



# CITY OF SNOHOMISH

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

## NOTICE OF REGULAR MEETING

### PLANNING COMMISSION

**WEDNESDAY**  
**August 5, 2020**  
**6:00p.m.**

### AGENDA ON NEXT PAGE

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

Pursuant to City of Snohomish's **Resolution 1408** adopting procedures for holding public meetings consistent with State law, and in accordance with the Governor's Proclamation 20-25, "Stay Home Stay Healthy" order to reduce the risk of exposure and the spread of contagious viruses through social interactions, the August 5, 2020 meeting of the Planning Commission will be held utilizing remote access. The public is invited and encouraged to participate by calling in, and listening to the live meeting. Instructions for calling into the live meeting are provided below.

We want to hear from you. The public is encouraged to submit written comments prior to the meeting by sending it to the Planning Director at: [pickus@snohomishwa.gov](mailto:pickus@snohomishwa.gov) before 5 p.m. on Tuesday, August 4, 2020 to be included as part of the public record for that meeting.

**To access the ONLINE Zoom remote meeting, please use the following link (external/internal speakers required):** <https://us02web.zoom.us/j/84080652604>

**Meeting ID:** 840 8065 2604

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

+1 253 215 8782 or  
+1 669 900 6833 or  
+1 346 248 7799 or  
+1 312 626 6799 or  
+1 929 205 6099 or  
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**YOU WILL BE PROMPTED TO ENTER THE MEETING ID# --**

**Meeting ID:** 840 8065 2604

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



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## NOTICE OF REGULAR MEETING

### PLANNING COMMISSION

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

**WEDNESDAY  
August 5, 2020  
6:00 p.m.**

### AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the July 1, 2020 regular meeting (P.3)
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **DISCUSSION ITEMS:**
  - a. Elimination of the Urban Horticulture and Mixed Use Land Use Designations (P.7)
  - b. Elimination of Joint-Use Parking Agreements (P.21)
8. **DIRECTOR'S REPORT**
9. **ADJOURNMENT**

**NEXT MEETING:** The next regular Planning Commission meeting will be Wednesday, September 2, 2020, at 6:00 p.m., in the George Gilbertson Boardroom, Snohomish School District Resource Center, 1601 Avenue D or remote on-line/telephone via *Zoom*.

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

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

**CITY OF SNOHOMISH  
REGULAR MEETING OF THE PLANNING COMMISSION  
MEETING MINUTES  
July 1, 2020**

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

**COMMISSIONERS PRESENT:**

Christine Wakefield Nichols  
Gordon Cole  
Hank Eskridge (*arr. at 6:06 p.m.*)  
Mitch Cornelison  
Terry Lippincott, Chair  
Nick Gottuso  
Van Tormohlen

**STAFF:**

Glen Pickus, Planning Director  
Brooke Eidem, Planner

**OTHERS PRESENT:**

Steve Dana, Council Liaison

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

4. **APPROVAL OF AGENDA ORDER**

Commission Chair Lippincott asked if there were any changes to the agenda order proposed. As there were none the agenda order was approved as presented.

5. **GENERAL PUBLIC COMMENTS**

Commission Chair Lippincott asked if there were any comments from the public for items not on the agenda. There were none.

6. **APPROVAL** of the minutes of the June 3, 2020 regular meeting

Commissioner Cornelison moved to approve the minutes of the February 5, 2020 meeting. Commissioner Cole seconded, and the motion passed 6-0.

7. **PUBLIC HEARING**

Commission Chair Lippincott opened the public hearing to consider proposed code amendments to consolidate the definitions in Title 14 generally into a single chapter. Planner Eidem presented reviews of the previous work done by the Planning Commission, and described actions staff took in response to outstanding items from the last discussion. There were no questions from the Commission.

Commission Chair Lippincott asked if there were any comments from the public. There were none.

**AGENDA ITEM 5.**

Commissioner Cole moved that the public hearing be closed. Commissioner Gottuso seconded and the motion passed 7-0.

Commissioner Cole moved that the Planning Commission recommend City Council approval of the proposed definitions and associated code amendments as presented, and to approve the Findings of Fact and Conclusions as presented. Commissioner Gottuso seconded and the motion passed 7-0.

**8. PUBLIC HEARING**

Commission Chair Lippincott open the public hearing to consider the repeal and replacement of Chapter 14.270 Snohomish Municipal Code, entitled "Flood Hazard Areas," in order to update the regulations to be consistent with FEMA and state requirements. Planning Director Pickus explained the need for the repeal and replacement of Chapter 14.270, and highlighted the more significant changes to the code. There were no questions from the Commission.

Commission Chair Lippincott asked if there were any comments from the public. There were none.

Commissioner Wakefield Nichols moved that the public hearing be closed. Commissioner Tormohlen seconded and the motion passed 7-0.

Commissioner Eskridge moved that the Planning Commission recommend City Council approval of the proposed repeal and replacement of Chapter 14.270 Snohomish Municipal Code, entitled "Flood Hazard Areas," as presented and to approve the Findings of Fact and Conclusions as presented. Commissioner Gottuso seconded and the motion passed 7-0.

**9. DISCUSSION ITEM: Floor Area Ratios Variance Prohibition**

Mr. Pickus described a potential code amendment to add Floor Area Ratio (FAR) maximums to the list of subjects for which a variance may not be granted. The Commission discussed the issue, how FAR is calculated, the general limits on the size of development on single family parcels and whether maximum lot coverage might be a better tool than maximum FARs, whether it is appropriate for some of the FAR regulations to be not part of Title 14 but in the design standards, and whether the area of garages should be included in the FAR calculation. The consensus after the discussion was before they could consider the code amendment proposal the other issues that were just discussed needed to be addressed. Mr. Pickus said staff will bring those issues back to the Commission.

**10. DIRECTOR'S REPORT**

- Mr. Pickus explained to the Commission that when the City Council considers their recommendation for the definitions code amendments, they will look at three separate ordinances. Multiple ordinances were prepared based on advice from the City Attorney's Office, as the amendments addressed several subjects and chapters.
- On June 17, 2020, the City Council approved the code amendment to implement the SEPA flexible thresholds for minor new construction as recommended by the Planning Commission.

**AGENDA ITEM 5.**

**11. ADJOURNMENT**

Commissioner Wakefield Nichols moved for adjournment. Commissioner Cole seconded and the motion passed 7-0.

The meeting adjourned at 6:59 p.m.

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

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

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**DISCUSSION ITEM 7a.**

**Date:** August 5, 2020

**To:** Planning Commission

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

**Subject: Elimination of Urban Horticulture and Mixed Use Zoning Districts**

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**SUMMARY:** Staff will brief Commissioners on proposals to eliminate the Urban Horticulture and Mixed Use land use designations, and seek direction on what replacement designations should be considered for the affected lots.

**BACKGROUND:** The Comprehensive Plan calls for the elimination of the Urban Horticulture and the Mixed Use zoning districts. These items were placed on the Comprehensive Plan amendments 2019 Final Docket by the City Council.

Urban Horticulture (UH). Comprehensive Plan policy UH 10.1 states that Urban Horticulture areas are to be transitioned to other appropriate land use designations as agricultural uses are abandoned.

This designation was created years ago to address small-scale farming operations which existed in the City. Currently, there are only two farming operations in the City and one in the Urban Growth Area (UGA).

In the City, 19.2 acres totaling 15 parcels owned by 11 people are designated UH, and 22.1 acres in the UGA are so designated, comprising 8 parcels owned by 7 people.

Mixed Use (MU). Comprehensive Plan policy CO 6.8 states the Land Use Designation Map is to be amended to re-designate the remaining Mixed Use parcels to be consistent with the existing use on the site and the context of the properties.

The MU designation was largely replaced by the Pilchuck District in 2012, but some remnants remain. There are approximately 98 parcels (with about 85 different owners) in the City with that designation, and none in the UGA. They total 21.8 acres, or about 1% of the land area in the City.

**ANALYSIS:** When considering to what a specific parcel should be rezoned, staff recommends using the two criteria in policy CO 6.8. While they specifically refer to the MU zone, it is logical that the same criteria are applicable to the UH zone as well. In addition, staff believes a third criteria should also be applied; therefore, the three staff-recommended criteria to consider for all rezones are:

1. How is the property currently being used?
2. How are the parcels in the vicinity being used, and what are they being used for?
3. Will the rezone negatively impact the current property owner's rights and the value of their property?

**DISCUSSION ITEM 7a.**

1. How is the property currently being used?

If this was the only criterion, then choosing a proper new zone would be easy. For instance, almost all of the UH parcels have been developed with a detached single-family residence so a rezone to Single Family would be appropriate.

2. How are the parcels in the vicinity being used, and what are they being used for?

This criterion can be especially useful when the zoning and/or use of the vicinity surrounding the subject parcel is consistent. For instance, rezoning a MU parcel on a block that is bordered on three or four sides by High Density Residential (HDR) to HDR would make sense.

3. Will the rezone negatively impact the current property owner's rights and the value of their property?

While difficult to apply, this criterion is perhaps most important. Determining whether something is a down zone can be subjective. Generally, it is considered a down zone if the new zone allows less intensive use. Therefore, a rezone from commercial to single-family residential would be a clear down zone, but a rezone from commercial to industrial or to a multi-family residential designation would be less clear as to whether or not it was a down zone.

The MU zone allows some of the most intensive use of property in the City, so just about any rezone might be considered a down zone, except if rezoned to commercial which has similar regulations as the MU zone.

For the UH zone, it is not clear what would be a down zone because it does not allow intense uses. It does allow specialized ones, some of which are not allowed in any other zone, such as growing and harvesting crops.

Zoning Basics. Rezoning a single parcel to something different than the parcels around it is not recommended and should be avoided as that might be considered spot zoning, which is not allowed. As such, when considering rezoning the UH and MU parcels, effort should be made to rezone entire blocks to the same designation, or at a minimum keeping sides of blocks the same. Applying this rule is necessary and important, but can conflict with applying the three criteria described above.

**PROPOSAL:**

Urban Horticulture. Almost all of the UH parcels have been developed with a detached single-family residence and are in areas surrounded by single-family residences and blocks zoned Single Family. Staff believes most, if not all, should be rezoned to Single Family.

There are a couple of parcels currently used for farming (e.g. an organic farm, growing blueberries, cattle grazing). In order to protect the current property owners' rights, staff recommends including in the rezone ordinance a provision identifying these parcels and protecting their right to continue using their property for the same farming purposes until they voluntarily abandon the use.

**DISCUSSION ITEM 7a.**

Mixed Use. Rezoning the MU parcels will be more complex because there is a wide variety of how those parcels are being used and the neighborhoods in which they are located. Each area will have to be treated differently.

Staff's initial thoughts are to limit the options to rezone MU parcels to the following:

- **Commercial:** A rezone to Commercial would essentially result in no changes to the property rights, as the MU and Commercial zones have similar regulations. However, not all MU parcels are in areas where a Commercial designation would be appropriate.
- **Neighborhood Business:** Neighborhood Business can be an option where Commercial is not appropriate, but this less intense Commercial zone might be okay. Currently, while this designation is provided for in the SMC, it is acting as a placeholder as no parcels have been zoned Neighborhood Business, nor have the regulations been fully developed yet.
- **High Density Residential (HDR):** Several blocks with the MU designation are surrounded by multi-family development and multi-family zoning. Rezoning a MU parcel to HDR might be automatically considered a down zone by some because no commercial uses are allowed in HDR. However, the limited uses allowed are mitigated by the fact the HDR zone allows a 33% higher density of development than MU: 24 dwelling units per acre compared to 18 units per acre.
- **Single Family:** Rezoning MU to Single Family would only be considered if the property owner requested it and only if the parcel has already been developed with a detached single-family residence. Even then, the request might not be granted if it would not make sense when looking at the surrounding neighborhood. Staff does not believe many, if any, property owners will request this.

Staff will guide Commissioners through this discussion by reviewing each of the attached maps.

**RECOMMENDATION:** No action is required as this is a discussion item only. Staff is requesting general direction and guidance from the Commission in preparation for discussing rezoning with property owners.

**NEXT STEPS:** After staff has finished its outreach to property owners, a work session will be scheduled to discuss all proposed Comprehensive Plan amendments including amending the Land Use Map to show the re-designation of the UH and MU. The work session will likely be held in October, at the earliest.

**ATTACHMENTS:**

- A. Orchard Avenue (UH) map
- B. Lincoln Avenue (UH) map
- C. State Street (UH) map
- D. Airport Road (UH) map
- E. Fobes Road (UH) map
- F. Cedar Avenue (MU) map
- G. Maple Avenue (MU) map
- H. South Pine Avenue (MU) map
- I. North Pine Avenue (MU) map
- J. South (MU) map

ATTACHMENT A

Orchard Avenue (UH)



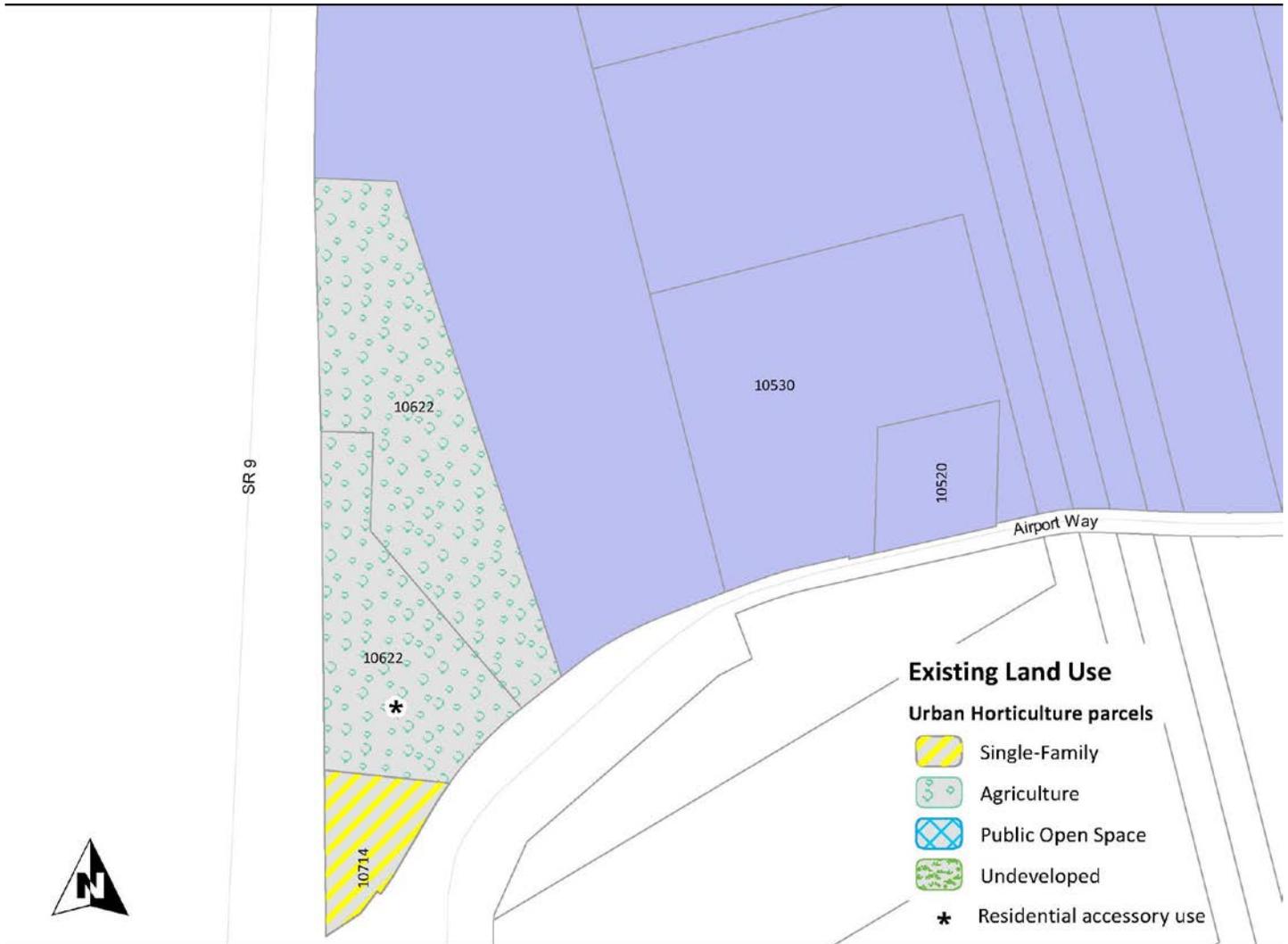
**ATTACHMENT B**  
**Lincoln Avenue (UH)**



**ATTACHMENT C**  
**State Street (UH)**



**ATTACHMENT D**  
**Airport Road (UH)**



**Existing Land Use**

**Urban Horticulture parcels**

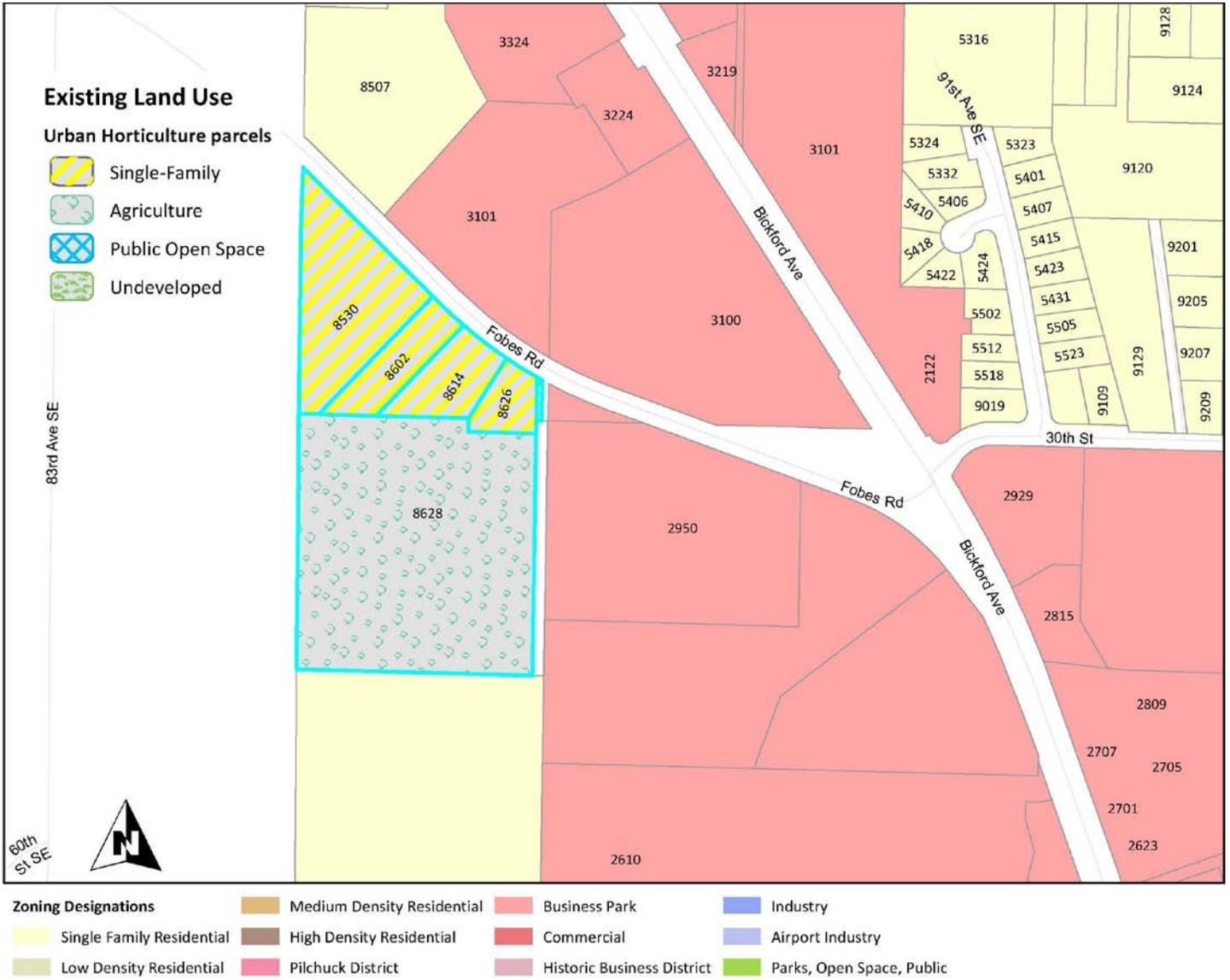
- Single-Family
- Agriculture
- Public Open Space
- Undeveloped
- Residential accessory use

**Zoning Designations**

- |                            |                   |                            |
|----------------------------|-------------------|----------------------------|
| Medium Density Residential | Business Park     | Industry                   |
| Single Family Residential  | Commercial        | Airport Industry           |
| Low Density Residential    | Pilchuck District | Historic Business District |
|                            |                   | Parks, Open Space, Public  |

**ATTACHMENT E**

**Fobes Road (UH)**



## ATTACHMENT F

### Cedar Avenue (MU)



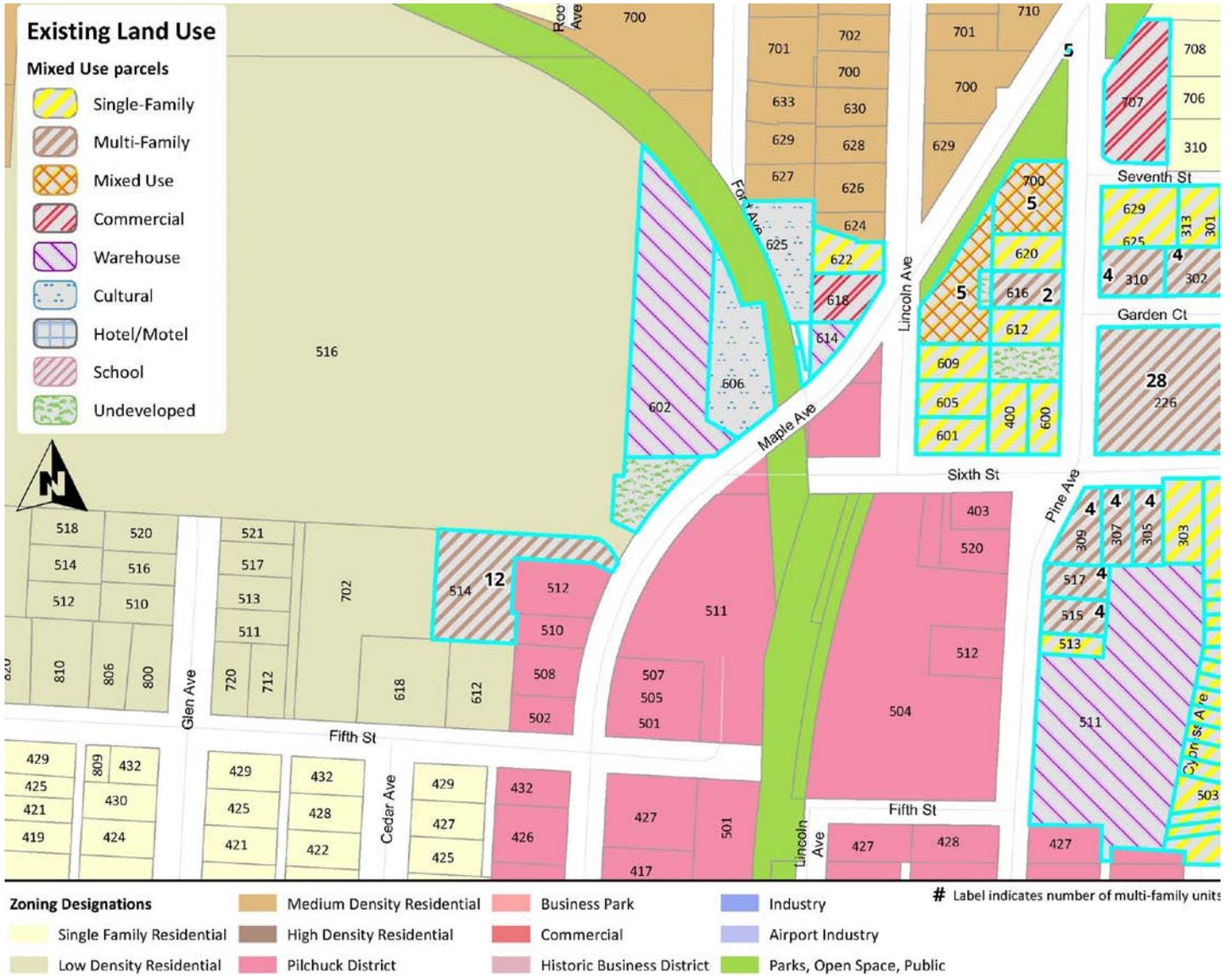
**Zoning Designations**

- Single Family Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Pilchuck District
- Business Park
- Commercial
- Historic Business District
- Industry
- Airport Industry
- Parks, Open Space, Public

# Label indicates number of multi-family units

## ATTACHMENT G

### Maple Avenue (MU)



## ATTACHMENT H

### South Pine Avenue (MU)



ATTACHMENT I

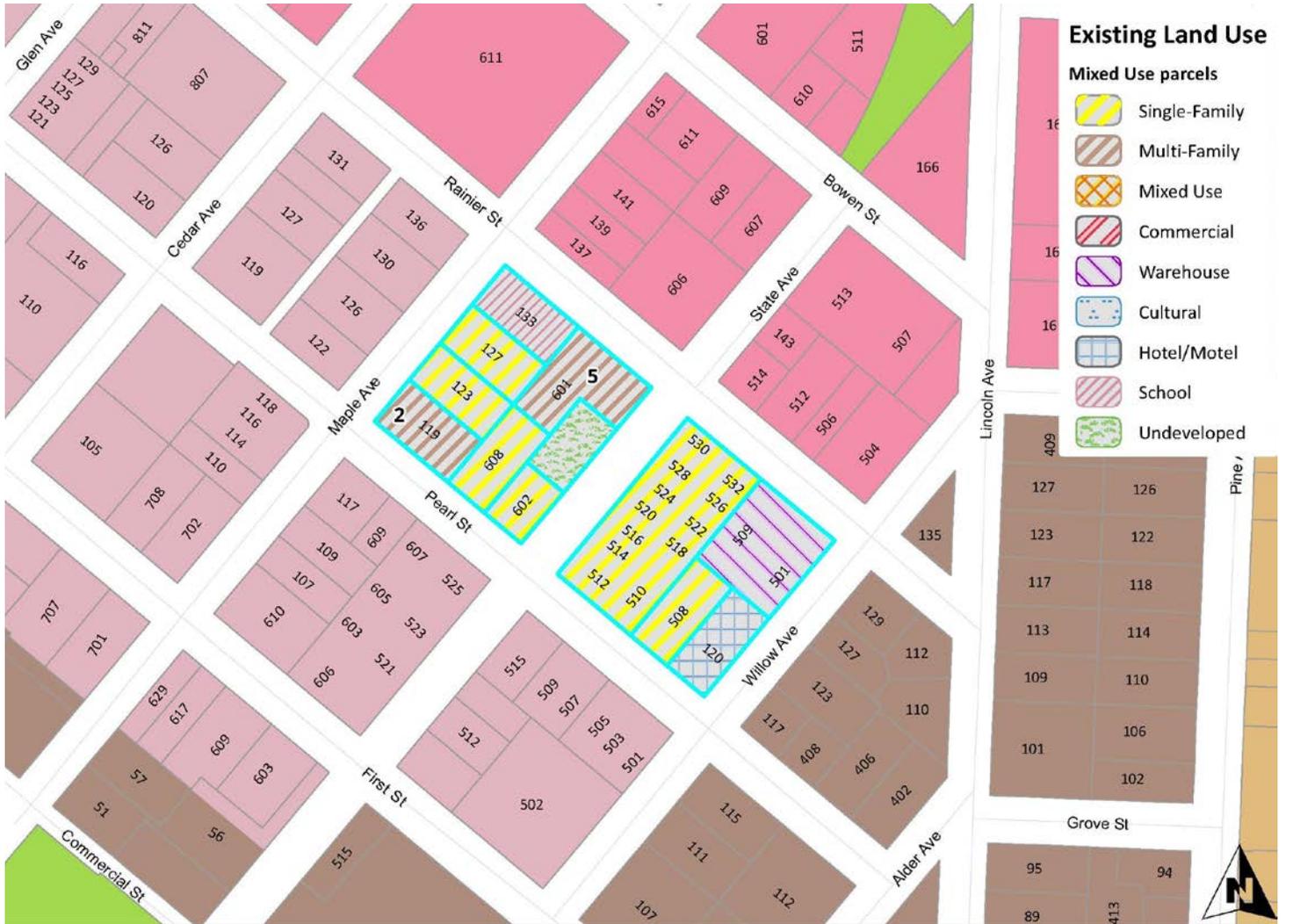
North Pine Avenue (MU)



<b>Zoning Designations</b>	Medium Density Residential	Business Park	Industry	# Label indicates number of multi-family units
Single Family Residential	High Density Residential	Commercial	Airport Industry	
Low Density Residential	Pilchuck District	Historic Business District	Parks, Open Space, Public	

# ATTACHMENT J

## South (MU)



### Existing Land Use

#### Mixed Use parcels

- Single-Family
- Multi-Family
- Mixed Use
- Commercial
- Warehouse
- Cultural
- Hotel/Motel
- School
- Undeveloped

- |                            |                            |                            |                           |
|----------------------------|----------------------------|----------------------------|---------------------------|
| <b>Zoning Designations</b> | Medium Density Residential | Business Park              | Industry                  |
| Single Family Residential  | High Density Residential   | Commercial                 | Airport Industry          |
| Low Density Residential    | Pilchuck District          | Historic Business District | Parks, Open Space, Public |

# Label indicates number of multi-family unit

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**DISCUSSION ITEM 7b.**

**Date:** August 5, 2020  
**To:** Planning Commission  
**From:** Glen Pickus, AICP, Planning Director  
**Subject:** **Parking Agreements**

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**SUMMARY:** The Planning Commission will be briefed on a proposal to repeal provisions of Snohomish Municipal Code (SMC) that allow for joint-use parking agreements.

**BACKGROUND:** SMC 14.235.010 Required Off-street Parking states that every new building or new construction shall provide sufficient off-street parking spaces to accommodate the building's need, as specified by the code, and those spaces shall be **permanently** maintained and made available for parking purposes [emphasis added].

SMC 14.235.070 Joint Uses of Parking Facilities provides the Planning Director with the discretion to approve the joint use of parking facilities if certain conditions are met.

SMC 14.235.090 Location of Parking Spaces allows a development to satisfy its parking requirements (in part or in whole) by utilizing the parking facilities at another location provided it is within 100 to 1,000 feet walking distance of the development, depending on the facility being served by the agreement, and a joint-use parking agreement is approved by the City.

**DISCUSSION:** New facilities can be approved even if they do not have adequate off-street parking on-site by entering into a joint-use parking agreement that allows the facility's tenants and customers to use off-site parking spaces. While the facilities are permanent and the requirement is to maintain permanent parking space, parking agreements are not permanent.

When a parking agreement is terminated or expires, the property owner of the facility with the inadequate on-site parking is required to enter into a new joint-use parking agreement. However, if they are unable to for whatever reason, the City has limited recourse. The result is a facility that does not have adequate on-site parking and has no way to provide it.

Agreements providing for joint use of parking facilities are intended to provide flexibility in meeting parking requirements. The reality is they become a way of circumventing parking requirements (whether intentional or not) in order to obtain approval in that moment by providing a temporary solution for a permanent issue.

**PROPOSAL:** Staff's proposal is to amend SMC to repeal the provision for joint-use parking agreements. This would require all new development to meet off-street parking requirements by providing at least the minimum number of parking spaces on site.

This can create a hardship for existing facilities because in some cases, when the use of a facility changes, additional parking may be required above the number needed for the original use. If the site is fully developed, as it typically is, there may not be an opportunity to create more on-site parking stalls. Therefore, the proposal would also have to include amending SMC 14.235.010 to eliminate the requirement that additional parking be provided when a use changes. This is currently the rule in the Historic Business District (HBD), where a change in use does not require any additional parking.

**DISCUSSION ITEM 7b.**

SMC 14.235.040(D) does require additional parking be provided when a facility in the HBD constructs an addition that increases its floor area. This subsection would have to be amended or eliminated as most parcels in the HBD have maximized building footprints and there is no unused area available to create new parking.

As part of this code amendment process, staff also recommends creating a special parking requirement for new multi-tenant developments independent of the expected tenants. Currently, parking requirements for new multi-tenant developments are calculated by the gross square footage of each commercial space and the expected use for that space. A single multi-tenant requirement that is large enough to accommodate all anticipated tenants, but not too large as to be burdensome, would address the change in use situation.

**RECOMMENDATION:** No action is required as this is a discussion item only. The Planning Commission should discuss the proposal, ask questions of staff, and provide direction to staff as to whether this proposal should be further developed.

**NEXT STEPS:** If Commissioners are supportive of the proposed code amendment, staff will bring it back to the Planning Commission for a public hearing at a later date, likely in early 2021.

**REFERENCES:**

- [SMC 14.235.010, Required Off-Street Parking](#)
- [SMC 14.235.040D, Parking Requirements for Existing and New Structures in the Historic Business District Land Use Designation](#)
- [SMC 14.235.070, Joint Use Parking Facilities](#)
- [SMC 14.235.090, Location of Parking Spaces](#)