



CITY OF SNOHOMISH

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NOTICE OF REGULAR MEETING

SNOHOMISH PLANNING COMMISSION

WEDNESDAY
May 4, 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/89229709907>
Passcode: 971374

Or call in at (253) 215-8782 and use Meeting ID# 892 2970 9907
Passcode: 971374

AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the April 6, 2022 regular meeting (*P.3*)
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **PUBLIC HEARING:** Amend SMC 14.215.125 Fee Simple Unit Lot Subdivisions, and SMC 14.210.215 Detached Condominiums and Cottage Housing, to improve clarity and remove contradictions (*P.XX*)
 - a. Chair opens hearing
 - b. Staff presentation
 - c. Commission questions
 - d. Public testimony
 - e. Close hearing
 - f. Deliberations

*** Continued Next Page ***

8. **PUBLIC HEARING:** Amend Chapter 14.15 SMC, Amendments to the Comprehensive Plan, Land Use Map, and Development Code, to establish a rezoning process (P.XX)
 - a. Chair opens hearing
 - b. Staff presentation
 - c. Commission questions
 - d. Public testimony
 - e. Close hearing
 - f. Deliberations

9. **PUBLIC HEARING:** Amend Chapter 14.212 SMC, Pilchuck District Development Regulations, to improve clarity (P.XX)
 - 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, June 1, 2022, at 6 p.m., at the Snohomish Carnegie, 105 Cedar Avenue, and online via Zoom.

The Planning Commission is also scheduled to meet in a joint workshop with the City Council Tuesday, June 7, 2022 at 5 p.m. at the Snohomish Carnegie, 105 Cedar Avenue, Snohomish, 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**

April 6, 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 provided a remote participation option for its meeting at the Snohomish Carnegie, 105 Cedar Ave.

1. **CALL TO ORDER:** Chair Hank Eskridge opened the regular meeting of the Planning Commission at 6:00 p.m. on Wednesday, April 6, 2022.

2. **FLAG SALUTE**

3. **ROLL CALL**

COMMISSIONERS PRESENT:

Hank Eskridge, Chair
Nick Gottuso, Vice Chair
Gordon Cole
Mitch Cornelison
Terry Lippincott (attended remotely)
Christine Wakefield Nichols
Merritt Weese

STAFF:

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

OTHERS PRESENT:

Judith Kuleta, City Council Liaison
Lee Ann Burke, City Council Liaison

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 March 2, 2022, regular meeting. Commissioner Weese moved to revise the March 2, 2022 minutes to accurately reflect that her question under section 8 was about "Urban Growth Areas" and not the "Growth Management Act". Chair Eskridge seconded the motion, which passed 7-0.

Commissioner Wakefield Nichols moved to approve the minutes of the March 2, 2022 meeting, as revised. Commissioner Eskridge seconded the motion, which passed 7-0.

6. **GENERAL PUBLIC COMMENTS**

There were no 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

a. Chair opens hearing. Chair Eskridge opened the public hearing.

b. Staff presentation. Mr. Pickus presented background information and described the proposed amendments to the Land Use Tables, which will reduce the number of tables and consolidate land uses in addition to prohibiting certain uses in commercial zones. He stated there were mistakes in the agenda packet regarding some of the reference notes to the tables that will be corrected.

- c. Commission questions. Chair Eskridge asked the Commission if they had any questions. Commissioner Cole asked about future interpretations of the land use tables and proposed adding verbiage to the ordinance to treat existing businesses as permitted uses so they would be allowed to expand, similar to what was done during the Urban Horticulture rezone process in 2021. Mr. Pickus said he could draft language for existing businesses to avoid creating new nonconforming uses, similar to what was done with the Urban Horticulture rezones.

Commissioner Lippincott asked about prohibiting places of worship in the Midtown District and when staff could bring a proposal to the Mayor to start that process. Mr. Pickus explained he could not provide an exact date at this time, but that staff will pursue the issue. She also asked about the rules for nonconforming businesses.

- d. Public testimony. Chair Eskridge opened public comment.
Morgan Davis commented about places of worship and said not to make any changes to the allowed uses in commercial zones if the places of worship issue is not going to be addressed.
Jim Lewis noted the code should encourage businesses the City wants to attract as opposed to what the City does not want. He stated the proposed changes and verbiage do not encourage new business growth in Snohomish.
Jack Grove, representing Service Electric at 1615 First Street, spoke in favor of supporting local businesses and is opposed to any changes to uses currently allowed on First Street.
Jim Kapelke, representing Reliable Concrete located at 1711 First Street, agreed with the comments provided by Mr. Grove.
Dan Neary, representing Pursuit Church at 265 Pine Avenue, spoke in support of allowing places of worship in commercial zones.

Mr. Pickus stated that the proposal would not change the regulations for contractor yards in the Commercial zone, which would still be allowed uses so Service Electric and Reliable Concrete would not be affected by the proposed code amendment. He thanked the Commission for bringing typographical errors to his attention before the meeting and explained staff would double check all the footnotes and references again to ensure they are correct before the City Council considers the proposal.

- e. Close hearing. Commissioner Cole moved to close the public testimony. Commissioner Weese seconded the motion, which passed 7-0.
- f. Deliberation. Commissioner Cole stated that businesses that would become nonconforming could have future sales and financing affected. He requested the ordinance include language allowing the businesses to remain as permitted uses rather than nonconforming uses. He recommended the language not identify the uses specifically, but to state that any and all businesses legally in existence at the time of the ordinance are considered permitted uses, with a two-year abandonment clause. The Commission agreed.

Commissioner Lippincott stated she would like consideration to not allow places of worship in the Midtown District and other commercial zones to start sooner rather than later.

Commissioner Weese moved 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 discussed and revised using the verbiage from the Urban Horticulture rezone for uses that would otherwise become nonconforming. Chair Eskridge seconded the motion, which passed 7-0.

Commissioner Wakefield Nichols proposed Finding #4 of the findings of facts should be revised to maintain a more positive perspective. She proposed it read, "Uses that do not support the purpose of the zone were considered to be undesirable uses in commercial zones." The Commission agreed.

Commissioner Wakefield Nichols moved to adopt the Findings of Fact and Conclusions as discussed and revised. Commissioner Cole seconded the motion, which passed 7-0.

8. **PUBLIC HEARING:** Title 14 Amendments Removing References to Deleted Chapter 14.205 SMC and creating a new Chapter 14.211, Business District

- a. Chair opens hearing. Chair Eskridge opened the public hearing.
- b. Staff presentation. Mr. Pickus presented background information and described the proposed amendments to correct references to the deleted Chapter 14.205 SMC and creating a new Chapter 14.211, Business Park. He confirmed that these amendments will not change the regulatory language.
- c. Commission questions. Chair Eskridge asked the Commission if there were any questions and hearing none, he opened the hearing to public comment.
- d. Public testimony.
Jim Lewis stated the language should be supportive of what type of businesses the City of Snohomish would like to see and to be positive in the wording.
Morgan Davis agreed with Mr. Lewis.
- e. Close hearing. Commissioner Cole moved to close the public testimony. Chair Eskridge seconded the motion, which passed 7-0.
- f. Deliberations. Commissioner Cole moved 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. Commissioner Lippincott seconded the motion, which passed 7-0.

Commissioner Cole moved to adopt the Findings of Fact & Conclusions as presented. Commissioner Weese seconded the motion, which passed 7-0.

9. **PUBLIC HEARING:** Amend SMC 14.240.060 Regarding Fence, Retaining Wall, and Rockery Height

- a. Chair opens hearing. Chair Eskridge opened the public hearing.
- b. Staff presentation. Mr. Pickus presented background information and described the proposed amendments to SMC 14.240.060 regarding fence, retaining wall, and rockery heights.

- c. Commission questions. Chair Eskridge asked the Commission if there were any questions and hearing none, he opened public comment.
- d. Public testimony. There was no public comment.
- e. Close hearing. Chair Eskridge moved to close the public testimony. Commissioner Cole seconded the motion, which passed 7-0.
- f. Deliberations. Chair Eskridge moved 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. Commissioner Weese seconded the motion, which passed 7-0.

Commissioner Weese moved to adopt the Findings of Fact & Conclusions as presented. Commissioner Lippincott seconded the motion, which passed 7-0.

10. **COMMISSIONER QUESTIONS & COMMENTS:**

Commissioner Lippincott noted it was nice to have hybrid meetings.

Chair Eskridge questioned the difference between the Business Park and Commercial zones and their allowed uses. Mr. Pickus provided a brief explanation. He asked about the Midtown District and if it was in effect. Mr. Pickus explained that it was.

11. **DIRECTOR'S REPORT:** Mr. Pickus explained that at the next City Council meeting he would be presenting incentives for building affordable housing in the Midtown District.

He stated public hearings to codify the two code interpretations previously discussed would not occur in June. Instead, they will be discussed at the June 1st regular meeting, with the public hearing to be held later in the year.

Mr. Pickus reported he will be presenting the consultant's work on the subarea analysis at a joint City Council-Planning Commission workshop on June 7th. It was his expectation that the City Council would provide the Commission with direction at the workshop on how to move forward on potential rezones in the subareas.

12. **ADJOURNMENT:** The meeting adjourned at 7:47 p.m.

Approved this 4th day of May, 2022.

By: _____
Commissioner Hank Eskridge, Chair

Date: May 4, 2022

To: Planning Commission

From: Glen Pickus, AICP, Planning Director

Subject: Code Amendments Public Hearing: Fee Simple Unit Lot Subdivisions & Detached Condominiums and Cottage Housing

SUMMARY: The Planning Commission will conduct a public hearing to consider code amendments to clarify both the fee simple unit lot subdivision regulations (ULS) in SMC 14.215.125 and their relationship to SMC 14.210.215 Detached Condominiums and Cottage Housing.

BACKGROUND: During the processing of a ULS application in 2020, contradictions and inconsistencies between SMC 14.215.125 Fee Simple Unit Lot Subdivisions, and SMC 14.210.215 Detached Condominiums and Cottage Housing, became apparent and resulted in the Hearing Examiner's decision approving the application being appealed.

SMC 14.215.125 Fee Simple Unit Lot Subdivisions, establishes an alternative subdivision process where traditional subdivision is not possible due to conflicts between the type of development and dimensional standards. Another purpose of a ULS is to provide an alternative type of ownership when condominium ownership is not desired. Most often, the ULS is used for townhouse developments. With a ULS, each unit can be on its own fee simple lot even if it is attached to other units. However, the ULS process can also be used on detached single-family developments.

Despite the direct reference in the ULS code of providing an alternative to condominium ownership, it then refers to complying with SMC 14.210.215, whose purpose is to regulate condominium development. This conflict creates an ambiguity as to how and when the ULS process can be used.

PROPOSAL: The proposal is to amend the following:

1. SMC 14.215.125 Fee Simple Unit Lot Subdivisions, to clarify when and where the ULS process can be used.
2. SMC 14.210.215 Detached Condominiums and Cottage Housing, to reword it so it is better coordinated with SMC 14.215.125.
3. SMC 14.24.050 Definitions – D, to revise definitions to be consistent with the proposed changes to SMC 14.210.215.

SMC 14.215.125, Fee Simple Unit Lot Subdivisions: The proposal is to amend the “applicability” section of the code--SMC 14.215.125(B)--to clarify when and where the ULS process can be used. The proposal does not substantively change when a ULS can be done; it only makes it clearer.

The proposed language specifically states a ULS can only be used for:

- Attached single-family buildings;
- Townhouses;
- Detached single-family buildings pursuant to SMC 14.210.215; and
- Manufactured homes parks pursuant to SMC 14.210.220 (Mobile Home Requirements).

The ULS process can only be used in specified zones:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Business Park
- Historic Business District
- Midtown District

Language is proposed to clarify that subdivision of land using the ULS process can happen before a project is built or after it has been constructed.

The proposal would also amend 14.215.125(G)(3) regarding parking requirements, to clarify which requirements are applicable in cases where parking for a dwelling unit is on a different lot than the dwelling unit, which is specifically allowed in a ULS.

The only substantive change in the proposed amendments is to establish a minimum lot size of 4,000 square feet for a ULS; previously, there was no minimum.

SMC 14.210.215 Detached Condominiums and Cottage Housing: The primary proposal is to remove the word “condominium” from this code section so that it does not conflict with the ULS provisions in SMC 14.215.125. The proposal also retitles the section to “Detached Dwelling Units and Cottage Housing on a Single Lot”, with all section references to “detached condominiums” changed to read “detached dwelling units”.

The proposal includes other non-substantive changes to the entire chapter to use language consistent with current code, especially since it was amended just last year.

SMC 14.25.050 Definitions - D: The proposal amends the existing definitions for “detached condominium” and “detached condominium development” by replacing the word “condominium” with “dwelling” for consistency with the proposed changes to SMC 14.210.215.

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:

- **Move to recommend City Council approval of the proposed amendments to SMC 14.215.125 and SMC 14.210.215 to clarify the applicability of the fee simple unit lot subdivision process and to remove the conflicts between the two sections, as presented.**
- **Move to adopt the Findings of Fact & Conclusions as presented.**

NEXT STEPS: The City Council will consider an ordinance to implement the Planning Commission’s recommendation at a meeting later this year.

ATTACHMENTS:

- A. SMC 14.215.125 (draft)
- B. SMC 14.210.215 (draft)
- C. SMC 14.25.050 (draft)
- D. Findings of Facts & Conclusions

REFERENCES: SMC Sections [14.215.125](#) and [14.210.215](#)

ATTACHMENT A

Clean Version

14.215.125 Fee Simple Unit Lot Subdivisions.

- A. *Purpose.* The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter [14.207](#) SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter [14.210](#) SMC. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in Chapter [14.210](#) SMC to the overall site, the “parent lot,” while allowing flexibility in the dimensional standards for the subordinate “unit lots.” This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.
- B. *Applicability.*
1. Sites containing a detached accessory dwelling unit pursuant to SMC [14.207.075](#)(2) may not be subdivided into individual lots pursuant to this section.
 2. Only sites located in the following zoning districts may be subdivided into individual lots pursuant to this section:
 - a. Low Density Residential;
 - b. Medium Density Residential;
 - c. High Density Residential;
 - d. Commercial;
 - e. Business Park;
 - f. Historic Business District; or
 - g. Midtown District zones.
 3. Only sites developed or proposed to be developed with the following types of development may be subdivided into individual lots pursuant to this section:
 - a. One or more duplexes; or
 - b. Townhouses; or
 - c. Detached dwellings or cottage housing pursuant to SMC [14.210.215](#); or
 - d. Manufactured home parks pursuant to SMC [14.210.220](#).
 4. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter [14.70](#) SMC.
- C. *Deviation from Dimensional Standards.* The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the zoning district and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards in Chapter [14.210](#) SMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures

on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter [14.80](#) SMC.

- D. *Subdivision of Cottage Housing and Detached Dwelling Developments on a Single Lot.*
1. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the underlying zoning district where the development is proposed.
 2. The minimum lot size shall be 4,000 square feet for detached dwelling developments.
 3. Each dwelling unit shall be subject to the design standards referred to in SMC [14.210.215H](#) except where they conflict with the provisions of this section.
 4. Unit lots shall comply with all other provisions of SMC [14.210.215](#), except that lot lines shall be used in place of internal boundaries of exclusive use.
- E. *Mobile Home Parks.* Mobile home parks shall be eligible for unit lot subdivision where consistent with the criteria and standards in SMC [14.210.220](#), except that the unit lot subdivision and administrative development plan shall serve in lieu of the recorded development plan.
- F. *Approval Process.* Unit lot subdivisions of four or fewer lots shall be processed in the same manner as short plats, as a Type 3 permit pursuant to Chapter [14.20](#) SMC. Unit lot subdivisions of five or more lots shall be processed as plats, as a Type 4 permit pursuant to Chapter [14.20](#) SMC. For subdivision of undeveloped land, the required Site Development Plan process may be incorporated into the plat process.
- G. *Approval Criteria.* In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapters [14.65](#), [14.210](#), and [14.215](#) SMC, proposals shall be subject to the following:
1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
 2. Private usable open space of at least 400 square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have minimum dimensions of 15 feet and shall be usable.
 3. Parking shall be calculated and designed for each lot in compliance with Chapter [14.235](#) SMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat. Where parking is provided on a different lot or tract the following sections of Chapter [14.235](#) SMC shall not apply or shall be modified as indicated:
 - a. SMC 14.235.070 – Joint Uses of Parking Facilities
 - b. SMC 14.235.080 – Conditions Required for Joint Use
 - c. SMC 14.235.090 – Location of Parking Spaces
 - d. SMC 14.235.130(G) – Backing into Streets: backing into private streets shall be allowed
 - e. SMC 14.235.130(M) – Tandem Parking: tandem parking shall be allowed for all types of development

4. Access and utility easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; drainage facilities, underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, and shall be recorded with the Snohomish County Auditor.
5. Subdivision of zero-lot-line developments shall provide a five-foot wide building maintenance easement on adjacent lots for external walls, eaves, chimneys, and other architectural features that rest directly on or within four feet of the lot line. The maintenance easement shall be shown on the face of the plat.
6. The final plat shall note:
 - a. All conditions of approval;
 - b. That unit lots are not buildable lots independent of the overall development; and
 - c. That additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, and addition, shall comply with conditions of approval and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.

Legislative Version

14.215.125 Fee Simple Unit Lot Subdivisions.

- A. *Purpose.* The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter [14.207](#) SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter [14.210](#) SMC. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in Chapter [14.210](#) SMC to the overall site, the “parent lot,” while allowing flexibility in the dimensional standards for the subordinate “unit lots.” This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.
- B. *Applicability.*
1. Sites containing a detached accessory dwelling unit pursuant to SMC 14.207.075(2) may not be subdivided into individual lots pursuant to this section.
 2. Only sites located in the following zoning districts may be subdivided into individual lots pursuant to this section:
 - a. Low Density Residential;
 - b. Medium Density Residential;
 - c. High Density Residential;
 - d. Commercial;
 - e. Business Park;
 - f. Historic Business District; or
 - g. Midtown District zones.
 3. ~~Except for any site containing a detached accessory dwelling unit pursuant to SMC 14.207.075(2), lots~~ Only sites developed or proposed to be developed with attached single family buildings the following types of development may be subdivided into individual lots pursuant to this section:
 - a. One or more duplexes; or
 - b. Townhouses; or
 - c. ~~Detached single family buildings permitted according~~ dwellings or cottage housing pursuant to SMC [14.210.215](#); or, and
 - d. ~~Manufactured home parks permitted according pursuant~~ to SMC [14.210.220](#) may be subdivided into individual unit lots pursuant to this section.
 4. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter [14.70](#) SMC.
- C. *Deviation from Dimensional Standards.* The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the ~~land use designation~~ zoning district and the land use type at the time the application is

vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards in Chapter [14.210](#) SMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter [14.80](#) SMC.

- D. *Subdivision of Cottage Housing and Detached ~~Condominium Dwelling~~ Developments on a Single Lot.* ~~Development proposed pursuant to SMC 14.210.215 shall be eligible for unit lot subdivision.~~
1. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the ~~single-family land use designation underlying zoning district where the development is proposed.~~
 2. ~~The minimum lot size shall be 4,000 square feet for detached dwelling developments.~~
 3. ~~Each dwelling unit shall be subject to the design standards referred to in SMC 14.210.215G(H) except where they conflict with the provisions of this section.~~
 4. Unit lots shall comply with all other provisions of SMC [14.210.215](#), except that lot lines shall be used in place of internal boundaries of exclusive use.
- E. *Mobile Home Parks.* Mobile home parks shall be eligible for unit lot subdivision where consistent with the criteria and standards in SMC [14.210.220](#), except that the unit lot subdivision and administrative development plan shall serve in lieu of the recorded development plan.
- F. *Approval Process.* Unit lot subdivisions of four ~~(4)~~ or fewer lots shall be processed in the same manner as short plats, as a Type 3 permit pursuant to ~~the associated permit type in~~ Chapter [14.20](#) SMC. Unit lot subdivisions of five ~~(5)~~ or more lots shall be processed as plats, as a Type 4 permit pursuant to ~~the associated permit type in~~ Chapter [14.20](#) SMC. For subdivision of undeveloped land, the required Site Development Plan process may be incorporated into the plat process.
- G. *Approval Criteria.* In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapters [14.65](#), [14.210](#), and [14.215](#) SMC, proposals shall be subject to the following:
1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
 2. Private usable open space of at least ~~four hundred (400)~~ square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have ~~a~~ minimum dimensions of ~~fifteen (15)~~ feet and shall be usable.
 3. Parking shall be calculated and designed for each lot in compliance with Chapter [14.235](#) SMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an

easement declared on the plat. Where parking ~~for detached single family buildings~~ is provided on a different lot or tract, ~~parking allowances for detached single family residences in Chapter 14.235 SMC, including tandem parking and backing into a street, shall not apply.~~ the following sections of Chapter 14.235 SMC shall not apply or shall be modified as indicated:

a. SMC 14.235.070 – Joint Uses of Parking Facilities

b. SMC 14.235.080 – Conditions Required for Joint Use

c. SMC 14.235.090 – Location of Parking Spaces

d. SMC 14.235.130(G) – Backing into Streets: backing into private streets shall be allowed

e. SMC 14.235.130(M) – Tandem Parking: tandem parking shall be allowed for all types of development

4. Access and utility easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; drainage facilities, underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, and shall be recorded with the Snohomish County Auditor.
5. Subdivision of ~~common wall or zero (0) lot line~~ zero-lot-line developments ~~such as townhouses~~ shall provide a five ~~(5)~~ foot wide building maintenance easement on adjacent lots for external walls, eaves, chimneys, and other architectural features that rest directly on or within four feet of the lot line. The maintenance easement shall be shown on the face of the plat.
6. The final plat shall note:
 - a. All conditions of approval;
 - b. That unit lots are not buildable lots independent of the overall development;
 - c. That additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, and addition, shall comply with conditions of approval and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.
- ~~7. The application for unit lot subdivisions shall include a detailed, scaled site plan with building footprints. Adequate information shall be provided to determine compliance with all applicable criteria.~~

ATTACHMENT B

Clean Version

14.210.215 Detached Dwellings and Cottage Housing.

- A. The purpose of this section is to:
 - 1. Allow for the development of multiple detached dwelling units and cottage housing on a single lot without the subdivision of land in zoning districts where multi-family dwellings are allowed;
 - 2. Provide for innovative development of detached dwellings as an alternative to conventional attached multi-family dwellings or conventional single-family dwellings upon individual lots;
 - 3. Provide additional options for achievement of urban densities within the City;
 - 4. Implement the Washington State Growth Management Act and the City of Snohomish Comprehensive Plan; and
 - 5. Protect and advance the public's health, safety, and welfare.
- B. The development of more than one detached dwelling per lot within the Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Business Park, and Historic Business District zones is permitted only as provided for in this section.
- C. Detached dwellings and cottage housing on a single lot shall conform to the provisions of this section.
- D. Detached dwelling and cottage housing developments on a single lot shall be reviewed and processed as a Site Development Plan, a Type 3 permit, pursuant to Chapter 14.65 SMC.
- E. All applicable development regulations required by the Snohomish Municipal Code shall apply, including but not limited to off-street parking, provisions for utilities, and emergency access. Where a conflict occurs, the provisions of this section shall control.
- F. On a lot to be used for a detached dwelling or cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.
- G. Maximum residential density shall not exceed the density allowed in the zoning district.
- H. Detached dwelling and cottage housing developments on a single lot shall adhere to applicable design standards for Single-Family Development in the General Design Standards as referenced in Chapter 14.230 SMC. Developments located in the Historic District are subject to the applicable design standards for residential development in the Historic District Design Standards as referenced in Chapter 14.225 SMC.
- I. Accessory dwelling units shall not be permitted in detached dwelling or cottage housing developments on a single lot.
- J. Detached dwelling developments shall conform to the following provisions:

1. Internal streets may be either public or private. Public streets shall conform to the City of Snohomish Engineering Design and Construction Standards.
 2. Private streets shall include the following improvements. The City Engineer may authorize variations to the following improvements when no adverse impact to public health, safety, and welfare would occur:
 - a. A six-inch curb with gutter on each side.
 - b. Street trees on one side.
 - c. At least one side of each street shall include:
 - i. An eight-foot-wide parking aisle along the inside of the curb, a landscape strip along the outside of the curb, and a sidewalk along the outside of the landscape strip. The landscape strip shall have a minimum width of four feet and the sidewalk shall have a minimum width of four feet.
 - ii. Street light standards and fixtures that achieve illumination standards used for public streets. Street lights with decorative design detailing are encouraged.
 - d. Unobstructed roadway width of 26 feet and as approved by the City Engineer.
 3. A pedestrian circulation system consisting of sidewalks and walkways shall provide access to the adjacent public streets, all homes, and common recreation areas.
 4. Residential structures shall be limited to 2,000 square feet of living area. Porches, garages, and basements are not included in the calculation of living area.
 5. Residential structures shall not exceed two stories and 30 feet in height.
 6. Minimum setbacks from perimeter property lines and from internal boundaries of exclusive use shall be as follows:
 - a. Front. Ten feet, except that garages with doors facing the front shall be set back twenty feet.
 - b. Side. Five feet, except that no side setback shall be required for detached garages located in the rear half of the lot or area of exclusive use.
 - c. Rear. 15 feet for the dwelling. Garages with doors facing the rear shall be set back 20 feet. No rear setback shall be required for detached garages with doors facing the front or side.
 - d. Arterial street. An additional five feet of setback shall be required where the building site abuts an arterial street.
 - e. Side and rear setbacks shall provide for a minimum of 400 square feet of private open space for each dwelling.
- K. Cottage housing developments shall conform to the following provisions:
1. Cottage housing developments shall contain a minimum of four cottages arranged on at least two sides of a common open space, with a maximum of 12 cottages per development.
 2. Height Limit and Roof Pitch.
 - a. Maximum building height shall be 18 feet.

- b. The ridge of pitched roofs with a minimum slope of 6:12 may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of 4:12 may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
3. Lot Coverage and Floor Area.
 - a. The overall maximum lot coverage permitted for principal and accessory structures shall not exceed 50 percent.
 - b. The lot coverage for an individual principal structure in a cottage housing development shall not exceed 650 square feet.
 - c. The total floor area of each cottage shall not exceed 1,000 square feet.
 - d. The floor area of enclosed space located either above or below the main level shall not exceed 50 percent of the enclosed space of the main level, or 375 square feet, whichever is less. This provision shall not apply to attic and crawl spaces.
4. Minimum Setback from Perimeter Property Lines.
 - a. Front Yard. Ten feet.
 - b. Side Yards. Five feet. Where the side yard abuts a street, the side setback shall be ten feet. Where the side yard abuts an interior pedestrian circulation route, the side setback shall be eight feet.
 - c. Rear Yards. Ten feet.
5. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three feet. Building facades containing principal entrances shall be separated from adjacent buildings by at least ten feet.
6. Required Open Space.
 - a. A minimum of 300 square feet of landscaped open space is required per unit. This quantity shall be allotted as follows:
 - i. A minimum of 150 square feet per unit shall be private usable open space; and
 - ii. A minimum of 150 square feet per dwelling unit shall be provided as common open space.
 - b. Development Standards.
 - i. The minimum dimensions for private or common open space shall be ten feet.
 - ii. Required common open space shall be provided in one contiguous area. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
7. Parking.
 - a. Access to parking shall be from the alley where the property abuts an alley.
 - b. Parking shall be located to the side or rear of cottage housing developments.
 - c. Parking may be located within a common parking structure, or
 - d. Parking may be located outside a structure, provided that the parking is:
 - i. Screened from view.
 - ii. Not located between cottages.
 - iii. Not located in the front yard.
 - iv. In a consolidated parking lot serving the entire cottage housing development.

Legislative Version

14.210.215 Detached ~~Condominiums~~ Dwellings and Cottage Housing.

A. The purpose of this section is to:

1. ~~1)~~ Allow for the development of multiple detached dwellings units and cottage housing on a single lot without the subdivision of land in ~~land-use designations~~ zoning districts where multi-family dwellings are allowed;
2. ~~2)~~ Provide for innovative development of detached dwellings as an alternative to conventional attached multi-family dwellings or conventional single-family dwellings upon individual lots;
3. ~~3)~~ Provide additional options for achievement of urban densities within the City;
4. ~~4)~~ Implement the Washington State Growth Management Act and the City of Snohomish Comprehensive Plan; and
5. ~~5)~~ Protect and advance the public's health, safety, and welfare.

B. The development of more than one detached dwelling per lot within the Low Density Residential, Medium Density Residential, High Density Residential, Commercial, ~~Mixed-Use~~, Business Park, and Historic Business District ~~land-use designations zones~~ is permitted only as ~~detached condominium or cottage housing development provided for in this section.~~

C. Detached ~~condominium~~ dwellings and cottage housing on a single lot shall conform to the provisions of this section.

D. Detached dwelling and cottage housing developments on a single lot shall be reviewed and processed as a Site Development Plan, a Type 3 permit, pursuant to Chapter 14.65 SMC.

~~D.E.~~ All applicable development regulations required by the Snohomish Municipal Code shall apply, including but not limited to off-street parking, provisions for utilities, and emergency access. Where a conflict occurs, the provisions of this section shall control.

~~E.F.~~ On a lot to be used for a detached ~~condominium~~ dwelling or cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

~~F.G.~~ Maximum residential density shall not exceed the density allowed in the ~~land-use designation~~ zoning district.

~~G.H.~~ Detached ~~condominium~~ dwelling and cottage housing developments on a single lot shall adhere to applicable design standards for ~~multifamily development and for Planned Residential Developments (PRD)~~ Single-Family Development in the General Design Standards as referenced in Chapter 14.230 SMC. Developments located in the Historic District are subject to the applicable design standards for residential development in the Historic District Design Standards as referenced in Chapter 14.225 SMC.

~~H. Structures and accessory structures shall exhibit and embody an architectural style. Architectural detailing shall be provided on all facades. More than one architectural style may be used within a detached condominium development.~~

- I. Accessory dwelling units ~~are~~ shall not be permitted in detached ~~condominium dwelling~~ or cottage housing developments on a single lot.
- J. Detached ~~condominium dwelling~~ developments shall conform to the following provisions:
1. Internal streets may be either public or private. Public streets shall conform to the City of Snohomish Engineering Design and Construction Standards.
 2. Private streets shall include the following improvements. The City Engineer may authorize variations to the following improvements when no adverse impact to public health, safety, and welfare would occur:
 - a. A six-inch curb with gutter on each side.
 - b. Street trees on one side.
 - c. At least one side of each street shall include:
 - i. An eight-foot-wide parking aisle along the inside of the curb, a landscape strip along the outside of the curb, and a sidewalk along the outside of the landscape strip. The landscape strip shall have a minimum width of four feet and the sidewalk shall have a minimum width of four feet.
 - ii. Street light standards and fixtures that achieve illumination standards used for public streets. Street lights with decorative design detailing are encouraged.
 - d. Unobstructed roadway width of 26 feet and as approved by the City Engineer.
 3. A pedestrian circulation system consisting of sidewalks and walkways shall provide access to the adjacent public streets, all homes, and common recreation areas.
 4. Residential structures shall be limited to 2,000 square feet of living area. Porches, garages, and basements are not included in the calculation of living area.
 5. Residential structures shall not exceed two stories and ~~thirty~~ 30 feet in height.
 6. Minimum setbacks from perimeter property lines and from internal boundaries of exclusive use shall be as follows:
 - a. Front. Ten feet, except that garages with doors facing the front shall be set back twenty feet.
 - b. Side. Five feet, except that no side setback shall be required for detached garages located in the rear half of the lot or area of exclusive use.
 - c. Rear. ~~Fifteen~~ 15 feet for the dwelling. Garages with doors facing the rear shall be set back ~~twenty~~ 20 feet. No rear setback shall be required for detached garages with doors facing the front or side.
 - d. Arterial street. An additional five feet of setback shall be required where the building site abuts an arterial street.
 - e. Side and rear setbacks shall provide for a minimum of 400 square feet of private open space for each dwelling.

~~7. Design standards for Planned Residential Developments (PRD) and Small Lot Development shall apply.~~

- K. Cottage housing developments shall conform to the following provisions:
1. Cottage housing developments shall contain a minimum of four cottages arranged on at least two sides of a common open space, with a maximum of ~~twelve~~ 12 cottages per development.
 2. Height Limit and Roof Pitch.
 - a. Maximum building height shall be ~~eighteen~~ 18 feet.
 - b. The ridge of pitched roofs with a minimum slope of 6:12 may extend up to ~~twenty-eight~~ 28 feet. The ridge of pitched roofs with a minimum slope of 4:12 may extend up to ~~twenty-three~~ 23 feet. All parts of the roof above ~~eighteen~~ 18 feet shall be pitched.
 3. Lot Coverage and Floor Area.
 - a. The overall maximum lot coverage permitted for principal and accessory structures shall not exceed ~~fifty~~ 50 percent.
 - b. The lot coverage for an individual principal structure in a cottage housing development shall not exceed 650 square feet.
 - c. The total floor area of each cottage shall not exceed 1,000 square feet.
 - d. The floor area of enclosed space located either above or below the main level shall not exceed ~~fifty~~ 50 percent of the enclosed space of the main level, or 375 square feet, whichever is less. This provision shall not apply to attic and crawl spaces.
 4. Minimum Setback from Perimeter Property Lines.
 - a. Front Yard. Ten feet.
 - b. Side Yards. Five feet. ~~Where the side yard abuts a street, the side setback shall be ten feet. Where the side yard abuts an interior pedestrian circulation route, the side setback shall be eight feet. Where there is a principal entrance along a side facade, the side yard shall be no less than ten feet along that side for the length of the pedestrian route. This ten foot side yard shall apply only to a height of eight feet above the access route. Where a side yard abuts a public street, the minimum side yard setback shall be no less than ten feet~~
 - c. Rear Yards. ~~Not less than t~~en feet.
 5. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three feet. ~~Building facades containing principal entrances shall be separated from adjacent buildings by at least ten feet. Where there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten feet.~~
 6. Required Open Space.
 - a. ~~Quantity of Open Space.~~ A minimum of 300 square feet ~~per unit~~ of landscaped open space is required per unit. This quantity shall be allotted as follows:
 - i. A minimum of 150 square feet per unit shall be private usable open space; and

- ii. A minimum of 150 square feet per dwelling unit shall be provided as common open space.
 - b. Development Standards.
 - i. The minimum ~~horizontal~~ dimensions for private or common open space shall be ten feet.
 - ii. Required common open space shall be provided in one contiguous area. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
7. Parking.
- a. Access to parking shall be from the alley where the property abuts an alley.
 - b. Parking shall be located to the side or rear of cottage housing developments.
 - c. Parking may be located within a common parking structure, or
 - d. Parking may be located outside a structure, provided that the parking is:
 - i. Screened from view.
 - ii. Not located between cottages.
 - iii. Not located in the front yard.
 - iv. In a consolidated parking lot serving the entire cottage housing development.
- ~~b. Location.~~
- ~~i. Parking may be in or under a structure, or outside a structure, provided that:~~
 - ~~A. The parking is screened from direct view.~~
 - ~~B. Parking outside a structure may not be located between cottages.~~
 - ~~C. Parking may not be located in the front yard.~~
 - ~~D. Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.~~

ATTACHMENT C

SMC 14.25.050 Definitions - D

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

Detached ~~condominium~~ dwelling: a residential structure not attached to another structure containing no more than one ~~(1)~~ dwelling unit, located on a single lot with at least one ~~(1)~~ other detached ~~condominium~~ dwelling.

Detached ~~condominium~~ dwelling development: two ~~(2)~~ or more detached ~~condominium~~ dwelling units constructed upon a single lot.

Dwelling unit: a space with internal accessibility to all portions of the space that provides complete, independent living facilities for one ~~(1)~~ or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.

ATTACHMENT D

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend SMC 14.215.125 and SMC 14.210.215 to clarify the applicability of the fee simple unit lot subdivision process and to correct contradictions between the two sections, 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. SMC 14.215.125 establishes a fee simple unit lot subdivision process that, among others things, is intended to provide an alternative to condominium ownership, and which refers to regulations in SMC 14.210.215, Detached Condominiums and Cottage Housing.
4. SMC 14.210.215, Detached Condominiums and Cottage Housing, uses the word “condominium” which contradicts one of the stated purposes of SMC 14.215.125.
5. Because of the contradictions between the two sections and the lack of clarity regarding the applicability of the fee simple unit lot subdivision process, the processing of a unit lot subdivision application in 2020 was unnecessarily complicated and resulted in the Hearing Examiner’s decision approving the application being appealed.
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 April 21, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to fee simple unit lot subdivisions.
8. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. These code amendment proposals were determined to be categorically exempt from SEPA review, pursuant to WAC 197-11-800(19)(a), as actions relating to governmental procedures that contain no substantive standards respecting use or modification of the environment.
9. A Notice of Public Hearing, consistent with Snohomish Municipal Code requirements, was published on April 16, 2022.
10. On May 4, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to SMC 14.215.125 and SMC 14.210.215 to clarify when the fee simple unit lot subdivision process can be used and to remove contradictions between the two sections. After hearing a staff presentation on the proposed code amendments, 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 clarify the applicability of the fee simple unit lot subdivision process and removes contradictions between the regulations for fee simple unit lot subdivisions and detached dwelling unit developments.

Date: _____

By: _____

Hank Eskridge, Planning Commission Chair

Date: May 4, 2022
To: Planning Commission
From: Glen Pickus, AICP, Planning Director
Subject: Code Amendment Public Hearing: Rezone Process

SUMMARY: The Planning Commission will conduct a public hearing to consider a code amendment to create a rezoning process in Chapter 14.15 Snohomish Municipal Code (SMC).

BACKGROUND: When the Land Use Element of the Comprehensive Plan and the Land Use Development Code (Title 14 SMC) were amended last year to re-establish their proper relationship, a new Chapter 14.30 Establishment of Zoning Districts, was created. In doing so, it is now possible to rezone property without amending the Comprehensive Plan or Future Land Use Map.

Chapter 14.15 SMC, Amendments to the Comprehensive Plan, Land Use Map and Development Code, needs to be amended to provide for a rezone process.

PROPOSALS: SMC Chapter 14.15 Amendments to the Comprehensive Plan, Land Use Map and Development Code, regulates amendments to the Comprehensive Plan and Title 14 SMC, the Land Use Development Code, consistent with the requirements of the Washington State Growth Management Act. SMC 14.15.020, subsections B and C, establishes the procedures and criteria for amending the Comprehensive Plan and Title 14.

The proposed code amendment would add a new subsection D to SMC 14.15.020 to codify a rezone procedure independent of the Comprehensive Plan Amendment process. This rezone procedure can only be used if a rezone proposal is consistent with the current Future Land Use designation.

The proposed procedures will only allow property owners and the City to initiate a site-specific rezone. All rezones would be processed as a Type 5 permit, which requires a public hearing and extensive noticing to ensure adequate opportunities for public participation.

The proposal includes guidelines (relabeled from “criteria” following Planning Commission direction) to use when considering proposed rezones. Commissioners and decision-makers would consider the following factors in determining what to recommend/decide regarding a rezone application:

- Is the proposed rezone compatible with surrounding uses and zoning?
- Would the rezone serve the general public health, safety, and welfare?
- Would the new zone be suitable for the proposed use?
- In the case of a downzone, is there a relative gain to the public welfare that outweighs the hardship imposed on the property owner?
- In the case of a downzone, would the reasonable economic use of the land be precluded?

Staff also proposes non-substantive changes to the entire chapter to use language consistent with current code, especially as it was amended just last year.

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:

- Move to recommend City Council approval of the proposed amendments to Chapter 14.15 SMC to adopt a rezone process as presented.
- Move to adopt the Findings of Fact & Conclusions as presented.

NEXT STEPS: The City Council will consider an ordinance to implement the Planning Commission's recommendation at a meeting later this year.

ATTACHMENTS:

- A. Chapter 14.15 SMC (draft-clean version)
- B. Chapter 14.15 SMC (draft-legislative version)
- C. Findings of Fact & Conclusions

REFERENCE: [Chapter 14.15 SMC](#)

ATTACHMENT A

Chapter 14.15

COMPREHENSIVE PLAN, FUTURE LAND USE MAP, AND DEVELOPMENT CODE AMENDMENTS AND REZONE PROCEDURES

Sections:

- 14.15.010** Early and Continuous Public Participation
- 14.15.020** Amendment and Rezone Procedures
- 14.15.040** Threshold Determination, Scheduling of Hearing, and Notice
- 14.15.050** Reconsideration of DNS
- 14.15.060** Forward to City Council and Planning Commission
- 14.15.070** State Review
- 14.15.080** Hearing
- 14.15.090** Criteria – Findings and Recommendation
- 14.15.100** Council Action
- 14.15.105** Amendments to the Development Code’s Future Land Use Map
- 14.15.110** Appeals

14.15.010 Early and Continuous Public Participation.

The City encourages early and continuous public participation in the comprehensive planning, development regulation, and rezone process and to that end has established notification procedures in SMC 14.20.130, which are consistent with the requirements of RCW 36.70A.130, 140, and 470. Procedures, timelines, and application forms are available from the Planning and Development Services Department.

14.15.020 Amendment and Rezone Procedures.

A. *Purpose.* The purpose of this section is to:

1. Create procedures, consistent with the requirements of RCW 36.70A.130, 36.70A.140, and 36.70A.470, for processing proposals to amend the City’s Comprehensive Plan, Future Land Use Map, and Land Use Development Code, and to rezone property;
2. Provide a process for the public and interested parties to propose amendments to the Comprehensive Plan and to the Land Use Development Code; and
3. Provide the public and interested parties with opportunities to participate in the amendment rezone process.

B. *Comprehensive Plan and Future Land Use Map Amendments.* The City, in carrying out its Comprehensive Plan review function, may find instances where it is necessary to amend all or part of the Plan’s text and/or maps. The following procedural steps shall govern all amendments to the Comprehensive Plan or Future Land Use Map:

1. The City’s Comprehensive Plan shall be subject to continuing evaluation and review by the City. Any amendment or revision to the Comprehensive Plan shall conform to Chapter 36.70A RCW.

2. *Initiation of Amendments.*
 - a. Site-specific Future Land Use Map amendment proposals shall only be initiated by a person with ownership interest in at least a portion of the affected site, the City Council, City of Snohomish Planning Commission, or City staff.
 - b. Comprehensive Plan amendment and area wide Future Land Use Map amendment proposals may be initiated by citizens, any interested person, the Planning Commission, City staff, and City Council.
 - c. The proposed amendments or revisions to the Comprehensive Plan and Future Land Use Map shall be docketed and considered by the City no more frequently than once every calendar year except that amendments may be considered more frequently under the circumstances provided for in RCW 36.70A.130(2)(a)(i) through (2)(a)(v).
3. The Planning Director shall establish an annual docketing process whereby any interested person, the Planning Commission, City staff, City Council, City's designated Hearing Examiner and staff of other agencies may submit applications to amend the City's Comprehensive Plan. That process shall include, but not be limited to, an:
 - a. Annual application period August 1st through September 30th;
 - b. Application form and a checklist of required information to be submitted with the application; and
 - c. Public outreach program during the annual application period to ensure public awareness of the docketing process and the ability for the public to submit applications proposing amendments to the Comprehensive Plan, Future Land Use Map, and Land Use Development Code.
4. After the application deadline, the Planning Director shall compile a preliminary docket consisting of a listing of all docket applications that were determined to include all of the required submittal items. The preliminary docket shall include a:
 - a. Brief description of the proposed amendment;
 - b. Preliminary staff analysis of the proposal as to whether it is in the interest of the public health, safety, and welfare of Snohomish residents; and
 - c. Staff recommendation as to whether it should be placed on the final docket.
 - d. If no applications are received, compiling a preliminary docket is not required.
5. The City Council, at an annual docket public hearing held in October or November, shall consider all of the proposals on the preliminary docket and decide which, if any, shall be placed on the final docket. Criteria the City Council may use in considering the application may include, but are not limited to, whether the proposal is consistent with their vision for the City and whether there are adequate staff resources to properly evaluate and process the proposal. Decisions by the City Council on which items to place on the final docket are legislative and discretionary. If no applications are received the City Council shall not hold an annual docket public hearing and a final docket will not be approved for that year.
6. The Planning Director shall research and analyze all items placed on the final docket by the City Council. The Planning Director shall process each item as a Comprehensive Plan or Future Land Use Map amendment to be brought to the City Council, with a Planning

Commission recommendation, for their consideration during an annual Comprehensive Plan amendment public hearing. All final docket items shall be processed or reported on within one calendar year of when the item was placed on the final docket. This time limit may be extended with City Council approval.

7. Only amendment proposals placed on the final docket may be forwarded to the Planning Commission for consideration. All amendment proposals to be considered in a calendar year shall be considered concurrently so the cumulative effect of the various proposals can be ascertained. However, pursuant to RCW 36.70A.130(2)(a)(i) through (2)(a)(v), certain amendments to the Comprehensive Plan or Future Land Use Map that are not on the final docket may be forwarded to the Planning Commission--at any time during the year and independent of other amendments--even if it means amending the Comprehensive Plan more than once a year.
8. It is the responsibility of the Planning Director to review and oversee the preparation of all materials to express, explain, or depict the various aspects or elements of the text or map amendments including the documentation required by the State Environmental Policy Act. The Planning Director may require applicants to provide materials and studies as deemed necessary to understand the proposal and its implications.
9. The Planning Director may request other City boards or agencies or other governmental entities to provide comments and recommendations on Comprehensive Plan amendments. In proposing any changes to its Comprehensive Plan, the City shall notify the Department of Commerce of its intent to adopt such amendments at least 60 days prior to final adoption. The City shall transmit a complete and accurate copy of approved amendments to the Department of Commerce in accordance with state law.
10. Letters of support or objection to a proposed Comprehensive Plan amendment may be filed by any interested party. The letters must be filed by the date of the City Council public hearing unless an extension of time is granted.
11. The City may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the City's Comprehensive Plan. Techniques not listed may also be used.
 - a. Provide for an opportunity to submit written comments;
 - b. Hold informational public meetings to explain the proposed amendment;
 - c. Use the City's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment.
12. The Planning Commission shall consider proposed amendments placed on the final docket at a public hearing then make written findings of fact and conclusions and a recommendation to the City Council on each proposed amendment. The Commission shall make one of four decisions in considering amendments:
 - a. Approval in the form submitted for public hearing
 - b. Approval with changes
 - c. Approval in part
 - d. Disapproval

13. *City Council Action.*

- a. After receipt of the Planning Commission's findings and recommendations on proposed Comprehensive Plan or Map amendments, the Council shall consider the proposed amendments at a public meeting. The Council shall make one of the following decisions in considering amendments:
 - i. Approval in accordance with the findings and recommendations submitted by the Planning Commission.
 - ii. Approval with modifications; provided, that the Council shall hold its own public hearing before making any substantial modification to any Comprehensive Plan amendment recommended by the Planning Commission.
 - iii. Refer all or part of the Plan text or map amendment proposal back to the Planning Commission for further consideration.
 - iv. Disapprove.
- b. If the Council's decision is the alternative in subsection (B)(13)(a)(iii) of this section, the Council must specify which matters it wishes reconsidered by the Planning Commission.

14. *Notice of Public Hearing.* Notice of all public hearings shall be made in accordance with state and local laws.

15. *Appeals of Decisions.* All requests for review by a Growth Management Hearings Board shall be initiated by filing a petition in accordance with Chapter 36.70A, 43.21C or 90.58 RCW. Only parties of record may initiate an appeal of the City Council's final decision.

C. *Development Regulation Code Amendments.* From time to time, it may be necessary to amend development regulations within the code to allow for the implementation of the Comprehensive Plan. Petitions or applications for Development Regulation Code amendments shall be evaluated on their compatibility with the goals, objectives, policies and recommendations of the Comprehensive Plan.

1. Development Regulation Code amendments may be initiated by the City at any time.
2. Development Regulation Code amendments shall be initiated by citizens, the Planning Commission, or any interested party including applicants, hearing examiners, and staff of other agencies pursuant to the annual docketing procedure described in subsection (B)(2) of this section.
3. Proposed Development Regulation Code amendments shall only be forwarded to the Planning Commission for consideration if:
 - a. Initiated by the City; or
 - b. Placed on a final docket by the City Council, pursuant to subsection (B)(2) of this section. Proposed Development Regulation Code amendments do not have to be considered concurrently with other proposed amendments and may be enacted at any time. Unlike Comprehensive Plan amendments, they are not subject to the requirement for concurrent review and cumulative effect analysis and once-a-year limitation.

4. *Processing of Development Regulation Amendments.*

- a. The City may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the City's Comprehensive Plan. Techniques not listed may also be used.
 - i. Provide for an opportunity to submit written comments;
 - ii. Hold informational public meetings to explain the proposed amendment;
 - iii. Use the City's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment.
- b. A public hearing shall be held by the Planning Commission on the proposed Development Regulation Code amendment after the proposed amendment has been reviewed for consistency with the Comprehensive Plan. Upon completion of the public hearing, the Planning Commission shall issue findings of fact and conclusions and make a recommendation to the City Council on the proposed Development Regulation Code amendment.
- c. Upon receipt of a Development Regulation Code amendment recommendation from the Planning Commission, the City Council shall consider the matter at a public meeting, and may take the following actions:
 - i. Concur with the Planning Commission's recommendation and adopt the code amendment substantially in the form as presented;
 - ii. Remand the matter to the Planning Commission with instructions regarding the City Council's concerns and direction; or
 - iii. Conduct another public hearing prior to making any substantial change in the Development Regulation Code amendment recommended by the Planning Commission.

D. *Rezoning.* To allow for implementation of the Comprehensive Plan, rezones may occur outside of the Comprehensive Plan amendment procedures provided the rezone is consistent with the most recently adopted Comprehensive Plan and Future Land Use Map. If a rezone request is inconsistent with the adopted Comprehensive Plan or Future Land Use Map, the applicant must also request an amendment to the Comprehensive Plan and Future Land Use Map as outlined in subsection B of this section and both proposals shall be processed simultaneously.

1. Applications for rezones shall be evaluated using the following guidelines:
 - a. How does the proposed rezone relate to the existing land uses and zoning of the surrounding or nearby properties?
 - b. How does the rezone serve the general public health, safety and welfare?
 - c. In the case of unimproved property, is the property suitable for the purpose for which it has already been zoned and is it suitable for the purpose for which it is proposed to be zoned?
 - d. In the case of a downzone, what is the relative gain to the public as compared to the hardship imposed on the individual property owner and how does the downzone promote the public health, safety and welfare?
 - e. In the case of a downzone, will the consequent restrictions preclude all reasonable economic use of that land?

2. The following procedures shall govern the consideration of a rezone application:
 - a. Initiation of Rezones. Applications for site-specific rezones may only be submitted by the property owner or their authorized agent, the Planning Commission, city staff or the City Council provided the request is consistent with the adopted Comprehensive Plan and the Future Land Use Map.
 - b. Review of Rezones. All site-specific rezone applications shall be processed as a Type 5 permit in accordance with Snohomish Municipal Code Chapter 14.20, Permit Classifications and Development Review Process.
 - c. A public hearing shall be held by the Planning Commission on the proposed rezone after the proposal has been reviewed by staff for consistency with the Comprehensive Plan and Future Land Use Map. Upon completion of the public hearing, the Planning Commission shall issue findings of fact and conclusions and make a recommendation to the City Council on the proposed rezone.
 - d. Upon receipt of a rezone recommendation from the Planning Commission, the City Council shall consider the matter at a public meeting, and may take the following actions:
 - i. Concur with the Planning Commission's recommendation and rezone the property as proposed; or
 - ii. Deny the rezone; or
 - iii. Remand back to Planning Commission with specific direction to consider rezoning to a different zone than what was recommended by the Planning Commission.
3. Zoning Map. If a rezone is approved by the City Council the Planning Director shall amend the Zoning Map, as provided for in SMC 14.30.030, to reflect the new zoning designation for the affected parcel(s).

14.15.040 Threshold Determination, Scheduling of Hearing, and Notice.

- A. Amendments to the Comprehensive Plan or Development Code and rezones shall be requested utilizing a form provided by the Planning and Development Services Department subject to payment of prescribed fees. The Planning Director shall verify completeness and shall docket complete requests.
- B. Once a proposed amendment to the Comprehensive Plan or Development Code has been drafted or a rezone proposal received, the Planning Director shall:
 1. Perform a threshold determination regarding the proposal in accordance with Chapter 197-11 WAC Part Three;
 2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare a draft EIS;
 3. Schedule a public hearing before the Planning Commission for a date that conforms to the following notice requirement; and
 4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 14.20 SMC); provided, that:

- a. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the Planning Director will reconsider the DNS.
- b. If WAC 197-11-340(2) applies (i.e., City cannot take final action until 14 days after issuing a DNS), the Planning Director shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
- c. If a draft EIS has been prepared, the notice shall state that comments on the draft EIS will be accepted until and at the hearing.
- d. If the proposal is a site-specific amendment to the Future Land Use Map or is a rezone proposal, the publication requirement shall be that of a Type 5 permit.
- e. The Planning Director, at his or her discretion, may publicize a given legislative proposal more broadly than stated herein to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

14.15.050 Reconsideration of DNS.

If a DNS is issued and timely comments are received, the Planning Director shall reconsider the DNS in accordance with WAC 197-11-340(2)(f) and (3).

14.15.060 Forward to City Council and Planning Commission.

The Planning Director or designee shall forward a staff report to the Planning Commission and City Council, which report shall include a summary of the environmental review for the proposal. If a determination of significance has been issued, the Planning Director shall distribute copies of the draft and final EIS to the Planning Commission, City Council, and other affected agencies.

14.15.070 State Review.

The City shall comply with RCW 36.70A.106 regarding review by the Department of Commerce of proposed amendments to the Comprehensive Plan or Development Code.

14.15.080 Hearing.

- A. One or more public hearings shall be conducted in accordance with this section.
- B. If directed by the City Council, the Planning Commission shall hold a public hearing, which may be at a joint meeting of the Planning Commission and City Council at the discretion of the City Council.
- C. The City Council may conduct its own public hearing, in addition to or in lieu of any public hearing conducted by the Planning Commission.

14.15.090 Criteria – Findings and Recommendation.

- A. The Planning Commission shall adopt written findings referencing the following criteria, and shall make a recommendation consistent with those findings to the City Council.
- B. The approval criteria for amendments to the Comprehensive Plan and Development Code shall be that the amendment:

1. Is internally consistent with the Comprehensive Plan (for Comprehensive Plan amendments) or is consistent with the Comprehensive Plan (for Development Code amendments);
 2. Is consistent with the Growth Management Act and the State Environmental Policy Act; and
 3. Is in the interest of the public health, safety, and welfare of Snohomish residents.
- C. A rezone should be approved only if generally consistent with the following guidelines:
1. The rezoned parcel(s) will not create any significant negative impacts on the existing land uses and zoning of the surrounding or nearby properties.
 2. The rezone serves the general public health, safety and welfare.
 3. The property is suitable for the purpose for which it is proposed to be zoned.
 4. In the case of a downzone, the relative gain to the public in promoting the public health, safety, and welfare outweighs the hardship imposed on the individual property owner.
 5. In the case of a downzone, the consequent restrictions do not preclude all reasonable economic use of that land unless the property owner agrees to the downzone.

14.15.100 Council Action.

The City Council, if it elects to amend the Comprehensive Plan or Development Code, shall revise the findings if necessary and adopt said amendment by ordinance. Any substantive changes to the amendment considered at the public hearing shall be processed in accordance with the public participation requirements of RCW 36.70A.035.

14.15.105 Amendments to the Development Code and Future Land Use Map.

Amendments to the Development Code and the Future Land Use Map shall be consistent with the Growth Management Act, and shall be in the public interest.

14.15.110 Appeals.

Amendments of the Comprehensive Plan or Development Code and rezone decisions may be appealed to the Growth Management Hearings Board in accordance with RCW 36.70A.290.

ATTACHMENT B

Chapter 14.15

AMENDMENTS TO THE COMPREHENSIVE PLAN, ~~LAND USE MAP~~ FUTURE LAND USE MAP, AND DEVELOPMENT CODE AMENDMENTS AND REZONE PROCEDURES

Sections:

- 14.15.010 Early and Continuous Public Participation
- 14.15.020 Amendment and Rezone Procedures
- 14.15.040 Threshold Determination, Scheduling of Hearing, and Notice
- 14.15.050 Reconsideration of DNS
- 14.15.060 Forward to City Council and Planning Commission
- 14.15.070 State Review
- 14.15.080 Hearing
- 14.15.090 Criteria – Findings and Recommendation
- 14.15.100 Council Action
- 14.15.105 Amendments to the Development Code’s ~~Land Use Designation~~ Future Land Use Map
- 14.15.110 Appeals

14.15.010 Early and Continuous Public Participation.

The City encourages early and continuous public participation in the comprehensive planning, ~~and~~ development regulation, and rezone process and to that end has established notification procedures in SMC 14.20.130, which are consistent with the requirements of RCW 36.70A.130, 140, and 470. Procedures, timelines, and application forms are available from the Planning and Development Services Department.

14.15.020 Amendment and Rezone Procedures.

A. *Purpose.* The purpose of this section is to:

1. Create procedures, consistent with the requirements of RCW 36.70A.130, 36.70A.140, and 36.70A.470, for processing proposals to amend the City’s Comprehensive Plan, Future Land Use ~~Designation~~ Map, and Land Use Development Code, and to rezone property;
2. Provide a process for the public and interested parties to propose amendments to the Comprehensive Plan and to the Land Use Development Code; and
3. Provide the public and interested parties with opportunities to participate in the amendment rezone process.

B. *Comprehensive Plan and Future Land Use ~~Designation~~ Map Amendments.* The City, in carrying out its Comprehensive Plan review function, may find instances where it is necessary to amend all or part of the Plan’s text and/or maps. The following procedural steps shall govern all amendments to the Comprehensive Plan or Future Land Use ~~Designation~~ Map:

1. The City's Comprehensive Plan shall be subject to continuing evaluation and review by the City. Any amendment or revision to the Comprehensive Plan shall conform to Chapter 36.70A RCW.
2. *Initiation of Amendments.*
 - a. Site-specific Future Land Use ~~Designation~~ Map amendment proposals shall only be initiated by a person with ownership interest in at least a portion of the affected site, the City Council, City of Snohomish Planning Commission, or City staff.
 - b. Comprehensive Plan amendment and area wide Future Land Use ~~Designation~~ Map amendment proposals may be initiated by citizens, any interested person, the Planning Commission, City staff, and City Council, ~~the City's designated Hearing Examiner and staff of other agencies.~~
 - c. The proposed amendments or revisions to the Comprehensive Plan and Future Land Use Map shall be docketed and considered by the City no more frequently than once every calendar year except that amendments may be considered more frequently under the circumstances provided for in RCW 36.70A.130(2)(a)(i) through (2)(a)(v).
3. The Planning Director shall establish an annual docketing process whereby any interested person, the Planning Commission, City staff, City Council, City's designated Hearing Examiner and staff of other agencies may submit applications to amend the City's Comprehensive Plan. That process shall include, but not be limited to, an:
 - a. Annual application period August 1st through September 30th;
 - b. Application form and a checklist of required information to be submitted with the application; and
 - c. Public outreach program during the annual application period to ensure public awareness of the docketing process and the ability for the public to submit applications proposing amendments to the Comprehensive Plan, Future Land Use ~~Designation~~ Map, and Land Use Development Code.
4. After the application deadline, the Planning Director shall compile a preliminary docket consisting of a listing of all docket applications that were determined to include all of the required submittal items. The preliminary docket shall include a:
 - a. Brief description of the proposed amendment;
 - b. Preliminary staff analysis of the proposal as to whether it is in the interest of the public health, safety, and welfare of Snohomish residents; and
 - c. Staff recommendation as to whether it should be placed on the final docket.
 - d. If no applications are received, compiling a preliminary docket is not required.
5. The City Council, at an annual docket public hearing held in October or November, shall consider all of the proposals on the preliminary docket and decide which, if any, shall be placed on the final docket. Criteria the City Council may use in considering the application may include, but are not limited to, whether the proposal is consistent with their vision for the City and whether there are adequate staff resources to properly evaluate and process the proposal. Decisions by the City Council on which items to place on the final docket are legislative and discretionary. If no applications are received the

City Council shall not hold an annual docket public hearing and a final docket will not be approved for that year.

6. The Planning Director shall research and analyze all items placed on the final docket by the City Council. The Planning Director shall process each item as a Comprehensive Plan or Future Land Use ~~Designation~~ Map amendment to be brought to the City Council, with a Planning Commission recommendation, for their consideration during an annual Comprehensive Plan amendment public hearing. All final docket items shall be processed or reported on within one ~~(1)~~ calendar year of when the item was placed on the final docket. This time limit may be extended with City Council approval.
7. Only amendment proposals placed on the final docket may be forwarded to the Planning Commission for consideration. All amendment proposals to be considered in a calendar year shall be considered concurrently so the cumulative effect of the various proposals can be ascertained. However, pursuant to RCW 36.70A.130(2)(a)(i) through (2)(a)(v), certain amendments to the Comprehensive Plan or Future Land Use Map that are not on the final docket may be forwarded to the Planning Commission – at any time during the year and independent of other amendments – even if it means amending the Comprehensive Plan more than once a year.
8. It is the responsibility of the Planning Director to review and oversee the preparation of all materials to express, explain, or depict the various aspects or elements of the text or map amendments including the documentation required by the State Environmental Policy Act. The Planning Director may require applicants to provide materials and studies as deemed necessary to understand the proposal and its implications.
9. The Planning Director may request other City boards or agencies or other governmental entities to provide comments and recommendations on Comprehensive Plan amendments. In proposing any changes to its Comprehensive Plan, the City shall notify the Department of Commerce of its intent to adopt such amendments at least ~~sixty~~ (60) days prior to final adoption. The City shall transmit a complete and accurate copy of approved amendments to the Department of Commerce in accordance with state law.
10. Letters of support or objection to a proposed Comprehensive Plan amendment may be filed by any interested party. The letters must be filed by the date of the City Council public hearing unless an extension of time is granted.
11. The City may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the City's Comprehensive Plan. Techniques not listed may also be used.
 - a. Provide for an opportunity to submit written comments;
 - b. Hold informational public meetings to explain the proposed amendment;
 - c. Use the City's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment.
12. The Planning Commission shall consider proposed amendments placed on the final docket at a public hearing then make written findings of fact and conclusions and a

recommendation to the City Council on each proposed amendment. The Commission shall make one ~~(1)~~ of four ~~(4)~~ decisions in considering amendments:

- a. Approval in the form submitted for public hearing
- b. Approval with changes
- c. Approval in part
- d. Disapproval.

13. *City Council Action.*

- a. After receipt of the Planning Commission's findings and recommendations on proposed Comprehensive Plan or Map amendments, the Council shall consider the proposed amendments at a public meeting. The Council shall make one ~~(1)~~ of the following decisions in considering amendments:
 - i. Approval in accordance with the findings and recommendations submitted by the Planning Commission;
 - ii. Approval with modifications; provided, that the Council shall hold its own public hearing before making any substantial modification to any Comprehensive Plan amendment recommended by the Planning Commission;
 - iii. Refer all or part of the Plan text or map amendment proposal back to the Planning Commission for further consideration;
 - iv. Disapprove.
- b. If the Council's decision is the alternative in subsection (B)(13)(a)(iii) of this section, the Council must specify which matters it wishes reconsidered by the Planning Commission.

14. *Notice of Public Hearing.* Notice of all public hearings shall be made in accordance with state and local laws.

15. *Appeals of Decisions.* All requests for review by a Growth Management Hearings Board shall be initiated by filing a petition in accordance with Chapter 36.70A, 43.21C or 90.58 RCW. Only parties of record may initiate an appeal of the City Council's final decision.

C. *Development Regulation Code Amendments.* From time to time, it may be necessary to amend development regulations within the code to allow for the implementation of the Comprehensive Plan. Petitions or applications for Development Regulation Code amendments shall be evaluated on their compatibility with the goals, objectives, policies and recommendations of the Comprehensive Plan.

1. Development Regulation Code amendments may be initiated by the City at any time.
2. Development Regulation Code amendments shall be initiated by citizens, the Planning Commission, or any interested party including applicants, hearing examiners, and staff of other agencies pursuant to the annual docketing procedure described in subsection (B)(2) of this section.
3. Proposed Development Regulation Code amendments shall only be forwarded to the Planning Commission for consideration if:
 - a. Initiated by the City; or

- b. Placed on a final docket by the City Council, pursuant to subsection (B)(2) of this section. Proposed Development Regulation Code amendments do not have to be considered concurrently with other proposed amendments and may be enacted at any time. Unlike Comprehensive Plan amendments, they are not subject to the requirement for concurrent review and cumulative effect analysis and once-a-year limitation.

4. *Processing of Development Regulation Amendments.*

- a. The City may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the City's Comprehensive Plan. Techniques not listed may also be used.
 - i. Provide for an opportunity to submit written comments;
 - ii. Hold informational public meetings to explain the proposed amendment;
 - iii. Use the City's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment.
- b. A public hearing shall be held by the Planning Commission on the proposed Development Regulation Code amendment after the proposed amendment has been reviewed for consistency with the Comprehensive Plan. Upon completion of the public hearing, the Planning Commission shall issue findings of fact and conclusions and make a recommendation to the City Council on the proposed Development Regulation Code amendment.
- c. Upon receipt of a Development Regulation Code amendment recommendation from the Planning Commission, the City Council shall consider the matter at a public meeting, and may take the following actions:
 - i. Concur with the Planning Commission's recommendation and adopt the code amendment substantially in the form as presented;
 - ii. Remand the matter to the Planning Commission with instructions regarding the City Council's concerns and direction; or
 - iii. Conduct another public hearing prior to making any substantial change in the Development Regulation Code amendment recommended by the Planning Commission.

D. Rezones. To allow for implementation of the Comprehensive Plan, rezones may occur outside of the Comprehensive Plan amendment procedures provided the rezone is consistent with the most recently adopted Comprehensive Plan and Future Land Use Map. If a rezone request is inconsistent with the adopted Comprehensive Plan or Future Land Use Map, the applicant must also request an amendment to the Comprehensive Plan and Future Land Use Map as outlined in subsection B of this section and both proposals shall be processed simultaneously.

1. Applications for rezones shall be evaluated using the following guidelines:

- a. How does the proposed rezone relate to the existing land uses and zoning of the surrounding or nearby properties?
- b. How does the rezone serve the general public health, safety and welfare?

- c. In the case of unimproved property, is the property suitable for the purpose for which it has already been zoned and is it suitable for the purpose for which it is proposed to be zoned?
 - d. In the case of a downzone, what is the relative gain to the public as compared to the hardship imposed on the individual property owner and how does the downzone promote the public health, safety and welfare?
 - e. In the case of a downzone, will the consequent restrictions preclude all reasonable economic use of that land?
2. The following procedures shall govern the consideration of a rezone application:
- a. Initiation of Rezones. Applications for site-specific rezones may only be submitted by the property owner or their authorized agent, the Planning Commission, city staff or the City Council provided the request is consistent with the adopted Comprehensive Plan and the Future Land Use Map.
 - b. Review of Rezones. All site-specific rezone applications shall be processed as a Type 5 permit in accordance with Snohomish Municipal Code Chapter 14.20, Permit Classifications and Development Review Process.
 - c. A public hearing shall be held by the Planning Commission on the proposed rezone after the proposal has been reviewed by staff for consistency with the Comprehensive Plan and Future Land Use Map. Upon completion of the public hearing, the Planning Commission shall issue findings of fact and conclusions and make a recommendation to the City Council on the proposed rezone.
 - d. Upon receipt of a rezone recommendation from the Planning Commission, the City Council shall consider the matter at a public meeting, and may take the following actions:
 - i. Concur with the Planning Commission's recommendation and rezone the property as proposed; or
 - ii. Deny the rezone; or
 - iii. Remand back to Planning Commission with specific direction to consider rezoning to a different zone than what was recommended by the Planning Commission.
3. Zoning Map. If a rezone is approved by the City Council the Planning Director shall amend the Zoning Map, as provided for in SMC 14.30.030, to reflect the new zoning designation for the affected parcel(s).

14.15.040 Threshold Determination, Scheduling of Hearing, and Notice.

- A. Amendments to the Comprehensive Plan or Development Code and rezones shall ~~may~~ be requested utilizing a form provided by the Planning and Development Services Department subject to payment of prescribed fees. The Planning Director shall verify completeness and shall docket complete requests.
- B. Once a proposed amendment to the Comprehensive Plan or Development Code has been drafted or a rezone proposal received, the Planning Director shall:

1. Perform a threshold determination regarding the proposal in accordance with Chapter 197-11 WAC Part Three;
2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare ~~the~~ a draft EIS;
3. Schedule a public hearing before the Planning Commission for a date that conforms to the following notice requirement; and
4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Chapter 14.20 SMC); provided, that:
 - a. If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the Planning Director will reconsider the DNS.
 - b. If WAC 197-11-340(2) applies (i.e., City cannot take final action until 14 days after issuing a DNS), the Planning Director shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
 - c. If a ~~D~~raft EIS has been prepared, the notice shall state that comments on the ~~D~~raft EIS will be accepted until and at the hearing.
 - d. If the proposal is a site-specific amendment to the Future Land Use Map or is a rezone proposal, the publication requirement shall be that of a Type 5 permit.
 - e. The Planning Director, at his or her discretion, may publicize a given legislative proposal more broadly than stated herein to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

14.15.050 Reconsideration of DNS.

If a DNS is issued and timely comments are received, the Planning Director shall reconsider the DNS in accordance with WAC 197-11-340(2)(f) and (3).

14.15.060 Forward to City Council and Planning Commission.

The Planning Director or designee shall forward a staff report to the Planning Commission and City Council, which report shall include a summary of the environmental review for the proposal. If a determination of significance has been issued, the Planning Director shall distribute copies of the draft and final EIS to the Planning Commission, City Council, and other affected agencies.

14.15.070 State Review.

The City shall comply with RCW 36.70A.106 regarding review by the Department of ~~Community, Trade, and Economic Development~~ Commerce of proposed amendments to the Comprehensive Plan or Development Code.

14.15.080 Hearing.

A. One or more public hearings shall be conducted in accordance with this section.

- B. If directed by the City Council, the Planning Commission shall hold a public hearing, which may be at a joint meeting of the Planning Commission and City Council at the discretion of the City Council.
- C. The City Council may conduct its own public hearing, in addition to or in lieu of any public hearing conducted by the Planning Commission.
- ~~D. In the case of site specific amendments to the Development Code's Land Use Designation Map, the only public hearing shall be the one conducted by the Hearing Examiner pursuant to Chapter 14.20 SMC.~~

14.15.090 Criteria – Findings and Recommendation.

- A. The Planning Commission shall adopt written findings referencing the following criteria, and shall make a recommendation consistent with those findings to the City Council.
- B. The approval criteria for amendments to the Comprehensive Plan and Development Code shall be that the amendment:
 - 1. Is internally consistent with the Comprehensive Plan (for Comprehensive Plan amendments) or is consistent with the Comprehensive Plan (for Development Code amendments);
 - 2. Is consistent with the Growth Management Act and the State Environmental Policy Act; and
 - 3. Is in the interest of the public health, safety, and welfare of Snohomish residents.
- C. A rezone should be approved only if generally consistent with the following guidelines:
 - 1. The rezoned parcel(s) will not create any significant negative impacts on the existing land uses and zoning of the surrounding or nearby properties.
 - 2. The rezone serves the general public health, safety and welfare.
 - 3. The property is suitable for the purpose for which it is proposed to be zoned.
 - 4. In the case of a downzone, the relative gain to the public in promoting the public health, safety, and welfare outweighs the hardship imposed on the individual property owner.
 - 5. In the case of a downzone, the consequent restrictions do not preclude all reasonable economic use of that land unless the property owner agrees to the downzone.

14.15.100 Council Action.

The City Council, if it elects to amend the Comprehensive Plan or Development Code, shall revise the findings if necessary and adopt said amendment by ordinance. Any substantive changes to the amendment considered at the public hearing shall be processed in accordance with the public participation requirements of RCW 36.70A.035.

14.15.105 Amendments to the Development Code's and Future Land Use ~~Designation~~ Map.

Amendments to the Development Code's and the Future Land Use ~~Designation~~ Map shall be consistent with the Growth Management Act, and shall be in the public interest.

14.15.110 Appeals.

Amendments of the Comprehensive Plan or Development Code and rezone decisions may be appealed to the Growth Management Hearings Board in accordance with RCW 36.70A.290.

ATTACHMENT C

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend Chapter 14.15 SMC to create a rezone procedure, 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. Chapter 14.15 SMC, Amendments to the Comprehensive Plan, Land Use Map, and Development Code does not provide for procedures for rezones
4. Some terms used in Chapter 14.15 SMC are out-of-date after the extensive amendments to Title 14 SMC and the Comprehensive Plan completed in 2021.
5. The following Comprehensive Plan policy supports the proposed code amendments:
 - LU 1.5: Planning process.** Engage interested agencies, property owners, and other stakeholders in the public planning process.
6. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on April 21, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to creating a rezoning process.
7. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. These code amendment proposals are categorically exempt from SEPA review as actions relating to governmental procedures and contain no substantive standards respecting use or modification of the environment pursuant to WAC 197-11-800(19)(a).
8. A Notice of Public Hearing, consistent with Snohomish Municipal Code requirements, was published on April 16, 2022.
9. On May 4, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.15 to create a rezone procedure and to replace out-of-date terms. After hearing a staff presentation on the proposed code amendments, 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 create a rezone procedure.
6. The proposed code amendments replaces terms made obsolete after the 2021 amendments to the Comprehensive Plan and Title 14 SMC.
7. The proposed code amendments clarifies designated agents can submit and sign applications on behalf of property owners.

Date: _____

By: _____

Hank Eskridge, Planning Commission Chair

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Date: May 4, 2022
To: Planning Commission
From: Glen Pickus, AICP, Planning Director
Subject: Code Amendment Public Hearing: Pilchuck District Code Clarifications

SUMMARY: The Planning Commission will conduct a public hearing to consider minor amendments to SMC Chapter 14.212, Pilchuck District Development Regulations, to improve the clarity of the chapter.

BACKGROUND: In 2011, Chapter 14.212 SMC was codified to create a cohesive, pedestrian-friendly, and identifiable neighborhood for the area around the Centennial Trail south of Sixth Street, and north of Wood/Rainier Streets.

Chapter 14.212 uses several unique regulatory aspects that do not appear elsewhere in Title 14 SMC, the City's Land Use Development Code. One of those is the deviation process provided for in SMC 14.212.170 that is intended to allow developers to propose deviations from the code without going through the standard variance process pursuant to Chapter SMC 14.70.

Another unique aspect of the District's regulations is the subdivision of the District into four subzones (SMC 14.212.220):

- Pilchuck Single-Family
- Townhouse
- Center
- Civic

PROPOSAL: The proposed non-substantive amendments fall into two categories:

1. Clarifying the deviation from code requirements process pursuant to SMC 14.212.170; and
2. Removing remnant "Neighborhood" references in the names of the Pilchuck District subzones.

SMC 14.212.170 – Deviation from Code Requirements and Determination of Equivalence

This section provides for a process whereby a developer can request a deviation from code requirements if the proposed deviation is determined to be equivalent to the code requirement. This is an administrative process with the Planning Director as the decision-making authority. The section provides developers the option to apply for a variance pursuant to Chapter 14.70 SMC, rather than a deviation, where the City's Hearing Examiner is the decision-making authority and a public hearing is required. It also allows developers to apply for a variance before the City's Hearing Examiner if a deviation request is denied.

However, subsection "A" misuses the word "and" so that deviation requests are required to go through both the administrative determination of equivalence process and the normal Hearing Examiner variance process pursuant to Chapter 14.70 SMC. The code amendment would merely replace the "and" with "or" to clarify there is a choice in processes.

Correcting References in the Chapter to the “Neighborhood” Subzones

In 2018, the Pilchuck District Development Regulations were amended to remove the word “Neighborhood” from the names of the Pilchuck Districts subzones because it was determined including “Neighborhood” in the labels for the subzones did not add any value to the code and was redundant. The original labels for the subzones were:

- Neighborhood Single Family Zone
- Neighborhood Townhouse Zone
- Neighborhood Center Zone
- Neighborhood Civic Zone.

Unfortunately, the 2018 code amendment overlooked several uses of the term “Neighborhood” before the name of the subzone. The proposed code amendment would finish that task and remove those overlooked uses.

The word “Neighborhood” still appears before the name of the subzones in the following sections of Chapter 14.212 SMC:

- SMC 14.212.320(D)(2-3)
- SMC 14.212.550(C) including in the heading for Tables V-1, V-2, V-3, and V-4
- SMC 14.212.610(F-G)
- SMC 14.212.700(D-E)
- SMC 14.212.810
- SMC 14.212.840(G)
- SMC 14.212.850
- SMC 14.212.860(A)
- SMC 14.212.870(A)
- SMC 14.212.880(A)

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:

- **Move to recommend City Council approval of the proposed amendments to Chapter 14.212 SMC to improve the clarity of the chapter as presented.**
- **Move to adopt the Findings of Fact & Conclusions as presented.**

NEXT STEPS: The City Council will consider an ordinance to implement the Planning Commission’s recommendation at a meeting later this year.

ATTACHMENTS:

- A. SMC 14.212.170 (draft)
- B. Findings of Fact & Conclusions

REFERENCE: [Chapter 14.212 – Pilchuck District Development Regulations](#)

ATTACHMENT A

14.212.170 Deviation from Code Requirements and Determination of Equivalence.

- A. Deviation from the requirements of this chapter may be approved by variance as provided by Chapter [14.70](#) SMC, ~~and~~ or by determination of equivalence according to the criteria in this section.
- B. A permit applicant may request in writing that the City Planner determine that a proposed deviation from the strict provisions of this chapter is equal in kind, extent, purpose, and impact as compliance with the applicable development regulation. A separate written request and determination shall be made for each such determination of equivalence. The City Planner's decision upon a requested determination of equivalence shall be made in writing as a Type 1 permit.
- C. The City Planner's decision to approve a requested determination of equivalence shall be appealable to the Hearing Examiner as provided by Chapters [14.20](#) and [14.90](#) SMC.
- D. The City Planner's decision to deny a requested determination of equivalence shall not be subject to appeal. Upon the denial of a requested determination of equivalence, the applicant may submit an application for a variance to the subject development regulation as provided by Chapter [14.70](#) SMC.
- E. The City Planner may approve a requested determination of equivalence when all of the following criteria are satisfied:
 1. The request constitutes an equivalent and alternative method of achieving the purpose and intent of the subject development regulation.
 2. The extent to which the proposed land development implements the purpose and intent of this chapter is not compromised or diminished.
 3. No adverse environmental or land use impact would result.
 4. The approved deviation is the minimum necessary to achieve the requested relief.
- F. In approving a requested determination of equivalence, the City Planner may impose conditions of approval as necessary to ensure that the decisional criteria above are satisfied. The decision to impose conditions shall be appealable to the Hearing Examiner as provided by Chapters [14.20](#) and [14.90](#) SMC.

ATTACHMENT B

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to improve the clarity of Chapter 14.212, SMC, Pilchuck District Development Regulations, 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. In 2011, Pilchuck District Development regulations were codified in Chapter 14.212 SMC. Those regulations included a unique process for deviating from code standards outside of the variance process.
4. Currently, SMC 14.212.170A provides for the process to deviate or vary from the standards of Chapter 14.212 SMC but the incorrect usage of “and” rather than the correct “or” requires applicants go through both the deviation process described in the section as well as the variance process provided for by Chapter 14.70 SMC.
5. In 2018, code amendments removed the word “Neighborhood” from the label of the Pilchuck District’s subzones because use of the word did not provide any value to the code and was redundant. However, some instances of the use of “Neighborhood” were overlooked in 2018 so remnants remain.
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 April 21, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend Chapter 14.212 SMC to improve the clarity of the chapter.
8. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. These code amendment proposals are categorically exempt from SEPA review as governmental procedural and text amendments resulting in no substantive changes respecting use or modification of the environment pursuant to WAC 197-11-800(19)(a-b).
9. A Notice of Public Hearing, consistent with Snohomish Municipal Code requirements, was published on April 16, 2022.
10. On May 4, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.212 to clarify the code deviation process and to remove “Neighborhood” from the label of the subzones. 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 improve the clarity of Chapter 14.212 SMC.

Date: _____

By: _____

Hank Eskridge, Planning Commission Chair