



# CITY OF SNOHOMISH

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

## **NOTICE OF REGULAR MEETING**

### **SNOHOMISH CITY COUNCIL**

**TUESDAY  
July 21, 2020  
6:00 p.m.**

### **AGENDA ON NEXT PAGE**

### **Remote On-Line/Phone 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 21, 2020 regular meeting of the City Council 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.

**To access the ONLINE Zoom remote meeting, please use the following link (external/internal speakers required):** <https://us02web.zoom.us/j/82966832711>

**Meeting ID:** 829 6683 2711

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

+1 253 215 8782 or  
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**YOU WILL BE PROMPTED TO ENTER THE MEETING ID# --**

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# CITY OF SNOHOMISH

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## NOTICE OF REGULAR MEETING

### SNOHOMISH CITY COUNCIL

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

**TUESDAY**  
**July 21, 2020**  
**6:00 p.m.**

### AGENDA

*Estimated  
time*

- 6:00 1. **CALL TO ORDER:**
  - a. Roll Call
  - b. Pledge of Allegiance
- 2. **INTRODUCTORY REMARKS BY MAYOR JOHN T. KARTAK**
- 3. **APPROVE AGENDA** contents and order
- 4. **APPROVE MINUTES** of the July 7, 2020 workshop and regular meeting (P.5)
- 6:10 5. **CITIZEN COMMENTS** - *Three minutes allowed for citizen comments on subjects not on the agenda. Three minutes will be allowed for citizen comments during each Public Hearing, Action or Discussion Agenda Item immediately following council questions and before council deliberation. Citizen comments are not allowed under New Business or Consent items.*
- 6:30 6. **PUBLIC HEARING:** Six-Year Transportation Improvement Program (TIP) - PASS Resolution 1412 (P. 13)
  - a. Staff presentation
  - b. Council's questions of staff
  - c. Citizens' comments
  - d. Close citizens' comments
  - e. Council deliberation and action - PASS Resolution 1412
- 7. **ACTION ITEMS:**
- 6:45 a. Amend SMC 14.100 Definitions - **ADOPT** Ordinances 2391, 2392, 2401 (P. 19)
- 7:00 b. Update SMC 14.270 Flood Hazard Areas - **ADOPT** Ordinance 2400 (P.85)

*\*\* Continued Next Page \*\**

- 7:15 c. **RESUME** Water Utility Nonpayment Procedures (*P.107*)
- 7:30 d. Snohomish Community Small Business Relief Grant - **PASS** Resolution 1413 (*P.115*)
- 7:45 8. **CONSENT ITEMS:**
  - a. **ACCEPT** Bid Award and **AUTHORIZE** Mayor to Sign a Contract with Accord Contractors for the Kla Ha Ya Lift Station Decommission Project (*P.121*)
  - b. **AUTHORIZE** payment of claim warrants #73124 through #73197 in the amount of \$681,211.88, issued since the last regular meeting. (*P.125*)
- 7:50 9. **OTHER BUSINESS/INFORMATION ITEMS**
- 7:55 10. **COUNCILMEMBER COMMENTS/LIAISON REPORTS**
- 8:00 11. **COUNCIL PRESIDENT’S ITEMS/REPORTS**
- 8:05 12. **CITY ADMINISTRATOR’S COMMENTS**
- 8:10 13. **MAYOR’S COMMENTS**
- 8:15 14. **ADJOURN**

**NEXT MEETING:** A special budget workshop meeting is tentatively scheduled for Tuesday, August 11, 2020, at 6:00 p.m., at a location to be determined. The next regular meeting is scheduled for Tuesday, August 18, 2020, at 6:00 p.m., at a location to be determined.

***The City Council Chambers are ADA accessible. 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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**Snohomish City Council Workshop Minutes  
July 7, 2020**

1. **CALL TO ORDER:** Mayor Kartak called the Snohomish City Council Workshop to order at 5:00 p.m., Tuesday, July 7, 2020.

**COUNCILMEMBERS/MAYOR PRESENT**

Larry Countryman  
Steve Dana  
Judith Kuleta  
Tom Merrill  
Donna Ray  
Linda Redmon  
Jason Sanders  
John Kartak, Mayor

**STAFF PRESENT**

Pat Adams, City Clerk and Human Resources Manager  
Emily Guildner, City Attorney's Office  
Steve Schuller, City Administrator and Utility General Manager

***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 City Council held its workshop meeting via remote participation.***

2. **DISCUSSION ITEM:** Republic Services - Recycling Surcharge

Kent Kronenberg and Russell Joe from Republic Services presented an update of their recycling surcharge request to the Council, stating the value of recycled materials continues to drop. At their last presentation February 18, 2020, the 2019 value of recyclables was \$16.77/ton, and currently it is closer to \$6/ton. Republic Services stated their commitment to recycling is evidenced by investing over \$7 million locally to improve efficiency, and they continue to work on other methods to reduce the cost of recycling.

Councilmember Ray questioned how the fee differences between cities is calculated. Mr. Joe replied there are numerous factors which vary from city to city, as well as how the individual city chooses to distribute the cost.

Councilmember Kuleta asked why Republic Services, a for-profit publically traded national company which declared profits over the past year, is now requesting surcharges. Mr. Kronenberg advised local figures are different from the national level.

Councilmember Merrill inquired if the fee increase requested in February by Cedar Grove for yard waste was reflected in the costs. Mr. Joe replied the fees collected are passed through directly to Cedar Grove.

Councilmember Ray questioned long-term feasibility of continuing services, and whether an opt-out plan can be incorporated. Mr. Kronenberg indicated the City is contractually-bound through 2024 for services, but Republic is invested for the long-term, and is absorbing the risk from several unknown factors, such as what may or may not be recyclable in the future.

Councilmember Redmon mentioned first quarter earnings posted by Republic Services, and asked how the City could help provide the cleanest product possible to help maintain efficiency to keep costs low. Mr. Kronenberg advised commodity values are from local markets; that each market finds its own outlet. The fees quoted to Snohomish are based on the local Seattle facility. He indicated Republic's ongoing commitment to education and

**AGENDA ITEM 4.**

outreach, which includes programs at schools and public places such as farmers' markets. He mentioned potential fines or other penalties for those that do not properly comply, but admits that is not the ideal scenario.

Councilmember Kuleta questioned if there was anything the Council could do to help. Mr. Kronenberg and Mr. Joe advised they are present at the Snohomish Farmers' Market and work with the School District, and admitted education is an industry-wide challenge.

Council President Sanders questioned the feasibility of relaying costs to producers of materials, not the end users. Mr. Jim Hutchison of Republic Services replied they are working with producers on product stewardship, such as consolidating classes of plastics to make it easier for consumers to understand what can or cannot be recycled. He mentioned ongoing attempts to pass legislation to help achieve this.

Councilmember Ray stated the perception is that recycling is not happening, that the material all ends up in a landfill anyway. Mr. Kronenberg replied they would be happy to attend a forum or meeting to explain the recycling process to citizens. Mr. Hutchinson exclaimed contamination is always an issue, but recycling has its benefits both economically and environmentally.

Council President Sanders questioned how rates for Snohomish compare to other local communities of similar population. Mr. Hutchison replied rates are similar.

Councilmember Redmon again questioned why local rates were increasing, if overall, the company is experiencing profits. Mr. Hutchison explained those figures include solid waste disposal, not just recycling. The solid waste side is doing well, but it is in the recycling sector where the issues arise. Recycling should be self-sufficient, but is not quite there, so research and development continue.

Councilmember Redmon asked if rates could be reviewed annually. Mr. Joe responded the City of Monroe established an annual rate review in their latest contract, and agreed it could be a possibility for Snohomish.

Mr. Schuller questioned the Council on how they would like to proceed, or what action they would like to take. Councilmember Dana exclaimed his support of Option 2 presented in the staff report. Councilmember Ray commented she was reluctant to accept any of the options at this time.

There being no further discussion, the meeting was adjourned.

**3. ADJOURN at 5:50 p.m.**

APPROVED this 21st day of July, 2020

CITY OF SNOHOMISH

ATTEST:

\_\_\_\_\_  
John Kartak, Mayor

\_\_\_\_\_  
Pat Adams, City Clerk

**Snohomish City Council Meeting Minutes  
July 7, 2020**

1. **CALL TO ORDER:** Mayor Kartak called the Snohomish City Council regular meeting to order at 6:00 p.m., Tuesday, July 7, 2020.

**COUNCILMEMBERS/MAYOR PRESENT**

Larry Countryman  
Steve Dana  
Judith Kuleta  
Tom Merrill  
Donna Ray  
Linda Redmon  
Jason Sanders  
John T. Kartak, Mayor

**STAFF PRESENT**

Pat Adams, City Clerk and HR Manager  
Emily Guildner, City Attorney's Office  
Glen Pickus, Planning Director  
Wendy Poischbeg, Economic Development and  
Communications Manager  
Captain Robert Palmer, Interim Police Chief  
Steve Schuller, City Administrator and Utility  
General Manager  
Brandi Whitson, Administrative Assistant

***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 City Council held its meeting via remote participation.***

2. **INTRODUCTORY REMARKS BY MAYOR JOHN T. KARTAK.** Mayor Kartak provided a statement regarding the necessity to conduct the remote meeting due to the COVID-19 pandemic.
3. **APPROVE AGENDA** contents and order

**MOTION** by Sanders to amend the agenda by adding a brief Councilmember Comment period prior to Agenda Item 6 Citizen Comments, to provide a recap of the Town Hall from June 23. The motion passed unanimously (7-0).

4. **APPROVE MINUTES** of the following meetings:
  - a. June 16, 2020 Regular Meeting
  - b. June 23, 2020 Special Meeting - Community Town Hall

**MOTION** by Redmon, second by Merrill to approve the minutes of the listed meetings. The motion passed unanimously (7-0).

5. **PRESENTATION:** Introduce New Employee

Utilities Manager Tim Jackson introduced new employee Kevon Peters, who began employment with the City in February 2020 within the Public Works Department's Wastewater/Stormwater Division.

11. **COUNCILMEMBER COMMENTS:** Councilmember Redmon provided a recap of the topics and speakers from the Town Hall held June 23, 2020. Council President Sanders added discussions and meetings are continuing with community leaders.

Mayor Kartak opened the floor to all Councilmembers wishing to comment.

**AGENDA ITEM 4.**

Councilmember Kuleta commented on continuing activities, including additional Town Hall meetings and potential surveys of citizens to solicit input for future Town Hall topics.

Councilmember Dana voiced his concern at some comments painting Snohomish as a racist town. He stated people would not live or visit Snohomish if they did not enjoy being here.

Councilmember Ray agreed with reaching out to the community by survey. She stated Snohomish is a great city, and is not a racist community; however, racism does exist whether someone personally experiences it or not. Open conversations and promoting inclusivity and equity are important.

Councilmember Countryman remarked he sent an opinion letter to be published in tomorrow's *Snohomish Tribune* which contains his feelings on the matter.

Mayor Kartak remarked on tensions and sensitivities in Snohomish recently, and how some may be uncomfortable seeing guns openly carried on First Street; however, drinking alcohol or carrying guns are not racist activities. He commented that most people can agree that it only makes sense that because the Confederate Flag was flown by states who fought to protect slavery, it is a racist thing; however, the Confederate Flag has also been flown by some as a symbol of Southern pride or rebellion without racist intentions. He believes there is an opportunity as an open and engaging community to have conversations rather than attacking the nature of our town and judging the whole by its worst and few elements.

Councilmember Kuleta wished to confirm the possibility of moving forward with a citizen survey. Ms. Poischbeg replied she would contact Councilmember Kuleta with further details.

**6. CITIZEN COMMENTS:**

Mayor Kartak welcomed the citizens to the meeting and discussed the procedures for providing citizen comment.

Citizen Comments: Fifteen (15) citizens provided oral comments, all related to racism and equality in Snohomish. Ms. Adams reported no written comments were received by the Clerk's Office for inclusion in tonight's meeting.

Citizen Comments: Closed

**7. PUBLIC HEARING: Flood Hazard Area Interim Zoning Regulations - Ordinance 2390**

- a. Staff Presentation. Mr. Pickus provided a background of Ordinance 2390, adopted at the May 19, 2020 Council meeting. He explained the purpose of tonight's public hearing was to satisfy the requirements of RCW 35A.63.220 and RCW 36.78.220, which call for a public hearing to be held within sixty (60) days of adoption of the ordinance.

The Council had three potential courses of action to take:

- Retain the interim regulations as written in Ordinance 2390,
- Revise the interim regulations, or
- Repeal the interim regulations.

Staff and the Planning Commission recommended retaining the interim regulations, as they are working on permanent regulations for adoption by ordinance at a future

**AGENDA ITEM 4.**

meeting.

- b. Council's Questions of Staff. Councilmember Ray clarified the purpose of tonight's public hearing was based on previously adopted Ordinance 2390. Mr. Pickus confirmed that was correct.
- c. Citizens' Comments. There were no citizen comments.
- d. Close Citizens' Comments.
- e. Council Deliberation and Action - Ordinance 2390

**MOTION** by Dana, second by Redmon to RETAIN the interim regulations and DIRECT staff to consider options for permanent regulations regarding development in flood hazard areas. Motion passed unanimously (7-0).

**8. DISCUSSION ITEM: City's Current Economic Approach**

Mr. Schuller provided a slide presentation showing the City's current economic standing and approach as an introduction to the 2021-2022 budget planning process, cautioning that the COVID-19 pandemic may impact City revenues, and therefore, capital projects should be held to a minimum. Mr. Pickus added details regarding the Affordable Housing Alliance grant and presented options for consideration for the use of the funds.

Councilmember Ray questioned the timing of budget discussions until a Strategic Plan can be incorporated, as Council goals may impact the direction of the budget. Mr. Schuller commented adopting the budget has a firm deadline to consider. Councilmember Merrill responded discussions on goals were interrupted due to the COVID-19 issues and restrictions, but should continue and be considered during the budget process if time allows.

Councilmember Kuleta queried if a meeting should be held prior to the August 11 workshop, to ensure enough time is available to discuss goals and other topics which may impact budget discussions. Councilmembers discussed the current state of goal-setting, and will contact Councilmember Merrill directly, who can help determine if a meeting should be scheduled sooner.

Citizen Comments: Four citizens provided comments, including a suggestion to eliminate the School Resource Officer position, repurposing and funding of the Carnegie Building, and to consider creative approaches to the budget.

Citizen Comments Closed.

**9. CONSENT ITEMS:**

- a. **ACCEPT** Bid Award and **AUTHORIZE** Mayor to Sign a Contract with Kamins Construction for the Park Avenue Utility Improvement Project
- b. **AUTHORIZE** Mayor to Sign Wholesale Water Agreement with Snohomish PUD
- c. **AUTHORIZE** payment of claim warrants #73014 through #73114 in the amount of \$1,075,978.71, and payroll warrants #70119 through #73123 in the amount of

**AGENDA ITEM 4.**

\$525,189.48, issued since the last regular meeting.

**MOTION** by Countryman, second by Merrill to PASS the Consent Items. The motion passed unanimously (7-0).

10. **OTHER BUSINESS/INFORMATION ITEMS:** None.

11. **COUNCILMEMBER COMMENTS:**

Councilmember Dana stated citizen comments have been heard from both sides, and questioned Council on where they stand on the matter of racism in Snohomish. Council has been asked repeatedly on where Councilmembers stand on this issue. He wanted to know whether or not they think Snohomish is a city of racists.

Councilmember Countryman again referenced the letter he sent to the *Snohomish Tribune* that explains where he stands on racism.

Councilmember Redmon acknowledged questions brought forth during citizen comments. She stated all should work on increasing awareness through communication and conversations without becoming defensive. She called on people to evaluate their actions.

Councilmember Merrill also responded to questions from the citizens, and declared he does not believe Snohomish to be a racist town, but there is racism in it, as evidenced by the numerous hours of public comment. He reflected on his recent thoughts, praised front-line workers, and implored others to do their part to limit the spread of the COVID-19 virus. He stated leadership should set examples by stepping up, as many have already done.

**MOTION** by Sanders, second by Ray at 8:53 p.m. to extend the meeting until 9:30 p.m. Motion passed unanimously (7-0).

Councilmember Kuleta also acknowledged questions raised during the citizen comment period, and stated her belief that Snohomish is not racist, but racism exists within. She feels the voices of those marginalized have not always been heard, but we are hearing from them now, and we should all listen. She reported on a meeting with Snohomish for Equity, indicating discussions are moving forward. She is also continuing personal reflection and education, and stated this is a journey, not a one-stop destination.

Councilmember Ray addressed citizen questions as well, and commented as a whole, Snohomish is not a racist town, but some residents are, while others may not be aware of their unconscious biases. She believes leadership is providing safe opportunities for people to speak, which will strengthen connections within the community and minimize voices of those wishing to marginalize or suppress others. She is continuing to learn through interactions and communications with others, and believes it is up to the individual to determine their own path.

12. **COUNCIL PRESIDENT'S ITEMS/REPORTS:** Council President Sanders echoed the comments of Councilmembers Ray, Kuleta, Redmon and Merrill. He believes Snohomish is not full of white supremacists, but has its issues, as many cities do. He feels there is room to move forward, and individuals need to determine what they can do. The work needs to continue.

**AGENDA ITEM 4.**

13. **CITY ADMINISTRATOR’S COMMENTS:** Mr. Schuller provided the agenda planner for upcoming Council meetings.

14. **MAYOR’S COMMENTS:** Mayor Kartak thanked Senator Hobbs and Representatives Mead and Lovick for their assistance on obtaining funds for the Carnegie Building. He explained the Council’s rules do not entertain personal attacks on staff or Councilmembers, but the Mayor is fair game; if the focus is on him, then it is deflected from others. He stated all can agree black lives matter, but the Black Lives Matter organization has its own controversies. There are other organizations that promote equality, such as Snohomish for Equity, the Communities of Color Coalition, and the NAACP. Not participating in protests or other events by a particular organization does not make anyone a racist. He addressed comments he has received, and noted community members are being listened to, but are not always agreed with. He rejected the idea that people cannot experience racism if they are white and provided an example. He recognized stories of racism in Snohomish, and declared everyone should denounce racism. He does not know anyone who does not denounce racism. He denounces racism. He remarked on his support and defense of the Police Department, former Police Chief Rogers, and local business owners’ actions, and criticized the media for their racist portrayal of Snohomish. He thanked the Council for their leadership, and other law enforcement jurisdictions for their assistance. He exclaimed the majority of citizen accounts of racism allude to racism in the schools, and believes parents and teachers should speak with students about racism, and everybody needs to contribute to help solve these problems as a community.

15. **ADJOURN:** The meeting adjourned at 9:20 p.m.

APPROVED this 21st day of July, 2020.

CITY OF SNOHOMISH

ATTEST:

\_\_\_\_\_  
John T. Kartak, Mayor

\_\_\_\_\_  
Pat Adams, City Clerk

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**PUBLIC HEARING 6.**

**Date:** July 21, 2020

**To:** City Council

**From:** Andrew Sics, Project Engineer

**Subject:** **Six-Year Transportation Improvement Program (2021–2026)**

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**SUMMARY:** This public hearing is to consider Resolution 1412, updating the City's Six-Year Transportation Improvement Program (TIP) as required by RCW 35.77.010.

**BACKGROUND:** The City must update its Six-Year Transportation Improvement Program (TIP) and file it with the Washington State Secretary of Transportation annually. A public hearing must be conducted, and Council adoption of Resolution 1412 is required to meet state requirements.

The TIP is the City's planning tool for the orderly prioritization and funding of transportation improvement projects for all modes of transportation, including bicycle, equestrian, and pedestrian. Projects must be included in the TIP to be eligible for state or federal grants. The TIP includes all transportation projects planned for the next six years whether or not they will be grant-eligible projects.

The basis of prioritization for the TIP generally involves consideration of funding availability, especially the potential and need for grant funding, and correlates to the following:

- The Transportation Capital Improvement Plan contained in the City's 2019-2020 Budget
- 2015 City Comprehensive Plan (Capital Facilities Element)
- 2015 Transportation Master Plan

**ANALYSIS:** Staff has prepared a list of projects (Attachments A and B of Resolution 1412) for presentation to Council during the public hearing. No changes are being proposed from last year's list.

Project priorities remain in the same order as last year.

**BUDGETARY IMPACTS:** Not applicable

**STRATEGIC PLAN REFERENCE:** Initiative #4: Increase multi-modal mobility within and connections to the community.

**COMPREHENSIVE PLAN REFERENCE:**

**Transportation Element**

- TR 1:** **Safety and efficiency.** Evaluate the safety and efficiency of the transportation system across all modes on an ongoing basis so that it continues to adequately serve the city's residents and businesses.
- TR 34:** **Finance options.** Use grants, local taxes, impact fees, and other funding sources to implement capital projects identified in the City's transportation improvement program.

**RECOMMENDATION:** That the City Council conduct a public hearing and PASS Resolution 1412, approving the Six-Year Transportation Improvement Program for the

**PUBLIC HEARING 6.**

**years 2021 to 2026 as established, and DIRECT the Mayor to take the necessary actions to file the approved program with the State Secretary of Transportation and required agencies.**

**ATTACHMENT:** Resolution 1412

**REFERENCES:**

1. 2019-2020 City Budget <https://www.snohomishwa.gov/135/Budget-Finance>
2. 2015 City Comprehensive Plan <https://www.snohomishwa.gov/184/Comprehensive-Plan>
3. 2015 Transportation Master Plan <https://www.snohomishwa.gov/196/Engineering>

**ATTACHMENT**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**RESOLUTION 1412**

**A RESOLUTION OF THE CITY OF SNOHOMISH ADOPTING THE  
TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS  
2021 TO 2026 TO BE FILED WITH THE STATE SECRETARY OF  
TRANSPORTATION**

**WHEREAS**, pursuant to RCW 35.77.010, the City is required to annually review its Transportation Improvement Program and update it for the ensuing six years; and

**WHEREAS**, the City Council reviewed the Transportation Improvement Program from the previous years and has considered the current City transportation needs; and

**WHEREAS**, a public hearing on said proposed Transportation Improvement Program was held on the 21st day of July 2020, before the City Council of the City of Snohomish;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF SNOHOMISH, WASHINGTON AS FOLLOWS:**

That the Transportation Improvement Program for the years 2021 to 2026, as set forth in Attachments "A" and "B," is found to be in the best interest of the City of Snohomish and consistent with the estimated revenues available for arterial construction together with such additional sums as the City may request from other sources, and the priorities as shown in Attachments "A" and "B" are hereby adopted.

The City Clerk is hereby directed to immediately file the Six-Year Transportation Improvement Program adopted herein with the Secretary of Transportation for the State of Washington.

**PASSED** by the City Council and **APPROVED** by the Mayor this 21st day of July, 2020.

CITY OF SNOHOMISH

\_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

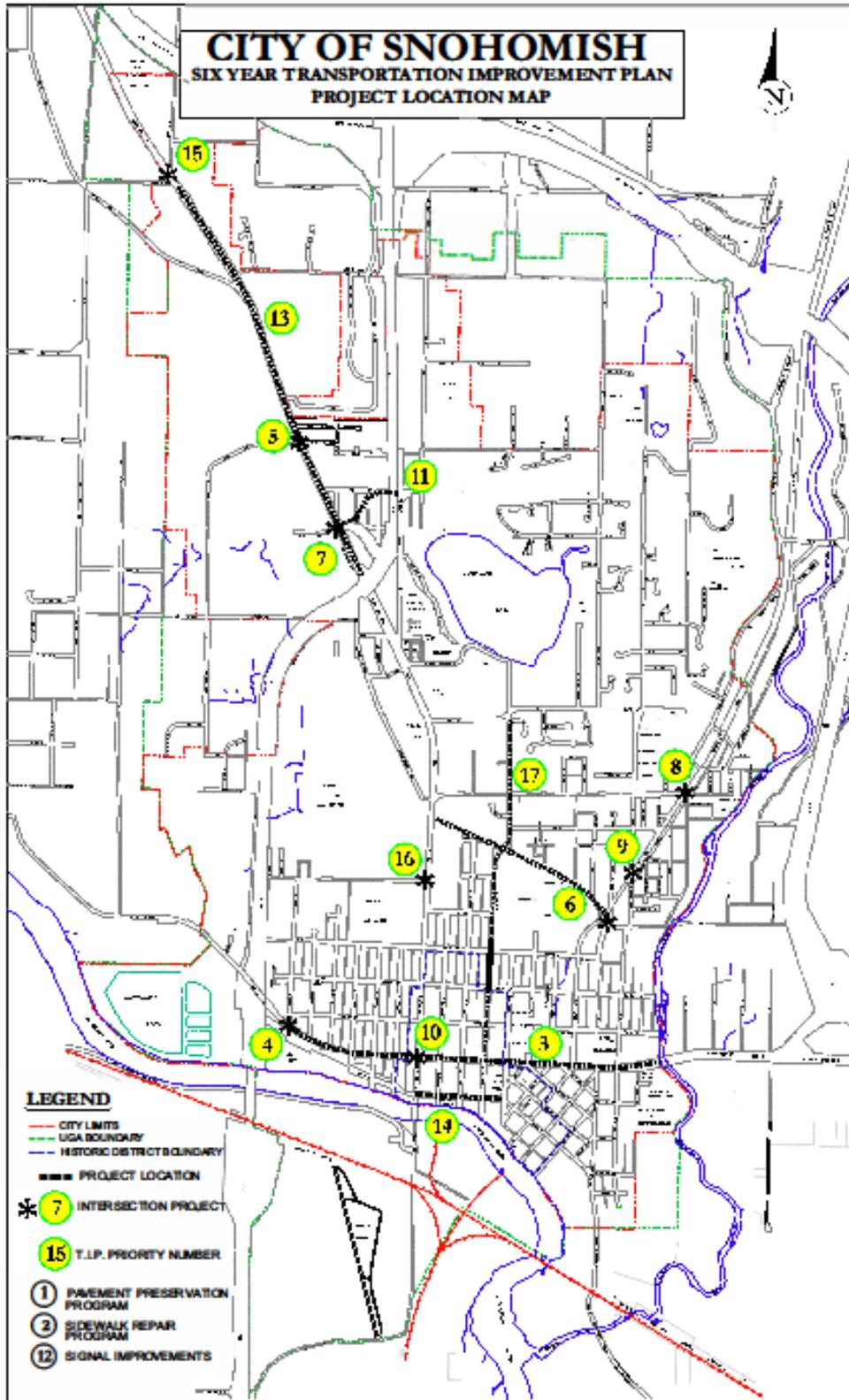
APPROVED AS TO FORM:

\_\_\_\_\_  
Pat Adams, City Clerk

\_\_\_\_\_  
Grant K. Weed, City Attorney

ATTACHMENT A

2021-2026 (SIX YEAR TIP)



## ATTACHMENT B

**6 YEAR TIP: 2021–2026 Priority List**

Priority #	Project Name	Year	Scope
1	Pavement Preservation Program	2021	Six year street resurfacing (amount varies per year).
2	Sidewalk Repair Program	2021	Annual repair of approximately 600 LF of curb, gutter and sidewalk.
3	Second Street Corridor Improvements	2021	Design and construction - Work to add bulb-outs, restrict parking, channelization and signal coordination along Second Street between Avenue J and Pilchuck River Crossing.
4	Second Street & Avenue J Intersection Improvements	2021	Channelization on Second Street and Avenue J to eliminate NB turning movements from First Street. Also, converting small most western section of First Street to a one-way eastbound.
5	Bickford Avenue & Weaver Road Traffic Signal Improvements	2022	Construct a new traffic signal.
6	Interurban Trail Improvements	2022	Design and construction - Improvements to both improve the Interurban Trail and to help facilitate a crossing of Maple Avenue for trail users (help link the Centennial Trail to the Interurban Trail).
7	Bickford Avenue & 19th Place Intersection Improvements	2023	Design and construct intersection improvements.
8	Maple Avenue & 10th Street Intersection Improvements	2024	Design and construct a mini roundabout.
9	Maple Avenue & Pine Avenue Intersection Improvements	2025	ROW acquisition; realignment; new curb, gutter and sidewalk; ADA and stormwater improvements.
10	Second Street & Avenue D Intersection Improvements	2025	Safety issue due to number of driveway access points in vicinity. Project will upgrade traffic signal and implement access management strategies.
11	20th Street Extension - Bickford Avenue to Lake Avenue	2026	New alignment/roadway extension improvements with connection signal @ SR9 (WSDOT).
12	Signal Improvements	2026	Update controllers, conflict monitors, and City-wide signal synchronization.
13	Bickford Avenue Transportation Improvements	2026	Median landscaping; channelization improvements; ADA improvements, with new curb, gutter and sidewalk; stormwater LID improvements.
14	First Street Pedestrian Safety & Enhancements Implementation	2026	Replace streetlights, ADA improvements, bulb-out demonstration, landscaping and sidewalk repair.
15	Sinclair Avenue & Bickford Avenue Intersection Improvements	2026+	Design and construct a new traffic signal and realign southwest leg of intersection.
16	Seventh Street & Avenue D Intersection Improvements	2026+	Safety issue due to number of driveway access points in vicinity. Project will upgrade traffic signal and implement access management strategies.
17	Avenue A Corridor Improvements	2026+	Upgrade corridor to existing City roadway standards along Avenue A between Second Street and 13th Street.

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**ACTION ITEM 7a.**

**Date:** July 21, 2020

**To:** City Council

**From:** Brooke Eidem, Planner

**Subject:** **Definitions Code Amendments – Ordinances 2391, 2392, 2401**

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**SUMMARY:** The City Council will consider Ordinances 2391, 2392, and 2401, which will amend Snohomish Municipal Code (SMC) to consolidate and update definitions within Title 14.

**BACKGROUND:** Although Chapter 14.100 SMC in the City's Land Use Development Code (Title 14, SMC) is dedicated to definitions, currently other definitions are found elsewhere in Title 14 in individual chapters. While this was likely completed with the belief that subject-specific terms applying to specific codes should all appear in the same chapter, in practice this results in redundant definitions, definitions that conflict with each other, and confusion as to where to locate the proper definition for a specific situation.

The following chapters currently contain definition sections:

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

**PROPOSAL:** Three ordinances are required to implement the proposed amendments, as different subject matters are addressed by the amendments:

- Ordinance 2401 addresses definitions specifically
- Ordinance 2391 addresses traffic impact fees
- Ordinance 2392 addresses wireless communication facilities

*(Separate from this discussion and action item, but next on the agenda, the City Council will consider Ordinance 2400 to repeal and replace Chapter 14.270 SMC, entitled "Flood Hazard Areas." The new Chapter 14.270 SMC will include a brief definitions section, but that section will not actually contain any definitions.)*

The proposal is to update and, wherever possible, consolidate all definitions of the Land Use Development Code into a single definitions chapter. The Planning Commission's recommendation is to repeal Chapter 14.100 SMC in its entirety and relocate all definitions to a new Chapter 14.25 SMC. The new location is desirable because it appears earlier in the Title in a more logical place: right after the general process-related chapters and before chapters related to specific approval types.

**ACTION ITEM 7a.**

This project included reviewing all definitions found throughout Title 14 for relevancy, redundancy, and clarity. As proposed, each chapter listed above is amended to repeal its definitions section, with the exception of the Shoreline Management chapter (Chapter 14.250 SMC). This chapter can only be amended with review and approval by the Washington State Department of Ecology (DOE). Staff believes it is best to avoid complicating this current proposal by having to submit it to the DOE.

This project also requires amending several of the chapters beyond removing their definitions sections. In some cases, additional minor clarifications are necessary, such as identifying who the “director” refers to in the Traffic Impacts chapter.

The following table summarizes all of the proposed changes to Title 14:

<b>Chapter</b>	<b>Proposed Change</b>
14.25	<ul style="list-style-type: none"><li>• New Definitions chapter created; all Title 14 definitions will be consolidated here</li></ul>
14.100	<ul style="list-style-type: none"><li>• Repealed Definitions chapter</li></ul>
14.212	<ul style="list-style-type: none"><li>• Delete definitions section SMC 14.212.1020</li></ul>
14.222	<ul style="list-style-type: none"><li>• Delete definitions section SMC 14.222.020</li></ul>
14.242	<ul style="list-style-type: none"><li>• Delete definitions section SMC 14.242.020</li><li>• Adopt new SMC 14.242.075 to define eligible facilities request</li></ul>
14.245	<ul style="list-style-type: none"><li>• Delete 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 repeated in Chapter 14.25</li></ul>
14.270	<ul style="list-style-type: none"><li>• Modify definitions section SMC 14.270.040 (under Ordinance 2400*)</li></ul>
14.295	<ul style="list-style-type: none"><li>• Delete definitions section SMC 14.295.040</li><li>• Amend SMC 14.295.050 to clarify applicability</li><li>• Change “Director” references to “City Engineer” throughout</li></ul>
14.300	<ul style="list-style-type: none"><li>• Delete definitions section SMC 14.300.170</li><li>• Amend SMC 14.300.080 to clarify review authority</li></ul>

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

**ANALYSIS:** Staff and the Planning Commission have reviewed definitions for relevancy, redundancy, and clarity. Proposed changes fall into four categories: deleted definitions, definitions being revised to improve clarity, new definitions, and definitions that will remain essentially unchanged.

Reducing the number of definitions simplifies the code. Some of the definitions proposed for deletion are duplicates; others are deleted because the customary everyday definition found in dictionaries is adequate. As is typical for definition chapters, the first section the proposed new chapter includes the sentence, “Words not defined in this title shall have their customary meanings.”

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Staff will not review individual definitions with the City Council, as to do so would take an inordinate amount of Council's time (see Attachment C, Exhibit B). Council can be assured the changes have been fully vetted by the Planning Commission and staff, as they are the result of intensive work by the Planning Commission over the course of three work sessions and a public hearing, and numerous hours of research by staff. However, Councilmembers are encouraged to ask questions about specific definitions identified as requiring discussion.

Three chapters require amendments that go beyond repealing the definitions section. In all cases, these amendments are because the definitions contained regulatory information that is better addressed outside the context of a definition. With the deletion of the regulatory definition, the regulatory part needs to be retained.

Other minor changes 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 substantive changes elsewhere in the chapter for clarification purposes.

Chapter 14.242 SMC – Wireless Communications Facilities. SMC 14.242.075 is a proposed new 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. Even though the section is new, none of the language is new, as it is copied directly from the existing definitions section in Chapter 14.242 SMC. This portion of the work is contained in Ordinance 2392.

**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.

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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.

Chapter 14.295 SMC – Traffic Impact Fees and Mitigation. SMC 14.295.050 Definitions is proposed to be amended because the definition of “development” contained regulatory information about the chapter’s applicability. This applicability information is now proposed to be inserted in an existing section.

Also, throughout this chapter, “Public Works Director” will be changed to “City Engineer” to be consistent with current practices. This portion of the work is contained in Ordinance 2391.

**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.

Chapter 14.300 SMC – Park Impact Fees. SMC 14.300.080 In-Kind Mitigation Option is proposed to be amended to clarify that “Director” refers to the Public Works Department, rather than the Planning Director. This portion of work is contained in Ordinance 1401.

**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.

**BUDGETARY IMPACTS:** None.

**STRATEGIC PLAN REFERENCE:** Not applicable.

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**COMPREHENSIVE PLAN REFERENCES:**

- 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.
- 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.

**RECOMMENDATIONS:** The Planning Commission's recommendation is for the City Council to adopt the proposed code amendments to consolidate the definitions in Title 14 into a single new chapter, and to amend existing definitions to remove duplicate definitions, delete unnecessary definitions, remove contradictions in definitions, simplify definitions, and to otherwise amend Title 14 to transfer necessary regulatory language in existing definitions to more appropriate locations.

Therefore, it is recommended the City Council pass the following three motions:

1. **Motion to ADOPT Ordinance 2391, amending Chapter 14.295 SMC to address applicability and authority of traffic impacts.**
2. **Motion to ADOPT Ordinance 2392, amending Chapter 14.242 SMC to address eligible facilities for Wireless Communications Facilities.**
3. **Motion to ADOPT Ordinance 2401, amending and consolidating all definitions into a new Chapter 14.25 SMC.**

**ATTACHMENTS:**

- A. Ordinance 2391
- B. Ordinance 2392
- C. Ordinance 2401

**ATTACHMENT A**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2391**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,  
AMENDING SMC 14.295 TRAFFIC IMPACT FEES AND MITIGATION  
TO PROVIDE INTERNAL CONSISTENCY WITH TITLE 14 SMC, AND  
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

**WHEREAS**, the repeal of SMC 14.295.040 Definitions by Ordinance 2401 requires additional clarifying amendments within the Chapter; and

**WHEREAS**, Chapter 14.295 of the Snohomish Municipal Code (SMC) establishes the process whereby traffic impact fees are applied to development projects within the City, and the applicability is currently outlined within the definition of “development” in SMC 14.295.040; and

**WHEREAS**, the repeal of SMC 14.295.040 eliminated provisions regarding the imposition of traffic impact fees on types of development; and

**WHEREAS**, it is appropriate and necessary for consistency to maintain a provision outside of a definition, but within Chapter 14.295 that clarifies which type of projects require the imposition of traffic impact fees; and

**WHEREAS**, the intent to amend development regulations was noticed in accordance with City of Snohomish procedures and regulations as provided for in SMC 14.15.070, and on April 3, 2020, a 60-day notice was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, and

**WHEREAS**, the proposed amendments to the City’s Development Code were publicly noticed and circulated for review and comment in accordance with the City’s normal review and permitting procedures on April 16, 2020; and

**WHEREAS**, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on April 16, 2020. No appeal of the determination was received so the determination stands; and

**WHEREAS**, on February 5, 2020, March 4, 2020, and June 3, 2020, the Planning Commission conducted work sessions which were open to the public to discuss the proposed amendments; and

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**WHEREAS**, on July 1, 2020, a public hearing on the proposed amendments set forth herein was held before the Planning Commission and all persons wishing to be heard were heard; and

**WHEREAS**, following the public hearing and pursuant to SMC 14.15.090, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments as set forth herein, finding the proposed amendments are internally consistent with the City of Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

**WHEREAS**, on July 21, 2020, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

**WHEREAS**, the City Council found the proposed amendments to be consistent with the City of Snohomish Comprehensive Plan, the Washington State Growth Management Act and State Environmental Policy Act, and is in the interest of the public health, safety, and welfare of Snohomish residents,

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.**     **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

**Section 2.**     **Adoption of Planning Commission findings.** The Planning Commission's findings as set forth in "Exhibit A" are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

1. Internally consistent with the City of Snohomish Comprehensive Plan;
2. Consistent with the Washington State Growth Management Act;
3. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
4. In the interest of the public health, safety, and welfare of Snohomish residents.

**Section 3.**     **SMC 14.295.050 Street System Policy - General Provisions amended.** SMC 14.295.050, entitled "Street System Policy – General Provisions," is hereby amended to read as follows:

**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

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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

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- 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

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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~~ 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.

**Section 4.** **SMC 14.295.060 Traffic Study amended.** SMC 14.295.060, entitled “Traffic Study,” is hereby amended to read as follows:

**14.295.060 Traffic Study.**

- A. *When required.* In order to provide sufficient information to assess a development’s impact on the street system, developments adding three or more p.m. peak-hour trips will be required to provide a traffic study when it has been determined that there is not sufficient information existing in the Department’s database to adequately assess the traffic impacts of the development. The traffic study will consist of at least a traffic generation and distribution analysis. The ~~Director~~ City Engineer may require that additional information be provided on impacts of the development to level-of-service of affected streets, inadequate street conditions, adequacy of the proportionate share calculations of any voluntary payments required under this Chapter to reasonably or adequately mitigate impacts of the proposed development, and conformance with the Comprehensive Plan’s Transportation Element. The ~~Director~~ City Engineer may determine at a pre-application conference the need for a study and the scope of analysis of any needed study.
- B. *Waiver.* If, in the opinion of the ~~Director~~ City Engineer, there is sufficient information known about a development’s street system impacts from previous traffic studies, the ~~Director~~ City Engineer may waive the requirement for a traffic study and so state the waiver determination in the preapplication meeting. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

**Section 5. SMC 14.295.070 Determination of Street System Obligations amended.** SMC 14.295.070, entitled “Determination of Street System Obligations,” is hereby amended to read as follows:

**14.295.070 Determination of Street System Obligations.**

- A. Applications which have a prior SEPA threshold determination establishing developer obligation for the transportation impacts prior to the enactment of this Chapter shall be vested under the development obligation identified under SEPA.
- B. A determination of developer obligation shall be made by the City before approval of preliminary plats, short subdivisions, and conditional use permits. For other development approvals, the determination of developer obligation shall be made prior to issuance of a building permit.
- C. Mitigation measures imposed as conditions of a development approval shall remain valid until the expiration date of the concurrency determination for the development. Any building permit application submitted after the expiration date shall be subject to full reinvestigation of traffic impacts under this Chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the development or prior building permits pursuant to a recorded development plan, only where those mitigation measures addressed impacts of the current building permit application.
- D. The ~~Director~~City Engineer, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development’s impacts and mitigation obligations are under this Chapter. The developer shall make a written proposal for mitigation of the development’s traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the City under RCW [82.02.050\(2\)](#). When the developer’s written proposal has been reviewed for accuracy and completeness by the ~~Director~~City Engineer, the ~~Director~~City Engineer shall make a recommendation to the City approval authority, as to the concurrency determination and conditions of approval or reasons for recommending denial of the development application, citing the requirements of this Chapter.
- E. Any request to revise a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application except where the ~~Director~~City Engineer determines that such revision may be administratively approved.

**Section 6. SMC 14.295.080 Street System Capacity Requirements amended.** SMC 14.295.080, entitled “Street System Capacity Requirements,” is hereby amended to read as follows:

**14.295.080 Street System Capacity Requirements.**

- A. All developments must mitigate their impact upon the future capacity of the street system either by constructing offsite street improvements, which offset the traffic impacts of the development, or by paying the development's proportionate share cost of the future capacity improvements.
- B. Construction option.
  - 1. If a developer chooses to mitigate the development's impact to the street system capacity by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements.
  - 2. When two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as a condition of approval.
  - 3. Any developer who volunteers to construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract.
- C. Payment option.
  - 1. If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the development's share of the cost of future capacity improvements will be calculated as set forth in SMC [14.295.090](#).
  - 2. Any developer who volunteers to pay more than the development's share of the cost of offsite improvements may apply for a reimbursement contract.

**Section 7. SMC 14.295.100 Level-of-Service Requirements and Concurrency Determinations amended.** SMC 14.295.100, entitled "Level-of-Service Requirements and Concurrency Determinations," is hereby amended to read as follows:

**14.295.100 Level-of-Service Requirements and Concurrency Determinations.**

- A. The Department shall make a concurrency determination for each development application to ensure that the development will not impact an arterial unit where the level-of-service is below the adopted level-of-service standard or will not cause the level-of-service on an arterial unit to fall below the adopted level-of-service standard, unless improvements are programmed and funding identified which would remedy the deficiency within six years. The approval authority shall not approve any development that is not deemed concurrent under this section.
  - 1. The Department shall make a concurrency determination upon receipt of a development's pre-application submittal. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the ~~Director~~City Engineer, and the development will be reevaluated for concurrency purposes.
  - 2. The concurrency determination shall expire if the development for which the concurrency is reserved is not applied for within one hundred twenty (120) days of the concurrency determination. This determination is a prerequisite for a complete development application. The expiration date of the concurrency determination for a

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- filed development application shall be six years after the date of the determination, except where the application is later withdrawn or approval is allowed to lapse.
3. Building permits for a development must be issued prior to expiration of the concurrency determination for the development, except when the development is a residential subdivision or short subdivision in which case the subdivision or short subdivision must be recorded prior to expiration of the concurrency determination for the development, and except where no building permit will be associated with a conditional use permit, in which case the conditional use permit must be issued prior to expiration of the concurrency determination. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.
  4. If the concurrency determination expires prior to building permit issuance, except when the development is a residential subdivision or short subdivision, then prior to the recording of the subdivision or short subdivision, and except where no building permit will be associated with a conditional use permit, then prior to issuance of the conditional use permit, the ~~Director~~City Engineer shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination in accordance with this section.
  5. Building permit applications for development within a recorded development plan, non-residential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent, provided that the concurrency determination has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the recorded development plan, non-residential subdivision or short subdivision approval is performed as a condition of building permit issuance.
- B. In determining whether or not to deem a proposed development as concurrent, the Department shall analyze likely street system impacts on arterial units based on the size and location of the development.
1. A development shall be deemed concurrent for the period prior to the expiration date of the concurrency determination for the development.
  2. A development's forecasted trip generation at full occupancy shall be the basis for determining the impacts of the development on the street system. The City will accept valid data from a traffic study prepared under this Chapter.
- C. A concurrency determination made for a proposed development under this section will evaluate the development's impacts on any intersections or arterial units in arrears. If a development which generates seven or more p.m. peak-hour trips, or a nonresidential development which generates five or more p.m. peak-hour trips, is proposed to affect an intersection or arterial unit in arrears, then the development may only be deemed concurrent based on a trip distribution analysis to determine the impacts of the development. Impacts shall be determined based on each of the following:
1. If the trip distribution analysis indicates that the development will not place three or more p.m. peak-hour trips on any intersection or arterial units in arrears, then the development shall be deemed concurrent.

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2. If the trip distribution analysis indicates that the development will place three or more p.m. peak-hour trips on any intersection or arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SMC [14.295.100\(E\)](#).
- D. Any residential development that generates less than seven p.m. peak- hour trips or any nonresidential development that generates less than five p.m. peak-hour trips shall be considered to have only minor impact on City arterials for purposes of a concurrency determination on impacts to level-of- service on intersections and arterial units and shall accordingly be deemed concurrent.
- E. Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:
1. A development which meets the Department’s criteria for transit compatibility, in accordance with the ~~Director~~City Engineer’s policy and procedure for transit compatibility, shall be deemed concurrent if the impacted intersection or arterial unit in arrears meets the criteria for transit supportive design in accordance with the ~~Director~~City Engineer’s policy and procedure for transit compatibility, and if the level-of-service on the impacted intersection or arterial unit in arrears meets the City’s adopted LOS standards, and provided that the development can be deemed concurrent in accordance with all other provisions of this section.
  2. A development may modify its proposal to lessen its impacts on the street system in such a way as to allow the City to deem the development concurrent under this section.
  3. The City may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the ~~Director~~City Engineer’s recommendation under SMC [14.295.050\(B\)](#), and referenced in the concurrency determination, as a condition of approval.
    - a. Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the City has made or programmed capacity improvements which would remedy any intersection or arterial units in arrears.
    - b. Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any intersection or arterial units in arrears.
      - i. If a developer chooses to mitigate the development’s impact by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements. Construction of improvements shall be in accordance with the City’s engineering design and development standards.
      - ii. In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an

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arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

- iii. Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the City that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The ~~Director~~City Engineer will determine whether or not such a partnership is to be established.
- iv. Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; provided that where no building permit will be associated with a change in occupancy, then construction of improvements is required as a precondition to approval.

F. *Adopted Level-of-Service.*

1. The level of service for intersections shall be LOS E or better.
2. The Transportation Element may designate intersections that are exempt from the level-of-service standard set forth in this subsection.

**Section 8.**     **SMC 14.295.110 Inadequate Street Condition Requirements**  
**amended.** SMC 14.295.110, entitled "Inadequate Street Condition Requirements," is hereby amended to read as follows:

**14.295.110         Inadequate Street Condition Requirements.**

- A. Regardless of the existing level-of-service, development which adds three or more p.m. peak-hour trips to an inadequate street condition existing on the street system, at the time of determination under this Chapter, or development whose traffic will cause an inadequate street condition at the time of full occupancy of the development, will only be approved for occupancy or final inspection when provisions are made in accordance with this Chapter for elimination of the inadequate street condition. The improvements removing the inadequate street condition must be complete or under contract before a building permit on the development will be issued and the street improvement must be complete before any certificate of occupancy or final inspection will be issued; provided that where no building permit will be associated with a conditional use permit, then the improvements removing the inadequate street condition must be complete as a precondition to approval.
- B. The ~~Director~~City Engineer shall determine whether or not a location constitutes an inadequate street condition. Any known inadequate street condition to which the development adds three or more p.m. peak-hour trips shall be identified as part of the ~~Director~~City Engineer's recommendation under SMC [14.295.050\(B\)](#).
- C. A development's access onto a City street shall be designed so as not to create an inadequate street condition. Developments shall be designed so that inadequate street conditions are not created.

**ACTION ITEM 7a.**

**D. Construction option – requirements.**

1. If a developer chooses to eliminate an inadequate street condition by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements.
2. When two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

**Section 9. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

**Section 10. Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 11. Effective date.** This Ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21<sup>st</sup> day of July, 2020.

CITY OF SNOHOMISH

By \_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Pat Adams, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## **EXHIBIT A**

### **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.
4. Some of the definitions are out of date and cumbersome, and require revisions to ease 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.

**ACTION ITEM 7a.**

- 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).
  - 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 will consolidate, update, remove inconsistencies, and improve clarity of definitions within Title 14 of the Snohomish Municipal Code.
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: July 1<sup>st</sup>, 2020

By: Terry Lippincott  
Terry Lippincott, Planning Commission Chair

**ATTACHMENT B**  
**CITY OF SNOHOMISH**  
**Snohomish, Washington**

**ORDINANCE 2392**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING SMC 14.242 WIRELESS COMMUNICATIONS FACILITIES TO MEET FEDERAL ELIGIBLE FACILITIES REQUEST REQUIREMENTS AND TO PROVIDE INTERNAL CONSISTENCY, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, Section 332 of the Communications Act allows local governments to retain authority over zoning and land use decisions for personal wireless facilities; and

**WHEREAS**, local government control is limited by certain requirements overseen by the FCC; and

**WHEREAS**, 47 U.S. Code Section 1455 states that a local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

**WHEREAS**, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

**WHEREAS**, the repeal of SMC 14.242.020 Definitions by Ordinance 2401 removed provisions related to eligible facilities requests that requires additional clarifying amendments within the Chapter; and

**WHEREAS**, it is appropriate and necessary for consistency to maintain a provision that clarifies the regulation of eligible facilities outside of a definition but within Chapter 14.242; and

**WHEREAS**, it is necessary and proper to add Code provisions to implement Federal requirements; and

**WHEREAS**, the intent to amend development regulations was noticed in accordance with City of Snohomish procedures and regulations as provided for in SMC 14.15.070, and on April 3, 2020, a 60-day notice was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, and

**WHEREAS**, the proposed amendments to the City’s Development Code were publicly noticed and circulated for review and comment in accordance with the City’s normal review and permitting procedures on April 16, 2020; and

**ACTION ITEM 7a.**

**WHEREAS**, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on April 16, 2020. No appeal of the determination was received so the determination stands; and

**WHEREAS**, on February 5, 2020, March 4, 2020, and June 3, 2020, the Planning Commission conducted work sessions which were open to the public to discuss the proposed amendments; and

**WHEREAS**, on July 1, 2020, a public hearing on the proposed amendments set forth herein was held before the Planning Commission and all persons wishing to be heard were heard; and

**WHEREAS**, following the public hearing and pursuant to SMC 14.15.090, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments as set forth herein, finding the proposed amendments are internally consistent with the City's Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

**WHEREAS**, on July 21, 2020, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

**WHEREAS**, the City Council found the proposed amendments to be consistent with the City of Snohomish Comprehensive Plan, the Washington State Growth Management Act and State Environmental Policy Act, and is in the interest of the public health, safety, and welfare of Snohomish residents.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.**     **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

**Section 2.**     **Adoption of Planning Commission findings.** The Planning Commission findings as set forth in "Exhibit A" are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

**Section 3. SMC 14.242.075 Eligible Facilities Request.** A new SMC Section 14.245.075, entitled “Eligible Facilities Request,” is hereby adopted and shall read as follows:

**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.

**ACTION ITEM 7a.**

- 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.

**Section 4.** **Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**Section 5.** **Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 6.** **Effective Date.** This Ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21<sup>st</sup> day of July, 2020.

CITY OF SNOHOMISH

By \_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Pat Adams, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## **EXHIBIT A**

### **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.
4. Some of the definitions are out of date and cumbersome, and require revisions to ease 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.

**ACTION ITEM 7a.**

- 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).
  - 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 will consolidate, update, remove inconsistencies, and improve clarity of definitions within Title 14 of the Snohomish Municipal Code.
- 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: July 15<sup>th</sup>, 2020

By: Terry Lippincott

Terry Lippincott, Planning Commission Chair

**ATTACHMENT C**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2401**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE BY ADOPTING A NEW SMC CHAPTER 14.25 DEFINITIONS; REPEALING SMC CHAPTER 14.100 DEFINITIONS; REPEALING SMC 14.212.1020 DEFINITIONS; REPEALING SMC 14.222.020 DEFINITIONS; REPEALING SMC 14.242.020 DEFINITIONS; REPEALING SMC 14.245.020 DEFINITIONS; REPEALING SMC 14.295.040 DEFINITIONS; REPEALING SMC 14.300.170 DEFINITIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City has the authority under RCW Title 35A to adopt definitions for terms used within the Snohomish Municipal Code; and

**WHEREAS**, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

**WHEREAS**, Chapter 14.100 SMC contains definitions, 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; and

**WHEREAS**, these definitions are out of date, inconsistent, and cumbersome when spread throughout the Development Code; and

**WHEREAS**, elimination of definitions within Chapters 14.242, 14.295, and 14.300 SMC will require additional clarifying amendments; and

**WHEREAS**, the City Council desires to relocate the definitions chapter to a new Chapter 14.25 SMC and consolidate all other definitions sections within this new chapter; and

**WHEREAS**, the City Council desires the language in SMC 14.242, 14.295 and SMC 14.300 to be consistent and clarified to make the regulations easier to understand and administer; and

**WHEREAS**, the intent to amend development regulations was noticed in accordance with City of Snohomish procedures and regulations as provided for in SMC 14.15.070, and on April 3, 2020, a 60-day notice was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, and

**ACTION ITEM 7a.**

**WHEREAS**, the proposed amendments to the City’s Development Code were publicly noticed and circulated for review and comment in accordance with the City’s normal review and permitting procedures on April 16, 2020; and

**WHEREAS**, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on April 16, 2020. No appeal of the determination was received so the determination stands; and

**WHEREAS**, on February 5, 2020, March 4, 2020, and June 3, 2020, the Planning Commission conducted work sessions which were open to the public to discuss the proposed amendments; and

**WHEREAS**, on July 1, 2020, a public hearing on the proposed amendments set forth herein was held before the Planning Commission and all persons wishing to be heard were heard; and

**WHEREAS**, following the public hearing and pursuant to SMC 14.15.090, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments as set forth herein, finding the proposed amendments are internally consistent with the City of Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

**WHEREAS**, on July 21, 2020, at a public meeting the proposed amendments were discussed by the City Council, and all persons wishing to be heard were heard; and

**WHEREAS**, the City Council found the proposed amendments to be consistent with the City of Snohomish Comprehensive Plan, the Washington State Growth Management Act and State Environmental Policy Act, and is in the interest of the public health, safety, and welfare of Snohomish residents.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.**     **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

**Section 2.**     **Adoption of Planning Commission findings, conclusions, and analysis.** In support of the amendments approved in this Ordinance, the Snohomish City Council adopts the findings, conclusions, and analysis contained in the Planning Commission’s Findings of Fact and Conclusions, attached hereto as “Exhibit A” and incorporated herein by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;

**ACTION ITEM 7a.**

- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

**Section 3.**     **SMC 14.25 Definitions new.** A new Chapter 14.25, entitled “Definitions,” is hereby adopted as provided in “Exhibit B.”

**Section 4.**     **SMC 14.100 Definitions repealed.** Chapter 14.100 SMC is hereby repealed.

**Section 5.**     **SMC 14.212.1020 Definitions repealed.** SMC 14.212.1020 is hereby repealed.

**Section 6.**     **SMC 14.222.020 Definitions repealed.** SMC 14.222.020 is hereby repealed.

**Section 7.**     **SMC 14.242.020 Definitions repealed.** SMC 14.242.020 is hereby repealed.

**Section 8.**     **SMC 14.245.020 Definitions repealed.** SMC 14.245.020 is hereby repealed.

**Section 9.**     **SMC 14.295.040 Definitions repealed.** SMC 14.295.040 is hereby repealed.

**Section 10.**    **SMC 14.300.080(A) amended.** SMC 14.300.080(A) is hereby amended to read as follows:

**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.

**Section 11.**    **SMC 14.300.170 Definitions repealed.** SMC 14.300.170 is hereby repealed.

**Section 12.**    **Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**ACTION ITEM 7a.**

**Section 13.** **Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 14.** **Effective date.** This Ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21<sup>st</sup> day of July, 2020.

CITY OF SNOHOMISH

By \_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Pat Adams, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## **EXHIBIT A**

### **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.
4. Some of the definitions are out of date and cumbersome, and require revisions to ease 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.

**ACTION ITEM 7a.**

- 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).
  - 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 will consolidate, update, remove inconsistencies, and improve clarity of definitions within Title 14 of the Snohomish Municipal Code.
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: July 1<sup>st</sup>, 2020

By: Terry Lippincott  
Terry Lippincott, Planning Commission Chair

**EXHIBIT B**

**Chapter 14.25  
DEFINITIONS**

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

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**14.25.030 Definitions - B**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

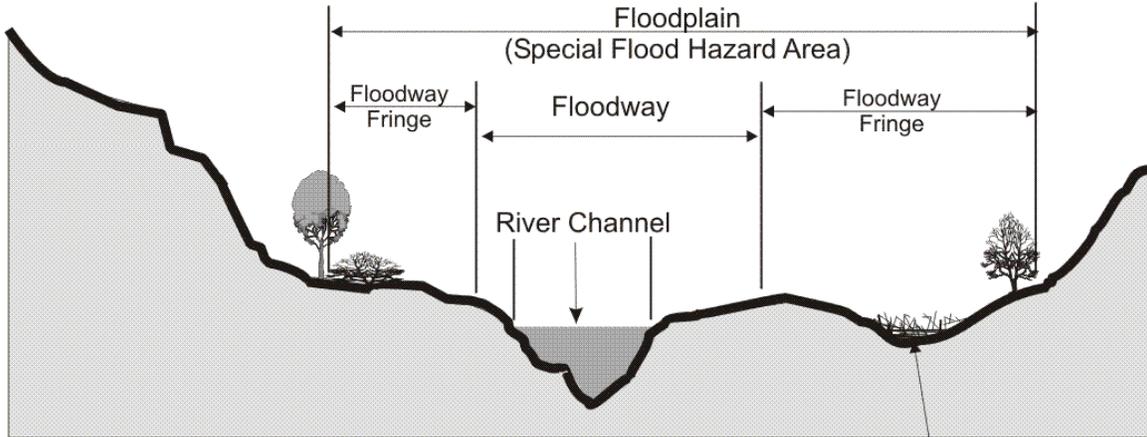
**Flood Insurance Rate Map (FIRM):** the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**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.

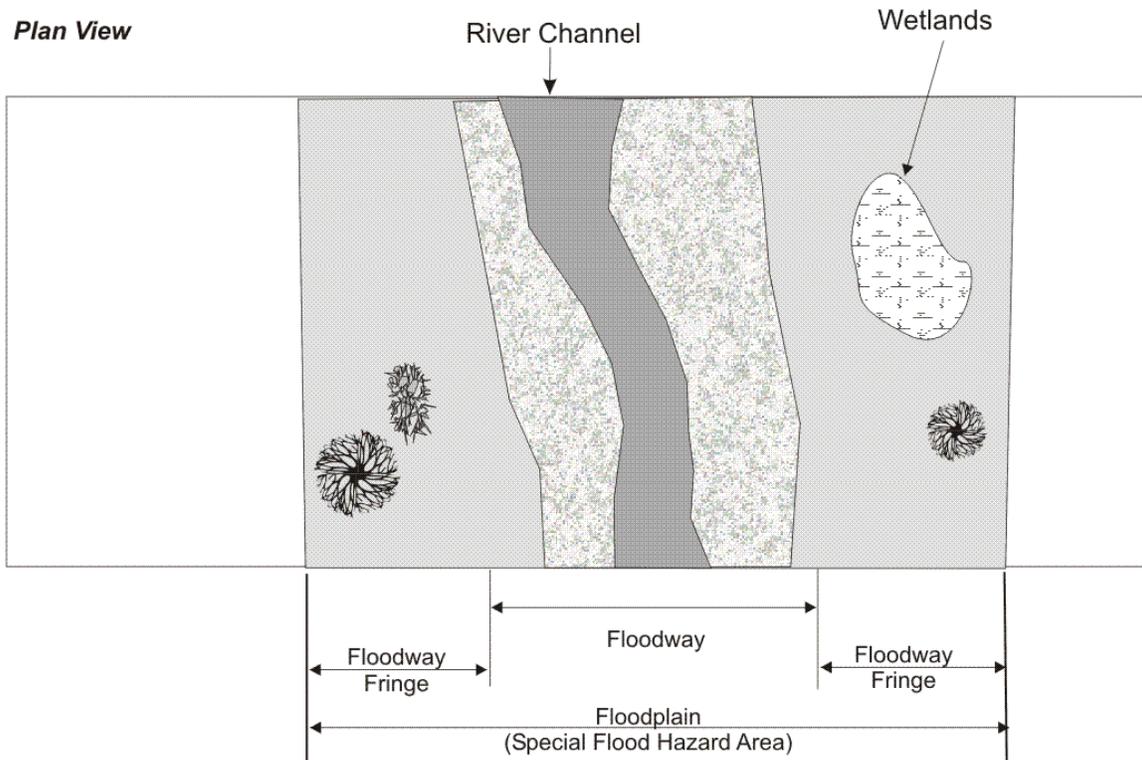
**Floodplain or flood-prone area:** any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Typical Floodplain**  
**(special Flood Hazard Area)**

**Cross-sectional view**



**Plan View**



**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.

**ACTION ITEM 7a.**

**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.

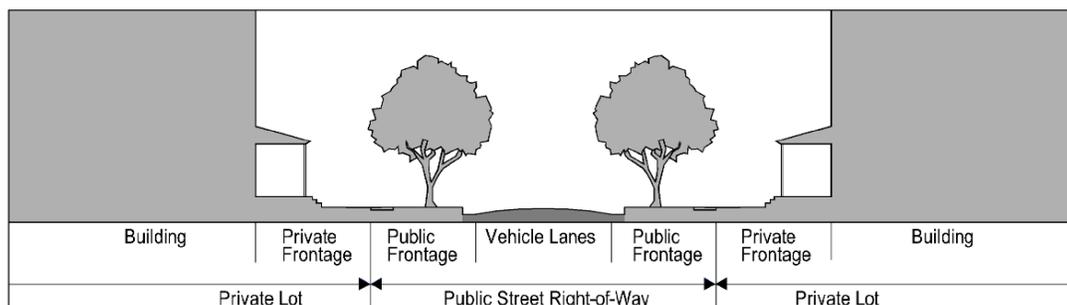
**Forest research:** the performance of scientific studies relating to botany, hydrology, silviculture, biology, and other branches of science in relation to management of forest lands.

**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.

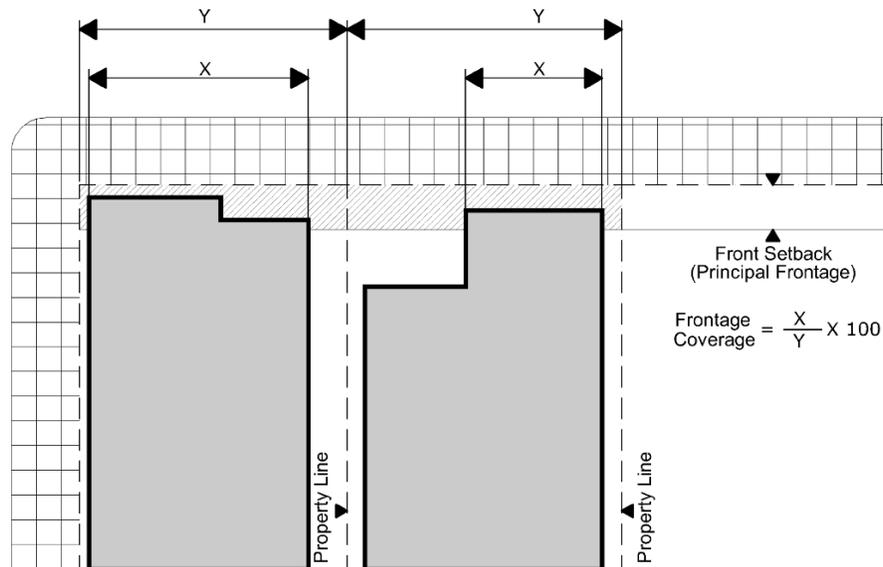
**Freestanding sign:** a sign standing directly upon the ground and being detached from any building or similar structure.

**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.



**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

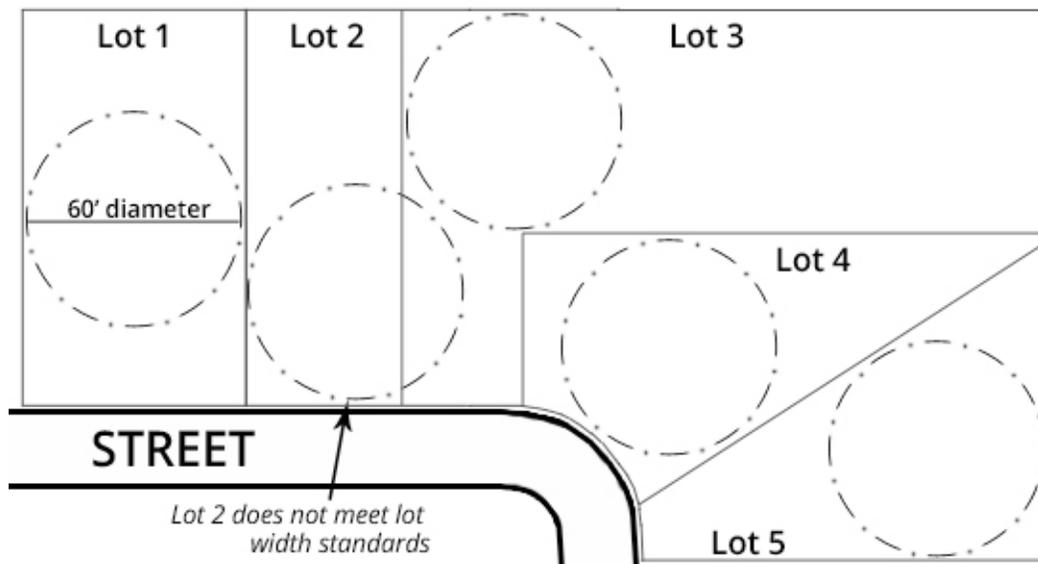
**Lot coverage:** the area of a lot covered with a structure.

**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 “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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

**ACTION ITEM 7a.**

**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.

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**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

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- 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.

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**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 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.

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**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 a 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

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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.

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**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.

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**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.

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**ACTION ITEM 7b.**

**Date:** July 21, 2020

**To:** City Council

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

**Subject: Flood Hazard Area Code Amendment - Ordinance 2400**

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**SUMMARY:** The City Council will consider Ordinance 2400 to repeal and replace Chapter 14.270, Snohomish Municipal Code (SMC), entitled “Flood Hazard Areas,” as recommended by the Planning Commission.

**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.

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 would have meant automatic suspension from the NFIP until the updated requirements were met. Because of delays caused by the City’s COVID-19 response, meeting the June 19 deadline became impossible.

To ensure continued participation in the NFIP, the City Council adopted Ordinance 2390 on May 19, 2020, to implement interim zoning regulations for development in the City’s flood hazard areas. The ordinance amended Chapter 14.270 SMC, the minimum necessary to meet FEMA and Washington State Department of Ecology (DOE) requirements. As required by RCW 36.70A.390 and RCW 35A.63.220, the City Council held a public hearing on July 7, 2020, at which time, it was determined to maintain the interim provisions of Ordinance 2390 until permanent flood hazard area regulations could be adopted.

In addition to meeting federal requirements, the City’s flood hazard area code must meet state requirements. Pursuant to Chapter 86.16 RCW, the Washington State Department of Ecology (DOE) is authorized to establish those minimum requirements, which must meet or exceed the NFIP requirements. The City must submit its adopted regulations to the DOE for review and approval after City Council adoption prior to becoming effective.

**PROPOSAL:** Staff proposes, and the Planning Commission recommends, to repeal and replace Chapter 14.270 SMC in its entirety. The proposed Ordinance 2400 accomplishes this, as well as repeals the interim regulations enacted by Ordinance 2390.

**ANALYSIS:** The proposed new Chapter 14.270 SMC is based on a model ordinance provided by the DOE and has been modified to be consistent with Snohomish Municipal Code. As such, some of the current language in Chapter 14.270 SMC is carried over into the new chapter. The

**ACTION ITEM 7b.**

proposed new Chapter 14.270 SMC has been reviewed by the DOE and FEMA staff for compliance with minimum state and NFIP standards.

The following sections in the proposed new chapter are largely unchanged. In some cases, the section number may have changed and in other cases, the old code language has been augmented with additional language from the model code. These sections include:

- SMC 14.270.010 Floodplains as Critical Areas (formerly SMC 14.270.100)
- SMC 14.270.020 Purpose (formerly SMC 14.270.030A)
- SMC 14.270.030 Methods of Reducing Flood Losses (formerly SMC 14.270.030B)
- SMC 14.270.070 General Standards for Flood Hazard Reductions (formerly SMC 14.270.070)

Substantive changes are found in the following chapters:

**SMC 14.270.040 Definitions.** As mentioned in the previous agenda item, definition sections within the various chapters of Title 14 have been deleted and their contents incorporated into a single definitions chapter (Chapter 14.25 SMC). The flood hazard areas chapter is no exception; however, the new chapter includes a section called “Definitions,” but it does not include any definitions. Rather, it states:

*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.*

This was necessary because FEMA would not allow the City to modify any of the flood hazard area definitions found in 44 CFR 59.1. Staff was unwilling to recommend using those definitions as written because many of them are unclear or written in a way that conflicts with provisions of Title 14 not related to flood hazard areas.

**SMC 14.270.050 General Provisions.** The most relevant substantive change in this chapter is Subsection B, which contains updated references citing the latest Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Snohomish County. This is, in fact, the primary reason why the flood hazard areas code had to be updated.

**SMC 14.270.060 Administration.** The Administration chapter is perhaps the most important revision to the current code. While it is based on the DOE model code, staff has put a great deal of effort into rewriting it to make the rules easier to understand for both staff and the public. The current administration chapter is opaque at best.

In addition, Section L is a new and very necessary addition to the code. Section L requires a full habitat impact analysis of potential effects of development in flood hazard areas on Endangered Species Act-listed species and their critical habitats. This is a requirement established by the NFIP/ESA Biological Opinion dated September 22, 2008. The City has been requiring habitat analyses since this date, but it is not in the code because the biological opinion occurred after the last flood hazard areas code update. With the requirement codified, developers will know upfront the analysis is required and the City does not have to rely on its SEPA authority to require it.

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SMC 14.270.080 Specific Standards for Flood Hazard Reduction, and SMC 14.270.090 General Requirements for Other Development. These two chapters have been significantly changed from similar chapters in the existing code in order to meet new FEMA rules, standards and requirements. For the most part, these two chapters use language directly out of the DOE model code.

SMC 14.270.100 Variances. The Variances chapter has been completely rewritten to be more comprehensive. While it is fully consistent with the model code, the language was drafted to complement the existing variance language found in the Land Use Development Code (see Chapter 14.70 Variances). By doing this, administration of flood hazard area variances will be easily facilitated, as staff will already be familiar with the process.

**RECOMMENDATION: That the City Council ADOPT Ordinance 2400 as presented to repeal Ordinance 2390, and to repeal and replace Chapter 14.270 SMC entitled “Flood Hazard Areas.”**

**ATTACHMENT:** Ordinance 2400

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

**ATTACHMENT**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2400**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,  
REPEALING ORDINANCE 2390; REPEALING AND REPLACING  
SNOHOMISH MUNICIPAL CODE CHAPTER 14.270, UPDATING  
REGULATIONS FOR DEVELOPMENT IN FLOOD HAZARD AREAS;  
AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City has the authority under Title 35A and Chapter 58.17 RCW to adopt regulations related to zoning and land uses and the processing of land use development permits; and

**WHEREAS**, the City has adopted a Land Use Development Code under Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

**WHEREAS**, Title 14 SMC includes Chapter 14.270 Flood Hazard Areas, but the chapter must be updated in order to ensure continued participation in the National Flood Insurance Program; and

**WHEREAS**, on March 31, 2020, the proposed amendments contained herein were transmitted to the State Department of Commerce as required by RCW 36.70A.106; and

**WHEREAS**, 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; and

**WHEREAS**, pursuant to Ordinance 2390, adopted on May 19, 2020, the City Council established six-month interim zoning controls concerning development in flood hazard areas, to protect the health, safety, and welfare of the citizens of Snohomish; and

**WHEREAS**, on May 26, 2020, the proposed amendments contained herein were transmitted to the Washington State Department of Ecology and the United States Department of Homeland Security, Federal Emergency Management Agency for their review and the comments submitted have been incorporated into this Ordinance; and

**WHEREAS**, on July 1, 2020, following notice as required by law, the Planning Commission held a duly-noticed public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

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**WHEREAS**, the Planning Commission adopted Findings of Facts & Conclusions and recommended City Council approval of the proposed code amendments which are attached hereto as “Exhibit A” and incorporated by this reference; and

**WHEREAS**, on July 21, 2020, at a duly noticed public meeting, the City Council received staff and citizen input and considered the recommendation of the Planning Commission, and all persons who wished to be heard on the matter were heard; and

**WHEREAS**, in the event this Ordinance is adopted and becomes effective, it is necessary and appropriate that the six-month interim zoning controls as enacted pursuant to Ordinance 2390 should be repealed and replaced by this Ordinance; and

**WHEREAS**, the City Council has determined that it is in the public interest, health, safety and welfare to repeal and replace Chapter 14.270 SMC in order to maintain participation in the National Flood Insurance Program and allow citizens within the community to obtain flood insurance and certain types of federal disaster aid;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.**     **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

**Section 2.**     **Adoption of Planning Commission findings.** The Planning Commission findings as set forth in “Exhibit A,” are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

**Section 3.**     **Interim zone controls repealed.** The six-month interim zoning controls for flood hazard areas enacted by the adoption of Ordinance 2390 on May 19, 2020, are hereby repealed in their entirety.

**Section 4.**     **Chapter 14.270 SMC repealed.** Chapter 14.270 SMC entitled “Flood Hazard Areas,” is hereby repealed in its entirety.

**Section 5.**     **New Chapter 14.270 SMC adopted.** A new Chapter 14.270 SMC, entitled “Flood Hazard Areas,” is hereby adopted to read as set forth in attached “Exhibit B” which is hereby incorporated herein by this reference as though fully contained herein.

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**Section 6.**     **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

**Section 7.**     **Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 8.**     **Effective date.** This Ordinance shall be effective five days after adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21<sup>st</sup> day of July 2020.

CITY OF SNOHOMISH

By \_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Pat Adams, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

## EXHIBIT A

# 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. On May 19, 2020, the Snohomish City Council approved Ordinance 2390 which adopted interim regulations pursuant to RCW 35A.63.220, updating Chapter 14,270, Snohomish Municipal Code, in conformance with federal requirements.
4. 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.
5. Pursuant to RCW 86.16.020, the Washington State Department of Ecology shall establish state minimum floodplain management regulations that meet the minimum federal requirements for the National Flood Insurance Program. Those regulations 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.
6. 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;
7. 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, land owners, 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.

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**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.

8. Procedural requirements.
  - a. The proposed amendment is consistent with state law.
  - b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on 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.
9. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish, as the designated lead agency for review of the proposed amendment, issued a Determination of Non Significance on April 15, 2020 pursuant to WAC 197-11-340(2). No appeal of the determination was filed so the determination stands as issued.
10. The Planning Commission held a public hearing on July 1, 2020, to receive public testimony concerning the proposed amendment.
11. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendment.

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

1. The 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: July 1<sup>st</sup>, 2020

By: Terry Lippincott  
Terry Lippincott, Planning Commission Chair

## EXHIBIT B

### CHAPTER 14.270 FLOOD HAZARD AREAS

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

#### **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

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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

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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,

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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.

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- 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 September 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

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- 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

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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

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- 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

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- 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 14.270.060C 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.

**ACTION ITEM 7b.**

- 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. Construction or reconstruction of residential structures and mixed use structures with residential dwelling units is prohibited within designated floodways, except for:
    - a. Repairs, reconstruction, or improvements to an existing structure that do not increase the ground floor area; and
    - b. Repairs, reconstruction, or improvements to an existing structure, the cost of which does not exceed 50% of the market value of the structure either:
      - i. Before the repair or reconstruction is started, or
      - ii. 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;

**ACTION ITEM 7b.**

- 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

**ACTION ITEM 7b.**

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.

**ACTION ITEM 7c.**

**Date:** July 21, 2020  
**To:** City Council  
**From:** Debbie Burton, Finance Director  
**Subject:** **COVID-19 Utility Customer Support**

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**SUMMARY:** The purpose of this agenda item is for City Council to discuss and approve an addition to the City's COVID-19 Utility Customer Support as required by Governor Inslee's Proclamation 20-23.6. This addition provides a framework for ensuring customers experiencing economic hardship as a direct result of the COVID-19 pandemic maintain access to utility services **after** Proclamation 20-23.6 expires, which is currently set to expire on August 1, 2020.

**BACKGROUND:** The City Council adopted Resolution 1409 on April 21, 2020, waiving utility late fees and suspending shut-offs until the public emergency declaration is lifted. Since then, the Governor issued Proclamation 20-23.6, which includes direction to assure plans are in place to assist customers once the Proclamation expires on August 1, 2020.

Due to the financial hardships of COVID-19, the Governor's proclamation requested utility providers review current procedures, and if necessary, adopt new procedures that would assure customers continue to have access to services if they have difficulties paying their bills and are not able to meet current criteria for payment arrangements.

The City has the following procedure in place to assist customers having difficulties paying their bills:

- The customer submits a payment arrangement request application.
- The Finance Department approves the application if the customer meets the criteria of no more than two (2) arrangements in a twelve (12) month period, and the customer states they will pay their full balance due within fifteen (15) days after the service disconnect date printed on the bill. The service disconnect date is typically sixty (60) days from the bill due date, therefore, extending payment to seventy-five (75) days from the initial bill due date.
- If full payment is not received as promised, the service is disconnected until full payment is received.
- Customers who apply for a payment arrangement are charged the applicable \$20 fee for late payment.
- Based on the current process, a customer's bill is paid in full before the following bi-monthly bill is due.

In addition to the current procedures outlined above, the following is a proposed additional procedure effective through December 31, 2020:

- The Finance Director will establish a monthly payment plan application and process for any balance in arrears at the expiration of Proclamation 20-23.6. This plan will include no service disconnections or late payment fees, if the customer consistently pays the agreed-to monthly amount.
- The arrears payment plan will not extend past December 31, 2020.
- If a customer fails to adhere to the payment plan, the service may be disconnected.

**ACTION ITEM 7c.**

The City will inform customers through notification on the City's website regarding the availability of this additional assistance. Customers in arrears as of August 1, 2020 will be contacted directly advising them of the new payment plan option.

**ANALYSIS:** This additional process is consistent with the guidance given by the Governor, as it meets the guideline of providing a payment plan.

**BUDGET IMPACT:** The City typically collects approximately \$4,000 a month in late penalty fees, so this will not have a significant impact to the budget.

**STRATEGIC PLAN REFERENCE:** None

**RECOMMENDATION:** That the City Council **AUTHORIZE** the Finance Director to establish a monthly utility payment plan application and process effective August 2, 2020 through December 31, 2020.

**ATTACHMENTS:**

- A. Resolution 1409
- B. Proclamation 20-23.6

**ATTACHMENT A**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**RESOLUTION 1409**

**A RESOLUTION OF THE CITY OF SNOHOMISH, WASHINGTON  
PROVIDING FOR THE WAIVER OF UTILITY LATE FEES, PAYMENT  
PLAN OPTIONS, AND THE ELIMINATION OF SHUT-OFFS DUE TO  
THE COVID-19 PANDEMIC.**

**WHEREAS**, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee declared a state of emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 16, 2020, Mayor Kartak issued a Proclamation declaring an emergency, due to the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, the City Council passed Resolution 1408, ratifying the Proclamation by Mayor Kartak; and

**WHEREAS**, on March 18, 2020, Governor Jay Inslee asked public utilities to suspend shut-offs and waive late fees for customers who are without work; and

**WHEREAS**, many cities and utilities have taken action to assist utility customers adversely affected by COVID-19 by offering payment plans, waiving late fees, and suspending shut-offs during the emergency; and

**WHEREAS**, the Snohomish Municipal Code Chapter 15.05 contains language that mandates certain actions with regard to payments, late fees, and shut-offs; and

**WHEREAS**, promoting public health and welfare is a fundamental government purpose; and

**WHEREAS**, during this pandemic, the City of Snohomish discourages people from unnecessarily leaving home; and

**WHEREAS**, providing flexibility for those utility customers financially affected by COVID-19 serves a public purpose by promoting public health and welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF SNOHOMISH, WASHINGTON AS FOLLOWS:**

**ACTION ITEM 7c.**

**Section 1.** The City Council hereby directs that utility shut-offs be suspended during the COVID-19 emergency.

**Section 2.** The Finance Director is hereby authorized to work with utility customers who are financially affected by the COVID-19 emergency to create flexible payment plans.

**Section 3.** The Finance Director is hereby authorized to waive late fees during the COVID-19 emergency.

**PASSED** by the City Council and **APPROVED** by the Mayor this 21st day of April, 2020.

CITY OF SNOHOMISH

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John T. Kartak, Mayor

ATTEST:

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Pat Adams, City Clerk

APPROVED AS TO FORM:

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Grant Weed, City Attorney

**ATTACHMENT B**

**JAY INSLEE**  
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

*P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)*

**PROCLAMATION BY THE GOVERNOR  
AMENDING AND EXTENDING EMERGENCY  
PROCLAMATIONS 20-05 and 20-23, et seq.,**

**20-23.6**

**Ratepayer Assistance and Preservation of Essential Services**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

**WHEREAS**, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

**WHEREAS**, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

**WHEREAS**, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

**ACTION ITEM 7c.**

**WHEREAS**, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

**WHEREAS**, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

**WHEREAS**, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

**WHEREAS**, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-23.2; and

**WHEREAS**, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-23.3; and

**WHEREAS**, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-23.4; and

**WHEREAS**, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-23.5; and

**ACTION ITEM 7c.**

**WHEREAS**, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

**WHEREAS**, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the



**ACTION ITEM 7d.**

**Date:** July 21, 2020  
**To:** City Council  
**From:** Wendy Poischbeg, Economic Development and Communications Manager  
**Subject:** **Snohomish Community Small Business Relief Grant - Resolution 1413**

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**SUMMARY:** The purpose of this agenda item is for City Council consideration of Resolution 1413, authorizing distribution of grant funds of up to \$10,000 per qualifying small business located within the City of Snohomish, as selected under the Snohomish Community Small Business Relief Grant.

**BACKGROUND:** On March 27, 2020, the \$2 trillion federal Coronavirus Aid, Relief and Economic Security Act (CARES) was enacted to provide economic and financial support during the nation's COVID-19 pandemic crisis. Funding has been made available through the U.S. Treasury for cities, individuals and businesses to offset necessary expenditures incurred, due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); expenditures that:

- Were not accounted for in the budget most recently approved as of March 27, 2020; and
- Were incurred during the period that begins on March 1, 2020, and ends on October 31, 2020.

The City of Snohomish is eligible to receive up to \$306,000 in CARES funding.

**DISCUSSION:** Snohomish small businesses have been greatly impacted by mandatory closures and pandemic-related expenses; therefore, staff recommends using \$100,000 of the City's allocated CARES funding to provide working capital grants of up to \$10,000 to small businesses experiencing economic damage, as authorized.

A notice of funding availability will be issued to solicit applications from for-profit businesses to apply for funding to offset economic hardships related to and during the COVID-19 pandemic. Applications will be reviewed for eligibility by staff and members of the Economic Development Committee. A funding recommendation will be forwarded to the City Council for approval.

Funds may be used for existing operating expenses (including business rent or mortgage, payroll, utilities, inventory, marketing), and needed improvements to meet social distancing requirements. Documentation of expenses will be required if a grant is awarded. Eligible expenses are those incurred within the time period of March 1, 2020 to September 30, 2020.

The following eligibility requirements must be met to be considered for a City of Snohomish Small Business Relief Grant:

- Maintain a physical location in the City of Snohomish (brick and mortar)
- Have been in operation and licensed by the City of Snohomish since May 31, 2019 through July 20, 2020
- Possess a current City of Snohomish Business License
- Is NOT a publicly traded company
- Employ ten (10) or fewer full-time employees, including the owner
- Demonstrates at least a 25% decrease in revenues due to COVID-19
- Expected to operate after applicable local and state emergency guidelines are removed

**ACTION ITEM 7d.**

**RECOMMENDATION: That the City Council PASS Resolution 1413, authorizing the Mayor or designee, to distribute grant funds up to \$10,000 per qualifying small business located within the City of Snohomish, as selected under the Snohomish Community Small Business Relief Grant.**

**ATTACHMENT: Resolution 1413**

**ATTACHMENT**

**CITY OF SNOHOMISH  
Snohomish, Washington**

**RESOLUTION 1413**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON AUTHORIZING THE MAYOR OR DESIGNEE TO DISTRIBUTE GRANT FUNDS UP TO \$10,000 PER QUALIFYING SMALL BUSINESSES, LOCATED WITHIN SNOHOMISH, AS SELECTED UNDER THE SNOHOMISH COMMUNITY SMALL BUSINESS RELIEF GRANT.**

**WHEREAS**, the World Health Organization has determined that a pandemic exists due to the global spread of a highly contagious virus commonly known as COVID-19; and

**WHEREAS**, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19; and

**WHEREAS**, Mayor Kartak proclaimed an emergency on March 23, 2020; and

**WHEREAS**, the continuing COVID-19 epidemic adversely affects businesses of all types and has created a significant economic impact on the operation of small businesses, including causing several small businesses to temporarily close or significantly modify business operations; and

**WHEREAS**, the United State Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law by the President on March 27th, 2020 to provide economic relief package to cities, American workers, families and small businesses; and

**WHEREAS**, the City of Snohomish has received CARES Relief Funds through an award administered by Department of Commerce; and

**WHEREAS**, on April 6, 2020, the Washington State Attorney General's Office issued guidance concluding that local governments may provide small business loans or grants where there is a clear nexus between such programs and either protecting the local economy or promoting compliance with public health guidelines; and

**WHEREAS**, Department of Commerce lists small business grants for reimbursement of business interruption caused by COVID-19 closures as an eligible cost; and

**WHEREAS**, City staff has recommended a \$100,000 grant program designed to assist small Snohomish businesses impacted by the COVID-19 pandemic with operational costs, as detailed in "Exhibit A";

**ACTION ITEM 7d.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOHOMISH AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the Mayor or Designee to distribute grant funds up to \$10,000 per qualifying small businesses, located within Snohomish, as selected under the grant program, through the adoption of Resolution 1413.

**PASSED** by the City Council and **APPROVED** by the Mayor this 21st day of July, 2020.

CITY OF SNOHOMISH

\_\_\_\_\_  
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pat Adams, City Clerk

\_\_\_\_\_  
Grant K. Weed, City Attorney

## EXHIBIT A

# Small Business Relief Grant

## Funds Available

All eligible businesses submitting a complete and timely application will have a chance to receive a grant of up to \$10,000 until all funds are exhausted. A total of \$100,000 of funding is available. Funds may be used for existing operating expenses, including business rent or mortgage, payroll, utilities, inventory, marketing, and improvements to meet social distancing requirements. Documentation of expenses will be required to be submitted if a grant is awarded, and eligible expenses must be incurred within the time period of March 1, 2020 to September 30, 2020.

**Funding is limited. All applicants may not receive a grant, and most applicants will receive a grant in an amount less than \$10,000.** Grant funds may be taxable. Please consult with your financial advisor for guidance. Grant recipients will be required to enter into a Grant Agreement with the City, which will require the filing of a report on how the funds were spent. Grant recipients must also submit a W-9.

## Eligible Businesses

In order to be eligible for the City of Snohomish Small Business Relief Grant, the following requirements must be met:

- Physical (brick and mortar) location in the City of Snohomish
- Been in operation and licensed within the City of Snohomish since May 31, 2019 thru July 20, 2020
- Have a current City of Snohomish Business License
- NOT a publicly traded company
- Ten or fewer full-time employees, including the owner
- Demonstrate at least a 25% decrease in revenues due to COVID-19
- Expected to operate after applicable local and state emergency guidelines are removed
- No current unpaid code enforcement liens or violation of any state, federal or local laws
- No owner, officer, partner or principal actor of the business involved with financial mismanagement. This includes: "Business Owner(s) with any conviction(s) for financial crimes within the last 3 years, with Business Owner(s) defined as: Managing Members and/or Officers"

## Eligible Expenses

- Retaining and/or supporting employees, payroll and benefits
- Business rent or mortgage payments

### **ACTION ITEM 7d.**

- Addressing temporary COVID-19 related restrictions on business activity
- Increasing technology capacity to enable alternative work forms or service delivery
- Paying vendor invoices
- Expired inventory
- Facility cleaning/restoration

## **Prepare to Apply**

- Confirm your eligibility (see eligible businesses above).
- Develop a recovery plan. You will be asked to provide a brief description of your recovery plan in the application (maximum 500 characters).
- Prepare a list of eligible expenses and how funds from a \$10,000 grant will be used, if awarded.
- Locate a copy of your City of Snohomish Business License. You will be asked to upload a digital copy of your City of Snohomish Business License with your application. Need a copy? You can access a copy through the [WA State Department of Revenue Business License Service](#).
- Prepare documentation to demonstrate a decrease in revenues due to COVID-19. You will be asked to upload a digital copy of your Profit and Loss Statement, Revenue Report, or other applicable documentation with your application.

## **Privacy Information**

This application and any supporting documentation is considered a public record and may be subject to public disclosure under Washington's Public Records Act, Chapter [42.56 RCW](#).

## **Application**

The application must be submitted by 4:00 p.m., August 1, 2020. No applications will be accepted after this deadline. Applications received by the deadline will be given equal consideration. It is our goal to notify grant recipients by August 20, 2020. Businesses selected to receive grant funding will be contacted by email.

**APPLY NOW**

**CONSENT ITEM 8a.**

**Date:** July 21, 2020

**To:** City Council

**From:** Andrew Sics, Project Engineer

**Subject:** 2020 Kla Ha Ya Sewer Lift Station Decommissioning Project

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**SUMMARY:** City Council approval is requested to authorize the Mayor to enter into an agreement with Accord Contractors, LLC for the construction of the 2020 Kla Ha Ya Sewer Lift Station Decommissioning Project.

**BACKGROUND:** The Kla Ha Ya Sewer Lift Station Decommission Project consists of installing a new sewer main on the north side of First Street to intercept side sewers from four commercial properties located on the northeast corner of First Street and Avenue C. This will eliminate the need for the Kla Ha Ya Sewer Lift Station. Related work includes removing the sewer lift station, installing a storm sewer pipe, and pavement repair in First Street between Avenues A and B.

The Kla-Ha-Ya Pump Station is located in the south end of the City, in the shoreline area of the Snohomish River in Kla-Ha-Ya Park, and currently serves four commercial properties and a couple storm drains.

In 1995, the City discovered side sewers from commercial properties were connected to a storm drain that discharged directly into the Snohomish River. To correct this as quickly as possible, the City installed a temporary lift station with one 2-horsepower pump. The following year, the City constructed a concrete wet well and completed other necessary improvements to convert the temporary pump station into a permanent facility. Because there are storm drains connected to this lift station, this single pump can operate continuously for hours, or even days, during rainfall events. This is a very heavy load for a single pump.

Removing this sewer lift station from the park and riverbank would be an improvement to the area. This is also an opportunity to separate stormwater from the sewer system and decrease flows to the Wastewater Treatment Plant.

Recently, City staff performed an investigation of the side sewers, and developed and designed in-house a viable option to intercept and connect the side sewers to the existing sewer system on First Street, allowing the lift station to be decommissioned.

**ANALYSIS:** The project was advertised for construction bids on June 25, 2020 through the Builder's Exchange, Everett Herald, and Daily Journal of Commerce. Five (5) bids were received for the 2020 Kla Ha Ya Sewer Lift Station Decommissioning Project on July 9, 2020 as follows:

- 1) **Accord Contractors, LLC.....\$134,586.27**
- 2) Kamins Construction, Inc.....\$147,508.06
- 3) Plats Plus, Inc.....\$148,601.54
- 4) B&L Utility, Inc.....\$154,026.60
- 5) Redtail, LLC.....\$197,484.11

**CONSENT ITEM 8a.**

It was determined Accord Contractors, LLC, of Bellevue, Washington, was the lowest responsive bidder for the project with a bid in the amount of \$134,586.27, slightly above the engineer's estimate of \$115,000. Construction is expected to begin in early August, and the duration for the project is anticipated to be approximately twenty (20) days with substantial completion status sometime in late August. Staff will award the project as soon as the required submittals are received, which is anticipated to be within the next few weeks.

Property and businesses owners will be contacted prior to construction. Sewer connections will be coordinated with the owners to minimize any impacts to the businesses and tenants. Staff has already discussed this project with some of the property and business owners during the investigation.

**BUDGETARY IMPACTS:** The 2020 Kla Ha Ya Sewer Lift Station Decommissioning Project is identified in the 2019-2020 City Budget with \$325,000 budgeted from the Wastewater Utility Fund.

**STRATEGIC PLAN REFERENCE:** Not applicable.

**RECOMMENDATION:** That the City Council AUTHORIZE the Mayor to sign and execute a contract with Accord Contractors, LLC in the amount of \$161,500.00 including a 20% contingency for the 2020 Kla Ha Ya Sewer Lift Station Decommissioning Project.

**ATTACHMENT:** Bid Tabulation

ATTACHMENT



City of Snohomish  
2020 Kila Ha Ya Sewer Lift Station Decommissioning Project  
Bid Tabs

By: Andrew M. Sics  
Date: July 9, 2020

APPARENT LOW BIDDER

Bid Item	Description	Qty	Units	Accord Contractors, LLC		Kamins Construction, Inc.		Plats Plus, Inc.		B&L Utility, Inc.		Redtail, LLC	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	MOBILIZATION	1	LS	\$ -	\$ -	\$ 19,041.00	\$ 19,041.00	\$ 13,000.00	\$ 13,000.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00
2	SURVEYING	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 4,180.00	\$ 4,180.00	\$ 5,100.00	\$ 5,100.00	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	\$ 5,000.00
3	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 4,144.80	\$ 4,144.80	\$ 6,500.00	\$ 6,500.00	\$ 500.00	\$ 500.00	\$ 15,000.00	\$ 15,000.00
4	SAWCUTTING	800	LF	\$ 2.00	\$ 1,600.00	\$ 3.30	\$ 2,640.00	\$ 0.50	\$ 400.00	\$ 3.00	\$ 2,400.00	\$ 0.50	\$ 400.00
5	UNSUITABLE FOUNDATION EXCAVATION	50	CY	\$ 60.00	\$ 3,000.00	\$ 1.00	\$ 50.00	\$ 70.00	\$ 3,500.00	\$ 25.00	\$ 1,250.00	\$ 115.00	\$ 5,750.00
6	OVER EXCAVATION INCLUDING HAUL	50	CY	\$ 55.00	\$ 2,750.00	\$ 1.00	\$ 50.00	\$ 40.00	\$ 2,000.00	\$ 25.00	\$ 1,250.00	\$ 115.00	\$ 5,750.00
7	MANHOLE 48-IN. DIAM. TYPE 1	1	EA	\$ 5,500.00	\$ 5,500.00	\$ 5,781.60	\$ 5,781.60	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00
8	12-inch SDR-35 PVC STORM pipe	29	LF	\$ 160.00	\$ 4,640.00	\$ 160.87	\$ 4,665.23	\$ 98.00	\$ 2,842.00	\$ 200.00	\$ 5,800.00	\$ 60.00	\$ 1,740.00
9	TRENCH SAFETY SYSTEM	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,970.00	\$ 2,970.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00
10	8" SDR-35 PVC SEWER PIPE	117	LF	\$ 60.00	\$ 7,020.00	\$ 106.13	\$ 12,417.21	\$ 195.00	\$ 22,815.00	\$ 300.00	\$ 35,100.00	\$ 60.00	\$ 7,020.00
11	SIDE SEWER SERVICES	2	EA	\$ 1,600.00	\$ 3,200.00	\$ 2,190.10	\$ 4,380.20	\$ 1,500.00	\$ 3,000.00	\$ 5,000.00	\$ 10,000.00	\$ 2,500.00	\$ 5,000.00
12	TYPE 1 - 48-INCH SEWER MANHOLE	2	EA	\$ 8,000.00	\$ 16,000.00	\$ 6,765.55	\$ 13,531.10	\$ 5,000.00	\$ 10,000.00	\$ 6,000.00	\$ 12,000.00	\$ 7,500.00	\$ 15,000.00
13	CONNECT TO EXISTING STRUCTURE	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 770.00	\$ 770.00	\$ 1,500.00	\$ 1,500.00	\$ 4,000.00	\$ 4,000.00	\$ 2,500.00	\$ 2,500.00
14	PIPE COUPLING INCLUDING CONNECTION	1	EA	\$ 1,500.00	\$ 1,500.00	\$ 770.00	\$ 770.00	\$ 400.00	\$ 400.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00
15	HMA CL. ½ IN. PG 64-22	40	TN	\$ 340.00	\$ 13,600.00	\$ 275.00	\$ 11,000.00	\$ 210.00	\$ 8,400.00	\$ 300.00	\$ 12,000.00	\$ 252.00	\$ 10,080.00
16	PLANING BITUMINOUS PAVEMENT (2-INCH DEPTH)	350	SY	\$ 15.00	\$ 5,250.00	\$ 33.00	\$ 11,550.00	\$ 28.00	\$ 9,800.00	\$ 20.00	\$ 7,000.00	\$ 35.00	\$ 12,250.00
17	ASPHALT TRENCH PATCH	60	SY	\$ 350.00	\$ 21,000.00	\$ 77.00	\$ 4,620.00	\$ 80.00	\$ 4,800.00	\$ 50.00	\$ 3,000.00	\$ 95.00	\$ 5,700.00
18	PLASTIC LINE	1075	LF	\$ 2.50	\$ 2,687.50	\$ 3.30	\$ 3,547.50	\$ 3.00	\$ 3,225.00	\$ 2.00	\$ 2,150.00	\$ 3.75	\$ 4,031.25
19	PLASTIC CROSSWALK LINE	250	SF	\$ 10.00	\$ 2,500.00	\$ 8.80	\$ 2,200.00	\$ 14.00	\$ 3,500.00	\$ 6.00	\$ 1,500.00	\$ 14.50	\$ 3,625.00
20	PROJECT TEMPORARY TRAFFIC CONTROL	1	LS	\$ 6,500.00	\$ 6,500.00	\$ 12,078.00	\$ 12,078.00	\$ 12,500.00	\$ 12,500.00	\$ 8,000.00	\$ 8,000.00	\$ 22,000.00	\$ 22,000.00
21	TESC	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 1,650.00	\$ 1,650.00	\$ 2,750.00	\$ 2,750.00	\$ 100.00	\$ 100.00	\$ 10,000.00	\$ 10,000.00
22	TRIMMING & CLEANUP	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 3,044.00	\$ 3,044.00	\$ 2,550.00	\$ 2,550.00	\$ 1,000.00	\$ 1,000.00	\$ 10,000.00	\$ 10,000.00
23	MINOR CHANGES	1	F.A.	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
				Subtotal	\$ 123,247.50	Subtotal *	\$ 135,080.64	Subtotal	\$ 136,082.00	Subtotal	\$ 141,050.00	Subtotal	\$ 180,846.25
				9.2% WSST *	\$ 11,338.77	9.2% WSST *	\$ 12,427.42	9.2% WSST *	\$ 12,519.54	9.2% WSST *	\$ 12,976.60	9.2% WSST *	\$ 16,637.86
				Total Bid *	\$ 134,586.27	Total Bid *	\$ 147,508.06	Total Bid *	\$ 148,601.54	Total Bid *	\$ 154,026.60	Total Bid *	\$ 197,484.11

\* Corrected Amounts

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**CONSENT ITEM 8b.**

***Schedule of Checks for the Checks Issued Since the July 7, 2020 Meeting***

<b>Name</b>	<b>Check #</b>	<b>Invoice#</b>	<b>Check Date</b>	<b>Description</b>	<b>Amount</b>	<b>Vendor Total</b>
<b>Brewhaven Espresso</b>						<b>\$25.00</b>
73124			07/06/2020	Brewhaven Espresso-BL Refund	\$25.00	
<b>Nick Jolokai</b>						<b>\$75.00</b>
73125			07/06/2020	Njolokai-HOP Refund	\$75.00	
<b>Rainbow-Federal, Inc.</b>						<b>\$25.00</b>
73126			07/06/2020	Rainbow-Federal Inc.-BL Refund	\$25.00	
<b>Snohomish County Treasurer</b>						<b>\$33.69</b>
73127			07/06/2020	2020-May	\$33.69	
<b>Washington State Treasurer</b>						<b>\$1,713.79</b>
73128			07/06/2020	2020-May	\$1,713.79	
<b>Riverview Highlands LLC</b>						<b>\$83.66</b>
73129			07/13/2020	UB Refund	\$83.66	
<b>Sibley, Gordon</b>						<b>\$243.27</b>
73130			07/13/2020	UB Refund	\$243.27	
<b>Occupant - Anthony Curtis</b>						<b>\$125.44</b>
73131			07/13/2020	UB Refund	\$125.44	
<b>Webinger, R J</b>						<b>\$212.38</b>
73132			07/13/2020	UB Refund	\$212.38	
<b>Hill, Larry</b>						<b>\$350.00</b>
73133			07/13/2020	UB Refund	\$350.00	
<b>Preisinger, Ralicia</b>						<b>\$77.85</b>
73134			07/13/2020	UB Refund	\$77.85	
<b>Woods, Stephanie</b>						<b>\$7.33</b>
73135			07/13/2020	UB Refund	\$7.33	
<b>Haynie, Andy</b>						<b>\$394.65</b>
73136			07/13/2020	UB Refund	\$394.65	
<b>Grieve, Brett and Andrea</b>						<b>\$312.45</b>
73137			07/13/2020	UB Refund	\$312.45	
<b>Treutlein, Chelsey</b>						<b>\$50.00</b>
73138			07/13/2020	UB Refund	\$50.00	
<b>Maxwell, Andy</b>						<b>\$272.31</b>
73139			07/13/2020	UB Refund	\$272.31	
<b>Accord Contractors, LLC</b>						<b>\$260,138.08</b>
73140		Pay # 6	07/13/2020	Carnegie Pay # 6	\$260,138.08	
<b>Accord Contractors, LLC</b>						<b>\$12,482.63</b>
73141		Pay #6 Retainage	07/13/2020	Carnegie Pay#6 Retainage	\$12,482.63	
<b>All Battery Sales &amp; Service</b>						<b>\$139.72</b>
73142		800-10064498	07/13/2020	EP119 battery	\$139.72	
<b>Allstream</b>						<b>\$74.24</b>
73143		16913961	07/13/2020	Police station security alarm analog line.	\$74.24	
<b>Alpha Courier Service</b>						<b>\$87.40</b>
73144		21146	07/13/2020	Courier	\$87.40	
<b>Alpine Fire and Safety</b>						<b>\$2,119.79</b>
73145		61723	07/13/2020	Annual Ext Service/First aid restock-WWTP	\$192.19	
		61724	07/13/2020	First aid Restock Police Dept	\$160.58	
		61725	07/13/2020	Annual Ext service-Engineering	\$82.77	
		61726	07/13/2020	First aid/extinguishers restock City Hall	\$195.85	
		61727	07/13/2020	Ann Ext Service/12 Fire Ext/First aid restock-PW	\$1,488.40	

**CONSENT ITEM 8b.**

***Schedule of Checks for the Checks Issued Since the July 7, 2020 Meeting***

<b>Name</b>	<b>Check #</b>	<b>Invoice#</b>	<b>Check Date</b>	<b>Description</b>	<b>Amount</b>	<b>Vendor Total</b>
<b>Bickford Motors</b>						<b>\$184.82</b>
73146		1178302	07/13/2020	EP21 filler neck repair	\$184.82	
<b>Builders Exchange of Washington</b>						<b>\$77.90</b>
73147		1066293	07/13/2020	Project Bids Advertising/Posting	\$77.90	
<b>Central Welding Supply Inc.</b>						<b>\$19.49</b>
73148		RN06200971	07/13/2020	Acetylene	\$19.49	
<b>City of Everett Environmental Lab</b>						<b>\$1,296.90</b>
73149		I20003434	07/13/2020	Routine Coliform Samples	\$673.20	
		I20003435	07/13/2020	Stormwater Samples	\$623.70	
<b>Cues, Inc</b>						<b>\$312.99</b>
73150		564345	07/13/2020	CCTV trailer parts	\$312.99	
<b>Daily Journal of Commerce</b>						<b>\$1,600.20</b>
73151		3359067	07/13/2020	Park Avenue Utility Improv. Project Bid Advert	\$760.20	
		3359543	07/13/2020	KlaHaYa Sewer Lift Sta Decom. Proj Bid Ad	\$840.00	
<b>Dunlap Industry</b>						<b>\$17.48</b>
73152		319813-1	07/13/2020	Wacker repair-starter cord	\$17.48	
<b>Eurofins Eaton Analytical</b>						<b>\$850.00</b>
73153		L0519270	07/13/2020	UCMR4 Cyanotoxin sample	\$850.00	
<b>FCS Group</b>						<b>\$4,050.00</b>
73154		3048 -22006024	07/13/2020	Financial Chapter-Water/Sewer Comp Plan	\$4,050.00	
<b>Firstline Communications, Inc</b>						<b>\$795.54</b>
73155		158439	07/13/2020	Phone system upgrade work.	\$795.54	
<b>Grainger Inc.</b>						<b>\$419.76</b>
73156		9569157374	07/13/2020	Gloves/ face masks (COVID-19)	\$419.76	
<b>Gray &amp; Osborne, Inc.</b>						<b>\$2,437.58</b>
73157		20421.00 5	07/13/2020	On Call Services	\$761.66	
		20422.00 4	07/13/2020	On Call Services- Water/App & WWC	\$1,675.92	
<b>H.B. Jaeger</b>						<b>\$3,376.76</b>
73158		U2016027087	07/13/2020	Supplies-Paving Risers/IPS SIDR 7 100' 250PSI PE	\$346.44	
		U2016029656	07/13/2020	Saw Blades	\$3,030.32	
<b>Hach Chemical</b>						<b>\$270.30</b>
73159		12011466	07/13/2020	Lab Supplies	\$162.71	
		12024131	07/13/2020	Lab Supplies	\$107.59	
<b>HP Inc.</b>						<b>\$291.56</b>
73160		9010417975	07/13/2020	Docking station for Planning Director laptop	\$245.70	
		9010441200	07/13/2020	COVID-19, laptop bag for telework staff laptops	\$45.86	
<b>Inland Environmental Resources, Inc.</b>						<b>\$10,146.86</b>
73161		2020-1832	07/13/2020	Magnesium Hydroxide	\$10,146.86	
<b>Iron Mountain</b>						<b>\$3,324.95</b>
73162		0303947	07/13/2020	Rock for stock	\$2,645.42	
		0304003	07/13/2020	Rock for stock	\$679.53	
<b>J Thayer Company</b>						<b>\$104.70</b>
73163		1460382-0	07/13/2020	Clorox Wipes-COVID-19	\$104.70	
<b>Kelley Connect</b>						<b>\$144.77</b>
73164		IN689769	07/13/2020	City Hall copier	\$144.77	
<b>McClure &amp; Sons</b>						<b>\$298,834.53</b>
73165		PAA Pay Est #4	07/13/2020	PAA Pay Est #4	\$298,834.53	
<b>Motor Truck Inc.</b>						<b>\$3,275.88</b>
73166		ES129029	07/13/2020	EP224gauge cluster work	\$3,275.88	

**CONSENT ITEM 8b.**

**Schedule of Checks for the Checks Issued Since the July 7, 2020 Meeting**

<b>Name</b>	<b>Check #</b>	<b>Invoice#</b>	<b>Check Date</b>	<b>Description</b>	<b>Amount</b>	<b>Vendor Total</b>
<b>National Safety, Inc</b>						<b>\$621.79</b>
73167		0584258-IN	07/13/2020	Air Mon sensors	\$621.79	
<b>North Sound Hose &amp; Fitting Inc</b>						<b>\$854.00</b>
73168		N022898	07/13/2020	EP177 hose repair	\$351.69	
		N023051	07/13/2020	Trailer parts-pressure washer	\$502.31	
<b>Platt Electric Supply</b>						<b>\$711.29</b>
73169		0M08261	07/13/2020	Power box (spider box) COVID-19	\$711.29	
<b>Process Solutions</b>						<b>\$1,185.00</b>
73170		36769	07/13/2020	On Call Services	\$1,185.00	
<b>RH2 Engineering Inc.</b>						<b>\$770.03</b>
73171		76933	07/13/2020	Water Comprehensive Plan	\$770.03	
<b>ROOTX</b>						<b>\$1,067.25</b>
73172		60289	07/13/2020	Sewer Root Killer	\$1,067.25	
<b>Rubatino Refuse Removal Inc</b>						<b>\$140.57</b>
73173		3156007	07/13/2020	Drop Box Rental	\$140.57	
<b>SHKS Architects</b>						<b>\$3,405.62</b>
73174		INV-00000663	07/13/2020	City Hall/Eng Build Roof/Seismic Improvement Perm	\$2,254.06	
		INV-0000664	07/13/2020	City Hall/Eng Build Roof/Seismic Improvement Perm	\$1,151.56	
<b>Six Robblees</b>						<b>\$6.65</b>
73175		14-400575	07/13/2020	EP56 grommets	\$6.65	
<b>Smarsh, Inc</b>						<b>\$566.37</b>
73176		INV00599530	07/13/2020	City text message & social media archival solution	\$566.37	
<b>Snohomish Auto Parts</b>						<b>\$382.28</b>
73177		591535	07/13/2020	Return-filters	(\$57.24)	
		613336	07/13/2020	EP48 Blades	\$39.66	
		613566	07/13/2020	Wiper blade-Gem	\$17.70	
		613745	07/13/2020	Return-Filters	(\$172.81)	
		614004	07/13/2020	EP20 filter	\$3.78	
		614005	07/13/2020	Pliers	\$38.21	
		614232	07/13/2020	EP58 service parts	\$57.16	
		614364	07/13/2020	EP177 fuel cap	\$29.52	
		614633	07/13/2020	EP58 oil filter	\$23.30	
		614640	07/13/2020	EP57 service parts	\$48.27	
		614649	07/13/2020	EP57 wiper blades	\$39.66	
		614757	07/13/2020	EP2 filters	\$44.72	
		614898	07/13/2020	EP57 service parts	\$52.70	
		615048	07/13/2020	EP177 repair parts	\$74.98	
		615558	07/13/2020	EP21 filters, wiper blades	\$43.75	
		616037	07/13/2020	Threadlock	\$51.85	
		616605	07/13/2020	EP119 repair parts	\$47.07	
<b>Snohomish County Department of Public Works</b>						<b>\$223.25</b>
73178		I000530622	07/13/2020	Signal Maintenance	\$223.25	
<b>Snohomish County PUD</b>						<b>\$6,579.70</b>
73179		105377265	07/13/2020	2000-9242-7 Lighting	\$64.94	
		108681716	07/13/2020	2047-1765-6 Lighting	\$47.76	
		108682219	07/13/2020	2001-0472-7 Rainer LS PUD	\$601.59	
		108682220	07/13/2020	2002-0504-5 Lincoln LS PUD	\$89.79	
		111975629	07/13/2020	2010-1618-5 Hill Park LS PUD	\$118.16	
		111975630	07/13/2020	2010-5484-8 Champagne LS PUD	\$196.06	
		115277508	07/13/2020	2006-1127-5 Commercial LS PUD	\$52.90	
		118584393	07/13/2020	2013-7758-7 Signal	\$26.84	
		118585962	07/13/2020	2009-6329-6 Ferguson park lift station PUD	\$24.00	
		121900402	07/13/2020	2009-6790-9 Lighting	\$47.84	
		125225593	07/13/2020	2054-7868-8 Signal	\$69.29	
		131813997	07/13/2020	2014-4843-8 Signal	\$27.32	
		135113689	07/13/2020	2013-7757-9 Signal	\$34.04	
		148259491	07/13/2020	2203-1861-2 Lighting	\$59.41	
		148262977	07/13/2020	2024-0450-5 Signal	\$47.53	

**CONSENT ITEM 8b.**

**Schedule of Checks for the Checks Issued Since the July 7, 2020 Meeting**

<b>Name</b>	<b>Check #</b>	<b>Invoice#</b>	<b>Check Date</b>	<b>Description</b>	<b>Amount</b>	<b>Vendor Total</b>
		148263298	07/13/2020	2201-7303-3 Lighting	\$51.81	
		151560776	07/13/2020	2026-7068-3 Lighting	\$1,100.01	
		154807356	07/13/2020	2025-1183-8 Lighting	\$18.89	
		158006289	07/13/2020	2028-8206-4 Lighting	\$3,585.82	
		158006290	07/13/2020	2028-8208-0 Lighting	\$275.52	
		161182153	07/13/2020	2031-6858-8 Lighting	\$31.59	
		164391101	07/13/2020	2020-5999-4 Lighting	\$8.59	
<b>Snohomish Senior Center</b>						<b>\$1,000.00</b>
73180		20-106	07/13/2020	Senior Center Monthly Fee	\$1,000.00	
<b>Sound Publishing</b>						<b>\$776.49</b>
73181		EDH900523	07/13/2020	Park Avenue Utility Improvement Project Bid Advert	\$336.66	
		EDH901260	07/13/2020	Public Hearing Publication	\$28.96	
		EDH901594	07/13/2020	Ordinance Publication	\$41.63	
		EDH901725	07/13/2020	KlaHaYa Sewer Lift Sta Decom. Proj Bid Ad	\$369.24	
<b>Summit Law Group PLLC</b>						<b>\$224.00</b>
73182		113784	07/13/2020	Labor Relations	\$224.00	
<b>Superior Restrooms</b>						<b>\$105.00</b>
73183		A-9610	07/13/2020	Farmers Market portable toilet	\$105.00	
<b>United Recycling &amp; Organics</b>						<b>\$7,053.78</b>
73184		98672	07/13/2020	WTP House demo	\$7,053.78	
<b>United Site Services</b>						<b>\$459.29</b>
73185		114-10583651	07/13/2020	South Restroom	\$145.56	
		114-10585246	07/13/2020	Ferguson Park	\$313.73	
<b>Unum Life Insurance</b>						<b>\$157.00</b>
73186		07012020	07/13/2020	LEOFF Long Term Care	\$157.00	
<b>US Bank CPS</b>						<b>\$2,651.05</b>
73187		BC USBank McDaniels A26081	07/13/2020	Copying key for lower level of Carnegie Project	\$2.39	
		DD USBank Shell Oil 1024609	07/13/2020	Rat trap bait	\$2.99	
		DLG USBank Best Buy	07/13/2020	USB headsets	\$54.58	
		BBY01-806112952342				
		DLg USBank Splashtop 02SQ200601292714	07/13/2020	COVID-19, Remote support tool for desktop PCs.	\$199.00	
		JP USBank McDaniles A42485	07/13/2020	Supplies-shop/irrigation	\$69.49	
		LB USBank Amazon 3146660	07/13/2020	Laptop zoom cameras	\$150.70	
		LB USBank Amazon 4845044	07/13/2020	Markers, labels COVID-19	\$48.47	
		LB USBank Amazon 4945007	07/13/2020	Sanitizer spray bottles-COVID-19	\$41.47	
		LB USBank Amazon 8116226	07/13/2020	Air freshner-shop	\$32.36	
		LB USBank Amazon 7849048	07/13/2020	Anit fog cloth -COVID-19	\$14.19	
		LB USBank Amazon 8045803	07/13/2020	Anti fog spray-COVID-19	\$18.51	
		LB USBank Amazon 8102607	07/13/2020	Face masks COVID-19	\$270.20	
		LB USBank Kaas 1140	07/13/2020	Masks, faceshield-COVID-19	\$777.27	
		RK USBank Snohomish Coop 00046515	07/13/2020	Fleet fuel	\$67.43	
		WP USBank Cort q45747-1	07/13/2020	Supplies for Downtown Seating Area COVID-19	\$902.00	
<b>Utilities Underground Location</b>						<b>\$113.52</b>
73188		0060217	07/13/2020	June locates	\$113.52	
<b>Voyager</b>						<b>\$3,876.56</b>
73189		869344283027	07/13/2020	Fleet fuel June 2020	\$4,160.72	
		869344283027	07/13/2020	Fleet fuel June 2020	(\$284.16)	
<b>Washington Tractor</b>						<b>\$842.58</b>
73190		2126897	07/13/2020	Line trimmer WWCS	\$513.19	
		2126928	07/13/2020	Line Trimmer head	\$34.93	
		2131149	07/13/2020	Mower shoot	\$140.56	
		2134290	07/13/2020	EP28 belt	\$151.47	
		2134488	07/13/2020	EP28 returned parts	(\$12.97)	
		2134497	07/13/2020	EP20 repair part	\$12.68	
		2136100	07/13/2020	Weed eater filter	\$2.72	

**CONSENT ITEM 8b.**

***Schedule of Checks for the Checks Issued Since the July 7, 2020 Meeting***

<b>Name</b>	<b>Check #</b>	<b>Invoice#</b>	<b>Check Date</b>	<b>Description</b>	<b>Amount</b>	<b>Vendor Total</b>
<b>WAVE</b>						<b>\$1,104.11</b>
73191		103950001-0008229	07/13/2020	City Phone & Internet services.	\$1,104.11	
<b>Weed, Graafstra &amp; Associates, Inc. P.S.</b>						<b>\$32,625.50</b>
73192		230 258 28	07/13/2020	Attorney Fees	\$32,625.50	
<b>Western Facilities Supply Inc</b>						<b>\$901.83</b>
73193		034706	07/13/2020	Trash bags	\$901.83	
<b>Whistle Workwear</b>						<b>\$668.84</b>
73194		TR-516002	07/13/2020	Work Boots Koi Simpson	\$187.75	
		TR-516003	07/13/2020	Uniform Koi Simpson	\$481.09	
<b>Ziply Fiber</b>						<b>\$404.70</b>
73195		060217-5 070120	07/13/2020	Communication	\$404.70	
<b>Debbie Bell</b>						<b>\$710.45</b>
73196			6/30/2020	UB Refund	\$710.45	
<b>Walter O Johnson</b>						<b>\$146.73</b>
73197			7/1/2020	UB Refund	\$146.73	
					<b>TOTAL:</b>	<b>\$681,211.88</b>

I hereby certify that the goods and services charged on the vouchers listed below have been furnished to the best of my knowledge. I further certify the claims below to be valid and correct.

\_\_\_\_\_  
Finance Director

WE, the undersigned Councilmembers of the City of Snohomish, Washington, do hereby certify that the claim warrants #73124 through #73197 in the total amount of \$681,211.88 through July 13, 2020 are approved for payment on July 21, 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember