



# CITY OF SNOHOMISH

P.O. BOX 1589 | SNOHOMISH, WASHINGTON 98291 | (360) 568-3115 | WWW.SNOHOMISHWA.GOV

## NOTICE OF REGULAR MEETING

### PLANNING COMMISSION

TUESDAY  
July 1, 2020  
6:00p.m.

### AGENDA ON NEXT PAGE

### Remote On-Line/Telephone Access ONLY Via "Zoom"

Pursuant to City of Snohomish's **Resolution 1408** adopting procedures for holding public meetings consistent with State law, and in accordance with the Governor's Proclamation 20-25, "Stay Home Stay Healthy" order to reduce the risk of exposure and the spread of contagious viruses through social interactions, the July 1, 2020 meeting of the Planning Commission will be held utilizing remote access. The public is invited and encouraged to participate by calling in, and listening to the live meeting. Instructions for calling into the live meeting are provided below.

We want to hear from you. The public is encouraged to submit written comments prior to the meeting by sending it to the Planning Director at: [pickus@snohomishwa.gov](mailto:pickus@snohomishwa.gov) before 5 p.m. on Tuesday, June 30, 2020 to be included as part of the public record for that meeting. However, public testimony will also be accepted during the public hearings.

To access the ONLINE Zoom remote meeting, please use the following link (external/internal speakers required): <https://us02web.zoom.us/j/82571892391>

Meeting ID: 825 7189 2391

To PHONE-IN without a computer, or if your computer does not have an audio feature, dial:

+1 253-215-8782  
+1 669-900-6833 or

**YOU WILL BE PROMPTED TO ENTER THE MEETING ID# --**

Meeting ID: 825 7189 2391

**THEN, YOU WILL BE PROMPTED TO ENTER A PARTICIPANT NUMBER --  
ENTER THE # SYMBOL**



# CITY OF SNOHOMISH

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## NOTICE OF REGULAR MEETING

### PLANNING COMMISSION

Remote On-Line/Phone Access ONLY Via "Zoom"

**WEDNESDAY**

**July 1, 2020**

**6:00 p.m.**

### AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the June 3, 2020 regular meeting (P.5)
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **PUBLIC HEARING:** Definitions Consolidation Code Amendment (P.7)
  - a. Chair opens hearing
  - b. Staff presentation
  - c. Commission questions
  - d. Public testimony
  - e. Close hearing
  - f. Deliberations
8. **PUBLIC HEARING:** Flood Hazard Areas Regulations Update Code Amendment (P.55)
  - a. Chair opens hearing
  - b. Staff presentation
  - c. Commission questions
  - d. Public testimony
  - e. Close hearing
  - f. Deliberations
9. **DISCUSSION ITEM:** Proposed Code Amendment to Not Allow Variances on Floor Area Ratio (FAR) Requirements (P.73)
10. **DIRECTOR'S REPORT**

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## 11. ADJOURNMENT

**NEXT MEETING:** The next regular Planning Commission meeting will be Wednesday, August 5, 2020, at 6:00 p.m., in the George Gilbertson Boardroom, Snohomish School District Resource Center, 1601 Avenue D.

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

***This organization is an Equal Opportunity Provider.***

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**CITY OF SNOHOMISH  
REGULAR MEETING OF THE PLANNING COMMISSION  
MEETING MINUTES  
June 3, 2020**

1. **CALL TO ORDER** The regular meeting of the Planning Commission was opened by Chair Terry Lippincott at 6:00 p.m. on Wednesday, June 3, 2020.

2. **FLAG SALUTE**

3. **ROLL CALL**

**COMMISSIONERS PRESENT:**

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

**STAFF:**

Glen Pickus, Planning Director  
Brooke Eidem, Planner

**COMMISSIONERS ABSENT:**

Van Tormohlen

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

4. **APPROVAL OF AGENDA ORDER**

Mr. Cole moved to approve the agenda order and Mr. Eskridge seconded. The motion passed 6-0.

5. **APPROVAL** of the minutes of the February 5, 2020 and March 4, 2020 regular meetings

Mr. Cole moved to approve the minutes of the February 5, 2020 meeting. Ms. Wakefield Nichols seconded, and the motion passed 6-0.

Mr. Eskridge moved to approve the minutes of the March 4, 2020 meeting. Mr. Cornelison seconded, and the motion passed 6-0.

6. **DISCUSSION ITEMS:**

a. Title 14 Definitions Consolidation

Ms. Eidem continued the discussion with Commissioners by reviewing a list of questions submitted by Mr. Cole, and also responding to other Commissioner's questions regarding definitions. Staff will research the appropriateness of using the definition for "parking requirement" for establishing rounding rules, and will report back to the Commission with a recommendation during the Public Hearing, which is scheduled for the next meeting.

b. Repeal and Replacement of SMC 14.270 Flood Hazard Areas

Mr. Pickus described the purpose of flood hazard area development regulations, as well as the need to periodically update them to satisfy FEMA requirements, thereby ensuring availability of flood hazard insurance to property owners. He explained the proposal is to repeal and replace in its entirety the existing regulations in Chapter 14.270 SMC. The new chapter will be based on a model code developed by the Washington State DOE, with no significant substantive changes in development rules being proposed. He noted a public hearing on the new chapter will be held at the next Planning Commission meeting.

b. Midtown Planning District Project Briefing

Mr. Pickus briefed the Commission on the current status of the Midtown Planning District Project. To date, the Midtown Task Force has not been able to meet due to the COVID-19 pandemic restrictions; however, it is possible their first meeting could be June 30, 2020 if restrictions are eased by then.

Mr. Pickus described the preliminary results of a market study completed by consultants hired by Snohomish County specific to the county property in the area, but applicable to the entire area. The market study will help to set guidelines for updated development regulations but will not be used to determine what those regulations should be.

**7. DIRECTOR'S REPORT**

- The Planning Commission's next meeting on July 1, 2020 is tentatively scheduled to be an in-person meeting; however, if that is still not allowed then it will be held via remote participation.
- There will be two public hearings at the next meeting: One for the definition consolidation code amendments, and the other for the flood hazard areas code update.
- The City Council will consider an ordinance at its June 16, 2020 meeting to implement the SEPA flexible thresholds for minor new construction, as recommended by the Planning Commission.

**8. ADJOURNMENT**

The meeting adjourned at 7:22 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

By: \_\_\_\_\_  
Commissioner Terry Lippincott, Chair

**Date:** July 1, 2020

**To:** Planning Commission

**From:** Brooke Eidem, Planner

**Subjects:** Definitions Code Amendment Public Hearing

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**SUMMARY:** This agenda item provides a public hearing on a proposed code amendment to consolidate and update all definitions in Title 14.

This item was discussed by the Planning Commission in February, March, and June. During those work sessions, definitions were reviewed in detail, deletions and amendments were discussed, and language was considered for proposed new definitions.

**THE ISSUE:** The definitions of Chapter 14.100 SMC are in need of review for relevancy, redundancy, and accuracy. In addition to Chapter 14.100 SMC, there are eight subject-specific definitions sections in various chapters of Title 14. Having definitions in multiple locations creates difficulties for users of the code, and can cause confusion as well as potentially conflicting information. The chapters that have individual definitions sections are:

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

**PROPOSAL:** Staff is proposing to update and consolidate all definitions of the land use development code into a single definitions chapter. As part of this project, all definitions will be relocated to a new Chapter 14.25 SMC, which appears earlier in the Title and in a more logical place. Chapter 14.100 will be repealed in its entirety. Each chapter listed above will be amended to remove the definitions section, with the exception of the Shoreline Management chapter in order to avoid triggering review by the Department of Ecology.

This project also requires amending other sections of several chapters where the definitions section was removed. Some minor changes are to correct references and clarify the applicable authority. Two chapters--SMC 14.242 Wireless Communications Facilities and SMC 14.295 Traffic Impact Fees--have definition sections whose removal requires some substantive changes elsewhere in the chapter for clarification purposes. In all cases, these amendments are necessary because the definitions contained regulatory information that is better addressed elsewhere. By deleting the definition, the regulation needs to be inserted.

A summary of all proposed changes is provided below.

Chapter	Proposed Change
14.25	<ul style="list-style-type: none"> <li>• <b>New</b> Definitions chapter; all Title 14 definitions will be consolidated here</li> </ul>
14.100	<ul style="list-style-type: none"> <li>• <b>Repealed</b> Definitions chapter</li> </ul>
14.212	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.212.1020</li> </ul>
14.222	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.222.020</li> </ul>
14.242	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.242.020</li> <li>• Adopt <b>new</b> SMC 14.242.075 to define eligible facilities request</li> </ul>
14.245	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.245.020</li> </ul>
14.250	<ul style="list-style-type: none"> <li>• Definitions remain within section SMC 14.250.030 to avoid amending the chapter and triggering DOE approval</li> <li>• Certain definitions that have global application are included in Chapter 14.25</li> </ul>
14.270	<ul style="list-style-type: none"> <li>• <b>Modify</b> definitions section SMC 14.270.040 (under Ordinance 2400*)</li> </ul>
14.295	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.295.040</li> <li>• <b>Amend</b> SMC 14.295.050 to clarify applicability</li> <li>• <b>Change</b> “Director” references to “City Engineer” throughout</li> </ul>
14.300	<ul style="list-style-type: none"> <li>• <b>Delete</b> definitions section SMC 14.300.170</li> <li>• <b>Amend</b> SMC 14.300.080 to clarify review authority</li> </ul>

\* With the upcoming repeal and replacement of SMC 14.270 Flood Hazard Areas, a new definitions section will be added merely to clarify that special federal definitions will apply to that chapter. No actual definitions will be in the section.

SMC 14.242.075 is a new proposed section to the Wireless Communications Facilities chapter. It is proposed because “Eligible facilities request” was previously a defined term that contained regulatory language, and is better addressed as regulation. All of the language is copied directly from the existing definitions section in Chapter 14.242 SMC.

**ACTION REQUESTED:** The Planning Commission is requested to hold a public hearing, take public testimony, consider proposed amendments, and provide a recommendation to the City Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, denial of the proposed findings, or amend the proposal with appropriate findings.

**RECOMMENDED MOTIONS:**

1. **Motion to recommend City Council approval of the proposed definitions and associated code amendments as presented.**
2. **Motion to approve the Findings of Fact and Conclusions as presented.**

**NEXT STEPS:** The City Council is tentatively scheduled to take action on an ordinance to implement the proposed regulations on July 21, 2020.

**ATTACHMENTS**

- A. Chapter 14.25 SMC as amended with new definitions (previously 14.100 SMC)
- B. SMC 14.242.075 Eligible Facilities Request (new section)
- C. SMC 14.295.050 Street System Policy – General Provisions
- D. SMC 14.300.080 In-Kind Mitigation Option
- E. Recommended Findings of Fact and Conclusions



## ATTACHMENT A

### Chapter 14.25 DEFINITIONS

14.25.010	General
14.25.020	Definitions - A
14.25.030	Definitions - B
14.25.040	Definitions - C
14.25.050	Definitions - D
14.25.060	Definitions - E
14.25.070	Definitions - F
14.25.080	Definitions - G
14.25.090	Definitions - H
14.25.100	Definitions - I
14.25.110	Definitions - J
14.25.120	Definitions - K
14.25.130	Definitions - L
14.25.140	Definitions - M
14.25.150	Definitions - N
14.25.160	Definitions - O
14.25.170	Definitions - P
14.25.180	Definitions - Q
14.25.190	Definitions - R
14.25.200	Definitions - S
14.25.210	Definitions - T
14.25.220	Definitions - U
14.25.230	Definitions - V
14.25.240	Definitions - W
14.25.250	Definitions - X
14.25.260	Definitions - Y
14.25.270	Definitions - Z

#### 14.25.010 General

In this title, words in the masculine gender include the feminine and neuter, words in the singular include the plural, and words in the plural include the singular. Words not defined in this title shall have their customary meanings.

#### 14.25.020 Definitions – A

**A-board sign:** a type of portable sign with two faces attached at the top so when the sign is deployed the bottom of the faces can be separated to create a stable sign. Also referred to as a sandwich board sign.

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

**Accessory:** secondary, subordinate and incidental to a primary use, building, or structure.

**Accessory dwelling unit:** a separate, complete dwelling unit that is accessory to the primary dwelling unit on the premises.

**Adult family home:** a residence of a person or persons licensed and regulated by the state under Chapter [70.128](#) RCW to provide personal care, special care, room, and board on a 24-

hour basis to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

**Adult use:** a commercial establishment that offers its customers for viewing, purchase, loan, or otherwise, prurient or sexually explicit materials or entertainment.

**Agricultural activities:** uses, activities, and practices involved in the production of crops and livestock, including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; and maintaining agricultural lands under production or cultivation.

**Agricultural land:** those specific land areas as defined in RCW 84.34.020(2), on which agricultural activities are conducted.

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

**Agriculture:** soil tilling, crop raising, horticulture, viticulture, livestock farming, poultry, dairying, and/or animal husbandry.

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

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

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

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

**Alteration of watercourse:** any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

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

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

**Animal:** see Title 7 SMC for definitions relating to animals.

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

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

**Appeal:** a request for a review of an interpretation of a regulatory provision or a reversal of a decision made pursuant to this Title.

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

**Area of Special Flood Hazard:** the land in the flood-plain within a community subject to a one percent or greater chance of flooding in any given year as designated on Flood Insurance Rate Maps (FIRMs).

**Arterial:** a roadway classification as identified in the Comprehensive Plan.

**Arterial unit:** a street, segment of a street, or portion of a street or a system of streets, consistent with the level-of-service methodology adopted in the City Comprehensive Plan and consistent with the criteria established by the Director, for the purpose of making level-of-service concurrency determinations.

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

**Assisted living:** see Congregate care.

**Attic:** the space between the ceiling beams/joists of the top story and the roof rafters.

**Auction house:** an establishment or company that facilitates the buying and selling of assets.

**Automotive service and repair:** the storage and repair of motor vehicles, including mechanical work, body and fender works, and painting. The term does not include wrecking automobiles or impound car lots, when conducted outside of a structure.

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

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

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

**Banner sign:** a temporary sign made of flexible material attached to a building or strung between support structures.

**Base flood:** the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). See Chapter 14.270 SMC and 44 CFR 59.1.

**Base flood elevation (BFE):** the elevation to which floodwater is anticipated to rise during the base flood.

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

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

**Basement:** a building story partly or wholly underground and having at least one-half of its height, measured from its floor to its finished ceiling, below the average adjoining grade. For flood loads, a basement is the portion of a building having its floor below ground level on all sides.

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

**Bed and breakfast inn:** a commercial facility within which up to six bedrooms are available for short term lodging for paying guests.

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

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

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

**Bond:** a financial security provided in an amount and form satisfactory to the regulations of this Title, to insure that required improvements are installed, and providing a warranty against defective material or workmanship.

**Boundary line adjustment:** a survey made for the purpose of adjusting or relocating existing property lines.

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

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

**Buildable area:** the portion of a lot free of special restrictions or encumbrances that can be developed subject only to the dimensional and other requirements established in Chapter [14.210](#) SMC. Buildable area does not include setback areas established by this Title for the land use designation area in which the lot is located.

**Building:** see Structure.

**Building height:** the vertical distance from a specified point on the ground to a specified point on a building. Refer to SMC 14.210.170.

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

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

**Bulb-out:** a traffic-calming and pedestrian-safety device that narrows the street by widening the curb and sidewalk, typically at intersections. Also referred to as a curb extension.

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

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

#### **14.25.040 Definitions - C**

**Campground:** a facility for temporary occupancy of tents, and recreational vehicles.

**Caretaker residence:** a permanent dwelling unit associated with an approved land use, which provides living facilities for a person charged with managing the property and/or improvements.

**Capacity improvements:** any construction activity that increases the ability of a street system to convey motorized and non-motorized vehicles and/or people.

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

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

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

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

**Childcare, family:** a facility licensed for the daytime care of children that is provided in a residential dwelling unit by the full-time occupant of the home. Family daycare facilities may provide care for up to 12 children, including children living in the home.

**Church, synagogue, temple, or mosque:** a place where gathering for worship is the principal purpose of the use and includes all places of worship associated with a religious institution. Accessory uses associated with this use are limited to private schools, preschools and daycares, reading rooms, assembly rooms, and residences for clergy and unordained monks, friars, nuns, and religious brothers and sisters.

**City:** the City of Snohomish.

**City Attorney:** the Snohomish City Attorney.

**City Council:** the Snohomish City Council.

**City Engineer:** the Snohomish City Engineer.

**City Planner:** the same as the Snohomish Planning Director.

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

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

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

**Clinic:** a building for licensed outpatient health services.

**Club:** a not-for-profit association of persons for a common purpose.

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

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

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

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

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

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

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

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

**Conditional use:** a use allowed only after review and with approval of conditions as necessary to make the use compatible with other permitted uses in the same vicinity and designation.

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

**Conference center:** a meeting facility, which may include accessory facilities for recreation, lodging, and related activities.

**Congregate care/assisted living facilities:** housing, licensed by the State of Washington, for seven or more elderly and/or disabled persons providing basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC.-Kitchens and dining space may be provided in individual dwelling units. Practical nursing and Alzheimer's care, recreational programs, and facilities may be provided. "Disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the facility would constitute a direct threat to the health and safety of other individuals.-The term shall not include alcoholism or drug treatment centers or housing facilities serving as an alternative to incarceration. For the purposes of this definition, the "elderly" refers to persons 55 years and older.

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

**Conversion:** a change in use of a structure.

**Cottage housing development:** two or more small, detached dwellings constructed on a single lot. Refer to SMC 14.210.215.

**County Auditor:** the Snohomish County official as defined in Ch. [36.22](#) RCW.

**County Treasurer:** the Snohomish County official as defined in Ch. [36.29](#) RCW.

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

**Critical area report:** a study and/or evaluation prepared by a qualified professional for development proposals located within protected environmentally sensitive areas and/or their buffers. Refer to SMC 14.255.060.

**Critical areas:** environmentally sensitive areas of land as defined under Chapter 36.70A RCW including the following areas and ecosystems:

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

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

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

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

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

#### 14.25.050 Definitions - D

**Daycare:** see Childcare

**Daycare, adult:** a facility licensed by the State for the daytime care of adults, with no overnight care.



**Dedication:** conveyance of land to a public agency for general public purposes.

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

- A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or trash);
- B. Significant cover (over 50 percent) in vegetation that does not contribute to the functionality of the wetland buffer;
- C. Significant cover (over 50 percent) in invasive species or noxious weeds;
- D. Presence of existing nonconforming structures or improvements.

**Density:** the number of dwelling units on one acre of land.

**Department:** the City of Snohomish Department of Planning and Development Services.

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

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

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

**Detached condominium development:** two or more detached condominium units constructed upon a single lot.

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

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

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

**Development:** the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, wetlands, or shorelines.

**Development, floodplain:** any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. Refer to Chapter 14.270 SMC.

**Development right:** one of a series of rights inherent in fee simple ownership of land. It represents the potential for the improvement of a parcel of property, as measured in the number

of potential residential dwellings or square footage of commercial use allowed by the property's land use designation and site attributes.

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

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

**Director:** see Planning Director.

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

**Diversity, habitat:** variety or complexity of vegetation as indicated by stratification of plant communities, variety of plant species, and spacing of vegetation.

**Dock:** an anchored platform structure in or floating upon water to facilitate access to water or watercraft. Docks may provide moorage for watercraft, and may include ancillary features such as pilings, anchors, gangways, floats, and fingers.

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

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

**Driveway:** a private travel lane for the passage of vehicles, which provides access from a public or private road to an individual development or dwelling.

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

**Duplex:** a residential structure containing two attached dwelling units that have a common wall. The term does not include a mobile home or a home with an accessory dwelling unit.

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

#### **14.25.060 Definitions - E**

**Earth station:** a ground-based terminal equipped to receive and transmit signals from or to communications satellites.

**Easement:** an encumbrance on land that provides for the use of that land, or a portion thereof, for specified purposes, to specifically named parties or to the public.

**Eating/drinking:** any establishment providing meals and/or beverages to customers.

**Ecology:** the Washington State Department of Ecology unless specifically stated otherwise.

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

**Elevation certificate:** an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

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

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

**Enclosed:** totally concealed from expected human viewpoints by building, wall, fence, floors, doors, windows, or other structure or obscuring element.

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

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

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

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

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

#### **14.25.070 Definitions - F**

**FCC:** the Federal Communications Commission or successor agency.

**Fabrication shop:** an establishment for the creation of products from refined materials.

**Façade:** the exterior wall of a building.

**Family:** one or more persons related by blood, adoption, or marriage, or a group of not more than five persons not related by blood, adoption, or marriage, living together as a single housekeeping unit in a dwelling unit. For the purposes of this definition and notwithstanding any

other provision of this Code, children with familial status within the meaning of Title [42](#) United States Code, Section 3602(k) and persons with handicaps within the meaning of Title [42](#) United States Code, Section 3602(h) will not be counted as unrelated persons. Adult family homes and foster homes, as defined herein, shall be included within this definition of family. Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of “family”.

**Family childcare:** See family daycare.

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

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

**Fence, open:** a fence where there is a minimum of one inch opening for every two inches of solid material evenly distributed across the length of the fence.

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

**Fill:** the addition of soil, sand, rock, gravel, sediment, or any other earthen or organic material to an area in a manner that raises the elevation of, or creates, dry land.

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

**Flood or Flooding:**

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters and/or
  - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
  - 3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are similar to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

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

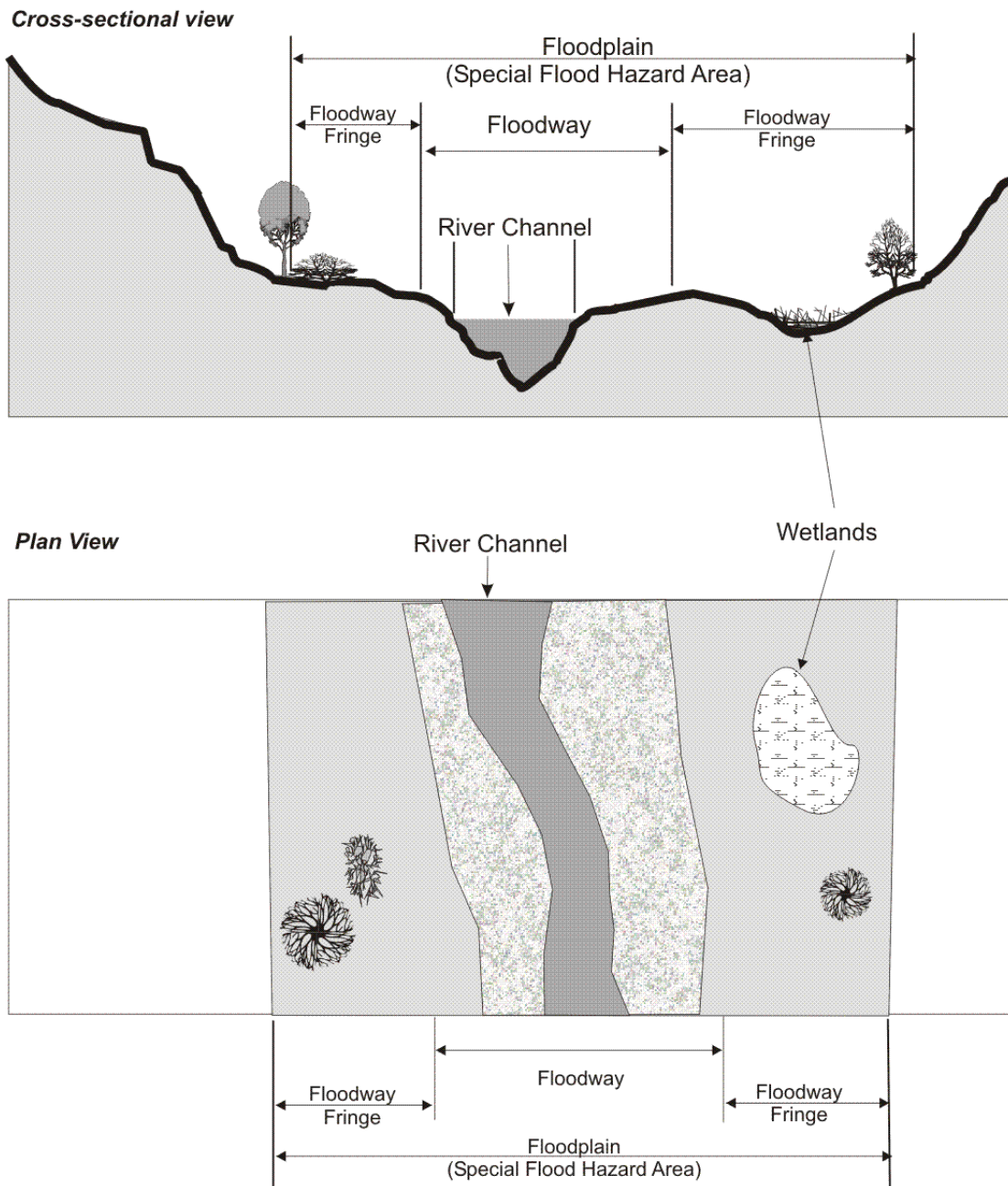
**Flood Insurance Rate Map (FIRM):** the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as the Flood Elevation Study.

**Floodplain or flood-prone area:** any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Typical Floodplain

(special Flood Hazard Area)



**Floodplain administrator:** the City of Snohomish official designated to administer and enforce the floodplain management regulations.

**Floodplain management:** the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations:** state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

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

**Floor area:** the floor space defined by the exterior walls of a building or structure as measured in square feet.

**Floor area, gross:** the sum of all floor spaces defined by exterior walls, including unoccupied accessory areas, basements, and mezzanines on all floor levels.

**Floor area ratio:** the ratio of a building's gross floor area to the size of the lot upon which it is built.

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

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

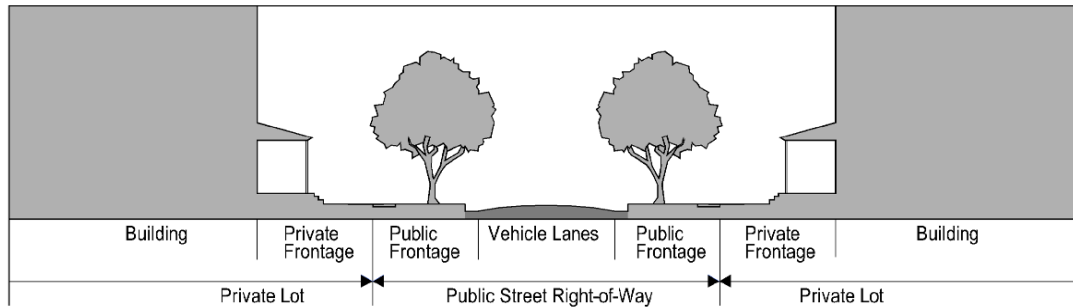
**Forest research:** the performance of scientific studies relating to botany, hydrology, silviculture, biology, and other branches of science in relation to management of forest lands.

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

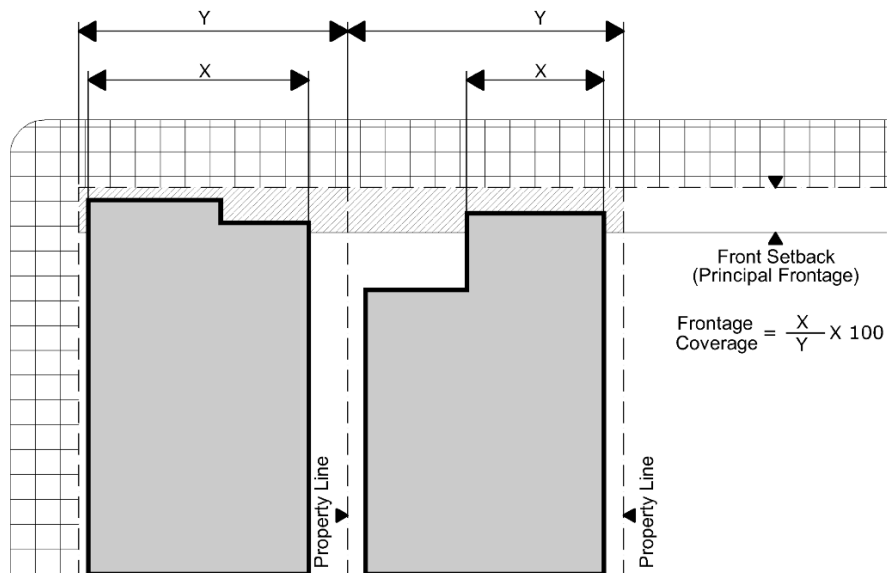
**Fraternity, sorority, or group student house:** a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and when regulated by such institution.

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

**Frontage:** the area between a building façade and the centerline of the adjacent street, inclusive of its built and planted components. Frontage is divided into the private frontage and the public frontage.



**Frontage coverage:** the minimum percentage of the length of the principal frontage occupied by the primary façade(s) within the front setback.



**Frontage improvements:** improvements to rights of way abutting a development. Generally, frontage improvements consist of appropriate base materials, lane paving, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, storm drainage improvements, curbs, gutters and sidewalks.

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

**Frontage, private:** See private frontage.

**Frontage, public:** See public frontage.

**Functionally dependent use:** a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**Functions and values, critical areas:** the services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

**Funeral home/crematory:** an establishment providing services to arrange and conduct for funerals and memorial services, including care, preparation, disposition, and cremation of deceased persons.

#### **14.25.080     Definitions - G**

**Garage, private:** a building or portion of a building in which motor vehicles used by the occupants of the building or buildings on the premises are stored or kept, without provisions for repairing or servicing such vehicles for profit.

**Garage, public:** a building or a portion of a commercial building designed or used primarily for temporary shelter or storage of vehicles in exchange for a fee, or accessory to a commercial use.

**Gasoline service station:** a facility for the retail sale of gasoline and other automobile fuels available at pump islands, together with light general maintenance of automobiles and/or a convenience store.

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

**General personal service:** a business or occupation which provides services to individuals, such as but not limited to, for the well-being of a person's body, mind, clothing, or finances.

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

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

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

**Grade:** the vertical elevation of the ground surface.

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

**Ground floor:** the lowest story of a building located at or near, but not below, the nearest street level.

#### **14.25.090     Definitions - H**



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

**Habitat assessment:** a written document that describes a project, identifies and analyzes the project's impacts to habitat for species discussed in the "Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region," and provides an Effects Determination.

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

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

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

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

**Heavy equipment repair:** the repair and maintenance of self-powered, self-propelled, or towed mechanical devices used for commercial purposes, including, but not limited to, tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding repair of automobiles, recreational vehicles, boats, and recreational trailers.

**Height overlay:** a designated area for which additional building height is permitted through incentives, including but not limited to, Transfer of Development Rights.

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

**Highest adjacent grade:** for development in flood hazard areas only, the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Highway capacity manual:** the Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council, 2016, 500 Fifth Street NW, Washington, D.C., amendments thereto, and any supplemental editions or documents published by the Transportation Research Board adopted by the U.S. Department of Transportation, Federal Highway Administration.

**Historic structure:** any structure that is:

- A. Listed individually in the National Register of Historic Places as maintained by the U.S. Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

**Hotel/motel:** a commercial establishment of three or more lodging units that is licensed by the State of Washington that provides transient accommodations for stays of less than 30 days. Hotels/motels must provide 24-hour on-site management. They may provide laundry and meal services. Allowed accessory uses are limited to a restaurant and meeting/conference rooms which may be open to the public and swimming pools and fitness centers for on-site customer use only.

#### **14.25.100 Definitions - I**

**Impact fee:** a payment of money imposed upon new development and possibly redevelopment as a condition of development approval to pay for new or expanded public facilities needed to serve new growth as provided for in this Title.

**Impervious surface coverage:** the percentage of total area of a parcel, including setback areas, that is covered by hard surface material that does not allow water to infiltrate into the ground, or has a runoff coefficient of 0.90 or more. Examples of impervious surfaces include roofs, standard asphalt or concrete pavement, and gravel driving surfaces.

**Inadequate street condition:** any street condition, whether existing on the street system or created by a new development’s access or impact on the street system, which jeopardizes the safety of all street users, as determined by the City engineer.

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

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

**Incidental sign:** a small informational sign not legible from the public right-of-way intended for the convenience of the public while on the premises.

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

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

#### **14.25.110 Definitions - J**

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

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

#### **14.25.120 Definitions - K**

#### **14.25.130 Definitions - L**

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

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

**Landscaping:** the artificial application of plants and manmade materials to improve the appearance of real property.

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

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

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

**Level of service:** a qualitative measure used in the context of traffic and transportation analysis, describing operational conditions of the transportation system and acceptable adequacy requirements. Level-of-service standards consist of six alphabetical categories corresponding to the amount of average delay per vehicle at signalized and unsignalized intersections, and average travel speed for urban street segments as defined in the most current version of the Highway Capacity Manual (HCM). -The highway capacity manual defines six levels of service for each type of facility for which analysis procedures are available. They are given letter designations, from A to F, with level-of-service A representing the best operating condition and level-of-service F the worst, as calculated by a methodology endorsed by the Institute of Transportation Engineers (ITE).

**Light manufacturing:** processing and fabricating activities which provide minimal hazards or nuisance related to noise, vibration, glare, odor, smoke, dust, air pollution, toxins, fire, explosion, or traffic. Light manufacturing uses include, but are not limited to, the processing,

fabrication, assembly, treatment, packaging, incidental storage, and distribution of previously prepared materials or finished products or parts. Light manufacturing uses do not include the basic industrial processing of unfinished unprocessed raw materials.

**Lightwell:** a below-grade entrance or recess designed to allow light into basements.

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

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

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

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

**Lot area:** the total measured horizontal area contained within the lot lines of a lot, typically in acreage or square footage.

**Lot, corner (corner lot):** a lot with two frontages on intersecting streets.

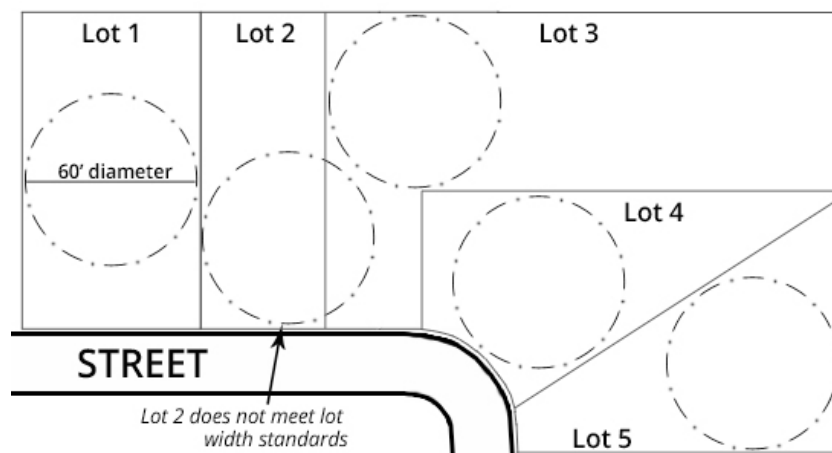
**Lot coverage:** the area of a lot covered with a structure.

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

**Lot line:** See Property line.

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

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



**Lots, contiguous:** lots with a common property line.

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

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

**Lowest floor:** the lowest floor of the lowest enclosed area of a building including the basement and excluding unfinished or flood resistant enclosures, used solely for parking of vehicles, building access, or storage in an area other than a basement area, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 14.270 SMC. (i.e. provided there are adequate flood ventilation openings).

#### **14.25.140 Definitions - M**

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

**Manufactured home park or subdivision:** a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

**Maximum dwelling units:** the highest number of units per acre permitted in the project's land use designation. See also "density".

**Mean sea level:** for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minimum lot size:** the smallest area of a unit of real estate allowed for the property to be used or developed pursuant to the regulations of the land use designation in which it is located.

**Minor variance:** a departure of no more than ten percent from a dimensional standard of this Development Code.

**Mitigation:** avoiding, minimizing, or compensating for adverse impacts on critical areas. Mitigation, in the following sequential order of preference, is:

A. Avoiding the impact altogether by not taking a certain action or parts of an action.

- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project.
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action.
- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- F. Monitoring the impact or other required mitigation and taking remedial action when necessary.

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

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

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

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

**Multi-family:** a development of two or more attached dwelling units.

**Multi-family unit:** a dwelling unit in a multi-family structure.

#### 14.25.150 Definitions – N

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

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

**New construction:** for the purposes of determining insurance rates in flood hazard areas, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**No net loss:** avoiding new adverse impacts to ecological processes and functions. The term "net," recognizes that any development has potential for short-term or long-term impacts and that through application of appropriate development standards, avoidance of impacts and use of mitigation measures, those impacts will not diminish the resources and values as they currently

exist. This standard is achieved by appropriately regulating individual developments through the permit review process.

**Non-conforming:** an existing structure, lot, or use lawfully created but is no longer fully consistent with present regulations after passage of an ordinance codified in this title.

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

#### **14.25.160 Definitions – O**

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

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

**Off-site street or street improvement:** an improvement to an existing or proposed City street, which is required or recommended in accordance with this Title in order to improve the capacity of the street system to mitigate the impact of a development.

**Off-street parking:** parking that is not in a public right-of-way.

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

**Open parking:** in the Pilchuck District only, a parking area not fully enclosed within a building and visible from adjacent streets or properties.

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

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

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

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

**Outdoor advertising service:** sales, design, and fabrication of signage and other outdoor promotions for a business or product.

#### **14.25.170 Definitions – P**

**Park:** a site maintained for purposes of active or passive recreation, including pleasure, exercise, amusement or ornamentation.

**Parking requirement:** the minimum number of parking spaces required by this Title for specified uses.

**Parking space:** the area designated to store a vehicle plus the necessary maneuvering area.

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

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

**Passenger transportation service:** transit service available to the public for a fare, including but not limited to buses, vanpools, tour and charter buses, and taxicabs.

**Pedestrian street:** see Woonerf.

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

**Permitted use:** a use that is allowed by right.

**Pier:** see Dock.

**Planning Commission:** the City of Snohomish Planning Commission.

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

**Plat:** the drawing of a subdivision of land and other elements as required pursuant to Ch. 58.17 RCW.



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

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

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

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

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

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

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

**Principal building:** the primary habitable structure on a lot.

**Principal frontage:** the private frontage designated to bear the address and main entrance to the building.

**Private frontage:**

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

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

**Processing:** activities which alter or refine an existing product.

**Professional office:** a place of business which is used by licensed professionals or persons in generally recognized professions of a technical, scientific, or other academic discipline, and does not involve outside storage or fabrication, or on-site sale or transfer of commodities.

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

**Property line:** a legal perimeter boundary of a unit of real estate, delineating and limiting land ownership.

**Property line, front:** the perimeter boundary of a unit of real estate separating it from the street. In the case of corner lots where there are two or more property lines that abut streets, the front property line shall be the property line abutting the street from which the primary pedestrian entrance is taken.

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

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

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

**Provisional use:** a term that characterizes a land use proposed in the Pilchuck District requiring special consideration due either to its potential impacts on the neighborhood and land uses in the vicinity and/or to typical or uncertain aspects of its physical organization, design, or function.

**Public agency office:** means a place for the administration of any governmental activity or program.

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

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

**Public hearing:** an official meeting open to all interested parties and where testimony from interested parties on a particular matter is heard prior to issuance of a decision by the decision-making authority.

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

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

#### **14.25.180 Definitions – Q**

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

**Qualified landscape designer:** a person who possesses a degree from an accredited institute of higher learning in one of the following fields or who has completed apprenticeship requirements in one of the following fields: landscape architecture, horticulture, floriculture, arboriculture, botany, wetland science, urban forestry, or a similar field. A qualified landscape designer may also be a person determined by the City Planner to be qualified based upon that

person's education, professional referrals, related experience, work history, and examples of comparable landscape design projects.

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

#### **14.25.190 Definitions – R**

**RF:** radio frequency on the radio spectrum.

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

**Reasonably safe from flooding:** development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

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

**Recreational use:** a private or public facility designed and used to provide recreational opportunities to the public.

**Recreational vehicle:** a vehicle type unit built on a single chassis primarily designed as temporary living quarters for recreation, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle as defined by NFPA 1192 Standard on Recreational Vehicles, current edition. Recreational vehicles include, but are not limited to, camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers. For floodplain management purposes pursuant to SMC 14.270, the definition in 44CFR 59.1 shall apply.

**Recreational vehicle parks:** land, which may or may not include utility hook-up facilities, where two or more recreational vehicles may park as short-term (less than 30 days) living or recreation quarters.

**Repair or maintenance:** an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition without changing the character, size, or scope of the original development.

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

**Residential development:** the creation and construction of single-family residences, including appurtenant structures and uses. Residential development also includes multi-family

development and the creation of new residential lots through land subdivision. Residential development does not include hotels, motels, bed and breakfast facilities, convalescent or similar health-care facilities.

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

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

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

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

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

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

**Road, private:** see Street, private.

**Rockery:** a type of functional freestanding wall comprised of interlocking, dry-stacked rocks without mortar or steel reinforcement. See also "Wall, retaining".

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

#### **14.25.200 Definitions – S**

**School:** any institution of learning, such as an elementary, middle, junior high, or high school, which offers instruction as required by the Washington State Office of Superintendent of Public Instruction, including associated meeting rooms, auditoriums, and athletic facilities.

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

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

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

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

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

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

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

**Setback:** the required minimum distance between structures on a lot and a property line, measured horizontally and perpendicular to the property line if straight or to a tangent thereto if curved.

**Setback, front yard:** the required minimum distance between the front property line and a parallel line as measured horizontally within the lot, where a structure may be built pursuant to this Title.

**Setback,-rear yard:** the required minimum distance between the rear property line and a parallel line as measured within the lot, where a structure may be built pursuant to this Title.

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

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

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

**Shoreline environment designations:** a regulatory classification of shorelines of the state established in the Shoreline Master Program to differentiate between areas subject to differing objectives regarding their use and future development. Refer to SMC 14.250.080.

**Shoreline jurisdiction:** all shorelines of the state and "shorelands" as defined in RCW 90.58.030. Refer to SMC 14.250.030.

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

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

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

**Shorelines of the state:** the total of all “shorelines” and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030.

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

**Should:** that the particular action is required unless it can be demonstrated undertaking the action is not feasible or there is a compelling reason that it would be in the public interest not to take the action.

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

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

**Sign:** any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, trademarks, or written copy intended to identify any place, subject, firm, business establishment, product, goods, service, point of sale, or event, including devices that stream, televise, or otherwise display an electronic visual message, picture, video, or image, with or without sound.

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

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

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

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

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

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

**Site plan:** a map or aerial drawing showing the location of buildings, structures, landscaping, parking areas, driveways, streets, property lines, and other pertinent features, both existing and proposed, drawn to scale.

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

**Social services:** assistance or activities provided to individuals to promote their physical, mental, and social well-being.

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

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

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

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

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

**Start of construction:** the first land-disturbing activity associated with permitted development, including land preparation such as clearing, grading, and filling; installation of streets, utilities, and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms. If no land disturbance is proposed, start of construction is the first permanent framing or assembly of a structure of any part thereof. For floodplain management purposes pursuant to SMC 14.270, the definition in 44CFR 59.1 shall apply.

**Storage:** the keeping of materials for an indefinite period of time in a specific area whether enclosed or not.

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

**Stream:** an area where open surface water more than 2.5 meters deep produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a

watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round.

**Street:** an open passage for the circulation of vehicles, that where appropriate, may include non-motorized facilities.

**Street, private:** a roadway owned and maintained by one or more private individuals, serving more than one single-family residential parcel and which provides vehicular access from a public right-of-way. A private street may include non-motorized facilities.

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

**Street vacation:** the process whereby the City agrees to relinquish its interest in a right-of-way to an adjacent land owners.

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

**Structure:** a constructed object in a fixed position relative to the ground. Fences and retaining walls are not a type of structure. Retaining walls and structures completely buried and below grade are exempted from the application of setback requirements in Chapter [14.210 SMC](#). For floodplain management purposes pursuant to SMC 14.270 the definition, in 44CFR 59.1 shall apply.

**Structured parking:** See Parking structure.

**Subdivision:** the division, for the purpose of sale or lease, of land into lots capable of being sold separately, including re-subdivisions. See Plat.

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

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

**Substantial improvement:** for construction in a flood hazard area, any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the City of Snohomish Building Official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.



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

#### **14.25.210 Definitions – T**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Transportation Master Plan:** the City approved document that provides the framework to guide the growth and development of the City's transportation infrastructure.

**Transportation service area:** the entire geographic area of the City.

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

#### **14.25.220 Definitions – U**

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

**Unit lot:** one of the individual lots created by the subdivision of a parent lot pursuant to SMC [14.215.125](#).

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

**Utilities or utility facilities:** services and facilities that produce, convey, store or process electric power, gas, sewage, water, communications, oil, and waste. This includes drainage conveyances and swales. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use. For the purposes of this Title, "utility facilities" does not mean infrastructure for administrative or support functions, such as professional offices, customer service centers, fleet maintenance facilities, storage yards, etc.

#### **14.25.230 Definitions – V**

**Variance:** a grant of relief from certain requirements of this Title that permits construction in a manner that would otherwise be prohibited.

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

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

**Vocational school:** an institution that offers postsecondary educational programs designed to prepare individuals with skills and training required for a specific trade, occupation, or profession.

#### 14.25.240 Definitions – W

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

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

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

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

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

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

**Water surface elevation:** the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

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

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

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

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

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

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

**Wetland rehabilitation:** the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities to rehabilitate a wetland could involve breaching a dike to reconnect wetlands to a floodplain. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

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

**Wildlife shelter:** a place where stray, lost, or abandoned domestic animals, and sick or wounded wildlife are temporarily kept and rehabilitated.

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

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

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

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

**14.25.250 Definitions – X**

**14.25.260 Definitions – Y**

**14.25.270 Definitions – Z**

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

## ATTACHMENT B

### 14.242.075 Eligible Facilities Request.

- A. An “Eligible facilities request” is any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station and involves the:
1. Collocation of new transmission equipment;
  2. Removal of transmission equipment; or
  3. Replacement of transmission equipment.
- B. In the context of an eligible facilities request, “substantially change” shall mean a modification of an existing tower or base station where any of the following criteria is met:
1. For a tower located outside of public rights-of-way:
    - a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; or
    - b. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  2. For a tower located in the public right-of-way and for all base stations:
    - a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; or
    - b. There is added an appurtenance to the body of that structure that would protrude from edge of the tower by more than six feet.
  3. For all base stations:
    - a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; or
    - b. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not more than for four cabinets.
  4. For either a tower or a base station:
    - a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; or
    - b. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
    - c. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.
  5. To measure changes in height for the purposes of this section, the baseline is:
    - a. For deployments that are or will be separated horizontally, measured from the original support structure.
    - b. For all others, measured from the dimensions of the tower or base station, inclusive of the originally approved appurtenances and any modifications that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.
    - c. To measure changes for the purposes of this section, the baseline is the dimensions that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.

## ATTACHMENT C

### 14.295.050 Street System Policy-General Provisions.

- A. *Applicability to development.* Any application for approval of a permit for ~~a development subdivision, short subdivision, site development plan, conditional use permit, building permit, changes in occupancy and other applications pertaining to land uses~~ in the City of Snohomish, ~~but not building permits for single-family residential dwellings, attached or detached accessory apartments, or duplex conversions, on existing tax lots will be~~ is subject to the provisions of this Chapter.
- B. ~~Director~~City Engineer's recommendation: approval.
1. In approving or permitting a development, the approval authority shall consider the ~~Director~~City Engineer's recommendations and act in conformity with this Chapter.
  2. The ~~Director~~City Engineer shall only recommend approval of a development, if, in the ~~Director~~City Engineer's opinion, adequate provisions for City streets, access, and mitigation of the transportation impacts of the development are made as provided in the City's development regulations, SEPA, and this Chapter.
  3. The ~~Director~~City Engineer shall only recommend approval of a development if the development is deemed to be concurrent in accordance with this Chapter.
- C. *Excessive expenditure of public funds.* If the location, nature, and/or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary street improvement or is inconsistent with priorities established to serve the general public benefit, and if provision has not otherwise been made to meet the mitigation requirements as provided in this Chapter, the City may refuse to approve or grant a permit for development. As an alternative, the City may allow the developer to alter the proposal so that the need for street improvement is lessened or may provide the developer with the option of bearing all or more than the development's proportionate share of the required street improvement costs.
- D. *Development mitigation obligations.* Any application for approval of a permit for a development shall be reviewed to determine any requirements or mitigation obligations that may be applicable for the following:
1. Impact on street system capacity;
  2. Impact on specific level-of-service deficiencies;
  3. Impact on specific inadequate street condition locations;
  4. Frontage improvements requirements;
  5. Access and transportation system circulation requirements;
  6. Dedication or deeding of right-of-way requirements;
  7. Transportation demand management measures.
- E. *Street system capacity requirements.* The direct traffic impacts of any development on the capacity of all intersections, arterials and non-arterials in the street system identified as needing future capacity improvements in the currently adopted Transportation Element will be mitigated either by constructing street improvements which offset the traffic impact of the development or by paying the development's share of the cost of the future capacity improvements.
- F. *Level-of service standards.*
1. As required by RCW [36.70A.070\(6\)\(a\)](#), standards for levels of service on City arterials have been adopted by the City in the Comprehensive Plan. The Department will plan, program and construct transportation system capacity improvements for the purpose of

maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the Comprehensive Plan.

2. In accordance with RCW [36.70A.070\(6\)\(b\)](#), no development will be approved which would cause the level-of-service on any arterial unit or intersection to fall below the adopted level-of-service standards unless improvements are programmed and funding identified which would remedy the deficiency within six years.
3. When the City Council determines that excessive expenditure of public funds is not warranted for the purpose of maintaining adopted level-of-service standards on an intersection or arterial unit, the City Council may designate by motion such intersection or arterial unit as being at ultimate capacity. Improvements needed to address operational and safety issues may be identified in conjunction with such ultimate capacity designation.

G. *Inadequate pre-existing street condition.*

1. Mitigation of impacts on inadequate pre-existing street conditions is required in order to improve inadequate streets in accordance with adopted standards, prior to dealing with the impacts of traffic from new development. If such inadequate conditions are found to be existing in the street system at the time of development application review and the development will put three or more p.m. peak-hour trips through the identified locations, the development may be approved only if provisions are made in accordance with this Chapter for improving the inadequate street conditions.
2. The ~~Public Works Director~~City Engineer shall make determinations of street inadequacy in accordance with Department policies, standards, and procedures, as adopted pursuant to this Chapter.

H. *Frontage improvements.* All developments will be required to make frontage improvements in accordance with City standards, except where determined untimely by the City Engineer due to the absence of street frontage improvements in the vicinity or to scheduled public improvement projects.

I. *Access and transportation circulation requirements.* All developments shall be required to provide for access and transportation circulation in accordance with the Comprehensive Plan and the development regulations applicable to the particular development, to design and construct such access in accordance with the adopted engineering design and development standards, and to improve existing streets that provide access to the development in order to comply with adopted design standards.

J. *Right-of-way requirements.* As provided for by RCW [82.02.020](#), all developments, as a condition of approval, will be required to deed or dedicate property, as appropriate pursuant to City standards, when to do so is found by the ~~Director~~City Engineer or a City approval authority to be reasonably necessary as a direct result of the proposed development for improvement, use, or maintenance of the street system serving the proposed development.

K. *Development permit application completeness.* For purposes of this Chapter, permit applications for development shall be determined to be complete in accordance with the complete application provisions as defined in the applicable development regulations in accordance with Chapter [36.70B](#) RCW. A development permit application shall not be considered complete until all traffic studies or data required in accordance with this Chapter and/or as specified in a preapplication meeting conducted pursuant to Title [14](#) SMC are received. Review periods and time limits shall be established in Title [14](#) SMC in accordance with Chapter [36.70B](#) RCW.



- L. ~~Director a~~ *Authorization for administrative policies and technical standards and procedures.*  
The ~~Director~~City Engineer is hereby authorized to produce and maintain administrative policies and technical standards and procedures in order to administer this Chapter. The policies, standards, and procedures shall cover the transportation-related aspects of processing land use applications and shall set forth any necessary procedural requirements for developers to follow in order for their applications to be processed by staff in an efficient manner. The ~~Director~~City Engineer shall produce administrative policies and technical standards and procedures on at least the following topics:
1. Traffic studies: scoping, elements, processing.
  2. Level-of-service determination: methodology, data collection.
  3. Transit compatibility: transit supportive criteria.
  4. Inadequate street conditions: criteria for identification.
  5. Frontage improvements: standards, variables.
  6. Mitigation measures: extent, timing, agreements.

## ATTACHMENT D

### 14.300.080 In-Kind Mitigation Option.

- A. The Public Works Director or designee (hereafter referred to as "Director") and the developer may consider in-kind options to satisfy all or part of the mitigation obligation. Land dedication, site preparation, and related public parks and trails system development, as well as other in-kind mitigation options, may be utilized if acceptable to the Director and the Parks and Recreation Board (Parks Board), and conforms to the 20-Year Parks and Recreation Capital Facilities Plan.
- B. In approving or permitting a development, the approval authority shall consider the Director's recommendations and act in conformity with this chapter.
- C. Dedication of land and/or provision of improvements for public parks, recreation facilities, and open spaces may be accepted in lieu of payment of the park impact fees under this chapter. Credit shall be allowed only to the extent agreed between the applicant and the Director. If agreement cannot be reached, or is not appropriate, the park impact fees imposed by this chapter shall be paid.
- D. The Director shall request Parks Board review of proposed dedication of land and improvements for parks, recreation facilities, and open spaces. The Parks Board recommendation shall be considered in determining the acceptability of the proposed dedication.
- E. Some or all of a developer's mitigation obligation may be satisfied by dedication or conveyance of land to the City for park and recreation facilities if, after review of an analysis of supply/demand data, the Parks Plan, and a recommendation by the Parks Board, the Director determines that the proposed land dedication or conveyance better meets the community's need for park and recreation facilities than payment of park impact fees.
- F. The following criteria shall be considered in determining the extent to which the proposed dedication or conveyance meets the requirements of this chapter:
  1. The land and its development shall result in an integral element of the Parks Capital Facilities Plan identified as serving growth;
  2. The land should be suitable for future active park and recreation facilities;
  3. The land should be of a size and horizontal and vertical configuration necessary to accommodate identified recreational uses;
  4. The land should have public access via a public street or an easement of an appropriate width and accessibility;
  5. The land should be located in or near areas designated by City park, trail, or land use plans for parks and recreation purposes;
  6. The land should provide linkage between City and/or other publicly owned recreation properties;
  7. The land shall be surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent privately owned property;
  8. The land should have no known physical problems associated with it, such as problems with drainage, erosion, or the presence of hazardous waste, which the Director determines would cause inordinate demands on public resources for maintenance and operation;
  9. The land should be reasonably unencumbered with easements, utilities, and critical areas to be suitable for identified recreational uses and improvements.

- G. Some or all of a developer's mitigation obligation may be satisfied by the purchase, installation, and/or improvement of park and recreation facilities located on land owned by the City if:
1. The City is responsible for permanent, continuing maintenance and operation of the facilities;
  2. The Director determines that the facilities correspond to the type(s) of park and recreation facilities designated as serving growth in the Parks Capital Facilities Plan; and
  3. A final plat may be approved or a building permit for an individual lot may be issued following the City's determination that the specified in-kind mitigation has been completed in a satisfactory manner. The City may approve a final plat or a building permit for an individual lot with in-kind mitigation incomplete only when the provisions of SMC [14.215.060](#) are satisfied.

## ATTACHMENT E

### **Snohomish Planning Commission Findings of Fact & Conclusions**

**Based on the review of the proposed amendments to the Definitions chapter and other sections of Title 14 Snohomish Municipal Code related to definitions, the Planning Commission of the City of Snohomish makes the following Findings of Fact:**

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (SMC) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the city.
3. Chapter 14.100 SMC contains definitions for the Land Use Development Code, but definitions can also be found in sections SMC 14.212.1020, SMC 14.222.020, SMC 14.242.020, SMC 14.245.020, SMC 14.295.040, and SMC 14.300.170 which creates inconsistencies and confusion.
4. Some of the definitions are out of date and cumbersome and complicate the administration of Title 14.
5. All definitions in Title 14 should be consolidated as much as possible within a single chapter of Title 14 that appears earlier in Title 14.
6. Elimination of definitions within Chapters 14.242, 14.295, and 14.300 SMC requires clarifying amendments within those chapters.
7. The existing non-definition language of SMC 14.242.075, 14.295 and SMC 14.300 is inconsistent and ambiguous and should be amended to make the regulations easier to understand and administer.
8. The proposed amendments to Title 14 SMC will add a new Chapter 14.25 SMC (Definitions), containing consolidated definitions of Title 14. Chapter 14.100 SMC will be repealed. All other chapters containing definitions sections will be amended to remove these sections, and in some cases, additional amendments are proposed for clarification purposes, or for internal consistency.
9. The proposed amendments implement the following policies contained in the Snohomish Comprehensive Plan:
  - a. Policy HO 6.4: Periodic review. Periodically evaluate permit review processes to minimize costs to developers to the extent possible while preserving the public health, safety, and welfare.
  - b. Policy ED 2.1: Review codes. Evaluate the City's zoning ordinances for impediments to and consistency with the current economic development vision and market trends and opportunities.
10. Procedural requirements.
  - a. The proposed amendments are consistent with state law.

- b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on April 3, 2020.
  - c. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish, as designated lead agency for review of the proposed amendment, issued a Determination of Non-Significance on April 17, 2020 pursuant to WAC 197-11-340(2). As no appeals were filed that determination stands as issued.
  - d. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.
11. The Planning Commission met on February 5, 2020, March 4, 2020, and June 3, 2020 to hold work sessions and provide direction on staff-generated definitions and other code language related to these amendments.
  12. A Notice of Planning Commission Public Hearing consistent with Snohomish Municipal Code requirements, was published on June 13, 2020.
  13. The Planning Commission held a public hearing on July 1, 2020, to receive public testimony concerning the proposed amendment.
  14. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendments.

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

1. The proposed amendments consolidate, update, remove inconsistencies, and improve clarity of definitions within Title 14 of the Snohomish Municipal Code which improves the ability to understand and administer Title 14.
2. The proposed amendments are consistent with Washington State law and the SMC.
3. The proposed amendments implement and are consistent with the goals and policies of the Comprehensive Plan.
4. The proposed amendments protect the public health, safety, and general welfare.
5. The proposed amendments do not result in an unconstitutional taking of private property for public purpose and they do not violate substantive due process guarantees.

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

By: \_\_\_\_\_  
Terry Lippincott, Planning Commission Chair

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**Date:** July 1, 2020

**To:** Planning Commission

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

**Subject:** Flood Hazard Area Code Amendment Public Hearing

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**SUMMARY:** The Planning Commission will hold a public hearing to consider and make a recommendation to the City Council regarding a proposal to repeal and replace Chapter 14.270, Snohomish Municipal Code (SMC), entitled “Flood Hazard Areas.”

**BACKGROUND:** In order to participate in the National Flood Insurance Program (NFIP), which allows property owners within the City to obtain flood insurance and certain types of federal disaster aid, the City must adopt regulations for development in flood hazard areas (floodplains). The City’s flood hazard area regulations are in Chapter 14.270 SMC.

In order to maintain participation in the NFIP, the City must periodically update its flood hazard regulations. Updated ordinances must meet current state and NFIP standards, and include the new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) as the basis for establishing areas of special flood hazard.

The Federal Emergency Management Agency (FEMA), which administers the NFIP, set a June 19, 2020 deadline for the most recent update requirements. Failure to meet that deadline means automatic suspension from the NFIP until the update requirements are met. Because of delays caused by the COVID-19 pandemic, meeting the June 19 deadline became impossible.

On May 19, 2020, the City Council adopted Ordinance 2390 to implement interim zoning regulations for development in the City’s flood hazard areas. The Ordinance amended Chapter 14.270 SMC the minimum amount necessary to meet FEMA and Washington State Department of Ecology (DOE) requirements to ensure continued participation in the NFIP.

In addition to meeting federal requirements, the City’s flood hazard area code must meet state requirements. Pursuant to Chapter 86.16 RCW, the DOE is authorized to establish those minimum requirements, which must meet or exceed the NFIP requirements. After City Council adoption, the City must submit the adopted regulations to DOE for review and approval after before they can go into effect.

**PROPOSAL:** Staff’s proposal is to replace the existing code and the interim regulations by repealing and replacing Chapter 14.270 SMC.

**ANALYSIS:** The proposed new SMC 14.270 is based on a model ordinance provided by DOE. It has been reviewed by DOE and FEMA staff for compliance with minimum state and NFIP standards.

Changes from the draft that was shared with, and discussed by, the Commission at its June 3 meeting are in the attached draft. Specifically, the section entitled “Floodplains as Critical Areas” has been moved from the end of the chapter to the start of the chapter, and all subsequent sections have been renumbered.

Also, the wording of SMC 14.270.040 Definitions, is rewritten to reflect the recommendation of the City Attorney's Office to read:

*The definitions contained in 44 CFR 59.1 are hereby incorporated by reference as though fully contained herein. Inasmuch as the definitions in Chapter 14.25 SMC conflict with the definitions in 44 CFR 59.1, the definitions in 44 CFR 59.1 shall be controlling, for purposes of this Chapter only.*

As explained on June 3, most of the changes from the existing regulations are generally not substantive but are required because of changes in federal rules. The most important changes are the references to the new FIRMs and FIS in SMC 14.270.050(B).

Perhaps the most significant and substantial change is SMC 14.270.050(L), which specifically requires a full habitat impact analysis of potential effects on Endangered Species Act-listed species and on their critical habitats, as required by the NFIP/ESA Biological Opinion dated September 22, 2008. Because the current code pre-dates the opinion, this requirement is not specifically stated but has been required since the opinion was published.

Other changes, which are plentiful but do not change the regulations in a substantive way, are designed to make it easier to administer the code by providing for more details about processes and requirements.

**RECOMMENDATION: That the Planning Commission RECOMMEND the City Council APPROVE the repeal and replacement of Chapter 14.270 Snohomish Municipal Code and ADOPT the Findings of Fact & Conclusions as presented.**

**ATTACHMENT(S):**

- A. Proposed Chapter 14.270 Snohomish Municipal Code
- B. Proposed Findings of Fact & Conclusions

**REFERENCE:** [Current Chapter 14.270 Snohomish Municipal Code, "Flood Hazard Areas"](#)



**ATTACHMENT A**  
**Chapter 14.270**  
**FLOOD HAZARD AREAS**

<b>14.270.010</b>	<b>Floodplains as Critical Areas</b>
<b>14.270.020</b>	<b>Purpose</b>
<b>14.270.030</b>	<b>Methods of Reducing Flood Losses</b>
<b>14.270.040</b>	<b>Definitions</b>
<b>14.270.050</b>	<b>General Provisions</b>
<b>14.270.060</b>	<b>Administration</b>
<b>14.270.070</b>	<b>General Standards for Flood Hazard Reduction</b>
<b>14.270.080</b>	<b>Specific Standards for Flood Hazard Reduction</b>
<b>14.270.090</b>	<b>General Regulations for Other Development</b>
<b>14.270.100</b>	<b>Variances</b>

**14.270.010 Floodplains as Critical Areas**

- A. For the purpose of the City's Critical Areas regulations, as set forth in SMC [14.255](#), Floodplains are those areas that provide important flood storage, conveyance and attenuation functions and include all land within such areas that are subject to a one percent or greater chance of flooding in any given year.
- B. Floodplains shall be designated by the Floodplain Administrator in accordance with WAC [365-190-080\(3\)](#).
1. The Floodplain Administrator shall use the "areas of special flood hazard" as identified on the Federal Emergency Management Administration's most current Flood Insurance Rate Map for the City as the indicator of where floodplains exist, unless more detailed, current, and convincing evidence indicates otherwise.
  2. Floodplains shall include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.
- C. The Floodplain Administrator may waive the critical areas report required by SMC [14.255.060](#) for developments proposed in the floodplain, if the applicable permit application contains sufficient data to verify compliance with the substantive requirements, except for the following developments:
1. Developments in a designated floodway; and
  2. Developments that result in watercourse alteration.
  3. Developments located adjacent to other critical areas as defined in Chapter 14.255 SMC.
- D. In addition to the requirements of SMC [14.255.040](#) and this Chapter, the following requirements shall apply to floodplains:
1. To the extent possible consistent with the development objective, all improvements shall be located on the non-floodplain portion of the site, if any, or on the highest ground on the site, as far as possible from the flood source.
  2. Alteration of natural watercourses, including side channels, tributaries, and channel migration zones, is to be avoided when feasible. If unavoidable, the Floodplain Administrator shall notify adjacent communities, the Department of Ecology, the State Department of Fish and Wildlife, and FEMA prior to alteration. Any stream-bank stabilization shall consider the use of soft armoring or best available armoring science.

#### **14.270.020 Purpose**

It is the purpose of this Chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and often undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

#### **14.270.030 Methods of Reducing Flood Losses**

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which results in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development, which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

#### **14.270.040 Definitions**

The definitions contained in 44 CFR 59.1 are hereby incorporated by reference as though fully contained herein. Inasmuch as the definitions in Chapter 14.25 SMC conflict with the definitions in 44 CFR 59.1, the definitions in 44 CFR 59.1 shall be controlling, for purposes of this Chapter only.

#### **14.270.050 General Provisions**

- A. Lands to which this Chapter applies. This Chapter shall apply to all special flood hazard areas within the boundaries of the City of Snohomish [44 CFR 59.22(a)].
- B. Basis for Establishing the Areas of Special Flood Hazard. The special flood hazard areas are identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Snohomish County, Washington and Incorporated Areas" dated June 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2020, and any revisions thereto, which are hereby adopted by reference and declared to be a part of this Chapter. The FIS and the FIRMs are on file at Snohomish City Hall, 116 Union Ave., Snohomish, WA.

The best available information for flood hazard area identification as outlined in SMC 14.270.040F shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under SMC 14.270.040F.

- C. Compliance. All development within special flood hazard areas is subject to the terms of this Chapter and other applicable regulations.
- D. Enforcement. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall be subject to Title 14 Snohomish Municipal code enforcement actions, including applicable penalties, as described in Chapter 14.85 SMC, "Enforcement". Nothing herein contained shall prevent the City of Snohomish from taking such other lawful action as is necessary to prevent or remedy any violation.
- E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another provision of Snohomish Municipal Code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and,
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Snohomish, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

#### **14.270.060 Administration**

- A. Development Permit Required [44 CFR 60.3(b)(1)]. A development permit shall be obtained before construction or development begins within any special flood hazard area established in SMC 14.270.030B. The permit shall be for all structures and development, as defined in Chapter 14.25 SMC, "Definitions" and 44 CFR 59.1, including manufactured homes and fill.
- B. Designation of the Local Floodplain Administrator [44 CFR 59.22(b)(1)]. The Director of Planning & Development Services shall be the designated Floodplain Administrator authorized to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- C. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information shall be required:
  - 1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
  - 2. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed;
  - 3. Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure will meet flood proofing criteria in SMC 14.270.060B;
  - 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
  - 5. Where development is proposed in a floodway, an engineering analysis indication that there will be no rise of the Base Flood Elevation (BFE), and
  - 6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
- D. Permit Review. The Floodplain Administrator or designee shall review all development permits to determine that:
  - 1. The permit requirements of this Chapter have been satisfied;
  - 2. All other required state and federal permits have been obtained;
  - 3. The site is reasonably safe from flooding; and
  - 4. The proposed development is not located in the floodway, or if located in the floodway, assure the encroachment provisions of SMC 14.270.060(G)(1) are met.
- E. The Floodplain Administrator shall notify FEMA when annexations occur in the Special Flood Hazard Area.
- F. Use of Other Base Flood Data [44 CFR 60.3(b)(4)]. When base flood elevation data has not been provided in A zones in accordance with SMC 14.270.030B, "Basis for Establishing the Areas of Special Flood Hazard", the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer SMC 14.270.060, "Specific Standards", and SMC 14.270.060G, "Floodways".
- G. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the FIS, FIRM, or as required in SMC 14.270.040F, the Floodplain Administrator shall obtain and maintain the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. [44 CFR 60.3(b)(5)(i)]
  2. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in SMC 14.270.040F:
    - a. Obtain and maintain the elevation (in relation to mean sea level) to which the structure was flood proofed. [44 CFR 60.3(b)(5)(ii)]
    - b. Maintain the flood proofing certifications required in SMC 14.270.040(B)(3). [44 CFR 60.3(b)(5)(iii)]
  3. Certification required by SMC 14.270.060(G)(1).
  4. Records of all variance actions, including justification for their issuance.
  5. Improvement and damage calculations.
  6. All records pertaining to the provisions of this Chapter. [44 CFR 60.3(b)(5)(iii)]
- H. Alteration of Watercourse [44 CFR 60.3(b)(6)]. Whenever a watercourse is proposed to be altered or relocated, the Floodplain Administrator shall:
1. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means [44CFR 60.3(b)(6)]; and
  2. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained [44 CFR 60.3(b)(7)].
  3. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
  4. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- I. Interpretation of FIRM Boundaries. The Floodplain Administrator may make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards, including but not limited to where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).
- J. Review of Building Permits [44 CFR 60.3(a)(3)]. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (SMC 14.270.040F), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may include use of historical data, high water marks, photographs of past flooding, and other material as available.

Applicants shall be informed that failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

K. Changes to Special Flood Hazard Area.

1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the Floodplain Administrator with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

L. Habitat Assessment.

1. All development permit applications shall include submittal of a habitat assessment done by a qualified professional that includes a full habitat impact analysis of potential effects on Endangered Species Act-listed species and on their critical habitats as required by the NFIP/ESA Biological Opinion dated Sept. 22, 2008, in order to ensure full protection of the critical habitat of ESA-listed salmonids in the flood hazard area.
2. The Floodplain Administrator may waive or modify the requirement to submit a habitat assessment if the proposed project, in its entirety, is for one of the following activities:
  - a. Normal maintenance, repairs, or remodeling of structures, including but not limited to re-roofing and replacing siding, provided such work is not a substantial improvement or a repair of substantial damage. To comply, such work must be less than 50% of the value of the structure(s).
  - b. Expansion or reconstruction of an existing structure that is no greater than 10% beyond its existing footprint. If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow. All other federal and state requirements and restrictions relating to floodway development still apply.
  - c. Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.
  - d. Development of open space and recreational facilities, such as parks, trails, fences, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than 5% of the native vegetation on that portion of the property in the floodplain.
  - e. Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices (BMPs) to prevent stormwater runoff and soil erosion are used.
  - f. Projects that have already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain.
  - g. Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High Water Mark (OHWM) is still outside of the face of the bulkhead and qualifies for a U.S. Army Corps of Engineers' exemption from Section 404 coverage.

#### **14.270.070 General Standards for Flood Hazard Reduction**

In all areas of special flood hazards, the following standards are required:

A. Anchoring [44 CFR 60.3(a) and (b)].

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy [44 CFR 60.3(a)(3)(i)].
2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors [44 CFR 60.3(b)(8)]. For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

B. Construction Materials and Methods [44 CFR 60.3(a)(3)(ii-iv)].

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment.

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities [44 CFR 60.3(a)(5) and (6)].

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171);
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
4. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Subdivision and Development Proposals [44 CFR 60.3(a)(4) and (b)(3)]. All subdivisions, including manufactured home parks, as well as any new development or redevelopment shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage.
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

#### **14.270.080 Specific Standards for Flood Hazard Reduction [44 CFR 60.3(c)(1)]**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in SMC 14.270.030B, "Basis for Establishing the Areas of Special Flood Hazard", or SMC 14.270.040F, "Use of Other Base Flood Data", the following provisions are required:

##### **A. Residential Construction [44 CFR 60.3(c)(2)(5)].**

1. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.
2. New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or if usable solely for parking, access, or storage, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed all of the following minimum criteria:
  - a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
  - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

##### **B. Nonresidential Construction [44 CFR 60.3(c)(3) and (4)].** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
  - a. In AE and other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
  - b. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
  - c. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters if used solely for parking, access, or storage. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed



the following minimum criteria:

- i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - ii. The bottom of all openings shall be no higher than one foot above grade.
  - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  - iv. Alternatively, a registered engineer or architect may design and certify engineered openings.
2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
    - a. Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
    - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in SMC 14.270.040(F)(2);
    - d. Nonresidential structures that are elevated and not flood proofed, must meet the same standards for space below the lowest floor as described in SMC 14.270.060(A)(3);
  3. Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level and that flood proofing the building an additional foot will reduce insurance premiums significantly.
- C. Manufactured Homes [44 CFR 60.3(c)(6)(12)]. All manufactured homes to be placed or substantially improved on all sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the BFE and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- D. Recreational Vehicles [44 CFR 60.3(c)(14)]. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than 180 consecutive days; or
  2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  3. Meet the requirements of SMC 14.270.060(C) above.
- E. Accessory Structures.
1. Accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with all of the following requirements:
    - a. Use of the accessory structure must be limited to parking of vehicles or limited storage;
    - b. The portions of the accessory structure located below the BFE must be built using flood resistant materials;

- c. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
  - d. Any machinery or equipment servicing the accessory structure must be elevated or flood proofed to or above the BFE;
  - e. The accessory structure must comply with floodway encroachment provisions in SMC 14.270.060(G)(1);
  - f. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with SMC 14.270.060(A)(3);
  - g. The structure shall have low damage potential;
  - h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
  - i. The structure shall not be used for human habitation.
2. Detached garages, storage structures, and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in SMC 14.270.060A.
  3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

F. AE Zones with Base Flood Elevations but No Floodways [44 CFR 60.3(c)(10)]. In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

G. Floodways. Floodways are designated areas within a special flood hazard established in SMC 14.270.030B. Floodways are extremely hazardous areas due to the velocity of floodwaters that can carry debris, and increase erosion potential. The following provisions apply to development within a floodway:

1. No Rise Standard. Encroachments, including fill, new construction, substantial improvements, and other development in the floodway are prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. [44 CFR 60.3(d)(3)]
2. Residential Construction in Floodways
  - a. Construction or reconstruction of residential structures and mixed use structures with residential dwelling units is prohibited within designated floodways, except for:
    - i. Repairs, reconstruction, or improvements to an existing structure that do not increase the ground floor area; and
    - ii. Repairs, reconstruction, or improvements to an existing structure, the cost of which does not exceed 50% of the market value of the structure either:
      - A. Before the repair or reconstruction is started, or
      - B. If the structure has been damaged, and is being restored, before the damage occurred.

Any project for improvement of an existing structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded from the 50% calculation.

3. Replacement of Farmhouses in Floodway. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW [36.70A.170](#) may be permitted if all of the following requirements are met:
  - a. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
  - b. There is no potential alternative building site for a replacement farmhouse on the same farm outside the designated floodway;
  - c. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
  - d. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
  - e. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
  - f. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
  - g. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
  - h. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
  - i. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
4. Substantially Damaged Residences in Floodway.
  - a. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the Floodplain Administrator repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the City of Snohomish and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement shall be allowed per WAC [173-158-070](#)(1).
  - b. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, all of the following conditions must be met:
    - i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway;
    - ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size;
    - iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment;
    - iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE;

- v. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system;
  - vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
  - vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
5. All Other Building Standards Apply in the Floodway. If SMC 14.270.060(G)(1) is satisfied or construction is allowed pursuant to SMC 14.270.060(G)(2), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SMC 14.270.050.

#### **14.270.090 General Requirements for Other Development**

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this Chapter or the state building codes with adopted amendments and any City of Snohomish amendments, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the encroachment limitations of this Chapter if located in a regulatory floodway;
- C. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- D. Be constructed of flood damage-resistant materials; and
- E. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

#### **14.270.100 Variances**

- A. Variances shall only be issued:
  - 1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - 2. For the repair, rehabilitation, or restoration of historic structures, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
  - 3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - 4. Upon a showing of good and sufficient cause;
  - 5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant provided that hardship was not created by the applicant; and
  - 6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined as a "Functionally Dependent Use" in Chapter 14.100 SMC.

- B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- C. All variances for development within a special flood hazard area shall be processed as a major variance pursuant to SMC 14.70.030 and shall meet all of the criteria for variances pursuant to SMC 14.70.040.
- D. Additional requirements for the issuance of a variance.
  - 1. Any applicant to whom a variance is granted shall be given written notice over the signature of a City of Snohomish official that:
    - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance; and
    - b. Such construction below the BFE increases risks to life and property.
  - 2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
  - 3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this Chapter are met.

## ATTACHMENT B

### Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed amendments to Title 14 Snohomish Municipal Code repealing and replacing Chapter 14.270 Flood Hazard Areas, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. Chapter 14.270 Snohomish Municipal Code (SMC) entitled "Flood Hazard Areas" regulates development in the floodplain and floodways.
3. In order to maintain participation in the National Flood Insurance Program (NFIP) and allow citizens within the community to obtain flood insurance and certain types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current National Flood Insurance Program standards which includes the new Flood Insurance Study and Flood Insurance Rate Maps as the basis for establishing areas of special flood hazard.
4. Pursuant to RCW 86.16.020, the Washington State Department of Ecology shall establish state minimum floodplain management regulations meet the minimum federal requirements for the National Flood Insurance Program. Those regulation shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water.
5. Pursuant to RCW 86.16.031, the Washington State Department of Ecology shall review and approve the City of Snohomish's floodplain management ordinances which must be submitted to DOE with such ordinance taking effect thirty days from submittal to the department unless the department disapproves such ordinance or amendment within that time period;
6. The proposed amendment implements the following goals and policies contained in the Snohomish Comprehensive Plan:
  - Goal LU 2:** Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, landowners, and business people, and consistent with the Growth Management Act.
  - GOAL EP 2:** Minimize the potential for risk to life, property, and natural and cultural resources due to floods, erosion, landslides, and seismic activity.
    - EP 2.3:** Floodplain development. Approve development within floodplains only where it will not increase flood hazards and will not result in direct or indirect harm to protected species.
  - GOAL EP 3:** Minimize the effects of development on water quality and flooding.
7. Procedural requirements.
  - a. The proposed amendment is consistent with state law.
  - b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on March 31, 2020.

- c. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.
- 8. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish, as the designated lead agency for review of the proposed amendment, issued a Determination of Non Significance on April 15, 2020 pursuant to WAC 197-11-340(2). No appeal of the determination was filed so the determination stands as issued
- 9. The Planning Commission held a public hearing on June 3, 2020, to receive public testimony concerning the proposed amendment.
- 10. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendment.

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

- 1. The new Chapter 14.270 meets the minimum requirements for participation in the National Floodplain Insurance Program.
- 2. The new Chapter 14.270 meets the minimum requirements of the Washington State Department of Ecology.
- 3. The proposed amendment is consistent with Washington State law and the Snohomish Municipal Code.
- 4. The proposed amendment implements and is consistent with the goals and policies of the Comprehensive Plan.
- 5. The proposed amendment protects the public health, safety, and general welfare.
- 6. The proposed amendment does not result in an unconstitutional taking of private property for public purpose and it does not violate substantive due process guarantees.

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

By: \_\_\_\_\_  
Terry Lippincott, Planning Commission Chair

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**Date:** July 1, 2020

**To:** Planning Commission

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

**Subject: Prohibiting Variances from Floor Area Ratio Requirements**

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**SUMMARY:** Staff will brief the Planning Commission on a proposed code amendment specifically prohibiting variances from FAR (floor area ratio) requirements.

**BACKGROUND:** The purpose of variances is to grant relief from certain requirements of Title 14, Snohomish Municipal Code (SMC) in order to permit construction in a manner that would otherwise be prohibited. The rules for variances are found in Chapter 14.70 SMC.

Variances are only allowed if there are special physical circumstances regarding a specific site that prevent the property owner from enjoying the same property rights as owners of similar properties.

SMC 14.70.030(A) lists exceptions for which variances may not be used. Currently, variances may not be used to seek relief from:

- Administrative provisions;
- SEPA regulations;
- Provisions related to allowed land uses;
- Maximum residential densities; and
- Provisions related to protecting critical areas unless specifically provided for in the relevant critical areas chapter.

Chapter 14.220 SMC Planned Residential Developments (PRD), provides alternative subdivision rules. The goal of PRDs is to create superior site design using clustering and smaller lot sizes by providing developers with choices in the layout of streets, utilities, and other public improvements. PRDs are also intended to protect critical areas and preserve open space. The PRD Chapter allows developers to use innovative methods and approaches not available under conventional Title 14 regulations.

One of the unique PRD requirements is the establishment of a maximum floor area ratio of 0.5 in PRDs, found SMC 14.220.100(E). FAR is calculated by dividing the gross floor area of structures on a lot by the area of the lot.

**PROPOSAL:** Staff's proposal is to amend Chapter 14.70 SMC as follows:

1. Amend SMC 14.70.030 entitled "Major Variances" to specifically add FAR to the list of exceptions for which variances cannot be used; and
2. Amend SMC 14.70.020 entitled "Minor Variances" to clarify that the list of variance exceptions is applicable to both minor and major variances.

**ANALYSIS:** FAR maximums are a design standard intended to prevent the negative aesthetic and quality of life impacts that can result from overly large and massive structures being built on a lot, especially smaller lots that are typical in a PRD.

SMC 14.220.100E establishes a maximum floor area ratio of 0.5 in PRD developments. FAR is calculated by dividing the gross floor area of structures on a lot by the area of the lot.

Staff believes allowing variances to provide FARs greater than 0.5 in PRDs would circumvent an essential condition for successful PRDs, which balances allowances for smaller lots by limiting the size of buildings. Staff also believes that in most cases it would be almost impossible to meet the required criteria for variances when seeking an increase in FAR.

SMC 14.70.020 provides for minor variances, but because of the way the Chapter is structured and written, it is not clear whether the exceptions for major variances is applicable to minor variance. This lack of clarity is resolved by inserting a new subsection that specifically states the exceptions apply to all variances.

**RECOMMENDATION: No action required as this is a discussion item only. The Planning Commission should discuss the proposal and ask questions of staff and, if necessary, provide direction for modifying the proposal.**

**NEXT STEPS:** If Commissioners are supportive of the proposed code amendment, staff will bring it back to the Planning Commission for a public hearing at the next meeting on August 5.

**ATTACHMENT:** Proposed Revised Chapter 14.70 Snohomish Municipal Code

**REFERENCES:**

[Chapter 14.270 SMC, Variances](#)

[Chapter 14.220 SMC, Planned Residential Development](#)

## ATTACHMENT

### Chapter 14.70 VARIANCES

- 14.70.010 Purpose**
- 14.70.020 Minor Variances**
- 14.70.030 Major Variances**
- 14.70.040 Criteria for Minor and Major Variances**

#### **14.70.010 Purpose.**

The purpose of variances is, under circumstances as set forth in the variance criteria in SMC 14.70.040, to provide flexibility in the administration of certain provisions of this Development Code as set forth in SMC 14.70.020 and 14.70.030.

#### **14.70.020 Minor Variances.**

A. Minor variances are departures of no more than 10% from the dimensional requirements of this Development Code and shall be Type 2 permits (see Ch. 14.20 SMC).

B. Minor variances may not be granted from any of the provisions referenced in SMC 14.70.030(A).

#### **14.70.030 Major Variances.**

A. Major variances are all variances other than minor variances, are generally referred to simply as variances, and can potentially be granted from any provision of this Development Code except:

1. Administrative provisions, including procedures, SEPA regulations, and fees;
2. Provisions pertaining to permitted, conditional, and prohibited uses;
3. Maximum residential densities; and
4. Regulations pertaining to shoreline development, drainage basin protection, geologic hazard areas, and wildlife habitat, provided that those regulations may have their own processes for granting exceptions.

5. The maximum floor area ratio pursuant to SMC 14.220.100(E).

B. Major variances shall be Type 4 permits (see Ch. 14.20 SMC)

#### **14.70.040 Criteria for Minor and Major Variances.**

No variance shall be granted unless it is found that:

- A. There are special circumstances relating to the size, shape, topography, location, or surroundings of the subject property that do not similarly exist with regard to other properties in the vicinity and in the same land use designation in which the subject property is located; and
- B. The variance is necessary to preserve and/or enjoy a substantial property right, which others in the vicinity and in the same land use designation have but because of special circumstance is denied to the subject property; and
- C. The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and designation in which the subject property is situated; and
- D. The granted variance will not be in conflict with the Comprehensive Plan.