6	p		p	p	P		
Research, development and testing					p		p		p	p11	p	p	
Restaurant					p	p	p		p	p	p		p14
Restaurant, drive-thru/walk-up					p		p		p	p	p	p	
Retail					p	p6	p		p	p	p		
Self-service storage									p		p	p	
Social services					p		p		p	p	c		
Supervised drug injection facility													
Transportation and taxi					p11		p11		p	p15	p	p	
Veterinary clinic					p5		p5		p5	p5	p		
Winery/brewery/distillery	p13				p		p		p	p12	p		
Trucking and courier service					p11		c11, 16		p	p15	p	p	

**14.207.085 Commercial Uses: Regulations.**

1. See SMC 14.212.410 – Allowed Uses, for the permitted and provisional uses in the Pilchuck District.
2. Except tire retreading. See Industrial Land Uses Table.
3. Subject to a child drop off and pick up system that meets DSHS standards and subject to design features for use of outside play areas that will protect adjacent uses from significant noise levels.
4. Only the sale of new or reconditioned automobile supplies is permitted.
5. Animal cremation services are not permitted.
6. Store size shall be limited to 3,000 gross square feet in floor area.
7. Subject to the following conditions:
  - a. Minimum contiguous site area of three acres.
  - b. Parking areas shall be screened from adjacent streets and residential uses.
  - c. All structures shall be offset from property lines a minimum of 20 feet.
8. Adult uses will be allowed in the area designated for Industry located between Bonneville Avenue, Highway 9 and Seventh Street.
9. No gasoline sales.
10. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
11. Limited to office use and related parking for vehicles and equipment.
12. No outdoor storage unless it is screened.
13. Only as a home occupation.
14. When ancillary to a recreational land use.
15. Limited to office use. No outdoor storage or overnight parking of vehicles or equipment allowed.
16. Limited to courier service, except by air.

## ATTACHMENT C

### 14.207.090 Industrial Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID <sup>8</sup>	I	AI	POP
Aircraft, boats, and auto assembly					c7						p	p	
Airport/heliport/landing field												p	
Asphalt paving mixture plant											c		
Automobile dismantling, wrecking, and scrap metal											c5		
Bus base									p		p		
Crops, growing and harvesting													p
Construction yard					p10		p10		p10	p10, 11, 12	p	p	
Equipment rental									p		p	p	
Farm product refrigeration/storage/warehousing											p	p	
Food processing							p3		p3		p3	p3	
Freight and cargo service									p		p	p	
Fuel dealer											p	p	
Hatchery/fish preserve													p2
Heavy equipment and truck repair									p		p	p	
Heavy machinery and equipment manufacturing									p		c	p5	
Industrial accessory use					p9		p9		p9	p9, 12, 13	p	p	
Industrial launderer									p		p		
Livestock and small animal raising											p4	p4	
Log storage												p	
Manufacturing, light					p5, 6				p	p5, 6, 12	p	p	
Manufacturing, heavy											p	p	

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID <sup>8</sup>	I	AI	POP
Movie production/ distribution							p		p		p		
Mineral extraction											c		
Printing and publishing					p		p		p	p5, 12	p		
Tire retreading											c		
Warehousing									p5		p	p	
Wholesale sales and trade					p5				p7	p5	p	p	

**14.207.095 Industrial Uses: Regulations.**

1. See SMC 14.212.410 – Allowed Uses, for the permitted and provisional uses in the Pilchuck District.
2. May be subject to the provisions of the City’s Shoreline Master Program, shoreline development regulations, and floodplain regulations.
3. Except slaughterhouses.
4. The keeping of animals shall conform to the provisions of Title 7 SMC.
5. Only within a fully enclosed building.
6. Retail sales of manufactured products required on site.
7. Boat building or water related manufacturing uses are allowed in the shoreline management area of the Snohomish River in accordance with the City’s Shoreline Management Master Program and shoreline development regulations as set forth in Chapter 14.250 SMC.
8. Outdoor storage must be screened.
9. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
10. Limited to office use.
11. No outdoor storage.
12. No overnight parking of vehicles or equipment allowed outside of a fully enclosed building.
13. Only within fully enclosed buildings with accessory uses to retail sales limited to assembly of elements shipped to the site into a final product for sale on site.

## ATTACHMENT D

### 14.207.100 Recreational, Cultural, and Community Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
Amusement arcade					p		p		p	p	p		
Bowling alley					p				p	p			
Campground													p
College/university					p		p		p	p	p	p	
Community-based theater	c8												
Community Garden					p	p			p				p
Community stable													c
Conference center					p		p		p	p	p	p	p5
Court					p		p		p	p	p		
Destination resort					p		p			p		p	p
Fire facility	c2	c2	c2	c2	p		p		p	p	p	p	c2
Fitness center					p		p		p	p	p		
Golf facility					p8					p8		c	c
Hospital					p		p		p	p	p		
Library	c	c	c	c	p		p			p			p5
Marina					p		p						p
Membership organization					p		p		p	p			c
Museum	c	c	c	c	p		p		p	p	p		p5
Park, trail, and arboretum	p	p	p	p	p		p		p	p	p	p	p
Place of Worship	c6	c	c	c			p		p		p	p	
Police facility					p		p		p	p	p		
Public agency animal control facility					p				p				
Public agency training facility											p4		
Public agency yard					p		p		p	p	p	p	
Recreational center					p				p	p			p
Recreational vehicle park											c3	c3	c3
School	c	c	c	c	p				p	p			
School, district support facility		c	c	c	p		p		p	p	p		

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
School, vocational and specialized instruction		c	c	c	p		p		p	p		p	c
Shooting range											c7		
Sports club					p		p			p			p
Stadium/arena					p								c
Theater					p		p		p	p			p
Transit park and ride lot					p				p			p	
Work release facility											c		
Zoo/wildlife exhibit													c

#### 14.207.105 Recreational, Cultural, and Community Uses: Regulations

1. See SMC 14.212.410 – Allowed Uses, for the permitted and provisional uses in the Pilchuck District.
2. Fire facilities shall meet the following conditions:
  - a. All buildings and structures shall maintain a minimum distance of twenty (20) feet from adjoining residential property lines.
  - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
  - c. No outside storage.
3. Recreational vehicle parks are subject to the following conditions and limitations:
  - a. The maximum length of stay of any unit shall not exceed 180 days.
  - b. The minimum distance between recreational vehicle pads shall be no less than ten feet.
  - c. Sewage disposal shall be by sewer service obtained from the City of Snohomish sanitary sewer utility.
4. Except for outdoor ranges.
5. Uses permitted when related to the history, purpose, or function of the public park.
6. Site must be located less than 300 feet from a street designated as a collector or arterial.
7. Subject to the following conditions:
  - a. Minimum contiguous site area of three acres.
  - b. Parking areas shall be screened from adjacent streets and residential uses.
  - c. All structures shall be offset from property lines a minimum of 20 feet.
8. Golf courses and driving ranges not permitted.

## ATTACHMENT E

### 14.207.110 Utility Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL <sup>1</sup>	BP	MID	I	AI	POP
Earth station											c		
Energy resource recovery facility											c		
Hazardous waste storage & recycling											c		
Natural gas/electrical power generating facility											c		
Non-hydroelectric generation facility											p		
Sub regional utility	c	c	c	c	c		c		c	c	c	c	c
Transfer station											c		
Water and wastewater facility											p		

### 14.207.115 Utility Uses: Regulations.

1. See SMC 14.212.410 Allowed Uses, for the permitted and provisional uses in the Pilchuck District.

## ATTACHMENT F

### **New Definitions:**

**Bus base:** a facility for the storage, dispatch, repair, and maintenance of transit vehicles.

**Community garden:** a plot of land used in common for the non-commercial cultivation of plants by more than one person or family.

**Energy resource recovery facility:** a facility used to capture the heat value of solid waste for conversion to steam, electricity, or heat by direct combustion.

**Fitness center:** an establishment whose primary function is the provision of services, equipment, instruction, and facilities for physical exercise.

**Fuel dealers:** establishment engaged in the business of delivering, distributing, or offering for sale any gasoline, kerosene, distillate, road oil, lubricating oil, petroleum, or greases or any oil and/or gas product except prepackaged petroleum products.

**Manufacturing, heavy:** the assembly, fabrication, storage, testing, and/or processing of goods and materials using processes that ordinarily create noise, smoke, airborne particulates, fumes, odors, glare, or health and safety hazards. Includes all uses that are not "light manufacturing" including the processing of raw materials. Such uses generally do not create products purchased directly by consumers.

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

**Membership organization:** a club or organization, whether incorporated or otherwise, that holds meetings for a common purpose of social or charitable activities. Such meetings may include activities such as eating and drinking or entertainment. Membership organizations do not provide lodging or retail activity to the general public.

**Office:** a place of business where commercial, professional, or bureaucratic work is performed. An office is limited to the building or portion thereof where such activities are performed, as well as associated parking for employees, patrons, and company vehicles. Retail activities and personal services cannot take place in an office.

**Personal services:** a business or occupation which provides goods and services for the nonmedical physical and mental care and support to individuals, such as but not limited to, barbershops, beauty salons, tattoo parlors, and similar establishments.

**Place of worship:** a building or portion of a building dedicated to religious worship or religious education purposes including a church, synagogue, parish hall, temple, mosque, or any assembly hall associated with religious worship. A place of worship may include accessory uses associated with it such as private schools, preschools and daycares, reading rooms, assembly rooms, and residences for clergy and unordained monks, friars, nuns, and religious brothers and sisters.

**Processing of materials:** the series of operations that transforms industrial materials from a raw-material state into finished parts or products.

**Research development and testing:** facility engaged in activities directed toward the innovation, introduction, and improvement of products and processes.

**Restaurant, drive-thru/walk-up:** a limited-service establishment serving prepared food and/or beverages dispensed by an attendant while customers remain outside the building or in vehicles in designated stacking aisles. Such establishments may include an interior seating area, but its usual and customary business is for its patrons to be served through the attendant window and for them to consume their purchases off site. Such establishments include, but are not limited to, fast food restaurants and beverage stands.

**Restaurant, sit down:** a full-service establishment with a bona fide kitchen facility and dining area that prepares and serves food and/or beverages. Such establishments may have an exterior drive-thru and/or walk-up facility and offer carryout services but its usual and customary business is to provide service to patrons consuming their purchases at the site.

**Seasonal retail stand:** a temporary, open-air stand or place for the seasonal sale of agricultural products, in which any necessary appurtenances are portable and capable of being dismantled or removed from the site that is generally a vacant lot or parking lot.

**Student housing:** a structure where all of the residential units are specifically designed and use for long-term lodging by students of an educational institution such as a college or university. Such structures may include sororities, fraternities, dormitories, residence halls, and lodging houses.

**Swimming pool, public:** an outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and aboveground structures, and with accessory facilities, services and amenities such as supervision, instruction, changing rooms, showers, meeting rooms, and limited retail sales. Also referred to as an aquatic center.

**Work release facility:** a licensed facility used to support an alternative sentencing option offered by a correctional department within their jurisdiction.

### **Amended Definitions:**

**Forest research:** the development, advancement, and dissemination of the science and technology of forest conservation and associated resources. ~~performance of scientific studies relating to botany, hydrology, silviculture, biology, and other branches of science in relation to management of forest lands.~~

**Heavy equipment repair:** the sale, repair and maintenance of self-powered, self-propelled, or pull-type equipment and machinery intended for heavy duty work such as earthmoving, construction, lifting, drilling, or paving, including engines. ~~towed mechanical devices used for commercial purposes, including, but not limited to, tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding repair of automobiles, recreational vehicles, boats, and recreational trailers~~

### **Deleted Definitions:**

- Communication office
- Church, synagogue, temple, or mosque [replaced with "Place of Worship"]
- Forestry product sales
- Forestry products
- General business service
- General personal service

## ATTACHMENT G

### Snohomish Planning Commission Findings of Fact & Conclusions

**Based on the review of the proposed code amendment prohibiting certain uses in commercial zones that do not support the purpose of the zone or the public welfare and consolidating the number of permitted land use tables and lists of land uses, 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 land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. On October 19, 2021, the Snohomish City Council approved Ordinance 2424 which adopted interim regulations pursuant to RCW 35A.63.220, prohibiting specified “undesirable” uses in commercial zone.
4. Uses that do not support the purpose of the zone, do not generate adequate tax revenue for the city, do not provide for living wage jobs and housing options, detract from the pedestrian experience, do not provide any public amenities, require large impervious areas, and do not provide services to the local community were considered to be undesirable uses in commercial zones.
5. The number of permitted land use tables and their organization makes administering and understanding the code difficult, as does the large number of listed land uses.
6. The following Comprehensive Plan goal supports the proposed code amendments:  
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.
7. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on February 15, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to permanent regulations to prohibit “undesirable” uses in commercial zones and to consolidate the number of permitted land use tables and the number of uses listed.
8. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On March 16, 2022, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
9. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on March 19, 2022.

10. On April 6, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.207 SMC and Chapter 14.25 SMC to prohibit uses deemed not supportive of the purpose of the zone or the public welfare and to consolidate the number of land use tables and uses. After hearing a staff presentation on the proposed ordinance, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

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

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendments will ensure that new development in commercial zones will support the purpose of those zones.
6. The proposed code amendments will simplify administering and understanding the regulations related to allowed land uses.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Hank Eskridge, Planning Commission Chair

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**Date:** April 6, 2022

**To:** Planning Commission

**From:** Glen Pickus, AICP, Planning Director

**Subject: Code Amendment to Correct References to Repealed Chapter 14.205 SMC**

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**SUMMARY:** The Planning Commission will conduct a public hearing to consider code amendments in Title 14 Snohomish Municipal Code (SMC) to correct leftover references to Chapter 14.205 SMC, Permitted Land Uses, which was repealed last year.

**BACKGROUND:** When the Land Use Development Code (Title 14 SMC) was amended last year to re-establish its proper relationship with the Comprehensive Plan, Chapter 14.205 SMC was repealed, as it was comprised mostly of policy language with only a small amount of regulatory language. However, several sections in Title 14 SMC refer to the now repealed chapter. Those references need to be changed or deleted. In addition, the small amount of regulatory language that was in the chapter, specifically in SMC 14.205.055, needs to be restored.

**PROPOSALS:** The following sections of Title 14 SMC contain references to Chapter 14.205 that need to be revised or eliminated:

SMC 14.207.010(B) Guide to Land Use Tables (Attachment A): Change the reference to Chapter 14.205 to Chapter 14.30 Establishment of Zoning Districts that was created at the same time Chapter 14.205 was repealed. Chapter 14.30 serves a similar purpose as what Chapter 14.205 used to but it uses regulatory language rather than policy language.

SMC 14.210.090 Non-Contiguous Lots (Attachment B): Change the reference from SMC 14.205.055 to SMC 14.30.040(C)(5). This section addresses non-contiguous lots in the Business Park zone and meeting parking requirements. The new reference is to the new section created last year that establishes the Business Park zone and its requirements.

SMC 14.210.230 Business Park and Airport Industry (Attachment C): Delete the reference to Chapter 14.205 so the section only refers to Chapter 14.207 Land Use Tables. Also, delete all references to the Business Park zoning district as the regulations in this section applicable to the Business Park zone will be included in a proposed new Chapter 14.211 SMC, described below.

SMC 14.235.210 Parking for Manufacturing Land Uses, Table 5 (Attachment D): Change the reference from Chapter 14.205 SMC to Chapter 14.207 Land Use Tables. Table 5 establishes parking requirements for manufacturing land uses. The reference would be changed to refer to the new Industry Land Use Table (SMC 14.207.090).

In addition to correcting the references to Chapter 14.205, staff proposes restoring the small amount of regulatory language that was in the repealed chapter.

New Chapter 14.211 SMC, Business Park (Attachment E): Create a new Chapter 14.211 SMC to consolidate all special regulations for development in the Business Park zoning district into

one chapter, including the regulatory language that was deleted with the repeal of Chapter 14.205.

Therefore, included in this proposed new chapter are not only the regulations that were specific to the Business Park zone in Chapter 14.205 SMC, but also:

- The regulations currently in SMC 14.210.230 Business Park and Airport Industry, that are applicable to the Business Park zone; and
- The regulations currently found in SMC 14.207.075(6) that:
  - Establish a maximum density of 18 dwelling units per acre for multi-family development in mixed-use projects located in the Business Park zone; and
  - Do not allow the gross square footage of the multi-family uses for a mixed-use development in the Business Park zone to exceed the gross square footage of the commercial uses.

Replace Land Use Designation term with Zoning District: Staff also proposes changing all references to “land use designation” in the above sections to “zoning district.”

**RECOMMENDATION: That the Planning Commission open the public hearing, hear the staff presentation, ask questions, take public testimony, deliberate and then make the following motions:**

- 1. Move to recommend City Council approval of the proposed amendments to Title 14 SMC to correct references to the repealed Chapter 14.205 SMC including creating a new Chapter 14.211 SMC, Business Park as presented.**
- 2. Move to adopt the Findings of Fact & Conclusions as presented.**

**NEXT STEPS:** The City Council will consider the Planning Commission’s recommendations at their meeting on June 7, 2022.

**ATTACHMENTS:**

- A. SMC 14.207.010
- B. SMC 14.210.090
- C. SMC 14.210.230
- D. SMC 14.235.210, Table 5
- E. New SMC Chapter 14.211 Business Park
- F. Findings of Fact & Conclusions

## ATTACHMENT A

### 14.207.010 Guide to Use of Land Use Tables.

- A. The use of a property is considered permanent when that use has been in continuous operation for more than sixty days. A use for less than sixty days is considered a temporary use (see Chapter 14.60 SMC).
- B. The land use tables in SMC 14.207.120 through 14.207.160 determine whether a use is allowed in a land use designation. The zoning districts ~~land use designations~~ set forth in Chapter ~~14.205~~ 14.30 SMC relate to the tables' columns while the land uses relate to the tables' rows.
- C. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that zoning district, except for certain temporary uses.

## ATTACHMENT B

### **14.210.090 Non-Contiguous Lots.**

Non-contiguous lots, which are owned by the same individual but physically separated by a street, alley, river, or some other form of manmade or natural barrier, shall not be used jointly to satisfy the requirements of any zoning district ~~land use designation~~ except for off-street parking as described in Chapter 14.235 SMC and Business Parks as described in SMC ~~14.205.055~~ 14.30.040(C)(5).

## ATTACHMENT C

### 14.210.230 ~~Business Park and~~ Airport Industry.

- A. Chapters ~~14.205 and~~ 14.207 SMC governs permitted land uses in the ~~business park and~~ airport industry ~~designations~~ zoning district.
- B. *Minimum Area*. A minimum of five acres will normally be required for a business park development; however, existing smaller parcels that cannot be aggregated together to establish a five-acre project will be allowed, subject to appropriate review and conditions.
- C. *Setbacks*. Structures shall be a minimum distance of 50 feet from any property line abutting a residential land use designation. Where not abutting a residential designation, the minimum setback shall be zero, subject to compliance with the landscape screening requirements in Chapter 14.240 SMC.
- D. *Landscaping and Open Space*.
1. The site shall consist of not less than 20 percent landscaping and/or open space, which open space may consist of undisturbed vegetation or water and will include the five percent area of required landscaping. ~~In addition, any parking lot of over 20 cars must provide a minimum of one contiguous 100-square-foot landscaped island within the parking area for each 10 spaces. Up to 50 percent of the landscaping and open space requirement for a business park development may be provided by permanent dedication of a conservation easement to the City, a land trust, or another entity acceptable to the City of Snohomish, which easement shall restrict property to remain in open space in perpetuity within the same business park designation as the development in question.~~
  2. At least five percent of the site must be in formal developed landscaping no less than 2,000 square feet in area and oriented towards the main entrance and public right-of-way.
  3. ~~Landscaping Adjacent to Streets~~. All uses which adjoin Developments adjoining a street will also provide a landscape corridor of trees, planted no more than 50 feet on center. Landscape plant materials used in low impact development facilities may also be considered. Such landscaping shall not obscure the sight distance for traffic and pedestrians at the intersection of streets or driveways.
  4. Any parking area in excess of 20 cars shall provide a minimum of one contiguous, 100-square-foot landscaped island within the parking area for each ten spaces.
- E. ~~Access~~:
1. ~~Access Limitation~~. Business Parks shall have access to at least one major arterial. ~~Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.~~
  2. ~~Access Assurance to Adjacent Properties~~. At the time of permit review the City may require as a condition of approval either:
    - a. ~~That a frontage road or marginal access street be constructed to provide access to the arterial for adjacent properties.~~

~~b. That the applicant grants to adjacent properties the right to use the applicant's arterial access.~~

~~F.E.~~ *Height Limitation.* Standard B building heights shall not exceed 45 feet. One additional foot of building height may be added for each additional foot of setback on all sides provided that the total building height shall not exceed 60 feet.

## ATTACHMENT D

### 14.235.210 Parking for Manufacturing Land Uses.

**Table 5.**

Land Use	Parking Requirement	Supplemental Requirements
Manufacturing land uses (see Table <del>14.205.110</del> <u>14.207.090</u> for list)	1 space per employee on maximum shift, or 1 space per 1,000 sf of gfa	# <u>lf</u> in commercial area or generates walk-in trade:  1 space per 200 sf of gfa

## ATTACHMENT E

### Chapter 14.211 BUSINESS PARK

Sections:

<b>14.211.010</b>	<b>Purpose</b>
<b>14.211.020</b>	<b>General Requirements</b>
<b>14.211.030</b>	<b>Dimensional Requirements</b>

#### **14.211.010 Purpose**

The purpose of this chapter is to identify regulations specific to the Business Park zoning district in order ensure the purpose of the zoning district, as established in SMC 14.30.040(C)(5), is achieved. The objective of these regulations it to broaden the array of developable areas to include those with environmental constraints.

#### **14.211.020 General Requirements**

- A. Business Parks shall have access to a minor arterial, however direct access shall be taken from the lower classification of roadway, if an option is available. Access to shall be provided in accordance with City traffic plans and constructed per Public Works Design and Construction Standards.
- B. Criteria for approval of the site development plan shall include the prevention of strip commercial development and the protection of environmentally critical areas.
- C. A minimum of five acres will normally be required for a Business Park development; however, existing smaller parcels that cannot be aggregated together to establish a five-acre project will be allowed subject to appropriate review and conditions.
- D. Townhouse and apartment styles of multi-family residential use are permitted in conjunction with commercial use on the same site provided:
  1. The gross square footage of the residential uses does not exceed the gross square footage of the commercial uses; and
  2. The residential density does not exceed 18 dwelling units per acre.
- E. Two or more noncontiguous parcels in the Business Park zoning district may be determined to constitute one development site when all of the following conditions are satisfied:
  1. The parcels are within 0.25 mile, measured between nearest property lines, so that land development conditions and issues are substantially similar.
  2. The parcels are in common ownership throughout the permitting and construction process.
  3. Construction activity upon all parcels is requested, reviewed, and permitted through one land use development application.
  4. Signs, structures, and other improvements on all parcels exhibit common architectural design features.
  5. The names given to development on the noncontiguous parcels have common words and themes.
  6. The parcels are connected by pedestrian walkway.

- F. Development in the Business Park zone shall be subject to design review using the General Design Standards per Chapter 14.230 SMC.

**14.211.030 Dimensional Requirements**

- A. *Minimum Area.* A minimum of five acres will normally be required for a business park development; however, existing smaller parcels that cannot be aggregated together to establish a five-acre project will be allowed, subject to appropriate review and conditions.
- B. *Setbacks.* Structures shall be a minimum distance of 50 feet from any property line abutting a residential zone. Where not abutting a residential zone, the minimum setback shall be zero, subject to compliance with the landscape screening requirements in Chapter 14.240 SMC.
- C. *Landscaping and Open Space.*
1. The site shall consist of not less than 20 percent landscaping and/or open space, which open space may consist of undisturbed vegetation or water and will include the five percent area of required landscaping. Up to 50 percent of the landscaping and open space requirement for a business park development may be provided by permanent dedication of a conservation easement to the City, a land trust, or another entity acceptable to the City of Snohomish, which easement shall restrict property to remain in open space in perpetuity within the same business park zone as the development in question.
  2. At least five percent of the site must be in formal developed landscaping no less than 2,000 square feet in area and oriented towards the main entrance and public right-of-way.
  3. Developments adjoining a street will also provide a landscape corridor of trees, planted no more than 50 feet on center. Landscape plant materials used in low impact development facilities may also be considered. Such landscaping shall not obscure the sight distance for traffic and pedestrians at the intersection of streets or driveways.
  4. Any parking lot in excess of 20 cars shall provide a minimum of one contiguous, 100-square-foot landscaped island within the parking area for each ten spaces.
- D. *Height Limitation.* Standard building heights shall not exceed 45 feet. One additional foot of building height may be added for each additional foot of setback on all sides provided that the total building height shall not exceed 60 feet.

## ATTACHMENT F

### Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to correct references throughout Title 14 SMD to the deleted Chapter 14.205 SMC, 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 land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. On November 16, 2021, the Snohomish City Council approved Ordinance 2429 that repealed Chapter 14.205 SMC in its entirety.
4. In Title 14 SMC the following sections need to be amended because they refer to sections in Chapter 14.205 SMC:
  - SMC 14.207.010(B)
  - SMC 14.210.090
  - SMC 14.210.230
  - SMC 14.235.210
5. Repealing Chapter 14.205 SMC included repealing provisions specific to development within the Business Park zone that need to be restored.
6. The following Comprehensive Plan goal supports the proposed code amendments:  
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.
7. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on February 15, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to the repeal of Chapter 14.205 SMC including the adoption of a new Chapter 14.211 SMC, Business Park.
8. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On March 16, 2022, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
9. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on March 19, 2022.
10. On April 6, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Title 14 SMC to address the issues created by the repeal of Chapter 24.205 SMC. After hearing a staff presentation on the proposed ordinance, asking

questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

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

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendments will ensure that new development in commercial zones will support the purpose of those zones.
6. Correcting references to sections in Chapter 14.205 SMC will facilitate the administration of Title 14 SMC.
7. Creating a new Chapter 14.211 SMC, Business Park, will restore necessary regulations specific to development in the Business Park zone that had been repealed.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Hank Eskridge, Planning Commission Chair

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**Date:** April 6, 2022  
**To:** Planning Commission  
**From:** Glen Pickus, AICP, Planning Director  
**Subject: Fence Height Code Amendment**

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**SUMMARY:** The Planning Commission will conduct a public hearing to consider amendments to Section 14.240.260 SMC to:

- Establish a maximum fence height in rear yards; and
- Remove the height limit on retaining walls located in setback areas.

**BACKGROUND:** In 2017, regulations for fences were updated primarily to address an ambiguity in the code about fences in the right-of-way. At that time, staff identified other parts of the code to be clarified. One such “clarifying” amendment was to reformat SMC 14.240.060, subsections D-G, to standardize the format for fence requirements in the different zones. In doing so, the height limit for fences in rear-yard setback areas was inadvertently omitted from subsection D, which regulates fences in the Single-Family, Residential, and Parks, Open Space & Public zones.

At the same time, subsection H was amended to clarify regulations for retaining walls and rockeries. A height limit of six feet was placed on retaining walls and rockeries located in setback areas. However, this height limit has proven to be problematic in that it does not take into account the topography of a site and how the height limit might affect the functionality of the wall.

**PROPOSALS:**

Fence Height in Rear Yards: SMC 14.240.060(D)(2) addresses fence heights allowed in the front-yard setback area (three feet for solid fences; five feet for open fences). Subsection 3 addresses the maximum fence height allowed in the side-yard setback area (six feet for all fences). However, nowhere in SMC 14.240.060(D) is the height of fences in the rear-yard setback area addressed.

To resolve the omission, staff’s recommendation is to amend subsection 3 to address fence heights in both the rear- and the side-yard setback areas. In doing so, the maximum fence height allowed in the rear-yard setback area would be six feet, the same as that allowed in the side-yard setback area. This would restore the maximum height limit for fences in rear-yard setback areas to what it was prior to the 2017 amendments.

Retaining Wall and Rockery Height in Setback Areas: SMC 14.240.060(H) establishes the maximum heights for retaining walls and rockeries. Pursuant to SMC 14.240.060(H)(1)(a), there is no maximum height limit for retaining walls and rockeries located in the buildable area of a lot other than to require they must be the lowest height necessary to achieve their intended functional purpose.

However, for retaining walls and rockeries located in a setback area, the maximum allowed height is six feet, pursuant to SMC 14.240.060(H)(1)(b). This arbitrary height limit does not take

into account surrounding topography and the function the wall/rockery is providing. Therefore, the proposal is to regulate all retaining walls and rockeries the same, regardless of where they are located on a lot, and require them to be no higher than is necessary to be functional. This is achieved by deleting SMC 14.240.060(H)(1)(b), and rewording SMC 14.240.060(H)(1)(a) to be applicable to all retaining walls and rockeries.

**RECOMMENDATION:** That the Planning Commission open the public hearing, hear the staff presentation, ask questions, take public testimony, deliberate and then make the following motions:

1. Move to recommend City Council approval of the proposed amendments to SMC 14.240.060 to re-establish a maximum height for fences located in rear-yard setback areas and to remove the maximum height limit on retaining walls located in setback areas as presented.
2. Move to adopt the Findings of Fact & Conclusions as presented.

**NEXT STEPS:** The City Council will consider the Planning Commission's recommendation at their meeting on June 7, 2022.

**ATTACHMENTS:**

- A. SMC 14.240.060(D)
- B. SMC 14.240.060(H)
- C. Findings of Fact & Conclusions

**REFERENCE:** [SMC 14.240.060 – Fence and Freestanding Wall Regulations](#)

## ATTACHMENT A

### 14.240.060 Fence and Freestanding Wall Regulations.

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- D. *Fences and Decorative Freestanding Walls in Single-Family, ~~Multi-Family, Residential, Parks, Open Space~~ and Public Future Land Use Designation Areas.* Fences/freestanding walls constructed in Single-Family, Multi-Family, Residential, Parks, Open Space and Public future land use designation areas shall comply with the following requirements:
1. Electrical fences and fences with barbed wire, razor wire, concertina wire, or similar products are prohibited.
  2. Within front yard setback area.
    - a. *Solid Fence.* No higher than three feet unless it connects side fences to the structure.
    - b. *Open Fence.* Up to five feet if it does not create a sight obstruction.
  3. If located within a side yard or rear yard setback area the maximum allowed height shall be six feet except fences located in a side yard setback area on the street side of a corner lot shall also be required to meet the sight clearance requirements for intersections as set forth in SMC 14.210.160

## ATTACHMENT B

### 14.240.060 Fence and Freestanding Wall Regulations.

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#### H. Retaining Walls and Rockeries.

1. Retaining wall and rockery installations in all land use designation areas shall comply with the adopted City of Snohomish Design Standards and development regulations which are applicable to the area where the retaining wall is located. ~~except that:~~
  - a.—There shall not be a maximum height limit on retaining walls and rockeries ~~located in the buildable area of a lot.~~ However, the height of retaining walls and rockeries ~~in the buildable area of a lot~~ shall be the lowest necessary to achieve its intended functional purpose. If the proposed wall or rockery height exceeds the maximum building height limitation for the ~~land use designation zone~~ area where it is located it must be reviewed and approved by the Planning Director or designee on a project-by-project basis.
  - b.—~~The maximum height limits on retaining walls and rockeries located in a setback area shall be six feet.~~
2. Except as otherwise provided below, retaining wall permits shall be required for all retaining walls. The permit application shall include a site plan, drawn to scale, which shows:
  - a. The entire project site and all property lines; and
  - b. Areas within 50 feet of the proposed retaining wall/rockery even if that includes adjacent properties; and
  - c. All structures, including existing retaining walls and rockeries, within 50 feet of the proposed wall/rockery; and
  - d. Existing topography with contour lines at two-foot vertical intervals. Topographical data obtained from public records is acceptable; and
  - e. The materials proposed for use in construction; and
  - f. The location of the proposed wall/rockery with all dimensions necessary to describe its location, depth, and height; and
  - g. A cross section showing the wall/rockery and provisions for drainage.
3. If the Building Official determines it is necessary, structural calculations and/or a geotechnical report prepared by a licensed professional engineer legally entitled to practice in the State of Washington shall be submitted with the application.
4. A Type 1 retaining wall permit shall be required for retaining walls/rockeries four feet or less in height.
  - a. Only retaining walls/rockeries that do not require structural calculation and/or a drainage system are eligible for a Type 1 permit.
  - b. If a series of retaining walls/rockeries four feet or less in height where the slope measured from the bottom of the lowest retaining wall/rockery to the top of the highest retaining wall/rockery is greater than 1.5 feet horizontal to 1.0 feet vertical, then a Type 2 retaining wall permit shall be required.
5. A Type 2 retaining wall permit may be required for all retaining walls/rockeries greater than four feet in height.
  - a. Type 2 retaining wall permits shall require submittal of a:

- i. Geotechnical report; and
    - ii. Structural calculations; and
    - iii. Drainage system behind wall.
  - b. The City Engineer may require additional submittals for Type 2 retaining wall permits.
6. Private retaining walls/rockeries shall not be located in City rights-of-way except as may be otherwise provided in the Snohomish Municipal Code.
7. The height of a retaining wall/rockery shall be measured from the lowest part of the wall/rockery or wall/rockery footing to the highest part of the wall/rockery at every location along the wall/rockery.
8. No part of a retaining wall/rockery may extend into an adjacent lot.
9. Guardrails required to be placed at the top of retaining walls/rockeries, pursuant to the City-adopted building codes, shall be permitted as part of the wall/rockery, and shall not be considered to be a fence or part of the wall/rockery height.
10. A retaining wall may terminate at a property line; provided, that it must abut a retaining wall on the adjacent property and is structurally independent from such wall.
11. *Exemptions.*
  - a. Permits shall not be required for fences or freestanding walls two feet or less in height.
  - b. The City may waive the requirement for a retaining wall permit when:
    - i. Every part of the wall/rockery is set back at least five feet from all property lines; and
    - ii. The wall/rockery is no greater than four feet in height; and
    - iii. The wall/rockery is not load bearing; and
    - iv. The wall/rockery does not affect the structural integrity of adjacent structures; and
    - v. Such waiver is made in writing by the Planning Director or designee.
  - c. Permits shall not be required for retaining walls within new plats that are reviewed and approved by the City as part of the plat improvements.

## ATTACHMENT C

# Snohomish Planning Commission Findings of Fact & Conclusions

**Based on the review of the proposed code amendments to establish a maximum height for fences in rear yards and removing the height restriction on retaining walls and rockeries, 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 land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. Currently, SMC 14.240.260(D)(2) establishes maximum heights for fences located in front and side yard setback areas but not for rear setback areas. Earlier versions of the code included a maximum fence height of six feet for rear setback areas, the same as in side setback areas.
4. Currently, SMC 14.240.260(H) establishes an arbitrary maximum height of six feet for retaining walls and rockeries in setback areas. However, retaining walls and rockeries serve a function and their height is determined by site factors such as topography so an arbitrary height limit could make necessary retaining walls and rockeries unable to fulfill the purpose they are intended for.
5. The following Comprehensive Plan goal supports the proposed code amendments:  
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.
6. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on February 15, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to establishing a maximum height for fences in rear set back areas and removing the height limit on retaining walls and rockeries in setback areas.
7. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On March 16, 2022, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
8. A Notice of Public Hearing, consistent with Snohomish Municipal Code requirements, was published on March 19, 2022.
9. On April 6, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to SMC 14.240.260(D)(2) to establish a maximum fence height in rear yard setback areas, and to SMC 14.240.260(H) to remove the height limit on retaining walls and rockeries in setback areas. After hearing a staff presentation on the proposed ordinance, asking questions, and receiving public testimony, the public hearing was closed

and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

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

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendments will ensure the height limits for fences, retaining walls, and rockeries are practical and support the community's vision.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Hank Eskridge, Planning Commission Chair