

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2111

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, REVISING THE LAND USE DEVELOPMENT CODE'S PROVISIONS REGARDING RECORDED DEVELOPMENT PLANS IN THE BUSINESS PARK AND MIXED USE LAND USE DESIGNATIONS AND AMENDING CHAPTERS 14.20, 14.25, 14.40, 14.65, 14.205, 14.207, AND 14.210 OF THE SNOHOMISH MUNICIPAL CODE.

WHEREAS, the City has adopted a Land Use Development Code, which is set forth in Title 14 of Snohomish Municipal Code; and

WHEREAS, the Planning Commission and City Council have reviewed proposed amendments to Title 14 SMC, related to revised regulations for recorded development plans in the Business Park and Mixed Use land use designations, and have conducted at least one public hearing related thereto; and

WHEREAS, the City Council finds the proposed amendments are consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, the City has issued a determination of non-significance pursuant to the State Environmental Policy Act, Ch. 43.21C RCW; and

WHEREAS, the City has complied with RCW 36.70A.106 regarding review by the Department of Community, Trade, and Economic Development of proposed amendments to the Development Code;

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

Section 1. Chapter 14.20 of the Snohomish Municipal Code is hereby amended by amending SMC 14.20.010 to read as follows:

14.20.010 Classification

Permits shall be classified according to which procedures apply. In the following table an "X" means that the specified procedure (row) pertains to the specified permit type (column):

Procedure Category	Permit Type					
	1	2	3	4	5	6
Unique permit submittal requirements & decision criteria apply	X	X	X	X	X	X
Regulatory reform applies, i.e. per RCW36.70B.140, the City must issue a determination of completeness, etc.		X	X	X	X	X
Public notice required			X	X	X	X
SEPA threshold determination required (i.e., "SEPA-applicable")				X		X
Public hearing required					X	X
Design review required	?			?	?	?

?=sometimes required; see text of the applicable permit process

The above table, applied to permits issued pursuant to the Snohomish Development Code, results in the following classification list of permits by type:

Permit Type	Permit Classification Number
administrative development plans, SEPA-exempt	1
building permits, SEPA-exempt	1
land clearing permits (provisional)	1
lot line adjustments	1
lot line eliminations	1
minor variances	1
sign permits	1
temporary permits (provisional)	1
final plats	2
short plats, SEPA-exempt	3
administrative development plans, SEPA-applicable	4
building permits, SEPA-applicable	4
short plats, SEPA-applicable	4
SEPA-exempt conditional use permits, recorded	5
development plans, variances	5
amendments to Development Code's Land Use Designation Map, SEPA-applicable conditional use permits, recorded development plans, preliminary plats, planned residential developments, and shoreline	6
substantial development permits/variances/conditional uses	6

Section 2. Chapter 14.25 of the Snohomish Municipal Code is hereby amended by amending SMC 14.25.010 to read as follows:

14.25.010 City Planner Consideration of Criteria

The City Planner shall consider completed Type 1 permit applications, which contain the specific information from SMC 14.55.005 that is deemed relevant by the City Planner for the permit in question and which meet the applicable permit approval criteria. Generally, the pertinent SMC sections or chapters, which contain the applicable permit criteria, are as follows:

A. Building permits, SEPA-exempt
Ch. 19.04 SMC

B. Temporary permits
Ch. 14.60 SMC

C. Sign permits
Ch. 14.245 SMC

D. Land clearing permits
SMC 16.12.030

E. Minor variances
SMC 14.70.020

F. Lot line adjustments
SMC 14.215.130

G. Administrative development plans, SEPA-exempt
SMC 14.65.030, 14.205.055, 14.205.070, 14.210.230

Section 3, Chapter 14.40 of the Snohomish Municipal Code is hereby amended by amending SMC 14.40.010 and SMC 14.40.060 to read as follows:

14.40.010 Purpose

This Chapter sets forth the procedural requirements for a Type 4 Permit, which includes a building permit, administrative development plan, or short plat, that is subject to SEPA.

14.40.060 Decision - Preliminary and Final Approvals and Notice of Decision

- A. After the comment period has lapsed, and within 120 days of determination of completeness, the City Planner shall determine whether the application is consistent with the applicable permit criteria (see general criteria in SMC 14.65.030 and SMC 14.215.120A) and act on the application accordingly. See SMC 14.55.050 for exceptions to this 120-day deadline.

- B. If the proposal requires City acceptance of public improvements such as street, sidewalk, stormwater, or other utility improvements, the City Planner's decision as described in SMC 14.40.060 may be a preliminary approval of the proposal in the form of a letter to the applicant stating any conditions of approval. The City Planner shall coordinate with the City Engineer in determining acceptance of public improvements. The City Planner and City Engineer shall not give final approval, nor shall any short plat be recorded, until the stipulated public improvements are complete or bonded for, in compliance with Ch.14.215 SMC.

- C. The City shall publish in accordance with SMC 14.55.040 a notice of decision within 120 days of determination of completeness. See SMC 14.55.050 for exceptions to the 120-day deadline. The notice of decision shall include a statement of threshold determination and the procedures for administrative appeal.

Section 4. Chapter 14.65 of the Snohomish Municipal Code is hereby amended by amending SMC 14.65.030 to read as follows:

14.65.030 Administrative Development Plans and Recorded Development Plans

- A. Administrative development plans shall have the same purpose, process (Type 1 or 4 permit depending on whether the action is SEPA-exempt), and criteria as conditional use permits. An administrative development plan is required for several types of development within Title 14 SMC in the BP and MU designations. In each instance where the approval of an administrative development plan is required, specific issues are noted that must be addressed as part of the approval and will be discussed in the staff report and included in the recommended action.
- B. Recorded development plans shall have the same purpose, process (Type 5 or 6 permit depending on whether the action is SEPA-exempt), and criteria as conditional use permits except that recorded development plans, upon approval, shall be recorded in the same manner as subdivision in order to assure that the development plan will be implemented. A recorded development plan is required for several types of development within Title 14 SMC in the Airport Industry designation. In each instance where the approval of a recorded development plan is required, specific issues are noted that must be addressed as part of the approval and will be discussed in the staff report and included in the recommended action.

Section 5. Chapter 14.205 of the Snohomish Municipal Code is hereby amended by amending SMC 14.205.055 and SMC 14.205.070 to read as follows:

14.205.055 Business Park Designation

The purpose of this designation is to provide areas suitable for a mix of light manufacturing and commercial uses while discouraging strip commercial development. The purpose of this designation is also to broaden the array of developable areas to include those with environmental constraints. Development will occur under strict aesthetic and environmental controls. This designation is intended to designate and preserve properties for commercial and manufacturing activities, which could improve the economic base of the City. Multiple family type residential use is permitted in conjunction with commercial use on the same site.

1. Business Parks shall have access to at least one major arterial. Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.
2. Development in Business Park areas will require an administrative development plan. Criteria for approval of the development plan shall include the prevention of strip commercial development and the protection of environmentally critical areas. The City and

the applicant may agree to process an administrative development plan application as a Type 5 instead of a Type 1 permit or a Type 6 instead of Type 4 permit.

3. A minimum of five (5) acres will normally be required for a Business Park development; however, existing smaller parcels that can not be aggregated together to establish a five (5) acre project will be allowed subject to appropriate review and conditions.
4. Townhouse and apartment styles of residential use are permitted in conjunction with commercial use on the same site.
5. In Business Park areas, the City Planner or Hearing Examiner may determine that two or more non-contiguous parcels constitute one development site when all of the following conditions are satisfied:
 - a. The parcels are within 0.25 mile, measured between nearest property lines, so that land development conditions and issues are substantially similar.
 - b. The parcels are in common ownership throughout the permitting and construction process.
 - c. Construction activity upon all parcels is requested, reviewed, and permitted through one land use development application.
 - d. Signs, structures, and other improvements on all parcels exhibit common architectural design features.
 - e. The names given to development on the non-contiguous parcels have common words and themes.
 - f. The parcels are connected by pedestrian walkway.

14.205.070 Mixed Use Designation

This designation applies to areas of the City in which housing, shopping and working activities can be compatibly mixed to encourage infill of under-utilized lots and reduce auto work and shopping trips. Mixed Use areas will encourage a mix of single- and multi-family residential, commercial, and light industry uses in the same area, on the same site, and in the same structure. Compatibility among mixed uses shall be increased by application of the City's design standards for areas outside the Historic District to both the site and structures and the use of the conditional use permit process to provide better control over some types of allowed uses.

1. Mixed Use areas shall be located in areas already characterized by mixed uses, served by arterials, and within walking distance of bus service.
2. An administrative development plan shall be required for development within the Mixed Use designation. The process will include an administrative review for compliance with the Design Standards Outside of the Historic District. The administrative development plan shall

be executed prior to the issuance of development permits. The City and the applicant may agree to process a development plan application as a Type 4 instead of a Type 1 permit or a Type 6 instead of a Type 5 permit.

3. The development of mixed uses on the same site and/or in the same structure will be encouraged by incentives such as shared parking.
4. It is expected that, as new development occurs within properties having this designation, patterns of common development will be established and areas will be redesignated to more common land use designations as appropriate.

Section 6. Chapter 14.207 of the Snohomish Municipal Code is hereby amended by amending Subsection 7 of SMC 14.207.075 to read as follows:

7. Requires an approved administrative development plan.

Section 7. Chapter 14.210 of the Snohomish Municipal Code is hereby amended by amending SMC 14.210.230, 14.210.240, and 14.210.330 to read as follows:

14.210.230 Business Park and Airport Industry

- A. Chapters 14.205 and 14.207 SMC govern permitted land uses in the Business Park and Airport Industry designations.
- B. Minimum Area. A minimum of five (5) acres will normally be required for a Business Park development; however, existing smaller parcels that cannot be aggregated together to establish a 5 acre project will be allowed, subject to appropriate review and conditions.
- C. Setbacks.
 1. From all public rights-of-way: A minimum setback of twenty (20) feet shall be complied with for structures designed for other than office and retail use. Buildings designed for office and/or retail use can be located so that they abut the front property line when pedestrian sidewalks and walkways abut the buildings.
 2. From all other property lines forming the perimeter development:
 - a. Adjacent to nonresidential land use designations: Ten (10) feet.
 - b. Adjacent to residential land use designations: A visual screen and a setback of not less than fifty (50) feet in depth shall be provided.
- D. Landscaping and Open Space.
 1. The site shall consist of not less than 20 percent landscaping and/or open space, which open space may consist of undisturbed vegetation or water and will include the 5% area

of required landscaping. In addition, any parking lot of over twenty (20) cars must provide a minimum of one contiguous one hundred (100) square foot landscaped island within the parking area for each ten (10) spaces. Up to 50% of the landscaping and open space requirement for a business park development may be provided by permanent dedication of a conservation easement to the City, a land trust, or another entity acceptable to the City of Snohomish, which easement shall restrict property to remain in open space in perpetuity within the same business park designation as the development in question.

2. At least 5 % of the site must be in formal developed landscaping no less than two thousand (2,000) square feet in area and oriented towards the main entrance and public right-of-way.
3. Landscaping Adjacent to Streets. All uses which adjoin a street will also provide a landscape corridor of trees, planted no more than fifty (50) feet on center. Such landscaping shall not obscure the sight distance for traffic and pedestrians at the intersection of streets or driveways.

E. Access

1. Access Limitation. Business Parks shall have access to at least one major arterial. Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.
2. Access Assurance to Adjacent Properties. At the time of permit review the City may require as a condition of approval either:
 - a. That a frontage road or marginal access street be constructed to provide access to the arterial for adjacent properties.
 - b. That the applicant grants to adjacent properties the right to use the applicant's arterial access.

- F. Height Limitation. Building heights shall not exceed three (3) stories or forty-five (45) feet. If a variance is applied for and granted to exceed three stories or forty-five (45) feet, there shall be added one (1) additional foot of yard setback on all sides for each one (1) foot of additional building height, provided that the total building height may not exceed four (4) stories or 60 feet for buildings not having stories.

14.210.240 Design Requirements for Mixed Use and Planned Residential Developments (PRDs).

- A. Chapters 14.25 and 14.40 SMC govern the process for obtaining an approved administrative development plan when required.

- B. Design requirements for PRDs are shown in SMC 14.210.330 Table 1 and in Chapter 14.220 SMC.
- C. Design requirements for administrative development plans in the Mixed Use designation are shown in SMC 14.210.330 Table 1.

14.210.330 Dimensional Requirements - Table 1

Commercial and Industry Designations

	Commercial CO	Historic District Business HB	Business Park BP	Industry IND	Airport Industry AI	Mixed Use MU
Minimum Lot Size, in sq. ft.	5,000	none	20,000	none	25,000	5,000
Min. Area for development	none	none	5 acres	none	5 acres	none
Lot Width, in feet	50	none	none	none	none	50
Permitted maximum density, du/ac ^[1]	18	18	18	na	1 per 10 acres	18
Front Yard Setback, in feet						
a. From street	0	0	20 ^[2]	0	35	0
b. From property line	0	0		0	0	0
Side Yard Setback ^[3] , in feet	0	0	0	0	0	0
Side Yard abuts residential designation	See 14.240 (landscape)	See 14.240 (landscape)	50	See 14.240 (landscape)	See 14.240 (landscape)	See 14.240 (landscape)
Rear Yard Setback, in feet	0	0	10	0	0	0
Rear Yard abuts residential designation	See 14.240	See 14.240	50	See 14.240	See 14.240	See 14.240
Rear access from an alley	na	15				
Open space (vegetated)	15% ^[4]	15% ^[5]	20%	15%	20%	15% ^[6]
a. Percent landscaped (excl. screening)	5%	0%	5%	5%	5%	5%
Height limitation ^[7] in feet	35	40	45	40	40	35
Access allowed per site						
a. From arterial			1			
b. From non-arterial			subject to sdp			
Development plan required			yes		yes	yes ⁸

14.210.330 Dimensional Requirements - Table 2

Residential and Other Misc. Designations

	Open Space	Urban Horticulture	Single Family Residential	Multi-family Residential - 12 du/acre	Multi-family Residential - 18 du/acre	Multi-family Residential - 24 du/acre	Public	
	OS	UH	SF	MF12	MF18	MF18 MHP	MF24	P
Minimum Lot Size, in sq. ft.	none	10 acres	7,200	7,200	6,000	1 acre	5,000	3 acres
Lot Width, in feet	none	none	60	60	50	50	50	none
Permitted density, du/ac ^[9]	na	1 per 10 acres	6	12	18	10	24	na
Front Yard Setback, in feet			^[10]	^[11]				
a. From arterial	20	20	20	20	20		20	20
b. From all other streets	20	20	20	20	20		20	20
c. From prop. line (no street)	10	10	20	10	10		10	10
Side Yard Setback ^[12] , in feet	0	10	5	6	8		10	5
a. From residential	0	10						12
Rear Yard Setback, in feet	0	10	20 ^[13]	20	15		10	15
Lot coverage	20%	20%		80%	80%		80%	85%
Open space	80%	70%		20%	20%		20%	15%
a. Percent landscaped	na	na		5%	5%		5%	5%
Height limitation ^[14] in feet	35	40	35	35	35		40	for res: 35
(Note: whichever is more restrictive applies)								

^[9] An alternative maximum density may be permitted by SMC 14.210.200.

^[10] Setback for office and/or retail use can be located so that they abut the front property line when pedestrian sidewalks and walkways abut the buildings.

^[11] Side yards abutting streets shall conform to one-half (1/2) the front yard setbacks.

^[12] Twenty percent (20%) vegetated open space required for multi-family developments.

^[13] Off-site landscaping or improvements to the streetscape may be substituted for on-site landscaping with the recommendation of the Design Review Board and approval of the City Planner; twenty percent (20%) vegetated open space shall be required for Multi-family developments.

^[14] Twenty percent (20%) vegetated open space required for multi-family developments.

^[15] Measured per 14.210.170.

^[9] An alternative maximum density may be permitted by SMC 14.210.200.

^[10] Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See 14.230.

^[11] Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See 14.230.

^[12] Side yards abutting streets shall conform to 1/2 the front yard setbacks.

^[13] If the property has an alley, vehicle access is required to be from the alley. Garage setback facing the alley SMC 14.210.130.

^[14] Measured per 14.210.170.

Section 8. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 9. Effective Date. This ordinance shall be effective five days after adoption and publication.

PASSED by the City Council and **APPROVED** by the Mayor this 5th day of July, 2006.

CITY OF SNOHOMISH

By _____
Randy Hamlin, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney