

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2082

AN ORDINANCE OF THE CITY OF SNOHOMISH, ADOPTING A NEW DEVELOPMENT CODE, REPEALING THE CURRENT DEVELOPMENT CODE, AND REPEALING CHAPTERS 14.01, 14.03, 14.05, 14.07, 14.09, 14.10, 14.11, 14.13, 14.15, 14.17, 14.19, 14.21, 14.23, 14.25, 14.27, 14.29, 14.31, 14.33, 14.35, 14.37, 14.38, 14.39, 14.40, 14.41, 14.45, 14.49, AND 14.59 OF THE CURRENT TITLE 14, AND ADOPTING CHAPTERS 14.05, 14.10, 14.15, 14.20, 14.25, 14.30, 14.35, 14.40, 14.50, 14.55, 14.60, 14.65, 14.70, 14.75, 14.80, 14.82, 14.85, 14.90, 14.95, 14.100, 14.205, 14.207, 14.210, 14.215, 14.220, 14.230, 14.235, 14.240, 14.250, AND 14.285 OF THE NEW TITLE 14, OF THE SNOHOMISH MUNICIPAL CODE.

WHEREAS, as one of the cities in Snohomish County, the City of Snohomish is required under RCW 36.70A.130(4)(a) to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the Growth Management Act (GMA); and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the GMA requires notice and broad public participation, when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and completely rewriting its development regulations, has complied with the notice, public participation and processing requirements established by the GMA, as more fully described below; and

WHEREAS, the City Council finds that from time to time it is necessary and appropriate to review and revise provisions of the City's Development Code (Title 14 SMC) and that at this time it has become necessary to completely rewrite the Development Code in order to address changes in the law, more efficient ways of administering the land use permit process, and problems experienced with administering the current Development Code; and

WHEREAS, following a comprehensive review of the Development Code by City staff, the Planning Commission and City Council held public hearings and workshops on the proposed rewrite of the Title 14 SMC after providing notice to the public as required by law; and

WHEREAS, the Planning Commission and City Council received and duly considered public input and comment on said proposed rewrite of Title 14 SMC; and

WHEREAS, the City has issued a determination of non-significance pursuant to the State Environmental Policy Act, Ch. 43.21C RCW, related to the adoption of the new Title 14 SMC;

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

Section 1. Chapters 14.01, 14.03, 14.05, 14.07, 14.09, 14.10, 14.11, 14.13, 14.15, 14.17, 14.19, 14.21, 14.23, 14.25, 14.27, 14.29, 14.31, 14.33, 14.35, 14.37, 14.38, 14.39, 14.40, 14.41, 14.45, 14.49, and 14.59 of the current Title 14 of the Snohomish Municipal Code are hereby repealed.

Section 2. Chapters 14.05, 14.10, 14.15, 14.20, 14.25, 14.30, 14.35, 14.40, 14.50, 14.55, 14.60, 14.65, 14.70, 14.75, 14.80, 14.82, 14.85, 14.90, 14.95, 14.100, 14.205, 14.207, 14.210, 14.215, 14.220, 14.230, 14.235, 14.240, 14.250, and 14.285, of the new Title 14 of the Snohomish Municipal Code are hereby adopted as set forth in the attached **Exhibit A**.

Section 3. 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 4. Effective date. This ordinance shall take effect five days after the date of its publication by summary.

PASSED by the City Council and **APPROVED** by the Mayor this 3rd day of May, 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed

Exhibit A

**TITLE 14
CITY OF SNOHOMISH
LAND USE DEVELOPMENT CODE**

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Chapter 14.05

GENERAL PROVISIONS

Sections:

- 14.05.010 Authority
- 14.05.020 Purpose
- 14.05.030 Jurisdiction
- 14.05.040 No special duty created
- 14.05.050 Interpretation
- 14.05.060 Adoption of supporting administrative guidelines
- 14.05.070 Compliance
- 14.05.080 Computation of time
- 14.05.090 Land Use Designation Map

14.05.010 Authority

- A. Title 14 of the Snohomish Municipal Code is adopted as the City of Snohomish Land Use Development Code (Development Code) pursuant to Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 35A.58 RCW (Boundaries and Plats), Chapter 36.70A RCW (Growth Management Act), Chapter 86.16 RCW (Flood Prevention), Title 58 RCW (Boundaries and Plats), the City's general police powers, and any other applicable state statutes and regulations.
- B. Whenever any provision of this title cites a section of the Revised Code of Washington (RCW) or Washington Administrative Code (WAC) and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most nearly corresponds to this superseded section.
- C. All activities allowed under the provisions of this title shall comply with applicable federal, state, regional, county, or City performance standards related to the creation or existence of the following: noise, vibration, glare, heat, odorous material, smoke and dust emission, wind borne air pollution, toxic or noxious material, sealed radioactive material, and all forms of water pollution.

14.05.020 Purpose

The general purposes of the City of Snohomish Land Use Development Code are to:

- A. Implement the City of Snohomish Comprehensive Plan.
- B. Implement Chapter 36.70A RCW, the Growth Management Act, and Chapter 36.70B RCW, Local Project Review.
- C. Protect the general health, safety, and welfare.

- D. Provide for the economic, social, and aesthetic advantages of orderly development.
- E. Provide for adequate public facilities and services in conjunction with development.

14.05.030 Jurisdiction

This title shall be effective throughout the City's corporate boundaries. In addition, the City of Snohomish and Snohomish County may enter into an interlocal agreement causing this title to apply to any or all portions of the City of Snohomish Urban Growth Area (UGA).

14.05.040 No special duty created

It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

No provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees, or agents.

14.05.050 Administration and interpretation

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word "shall" is mandatory and the word "may" is discretionary. The word "should" is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development

Code as set forth in SMC 14.05.020.

14.05.060 Adoption of supporting administrative guidelines

- A. City departments, boards, and commissions may adopt guidelines, reference materials, forms, or other documents to aid in interpreting and administering this Development Code, provided that such adoption is ratified by resolution or ordinance of the City Council.
- B. Previously adopted and ratified documents include the following:
 - 1. Approved Landscape Materials List.
 - 2. U.S. Department of Interior Rehabilitation Standards for Historic Properties.

14.05.070 Compliance

Subject to Chapter 14.80 SMC (Non-conforming Uses and Buildings), no person may use, occupy, or sell any land or buildings, or authorize or permit the use, occupancy, or sale of land or buildings under his control except in compliance with all of the applicable provisions of this title.

14.05.080 Computation of time

- A. Unless otherwise specifically provided, the time within which an act is to be done under the Development Code shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right, or is required, to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

14.05.090 Land Use Designation Map

The Land Use Designation Map in the Comprehensive Plan shall also constitute the Land Use Designation Map for the Development Code.

Chapter 14.10

FEES

Sections:

14.10.010 Fees

14.10.020 Staff and consultant hourly rates

14.10.10 Fees

- A. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for permits, approvals, variances, and other administrative relief. The amount of the fees charged shall be as established by resolution of the City Council.
- B. City administrative costs of processing all land use actions, including all appeals and all lawsuits brought by third parties, shall be borne by the applicant.
- C. As part of the pre-application review, the City Planner shall estimate the amount of all costs anticipated to be incurred by the City associated with processing all land use actions. The estimated City costs shall include, but not be limited to, all costs of staff and/or consultant review, reports and meetings, legal support, SEPA review, notices, advertising, posting, hearing room rental, staffing, record keeping, Hearing Examiner, improvement plan and specification review, materials, copies, reproduction as required, permits, permit preparation, permit fees, inspection, testing, plat review, plat checking, and administration.
- D. The applicant shall initially deposit with the City at the time of filing, a sum as determined by the City Planner to be equivalent to estimated City costs to process the land use action. City costs, as they occur, shall be deducted from the deposit. In the event the deposit balance becomes less than the actual cost to complete processing the land use action, additional deposit(s) in an amount equal to the actual further City costs will be required as a condition of continued processing of the land use action, and all processing and/or inspection will be stopped, and all construction must cease until the deposit balance is restored as required.
- E. This section is intended to supplement the fee schedules of any and all other City ordinances and resolutions to add thereto the obligation of the applicant to pay, in addition to scheduled fees, actual City costs incurred in processing land use actions.

14.10.20 Staff and consultant hourly rates

Hourly rates for City staff time for land use applications shall be as from time to time set by resolution of the City Council. Costs of consultants contracted by the City, if any, shall be charged to the applicant at the rates charged to the City.

Chapter 14.15

AMENDMENTS TO THE COMPREHENSIVE PLAN AND DEVELOPMENT CODE

Sections

- 14.15.010 Early and continuous public participation
- 14.15.020 Initiation of amendments
- 14.15.030 Scheduling proposed amendments 14.15.040 Threshold determination, scheduling of hearing, and notice
- 14.15.050 Reconsideration of DNS
- 14.15.060 Forward to City Council and Planning Commission
- 14.15.070 State review
- 14.15.080 Hearing
- 14.15.090 Criteria - findings and recommendation
- 14.15.100 Council action
- 14.15.110 Appeals
- 14.15.120 Illustration

14.15.010 Early and continuous public participation

The City encourages early and continuous public participation in the Comprehensive Planning and development regulation process and to that end has established notification procedures in SMC 14.55.040, which are consistent with the requirements of RCW 36.70A, 130, 140, and 470. Procedures, timelines, and application forms are available from the City Planner.

14.15.020 Initiation of amendments

- A. The City or someone with ownership interest in at least a portion of a site may, in the latter case upon payment of the application fee, initiate a Comprehensive Plan or Development Code amendment such as a change of land use designation.
- B. Comprehensive Plan amendments shall be processed annually. Complete applications received by January 30th shall be processed in the following calendar year as Type 6 permits. The City Planner shall docket such applications in accordance with RCW 36.70A.470(2).
- C. Property owner initiated, site-specific amendments to the Development Code's Land Use Designation Map shall be processed as Type 6 permits without frequency restriction.
- D. All individuals and organizations are encouraged to suggest amendments to the Comprehensive Plan or Development Code which are not specific to any site, such as

text amendments or area-wide map amendments. Such suggestions shall be made in writing to the City Planner, who shall docket them in accordance with RCW 36.70A.130 and 36.70A.470(2). Also, the Planning Commission and City Council may initiate amendments to the Comprehensive Plan or Development Code for inclusion in the preliminary docket, which are not specific to any site.

14.15.030 Scheduling consideration of proposed amendments

The City Planner and Planning Commission, under City Council direction, shall schedule consideration of all proposed amendments to the Comprehensive Plan or Development Code, regardless of who suggested or initiated them. The Development Code may be amended at any time as determined necessary by the City Council. The Comprehensive Plan may be amended no more than once per year and any contemplated amendments shall be considered concurrently, provided that this limitation shall not apply to the circumstances stated in RCW 36.70A.130(2). The City may concurrently amend the Comprehensive Plan and Development Code.

14.15.040 Threshold determination, scheduling of hearing, and notice

- A. Amendments to the Comprehensive Plan or Development Code may be requested utilizing a form provided by the City Planner subject to payment of prescribed fees. The City Planner shall verify completeness and shall docket complete requests.
- B. Once a proposed amendment to the Comprehensive Plan or Development Code has been drafted, the City Planner shall:
 1. Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three;
 2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare the draft EIS;
 3. Schedule a public hearing before the Planning Commission for a date that conforms to the following notice requirement; and
 4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Ch. 1.20 SMC), provided that:
 - a. if a determination of non-significance (DNS) has been issued, the notice shall state that if timely comments are received the City Planner will reconsider the DNS.
 - b. if WAC 197-11-340(2) applies (i.e., City cannot take final action until 14 days after issuing a DNS), the City Planner shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
 - c. if a DEIS has been prepared, the notice shall state that comments on the DEIS will be accepted until and at the hearing.
 - d. if the proposal is a site-specific amendment to the Land Use Map, the

- publication requirement shall be that of a Type 6 permit.
- e. the City Planner may publicize a given legislative proposal more broadly than stated herein to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

14.15.050 Reconsideration of DNS

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

14.15.060 Forward to City Council and Planning Commission

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

14.15.070 State review

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

14.15.080 Hearing

- A. One or more public hearings shall be conducted in accordance with this section.
- B. If directed by the City Council, the Planning Commission shall hold a public hearing, which may be at a joint meeting of the Planning Commission and City Council at the discretion of the City Council.
- C. The City Council may conduct its own public hearing, in addition to or in lieu of any public hearing conducted by the Planning Commission.
- D. In the case of site-specific amendments to the Development Code's Land Use Designation Map, the only public hearing shall be the one conducted by the Hearing Examiner pursuant to Chapter 14.50 SMC.

14.15.090 Criteria - findings and recommendation

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

Code shall be that the amendment:

1. Is internally consistent with the Comprehensive Plan (for Comprehensive Plan amendments) or is consistent with the Comprehensive Plan (for Development Code amendments);
2. Is consistent with the Growth Management Act and the State Environmental Policy Act; and
3. Is in the interest of the public health, safety, and welfare of Snohomish residents.

14.15.100 Council action

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

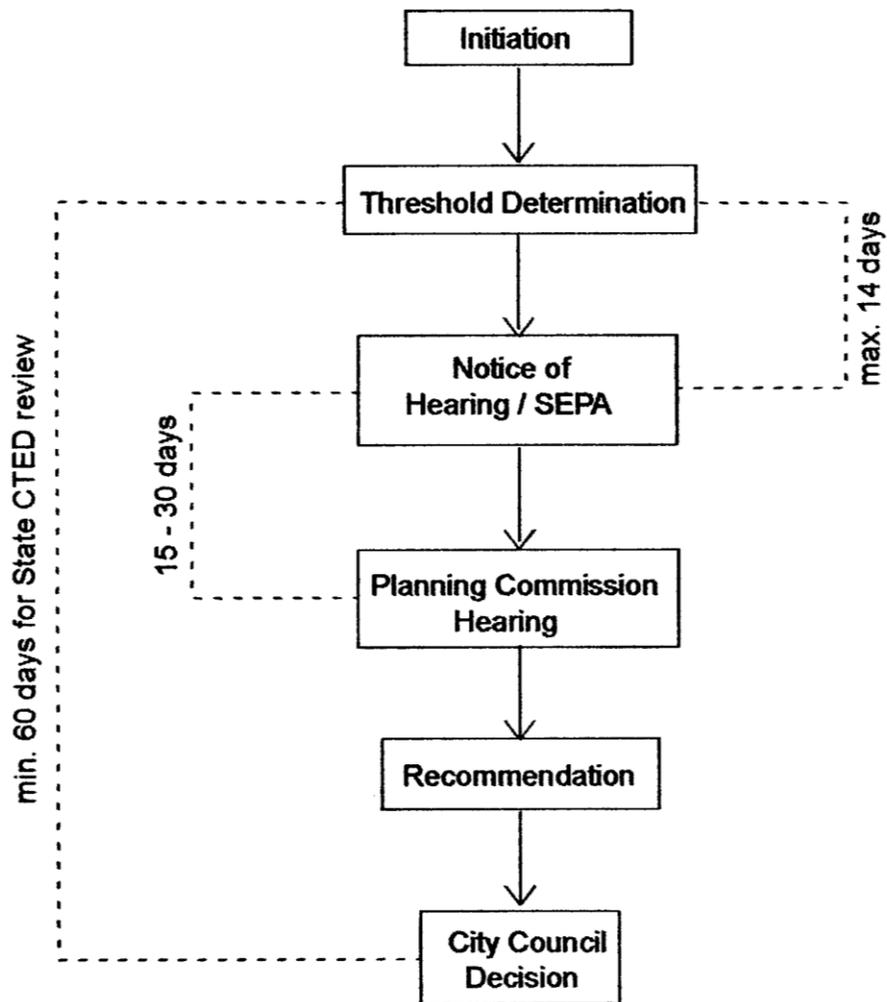
14.15.110 Appeals

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

14.15.120 Illustration

The following flow chart, entitled “Comprehensive Plan or Development Code Amendment”, illustrates the Comprehensive Plan or Development Code amendment process.

COMPREHENSIVE PLAN OR DEVELOPMENT CODE AMENDMENT



Chapter 14.20

CLASSIFICATION OF PERMITS BY TYPE

Sections

- 14.20.010 Classification
- 14.20.020 Non-permit actions

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
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
building permits, SEPA-applicable	4
short plats, SEPA-applicable	4
SEPA-exempt conditional use permits, recorded 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 substantial development permits / variances / conditional uses	6

14.20.020 Non-permit actions

The following actions are not permits for the purpose of this Development Code, do not appear in the above table, and shall not be processed as Type 1-6 permits:

- A. Permission to connect to City sanitary sewer, storm sewer, or water;
- B. Minor approvals for use of public properties;
- C. Right-of-way permits (Ch. 12.08 SMC);
- D. Street vacations (the Public Works Director shall process these according to state statute);
- E. Code interpretations (SMC 14.05.050);
- F. Administrative adjustments of impact fee amounts;
- G. Minor amendments to permits;
- H. Appeals (Ch. 14.75 SMC);
- I. Area-wide amendments to the Comprehensive Plan or Development Code, including area-wide land use designation changes (Ch. 14.15 SMC);
- J. Annual Comprehensive Plan and Land Use Designation Map docket issues;
- K. Annexations;
- L. Historic District designations; and
- M. Business licenses (Ch. 5.02 SMC).

Chapter 14.25 TYPE 1 PERMITS

Sections

14.25.010 City Planner consideration of criteria

14.25.020 Design Review

14.25.030 Appeals

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

14.25.020 Design review

If the proposal is not exempt from design review (see Chapters 14.225 and 14.230 SMC), the City Planner shall issue a finding of conformance (with or without conditions) or non-conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines as appropriate. The City Planner shall not approve the permit unless he or she finds that it conforms with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines as appropriate.

14.25.030 Appeals

Appeals shall be in accordance with SMC 14.75.010.

Chapter 14.30

TYPE 2 PERMITS

(FINAL PLATS)

Sections

- 14.30.005 Purpose
- 14.30.010 Application
- 14.30.020 Review
- 14.30.030 Findings and decision
- 14.30.040 Recording
- 14.30.050 Appeals

14.30.005 Purpose

This Chapter sets forth the procedural requirements for a Type 2 Permit, which includes obtaining a Final Plat.

14.30.010 Application

The applicant shall complete the appropriate application forms and submit the application and fee to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with Ch. 58.17 RCW, Ch. 14.215 SMC, and other applicable provisions of State and City regulations, and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.30.020 Review

The City Planner shall coordinate input from the City Engineer and other parties as necessary, prepare a staff report, and place the matter on the consent portion of the City Council agenda.

14.30.030 Findings and decision

The City Council shall as part of the approval of a final plat:

- A. Adopt written findings referencing the compliance of the proposed final plat with the criteria for final plats which are listed in SMC 14.215.090 and 14.215.100.
- B. Render a decision consistent with those findings.

14.30.040 Recording

After the final plat has been approved and contains the necessary signatures, it shall be filed for record with the County Auditor's office. One reproducible copy shall be furnished to the City Planner.

14.30.050 Appeals

Appeals shall be in accordance with RCW 58.17.180 & Chapter 36.70C RCW.

Chapter 14.35
TYPE 3 PERMITS
(SEPA-EXEMPT SHORT PLATS)

Sections

- 14.35.010 Purpose
- 14.35.020 Application
- 14.35.030 Determination of completeness
- 14.35.040 Notice of application
- 14.35.050 Decision
- 14.35.060 Preliminary and final approvals
- 14.35.070 Appeals

14.35.010 Purpose

This Chapter sets forth the procedural requirements for a Type 3 Permit, which includes SEPA exempt short plats.

14.35.020 Application

- A. The City Planner may require a potential applicant to participate in a pre-application review.
- B. The applicant shall complete the appropriate application form and submit application and applicable fees to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with SMC 14.215.120 and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.35.030 Determination of completeness

- A. Within 28 days of submittal, the City Planner shall:
 - 1. send the applicant either a determination of completeness or a notice stating information required to complete the application, and
 - 2. advise the applicant of other agencies that may have jurisdiction over the proposal.
- B. Within 14 days of submittal of additional information as required above, the City Planner shall send the applicant either a determination of completeness or another notice stating the information required to complete the application.

14.35.040 Notice of application

Within 14 days of determination of completeness of an application, the City Planner shall publish a notice of application in accordance with SMC 14.55.040. The comment period shall be 14 days.

14.35.050 Decision

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 SMC 14.215.120 A) and act on the application accordingly. See SMC 14.55.050 for exceptions to this 120-day deadline.

14.35.060 Preliminary and final approvals

If the proposal requires City acceptance of public improvements, such as street, sidewalk, stormwater, or utility improvements, the City Planner's decision under SMC 14.35.050 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 either complete or bonded for, in compliance with Ch. 215 SMC.

14.35.070 Appeals

Appeals shall be in accordance with SMC 14.75.010.

Chapter 14.40
TYPE 4 PERMITS
(SEPA-APPLICABLE BUILDING PERMITS
and SHORT PLATS)

Sections

- 14.40.010 Purpose
- 14.40.020 Application
- 14.40.030 Determination of completeness and notice of application
- 14.40.040 Threshold determination
- 14.40.050 Design review
- 14.40.060 Decision - preliminary and final approvals and notice of decision
- 14.40.070 Appeals

14.40.010 Purpose

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

14.40.020 Application

- A. The City Planner may require a potential applicant to participate in a pre-application review.
- B. The applicant shall complete the appropriate application form and submit application and applicable fees to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the laws applicable to each specific permit and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.40.030 Determination of completeness and notice of application

- A. Within 28 days of submittal, the City Planner shall:
 - 1. send the applicant either a determination of completeness or a notice stating information required to complete the application, and
 - 2. advise the applicant of other agencies that may have jurisdiction over the proposal.
- B. Within 14 days of submittal of additional information as required above, the City Planner shall send the applicant either a determination of completeness or another notice stating information required to complete the application.
- C. Within 14 days of determination of completeness of an application, the City Planner

shall publish a notice of application in accordance with SMC 14.55.040. The public comment period for the notice of application shall be 14 days.

14.40.040 Threshold determination

- A. The City Planner shall prepare a threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the decision making process, when the principal features of the proposal and its environmental impacts can be reasonably identified.
- B. If the timing of the threshold determination permits, the notice of threshold determination should be issued concurrently with the issuance of the notice of application. However, the City Planner is required to make the threshold determination no later than ninety days after the application and supporting documentation are determined to be complete. The applicant may request an additional thirty days for the threshold determination.
- C. Comment period procedures relating to threshold determinations are as follows:
 - 1. The public comment period shall be 14 days.
 - 2. If a determination of non-significance (DNS) has been issued, the notice shall state that if timely comments are received the City Planner will reconsider the DNS.
 - 3. If WAC 197-11-340(2) applies, the City cannot take final action until 14 days after issuing a DNS and the City Planner shall send the notice of application/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
 - 4. If a determination of significance (DS) has been issued, the notice of application/DS shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also receive the notice of application/DS/scoping.
 - 5. If a DNS is issued and timely comments are received, the City Planner shall reconsider the DNS in accordance with WAC 197-11-340(2)(f) and (3).

14.40.050 Design review

If the proposal is not exempt from design review (see Chapters 14.225 and 14.230 SMC), at any time after the determination of completeness the reviewing entity shall issue a finding of conformance (with or without conditions) or non-conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines as appropriate.

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 SMC 14.215.120 A) 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. 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.

14.40.070 Appeals

Appeals shall be in accordance with SMC 14.75.010.

Chapter 14.45
TYPE 5 PERMITS
(SEPA-EXEMPT CONDITIONAL USE PERMITS,
RECORDED DEVELOPMENT PLANS, and VARIANCES)

Sections

- 14.45.010 Purpose
- 14.45.020 Application
- 14.45.030 Determination of completeness
- 14.45.040 Scheduling of hearing and publication of notice
- 14.45.050 Design review
- 14.45.060 Hearing, findings, and decision
- 14.45.070 Notice of decision
- 14.45.080 Appeals

14.45.010 Purpose

This Chapter sets forth the procedural requirements for Type 5 Permits, which include conditional use permits, recorded development plans or short plats, which are exempt from SEPA.

14.45.020 Application

- A. The City Planner may require a potential applicant to participate in a pre-application review.
- B. The applicant shall complete the appropriate application form and submit application and applicable fees to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the laws applicable to each specific permit and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.45.030 Determination of completeness and notice of application

- A. Within 28 days of submittal, the City Planner shall:
 - 1. send the applicant either a determination of completeness or a notice stating information required to complete the application, and
 - 2. advise the applicant of other agencies that may have jurisdiction over the proposal.
- B. Within 14 days of submittal of additional information as required above, the City Planner shall send the applicant either a determination of completeness or another notice stating information required to complete the application.

- C. Within 14 days of determination of completeness of an application, the City Planner shall publish a notice of application in accordance with SMC 14.55.040. The public comment period for the notice of application shall be 14 days.

14.45.040 Scheduling of hearing and publication of notice

As soon as City staff is able to forward a recommendation to forward to the Hearing Examiner, the City Planner shall:

- A. Schedule a public hearing before the Hearing Examiner for a date that conforms to the following notice requirement, and
- B. Publish between 15 and 30 days before the hearing a notice of application/hearing in accordance with SMC 14.55.040.

14.45.050 Design review

If the proposal is not exempt from design review (see Chapters 14.225 and 14.230 SMC), at any time after the determination of completeness the reviewing entity shall issue a finding of conformance (with or without conditions) or non-conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines, as appropriate.

14.45.060 Hearing, findings, and decision

The Hearing Examiner shall hold the public hearing and issue written findings referencing the applicable permit criteria: SMC 14.65.010 B relating to conditional use permits; SMC 14.65.020 relating to recorded development plans; and SMC 14.70.040 relating to variances. The Hearing Examiner's findings shall also include, if applicable, either the City Planner's finding of conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines as appropriate or an alternative finding. The Hearing Examiner decision regarding the application shall include the above referenced findings and conclusions based on those findings.

14.45.070 Notice of decision

- A. Within 120 days of the determination of completion, the City Planner shall issue a notice of decision. See SMC 14.55.050 for exceptions to this 120-day deadline.
- B. The notice of decision shall be provided in accordance with SMC 14.55.040.

14.45.080 Appeals

Appeals shall be in accordance with SMC 14.75.030

Chapter 14.50
TYPE 6 PERMITS
(AMENDMENTS TO DEVELOPMENT CODE'S LAND USE
DESIGNATION MAP, SEPA-APPLICABLE CONDITIONAL
USE PERMITS, RECORDED DEVELOPMENT PLANS,
PRELIMINARY PLATS, PRD'S,
and SHORELINE PERMITS)

Sections

- 14.50.010 Purpose
- 14.50.020 Application
- 14.50.030 Determination of completeness and notice of application
- 14.50.040 Threshold determination
- 14.50.050 Design Review Board
- 14.50.060 Hearing, findings, and decision
- 14.50.070 Notice of Decision
- 14.50.080 Additional notice provision for shoreline permits
- 14.50.090 Appeals

14.50.010 Purpose

This Chapter sets forth the procedural requirements for Type 6 Permits, including amendments to the Development Code's Land Use Designation Map, and conditional use permits, recorded development plans, preliminary plats, planned residential developments, and shoreline management substantial development permits, which are subject to SEPA.

14.50.020 Application

- A. The City Planner may require a potential applicant to participate in a pre-application review.
- B. The applicant shall complete the appropriate application form and submit application and applicable fees to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the laws applicable to each specific permit and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.50.030 Determination of completeness and notice of application

- A. Within 28 days of submittal, the City Planner shall:
 - 1. Send the applicant either a determination of completeness or a notice stating information required to complete the application, and
 - 2. Advise the applicant of other agencies that may have jurisdiction over the

proposal.

- B. Within 14 days of submittal of additional information as required above, the City Planner shall send the applicant either a determination of completeness or another notice stating information required to complete the application.
- C. Within 14 days of determination of completeness of an application, the City Planner shall publish a notice of application in accordance with SMC 14.55.040. The public comment period for the notice of application shall be 14 days.

14.50.040 Threshold determination

- A. The City Planner shall prepare a threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the decision making process, when the principal features of the proposal and its environmental impacts can be reasonably identified.
- B. If the timing of the threshold determination permits, the notice of threshold determination should be issued concurrently with the issuance of the notice of application. However, the City Planner is required to make the threshold determination no later than ninety days after the application and supporting documentation are determined to be complete. The applicant may request an additional thirty days for the threshold determination.
- C. Comment period procedures relating to threshold determinations are as follows:
 - 1. The public comment period shall be 14 days.
 - 2. If a determination of non-significance (DNS) has been issued, the notice shall state that if timely comments are received the City Planner will reconsider the DNS.
 - 3. If WAC 197-11-340(2) applies, the City cannot take final action until 14 days after issuing a DNS and the City Planner shall send the notice of application/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
 - 4. If a determination of significance (DS) has been issued, the notice of application/DS shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also receive the notice of application/DS/scoping.
 - 5. If a DNS is issued and timely comments are received, the City Planner shall reconsider the DNS in accordance with WAC 197-11-340(2)(f) and (3).
 - 6. For shoreline permits, the comment period shall be 20 days for certain improvements to single-family residential lots per RCW 90.58.140(11)(a), or 30 days for all other substantial development permits per RCW 90.58.140(4), and the notice shall also include the information required in RCW 90.58.140(4).

14.50.050 Design Review

If the proposal is not exempt from design review (see Chapters 14.225 and 14.230 SMC), at any time after the determination of completeness the Design Review Board shall review the proposal and issue a finding of conformance (with or without conditions) or non-conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines, as appropriate.

14.50.060 Hearing, findings, and decision

- A. The Hearing Examiner shall hold any necessary public hearing relating to an appeal of the environmental decision on the application prior to conducting the public hearing on the application itself.
- B. The Hearing Examiner shall hold the public hearing on the application and issue written findings referencing the applicable permit criteria, including: SMC 14.65.010 relating to amendments to the Development Code's Land Use Designation Map; SMC 14.65.020 B relating to conditional use permits; SMC 14.65.030 relating to recorded development plans; SMC 14.215.020 related to preliminary plats, Ch. 14.220 SMC related to planned residential developments, Ch. 14.250 SMC related to shoreline permits, SMC 14.70.040 relating to variances, all other applicable provisions of the Comprehensive Plan and Development Code, and all other applicable laws and regulations. The Hearing Examiner's findings shall also include, if applicable, either the City Planner's finding of conformance with the Snohomish Historic District Design Standards or Snohomish Design Standards and Guidelines, as appropriate, or an alternative finding. The Hearing Examiner decision regarding the application shall include the above referenced findings and conclusions based on those findings.

14.50.070 Notice of decision

- A. Within 120 days of the determination of completion, the City Planner shall issue a notice of decision. See SMC 14.55.050 for exceptions to this 120-day deadline.
- B. The notice of decision shall contain a statement of threshold determination.
- C. The notice of decision shall be provided in accordance with SMC 14.55.040.

14.50.080 Additional provision for shoreline permits

For shoreline permits, notices of decision shall also be sent to the Washington Department of Ecology and Attorney General, per RCW 90.58.140(6), and construction shall not be permitted until 21 days after filing of notice of decision per RCW 90.58.140(5).

14.50.90 Appeals

Appeals of shoreline permits shall be in accordance with RCW 90.58.180. Other appeals shall be in accordance with SMC 14.75.030.

Chapter 14.55

PROVISIONS APPLICABLE TO ALL PERMITS

Sections

- 14.55.005 Application information requirements
- 14.55.010 Acknowledgement of owner
- 14.55.015 Determination of legal status of lot or parcel
- 14.55.020 Consolidation of permits
- 14.55.030 Concurrency
- 14.55.040 Method of notification
- 14.55.050 120-day time limit - exceptions
- 14.55.060 120-day time limit - limitation on liability
- 14.55.070 Delayed threshold determination
- 14.55.080 Permit conditions
- 14.55.090 Assignability of permits
- 14.55.100 Permit expiration
- 14.55.110 Minor changes
- 14.55.120 Time deadlines falling on non-business days
- 14.55.130 Minor procedural errors shall not invalidate proceedings
- 14.55.140 Stay of further permits in the event of appeal
- 14.55.150 Conditions of approval recorded as covenants
- 14.55.160 Permit Flow Diagrams

14.55.005 Application information requirements

- A. An applicant shall submit the information required for each appropriate procedure.
- B. All applications for development permits, design review approvals, variances and other City approvals under the development code shall be submitted on forms provided by the Department of Community Development.
- C. Depending on the nature of the application, the required information may include the following:
 - 1. The name, address, telephone and fax number of the property owner. The name, address, telephone and fax number of the developer/applicant, if different from the owner. A notarized signature of the property owner or authorized official. If the developer/applicant is not the owner, a letter from the owner authorizing the developer/applicant to process the application on behalf of the owner.
 - 2. Names and addresses of all property owners within three hundred (300) feet of the subject property, according to the County Assessor.
 - 3. Description of the proposed action in accordance with the appropriate City application form, including a written explanation of how the proposal meets

the requirements and intent of Title 14 SMC.

4. Name and address of the proposed site, project, or action.
5. Vicinity map identifying the project site, adjacent streets, and bordering lines of adjacent properties and adjacent uses.
6. Legal description of the subject property and of the existing lots, tracts or parcels and easements therein.
7. Subdivision or site plan map of the proposed project or subdivision showing the land use designation, lot sizes in square feet, and dimensions of all existing and proposed lots with lot numbers, set-backs for each lot, parcels and tracts to be reserved or dedicated for streets or other public uses. The map shall be to scale of 1" = 20, 30, or 50, as required by the Community Development Department.
8. Existing conditions map identifying the location, character, and required buffer areas for any critical or sensitive environmental areas including steep slopes, streams, lakes, wetlands, wildlife habitat or migration corridors, woodlands, and existing vegetation in accordance with the definitions and requirements of this code. These must be located by a qualified professional.
9. Photographs identifying existing vegetation, buildings, views, and other characteristics on and off the site, and of and from adjacent properties that may be impacted by the proposed action.
10. Existing topographic contours of the subject property at intervals of five (5) feet, referred to by datum identification.
11. Geotechnical studies identifying the characteristics and capabilities of site soils and landform features.
12. Grading plan identifying roads, streets, building pads, and other major changes in the topographic grade.
13. Site plan indicating the location of any existing and proposed buildings, streets, parking areas, or other impervious surfaces identifying setback, coverage, and other dimensional requirements of this code.
14. Building plan illustrating the size, placement, elevation, architectural detail and character of any existing and proposed structures or improvements.
15. Landscape plan identifying the species, size, placement, irrigation, planting and staking details, and other characteristics of all existing and proposed trees, plantings, contours at two-foot (2') intervals, fences, rockeries, required landscape screens and other site improvements.
16. Access plan identifying the right-of way, pavement, construction material, traffic channelization, and other characteristics of all existing and proposed public and private streets, alleys, parking areas, trails, sidewalks, and other circulation system. Snohomish Municipal Code (Update March 2001) 14.05-4
17. Utilities plan identifying the right-of way or easement, size or capacity of all existing and proposed sewer, water, stormwater, power, telecommunications, and other public or private system.
18. Flood control certification and impact studies including:
 - a. elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

- b. elevation in relation to mean sea level to which any structure has been floodproofed.
 - c. certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria specified in this code.
 - d. description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.
19. Engineering or working drawings in accordance with City Engineer specifications that detail:
- a. street, curb and gutter, parking area, sidewalk, trail, and other transportation system locations, profiles, cross-sections, construction materials and specifications.
 - b. sewer and watermain sizes, material types, grades, manholes, valves, individual stub lines, hydrants, and stormwater management systems including pipes, swales, oil/water separators and retention/detention ponds, and other public and private utilities, including easements and/or dedications to the City.
 - c. building floor plans, sections, and elevations defining grading, foundation, structural, electrical, mechanical, landscape, materials, finish, and other features.
20. Civil drawings in accordance with City Engineer specifications must be submitted with any building permit for multifamily, commercial and industrial construction. Preliminary civil drawings will be required for preliminary plats.
21. Survey and monument placements in accordance with City Engineer specifications. The site survey will be accomplished under the supervision of a registered land surveyor registered in the State of Washington and will locate monuments or markers on-site for street intersections, roadway placements, lot and block corner lines, and other requirements listed by the City Engineer.
22. Final plat or site plan prepared by or under the supervision of a land surveyor registered in the State of Washington. The final plat or site plan shall conform to the specifications provided by the City Engineer including appropriate certification statements, signatures, and seals.
23. Draft of any proposed public or private covenants, restrictions, or easements. Snohomish Municipal Code (Update March 2001) 14.05-5
24. State Environmental Policy Act (SEPA) checklist summarizing the impacts the proposed project action will have on all of the natural and human elements of the environment. The checklist shall include a site plan that identifies the existence of all sensitive environmental areas.
25. Drainage basin resource determination or delineation for streams, wetlands or other water bodies. Submitted plans must include the delineated critical areas and their required buffer.
26. A fee deposit to cover all costs of processing the application.

14.55.010 Acknowledgement of owner

All applications shall be signed by the property owner or an authorized representative and shall include an accurate description of the property to be subject to the requested permit.

14.55.015 Determination of legal status of lot or parcel

Prior to further processing of a permit application, the City Planner shall determine whether or not the lot or parcel being developed is a legal lot of record in compliance with State and City regulations. In so determining, the City Planner may require the applicant to provide necessary research and background information.

14.55.020 Consolidation of permits

If a proposal requires more than one permit, all permits shall be consolidated, consistent with the following:

- A. Reports, hearings, notices, recommendations, and decisions shall address the project as a whole, except when expediency requires otherwise such as when the proponent requires one authorization before another.
- B. The City Planner shall administer the permit process in accordance with all of the requirements set forth in this title for the particular types of permit being applied for.
- C. If one permit cannot be reasonably processed until another is issued, such as a building permit that cannot be processed until a variance is issued, the 120 days within which a notice of decision must be issued for the latter permit shall not begin until the former permit has been issued.
- D. Appeals of more than one of the permits required for a project shall be consolidated in a single appeal if this title provides for the same appellate body to consider each of the appeals.

14.55.030 Concurrency

- A. For permit processes that require concurrency review in accordance with Chapter 36.70A RCW, the application shall include the traffic study or other information necessary to determine concurrency. The City Planner shall issue the concurrency determination, if applicable, at any appropriate point in the permit process prior to or concurrent with the decision on the permit application.
- B. If construction of any system improvements, which are scheduled to occur concurrent with a development proposal or in the next six years per the transportation improvement plan, will still result in the development causing the level of service of transportation facilities to drop below the standard established in the Comprehensive Plan, the City shall not issue a permit for the development.

- C. The City Planner may exempt from concurrency review those permits typically unassociated with significant traffic generation, such as proposals that will create less than 10 peak hour trips.

14.55.040 Method of notification

- A. All notices required by this Development Code shall include the information required by RCW 36.70B.110 (2) and the appeal information required by WAC 197-11-680(5), if applicable, provided that:
 - 1. SEPA-related information shall not be required for SEPA-exempt permits; and
 - 2. All notices shall contain at least:
 - a. name of the applicant;
 - b. project description, including permits required;
 - c. project location;
 - d. time period and contact information for commenting; and
 - e. information regarding the public hearing, if applicable.
- B. The public comment period shall extend to and include the 15th day after the date of publication unless the City Planner states a longer period. The date of publication shall be the date on which all of the required methods of publication have been implemented.
- C. Notices of application, hearing, and/or determination of significance/scoping shall be:
 - 1. Mailed by first-class mail to the applicant and all owners of property within 300 feet of any portion of the proposed action according to the County Assessor's current records;
 - 2. Posted on the development site, at location(s) which the City Planner deems suitable to reach the attention of the public, on a sign(s) at least two feet by three feet in size; and
 - 3. Posted at City Hall.
- D. Notices of decision shall be mailed to the applicant, the County Assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record.
- E. The City Planner may publicize a given permit proposal more broadly or by additional means than stated herein, if in the City Planner's sole discretion a greater level of public awareness is deemed necessary.
- G. If a public hearing is continued to a date certain, no further notice is required.

14.55.050 120-day time limit - exceptions

As required by Ch. 36.70B RCW, the City shall issue a notice of decision (the decision itself in the case of Type 1 permits) on complete project applications within 120 days of the determination that the application is complete, provided that the following time periods shall not count toward the 120 day period:

- A. Any period commencing with a request by the City that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
- B. Any period during which the applicant is not current in payment of City permit review fees.
- C. Any period during which a Comprehensive Plan or development regulation amendment is being processed preliminarily to deciding upon a permit application.
- D. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- E. Any period during which any decision related to the permit application is being appealed.
- F. Any period mutually agreed upon by the applicant and the City.

14.55.060 120-day time limit - limitation on liability

The City shall not be liable for damages due to the City's failure to make a final decision within the time limits specified in these regulations.

14.55.070 Delayed threshold determination

If the City Planner is unable to make a threshold determination within the same 14 day time period as the determination of completeness, he or she shall issue a notice of application within 14 days of determination of completeness, which notice shall have a comment period of at least 14 days. Thereafter, the City Planner shall issue a notice for SEPA and public hearing if applicable, complying with the permit procedure applicable to that type of permit.

14.55.080 Permit conditions

- A. In granting a permit, the City may attach thereto such conditions as necessary to make the permit compatible with the criteria applicable to that permit.
- B. The City may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this Development Code and any conditions upon which the permit is granted.

- C. To the extent appropriate and allowed by law, the City may require that conditions of permit approval be recorded as binding on the property and successors in interest.

14.55.090 Assignability of permits

Development permits shall run with the land and be freely assignable.

14.55.100 Permit expiration

- A. This section shall apply to all permits except the following:
 - 1. Building permits;
 - 2. Preliminary plats;
 - 3. Short plats;
 - 4. Boundary line adjustments;
 - 5. Shoreline management substantial development permits; and
 - 6. Any permits for which this Development Code establishes a specific permit expiration.
- B. Permits not excepted pursuant to SMC 14.55.100 A shall expire two years after the date of issuance, if substantial progress has not been made toward completing the development, or within five years, if construction has not been completed. The City shall mail notice of the expiration of any permit application to the address of the applicant as contained in the permit file and shall also place a copy of the expiration notice in the file. If the City fails to mail the expiration notice, the permit period shall not be extended except as provided in SMC 14.100 C.
- C. The City Planner, in his or her sole discretion may extend the date of permit expiration for one year upon written request by the applicant received prior to said permit's expiration. The applicant's written request shall include justification for the delay and reasonable grounds for the extension.

14.55.110 Minor changes

- A. The City Planner may approve minor changes to the permit only if the proposed changes:
 - 1. Do not create any additional lots or impacts;
 - 2. Are so insignificant that, in the City Planner's judgment, the changes would not have affected the decision of the original decision-makers; and
 - 3. The proposal still complies with the Development Code.
- B. If the City Planner determines that proposed changes are not minor, then the applicant shall either reduce the proposed changes or submit a new permit application for the revisions.

14.55.120 Time deadlines falling on non-business days

Any time deadline established by this title that falls on a day on which the Snohomish City Hall is closed shall extend to the next business day.

14.55.130 Minor procedural errors shall not invalidate proceedings

Minor errors in permit procedures, such as unintended inaccuracies in any public notice that still result in adequate notice, shall not invalidate a permit proceeding.

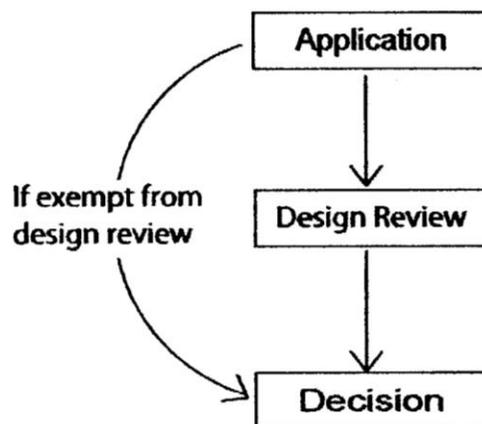
14.55.140 Stay of further permits in the event of appeal

When any City action taken pursuant to this Development Code is administratively or judicially appealed, the City Planner may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been resolved.

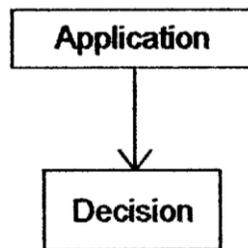
14.55.150 Permit flow diagrams

The following permit flow diagrams of the various permit processes are for illustrative purposes only.

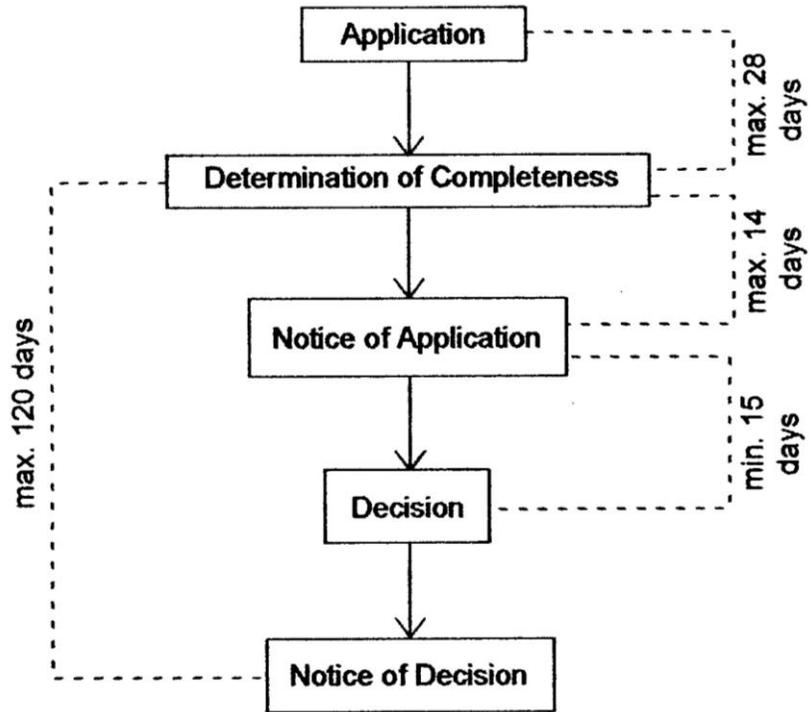
TYPE 1 PERMIT



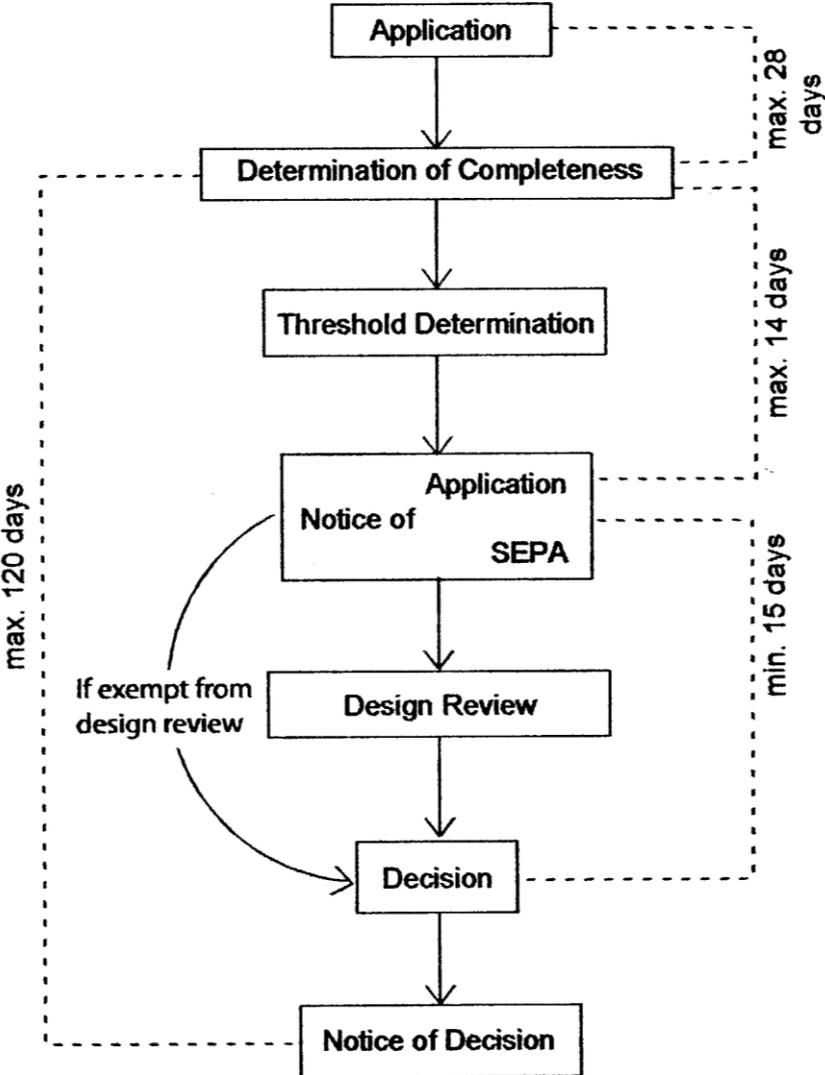
TYPE 2 PERMIT



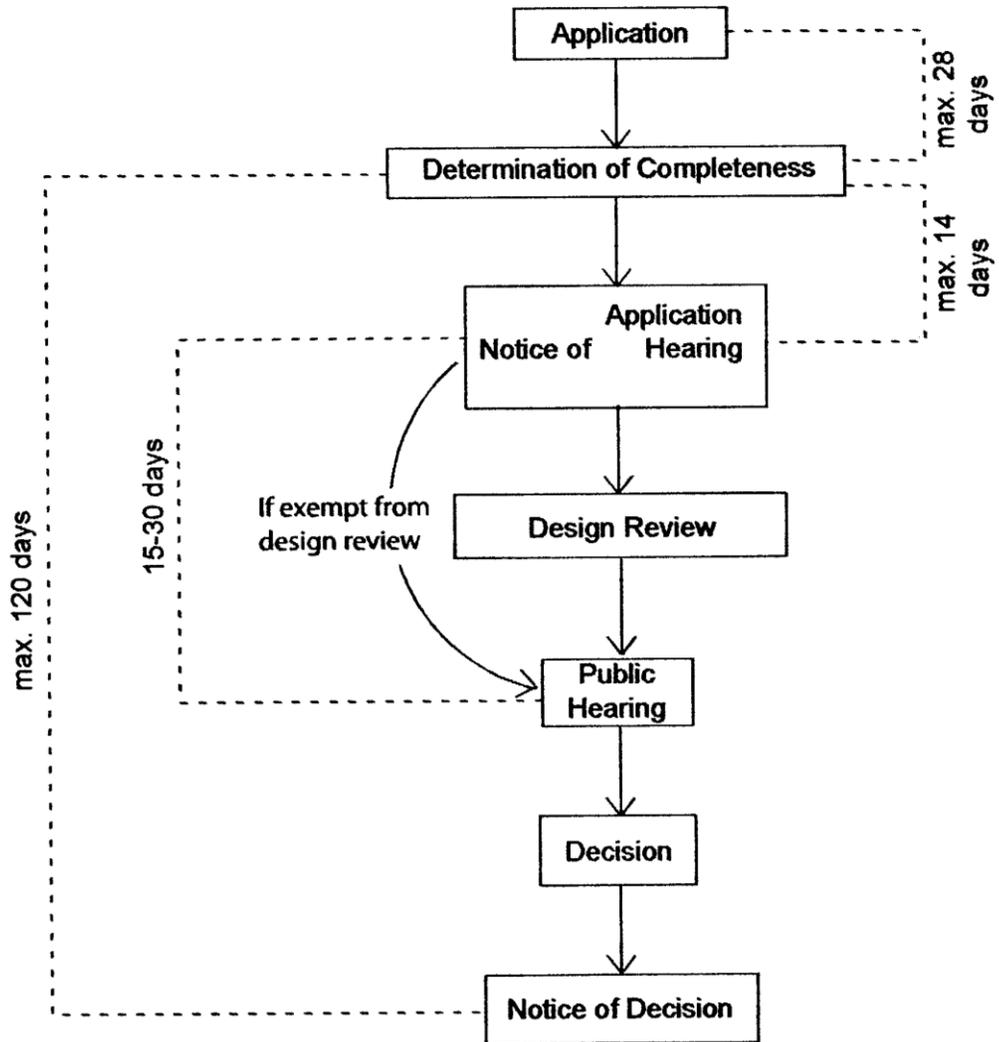
TYPE 3 PERMIT



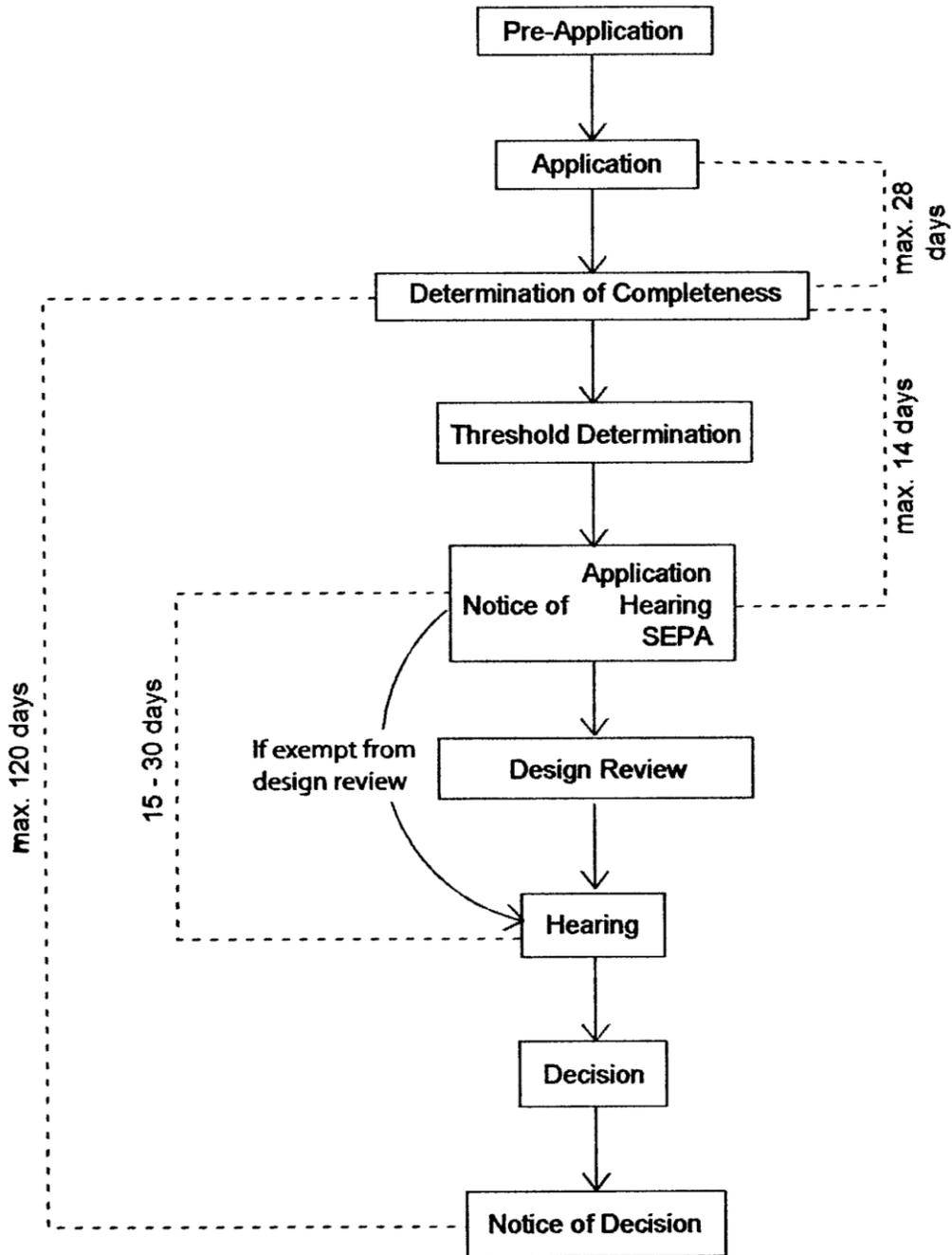
TYPE 4 PERMIT



TYPE 5 PERMIT



TYPE 6 PERMIT



Chapter 14.60

TEMPORARY PERMITS

Sections

14.60.010 Purpose

14.60.020 Procedure

14.60.010 Purpose

The purpose of temporary permits is to allow temporary uses and construction activities which nominally do not conform to this ordinance but are consistent with the City's Comprehensive Plan, Development Code, and other applicable land use regulations and are in the public interest. Examples which may qualify include contractors' offices, equipment storage on construction sites, minor and incidental commercial events that are subject to the City's special events permit process, and emergency responses.

14.60.020 Procedure

- A. The application form shall establish the submittal requirements, which shall include a reasonably accurate site plan.

- B. The City Planner may issue a temporary permit if he or she finds that, based on the duration of the permit and conditions imposed, the temporary use or construction activity:
 1. Conforms to the goals of the Comprehensive Plan and this Development Code;
 2. Conforms with all other applicable development regulations;
 3. Will not adversely affect the public health, safety, and general welfare; and
 4. Is categorically exempt from the State Environmental Policy Act.

- C. Under normal circumstances, permits for temporary uses shall not be given for more than 60 days. The City Planner may renew a temporary permit, provided its total duration does not exceed one year. Any temporary structure shall be removed from the premises not more than 30 days after the permit expires or the reason for the temporary permit ceases, whichever is sooner.

- D. A construction office for which a temporary permit has been granted shall not also require a building permit, provided that it has the appropriate Washington State Department of Labor and Industries label. (Such construction offices are not intended for visitation by the general public.)

Chapter 14.65

**AMENDMENTS TO THE DEVELOPMENT CODE'S
LAND USE DESIGNATION MAP, CONDITIONAL USE
PERMITS, AND
RECORDED DEVELOPMENT PLANS**

Sections

14.65.010 Amendments to the Development Code's Land Use Designation Map

14.65.020 Conditional use permits

14.65.030 Recorded development plans

14.65.010 Amendments to the Development Code's Land Use Designation Map

- A. Amendments to the Development Code's Land Use Designation Map shall be consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and shall be in the public interest.
- B. Amendments to the Development Code's Land Use Designation Map may be approved only if the amendment generally meets the criteria in SMC 14,65,010A for all uses permitted in the new land use designation. In other words, such amendments shall not be specific to a particular proposed development, even with a concomitant agreement.

14.65.020 Conditional use permits

- A. A "C" in the box at the intersection of the column and the row in the tables in SMC 14.205.120 through 14.205.200 means a conditional use. Conditional uses are allowed only with a conditional use permit, and are subject to conditions imposed as specified herein. The purpose of the conditional use permit is to allow flexibility in the application of the Development Code while ensuring compatibility of uses.
- B. The criteria for deciding conditional use permits shall be as follows:
1. Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.
 2. The design and appearance of the structure shall be compatible with surrounding developments that are in conformance with the land use designation.
 3. The development shall be consistent with the Comprehensive Plan.
 4. The development shall mitigate any significant adverse environmental impacts.
 5. Concurrency requirements (SMC 14.55.030) shall be complied with.

6. The development shall be consistent with the health, safety, and general welfare.
- C. In granting a conditional use permit, to protect the health, safety and general, the City may:
1. Require a site plan showing exact location and dimensions of existing and proposed structures or equipment.
 2. Increase any requirements of Title 14 SMC otherwise applicable to the proposal to the extent necessary to mitigate significant adverse impacts.
 3. Require dedication to the public of land for street rights-of-way or other public purposes, to the extent necessary to implement the City's transportation plan or mitigate environmental impacts, provided the dedication does not constitute an unconstitutional taking of private property.
 4. Require improvements designed to mitigate the proposal's environmental impacts.
 5. Otherwise impose conditions as may be consistent with the purpose of Title 14 SMC or the purpose of the land use designation.

14.65.020 Recorded development plans

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 a 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 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.

Chapter 14.70 VARIANCES

Sections

- 14.70.010 Purpose
- 14.70.020 Minor variances
- 14.70.030 Major variances
- 14.70.040 Criteria for minor and major variances

14.70.010 Purpose

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

14.70.020 Minor variances

Minor variances are departures of no more than 10% from the dimensional requirements of this Development Code and shall be Type 1 permits (see Ch. 14.25 SMC).

14.70.030 Major variances

- A. Major variances are all variances other than minor variances, are generally referred to simply as variances, and can potentially be granted from any provision of this Development Code except:
 - 1. Administrative provisions, including procedures, SEPA regulations, and fees;
 - 2. Provisions pertaining to permitted, conditional, and prohibited uses;
 - 3. Maximum residential densities; and
 - 4. Regulations pertaining to shoreline development, drainage basin protection, geologic hazard areas, and wildlife habitat, provided that those regulations may have their own processes for granting exceptions.
- B. Major variances shall be Type 5 permits (see Ch. 14.45 SMC)

14.70.040 Criteria for minor and major variances

No variance shall be granted unless it is found that:

- A. There are special circumstances relating to the size, shape, topography, location, or surroundings of the subject property that do not similarly exist with regard to other properties in the vicinity and in the same land use designation in which the subject property is located; and
- B. The variance is necessary to preserve and/or enjoy a substantial property right, which others in the vicinity and in the same land use designation have but because of special

circumstance is denied to the subject property; and

- C. The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and designation in which the subject property is situated; and
- D. The granted variance will not be in conflict with the Comprehensive Plan.

Chapter 14.75

APPEALS

Sections

- 14.75.010 Appeal of City Planner's actions
- 14.75.020 Appeal of Building Official's actions
- 14.75.030 Appeal of Hearing Examiner's actions
- 14.75.040 Open and closed record appeals

14.75.010 Appeal of City Planner's actions

- A. All final actions of the City Planner, including Type 1, 2, 3, or 4 permit decisions, preliminary short plat approvals, SEPA threshold determinations, code interpretations, notices of violation, and approvals of minor changes to permits shall be final unless the applicant, a department of the City, or other party of record or agency with jurisdiction files with the City Clerk a written appeal to the Hearing Examiner within 14 days after one of the following:
 - 1. The decision, if the decision process does not provide for a comment period or notice of decision;
 - 2. The notice of decision if the permit process provides for such notice; or
 - 3. The end of the comment period in the case of SEPA threshold determinations.

- B. Appeals shall include:
 - 1. A detailed statement of the grounds for appeal, referencing each allegedly erroneous finding, conclusion, or condition.
 - 2. A detailed statement of the facts upon which the appeal is based.
 - 3. The name, address, and daytime telephone number of each appellant, together with the signature of at least one appellant or attorney thereof.
 - 4. A statement of the standing of the appellant to make such an appeal.

- C. Appeals shall be accompanied by the required fee; provided, that such appeal fee shall not be charged to a department of the City or to other than the first appellant dealing with an identical issue. The unused portion of the fee shall be refunded if the appeal is dismissed without a hearing due to untimely filing, lack of standing, lack of jurisdiction, or other procedural defect.

- D. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the Hearing Examiner or is withdrawn.

- E. Following the timely filing of an appeal, and at least 10 days prior to the hearing, notice of the date, time, and place of an open record hearing before the Hearing Examiner shall be mailed to the applicant and to all parties of record. The notice shall indicate the deadline for submittal of written comments.

- F. Appeal proceedings shall be limited to those issues raised in the written appeal.
- G. The Hearing Examiner shall receive comment and decide the appeal.

14.75.020 Appeal of Building Official's actions

Appeals of Building Official actions are appealable to the Hearing Examiner, who acts as the Building Code Board of Appeals.

14.75.030 Appeal of Hearing Examiner's actions

- A. Appeals of actions of the Hearing Examiner are appealable to Snohomish County Superior Court pursuant to Chapter 36.70CRCW, except for shoreline permit actions, which are appealable to the State Shoreline Hearings Board pursuant to Chapter 90.58 RCW.
- B. Notice of the appeal and any other pleadings required to be filed with the Court or the Shoreline Hearings Board shall be filed and served as required by the applicable statute.
- C. The cost of transcribing and preparing all records ordered certified by the Court or the Shoreline Hearings Board or desired by the appellant for such appeal shall be borne by the appellant. The appellant will be provided copies of hearing tapes by the City and will be responsible for their transcription.

14.75.040 Open and closed record appeals

Only one open record hearing is allowed per project, as set forth in Ch. 36.70B RCW. Accordingly, if an open record hearing has already occurred for a project permit being appealed, then the appeal shall be a closed record appeal and the evidentiary record for the appeal shall be restricted to the record of the prior open record hearing with no or limited new evidence or information allowed to be submitted and with only appeal argument allowed.

Chapter 14.80

NON-CONFORMING USES

Sections

- 14.80.010 Continuation
- 14.80.020 Abandonment
- 14.80.030 Change of tenancy
- 14.80.040 Nuisances
- 14.80.050 Ordinance 1419

14.80.010 Continuation

Any legally established nonconforming use may be continued subject to the provisions of this section; provided that other than ordinary maintenance and repair, the non-conforming use or building is not changed, enlarged, or extended in a manner which increases or reinforces its degree of nonconformity.

14.80.020 Abandonment

If a nonconforming use is abandoned or discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated, and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use.

14.80.030 Change of tenancy

Change of tenancy, ownership, or management shall not affect legal non-conforming status.

14.80.040 Nuisances

Nuisances as defined by State law or City ordinance shall not enjoy legal non-conforming status.

14.80.050 Ordinance 1419

No downzone provided for in the areas of the City rezoned by Ordinance 1419 shall be deemed to have the effect of creating a non-conforming use of multi-family dwelling structures, which were permitted uses on March 20, 1979. Permitted multi-family units existing on March 20, 1979, in the areas rezoned by Ordinance 1419, shall continue without any non-conforming use status attaching to those existing uses, provided that any reconstruction, remodeling or other revision of such multi-family dwelling structures will be subject to the provisions of this title.

Chapter 14.82

NON-CONFORMING STRUCTURES

Sections

14.82.010 Continuation

14.82.020 Improvements

14.82.030 Restoration

14.82.010 Continuation

Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance.

14.82.020 Improvements

Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met, except that repair to the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased.

14.82.030 Restoration

A structure that is accidentally destroyed may be fully restored only if the dimensional requirements of Chapter 14.210 SMC, are met unless the structure is listed on the list of historic buildings, in which case the structure may be restored and located in its former location despite noncompliance with the dimensional requirements; provided that:

- A. To restore a destroyed nonconforming structure, a building permit must be submitted to the department within one year of the destruction; and
- B. A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of the assessed value of record when the damage occurred.

Chapter 14.85 ENFORCEMENT

Sections

- 14.85.010 Purpose
- 14.85.020 Violations
- 14.85.030 Nature of violation - penalties
- 14.85.040 Right of inspection
- 14.85.050 Stop work order
- 14.85.060 Voluntary correction
- 14.85.070 Notice of civil violation
- 14.85.080 Violation Appeals
- 14.85.090 Options in assessing monetary penalties
- 14.85.100 Collection - lien
- 14.85.110 Abatement
- 14.85.120 Other recourse

14.85.010 Purpose

The purposes of this Chapter are:

- A. To provide fair and effective means of enforcing the Development Code, Title 14 SMC;
- B. To provide the opportunity for a prompt hearing and resolution of alleged violations of Title 14 SMC;
- C. To establish civil and criminal penalties for violations of Title 14 SMC; and
- D. To abate and/or otherwise bring into compliance violations of Title 14 SMC.

14.85.020 Violations

- A. It shall be a violation of the Development Code to:
 - 1. Violate any of its provisions,
 - 2. Proceed with a development without first obtaining a required permit,
 - 3. Violate any condition of a permit issued pursuant to the Development Code,
 - 4. Violate any order issued pursuant to the Development Code,
 - 5. Aid or abet a violation of the Development Code,
 - 6. Knowingly falsify any document required by the Development Code, or
 - 7. Falsify or tamper with any monitoring device or record required in the administration of the Development Code.
- B. Proof that a violation of the Development Code exists on a property shall constitute prima facie evidence that the owner of the property is the violator. However, this shall

not relieve or prevent enforcement against any other responsible person.

- C. Each day of violation shall constitute a separate offense. Each sale or transfer of each separate lot or tract of land in violation of the Development Code shall constitute a separate offense.

14.85.030 Nature of violation - penalties

- A. Any violation of the Development Code shall be a civil infraction. The penalty shall be one hundred dollars (\$100) for each day of violation and five hundred dollars (\$500) for each day of a repeat violation.
- B. Violations of the Development Code shall also be classified as nuisances under Chapter 9.94 SMC.
- C. Any violation of a voluntary agreement or a notice of violation for which a violation appeal has been denied or the violation appeal period has expired shall be a misdemeanor, which shall be filed in Evergreen District Court.
- D. Payment of a penalty shall not relieve the violator of the duty to correct the violation.

14.85.040 Right of inspection

The City Planner or his or her representative may inspect buildings, structures or premises for compliance with the Development Code as allowed by law, including but not limited to the following circumstances:

- A. With the written permission of the owner or owner's representative, which may include a written statement included on the permit application form;
- B. With the verbal permission of the owner, tenant, or other responsible party; or
- C. With an administrative search warrant.

14.85.050 Stop work order

The City Planner or his or her representative may order any development stopped if:

- A. A required permit was not obtained,
- B. The development violates the Development Code or any permit requirement or condition;
- C. The permit was based on erroneous information submitted by the applicant; or
- D. The work has become a hazard to life or property due to weather or other unforeseen conditions.

14.85.060 Voluntary correction

- A. If the City Planner determines that a violation of the Development Code has occurred,

the City Planner shall attempt to secure voluntary correction prior to issuing a notice of civil violation; provided that the City Planner may immediately issue a notice of civil violation if:

1. An emergency exists;
 2. A repeat violation occurs;
 3. The violation creates a condition which cannot be corrected; or
 4. The person knew or reasonably should have known that the action is in violation.
- B. In attempting to secure voluntary correction, the City Planner shall contact the alleged violator, explain the violation, and request correction.
- C. The City Planner and alleged violator may enter into a voluntary correction agreement containing the location and nature of the violation, a reference to the violated code provision(s), and the necessary correction and time limit. The City Planner may extend the time limit if the violator shows due diligence. The City Planner's decisions with respect to voluntary correction agreements may not be appealed.

14.85.070 Notice of civil violation

- A. Subject to the provisions of SMC 14.85.060, the City Planner may issue a notice of civil violation to the alleged violator. Copies may be sent to the mortgage holder, landlord, or anyone with an interest in the property. Said notice represents a determination that a violation of the Development Code has been committed. This determination is final unless appealed as provided herein. The notice of civil violation shall include:
1. The name of the person to whom it is directed;
 2. The street address or other identification of the premises where the violation has occurred;
 3. A description of the violation and a reference to the violated code provision(s);
 4. If a correctable violation has not been corrected, an order to take specific corrective action(s) by a given time;
 5. A statement of the penalty for violation.
 6. A statement that any monetary penalty must be paid within 15 days unless appealed within 15 days as provided in SMC 14.85.080, except that if the notice of civil violation includes an order to take corrective action(s) by a given time, the notice may state that the penalty will begin to accrue at that given time; and
 7. If the violation is on-going, a statement that the notice is a continuing notice and that daily notices shall not be necessary to assess the daily penalty.
- B. The City Planner or his or her representative shall serve the notice of civil violation upon the person to whom it is directed either personally or by mailing a copy to the person's last known address. If after due diligence the City Planner cannot personally

serve the notice nor ascertain an address, the City Planner shall serve the notice by posting it conspicuously on the premises. The person serving the notice shall state in writing, under penalty of perjury, the time, date, and manner of service, and, if by posting, the facts showing due diligence in attempting to serve personally or by mail.

14.85.080 Violation Appeals

- A. Notices of civil violation may be appealed to the Hearing Examiner in accordance with Chapter 14.75 SMC. The violation appeal may contest that a violation occurred, the penalty, and/or the corrective action ordered. The appeal fee shall be refundable if the appellant prevails in the appeal.
- B. The Hearing Examiner shall conduct a hearing on the violation appeal. The City Planner and the alleged violator may participate in the hearing and call witnesses and may be represented by counsel.
- C. The Hearing Examiner shall:
 - 1. Prepare findings regarding whether a preponderance of evidence shows that the violation occurred and that the required corrective action is reasonable; and
 - 2. Accordingly affirm, vacate, or modify the notice of civil violation.
- D. The Hearing Examiner shall render the determination and mail a copy of it to the affected party or parties within 15 days of the hearing.
- E. Any appeal of the Hearing Examiner's determination must be filed with Evergreen District Court within 15 days of the mailing of the Hearing Examiner's determination.

14.85.090 Options in assessing monetary penalties

- A. The City Planner may assess daily monetary penalties as of:
 - 1. The earliest proven date of violation;
 - 2. The date by which correction was to be completed according to the voluntary correction agreement if applicable;
 - 3. The date of the notice of civil violation; or
 - 4. The date by which the notice of civil violation ordered corrective action(s) to be taken.
- B. The City Planner, or the Hearing Examiner in the event of a violation appeal, may reduce the penalty based on the following considerations:
 - 1. Whether the violation was a first violation;
 - 2. Whether the violator showed due diligence in correcting the violation;
 - 3. Whether the penalty is more than necessary to:
 - a. neutralize any profit enjoyed by the violator as a result of the violation;
 - b. make the public whole for environmental or other damages suffered as a result of the violation; and
 - c. recompense the City for the costs of enforcement; and

4. Other relevant factors.

14.85.100 Collection - lien

A monetary penalty imposed under this Chapter and the City's costs of abatement under SMC 14.85.110 shall constitute personal obligations of the person to whom the notice of civil violation or voluntary correction agreement was issued. Assessed penalties shall be delinquent if not paid to the City Clerk within 60 days of the date of mailing of the Hearing Examiner's determination that penalties are due. Abatement costs shall be delinquent if not paid within 60 days of the date of mailing the City's billing statement. The City may take all legal means to collect penalties and abatement costs, including turning the penalty over to a collection agency, recording the notice of civil violation against the Snohomish County Auditor's records of the violator's property on which the violation occurred, and/or filing an assessment lien as provided by law against the violator's property on which the violation occurred. Such assessment lien shall be certified by the City Treasurer to the County Treasurer to be entered on the property tax rolls to become a part to general taxes for the year of filing and to be collected at the same time and with interest at such rates and in such manner as provided in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the City's general fund.

14.85.110 Abatement

- A. If a violation is not corrected or abated as required in the notice of violation or voluntary agreement and if the violation appeal period has expired or a violation appeal has been denied, the City may cause the violation to be abated by City employees or by private contract under direction of the City.
- B. The City, its employees and agents may obtain authorization to enter the property for such abatement purposes pursuant to the property owner's permission, a civil search warrant, a court order, or other lawful means.
- C. The City's costs of abating the violation shall be billed to the person to whom the notice of violation or voluntary correction agreement was issued. If the violator contests the amount of the abatement costs, the violator may have an informal hearing before the City Treasurer. The City Treasurer shall then make a written determination as to whether or not the City's costs were accurate and necessary. If the costs are confirmed, then they shall be subject to collection as set forth in SMC 14.85.100.

14.85.120 Other recourse

In addition to the other violation remedies set forth in this section, the City may also:

1. Revoke, place further conditions on, or suspend processing of permits pertaining to the violator or the premises on which the violation occurred;
2. File for injunctive or other civil relief in superior court; or
3. Pursue any other recourse available under law.

Chapter 14.90

STATE ENVIRONMENTAL POLICY ACT (SEPA)

Sections

- 14.90.010 Adoption by reference of Chapter 197-11 WAC
- 14.90.020 Designation of SEPA responsible official
- 14.90.030 Initiation of environmental review
- 14.90.040 Categorical exemptions
- 14.90.050 Environmental checklist
- 14.90.060 Mitigated determination of non-significance (MDNS)
- 14.90.070 Cost of environmental impact statement
- 14.90.080 Substantive authority
- 14.90.090 Environmentally sensitive areas

14.90.010 Adoption by reference of Chapter 197-11 WAC

Pursuant to the State Environmental Policy Act, RCW 43.210.120, (“SEPA”) the City hereby adopts Chapter 197-11 WAC by reference.

14.90.020 Designation of SEPA responsible official

The City Planner shall administer this chapter and shall be the City’s responsible official under SEPA pursuant to WAC 197-11-910. Other City officials initiating SEPA applicable actions shall notify and coordinate with the City Planner.

14.90.030 Initiation of environmental review.

Pursuant to WAC 197-11-055 (4), environmental review may begin whenever, in the opinion of the City Planner and consistent with WAC 197-11-100 and WAC 197-11-335, sufficient information exists to reasonably assess the environmental impact of a proposal.

14.90.040 Categorical exemptions

All of the categorical exemptions in WAC 197-11-800(1) shall apply in the City of Snohomish, except that in the environmentally sensitive areas designated in SMC 14.90.090 the exemptions set forth in WAC 197-11-800(1) and 197-11-800(24) shall not apply.

14.90.050 Environmental checklist

Pursuant to WAC 197-11-315, the City shall provide the applicant, and the applicant shall complete and submit to the City, an environmental checklist, and the applicant shall pay the City the fee set by Council resolution for review of environmental checklists.

14.90.60 Mitigated determination of non-significance (MDNS)

Pursuant to WAC 197-11-350, all mitigation measures incorporated in an MDNS shall be deemed conditions of approval of the underlying permit decision and shall be enforced as provided in Chapter 14.85 SMC.

14.90.070 Cost of environmental impact statement (EIS)

Pursuant to WAC 197-11-100 and WAC 197-11-420,

the applicant shall pay all costs associated with preparation and circulation of an EIS to evaluate the environmental impact of the applicant's proposed development. The draft and final EIS shall be prepared under the direct supervision of the City Planner, pursuant to a 3 party contract involving the applicant, the City, and the preparer. The City may in part offset these costs by charging non-governmental entities for copies of any documents prepared under this section. The City Planner shall have the authority to determine that the EIS preparer is qualified to perform the work.

14.90.080 Substantive authority

The City may condition or deny a permit application, even though it may conform to this Development Code, as necessary to mitigate environmental impacts pursuant to WAC 197-11-660, provided said condition or denial is based on the Comprehensive Plan, the Development Code, the Shoreline Management Master Program, the Design Standards (both inside and outside the Historic District), the Building Codes, the City's Utility Extension Policy, or the agency responsibilities established by RCW 43.21C.020 (2), which are hereby adopted by reference.

14.90.090 Environmentally sensitive areas

- A. The map(s) associated with Chapters 14.255 thru 14.280 SMC identify the areas of the City that are considered environmentally sensitive. The categorical exemptions in WAC 197-11-800 that are inapplicable for these areas are WAC 197-11-800(1) and 197-11-800(24). All other categorical exemptions shall continue to apply within environmentally sensitive areas.
- B. The City shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.
- C. Certain categorical exemptions in WAC 197-11-800 do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

Chapter 14.95

HEARING EXAMINER

Sections

- 14.95.010 Authority and duties
- 14.95.020 Ex parte communication/ appearance of fairness/conflict of interest
- 14.95.030 Rights and responsibilities of applicants, appellants, and parties of record
- 14.95.040 Rights and responsibilities of the City Planner
- 14.95.050 Elements of public hearing
- 14.95.060 Evidence
- 14.95.070 Continuation of hearing
- 14.95.080 Additional evidence
- 14.95.090 Record of hearing
- 14.95.100 Decision
- 14.95.110 Reconsideration

14.95.010 Authority and duties

- A. The Hearing Examiner shall have all of the authority and duties granted in state statutes and the Snohomish Municipal Code. Among other duties, the Hearing Examiner shall:
 - 1. Conduct fair and impartial hearings.
 - 2. Avoid delaying proceedings.
 - 3. Maintain order.

- B. The Hearing Examiner may:
 - 1. Administer oaths and affirmations.
 - 2. Issue subpoenas.
 - 3. Rule upon offers of proof and receive evidence.
 - 4. Conduct view trips.
 - 5. Regulate the course of the hearing and the conduct of the parties.
 - 6. Question any party presenting testimony at the hearing.
 - 7. Require briefs on legal issues.
 - 8. Consider and rule upon procedural and other motions.
 - 9. Make and file recommendations or decisions.

- C. The Hearing Examiner may hold pre-hearing conferences to clarify issues or structure the proceeding, provided all affected parties receive reasonable notice and either attend or waive their right to attend. At the hearing, or by pre-hearing order, the Hearing Examiner shall communicate for the record the time, purpose, and result of the conference.

- D. No elected official, officer, employee, or agent of the City shall supervise or direct the Hearing Examiner's adjudicative functions.

14.95.020 Ex parte communication/ appearance of fairness/conflict of interest

- A. The appearance of fairness doctrine, as specified in Chapter 42.36 RCW, shall apply to Hearing Examiner proceedings and shall result in the examiner's disqualification when necessary. The Hearing Examiner shall not participate in any proceeding in which the Examiner has a prohibited personal interest which might influence the Examiner. In the event of a conflict of interest, the hearing shall be conducted by a hearing examiner pro tem.
- B. The Hearing Examiner shall not communicate ex parte directly or indirectly with any person, or his or her agent or representative, having an interest in an application before the Hearing Examiner.
- C. If a prohibited ex parte communication occurs, it shall be publicly disclosed in accordance with Chapter 42.36 RCW, and the Hearing Examiner shall determine whether to disqualify himself or herself for that application.

14.95.030 Rights and responsibilities of applicants, appellants, and parties of record

- A. Hearing attendees shall conduct themselves civilly and courteously or be removed from the hearing.
- B. **All testimony before the Hearing Examiner shall be given under oath to tell the truth, administered by the Hearing Examiner.**
- C. **Whenever possible, the applicant and any parties planning to present legal briefs or testimony shall provide the City Planner and the Hearing Examiner with the material at least one week in advance. Such materials shall be available to the public, subject to payment therefore.**
- D. **The applicant or appellant shall have the right of notice, cross-examination, presentation of evidence, objection, motion, argument, timely access to the City's staff report, and all other rights essential to a fair hearing.**
- E. **Parties of record shall have the right to present evidence and testimony at hearings. The right of parties of record to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner.**
- F. The Hearing Examiner may reasonably limit the number of witnesses heard and the nature and length of testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.
- G. Participants in hearings, including the City itself, may be represented by legal counsel.

14.95.040 Rights and responsibilities of the City Planner

- A. In addition to duties elsewhere stated, the City Planner shall deliver a staff report, a statement or proof of notices published, and any necessary plans and documentation to the Hearing Examiner at least seven days prior to a hearing. The City Planner shall also present materials at the hearing as necessary.
- B. The City Planner may present evidence and testimony, object, make motions, arguments, recommendations, and all other rights essential to a fair hearing.

14.95.050 Elements of public hearing

A public hearing usually will include but not be limited to:

- A. The Hearing Examiner's brief explanation of the process.
- B. Presentation of staff report.
- C. Testimony by the applicant or petitioner and cross-examination of same.
- D. Testimony in support.
- E. Testimony of opposing parties.
- F. Opportunity for cross-examination and rebuttal.
- G. Opportunity for questions by the Hearing Examiner.

14.95.060 Evidence

- A. The applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the City of Snohomish.
- B. The hearing generally will not be conducted according to strict legal rules of evidence and procedure. Any relevant and probative evidence shall be admitted. The rules of privilege shall be effective to the extent recognized by law. The Hearing Examiner shall decide the admissibility of evidence.
- C. Documentary evidence may be received in the form of copies. Upon request, parties shall be given an opportunity to compare the copy with the original.
- D. The Hearing Examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within his/her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts that are determinative of the outcome of a particular proceeding.
- E. If a document is referred to at a public hearing² and the Hearing Examiner requests a copy of the document, said document may so enter the record.
- F. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.

14.95.070 Continuation of hearing

The Hearing Examiner may continue the hearing until a certain date to allow all comments to be heard or to gather more information. No further notice of that hearing need be given. Any party of record may request a hearing be continued, which request the Hearing Examiner shall grant or deny.

14.95.080 Additional evidence

At any time prior to the filing of the final decision, the Hearing Examiner may reopen the proceeding to receive evidence that was unavailable at the time of the hearing. Such reopening may be initiated by a party of record requesting permission to present such evidence. The Hearing Examiner shall grant the request only upon a showing of significant relevance and good cause for delay in its submission. All parties of record will be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttals.

14.95.090 Record of hearing

Hearings shall be electronically recorded and such recordings shall be a part of the official case record, all components of which shall be available to the public, provided the requester pays reasonable costs of copying or transcripts. No minutes of the hearing will be kept. The record of hearing shall include:

- A. The application or petition.
- B. The staff report.
- C. A statement of notices published.
- D. Evidence received, including oral testimony and exhibits.
- E. Electronic recordings.
- F. The decision together with findings and conclusions.
- G. The SEPA threshold determination and other environmental documents, if applicable.

14.95.100 Decision

- A. The Hearing Examiner's written decision shall include:
 - 1. The nature and background of the proceeding.
 - 2. Concise findings of fact addressing contested issues of fact, based exclusively on the record.
 - 3. Conclusions referencing permit criteria and other specific provisions of the law, together with reasons and precedents relied upon.
 - 4. The Hearing Examiner's determination of the appropriate rule, order, or relief, based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.
 - 5. The time frames for reconsideration and appeal.
- B. The Hearing Examiner shall mail copies of the decision to all parties of record.

14.95.110 Reconsideration

Prior to six days after the date of the Hearing Examiner's decision, a party of record may request reconsideration. The request shall set forth alleged errors of fact, law, or procedure, or issues omitted from the Hearing Examiner's decision. Any request for reconsideration shall stay further issuance of City permits but shall not stay the time frame for appeal of the Hearing Examiner's decision. Within seven days after receiving the request, the Hearing Examiner shall either:

- A. Correct or amend the decision without an additional public hearing;
- B. Set the matter for additional public hearing, in which case notice shall published anew, including to all parties of record; or
- C. Confirm the original decision.

Chapter 14.100 DEFINITIONS

Sections

14.100.010 General

14.100.020 Definitions

14.100.010 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. Texts shall control captions, titles, and maps. Where any requirement of this title results in a fraction, a fraction of five-tenths or more shall be rounded up and a fraction of less than five-tenths shall be disregarded.

14.100.020 Definitions

Abutting means the state of being next to with no physical separation.

Accessory dwelling unit means a separate, complete dwelling unit, of a limited size, attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

Accessory means secondary and subordinate to the premise's primary use, building, or structure.

Accessory use, when applied to a residence, means a use or structure that is subordinate and incidental to a residence, including:

1. Fallout/bomb shelters.
2. Household pets, provided the number, location, type or other characteristic does not adversely affect public health and they are not for a commercial purpose as in a kennel, cattery, or stable.
3. Private gardens, pea-patch farms, fish and wildlife ponds.
4. On-site rental office.
5. Pools, private docks, piers.
6. Other accessory uses as specified in this Development Code.

Adult use means a commercial establishment that functions in whole or substantial part as an adult arcade, adult entertainment cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

Agriculture means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, poultry, dairying, and/or animal husbandry.

Agricultural crop sales mean the retail sale of agricultural products such as from roadside

stands or self-pick establishments.

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

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

Alteration means any change, modification, or addition to a building, site, or land use.

Amusement arcade means 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.

Animal means living creatures which can be domesticated and kept without danger or nuisance.

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

Applicant means a person applying for permission for a land use or development regulated by this title.

Arterial means a street designated as an arterial in the Comprehensive Plan.

Auction house means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

Automotive service and repair means the storage and repair of trucks and automobiles, including mechanical work, body and fender works, and painting. The term does not encompass the business of wrecking automobiles or impound car lots, when conducted outside of a structure.

Automotive dismantling and/or wrecking means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

Auto supply store means 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.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means 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.

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

Bed and breakfast inn means a residential facility, but not necessarily a family home, within which up to six bedrooms are available for short term lodging for paying guests.

Boarding house means a building, other than a hotel, where lodging or lodging and meals are provided for compensation to nontransient persons.

Bond means a security provided by a bonding company, in an amount and form satisfactory to these regulations, to insure that required improvements are installed, and providing a warranty against defective material or workmanship.

Book, stationery, video, and art supply means an establishment engaged in the retail sale of books and magazines, stationery, video, and/or art supplies.

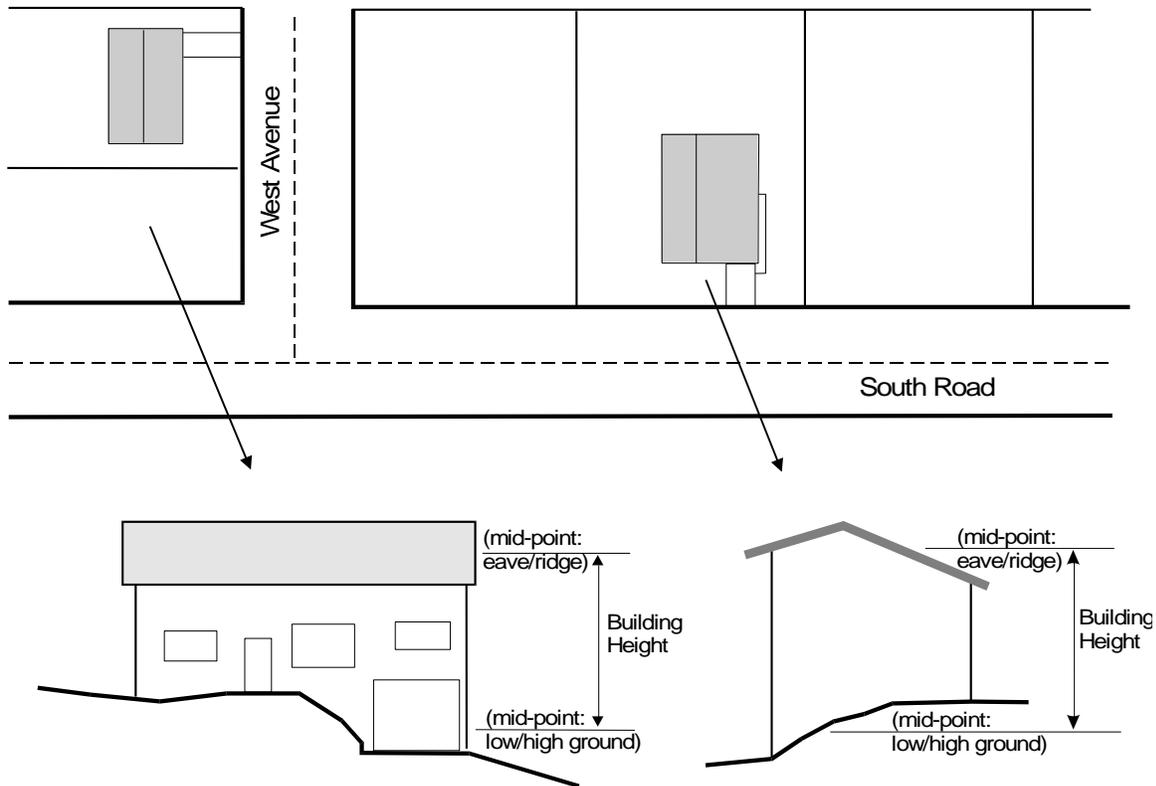
Buffer means an area adjacent to a critical area, consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

Building means a roofed structure designed to shelter persons, animals, or property.

Building, hardware, and garden materials means an establishment engaged in selling lumber and/or other building materials, feed, and lawn and/or garden supplies.

Building height means the vertical distance from the average adjoining curb elevation to the highest point of the roof surface at a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where the buildings are set back more than ten feet from the property line adjacent to a street, the height of the building shall be measured from the average elevation of the finished grade of the building, as shown in the illustration below.

Building Height



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

Bulk retail means a land use that is primarily engaged in the retail sale of bulk goods, including food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, house wares, drugs, auto supplies, hobby, toys, games, photographic supplies, and equipment, and electronics.

Campground means a facility for temporary occupancy of tents, recreational vehicles, and similar abodes without hook-up facilities, primarily for recreational purposes, as an on-going or commercial activity.

Cattery means a place where cats age 6 months or older are temporarily boarded for compensation, whether or not for training.

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

Childcare means a program or establishment licensed by the state of Washington other than

an occupied dwelling unit for group care of non-resident adults or children, including: child daycare services, adult daycare centers, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens or preschools when not a part of a public or parochial school, and programs covering before and after-school care for school children. (Also see Family childcare)

Church, synagogue or temple means a place where religious services are conducted, sometimes including accessory uses such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders.

City Attorney means the Snohomish City Attorney.

City Council means the Snohomish City Council.

City Engineer means the Snohomish City Engineer.

City Planner means the Snohomish City Planning Manager.

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

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

Clinic means a building for licensed outpatient health services.

Club means a non-commercial association of persons for a common purpose.

Commercial/industry accessory use means 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.

Commercial use means activities which provide goods, merchandise, and/or services for compensation.

Communication facility - major means a structural and/or freestanding tower facility for transmission and reception of UHF and VHF television signals, commercial FM or AM radio signals, or cellular radio signals. Large (over 6 feet diameter) microwave and satellite transmission dish assemblies are included in this description.

Communication facility – minor means communication antennas mounted on buildings, low power FM radio signals for short range use, and cellular radio antennas mounted on existing power poles or replacement poles and not adding more than fifteen feet to the original height

of such poles.

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

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

Comprehensive Plan means the City of Snohomish Comprehensive Plan.

Conditional use means a use allowed on a property within a designation only after review by the Hearing Examiner and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and designation.

Condominium means 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. A condominium is not effected until a declaration of condominium and a survey map and plans have been recorded pursuant to Chapters 64.32 and/or 64.34 RCW.

Conference center means a meeting facility, sometimes including accessory facilities for recreation, lodging, and related activities.

Congregate care means a shelter, convent, monastery, dormitory, fraternity, sorority, or other facility for living, sleeping, and sanitation, sometimes including facilities for eating and cooking.

Contiguous lot means a lot having a common boundary with another lot.

Convenience Store means a small version of a food or grocery store having a limited stock of items both in regard to variety and quantity. Some convenience stores may also have an associated vehicle fueling facility located in the paved parking area.

Conversion means a change in use of a structure.

County auditor means the Snohomish County official as defined in Ch. 36.22 RCW.

County treasurer means the Snohomish County official as defined in Ch. 36.29 RCW.

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

Critical areas refer to environmentally sensitive areas of land, such as steep slopes, wetlands, flood plains, unstable soils, erosion hazard areas, areas of geologic hazard, or other conditions needing protection or not suitable for intensive development.

Critical area report means an investigation, report, map, study and/or evaluation, which may be required to demonstrate that a proposed development activity is in compliance with this title. As applicable, a critical area report may be a habitat management plan or a geotechnical report.

Critical wildlife habitat means 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 means a road closed at one end, where the closed end is a circular or near circular shape providing a permanent turnaround.

Dedication means conveyance of land to a public agency for general public purposes by deed some other instrument of conveyance, or by dedication on a plat, short plat, or binding site plan and record of survey.

Density means the number of dwelling units on one acre of land.

Department means the City of Snohomish Department of Planning and Development Services.

Department store or variety store means an establishment engaged in the retail sale of various merchandise, such as dry goods, apparel, accessories, home furnishings, and house wares.

Destination resort means 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 means physically separated.

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

Detention facility means an above- or below- ground 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 means a person who owns, holds a purchase option on, or otherwise controls property which the person proposes for development.

Development activity means any construction, development, earth movement, clearing, demolition or other site disturbance, which either requires a permit, approval or authorization from the City or is proposed by a public agency.

Diversity, when applied to habitat, means diversity or complexity of vegetation as indicated by stratification of plant communities, variety of plant species, and spacing of vegetation.

Dormitory means a group sleeping quarters, which may include common dining, cooking, recreation, or bathing facilities.

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

Driveway means a facility for the passage of vehicles, constructed in accordance with the City of Snohomish street standards, which provides access from a public or private road to an individual development.

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

Duplex means a residential structure containing two dwelling units that have a contiguous wall, which structure is located on one lot. The term does not include a mobile home or a structure containing an attached or detached accessory dwelling unit.

Dwelling unit means one or more rooms with internal accessibility, designed for one family to live or sleep in, containing kitchen facilities and a bathroom. The term includes individual apartment units and manufactured homes.

Dwelling, multiple family (“Multiple family dwelling”) means a dwelling containing two or more dwelling units, but excluding townhouses and mobile homes.

Easement means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. "Easement" may include access, pedestrian paths, bicycle paths, utility easements, drainage, native growth protection areas, or open space.

Efficiency dwelling unit means a unit equipped with a bathroom, kitchen sink, cooking appliance and refrigerator, with light and ventilation as required by adopted codes and having a square footage of not more than 800 square feet not including staircases.

Elementary and middle/junior high school means institutions of learning required by the State of Washington with grades kindergarten through 9, including associated meeting rooms, auditoriums, and athletic facilities.

Enclosed, when applied to an activity, means totally concealed from expected human viewpoints by building, wall, fence, or other structure. When applied to a building, enclosed means totally enclosed via floor, walls, roof, and closable doors or windows.

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

Enhancement, when applied to wildlife habitat, wetlands, or wetland buffers, means improvement such as by increasing plant density or diversity, removing non-indigenous or noxious species, or controlling erosion.

Environmental checklist means 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 means a written document required under the State Environmental Policy Act, describing the impacts that could result from an action and how such impacts might be mitigated, prepared in accordance with Chapter 197-10 WAC.

Erosion means the wearing away of the earth's surface by wind, water, or other natural agents.

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

Existing and ongoing agricultural activities means activities conducted on lands as defined in RCW 84.34.020(2), involving the production of crops and livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, changes between agricultural activities, and normal maintenance and repair of existing serviceable structures and facilities. Such activity ceases to be ongoing when the area is converted to a

non-agricultural use or has lain idle for longer than five years, unless the idle land is registered in a federal or state soils conservation program. This definition excludes forest practices.

Exotic species means plant or animal species foreign to the area.

Fabrication shop means an establishment for the fabricating of goods. The term includes welding, cabinet, machine, and other similar shops.

Fabric shop means an establishment engaged in the retail sale of sewing supplies and accessories.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons. Domestic servants employed on the premises may be housed on the premises without being counted in the above. Not more than three roomers or boarders may be included in a family. The term excludes a fraternity, sorority, club, or other institutional group. For the purposes of this definition, persons with a disability or otherwise protected by the Federal Fair Housing Act (42 U.S.C. 3601 et seq.) shall not be counted as unrelated persons.

Family childcare means a childcare facility located at or in an occupied dwelling unit in which the full-time occupant provides daycare for children other than his/her own family and the children of close relatives. Such care in a family childcare home is limited to 6 or less children and 12 or less children, including children living in the home or children of close relatives cared for in the home.

Federal methodology means the methodology for identifying wetlands in the field as described in the Corps of Engineers Wetlands Delineation Manual (January 1987).

Filling means a deposit of earth material placed by mechanical means.

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

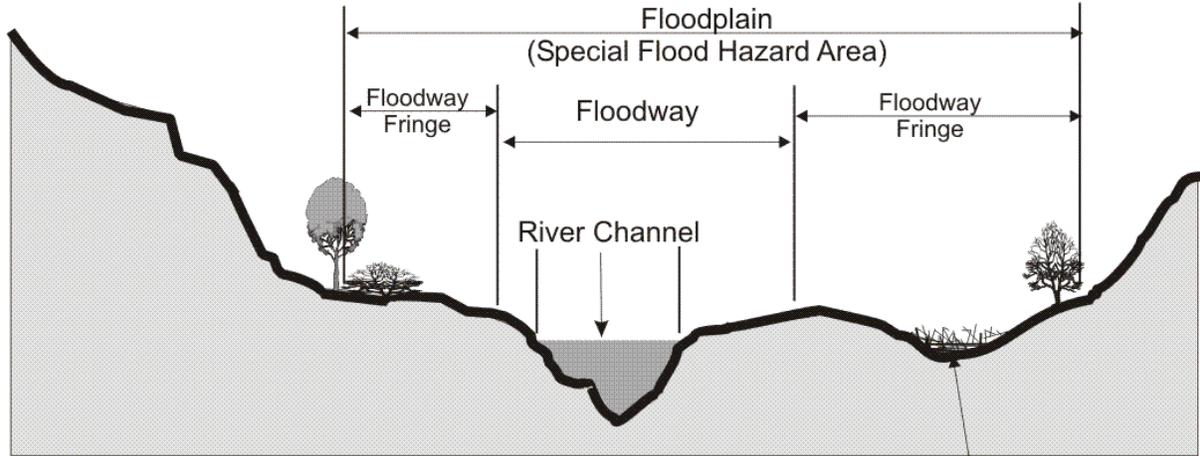
Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

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

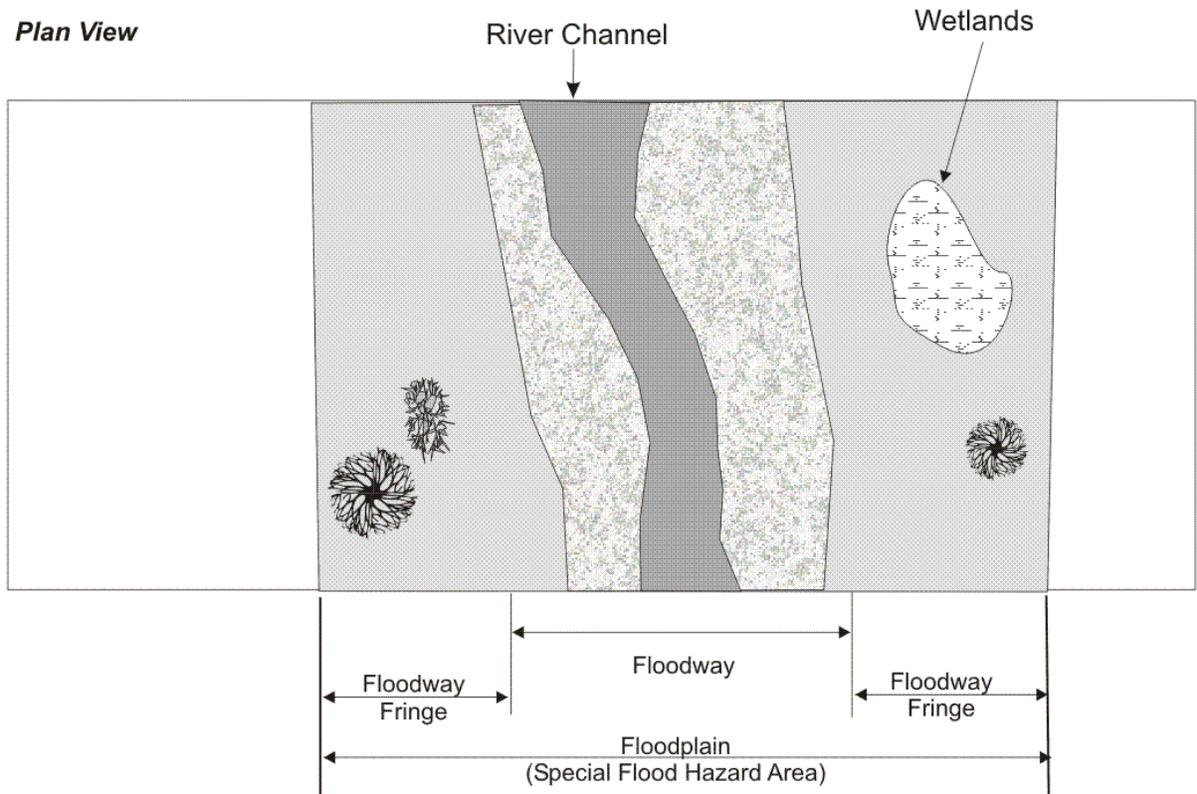
Floodplain means a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with frequency and volume of flooding. The floodplain typically consists of the floodway and the floodway fringe.

Typical Floodplain
(special Flood Hazard Area)

Cross-sectional view



Plan View



Flood proofing means 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.

Floor area means the space defined by the exterior walls, floor and ceiling of a building or structure.

Floor area ratio means the gross floor area of all buildings on a lot divided by the area of that lot.

Florist shop means an establishment engaged in the retail sale of flowers and plants.

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

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

Frontage improvements means improvements to roadways abutting a development and required as a result of that development. Generally, frontage improvements shall consist of appropriate base materials, maximum of one lane of paved road section (up to 12 feet), bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, storm drainage improvements, curbs, gutters and sidewalks.

Front lot line means the lot line separating the lot from the street. In the case of a corner lot there are two lot lines that adjoin streets. When the lot adjoins two streets which intersect on the boundaries of such lot, the front lot line shall relate to that street from which the primary pedestrian entrance is taken.

Front setback means the setback between the front lot line and the front setback line.

Front yard means a yard extending across the full width of the lot between any building and the front lot line measured horizontally from the nearest point of the front lot line to the nearest part of the building, as required in a particular land use designation.

Functions and values mean those functions and values of a critical area or buffer, which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this title, "functions and values" for wetlands, streams and buffers are limited to the following elements:

1. Streams. Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.
2. Wetlands. Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base-flow maintenance, and groundwater discharge/recharge.
3. Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation, stream bank stabilization, sediment entrapment, water quality maintenance, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

Furniture and home furnishings store means an establishment engaged in the retail sale of household furniture and furnishings for the home.

Garage, private (“Private garage”) means a building or a portion of a residential building designed or used primarily for shelter or storage of vehicles or boats, but not airplanes. Where any vehicles or boats are equipped for operation, repaired, or kept for remuneration, hire or sale, the term "private garage" does not apply.

Gasoline service station means a facility for the retail sale of gasoline and other automobile fuels available at pump islands, together with light general maintenance of automobiles.

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

General personal service means an establishment engaged in providing services to individuals, such as cleaning and laundry, beauty and barber shops, shoe and other clothing repair shops, photographer, bookkeeping, tax preparation, and other personal services.

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

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

Governmental facility means a facility owned or leased and operated, by an agency of the federal, state, or local government.

Grade means an established elevation provided by the City Engineer, or, when such information is not available, the elevation of the sidewalk at the property line, or, when there is no sidewalk, the average elevation of the street adjacent to the property line.

Grading means the excavation, filling, leveling, or contouring of the ground surface by human or mechanical means.

Gross floor area means the sum of all spaces defined by exterior walls, floors, and ceilings, including basements, mezzanines and all floor levels.

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

Hazardous tree means a tree which poses an imminent danger of falling.

Hearing Examiner means the City of Snohomish Hearing Examiner.

Heavy equipment repair means the repair and maintenance of self-powered, self-propelled, or towed mechanical devices used for commercial purposes, including tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding repair of automobiles, recreational vehicles, boats, and recreational trailers.

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

Hobby, toy, and game shop means an establishment engaged in the retail sale of toys, games, hobby, or craft kits.

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

Household pet means any domesticated animal, and is limited to three of one kind (excluding fish) and/or one litter of any kind and which may not be harmful to the public health, safety, or welfare.

In-kind mitigation means replacement of wetlands with wetlands whose characteristics closely approximate those destroyed or degraded.

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

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

Interior lot means a lot bounded by one street with the remainder of the lot boundary adjoining other lots.

Jail means 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.

Jewelry store means an establishment engaged in the retail sale of a variety of jewelry products.

Kennel means a place where dogs 6 months or older are temporarily boarded for compensation, whether or not for training.

Landscaping means the artificial application of natural and manmade materials to improve the appearance of real property.

Landslide means 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 means areas that, due to slope and soil permeability, are susceptible to land sliding.

Land use designation means 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.

Land Use Map means that 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.

Landing field means 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 means a qualitative measure, describing operational conditions within a traffic stream and the perception thereof by road users. Level-of-service standards may be evaluated in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. 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 means 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.

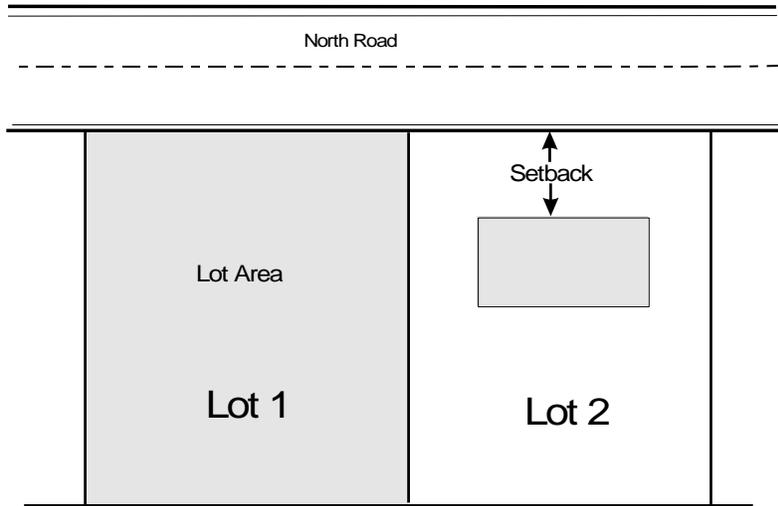
Loading space means an area required to be maintained on certain business, commercial and industry lots, in addition to regular yard requirements, used for the loading and unloading of trucks and other vehicles.

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

Lot means a piece of land having fixed boundaries, either as part of a subdivision or through metes and bounds description, including tracts and parcels. The term does not include 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.

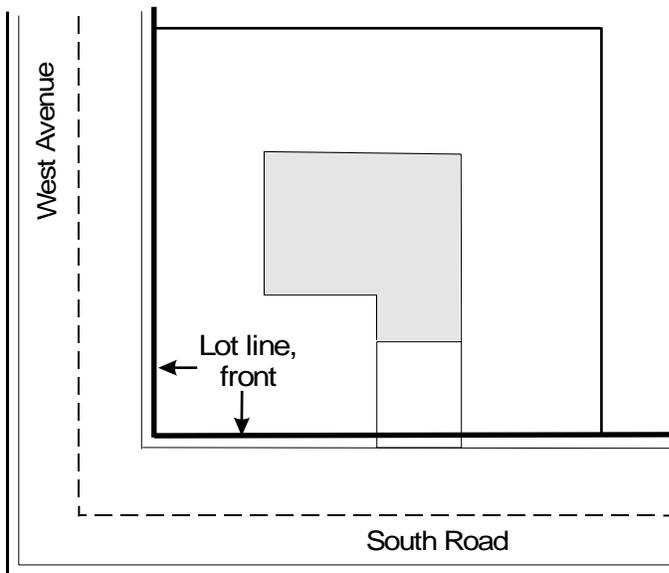
Lot area means the total horizontal area within the lot lines of a lot, as shown in the following diagram:

Lot Area



Lot, corner (“Corner lot”) means a lot situated at the intersection of two or more streets or roads or private roads, or bounded on two or more adjacent sides by street or road or private road lot lines. The angle of intersection of such lot lines shall not exceed 135 degrees. The following diagram depicts a typical corner lot:

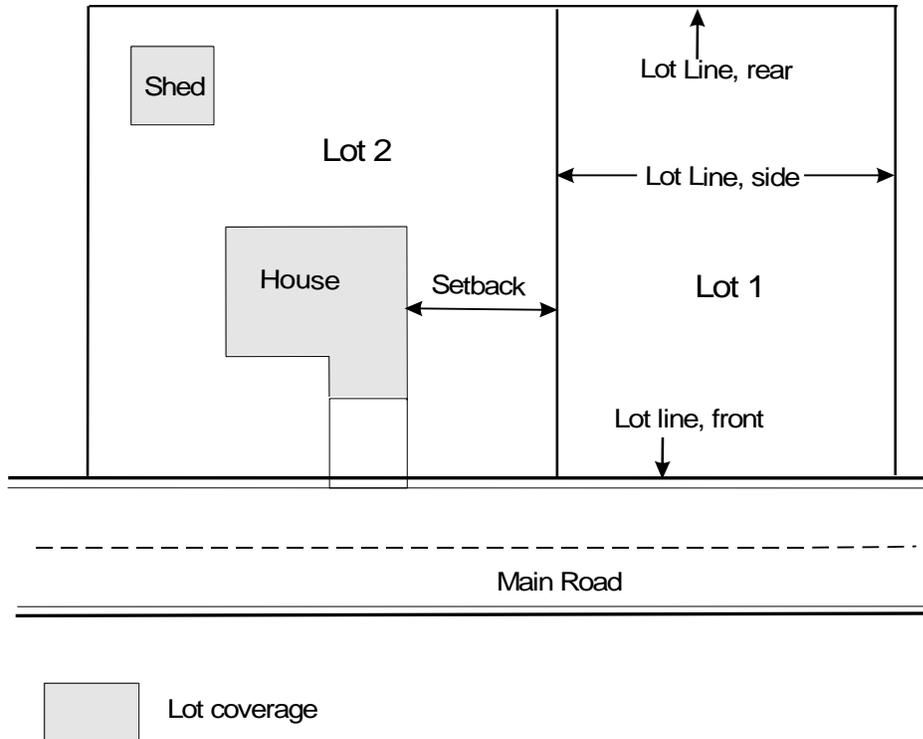
Corner Lot



Lot coverage means the area of a lot that can be covered with a building, structure, or required parking. An example of lot coverage is shown in the diagram below which illustrates

both lot lines and lot coverage.

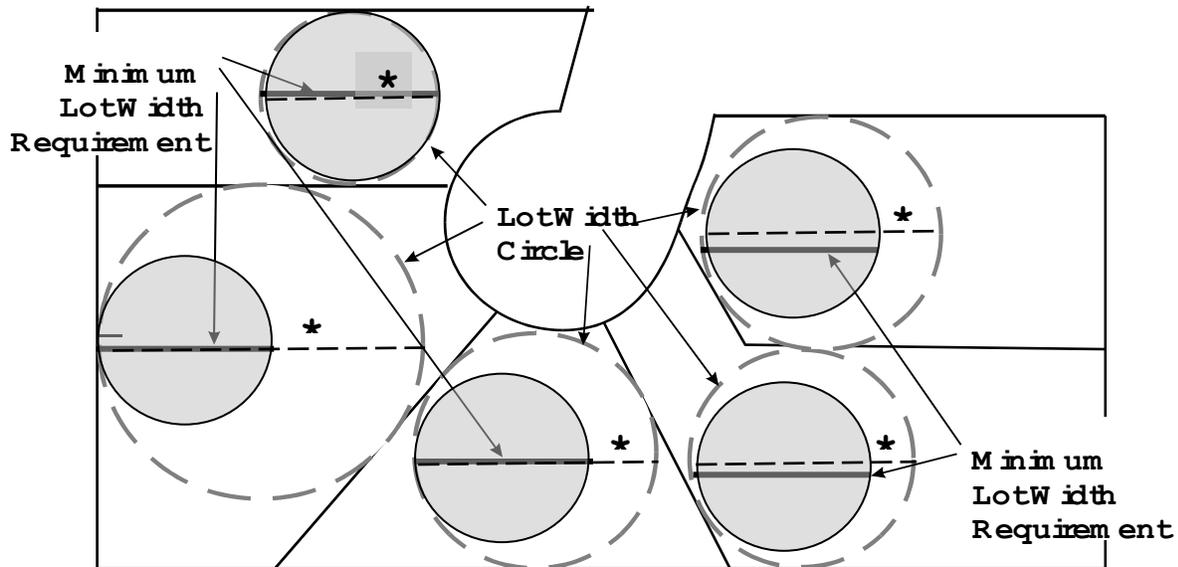
Lot line means a boundary of a lot, as shown in the following diagram:



Lot line adjustment means a division made for the purpose of adjusting boundary lines, which does not create any additional lot, cause any lot to contain insufficient area, dimensions, or building setbacks, relocate an entire lot from one parent parcel into another parent parcel, or reduce the overall area in a plat or short plat devoted to open space, and which is not inconsistent with any restrictions or conditions of approval for a recorded plat or short plat, does not involve lots which do not have a common boundary, and does not circumvent the subdivision or short subdivision procedures set forth in this title.

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

Lot Width



- Note: this line represents

Lowest floor means the lowest floor of the lowest enclosed area of a building including the basement and excluding unfinished enclosures used solely for parking of vehicles, building access, or storage other than in the basement.

Manufactured home means a structure as defined in RCW 35.63.160(2), constructed after June 15, 1976, in compliance with Housing and Urban Development standards. For floodplain management purposes, “manufactured home” also includes park trailers, travel trailers, and similar vehicles placed on the site for greater than one hundred eighty consecutive days.

Marina means an establishment providing docking, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and personal services including but not limited to showers, toilets, self-service laundries and boat fueling.

Maximum dwelling units (density) means the maximum number of units per acre permitted in the project’s land use designation.

Minimum lot size means the specified minimum lot area required for a property to be used for uses allowed under the land use designation in which it is located.

Minor variance means a minor variance as defined in SMC 14.70.020.

Mitigation means a measure taken to reduce or eliminate impacts of development, including:

- A. Avoiding the impact altogether by not taking the proposed action.
- B. Minimizing impact by limiting the magnitude of the action.
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- D. Reducing or eliminating the impact over time by preservation and maintenance.
- E. Compensating for the impact by providing substitute resources or environments.
- F. Monitoring the impact and taking appropriate corrective measures.

Mobile home park means a development with two or more improved pads or spaces designed to accommodate mobile homes.

Multi-family pertains to a building designed or used to house two or more families independently.

Multi-family unit means a dwelling unit in a multi-family structure.

Native, when applied to vegetation, means pre-existing on a site and indigenous to the area.

Non-conforming means a structure or use lawfully existing until passage of an ordinance codified in this title and not conforming to said ordinance.

Nursing home means a structure and/or premises licensed as required by state law for nursing, dietary care and other personal services rendered to convalescents, invalids and aged persons, but excluding contagious, communicable, or mental illness cases and surgery or primary treatments such as are customarily provided for in hospitals.

Off-premises sign means a sign which advertises a product, service, or company, not located on the property on which the sign is situated.

Off-street parking means parking that is not in a public right-of-way and is reserved for a specific land use.

Open space means the area of a lot not covered by structures, streets, driveways, parking and loading spaces, and storage yards.

Ordinary high water mark means that mark on the bank of a lake, stream, or tidal water body, where the presence and action of water is as common and usual in all ordinary years as to make the soil distinct from that of the abutting upland with respect to the type of vegetation produced.

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

Park means a piece of ground maintained for purposes of recreation, including pleasure, exercise, amusement or ornamentation.

Parking requirement means the number of parking spaces required by this development code for a certain use.

Parking space means the area required to store a vehicle plus the necessary maneuvering area.

Party of record means the applicant or a person who testifies at a hearing or in writing about a matter before the Hearing Examiner.

Permitted use means a use that is unconditionally allowed in a land use designation.

Person means a person, party, firm, corporation, agency, or other entity.

Pet shop means an establishment engaged in the retail sale of pets, pet supplies, or grooming of pets.

Photographic and electronic shop means an establishment engaged in the retail sale of cameras and photographic supplies and/or a variety of household electronic equipment.

Planning Commission means the City of Snohomish Planning Commission.

Plat means the drawing of a subdivision of land and other elements as required pursuant to Ch. 58,17 RCW.

Processing means those activities which alter or refine an existing product.

Professional office means a place of business which is used by licensed professionals or persons in generally recognized professions, requiring training or knowledge of a technical, scientific, or other academic discipline as opposed to manual skills, and which does not involve either outside storage or fabrication, or on-site sale or transfer of commodities.

Preliminary plat means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision, which furnishes a basis for the approval or disapproval of the general layout of the subdivision.

Premises mean a lot with or without structures.

Print shop means 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.

Public agency office means an office for the administration of any governmental activity or program.

Public agency training facility means an establishment for training in law enforcement, fire safety, national guard, and transit operations, including classrooms, dining, overnight accommodations, shooting ranges, auto test tracks, and fire suppression simulations.

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

Public hearing means a formal meeting on a particular matter for which notice has been given, the public is allowed to comment, and comments become part of the record.

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

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

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

Qualified landscape designer means 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.

Rear lot line means a lot line which is opposite and most distant from the front lot line. In the case of a triangular or irregularly shaped lot, it means a line twenty (20) feet in length within the lot parallel to and at the 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 lot line shall be the mean low water line.

Rear yard means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the main building, as required by this development code for the land use designation in which the lot is located.

Recorded development plan means a plan approved by the City and recorded by the developer, whereby the development of a site is regulated in a manner which allows some flexibility in order to promote more rational planning and development, while still being consistent with the requirements of this title.

Recreational vehicle parks means land on which two or more recreational vehicles, including hook-up facilities, are located for occupancy by the general public as temporary living or recreation quarters.

Residence or residential refers to 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.

Resource accessory use means 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.

Retail use means those activities which feature the sale of commodities for compensation.

Retaining wall means a wall of any material to resist the lateral displacement of soil, the slope of which is greater than 1.5 horizontal to 1 vertical.

Retirement apartments mean dwelling units exclusively designed for and occupied by senior citizen 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.

Retirement housing means dwellings exclusively designed for and occupied by senior citizen residents 62 years of age or older, in a building with central kitchen facilities providing meals for the residents. There is no minimum age requirement for the spouse of a resident who is 62 years of age or older.

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

School means any institution, such as an elementary, middle, junior high, senior high, be it public, private, or parochial, which offers instruction as required by the State Board of Education.

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

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

School impact fee means a payment of money imposed upon residential development as a

condition of approval to pay for school facilities needed to serve the development. The school impact fee does not include a permit fee, application fee, administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

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

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

SEPA means the State Environmental Policy Act, Ch. 43.21C RCW.

Setback means the distance between a property line and the corresponding setback line, measured horizontally and at a ninety-degree angle to the property line if straight or to a tangent thereto if curved.

Shall means the prescribed action is mandatory.

Shoreline, when applied to areas regulated by the Washington State Shoreline Management Act, means all water areas within the Snohomish City limits, but excluding streams upstream of a point where their mean annual flow is twenty cubic feet per second or less, together with the land extending landward for two hundred feet in all directions measured on a horizontal plane from the ordinary high water mark and all wetlands and flood plains associated with said water areas.

Short subdivision means the division of land into four or less lots or tracts for the purpose of sale or lease.

Short plat means the drawing of a subdivision of land into four or fewer lots.

Side lot line means any lot line other than a front or rear lot line.

Side yard setback means the setback between a side lot line and the corresponding side yard setback line.

Side yard means a yard extending from the front yard to the rear yard along the side of the main building, the width of which yard is the minimum distance from the side lot line to the main building as specified in this title.

Sight obstruction means 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 area means 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 means 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 means 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 detached means a single-family dwelling not attached to any other dwelling.

Single-family dwelling means a building containing one dwelling unit on one lot. The term includes single-family detached and single-family attached (row houses, townhouses, and similar types of housing). The term excludes non-HUD-certified mobile homes, travel trailers, recreational vehicles, tents, and other forms of portable or temporary housing.

Site plan means a map or drawing showing the location of buildings, structures, landscaping, parking areas, driveways, streets, and other pertinent features drawn to scale.

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

Specialized instruction school means 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.

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

Sporting goods store means an establishment engaged in the retail sale of sporting goods and equipment.

Street vacation means the process whereby the City agrees to relinquish its ownership of a street right-of-way to a land owner.

Storage means the placement of commodities either enclosed or not enclosed for an indefinite period of time.

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

Street means a way for public circulation of vehicles and pedestrians.

Structure means an object composed of one or more pieces, in a fixed position relative to the

ground, not completely buried and below grade.

Subdivision means the division, for the purpose of sale or lease, of land into five or more lots each capable of being sold separately, including re-subdivisions.

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

Substantial development means a substantial development as defined in RCW 90.58.30(3)(e).

Substantial improvement, when applied to a flood prone area, means a repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair, or, if the structure has been damaged, before the damage occurred, excluding 1) improvements to structures to comply with state or local health, sanitary, or safety codes and 2) alterations of structures listed on the National Register of Historic Places or State Inventory of Historic Places.

Threshold determination means 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, means a document evidencing ownership.

Townhouse means a dwelling unit, which is designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, and which is attached to one or more townhouse units in a townhouse structure. A townhouse structure consists of at least two units joined by common walls which may be located on side lot lines. A townhouse has at least two private entrances at ground level. The term “townhouse” does not include a duplex.

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

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

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

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

Use means the existing or intended purpose of land or structures.

Chapter 14.205

PERMITTED LAND USES

Sections

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14.205.010	Map of land use designations
14.205.020	Single-family residential designation
14.205.025	Low density multi-family residential designation
14.205.030	Medium density multi-family residential designation
14.205.035	High density multi-family residential designation
14.205.040	Commercial designations
14.205.045	Neighborhood Commercial designation
14.205.050	Historic Business designation
14.205.055	Business Park designation
14.205.060	Industry designation
14.205.065	Airport Industry designation
14.205.070	Mixed Use designation
14.205.075	Open Space designation
14.205.080	Urban Horticulture designation
14.205.090	Public Land Use designation
14.205.100	Historic District

14.205.005 Purpose

The purpose of this chapter is to establish land use designations that are designed to implement the goals, policies and vision statement of the City of Snohomish Comprehensive Plan. The purpose and general uses allowed in each designation are stated in Sections 14.205.020 through 14.205.090 SMC and more specifically in the Land Use Tables in Chapter 14.207 SMC.

14.205.010 Map of land use designations

The City of Snohomish Official Map of Land Use Designations is hereby adopted by reference and shall be kept in the Planning and Development Services Department. Said map will be revised by the City Planner and signed by the Mayor whenever amendments are adopted pursuant to Chapter 14.15 SMC.

14.205.020 Single-family Residential designation

The purpose of this designation is to maintain and develop single-family areas which provide suitable living environments for individuals and families, and which have the following characteristics: quietness, privacy, safety, and land use stability and compatibility.

The following general criteria shall govern development in this designation:

1. Residential density shall not exceed six (6) units per acre.

2. The predominant use shall be single-family detached housing. Accessory dwelling units, congregate care and nursing home facilities will be allowed, subject to the provisions of Title 14 SMC.
3. Individual lots should have direct access onto local or private streets with close proximity to major thoroughfares and bus transportation. When access to a local or private street is not practical, access by means of a collector or arterial will be considered. Arterials shall serve as boundaries of single-family areas, and local residential streets shall provide internal circulation.
4. Single-family development should be located on varying terrain which avoids poorly drained areas and complies with environmental regulations as found in this title.
5. Single-family development shall be served by City services, such as water and sewer. Annexed existing single-family residences served by septic tanks must connect to City sewer lines within five (5) years after service is extended to the properties.

14.205.025 Low Density Multi-family Residential designation

The purpose of this designation is to maintain and develop adequate multi-family housing to provide a suitable living environment and the lowest range in multiple-family residential density, housing types, ownership patterns, lifestyles, and economic needs of the population.

The following general criteria shall govern development in this designation:

1. Low density multi-family housing shall not exceed twelve (12) units per acre.
Low density multi-family areas should be located in the outlying areas of the City where needed services are available, as transitional areas between different land uses, and in areas requiring restrictions on the height of structures.
2. The predominant use shall be multi-family housing. The density of apartment developments should be based upon topography, availability of utilities, and proximity to adequate transportation corridors and commercial areas.
3. Mobile home parks will be allowed as conditional uses, subject to review and appropriate design and development standards, and will be limited to multi-family areas, excluding the Historic District. Mobile home parks require a recorded development plan and will conform to the density requirements and the development standards of the medium density multi-family residential designation.
4. Streets providing access to apartments should have the capacity to serve the vehicular and pedestrian traffic which will be generated by the given density of the apartment development.
5. Multi-family development should be located on varying terrain, which avoids poorly drained areas and complies with critical area regulations.
6. Multi-family development shall be served by adequate City water, sanitary sewer, and storm drainage utilities.
7. Multi-family areas should be located adjacent to commercial areas and shall be used as a buffer between single-family areas and commercial and industry areas.

14.205.030 Medium Density Multi-family Residential designation

The purpose of this designation is to maintain and develop adequate multi-family housing to provide a suitable living environment and the medium range in multiple-family residential

density, housing types, ownership patterns, lifestyles, and economic needs of the population.

The following general criteria shall govern the development in this designation:

1. Medium density multi-family housing shall not exceed eighteen (18) units per acre.
2. **Medium density multi-family development should be confined to areas near major transportation corridors and commercial areas.**
3. The predominant use shall be multi-family housing. The density of apartment developments should be based upon topography, availability of utilities, and proximity to major transportation corridors and commercial areas.
4. Mobile home parks will be allowed as conditional uses, subject to review and appropriate design and development standards, and will be limited to multi-family areas, excluding the Historic District. Mobile home parks require a recorded development plan and will conform to the density requirements and the development standards of the medium density multi-family residential designation.
5. Multi-family development shall occur near arterials and bus routes in order to provide direct connections to places of work, shopping, and recreation. Streets providing access to apartments should have the capacity to serve the vehicular and pedestrian traffic which will be generated by the given density of the apartment development.
6. Multi-family development should be located on varying terrain, which avoids poorly drained areas and complies with critical area regulations.
7. Multi-family development shall be served by adequate City water, sanitary sewer, and storm drainage utilities.
8. Multi-family areas should be located adjacent to commercial areas and shall be used as a buffer between single-family areas and commercial and industry areas.

14.205.035 High Density Multi-family Residential designation

The purpose of this designation is to maintain and develop adequate multi-family housing to provide a suitable living environment and the highest range in multiple-family residential density, housing types, ownership patterns, lifestyles, and economic needs of the population.

The following general criteria shall govern the development in this designation:

1. High density multi-family housing shall not exceed twenty-four (24) units per acre.
2. The predominant use shall be multi-family housing. The density of apartment developments should be based upon topography, availability of utilities, and proximity to major transportation corridors and commercial areas.
3. Mobile home parks will be allowed as conditional uses, subject to review and appropriate design and development standards, and will be limited to multi-family areas, excluding the Historic District. Mobile home parks require a recorded development plan and will conform to the density requirements and the development standards of the medium density multi-family residential designation.
4. Multi-family density shall not exceed twenty-four (24) units per acre, except for senior housing which may be thirty (30) units per acre maximum, subject to verification that such development will have a low impact on the neighborhood and City services.
5. Multi-family development shall occur near arterials and bus routes in order to provide direct connections to places of work, shopping, and recreation. Streets providing

access to apartments should have the capacity to serve the vehicular and pedestrian traffic which will be generated by the given density of the apartment development.

6. Multi-family development should be located on varying terrain, which avoids poorly drained areas and complies with critical area regulations.
7. Multi-family development shall be served by adequate City water, sanitary sewer, and storm drainage utilities.
8. Multi-family areas should be located adjacent to commercial areas and shall be used as a buffer between single-family areas and commercial and industry areas.

14.205.040 Commercial designation

The purpose of this designation is to provide a commercial area suitable for shopping centers, as well as concentrations of individual shops and stores, which are auto-oriented and located along major arterials in the City. Such commercial areas should provide a wide range of convenience and general merchandise goods and services. This designation is oriented towards service and automotive shopping and toward serving a local market as well as having a City wide draw.

14.205.045 Neighborhood Commercial designation

The purpose of this designation is to provide a local commercial service area of limited size and scale. Specialty shops and small office facilities will be allowed along with neighborhood services. New residential uses will be allowed only on the second floor above the primary uses allowed in this designation.

14.205.050 Historic Business designation

The purpose of this designation is to provide a commercial area which is in the Historic District. The Historic Business Designation (HBD) is both pedestrian and auto-oriented, and will provide a broad range of pedestrian-oriented commercial services and goods, including offices, specialty shops, and entertainment activities, and has reduced parking requirements to encourage the preservation and renovation of existing structures.

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 with approval of a recorded development plan and access points in each development. This will discourage strip commercial development and 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 a recorded development plan.
2. Development in Business Park areas will require a recorded development plan. Criteria for the plan shall include the prevention of strip commercial development and the protection of environmentally critical areas.

3. A minimum of five (5) acres will normally be required for a Business Park recorded development plan; however, existing smaller parcels that can not be aggregated together to establish a 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.

14.205.060 Industry designation

The purpose of this designation is to maintain and develop sufficient industry areas of varying size and type in order to achieve economic stability and employment growth, to encourage the development of the City as a small diversified manufacturing center, and to provide locations for land uses that create compatibility problems with other kinds of land uses but do not create excessive amounts of noise, light, noxious odors, or hazardous products or by-products.

Adult uses will be allowed in the area designated for industry located between Bonneville Avenue, Highway 9 and Seventh Street.

14.205.065 Airport Industry designation

- A. Harvey Airfield and the immediate surrounding area should be protected as a regional resource. This designation will protect it from incompatible land uses, allow its orderly expansion, and provide for its further development as a regional reliever field as designated by the FAA. This designation is also intended to reduce the impact of airport uses on adjacent properties.
- B. The Airport Industry designation will allow a mix of certain commercial and light industry uses compatible with airport activities. This designation allows recreation uses as well as aviation related schools and associated student housing. Developable areas include those with environmental constraints and resource lands. Airport Industry development in the density fringe area will be with fewer improvements than in more land extensive uses and must comply with the density fringe regulations.
- C. Development will be pursuant to an approved recorded development plan.
 1. Criteria for the recorded development plan shall include protection of environmentally critical areas and limited access onto adjacent public right-of-way.
 2. Airport Industry development in the density flood fringe area shall have minimal improvements, extensive open land use, and must comply with the federal government's density flood fringe regulations.

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. A recorded 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 and a formal review of the proposed development before the Hearing Examiner. The recorded development plan shall be executed prior to the issuance of development permits.
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.

14.205.075 Open Space designations

The purpose of this designation is to preserve and enhance as open space environmental resources and amenities in order to retain the sense of place. Open Space areas include environmentally sensitive areas.

The following general criteria shall govern the development in this designation:

1. Areas will be designated Open Space only when the property owners agree to donate, sell or provide appropriate open space or conservation easements to the City. No properties will be changed to Open Space unless the property owner voluntarily agrees to the designation.
2. The City may attempt to buy, trade, or exchange surplus City-owned property resources for Open Space property.
3. Lands designated as Open Space will not be developed, although extensive recreational activities are allowed.
4. Open Space areas could include stream corridors and wildlife habitat.

14.205.080 Urban Horticulture designation

The Urban Horticulture designation provides a buffer between the urban areas of the City and adjacent agricultural lands. Lands uses within this designation will be low density and will have low impact to adjacent agricultural areas.

The following general criteria shall govern development in this designation:

1. Land uses are allowed that do not require extensive structures or development and that do require large land areas, such as intensive agriculture operation, sales of agriculture products, sales of landscaping materials and supplies, farmer's markets, outdoor recreation activities, and log and lumber storage.
2. This designation shall be for lands that are within the City limits, are adjacent to agriculture areas, and are either currently in agricultural uses or vacant.
3. Minimal structures shall be allowed for development, and 80 percent of a lot shall be left unbuilt and unpaved.
4. Uses which negatively impact adjacent agricultural uses shall be discouraged.

5. Food protection requirements of Title 14 SMC shall be met for all development located in the flood plain.
6. Single-family residences shall be allowed at a density of no more than one (1) unit per ten (10) acres.

14.205.090 Public designation

The purpose of this designation is to provide for appropriate and adequate areas for public uses, such as schools, parks and various government facilities. Public uses should be compatible with surrounding uses and must be adequate to meet the human resource needs of the City of Snohomish.

The following general criteria shall govern development in this designation:

1. Public uses should adjoin streets which have sufficient capacity to accommodate associated vehicular and pedestrian traffic.
2. Public land uses may be utilized as a buffer between commercial, apartment, and single family areas, or as a core area around which residential units are located.
3. Public uses shall be encouraged to provide good site design, building design, landscaping, and appropriate parking.
4. New public use developments, major expansions and significant changes to existing public use facilities shall be reviewed under a conditional use permit process by the Hearing Examiner.

14.205.100 Historic District

The purpose of establishing a Historic District for the City of Snohomish and the standards and regulations applicable to the Historic District are set forth in Chapter 14.225 SMC.

Chapter 14.207

LAND USE TABLES

Sections

14.207.010	Guide to use of land use tables
14.207.020	Permitted uses
14.207.030	Conditional use permits
14.207.040	Specific regulations pertaining to the use in the land use designation
14.207.050	Uses not permitted in a land use designation
14.207.060	Interpretation of the land use tables

TABLES AND REGULATIONS

14.207.070	Residential land use table
14.207.075	Residential land use: regulations
14.207.080	General services land use table
14.207.085	General services land use: regulations
14.207.090	Government/business services land use table
14.207.095	Government/business services land use: regulations
14.207.100	Retail land use table
14.207.105	Retail land use: regulations
14.207.110	Manufacturing land use table
14.207.115	Manufacturing land use: regulations
14.207.120	Regional land use table
14.207.125	Regional land use: regulations
14.207.130	Recreational/cultural land use table
14.207.135	Recreational/cultural land use: regulations
14.207.140	Resource land use table
14.207.145	Resource land use: regulations
14.207.150	Essential public facility table
14.207.155	Essential public facility regulations
14.207.160	Accessory uses

14.207.010 Guide to use of land use tables

- A. The use of a property is considered permanent when that use has been in continuous operation for more than sixty days. A use for less than sixty days is considered a temporary use (see Chapter 14.60 SMC).
- B. The land use tables in SMC 14.207.120 through 14.207.200 determine whether a use is allowed in a land use designation. The land use designations set forth in Chapter 14.205SMC relate to the tables' columns while the land uses relate to the tables' rows.
- C. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

14.207.020 Permitted Uses

If the letter "P" appears in the box at the intersection of the column and the row, the use is

permitted in that district, subject to the review procedures and general requirements specified in Title 14 SMC.

14.207.030 Conditional Use Permits

If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed only if the City grants a conditional use permit for that use per SMC 14.65.010.

14.207.040 Specific regulations pertaining to the use in the land use designation

If in addition to a “P” or “C” a number appears in the box at the intersection of the column and the row, then the corresponding regulation in the section following the land use table applies to the use.

14.207.050 Uses not permitted in a land use designation

If there is neither a “P” or a “C” in the box at the intersection of the column and the row, the use is not allowed in that land use designation.

14.207.060 Interpretation of the land use tables

- A. If a proposed land use is not specifically listed in a land use table, the City Planner shall determine whether the land use will be allowed in a land use designation. The City Planner shall make that determination based on consistency with the purposes of Title 14 SMC and the Comprehensive Plan, considering the following factors:
 - 1. The physical characteristics of the use and its supporting structures, including scope, traffic, hours of operation, and other impacts.
 - 2. Whether the use is compatible with other uses permitted in the land use designation.

- B. The City Planner shall issue a written interpretation formalizing the determination, in order to make a record of the decision and establish a clear precedent for similar future occurrences. The issuance of an interpretation by the City Planner may be appealed in accordance with the provisions of SMC 14.75.010.

Residential Land Use: Regulations

1. Related to the operation of a farm, one (1) unit per ten (10) acres.
2. Accessory dwelling units must meet the following conditions:
 - a. One (1) unit must be owner occupied.
 - b. The design of any exterior alteration or new structure necessary for the unit must comply with the City's design standards adopted in Chapters 14.225 and 14.230 SMC.
 - c. One (1) additional on-site parking space must be provided.
 - d. If the accessory unit is in a separate structure, it must be no greater than eight hundred (800) square feet or half the floor area of the existing structure, whichever is less.
3. Home occupations must meet the following conditions:
 - a. The occupation shall be conducted within an enclosed building.
 - b. No indication of the occupation, such as outdoor storage areas, abnormally higher traffic volumes, noise, vibration, dust, smoke or odors, shall be evident from outside the building in which the occupation is located.
 - c. The occupation shall not produce ground water pollution or introduce objectionable waste into the City sewer system.
 - d. Not more than one (1) person outside the immediate family group residing on the premises shall engage in such occupation.
 - e. Signing must comply with Chapter 14.245 SMC.
 - f. The occupation cannot exceed twenty-five percent (25%) of the home square footage.
 - g. The occupation must have a City business license.
 - h. The premises must be occupied by the occupation owner.
4. Bed & Breakfast (B&B) establishments must meet the following conditions:
 - a. The residence must be owner-occupied.
 - b. The Design Review Board must review the plan for off-street parking and, if the property is located within the Historic District, the design of the sign.
 - c. No more than four B&B rooms per residence.
 - d. **One (1) on-premise parking space must be provided per B&B room, in addition to parking required for the residence.**
 - e. B&B rooms must be located in the structure of the principal residence.
 - f. No meals other than breakfast shall be provided, and no meals shall be sold to non-renters.
 - g. No room shall be rented to the same person or persons for more than thirty (30) days per year.
 - h. No rooms shall be rented on a permanent basis, and no other business activity may be conducted on the premises.
 - i. The B&B must maintain a City business license.
5. Employee living quarters as an accessory use shall meet the following conditions:
 - a. Living quarters shall be restricted to the use of caretakers, watchmen, and special employees in training.
 - b. Living quarters may be a separate building, manufactured home, or a portion of another building.

- c. Only two (2) dwelling units shall be used for employee living quarters.
6. Multi-family housing is allowed in conjunction with commercial use as a mixed use.
 - a. The gross square footage of multi-family housing must not exceed the gross square footage of commercial use.
 - b. Multiple family density may not exceed eighteen (18) units/acre, in accordance with Chapter 14.210 SMC.
7. Requires an approved recorded development plan.
8. In conjunction with specialized school.
9. Must meet mobile home park design requirements set forth in SMC 14.210.220.
10. May not exceed eighteen (18) units per acre, in accordance with SMC 14.210.210.
11. Signs, fences, landscaping and screening in compliance with Title 14 SMC.
12. Agricultural uses shall be limited in accordance with SMC 14.210.320.
13. Recreational Vehicle Parks must meet the following conditions:
 - a. Maximum of fifteen (15) dwelling units per acre.
 - b. Type III landscaping as defined in SMC 14.240.040(F)(3) shall be required along all property lines.
 - c. An emergency flood evacuation plan must be submitted to the City and be approved by the City Planner and City Fire Official. The City Planner and City Fire Official shall develop minimum requirements for the contents of flood evacuation plans.
 - d. Must comply with the requirements of Chapter 20.04 SMC relating to the establishment of trailer camps.
 - e. Length of stay shall be a total of not more than ninety (90) days in any calendar year.
 - f. Recreational trailer camps shall be only permitted south of the Snohomish River.
14. Employee and/or accessory living quarters as an accessory use shall meet the following conditions:
 - a. Living quarters must be on the second floor above the primary commercial use on the site.
 - b. The density of the employee and/or accessory living quarters shall not exceed the density of the highest density adjacent residential designation.
15. A Bed and Breakfast Inn must be located less than 300 feet from and have access to a street designated as a collector or arterial.
16. The property must be in some form of public ownership.

14.207.085 General Services Land Uses: Regulations.

1. Except Tire retreading. See Manufacturing Land Uses Table.
2. Subject to a child drop off and pick up system that meets DSHS standards and subject to design features and a time schedule for use of outside play areas that will protect adjacent uses from significant noise levels.
3. Only as an accessory to a cemetery.
4. No burning of refuse or dead animals is allowed.
5. Only when adjacent to an existing or proposed school.
6. Semi-care dwelling units may be allowed in conjunction with a nursing home under the following conditions:
 - a. The property where the semi-care units are located is adjacent to the property where the nursing home is located.
 - b. No more than two persons shall occupy each semi-care dwelling unit.
 - c. The ratio of semi-care dwelling units to full-time patients in the nursing home shall not exceed one to one.
 - d. Each semi-care unit structure shall not exceed 2,400 feet in area and shall not contain more than four semi-care dwelling units.
 - e. Each semi-care unit structure shall not exceed one story or twenty (20) feet in height, whichever is more restrictive.
 - f. The design of each building and layout of all structures shall be compatible with the appearance of the surrounding single-family area.
7. Adult uses will be allowed in the area designated for Industry located between Bonneville Avenue, Highway 9 and Seventh Street.
8. In conjunction with veterinary clinic.
9. Limited to large animal veterinaries.
10. Site must be located less than 300 feet from a street designated as a collector or arterial.

14.207.090 Government/Business Services Land Use Table

Land Use	Open Space Urban Horticulture Single Family Residential Multi-family Residential - 12 Units per acre Multi-family Residential - 18 Units per acre Multi-family Residential - 24 Units per acre Commercial Neighborhood Business Historic Business District Business Park Industrial Airport Industry Mixed Use Public													
	OS	UH	SF	MF 12	MF 18	MF 24	CO	NB	HB	BP	IND	AI	MU	P
Government services														
Communications facility, minor			p	p	p	p	p		c	p	p	p	p	c
Court							p		p	p	p		p	c
Fire Facility			c1	c1	c1	c1	p		p	p	p	p	c	c1
Police facility							p		p	p	p		c	c
Public agency archives							p		p	p	p	p	p	c
Public agency office							p		p	p	p	p	p	c
Public agency yard							p		p	p	p	p	c	c
Sub regional utility		c	c	c	c	c	c		c	c	c	c	c	c
Business Services														
Professional office							p		p	p	p	p	p	
Automobile Dismantling											c10		c10	
Automobile wrecking & scrap metal											c11			
Automotive parking							p		c	p	p	p	p	c
Automotive rental and leasing							p		p6	p	p	p	p6	
Commercial/industrial accessory uses							p7		p7	p7	p	p	p7	
Communication offices							p2		p2	p	p	p	p2	
Construction and trade							p2		p2	p2	p	p	p2	
Farm product refrigeration/storage			p6				p6			p	p	p		
Farm product warehousing			p6				p6			p6	p	p	p6	
Freight and cargo service							p2		p2	p	p	p	p2	
General business service							p		p	p	p	p	p	
Heavy equipment and truck repair							p			p	p	p	p	
Helipad												p		c8
Individual transportation and taxi							p2		p2	p	p	p	p2	
Log Storage											p			
Miscellaneous equipment rental							p		p6	p	p	p	p6	
Outdoor advertising service							p6		p6	p6	p	p		
Passenger transportation service							p2		p2	p	p	p	p2	
Professional sport teams/promoters							p2		p2	p2	p	p	p2	
Research, development and testing							p		p	p	p	p	p	
Self-service storage				p4	p4	p4	p6			p	p	p		
Telegraph and other communications							p2		p2	p	p	p	p2	
Transportation service							p2		p2	p	p	p	p2	
Trucking and courier service							p2		c3	p	p	p	p2	
Warehousing and wholesale trade							p6			p6	p	p	p2	

14.207.095 Government/Business Services Land Uses: Regulations.

1. Fire facilities shall meet the following conditions:
 - a. All buildings and structures shall maintain a minimum distance of twenty (20) feet from adjoining residential property lines.
 - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five (35) feet from such street.
 - c. No outside storage.
2. Limited to office use and related parking for vehicles and equipment.
3. Limited to courier service, except by air.
4. Accessory to a Multi-family development of at least twelve units, provided that:
 - a. The gross floor area in the self-service storage shall not exceed the total gross floor area of the multi-family dwellings.
 - b. All outdoor lights shall be shaded and deflected downward away from all adjoining property.
 - c. The use of the facility shall be limited to the occupants' household goods.
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment.
 - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals.
 - f. No residential occupancy of the storage units.
 - g. No business activity other than the rental of storage units by occupants.
 - h. A resident shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
 - i. May not be located within any required setback.
5. Limited to products grown on-site.
6. No outdoor storage unless it is screened.
7. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
8. Limited to emergency medical evacuation sites in conjunction with police, fire or health services facility.
9. Cellular communication antennas shall be allowed without a conditional use permit, provided that there are no more than one set of 3 antennas located on a replacement utility pole that is no more than twenty feet higher than the original pole, that all ground mounted or lower pole mounted equipment is located away from the street the pole is adjacent to on private or public owned property; and that the equipment is enclosed in an enclosure which is approved by the City of Snohomish PDS staff.
10. All activities must be within an enclosed building.

14.207.105 Retail Land Uses: Regulations.

1. Only garden materials shall be permitted.
2.
 - a. Limited to fresh agricultural products.
 - b. Covered sales area shall not exceed 1,000 square feet.
3. Only the sale of new or reconditioned automobile supplies is permitted.
4. The store size shall be limited to 3000 gross square feet.
5. With no gasoline sales.
6. With no drive thru food pick up.

14.207.115 Manufacturing Land Uses: Regulations.

1. Limited to agricultural products grown on-site; provided that structures and areas used for processing shall maintain a minimum distance of seventy-five (75) feet from property lines adjoining residential areas.
2. Except slaughterhouses.
3. Only as a home occupation.
4. Limited to rough milling and planing of products grown on-site with portable equipment.
5. Limited to wood cabinets and millwork (excluding planing mills).
6. Only within enclosed buildings and as accessory uses to retail sales. No uses associated with tanning and finishing.
7. Boat building or water related manufacturing uses are allowed in the shoreline management area of the Snohomish River in accordance with the City's Shoreline Management Master Program and shoreline development regulations as set forth in Chapter 14.250 SMC.
8. Only within enclosed buildings and with accessory uses to retail sales except asbestos.
9. Only within enclosed buildings and with accessory uses to retail sales limited to assembly of elements shipped to the site into a final product for sale on-site.

14.207.125 Regional Land Uses: Regulations.

1. For arboretum -- see Recreational/ Cultural Land Use Table.
2. Except outdoor shooting ranges.
3. Twenty-four (24) hour holding cells as part of City Police Department.
4. A major communication facility may be located on any existing utility tower, if it does not exceed the height of that existing tower a conditional use permit is obtained.

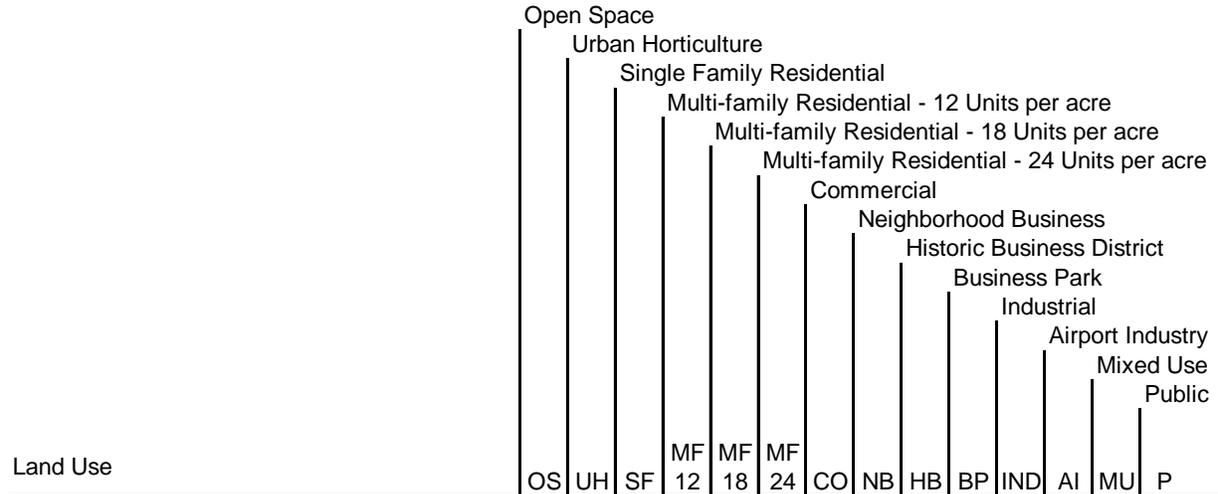
14.207.135 Recreational/Cultural Land Uses: Regulations.

1. The following conditions and limitations shall apply:
 - a. No stadiums on sites less than ten acres.
 - b. Lighting for structures and fields shall be directed so as to minimize the impact on adjacent residential areas.
 - c. Structures or service yards shall maintain a minimum distance of fifty (50) feet from adjoining residential property lines.
2. Recreational vehicle parks are subject to the following conditions and limitations:
 - a. The maximum length of stay of any unit shall not exceed 180 days.
 - b. The minimum distance between recreational vehicle pads shall be no less than ten (10) feet.
 - c. Sewage disposal shall be by sewer service obtained from the City of Snohomish sanitary sewer utility.
3. Limited to transient moorage and shall not create a need for on-site services.
4. Only non-commercial recreational facilities.
5. Structures, driving ranges, and lighted areas shall maintain a minimum distance of fifty (50) feet from adjoining residential property lines.
6. Only in an enclosed building.

14.207.145 Resource Land Uses: Regulations.

1. May be subject to the provisions of the City's Shoreline Master Program, shoreline development regulations, and floodplain regulations.
2. Only forest research conducted within an enclosed building.
3. Only within an approved enclosed or contained facility subject to appropriate county and state requirements.
4. The keeping of animals, excluding household pets, as an accessory use must meet the following conditions:
 - a. A minimum lot size of 40,000 square feet.
 - b. The lot upon which the animals are kept shall be maintained in a sanitary condition and shall be free of objectionable noise or odors.
 - c. Animals shall be contained on the lot owned or leased by the animal owner.
 - d. Animals shall be maintained in a humane manner and condition.
 - e. Shelter buildings, including stables and barns in excess of one hundred (100) square feet, shall be a minimum of sixty (60) feet from any property line unless the affected adjoining property owners agree in writing to a lesser distance. Such agreement shall be filed with the City Clerk and City Planner.
 - f. Beekeeping shall follow these additional requirements:
 1. Beekeepers shall register with the State Department of Agriculture as provided by law.
 2. Beehives shall not be kept for commercial purposes (i.e., for the purpose of selling honey).
 3. No more than four hives, each with only one swarm, shall be kept upon a City lot.
 4. Beehives will be located either twenty-five (25) feet or more away from any property line, or the hives will be elevated on a platform not less than eight (8) feet above grade, or a solid fence, six (6) feet in height, will be provided along any property line less than twenty-five (25) feet from the hive.

14.207.150 Essential Public Facility Regulations



Essential Public Facilities														
Airport													p1	
Communication facility-major													c1	
Earth station													c1	
Energy resource recovery facility													c1	
Hazardous waste storage & recycling													c1	
Natural gas/electrical power generating facility													p1	
Transfer station													c1	
Work release facility													c1	

14.207.155 Essential Public Facilities: Regulations.

Pursuant to the State Growth Management Act, Ch. 36.70A RCW, the siting and regulation of essential public facilities shall be consistent with the countywide essential public facilities siting process as adopted by Snohomish County.

14.207.160 Accessory uses.

Accessory uses and structures are allowed for all uses in all land use designations consistent with applicable regulations and unless specifically prohibited or the context clearly indicates otherwise.

Chapter 14.210

DIMENSIONAL AND OTHER REQUIREMENTS

Sections:

- 14.210.010 Purpose
- 14.210.020 Interpretation of tables
- 14.210.030 Measurement methods
- 14.210.040 Lot area - prohibited reduction
- 14.210.050 Lot divided by land use designation boundary
- 14.210.060 Division of lots in multi-family residential use
- 14.210.070 Directional sense of lots
- 14.210.080 Contiguous lots
- 14.210.090 Non-contiguous lots
- 14.210.100 Setbacks for single-family residential structures in other land use designations
- 14.210.110 Setbacks - modifications
- 14.210.120 Setbacks - utilities
- 14.210.130 Access ways, setbacks - alleys, easements, private roads
- 14.210.140 Setbacks - adjoining half-street or designated arterial
- 14.210.150 Setbacks - projections allowed
- 14.210.160 Sight clearance
- 14.210.170 Heights - how to measure
- 14.210.180 Heights - exceptions to limits
- 14.210.190 Utility distribution and transmission poles and towers
- 14.210.200 Allowed density for senior housing
- 14.210.210 Special considerations for multi-family developments in non-multi-family land use designations
- 14.210.220 Mobile home park requirements
- 14.210.230 Business park and airport industry recorded development plan design Requirements
- 14.210.240 Recorded development plan design requirements for mixed use, planned residential developments, critical areas exceptions, etc.
- 14.210.250 Accessory buildings and miscellaneous structures in all land use designations
- 14.210.260 Conversions
- 14.210.270 Swimming pools
- 14.210.280 Street frontage - easements
- 14.210.290 Screening of exterior mechanical equipment for commercial and multi-family developments
- 14.210.300 Infrastructure improvements required as a condition of building permit
- 14.210.310 Location of new utilities
- 14.210.320 Limited agricultural uses
- 14.210.330 Dimensional requirements tables 1 and 2

14.210.010 Purpose

The purpose of this chapter is to establish requirements for development with regard to basic dimensional standards, as well as specific rules for general application within land use designations. The standards and rules are established to provide flexibility in project design, provide solar access, and maintain privacy between adjacent uses.

14.210.020 Interpretation of tables

- A. This chapter defines general design and dimension standards for the various land use designations as well as requirements specific to a particular land use designation.
- B. There are two separate tables which are arranged in a matrix format. Table 1 contains the requirements for the Commercial and Industry land use designations. Table 2 contains the requirements for all of the residential land use designations, as well as the Open Space, Urban Horticulture, and Public land use designations. The types of dimensional standards are listed down the left side of the table and the land use designations are listed at the top. The matrix boxes contain the minimum dimensional requirements of the land use designation. A blank box indicates that there are no specific requirements.

14.210.030 Measurement methods

The following measurement methods shall be used to determine compliance with the dimensional standards in this Chapter:

- A. Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround.
- B. Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot, provided that an access easement shall not be included within the circle.
- C. For any calculation which ends in a fraction of .5 or greater, the number will be rounded up to the next whole number. Any fraction less than .5 will be rounded down to the next whole number.
- D. Lot area shall be the total horizontal land area contained within the boundaries of a lot.
- E. Open space calculations shall include areas of turf, landscaping, natural vegetation, or surface water retention/detention facilities.

14.210.040 Lot area - prohibited reduction

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

14.210.050 Lot divided by land use designation boundary

When a lot is divided by a land use designation boundary, the following rules shall apply:

- A. When a lot contains both residential and non-residential land uses, the boundary between shall be considered a lot line for determining permitted building height and required setbacks on the site.
- B. Uses on each portion of the lot shall only be those permitted in the land use designation applicable to such portion.

14.210.060 Division of lots in Multi-family residential use

Where a lot is devoted to a Multi-family residential use involving more than one separate building, such lot shall not be divided except when each proposed division complies with the requirements as to minimum lot area, setback, parking, and other conditions required for the land use designation in which such lot is located.

14.210.070 Directional sense of lots

For the purpose of applying regulations having a directional relationship to lots, the directional sense of lots shall be determined as follows:

- A. Front Direction.
 - 1. When a lot adjoins one street, front direction shall be toward the street.
 - 2. When the lot adjoins two streets which intersect on the boundaries of such lot, front direction shall be toward that street from which the address is based and the primary pedestrian entrance is taken.
 - 3. When the lot adjoins two streets which do not intersect on the boundaries of such lot, front direction may be taken toward either street; provided, that no other condition exists which, in the discretion of the City Planner, dictates the front direction.
 - 4. When the lot adjoins no street and access is by a private easement, the City Planner shall have discretionary authority to determine the front direction, considering location of entrance to such lot, topography, orientation of the proposed building, orientation of existing buildings and/or logical orientation of future buildings on adjoining lots, and any other considerations pertinent to a specific case.
- B. Rear direction shall be taken as opposite to the front direction, or as nearly so as the lot shape permits.
- C. Side direction shall be taken at a ninety-degree angle to the front direction, or as nearly so as the lot shape permits.

14.210.080 Contiguous lots

Contiguous lots, owned by the same person, may be used to satisfy the requirements of the respective land use designation, if the property owner is willing to consolidate the lots to reflect the single use of the land under the provisions of a recorded covenant.

14.210.090 Non-contiguous Lots

Non-contiguous lots, which are owned by the same individual but physically separated by a street, alley, river or some other form of manmade or natural barrier, shall not be used jointly to satisfy the requirements of any land use designation except for off-street parking as described in Chapter 14.235 SMC.

14.210.100 Setbacks for single-family residential structures in other land use designations

All single-family residential structures in any Multi-family, Commercial, Industry, or Public Service land use designation shall be required to meet the minimum setback requirements of

the Single-Family Residential land use designation as set forth in SMC 14.210.330, as it now reads or is hereinafter amended. If any single-family structure is converted to a use other than single-family residential, it shall be required to meet the minimum requirements of the land use designation where it is located.

14.210.110 Setbacks – modifications

The following setback modifications are permitted:

- A. When the common property line of two (2) lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property lines, and the two lots shall be considered one lot. Any subsequent permit requests must be accompanied by a lot line adjustment application.

- B. When a lot in a single-family designated area is located between lots having non-conforming front yard setbacks, the required front yard setback for such lot may be the average of the two (2) non-conforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.

14.210.120 Setbacks - utilities

- A. In subdivisions and short plats, areas used to convey public utility services shall be contained in separate tracts, rights-of-way, or easements.
- B. For other types of land development permits, easements shall be used to delineate such corridors.
- C. All buildings shall maintain a minimum distance of five (5) feet from an access easement.

14.210.130 Access ways, setbacks - alleys, easements, private roads

Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line, easement line or private roadway, so that an approach apron of at least twenty-five (25) feet is provided.

14.210.140 Setbacks - Adjoining half-street or designated arterial

In addition to providing the standard street setback, a lot adjoining a half-street or half of a designated arterial may be required to provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

14.210.150 Setbacks - projections allowed

Certain structures may project into the required setbacks as follows:

- A. For ground and upper floor uses in all districts, and for upper floor uses only in the Historic Business District; fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback; provided, that such projections are:
 - 1. Limited to two (2) per façade.
 - 2. Not wider than seven (7) feet; and
 - 3. Not more than twenty-four (24) inches into an interior setback or twenty-four (24) inches into a street or rear yard setback.

- B. Uncovered porches and decks, which exceed eighteen (18) inches above the finished grade, may project:
 - 1. Eighteen (18) inches into interior setbacks; and/or
 - 2. Five (5) feet into the street setback.
- C. Uncovered porches and decks, not exceeding eighteen (18) inches above the finished grade, may project to within five (5) feet of the rear property line.
- D. Roof eaves, if at least seven (7) feet measured vertically above the finish ground level in the vicinity of the projection, may not project more than twenty-four (24) inches into any required setback.

14.210.160 Sight clearance

At all intersections between streets, between streets and alleys, and between streets and private driveways, there shall be no sight obstruction. A visibility triangle shall be maintained for all corner lots in all residential districts. The visibility triangle shall be determined by measuring lines from the intersection of the property lines abutting two (2) intersecting streets for a distance of fifteen (15) feet in both directions. The terminus of the two line segments shall be connected by a third line to complete the area of the triangle in which sight obstruction shall not be permitted in conjunction with the normal side yard setback requirement of each land use designation.

14.210.170 Heights - how to measure

The building height is the vertical distance from the average adjoining curb elevation to the highest point of the roof surface at a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where the buildings are set back more than ten feet from the property line adjacent to a street, the height of the building shall be measured from the average elevation of the finished grade of the building.

14.210.180 Heights - exceptions to limits

The following structures may be erected above the height limits set forth in SMC 14.210.330:

- A. Roof structures housing or screening elevators, fire access stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance.
- B. Fire or parapet walls, skylights, flagpoles, chimneys, weathervanes smokestacks, church steeples, utility line towers and poles.

14.210.190 Utility distribution and transmission poles and towers

A conditional use permit shall be required for utility transmission poles and towers located on private property, if their height exceeds fifty feet above the grade at the base of the pole. Utility distribution poles and towers are defined as those that support the systems for serving power, phone, television, and other wire utilities to the immediate area in which they are located. Utility transmission poles and towers are defined as those that support the systems for serving power, phone, television, and other wire utilities to utility distribution facilities.

14.210.200 Allowed density for senior housing

Senior housing in the Multi-family-24 land use designation may have a permitted density of up to thirty (30) dwelling units per acre.

14.210.210 Special considerations for Multi-family developments in non-Multi-family land use designations

- A. A Multi-family development outside the Historic District shall be reviewed consistent with the requirements of Chapter 14.230 SMC.
- B. All Multi-family developments shall provide 20 percent of the site in open space.
- C. All Multi-family developments shall meet the dimensional requirements of the MF18 designation as set forth in SMC 14.210.330.

14.210.220 Mobile home park requirements

Requests for a conditional use permit for the construction of a mobile home park in the Multi-family designation shall comply with the following requirements:

- A. **A mobile home park shall obtain a recorded development plan permit (see Chapter 14.50 SMC).**
- B. The minimum site for a mobile home park shall be one (1) acre.
- C. No more than ten (10) mobile homes may be located on any one (1) acre of ground.
- D. Each space or lot upon which a mobile home is to be located shall:
 - 1. Contain two thousand four hundred (2,400) square feet and have a minimum width of thirty (30) feet for single-wides or three thousand two hundred (3,200) square feet of area with forty (40) foot minimum width for double-wides.
 - 2. Have access from an interior driveway only.
 - 3. Have a crushed rock or hard surface area upon which the mobile home will be located.
- E. All drives within the park shall be paved and appropriate ingress and egress from each public street bordering the mobile home park shall be provided in accordance with the direction of the City Engineer consistent with standard traffic engineering practice.
- F. There shall be no less than twelve (12) feet clearance between manufactured homes or any part thereof, and no less than five (5) feet between manufactured homes and any building within the park or from the required fence, wall or hedge.
- G. There shall be a sight-obscuring fence, wall or hedge on all sides of the park, in conformance with Chapter 14.240 SMC.
- H. Access roadways, vehicle thoroughfares and recreational areas shall be provided with adequate area lighting.
- I. Electrical distribution and telephone service systems to each space or lot shall be underground, except for outlets and risers at each space or lot.
- J. Every mobile home site shall have provisions for electrical, plumbing and sanitary sewer installation in accordance with all applicable City and state regulations. No mobile home which does not have sanitary facilities shall be allowed in the park.
- K. All mobile home parks shall meet the health department regulations of the City, county and state.
- L. All mobile homes must be skirted with opaque paneling of wood, metal, plastic, or some other solid and sturdy material around the circumference of the mobile home so

- that the undercarriage and wheels are covered from view.
- M. All internal driveways, excluding parking, shall be paved and have a minimum width of twenty (20) feet, except for one-way roads which shall have a minimum width of fifteen (15) feet.
 - N. Cul-de-sac turnarounds shall have a minimum pavement width of twenty (20) feet and a minimum turning area diameter of seventy (70) feet.
 - O. In addition to the two-stall per mobile home pad required in SMC 14.235.170, off-street parking shall be provided at the ratio of one parking space for each four (4) mobile home pads and shall be distributed for convenient access to all pads.
 - P. A bulk storage and parking area for boats, campers, travel trailers, etc., shall be provided within the mobile home park. A minimum of three hundred (300) square feet of space, exclusive of driveways, shall be provided for every ten (10) mobile home pads. Bulk storage and parking areas shall be separated from all other parking facilities and shall be provided with some means of security. The requirements of this subsection may be waived by the City Planner, if the mobile home park developer/owner agrees to prohibit the storage of such items within the park.
 - Q. All mobile home parks shall provide adequate fire protection as required by the Fire Marshal in accordance with the Uniform Fire Code.
 - R. A common recreational facility is suggested for mobile home parks in excess of fifty (50) units but is not required. If a recreational facility is provided, it should be centrally located along with the required open space.
 - S. The mobile home park shall comply with all other requirements of the Multi-family 18 units per acre land use designation as described in this title.
 - T. A complete and detailed site plan shall be submitted to the Hearing Examiner for approval together with a separate grade and drainage plan, which shall be reviewed by the City Engineer and City Planner for recommendations to the Hearing Examiner. The site plan shall show the location and dimensions of all contemplated buildings, structures, open space, driveways and roads, recreational areas and other pertinent features which may be necessary to show compliance with the regulations of this section.
 - U. The developer and/or owner of the mobile home shall be responsible for ensuring that every mobile home is installed in compliance with the provisions of this section. All improvements and connections shall be made at the time of installation and prior to occupancy.

14.210.230 Business park and airport industry

- A. Chapter 14.50 SMC governs the process for obtaining a recorded development plan.
- B. Minimum Area. A minimum of five (5) acres will be normally be required for a Business Park recorded development plan; however, existing smaller parcels that can not 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 in the recorded development plan:
 - 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 percent 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 the recorded development plan.
 2. Access Assurance to Adjacent Properties. At the time of recorded plan 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 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 Recorded development plan design requirements for mixed use, planned residential developments (PRDs), critical areas exceptions, etc.

- A. Chapter 14.50 SMC governs the process for obtaining an approved recorded development plan, as well as when a recorded development plan is required.
- B. Design requirements for recorded development plans for PRDs are shown in SMC 14.210.330 Table 1 and in Chapter 14.220 SMC.
- C. **Design requirements for recorded development plans in the Mixed Use designation are shown in SMC 14.210.330 Table 1.**

14.210.250 Accessory buildings and miscellaneous structures in all land use designations

Accessory buildings and miscellaneous structures which are clearly incidental and compatible with the permitted uses allowed in each land use designation shall be allowed in all land use designations subject to the approval of the City Planner. Long-term storage of commercial vehicles and materials in excess of thirty (30) days shall be prohibited in all residential designations. Accessory buildings and miscellaneous structures shall not be located closer than five (5) feet to any lot line, except the front lot line from which the normal setback shall be observed, and shall not exceed the height and open space restrictions of the permitted uses within the respective land use designation. Accessory uses and miscellaneous structures attached to the main structure are considered a part of that structure and must meet the setbacks for that designation.

14.210.260 Conversions

Conversions of existing residential structures to provide additional dwelling units shall comply with the requirements of this section.

- A. No conversions shall be permitted in the Single-Family land use designation other than to provide living quarters for servants, temporary guests, and relatives by blood or marriage, and accessory dwelling units as allowed by this title.
- B. Conversion in all other land use designations where residential units are allowed shall comply with the following:
 - 1. All requirements under the respective land use designation shall be adhered to.
 - 2. Dwelling units resulting from conversions shall include a kitchen and separate bathroom.
 - 3. Off-street parking shall be provided as specified under Chapter 14.235 SMC.

14.210.270 Swimming pools

- A. Excavated or surface type swimming pools may be installed for private or communal residential use within all residential designations.
- B. A six-foot (6') high fence of chain link, wood, or other secure material with locking gate shall be constructed around all swimming pools to control access by unauthorized or unattended persons.

14.210.280 Street frontage – easements

Every lot in a residential or urban horticulture land use designation shall either adjoin a public street or have access to a public street by a private corridor. Such corridors shall be permanently committed as access for this lot by recorded document. Private corridors shall

have a minimum width of twenty (20) feet, when serving property with a maximum development potential of four (4) standard lots and/or four (4) residential units, as defined by the minimum lot size and density of the respective land use designation. Property with a development potential in excess of four lots and/or four residential units shall require a minimum private corridor width of forty (40) feet.

14.210.290 Screening of exterior mechanical equipment for commercial and Multi-family developments

Either visual or sound screening may be required to reduce the effects of exterior mechanical systems on the adjacent rights-of-way and properties.

14.210.300 Infrastructure improvements required as a condition of building permit

As a condition of issuing a building permit for substantial improvements on the site, the City may require improvements or repairs to, the adjacent curb, gutters, sidewalks, water, wastewater and storm water utilities.

14.210.310 Location of new utilities

Utilities associated with new construction located in all land use designations shall be constructed underground. Utilities associated with remodel or construction of additions to existing structures located in all land use designations should be constructed underground whenever practical.

14.210.320 Limited agricultural uses

Where animals are permitted as an accessory use, such animals shall be kept in compliance with the requirements stated below.

- A. Animals, excluding household pets, shall require a minimum lot size of 40,000 square feet.
- B. Animals shall be contained on the lot owned or leased by the animal owner.
- C. Animals, other than household pets, shall not be allowed in any of the commercial land use designations.
- D. Shelter buildings, including stables and barns, in excess of one hundred (100) square feet shall be a minimum of sixty (60) feet from any property line unless the affected adjoining owners agree in writing to a lesser distance. Such agreement shall be filed with the City Clerk and City Planner.
- E. Beekeeping.
 - 1. Beekeepers shall register with the State Department of Agriculture as provided by law.
 - 2. Beehives shall not be kept within the City limits of the City of Snohomish for commercial purposes, i.e. for the purpose of selling the honey produced at wholesale or retail.
 - 3. No more than four (4) hives, each with only one swarm, shall be kept upon a City lot.
 - 4. Beehives will be located either twenty-five (25) or more feet away from any property line, or the hives will be elevated on a platform not less than eight (8) feet above grade, or a solid fence, six (6) feet in height, will be provided along

any property lines less than twenty-five (25) feet from the hive.

14.210.330 Dimensional Requirements - Table 1

Commercial and Industry Designations

	Commercial CO	Historic District Business HB	Business Park BP	Industry IND	Airport AI	Industry Mixed Use MU
Minimum Lot Size, in sq. ft.	5,000	none	20,000	none	25,000	5,000
Min. Area for recorded development plan	none	none	5 acres	none	5 acres	none
Lot Width, in feet	50	none	none	none	none	50
Permitted maximum density, du/ac	18	18	18	na	1 per 10 acres	18
Front Yard Setback, in feet						
a. From street	0	0	20 ¹	0	35	0
b. From property line	0	0		0	0	0
Side Yard Setback ² , in feet	0	0	0	0	0	0
Side Yard abuts residential designation	See 14.240 (landscaping)	See 14.240 (landscape)	50	See 14.240 (landscape)	See 14.240 (landscaping)	See 14.240 (landscaping)
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% ³	15% ³	20%	15%	20%	15% ³
a. Percent landscaped (excl. screening)	5%	0%	5%	5%	5%	5%
Height limitation ⁶ in feet	35	40	45	40	40	35
Access allowed per site						

¹ 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.

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

³ Twenty percent (20%) vegetated open space required for multi-family developments.

⁴ 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.

⁵ Twenty percent (20%) vegetated open space required for multi-family developments.

⁶ Measured per 14.210.170.

a. From arterial			1			
b. From non-arterial			subject to sdp			
Recorded development plan required			yes		yes	yes

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	na	1 per 10 acres	6	12	18	10	24 ⁹	na
Front Yard Setback, in feet								
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 ¹¹ , in feet	0	10	5	6	8		10	5
a. From residential	0	10						12
Rear Yard Setback, in feet	0	10	20 ¹⁰	20	15		10	15
Lot coverage	20%	20%		80%	80%		80%	85%

⁷ Unless single family residence.

⁸ Senior Housing may have up to 28 du/acre.

⁹ Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See 14.230.

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

¹¹ Side yards abutting streets shall conform to 1/2 the front yard setbacks.

¹² If the property has an alley, vehicle access is required to be from the alley. Garage setback facing the alley SMC 14.210.130.

Open space	80%	70%		20%	20%		20%	15%
a. Percent landscaped	na	na		5%	5%		5%	5%
Height limitation ¹³ in feet	35	40	35	35	35		40	for res: 35
(Note: whichever is more restrictive applies)								
Recorded development plan required			for PRD	for PRD	for PRD	yes	for PRD	

¹³ Measured per 14.210.170.

Chapter 14.215 SUBDIVISIONS

Sections:

- 14.215.010 Purpose and scope
- 14.215.020 Preliminary subdivision
- 14.215.025 Preliminary approval of subdivision
- 14.215.030 Construction drawings
- 14.215.040 Preconstruction meeting
- 14.215.050 Construction compliance
- 14.215.060 Assurance that any remaining improvements will be installed
- 14.215.070 As-built drawings
- 14.215.080 Maintenance bond
- 14.215.090 Final subdivision
- 14.215.100 Final subdivision criteria
- 14.215.110 Vacations and alterations of plats
- 14.215.120 Short subdivision
- 14.215.130 Lot line adjustments – criteria

14.215.010 Purpose and scope

The purpose of this chapter is to specify requirements for the subdivision and short subdivision of land in accordance with applicable State of Washington and City of Snohomish laws, rules and regulations.

14.215.020 Preliminary plat approval criteria

- A. Preliminary subdivisions are Type 6 permits under Chapter 14.50 SMC. The preliminary subdivision application information shall include the following: requirements: a title certificate, SEPA checklist, and the required fees related to the review of the preliminary plat.
- B. The approval criteria for approval of preliminary plats shall be as follows:
 - 1. the criteria stated in RCW 58.17.110.
 - 2. consistency with the Comprehensive Plan.
 - 3. consistency with this Development Code and the City's Public Works Engineering Standards Manual adopted by Resolution 1096, May 4, 2004.
 - 4. consistency with the concurrency requirement of SMC 14.55.030.
 - 5. provision of off-site improvements or dedications of land to the public which are needed to mitigate the development's impacts and which are proportional to those impacts.

14.215.025 Preliminary approval of subdivision

- A. Preliminary subdivision approval shall be effective for a period of sixty months.
- B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the

- final plat subject to all the conditions of the preliminary approval.
- C. If the final plat is being developed in divisions and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the Planning and Development Services Department with a new application, subject to the fees and regulations applicable at the time of submittal.

14.215.030 Revisions of preliminary subdivisions.

Applications to revise subdivisions that have received preliminary approval shall comply with the following:

- A. Revisions that result in any substantial changes as determined by the Planning Director shall be treated as a new application for purposes of vesting and shall be reviewed in the same manner as the original submittal. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary subdivision.
- B. Approval of the following modifications by the Planning Director shall not be considered substantial changes:
1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;
 2. Changes in lot dimensions that are consistent with Chapter 14.210 SMC;
 3. A decrease in the number of lots to be created.

14.215.035 Construction drawings

The applicant shall submit construction drawings for all required site improvements together with fees sufficient to cover all City costs in reviewing and processing the drawings. The City Engineer shall determine whether the drawings conform to the design and development standards of the City. If they do not comply, the City Engineer shall return the drawings to the applicant with an explanation of their shortcomings. If the drawings meet City standards, the City Engineer shall approve the drawings, and issue construction approval and collect the required fee deposit to cover construction inspection.

14.215.040 Preconstruction meeting

The City Engineer, City Planner and other appropriate parties shall meet with the contractor responsible for the plat construction to review the approved preliminary plat, construction drawings, construction methods, and any other particulars prior to the beginning of construction.

14.215.050 Construction compliance

The City Engineer or designee shall inspect the required improvements. Except as provided in SMC 14.215.060, the City Planner shall not process the final plat application until said improvements are completed in accordance with the approved preliminary plat, the approved construction drawings, and the standards and requirements of this development code.

14.215.060 Assurance that any remaining improvements will be installed

Construction of improvements shall normally be complete prior to approving the final plat. However, the City may approve the final plat with certain incomplete improvements if:

- A. Said improvements are more practically done later, such as the final lift of asphalt surfaces which might otherwise be marred by heavy equipment, or recreational equipment which might be vandalized if installed before the subdivision is populated, or street trees and other landscape and mitigation plantings which are better installed in a different season,
- B. The applicant deposits a performance bond or cash surety, with the City as beneficiary, in an amount not less than 150 percent of the City Engineer's cost estimate for the remaining improvements, and
- C. Said bond or surety specifies a period within which to complete the improvements, which period shall not exceed two years from the date of final plat approval.

14.215.070 As-built drawings

The applicant shall submit as-built drawings to the City Engineer. The final plat shall not be approved until the City Engineer reviews and approves said as-built drawings by means of signature on a reproducible copy furnished by the applicant.

14.215.080 Maintenance bond

- A. The applicant shall deposit with the City a maintenance bond or similar surety that warrants the successful operation of all required plat improvements, and that warrants against defects in labor and material and any damage caused by construction activity.
- B. The maintenance bond shall be valid for one year from City acceptance of all required improvements, which may or may not coincide with final plat approval as provided in SMC 14.215.060.
- C. The bond or other surety shall be submitted with the final plat application and shall be for 15 percent of the City Engineer estimated value of all required plat improvements.
- D. **The maintenance bond or other approved surety shall be in addition to any performance bond as provided in SMC 14.215.060.**
- E. The City Attorney shall approve the form, sufficiency and manner of execution of the maintenance bond.
- F. Upon the termination of the warranty period, and after any necessary restoration or repair of improvements, the City shall authorize the release of the maintenance bond, provided that the City may withhold release of the bond up to one year from the date of any restoration or repairs to ensure adequacy.

14.215.090 Final plats

Final plats are Type 2 permits. See SMC 14.30. The application form sets the submittal requirements, which shall include:

- A. Plat map certified by a registered land surveyor, including everything required by RCW 58.17.160 and including signage blocks as required by the City.
- B. Title certificate confirming that title vests in the stated owners and that any dedications, easements, or deeds being granted to the City are free of encumbrances,

- C. Legal descriptions of the lands divided as they appear on the plat,
- D. A statement that a subdivision has been made with the free consent of the owners,
- E. **A dedication to the public of all streets and other public areas,**
- F. A performance bond if appropriate per SMC 14.215.060 and a maintenance bond per SMC 14.215.080, and
- G. A fee deposit to cover costs of processing the final plat.

14.215.100 Final plat criteria

The criteria of approval of a final plat shall be accuracy, conformance with the approved preliminary plat, conformance with City ordinances and public works standards, and conformance with state law.

14.215.105 Phased Development

Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met.

14.215.110 Vacations and alterations of plats

Vacating a plat shall be accomplished in accordance with RCW 58.17.212. Alteration of a plat shall be accomplished in accordance with RCW 58.17.215.

14.215.120 Short subdivision

Preliminary short subdivisions are Type 3 or Type 4 permits under Chapter 14.50 SMC. The application shall include the following submittal requirements: a title certificate, SEPA checklist, and the required fees related to the review of the preliminary short subdivision.

- A. The criteria for approval of short subdivisions shall be:
 - 1. No more than four lots may be created by the short subdivision process
 - 2. Consistency with the Comprehensive Plan, the Development Code, and the City's Public Works standards
 - 3. Consistency with the concurrency requirement of SMC 14.55.030,
 - 4. **Any required off-site improvements or dedications of land to the public that are needed to mitigate the development's impacts, and are proportional to those impacts,**
 - 5. **consistency with the criteria stated in RCW 58.17.110,**
- B. Land within a short plat cannot be again short platted within five years.
- C. The signature on the face of the final short plat by the City Engineer and the City Planner shall serve as approval of the short plat. City Council approval is not required for approval of a final short plat unless the short plat includes dedication of additional street length occurs.

14.215.130 Boundary line adjustments

- A. This section sets forth procedures and criteria for the review and approval of minor adjustments to boundary lines of existing legal lots in order to rectify defects in legal

descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

- B. Applications for boundary line adjustments shall be reviewed for consistency with the City of Snohomish land use development code, including shoreline management regulations, and critical area regulations, applicable Snohomish Health District regulations, and the City's fire and building code regulations.
- C. The City shall not approve any proposed boundary line adjustment that would:
 - 1. Result in the creation of an additional lot;
 - 2. Cause any lot to contain insufficient area, dimensions, or building setbacks per this Development Code or increase an existing non-conformity;
 - 3. Result in a lot that does not qualify as a building site pursuant to this title;
 - 4. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat, including requirements for open space; or
 - 5. Involve lots which do not have a common boundary.
- D. An application for a boundary line adjustment shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City Planner upon a showing by the applicant of reasonable cause.

Chapter 14.220

PLANNED RESIDENTIAL DEVELOPMENTS

Sections:

- 14.220.010 Purpose
- 14.220.020 Applicability
- 14.220.030 Permitted Uses
- 14.220.040 Application and review procedures
- 14.220.050 Internal streets and sidewalks
- 14.220.060 Parking requirements, garages and driveways
- 14.220.070 Public utilities
- 14.220.080 Buffering and screening between housing types
- 14.220.090 Compatibility with adjacent land uses
- 14.220.100 Special design and bulk and dimensional requirements
- 14.220.105 Open space and recreation area requirements
- 14.220.110 Preservation of existing features
- 14.220.120 Perpetual maintenance of open space and common facilities

14.220.010 Purpose

The general purpose of this chapter is to promote creativity in site layout and design. More specific purposes of this chapter are to:

- A. Allow development of land subject to critical areas while at the same time preserving the natural characteristics of a site, including topography, native vegetation, streams, wetlands, views, and other natural amenities of value to the community.
- B. Create and/or preserve useful open space for recreation and aesthetic enjoyment of residents.
- C. Permit developers to use innovative methods and approaches not available under conventional Land Use Designation methods; provided, that methods and approaches are consistent with the Comprehensive Plan, do not adversely impact neighboring uses more than development occurring under conventional methods, and do not significantly interfere with the enjoyment of other land in the vicinity.
- D. Provide for choices in the layout of streets, utility networks, and other public improvements through superior site design and the use of clustering.
- E. Encourage infill within areas of the City which have existing development.

14.220.020 Applicability

- A. This chapter shall apply to single-family detached and attached residential developments which are proposed on property on Single-Family (SF) and Multiple-Family (MF-12) land use designation areas that are subject to critical areas whose presence will result in a reduction in the developable density by normal subdivision action by at least one dwelling unit within the proposed development project boundary. This chapter may be applied to existing subdivisions on which no development has yet occurred. This chapter shall not be applied to single-family residential lots incapable of further subdivision due to lot size or as a means to avoid other procedures more appropriately reviewed as applications for variances. Planned

residential developments may consist of individual lots or may have common building sites.

- B. The planned residential development process (PRD) shall be available as a mutually exclusive alternative to traditional development under subdivision standards provided in Title 14 of the Snohomish Municipal Code under Chapter 14.215 SMC.
- C. Approval of a PRD shall be subject to the process for a recorded development plan in accordance with Chapter 14.65 SMC.
- D. The recorded development plan shall include information as to the design of the residential units to be included within the PRD. The level of detail required for approval shall not extend to specific building elevations or floor plans but shall depict the general size of units, their general appearance and their relationship to one another in sufficient detail to guide future building permit review and approval by City staff. It is expected that any PRD development of six or more residential units will include sufficient design elements to promote architectural variety within the development.

14.220.030 Permitted uses

The only uses permitted within a PRD on property designated Single-Family (SF) and/or Multiple-Family (MF-12) are single-family detached and attached housing. Up to three (3) units may be attached as common wall construction.

14.220.040 Application and review procedures

Preliminary planned residential developments shall be processed as Type 6 permits, and final planned residential developments shall be processed as Type 2 permits under Chapter 14.50 SMC. If the proposed PRD will have separate lots, a preliminary subdivision or short subdivision application and final plat application shall be processed concurrently with the PRD. The applicant shall complete the appropriate application forms and submit the application and fee to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the codes applicable to PRD's and may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.220.050 Internal streets and sidewalks

- A. The City Engineer shall determine whether the internal streets shall be public or private. If the streets are to be public, they shall be dedicated and constructed to adopted public street standards. If the streets are to be private, they shall be constructed to standards adopted by the City, and provisions shall be made for perpetual maintenance and repair of the same at the cost of the property owners.
- B. Curbs, gutters and sidewalks shall be required in all PRD's and shall be constructed to adopted City standards.

14.220.060 Parking and driveways

- A. Off-street parking spaces shall be provided in accordance with Chapter 14.235 SMC.
- B. All driveways shall be constructed according to adopted City standards.

14.220.070 Public utilities

The dwelling units within a PRD shall be connected to City water and sewer utilities. All electrical power lines, telephone, cable television and other communication lines shall be underground and shall be approved by the agency or jurisdiction providing the service.

14.220.080 Buffering and screening between housing types

Attached single-family dwelling structures within a PRD may be required to provide a visual segregation from single-family detached dwelling units by the use of vegetation, landscaping, fencing, walls, berms, or other similar methods that create effective and aesthetically pleasing screens or buffers between such housing types.

14.220.090 Compatibility with adjacent land uses

If topographical vegetation, screening, or other barriers along the perimeter of a PRD project, which exceeds five (5) acres of total land area, do not achieve reasonable compatibility with adjacent existing uses in terms of building massing and spacing, the City may impose the following requirements:

- A. A PRD located adjacent to an existing housing development may be required to locate housing of the same type adjacent to that development.
- B. Structures located on the perimeter of the PRD project may be set back two (2) feet for each one (1) foot in height above twenty (20) feet. This additional setback, if imposed, shall be in excess of the basic setback requirement.

14.220.100 Special design and bulk and dimensional requirements

Except as specifically modified in this section, the bulk and dimensional requirements of Title 14 SMC shall apply to all development within a PRD.

- A. Permitted density within a PRD shall be based on the allowed density in the underlying land use as specified below:
 - 1. SF 6 du/gross ac.
 - 2. MF12 12 du/gross ac.The maximum number of dwelling units permissible within the PRD shall be the maximum number of units permitted by the underlying land use designation as indicated above.
- B. The minimum lot size within a PRD shall be four thousand (4,000) square feet.
- C. The minimum lot width at the road frontage shall be forty (40) feet. To provide flexibility for innovative lot layouts and use of common space, at the City's discretion and on a case-by-case basis the minimum lot width at the road frontage may be reduced to twenty (20) feet, provided that the minimum lot width at the building line is forty (40) feet.
- D. The minimum front yard building setback (other than garage doors) shall be ten (10) feet. The minimum front or side yard garage door setback shall be twenty (20) feet. The minimum rear yard shall be twelve (12) feet. Each side yard shall be a minimum

of five (5) feet if adjacent to another lot or to open space. Each side yard adjacent to a public or private street shall be a minimum of ten (10) feet. Reduced yards and setbacks may be approved at the City's discretion on a case-by-case basis to provide flexibility for innovative housing types and use of common area. No portion of a building or appurtenance shall be constructed so as to project into any commonly-owned open space. No structure or portion thereof shall be closer than ten (10) feet to any structure on an adjacent lot.

- E. The floor area ratio or gross floor area divided by the area of the lot shall not exceed 0.5.

14.220.105 Open space and recreation area requirements

Total open space shall be provided in every PRD consistent with the following standards:

- A. Within a PRD, a minimum of 20 percent of the gross site area shall be established as total open space;
- B. Total open space shall be used for:
 - 1. Usable open space, which may include both active and passive recreation area;
 - 2. Critical areas and their required buffers;
 - 3. Site perimeter landscaping and other required landscaped areas outside of right-of-ways;
 - 4. Landscaped, unfenced storm water detention/retention ponds; and
 - 5. All other open space areas owned in common by all residents or owners in the PRD,
- C. Where possible, open space tracts shall be located adjacent to permanently designated open space areas on adjacent properties;
- D. Total open space shall be permanently established in clearly designated, separate tracts from residential units. Tracts shall be owned by:
 - 1. All lot owners and condominium owners jointly, with an equal and undivided interest; or
 - 2. A homeowners association;
- E. Total open space shall be protected in perpetuity by a recorded covenant, in a form approved by the City;
- F. The recorded covenant must restrict uses of the total open space to those specified in the approved PRD recorded site plan and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purposes;
- G. The applicant shall propose a method for establishing clearly defined permanent boundaries to separate private use areas from adjacent open space tracts within the PRD that is acceptable to the City. The type of permanent marking of the open space tracts proposed shall provide a clear and distinctive separation of properties at the open space boundary.
- H. Usable open space shall be provided as a component of total open space and shall be consistent with the following standards:
 - 1. The total site requirement for usable open space shall be no less than 200 square feet per dwelling unit;

2. Usable open space shall be developed for active and/or passive recreation purposes that serve the needs of the PRD residents.
3. The following are examples of active and passive recreation activities that may be allowed in usable open space:
 - a. open play areas;
 - b. pedestrian or bicycle paths;
 - c. picnic areas with tables and benches;
 - d. gazebos, benches and other resident gathering areas;
 - e. any active recreation use listed in subsection 3 below;
 - f. nature interpretive areas;
 - g. flower gardens when in conjunction with pedestrian paths, and
4. Usable open space shall consist of land areas that do not contain:
 - a. critical areas and their buffers; and
 - b. overhead utility easements that exist on the project site at the time of application submittal unless they are handled in the manner provided under 5 below.
5. Power line, utility rights-of-way and other similar easement may be incorporated into useable open space and counted towards the open space requirements of this section, provided they are developed with active recreational improvements.
6. Usable open space shall be adequate in design and size for the intended passive and/or active recreation.
7. No usable open space shall have any dimension less than 20 feet (except for segments containing trails, which shall not be less than 10 feet in width), unless the applicant can demonstrate and the director of the department can concur, that a lesser dimension will not inhibit the use of the open space for its designated purpose;
8. Usable open space shall be accessed by all-weather pedestrian pathways and/or sidewalks from the lots and dwellings within the PRD;
9. Usable open space designed for children shall not be located adjacent to any street designated as a collector/arterial unless properly designed with fencing, located away from street edges and other provisions to ensure adequate child safety. Usable open space designed for children shall be open, accessible, and visible from adjacent dwellings in order to enhance security;
10. Usable open space shall have the appropriate location, slope, soils, and drainage to be considered for recreational development;
11. Usable open space shall be landscaped pursuant to the provisions of SMC , and in accordance with the required landscape plan in a manner that enhances the design of the open space while not conflicting with the function of the proposed recreation use; and
12. Any buildings, structures, and improvements to be permitted in the usable open space shall be those appropriate to the proposed uses.
13. Active recreation uses shall be provided as follows:
 - a. a minimum of 20 percent of all usable open space within PRD's with 10 or more lots or dwelling units shall be developed for active

recreation uses. The type(s) of active recreation uses provided shall, to the extent possible, correspond to anticipated needs of the potential residents of the PRD;

- b. active recreation uses shall consist of one or more of the following:
 - 1. sport court;
 - 2. tot lot with play equipment (soft surface);
 - 3. open play area or sports field (grass or other pervious surface);
 - 4. indoor recreation center for youth, adult and/or seniors containing exercise and game rooms, sport courts and other community activities;
 - 5. swimming pool;
 - 6. any other active recreation use approved as part of the recorded development plan;
 - 7. The active recreation facility shall be located on a reasonably level site with slopes no greater than six percent unless the applicant can demonstrate that the recreation facility can function adequately on greater slopes; and
 - 8. Tot lot areas shall meet all safety recommendations and construction specifications of the manufacturer of the equipment used.

14.220.110 Preservation of existing features

- A. Existing trees and other natural and unique features shall be subject to the significant tree preservation requirements of SMC14.240.030 Existing Vegetation. The location of these features must be considered when planning the open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.
- B. The City shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of topsoil, trees and natural or unique features before commencement of building operations may disqualify the project as a PRD.

14.220.120 Maintenance of open space and common facilities

Before approval of the recorded development plan or occupancy of any dwelling units, the applicant shall submit to the City, for its approval, any covenants, deed restrictions, homeowner association by-laws and documents providing for preservation and maintenance of all common open space (recreational areas owned in common by and benefiting all PRD residents), private roads and parking areas, walkways, landscaping, signs, lights, roads and community facilities at the cost of the property owners in the PRD. All common area facilities shall be continuously maintained at a minimum standard required and approved by the City at the time of initial occupancy.

Chapter 14.225

DESIGN STANDARDS IN HISTORIC DISTRICT

Sections:

- 14.225.010 Historic District boundaries
- 14.225.020 Purpose
- 14.225.030 Design standards
- 14.225.040 References
- 14.225.050 Implementation of design standards – reviewing entity
- 14.225.060 Exemptions
- 14.225.070 Submittal requirements
- 14.225.080 Building demolitions
- 14.225.090 Other reviews
- 14.225.100 Conduct of DRB meetings

14.225.010 Historic District boundaries

The Comprehensive Plan Land Use Designations Map shall establish the boundaries of the Historic District.

14.225.020 Purpose

The purpose of the Historic District’s design standards is to:

- A. promote awareness of the City’s heritage,
- B. protect the City’s heritage by controlling alterations and demolitions,
- C. rehabilitate and reuse historic structures,
- D. encourage new construction in keeping with the City’s historic character, and
- E. attract visitors to Snohomish.

14.225.030 Design standards

- A. The following design standards are hereby adopted in the Historic District, copies of which shall be kept available in the office of the City Planner:
 - 1. “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” as they now read or are hereafter amended,
 - 2. “Snohomish Historic District Design Standards,” adopted May 16, 2000, revised October 21, 2003.
- B. In the event of conflict between the above standards, the Secretary of the Interior’s Standards shall control.
- C. The above design standards shall be subject to interpretation in accordance with SMC 14.05.050 and obtaining variances in accordance with Chapter 14.70 SMC.

14.225.040 References

In administering the design standards, the City may utilize the following references:

- A. *A Guide to Twentieth Century House Styles, Montlake: A Primer of Residential Styles;*
- B. *The Visual Dictionary of American Domestic Architecture*, Rachel Carley, Roundtable

- Press, Inc., 1994;
- C. *Hands On! The Rehabilitation Handbook for Everett's Historic Homes*, Makers Architecture and Urban Design, 1992; and
 - D. *Dictionary of Architecture*, Henry H. Saylor, John Wiley and Sons, Inc., New York, 1952.

14.225.050 Implementation of design standards – reviewing entity

- A. Chapters 14.25 through 14.50 SMC (Types 1 through 6 permits) establish the processes wherein the City shall require conformance with the design standards.
- B. In the Historic District the Design Review Board (DRB) shall review and make recommendation to the City Planner on conformance with the Design Standards for all development within the Historic District, provided that the City Planner may request review by any member of the DRB if the application, though not exempt (see SMC 14.225.060), would result in only minor changes to the appearance of an existing building. The consulted Board member may complete and issue a recommendation to the City Planner.

14.225.060 Exemptions

In the Historic District, all City approvals of property improvements, including exterior signs or fences, or demolitions (see SMC 14.225.080) shall undergo design review as set forth in Chapters 14.25 through 14.50 SMC (Types 1 through 6 permits), except the following which are exempt:

- A. Development permits not immediately associated with building construction or landscaping, such as short plats, subdivisions, and land use designation changes unaccompanied by any actions related to site plans or building permit application;
- B. Construction activities which do not require a building permit (example: the re-painting of buildings), and
- C. Modifications to existing structures which will not be visible from outside the structure.

14.225.070 Submittal requirements

The applicant shall complete the appropriate application forms and submit the application and fee to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the laws applicable to each specific permit and which may include but not necessarily be limited to the information specified in SMC 14.55.005.

14.225.080 Building demolitions

- A. In reviewing a proposed demolition in the Historic District, the DRB shall recommend approval, if it determines that preservation of the structure is physically or economically infeasible.
- B. If the DRB finds preservation of the structure to be feasible, the City shall notify persons or groups interested in historic preservation, who may encourage the owner to

preserve the structure or find a buyer willing to preserve the structure. If the owner is not convinced to retain the structure, or no one agrees to purchase it within ninety (90) days after the DRB's first consideration of the proposal, the DRB's findings shall cease to be cause for refusal to issue the demolition permit.

14.225.090 Other reviews

In addition to design review as stated in SMC 14.225.060, the DRB shall review and make recommendations on proposed:

- A. mobile vendor structures and trailers which will do business in the Historic District for more than thirty days, prior to the issuance of a business license,
- B. special tax valuations, and
- C. requests for additions to the list of officially designated historic structures, the decision on which shall be made by the City Council.

14.225.100 Conduct of DRB meetings

The DRB shall invite comments from City staff, applicants, consultants, and the public, then prepare findings as specified in Chapters 14.25 through 14.50 SMC (Types 1 through 6 permits).

Chapter 14.230

DESIGN STANDARDS OUTSIDE HISTORIC DISTRICT

Sections:

- 14.230.010 Purpose
- 14.230.020 Design standards
- 14.230.030 Implementation of design standards – reviewing entity
- 14.230.040 Exemptions
- 14.230.050 Submittal requirements

14.230.010 Purpose

The purpose of the design standards for outside the Historic District is to:

- A. build on Snohomish’s rich heritage,
- B. emphasize buildings, landscaping, and small town appeal, not parking and signs,
- C. maintain the scale and texture of development,
- D. support pedestrian movement and the use of transit and bicycles,
- E. encourage creative designs for sites and buildings,
- F. allow for infill development that is sensitive to its context,
- G. implement the Comprehensive Plan, and
- H. stimulate business and property investment.

14.230.020 Design standards

- A. The City of Snohomish Design Standards and Guidelines (Outside the Historic District) dated April 6, 2004 are hereby adopted and shall be kept available at the office of the City Planner.
- B. The above design standards shall be subject to interpretation in accordance with SMC 14.05.050 and also are subject to obtaining variances in accordance with Chapter 14.70 SMC.

14.230.030 Implementation of design standards – reviewing entity

- A. Chapters 14.25 through 14.50 SMC (Type 1 through 6 permits) establish the processes wherein the City shall require conformance with the design standards.
- B. Outside the Historic District the City Planner shall be the “reviewing entity,” except that the Design Review Board shall be the “reviewing entity” in the case of buildings or facilities proposed by government entities such as City, fire district, school district, or state.

14.230.040 Exemptions

Outside the Historic District, all City approvals of property improvements shall undergo design review as stated in Chapters 14.25 through 14.50 SMC (Type 1 through 6 permits), except the following which are exempt.

- A. Development permits not immediately associated with building construction or landscaping, such as short plats, subdivisions, and reland use designations

- unaccompanied by any actions related to site plans or building permit application;
- B. Construction activities which do not require a building permit (example: the re-painting of buildings),
- C. Modifications to existing structures which will not be visible from outside the structure,
- D. Demolitions, and
- E. Normal repair and maintenance.

14.230.050 Submittal requirements

The applicant shall complete the appropriate application forms and submit the application and fee to the City Planner. The City's application forms shall be developed by the City Planner and approved by the City Manager and shall specify the submittal requirements, which requirements shall be consistent with the laws applicable to each specific permit and may include but not necessarily be limited to the information specified in SMC 14.55.005.

Chapter 14.235

OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Sections:

- 14.235.010 Required off-street parking
- 14.235.020 Interpretation of tables
- 14.235.030 Parking requirements for uses not specified
- 14.235.040 Parking requirements for existing and new structures in the Historic Business District land use designation
- 14.235.050 Parking requirements for senior citizen's multi-family units
- 14.235.060 Mixed occupancies
- 14.235.070 Joint uses of parking facilities
- 14.235.080 Conditions required for joint use
- 14.235.090 Location of parking spaces
- 14.235.100 Use of parking spaces accessory to residences
- 14.235.110 Parking plans required prior to the issuance of a building permit
- 14.235.120 Allowance for compact cars
- 14.235.130 Minimum requirements for off-street parking
- 14.235.140 Off-street loading space requirements
- 14.235.150 Access and parking off alleys
- 14.235.160 Vehicle capacity for drive through service access
- 14.235.170 Residential land uses
- 14.235.180 General services land uses
- 14.235.190 Government/business services land uses
- 14.235.200 Retail land uses
- 14.235.210 Manufacturing land uses
- 14.235.220 Regional land uses
- 14.235.230 Recreational/cultural land uses
- 14.235.240 Resource land uses
- 14.235.250 Essential public facilities land uses
- 14.235.260 Minimum standards for conventional off-street parking
- 14.235.270 Minimum standards for interlocking off-street parking
- 14.235.280 Acceptable parking designs
- 14.235.290 Acceptable parking designs

14.235.010 Required off-street parking

Every building hereafter erected, and every building, or portion thereof, in which there is a change of use resulting in an increase in required parking as described by the appropriate land use classification in the Parking Requirements Tables (Sections 14.235.170 through 14.235.250), shall be provided with sufficient off-street parking spaces to accommodate the building's use as specified in the Parking Requirements Tables and elsewhere in this chapter. The parking spaces shall be permanently maintained and made available for parking purposes.

14.235.020 Interpretation of tables

Off-street parking requirements are determined based on land use. There are nine tables of off-street parking requirements for generalized land use categories, as follows:

1. Residential land uses
2. General services land uses
3. Government/business services land uses
4. Retail land uses
5. Manufacturing land uses
6. Regional land uses
7. Recreational/cultural land uses
8. Resource land uses
9. Essential public facilities land uses.

Each table has two or three columns. The first column describes the land use. The second column specifies the parking requirement of the land uses. The third column, if any, specifies the supplemental off-street parking requirements of the land uses. Parking requirements are set forth on a per unit or per square foot basis.

14.235.030 Parking requirements for uses not specified

Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the City Planner. Such determination shall establish reasonable parking for the use on a case-by-case basis after consultation with the City Engineer. The applicant may be required to provide sufficient information to demonstrate that the parking demand for a specific use will be satisfied, based upon existing uses similar to the proposed use and other relevant factors. Unless otherwise waived by the City Planner, the applicant shall have a parking study for the proposed use prepared by a consultant with professional expertise in preparing traffic and parking analysis.

14.235.040 Parking requirements for existing and new structures in the Historic Business District land use designation

No building in existence on August 4, 1998 and situated within the Historic Business District land use designation shall be required to provide additional off-street parking as a condition of the following:

- A. Remodeling or renovation of existing floor space.
- B. Changes in use.
- C. For any deck, patio or other exterior seating or eating area constructed as a part of an existing eatery or drinking establishment.

The addition of floor space or new construction shall be conditioned upon meeting the off-street parking requirements, according to use and square footage of the added floor space, except for commercial and retail uses which shall be one stall per every 400 gsf.

14.235.050 Parking requirements for senior citizens' multi-family units

All multi-family housing with an excess of five (5) units designed and used for "senior citizens" occupancy shall have a minimum parking space ratio of one (1) stall per dwelling

unit. For the purposes of this section, a “senior citizen” means a person over sixty-two (62) years of age. At such time as fewer than 80 percent of the units in the multi-family complex are occupied by senior citizens, or at such time as parking needs for the complex consistently exceed one stall per unit for any reason, the City Planner shall require the owner of the complex to immediately install such additional parking stalls as are necessary to comply with the minimum parking requirements of multi-family residences described in this chapter. The owners of senior citizen multi-family complexes shall keep necessary open spaces in reserve to permit the construction of additional parking stalls, if and when required.

14.235.060 Mixed occupancies

In the case of mixed occupancies in a building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

14.235.070 Joint uses of parking facilities

The City Planner may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

- A. Up to 50 percent of the parking facilities required by this chapter for primarily nighttime uses, which may include theaters, bowling alleys, bars, restaurants and related uses, may be supplied by other types of buildings or uses which are primarily daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
- B. Up to 20 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime uses.
- C. Up to 100 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.
- D. Multiple family uses having at least 5 units and motels having at least 10 units shall be considered nighttime uses for the purpose of shared parking calculations however no more than 10 percent of their required parking may be provided by daytime uses.

14.235.080 Conditions required for joint use

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities, in addition to which:

- A. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- B. In the instance of uses located on separate legal parcels, the applicant shall present a properly drawn legal easement agreement that will ensure the availability of the parking for the uses involved, which agreement has been reviewed and approved by the City Attorney. The agreement shall be signed by all parties concerned with the joint use of the off-street parking facility. The agreement shall be recorded in the County Auditor’s

office by the applicants, and a copy of the recorded document shall be provided to the City Clerk and Building Official for inclusion in the building permit file for all affected uses.

14.235.090 Location of parking spaces

Off-street parking spaces shall be located as specified herein. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves. These requirements do not apply to an area in which off-street parking is paid for by the participants of a parking improvement district.

- A. Parking facilities for all single-family residences, mobile home parks, and multi-family dwellings shall be located on the same lot with the building they serve or on a lot within one hundred (100) feet from the nearest boundary and in the same ownership of the lot on which such structure is located.
- B. Parking facilities for all hospitals, sanitariums, homes for the aged, asylums, orphanages, rooming houses, boarding houses, hotels, and community clubs shall be located not more than two hundred (200) feet from the building they serve.
- C. For uses other than those specified above, parking facilities shall be located not over three hundred (300) feet from the building they are required to serve; provided, that for buildings situated within the Historic Business land use designation, off-street parking facilities may be provided up to one thousand (1,000) feet from the building.

14.235.100 Use of parking spaces accessory to residences

In all residential districts, all permitted or required off-street parking spaces, open or enclosed, which are accessory to residences, shall be designed and operated primarily for the storage of the private passenger motor vehicles used by the occupants of such residences.

14.235.110 Parking plans required prior to the issuance of a building permit

A plan for all parking areas involving more than three stalls shall be submitted to the Building Official at the time of application for the building permit for the structure for which the parking area is accessory. The parking area plan may be included as part of the building site plan. The plan shall clearly illustrate and include the following:

- A. Location, dimensions, and area of parking lot
- B. The number of parking stalls
- C. Locations and dimensions of existing and proposed points of ingress and egress
- D. Arrangement and dimensions of parking stalls
- E. Means of delineating parking stalls
- F. Traffic directional information
- G. Type and location of all traffic-control devices
- H. Location and dimension of walk-ways
- I. Inlet and drainage system
- J. Lighting
- K. Landscaping

- L. Screening
- M. Other pertinent information.

The parking plan shall be approved by the City Planner prior to the issuance of a building permit in accordance with the requirements outlined in this section. In those instances when a parking area for three or more vehicles is being developed and no building permit is required, the developer shall make application for and obtain a use permit from the City Planner before any preparatory work is started. A parking plan as previously described will be required before the use permit is issued.

14.235.120 Allowance for compact cars

- A. When parking standards require ten (10) or more parking spaces, up to 40 percent of the off-street parking spaces required by this chapter may be designated for compact cars in accordance with Table 10 and Table 11.
- B. Compact car parking stalls shall be individually marked in the parking plan and shall be clearly signed for use by “compact cars only”. Parking at any angle is permitted, provided the width of the stalls and aisles is adjusted by interpolation between the specified standards.

14.235.130 Minimum requirements for off-street parking

- A. **Minimum Dimensions.** The size and dimensions of individual parking stalls shall be eight and one-half (8½) feet wide and nineteen (19) feet long, and shall include an additional one hundred (100) square feet of maneuvering area. Parking areas including more than four (4) stalls of parking shall comply with the parking area dimensions as described in Figure 1 and Figure 2.
- B. **Driveway Dimensions.** When off-street parking is provided, the access driveway or lane shall be paved and have a minimum width of twelve (12) feet. The City Planner shall have the discretionary authority to require driveways to have a minimum of two eight-foot (8’) moving lanes when unusual site problems, access for vehicles, or high traffic usage requires such. Driveway widths and construction standards within the public right-of-way shall be determined by the City Engineer.
- C. **Required Access and Fire Lanes.** The Fire Marshal shall determine when access for fire lanes shall be required. Such access and fire lanes shall be designed with not less than twenty-five (25) feet in width, forming a continuous route or loop connecting at both ends with streets, or as stipulated by the Fire Marshal.
- D. **Required Traffic-Control Devices.** All traffic control devices, such as parking stripes designating car stalls and directional arrows, shall be completed and installed as shown on the approved plans. Hard-surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows.
- E. **Requirements for Pedestrian Walks.** Pedestrian walks shall be required in parking lots of over ten (10) stalls and shall be for the use of foot traffic only. They shall be

delineated in a manner acceptable to the City. When wheel stops or bumper stops are provided, sidewalks may be constructed on grade with the parking lot.

- F. **Border Barricades.** All parking areas and car sales areas that are not separated by a fence or landscaped buffer from any street or alley upon which they abut shall be provided with a suitable concrete curb not less than six (6) inches in height, located not less than four (4) feet from the street or alley. The curb or barrier shall be securely installed and maintained; provided, that no such curb or barrier shall be required across any driveway or entrance to such parking area.
- G. **Backing into Streets.** Parking facilities for all uses shall be so designed that vehicles are not required to back from the parking facility into any street. Such requirement shall be mandatory for all uses except for detached single-family residential uses and vehicles entering local access or collector streets from the driveway of an individual duplex structure.
- H. **Ingress and Egress Provisions.** The City Engineer shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a street and to alter existing ingress and egress as may be required to control street traffic in the interest of the public safety and general welfare.
- I. **Surfacing.** All off-street parking areas and vehicle sales areas, including ingress and egress lanes, shall be paved with a hard-surfaced material.
- J. **Surface Water Runoff.** All off-street parking areas and car sales areas shall be graded and drained in order to dispose of surface water runoff, subject to the approval of the City Engineer. All hard-surface areas shall be drained to an approved catch basin within the confines of the lot and disposed of through a drainage system as approved by the City Engineer. The use of low impact development technology in the construction of such areas is encouraged by the City providing it produces a surface that can be safely walked upon, can be marked to define parking spaces and other necessary information, and has been determined to be as serviceable as conventional asphalt paving.
- K. **Illumination.** All lights provided to illuminate any public parking area, any semi-public parking area, or car sales area permitted by this title shall be arranged so as to direct the light away from any dwelling unit and the public right-of-way.
- L. **Maintenance of Off-street Parking Areas.** Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, maintenance of landscaping grass, shrubs and trees, removal of trash and weeds, and repair of traffic-control devices, signs, light standards, fences, walls, surfacing material, curbs and railings.
- M. **Tandem Parking.** Tandem parking is permitted only for detached single-family residences.

14.235.140 Off-street loading space requirements

A. Off-street loading space is required for the following uses:

1. Manufacturing
2. Storage
3. Warehousing
4. Goods display
5. Department store
6. Wholesale store
7. Market
8. Hotel
9. Hospital
10. Mortuary
11. Laundry
12. Dry cleaning
13. Other uses involving the receipt or distribution of vehicles, material or merchandise.

B. Off street loading space must be on the same site and provide adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of the streets or alleys. Each off-street loading space shall contain a minimum of two hundred fifty (250) square feet of space, which is appropriately identified and which meets with the requirements of this section. Off-street loading spaces shall have a minimum height clearance of fourteen (14) feet and shall be so situated that trucks or vans using the space shall not project into the public right-of-way. All truck loading doors on buildings shall have adjacent truck loading spaces. Such truck loading spaces may be used for vehicle parking of employees of the businesses using the spaces however such spaces will not be counted for customer parking.

14.235.150 Access to parking from alleys

Wherever a lot abuts an alley, access to on-site parking for single-family development shall be from the alley.

14.235.160 Vehicle capacity for drive through service access

Each drive-through facility shall have a minimum vehicle capacity of five (5) vehicles in the access lane.

TABLE 1

14.235.170 Parking Requirements for Residential Land Uses		
Land Use	Parking Requirement	Supplemental Requirements
Dwelling Units		
Single family detached	2 spaces per dwelling unit	
Manufactured home	2 spaces per dwelling unit	
Multi-family	2 spaces per dwelling unit	
Mobile home park	2 spaces per dwelling unit	3 additional spaces per every 10 units
Efficiency dwelling unit	1 space per dwelling unit	
Senior citizen housing	1 space per dwelling unit	
Group Residences		
Community residential facility	1 space for every 2 employees on maximum shift	
Community residential facility-prisoner release	1 space for every 2 employees on maximum shift	
Dormitory	1 space per room	
Accessory Uses		
Accessory dwelling units	1 space per dwelling unit	
Temporary Lodging		
Hotel/motel	1 space per room	additional spaces for assoc. restaurants, etc. tbd
Bed and breakfast	1 space per room	
Organization hotel/lodging	1 space per room	

TABLE 2

14.235.180 Parking Requirements for General Services Land Uses

Land Use	Parking Requirement	Supplemental Parking
Personal Services		
General personal services	1 space per 200 sf gfa	
Dry cleaning plants	1 space per 200 sf gfa	
Industrial launderers	1 space per 400 sf gfa	plus loading for trucks?
Funeral home/crematory	1 space per four seats	
Adult uses	1 space per 100 sf gfa	
Cemetery, columbarium or mausoleum	1 space per 200 sf gfa of office space	
Childcare, less than 12 children	1 space per employee	
Childcare, more than 12 children	1 space per employee	plus drop off space
Childcare	1 space per employee	plus drop off space
Veterinary clinic, kennel, cattery	1 space per 200 sf gfa	

Automotive repair, service, misc repair	1 space per 200 sf gfa	
Churches, synagogue, temple	1 space for every 4 seats	plus 1 space per 200 gfa not in seating
Social services	1 space per 200 sf gfa	
Community stable	1 space per horse, based on the max capacity of horses	
Health Services		
Office/patient clinic, labs, misc. health	1 space per 200 sf gfa	
Nursing and personal care facilities	3 spaces for every 5 beds	
Hospital	2 spaces per bed or 1 space per 150 sf gfa, whichever is greater	
Education Services		
Elementary or middle/junior high	1.75 spaces per classroom	
Secondary/high school	1 space per employee plus 1 space per 5 students	
Specialized instruction school, Voc. school	1 space per employee plus 1 space per 3 students	
School district support facility	1 space per employee on maximum shift	

TABLE 3

14.235.190 Parking Requirements for Government/Business Services Land Uses

Land Use	Parking Requirement	Supplemental Requirements
Government Services		
Public agency office	high volume: 1 space per 200 sf gfa	low volume: 1 space per 400 sf gfa
Public agency yard	1 space per every 2 employees on maximum shift	
Public agency archives	1 space per 400 sf of gfa	
Court, police facility, fire facility	1 space per 200 sf of gfa	
Subregional utility, minor com. facility	1 space per every 2 employees on maximum shift	
Business Services		
Construction and trade	1 space per every 2 employees on maximum shift	
Individual transportation and taxi	1 per vehicle in fleet	
Trucking and courier service	1 per vehicle in fleet	
Warehousing and wholesale trade	1 space per every 2 employees on maximum shift	
Self-service storage	1 space per 5,000 sf of area devoted to storage (inside and outside)	
Farm product warehousing, refrigeration & storage	1 space per every 2 employees on maximum shift	
Log storage, Transportation service	1 space per every 2 employees on maximum shift	
Freight and cargo service	1 space per every 2 employees on maximum shift	
Passenger transportation service	1 space per 200 sf of gfa	

Communication offices, telegraph, etc.	1 space per every 2 employees on maximum shift	
General business service, prof. office	1 space per 200 sf of gfa	
Outdoor ad service, misc. equipment rental	1 space per every 2 employees on maximum shift	
Automotive rental and leasing	1 space per 200 sf of gfa	
Automotive parking	na	
Pro sport teams/promoters; R&D & testing	1 space per 400 sf of gfa	
Heavy equipment and truck repair	1 space per 200 sf of gfa	
Commercial/industry accessory uses	to be determined by use	
Helipad	1 space per 200 sf of gfa in enclosed building	

TABLE 4

14.235.200 Parking for Retail Land Uses

Land Use	Parking Requirement	Supplemental Requirements
Retail Land Uses		
Shopping Center	1 space per 300 sf gfa	
Bldg, hardware & garden materials	1 space per 400 sf gfa	
Forest product sales	1 space per 400 sf gfa	
Department and variety stores	1 space per 200 sf gfa	
Food stores	1 space per 150 sf gfa	
Agricultural crop sales	1 space per 200 sf gfa	
Motor vehicle and boat dealers	1 space per 200 sf gfa	
Auto supply store	1 space per 200 sf gfa	
Gasoline service station	1 space per 200 sf gfa	plus parking to accommodate cars at pumps
Apparel and accessory stores	1 space per 200 sf gfa	
Furniture and home furnishings stores	1 space per 200 sf gfa	
Eating and drinking places	if sit-down only: 1 space per 100 gfa	
Drug stores	1 space per 200 sf gfa	
Liquor stores	1 space per 200 sf gfa	
Used goods: antiques/secondhand shops	1 space per 200 sf gfa	See 14.235.040
Sporting goods and related stores	1 space per 200 sf gfa	
Book, stationery, video and art supply	1 space per 200 sf gfa	
Jewelry stores	1 space per 200 sf gfa	
Monuments, tombstones and gravestones	1 space per 200 sf gfa	
Hobby, toy and game shops	1 space per 200 sf gfa	
Photographic and electronic shops	1 space per 200 sf gfa	
Fabric shops	1 space per 200 sf gfa	
Fuel dealers	1 space per 200 sf gfa of office	

Florist shops	1 space per 200 sf gfa	
Personal medical supply stores	1 space per 200 sf gfa	
Pet shops	1 space per 200 sf gfa	
Bulk retail	1 space per 150 sf gfa	
Auction houses	1 space per 150 sf gfa	

TABLE 5

14.235.210 Parking for Manufacturing Land Uses

Land Use	Parking Requirement	Supplemental Requirements
Manufacturing land uses (see Table 14.205.110 for list)	1 space per employee on maximum shift, or 1 space per 1,000 sf of gfa	if in commercial area or generates walk-in trade: 1 space per 200 sf of gfa

TABLE 6

14.235.220 Parking for Regional Land Uses

Land Use	Parking Requirement	Supplemental Requirements
Regional Land Uses		
Public agency training facility	1 space for every 2 employees on maximum shift	
Non-hydroelectric generation facility	1 space for every 2 employees on maximum shift	
Communication facility - major	1 space for every 2 employees on maximum shift	
Transfer station, wastewater treatment facility	1 space for every 2 employees on maximum shift	
Municipal water production	1 space for every 2 employees on maximum shift	
Airport/heliport	1 space per 200 sf enclosed gsf	
Transit bus base	1 space for every 1 employees on maximum shift	
Transit park and ride lot	NA	
School bus base	1 space for every 1 employees on maximum shift	
Stadium/arena	1 space per every 4 seats	
College/university	1 space per 150 sf gsf	
Zoo/wildlife exhibit	10 per acre	

TABLE 7

14.235.230 Parking for Recreational/Cultural Land Uses

Land Use	Parking Requirement	Supplemental Requirements
Parks and Recreation		
Park	To be determined based on use	
Trails	To be determined based on use	
Campgrounds	1 space per camp site	
Community stables	1 space per horse if at maximum capacity	
Destination resorts	1 space per 200 gsf	
Recreational vehicle park	1 stall per space	
Amusement/Entertainment		
Theater, Plays	1 space per every 4 seats	
Bowling center	1 space per maximum design capacity for use	1 space per 200 sf of gfa not incl. in calculation
Sports club	1 space per 200 sf enclosed gfa	plus 1 space for every 3 persons at maximum capacity use
Golf facility	1 space per 300 sf of area	1 space per 200 sf of enclosed gfa
Golf driving range	1 space per tee	1 space per 200 sf of enclosed gfa
Shooting range (indoor)	1 space per 400 enclosed gsf	
Amusement arcades	1 space per 200 sf gfa	
Cultural		
Library, Museum	1 space per 300 sf of gfa	
Arboretum	to be determined	
Conference center	1 space per 200 gfa	

TABLE 8**14.235.240 Parking for resource land uses**

Land Use	Parking Requirement	Supplemental Requirements
Agriculture		
Growing, harvesting crops; raising livestock	1 space for every 2 employees on maximum shift	
Forestry		
Growing and harvesting forest products	1 space for every 2 employees on maximum shift	
Forest research	1 space for every 2 employees on maximum shift	
Fish and Wildlife Management		
Hatchery/fish preserve; Aquaculture	1 space for every 2 employees on maximum shift	
Wildlife shelters	1 space for every 2 employees on maximum shift	
Mineral		
Mineral extraction; processing	1 space for every 2 employees on maximum shift	
Asphalt paving mixtures and blocks	1 space for every 2 employees on maximum shift	
Resource Accessory Uses		
Resource accessory uses	1 space for every 2 employees on maximum shift	

TABLE 9**14.235.250 Parking for essential public facilities land uses**

Land Use	Parking Requirement	Supplemental Requirements
Essential Public Facilities		
Work release facility	1 space per employee on maximum shift	
Earth station	1 space per employee on maximum shift	
Energy resource recovery facility	1 space per employee on maximum shift	
Communication facility - major	1 space per employee on maximum shift	
Hazardous waste storage & recycling	1 space per employee on maximum shift	
Transfer station	1 space per employee on maximum shift	

TABLE 10

14.235.260 Minimum standards for conventional off-street parking

Conventional car stall and aisle specifications

	Angle		Dimensions		One Way		Two Way	
	Parking Angle (E)	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Aisle Width (ft)	Parking Section Width (ft)	Aisle Width (ft)	Parking Section Width (ft)
	A	B	C	D	E	F	E	F
Parallel								
One Side	0	8	21	8	12	20	22	30
Two Sides	0	8	21	8	22	38	24	40
Angular	20	8.5	24.9	14.5	11	40	20	49
	30	8.5	17	16.9	11	44.8	20	53.8
	40	8.5	13.2	18.7	12	49.4	20	57.4
	45	8.5	12	19.4	13.5	52.3	20	58.8
	50	8.5	11.1	20	15.5	55.5	20	60
	60	8.5	9.8	20.7	18.5	59.9	22	63.4
	70	8.5	9	20.8	19.5	61.1	22	63.6
	80	8.5	8.6	20.2	24	64.4	24	64.4
Perpendicular	90	8.5	8.5	19	25	63	25	63

Compact car stall and aisle specifications

	Angle		Dimensions		One Way		Two Way	
	Parking Angle (E)	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Aisle Width (ft)	Parking Section Width (ft)	Aisle Width (ft)	Parking Section Width (ft)
	A	B	C	D	E	F	E	F
Parallel	0	8	20	8	12	28	20	36
Angular	45	8	11.3	15	12.5	42.5	20	50
	60	8	9.2	16.5	17	50	22	55
Perpendicular	90	8	8	16	22	54	25	57

Refer to Figure 1
TABLE 11

14.235.270 Minimum standards for interlocking off-street parking

Interlocking -- conventional cars

	Angle		Dimensions		One Way		Two Way	
	Parking Angle (E)	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Aisle Width (ft)	Parking Section Width (ft)	Aisle Width (ft)	Parking Section Width (ft)
	A	B	C	D	E	F	E	F
Parallel	0	8	21	8	12/22	28/38	22/24	38/40
Angular	20	8.5	24.9	10.5	11	32	20	41
	30	8.5	17	13.2	11	37.4	20	46.4
	40	8.5	13.2	15.5	12	43	20	51
	45	8.5	12	16.4	13.5	46.3	20	52.8
	50	8.5	11.1	17.3	15.5	50.1	20	54.6
	60	8.5	9.8	18.6	18.5	55.7	22	59.2
	70	8.5	9	19.3	19.5	58.1	22	60.6
	80	8.5	8.6	19.5	24	63	24	63
Perpendicular	90	8.5	8.5	19	25	63	25	63

Interlocking -- compact cars

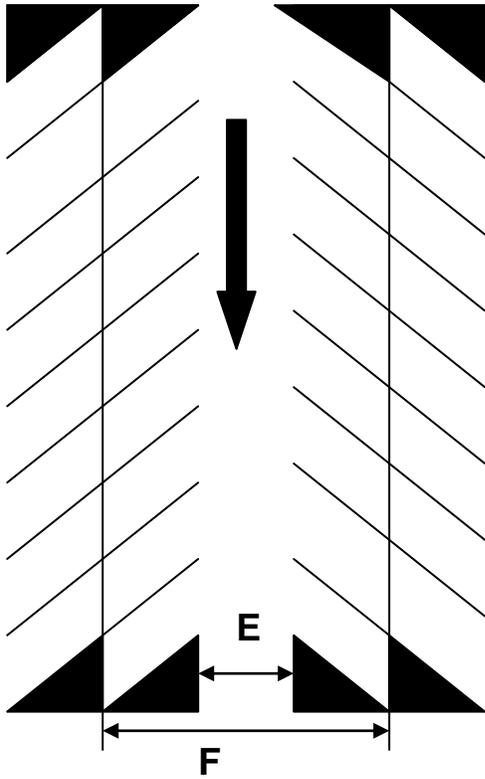
	Angle		Dimensions		One Way		Two Way	
	Parking Angle (E)	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Aisle Width (ft)	Parking Section Width (ft)	Aisle Width (ft)	Parking Section Width (ft)
	A	B	C	D	E	F	E	F
Parallel	0	8	20	8	12	28	20	36
Angular	45	8	11.3	14.1	12.5	40.7	20	48.2
	60	8	9.2	15.9	17	48.8	22	53.8
Perpendicular	90	8	8	16	22	54	25	57

Refer to Figure 2

FIGURE 1

14.235.280 Acceptable parking designs

Angular One Way



Angular Two Way

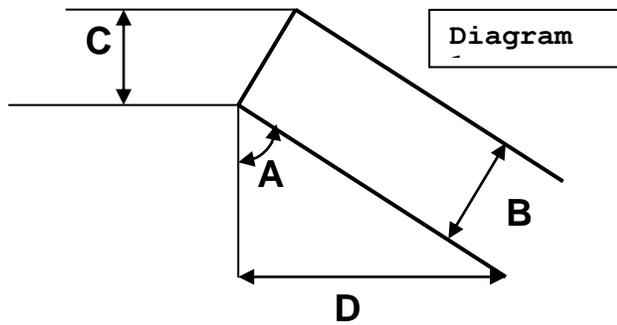
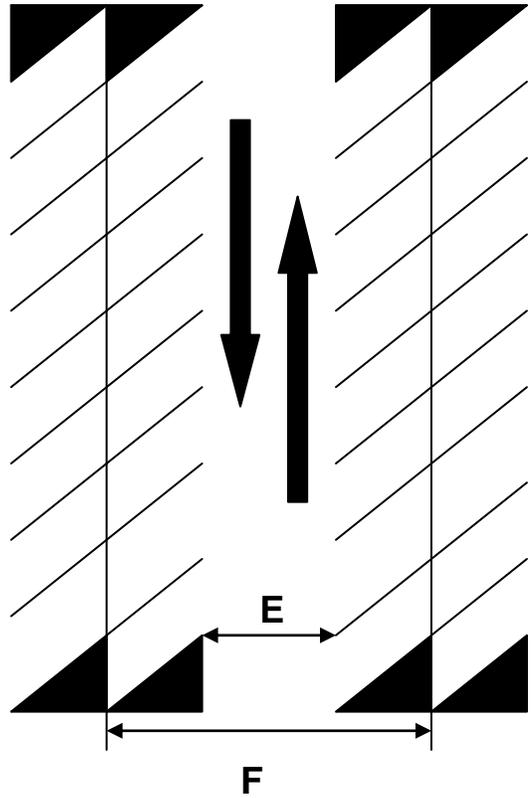
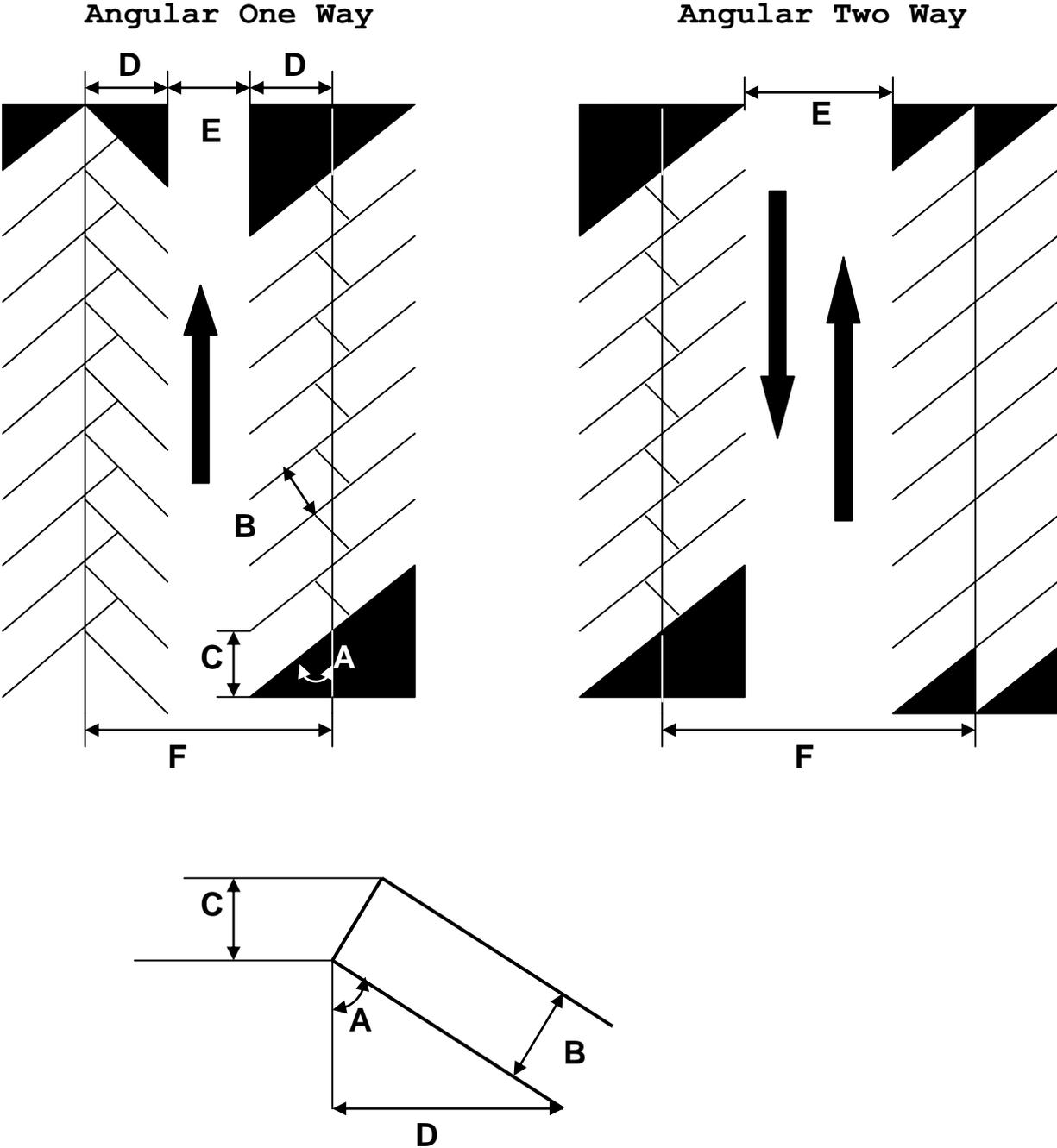


FIGURE 2

14.235.290 Acceptable parking designs



Chapter 14.240

LANDSCAPING, SCREENING, FENCING, AND RETAINING WALLS

Sections:

- 14.240.010 General provisions
- 14.240.020 Performance assurance
- 14.240.030 Existing vegetation
- 14.240.040 Landscape requirements for parking lot and site development
- 14.240.050 Maintenance of landscaping
- 14.240.060 Fence and retaining wall regulations

14.240.010 General provisions

- A. Purpose. The intent of this chapter is to provide landscaping and site buffering requirements for proposed developments in order to:
 - 1. Maintain and protect property values.
 - 2. Enhance the appearance of the development.
 - 3. Preserve any existing natural wooded character.
 - 4. Reduce erosion.
 - 5. Promote utilization of natural systems.
 - 6. Provide permeable surface areas to recharge subsurface aquifer and reduce quantity of storm water runoff.
 - 7. Maintain or replace existing vegetation.
 - 8. Provide screening between different land uses.
 - 9. Promote public safety.
 - 10. Moderate the microclimate.
 - 11. Minimize noise, glare, and other negative impacts.
 - 12. Protect and enhance watercourses, riparian habitat, and associated wildlife.
 - 13. Provide a transition between different land uses.
 - 14. Reduce impacts of development on the storm drain system.

- B. Scope. The landscape standards in this chapter are minimum requirements. This chapter does not apply to the development of individual single family residential lots.

- C. Submittal requirements. All proposed development or redevelopment proposals shall include plans for landscaping in accordance with an approved landscaping plan that meets the requirements of this Chapter. If irrigation is to be provided, then plans shall be submitted with the landscape plans. Any existing significant trees shall be shown on the plans. Plans shall be prepared by a licensed landscape architect, certified nurseryman or other trained person determined by the City Planner as competent to provide acceptable landscape plans. Tree preservation plans shall be prepared by a certified arborist or landscape architect. All plans shall be drawn to a minimum scale of 1"=30' and fit on a maximum sheet size of 24" x 36". Landscaping plans shall

identify the common name, the quantity, and location of any plant material used. The landscape plan and existing vegetation plan shall show the following:

1. Methods of protection.
2. Dripline of trees to be saved.
3. Location of all proposed underground utilities.
4. Site improvements, including building eaves, foundations, paving and areas to be graded (cut and fill).

- D. Approvals. All landscape plans shall be reviewed and approved by the City Planner or designated representative, prior to the issuance of a building permit for the related structure.
- E. Exemptions. The following activities are exempt from the requirement to obtain plan approval:
1. Maintenance of required landscape areas.
 2. Replacement of plants or plant material, which are dead or damaged.
- F. Alternative landscaping options. The applicant can submit for consideration a landscaping plan that differs from the specific criteria set forth in this chapter, if the proposed landscaping complies with the stated purpose and intent of the chapter and, in the opinion of the Design Review Board or City Planner, is more effective than would result by following this chapter.

14.240.020 Performance assurance

All landscape installation shall be completed prior to final inspection. If the installation is incomplete at the time of formal application for occupancy because of weather-related reasons, the City will require that the applicant submit a bond or some other form of cash surety acceptable to the City at a value of 150 percent of the cost of installation of the remaining materials as evidenced by a submitted bid price from an acceptable source. If the required landscaping is not made within six months of the occupancy of the building, the City will use the surety to install the landscaping.

14.240.030 Existing vegetation

- A. General. The applicant may be required to retain existing vegetation on the subject property to the maximum extent possible, where such vegetation is considered equal to or better than that required by this chapter and can be saved without serious disruption of the proposed development.
- B. Site clearing. No site clearing, grading or removal of significant trees or other vegetation shall take place prior to approval of the proposed landscaping plan.
- C. Significant tree protection required. Any deciduous and evergreen trees six (6) inches or greater in diameter, as measured four (4) feet above the ground, is considered a significant tree, with the exception that alders and cottonwoods (*Alnas rubra* and *Populis trichocarpa*) are not considered significant. The property owner shall either

furnish a site plan showing all free standing significant trees in areas proposed to be disturbed and the edge of tree cover in areas not proposed to be disturbed, or shall have an arborist provide a certificate stating there are no significant trees on the property.

For property proposed for single-family detached residential development and capable of being subdivided, applicants shall retain significant trees, except in the following areas: utility corridors, roads, and building pads and the yard areas around the proposed residences. For one of these exceptions to apply, the applicant shall depict the area on a site plan showing all free standing significant trees in areas proposed to be disturbed and the edge of tree cover in areas not proposed to be disturbed. The applicant shall retain significant trees on the subject property to the maximum extent that is practical taking into consideration the nature of the proposed development.

1. Protection techniques. In order to provide the best possible conditions for the retention of significant trees, the applicant shall comply with the following requirements.
 - a. the applicant may not fill, excavate, stack, or store any equipment or compact the earth in any way within the area defined by the drip line of any tree to be retained. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation from the branches of that tree falls on the ground.
 - b. the applicant shall construct a temporary but immovable four (4) foot high, sturdy fence around each tree to be retained, generally corresponding to the drip line of that tree.
 - c. if the grade level around a tree to be retained is to be raised, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the diameter of the tree's drip line.
 - d. the applicant may not install impervious surface material within the area defined by the drip line of any tree to be retained, unless specifically approved by the City's Planning and Development Services Department.
 - e. the grade level around any tree to be retained may not be lowered within the area defined by the drip line of the tree.
 - f. the applicant shall prune branches and roots as necessary, and fertilize and water plant material as appropriate.
2. Replacement if significant trees designated to be retained are removed.
 - a. for trees other than alders and cottonwoods (which are not protected as significant trees), the following shall apply: For any trees to be removed (except for diseased or dying trees) the City shall require the applicant to re plant in an appropriate manner. Replacement trees must be at least two and one-half (2½) inches in diameter as measured four (4) feet above grade for deciduous trees and a minimum of ten (10) feet in height for evergreen trees. Trees shall be replaced according to a plan

- prepared by the applicant and approved by the City. For the removal of diseased or dying trees, an arborist hired by the City at the applicant's expense shall determine which trees are healthy and shall provide a written report on its findings. Any tree which poses an immediate threat to property may be removed if a report from a qualified consultant is submitted and approved by the City. A two-year maintenance bond shall be provided for all replacement trees in an amount equal to no less than 200 percent of the arborist's estimate.
- b. In the event that a property owner believes that a threat to life or property exists with regard to an existing tree, the property owner may request that the City Planner or designee evaluate the tree, and, if the City Planner concurs that a hazardous condition exists, the property owner may remove the tree without a report from a qualified consultant.
 - 1) Replacement trees may be located in the street planter strip adjacent to the property.
 - 2) Subdivision development involving the removal of significant trees may locate replacement trees in the street planter strip on or adjacent to the development. If the number of replacement trees exceeds the number of trees required for street planters, then the developer may locate the trees off-site in street planter strips. The location of off-site replacement trees shall be reviewed and approved by the Hearing Examiner.
 - a) For properties capable of being subdivided, one (1) significant tree for each legal lot area may be removed annually. Property owners shall provide the City with written notice of removal within 30 days of removal.
 3. **Removal of Trees Designated to Remain.** If any tree designated for retention or required to be planted is damaged or destroyed during construction, as a result of on-site construction practices, or within two years following the end of construction, as a result of on-site construction practices, the City shall require the planting of up to three approved trees, each at least two and one-half (2½) inches in diameter as measured four (4) feet above grade for deciduous trees and ten (10) feet in height for evergreen trees, in the immediate vicinity of the damaged or destroyed tree, as determined by the Planning and Development Services Department. The City may require the applicant to remove the damaged or destroyed tree.

14.240.040 Landscape requirements for parking lot and site development

Requirements for landscaping of parking lots and site development are set forth in the two Snohomish Design Standards documents: the Design Standards and Guidelines for the City's Historic District and of the Design Standards and Guidelines for Areas Outside of the Historic District

- A. **Plant materials.** Landscape plant materials shall be selected from the landscape plant lists and street tree lists, as set forth below. Selected plants must be suited to local soil

conditions, if the site is not irrigated.

1. Street Trees.
 - a. All subdivisions shall supply street trees along the entire frontage of the property and any interior streets.
 - b. The following land use actions shall require the installation of street trees:
 - 1) Short subdivision
 - 2) Subdivision
 - 3) Recorded development plan
 - 4) Conditional use permit
 - 5) Any activity involving street frontage improvements
 - 6) Rebuilding or installation of a street.
 - c. All trees planted adjacent to streets or in street right(s)-of-way must have approval from the City prior to planting and conform to the ROW vegetation maintenance regulations.

RECOMMENDED PLANT LIST

The following matrix provides a list of suggested plant materials recommended for use in the City of Snohomish. Additional plants may be added to this list as deemed appropriate by the City. Plants shall be selected based upon site specific conditions which affect plant growth such as sun exposure, soil types, adjacent site improvements, drainage, etc. New plant materials shall include native or nonnative species that are adapted to the climatic conditions of Snohomish. New plant materials should also consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth. Within the matrix, year-round interest plants provide interesting bark colors, foliage textures, branching habits, autumn color, flowers, or fruits.

Plant material selection:

- shall be coordinated with utility company requirements to avoid conflicts.
- shall take into account sightline and offset requirements.
- should take into account mature habit and size of species.
- should consider the use of natives and sustainable design principles.
- should involve considerations of potential problems resulting from excessive pollen, fruiting, insect infestations, root development, thorn hazard, etc.

For assistance in plant selection, a list of sources has been included for more information regarding the growing conditions, microclimate requirements, and growth habits for various plant species and types.

Soil Amendments for Enhanced Plant Survival

Existing soils should be tested for nutrient, pH, moisture, and particle levels and amended as necessary to match the growing conditions required by the selected plants, both native and non-native. Mulch should be applied in groundcover areas and consist of materials such as composted yard waste, composted sawdust, and/or manure that is fully composted.

Large Deciduous Trees

		Internal Parking Lot Landscaping					
		Landscape screening areas			Year-round Interest		
		Native species			Historic District		
					Street Trees in SMC Title 14		
Acer platanoides species	Norway Maple variety	X	X			X	X
Acer rubrum species	Red Maple variety	X	X		X	X	X
Acer saccharum species	Sugar Maple	X	X			X	X
Castanea mollissima	Chinese Chestnut					X	X
Castanea sativa	Spanish Chestnut					X	X
Fagus sylvatica	European Beech	X	X		X	X	X
Ginkgo biloba species	Maidenhair variety	X	X		X	X	X
Liquidambar styraciflua	American Sweetgum	X	X		X	X	X
Liriodendron tulipifera	Tulip Tree	X	X			X	X
Platanus x acerifolia	London Plane	X	X		X		
Pterocarya species	Wingnut variety					X	X
Quercus species	Oak variety	X	X			X	X
Tilia species	Linden variety		X			X	X

Medium Deciduous Trees

		Internal Parking Lot Landscaping					
		Landscape screening areas			Year-round Interest		
		Native species			Historic District		
					Street Trees in SMC Title 14		
Acer campestre	Hedge Maple		X		X	X	X
Acer griseum	Paperbark Maple	X	X		X		
Aesculus carnea & A.c. brioti	Pink, Red Horsechestnut					X	X
Betula species	Birch variety		X		X	X	X
Carpinus species	Hornbeam variety	X	X			X	X
Celtis occidentalis	Hackberry					X	X
Cercidiphyllum japonicum	Katsura Tree	X	X		X	X	X
Cercis species	Redbud variety		X		X		
Cladastris lutea	Yellowwood					X	X
Cornus species	Dogwood variety	X	X	X	X		
Davidia involucrata	Dove Tree		X			X	X
Fraxinus species	Ash variety	X	X			X	X
Gleditsia thornless species	Honeylocust thornless variety					X	X
Magnolia species	Magnolia variety		X		X	X	X
Metasequoia gkypstroboides	Dawn Redwood				X	X	X
Morus alba 'Kingan'	Seedless Mulberry					X	X
Parrotia persica	Persian Ironwood	X	X		X		
Populus tremuloides	Quaking Aspen		X		X		
Pyrus calleryana species	Flowering Pear variety	X	X		X	X	X
Stewartia pseudocamellia	Japanese Stewartia		X		X	X	X
Zelkova serrata species	Zelkova variety	X	X		X	X	X

Small Deciduous Trees

		Internal Parking Lot Landscaping					
		Landscape screening areas			Historic District		
		Native species			Year-round Interest		
					Street Trees in SMC Title 14		
Scientific Name	Common Name						
<i>Acer circinatum</i>	Vine Maple		X	X	X		
<i>Acer davidii</i>	David Maple		X		X	X	X
<i>Acer ginnala</i>	Amur Maple	X	X		X	X	X
<i>Acer palmatum</i> species	Japanese Maple variety		X		X		
<i>Acer pennsylvanicum</i>	Striped Maple		X		X	X	X
<i>Amelanchier</i> species	Serviceberry variety		X	X		X	X
<i>Corylus cornuta californica</i>	Western Hazelnut		X	X			
<i>Crataegus</i> species	Hawthorn species	X	X		X	X	X
<i>Malesia monticola</i>	Silverbell					X	X
<i>Malus</i> species	Flowering Crabapple		X		X	X	X
<i>Prunus</i> species	Flowering Cherry		X		X	X	X
<i>Rhus typhina</i>	Staghorn Sumac		X				
<i>Sorbus aria</i>	Whitebeam					X	X
<i>Styrax japonica</i>	Japanese Snowball		X		X	X	X

Evergreen Trees

		Internal Parking Lot Landscaping					
		Landscape screening areas			Historic District		
		Native species			Year-round Interest		
					Street Trees in SMC Title 14		
Scientific Name	Common Name						
<i>Calocedrus decurrens</i>	Incense Cedar	X	X		X		
<i>Cedrus deodara</i>	Deodar Cedar		X		X		
<i>Chamaecyparis lawsoniana</i>	Port Orford Cedar		X		X		
<i>Chamaecyparis nootkatensis</i>	Alaska Cedar		X		X		
<i>Cupressocyparis leylandii</i>	Leyland Cypress	X	X		X		
<i>Cupressus sempervirens</i>	Italian Cypress		X		X		
<i>Picea sitchensis</i>	Sitka Spruce		X	X	X		
<i>Pinus contorta</i> species	Shore Pine variety		X	X	X		
<i>Pinus densiflora</i>	Japanese Red Pine		X		X		
<i>Pinus monticola</i>	Western White Pine		X	X	X		
<i>Pinus nigra</i>	Austrian Black Pine		X		X		
<i>Pinus ponderosa</i>	Ponderosa Pine		X		X		
<i>Pinus sylvestris</i>	Scotch Pine		X		X		
<i>Pinus thunbergii</i>	Japanese Black Pine		X		X		

Deciduous Shrubs

Internal Parking Lot Landscaping
 Landscape screening areas
 Native species
 Year-round Interest
 Historic District
 Street Trees in SMC Title 14

Amelanchier species	Serviceberry variety		X	X			
Berberis thunbergii species	Barberry variety		X				
Callicarpa japonica	Japanese Beautyberry		X		X		
Chaenomeles species	Flowering Quince variety	X	X		X		
Cornus stolonifera species	Red-Osier Dogwood variety		X	X	X		
Elaeagnus species	Elaeagnus variety		X				
Enkianthus campanulatus	Red-Veined Enkianthus		X				
Euonymus alata 'Compacta'	Winged Euonymus	X	X		X		
Hamamelis species	Witch Hazel variety		X		X		
Hydrangea species	Hydrangea variety		X		X		
Physocarpus capitatus	Pacific Ninebark		X	X			
Potentilla fruticosa	Potentilla		X		X		
Ribes sanguineum	Red-flowering Currant		X	X	X		
Rosa nutkana	Nootka Rose		X	X	X		
Rosa rugosa	Rugosa Rose		X		X		
Rubus parviflorus	Thimbleberry		X	X			
Rubus spectabilis	Salmonberry		X	X	X		
Sambucus racemosa	Red Elderberry		X	X			
Spiraea species	Spiraea variety	X	X	X	X		
Symphoricarpos albus	Snowberry		X	X	X		
Vaccinium parvifolium	Red Huckleberry		X	X	X		
Viburnum species	Viburnum variety		X		X		

Evergreen Shrubs

		Internal Parking Lot Landscaping				
		Landscape screening areas			Historic District	
				Native species		Street Trees in SMC Title 14
				Year-round Interest		
Berberis species	Barberry variety		X		X	
Buxus sempervirens 'Suffruticosa'	Dwarf Boxwood				X	X
Cotoneaster species	Cotoneaster variety		X		X	
Garrya issaquahensis	Silk Tassel		X		X	
Ilex crenata	Japanese Holly	X	X		X	
Kalmia latifolia	Mountain Holly		X		X	X
Ligustrum japonicum	Japanese Privet				X	X
Myrica californica	Pacific Wax Myrtle		X	X	X	
Nandina domestica	Heavenly Bamboo	X	X		X	X
Osmanthus delavayi	Delavay Osmanthus		X		X	
Osmarea x burkwoodii	Burkwood Osmarea		X		X	
Photinia frazeri	Japanese Photinia		X		X	
Pieris species	Pieris variety		X		X	
Pinus mugo	Mugho Pine	X	X		X	X
Prunus laurocerasus 'Mt. Vernon'	Mt. Vernon Laurel	X	X		X	
Prunus laurocerasus 'Zabeliana'	Zebel Laurel				X	X
Prunus lusitanica	Portugese Laurel		X		X	X
Rhododendron species and hybrids	Rhododendrons and Azaleas		X	X	X	
Sarcococca ruscifolia	Fragrant Sarcococca		X		X	
Skimmia japonica	Skimmia				X	X X
Umbellularia californica	California Bay Laurel	X	X		X	X
Vaccinium ovatum	Evergreen Huckleberry		X	X	X	X
Viburnum davidii	David Viburnum	X	X		X	X
Viburnum tinus species	Laurustinus variety		X		X	

Groundcovers

		Internal Parking Lot Landscaping					
		Landscape screening areas			Native species		
				Year-round Interest		Historic District	
						Street Trees in SMC Title 14	
Ajuga reptans species	Carpet Bugle variety		X		X	X	
Arctostaphylos uva-ursi	Kinnikinnick	X	X	X	X	X	
Calluna vulgaris	Scotch Heather		X		X		
Cotoneaster microphyllus species	Cotoneaster variety	X	X		X		
Epimedium speices	Barrenwort variety		X		X		
Erica species	Heath variety		X		X		
Euonymus fortunei	Wintercreeper Euonymus	X	X		X	X	
Gaultheria ovatifolia	Wintergreen		X		X	X	
Gaultheria shallon	Salal	X	X	X	X	X	
Geranium macrorrhizum species	Cranesbill variety	X	X		X		
Hypericum calycinum	St. Johnswort	X	X		X	X	
Ilex crenata varieties and cultivars	Japanese Holly	X	X		X		
Mahonia nervosa	Cascade Mahonia		X	X	X		
Mahonia species	Mahonia variety	X	X		X	X	
Rubus calycinoides	Bramble	X	X		X	X	
Rubus pedatus	Strawberry Bramble		X		X	X	
Sarcococca hookerana	Sarcococca		X		X	X	
Vinca minor	Periwinkle		X		X		

List of References:

1. Brenzel, Kathleen N. ed. *Sunset Western Garden Book*. Menlo Park, CA: Sunset Publishing Corp. 2001.
2. Brickell, Christopher and Judith D. Zuk, eds. *The American Horticultural Society; A-Z Encyclopedia of Garden Plants*. New York: Dorling Kindersley Limited. 1996.
3. Grant, John A. and Carol L. Grant. *Trees and Shrubs for Pacific Northwest Gardens*. Portland: Timber Press, Inc. 1990.
4. Link, Russell. *Landscaping for Wildlife in the Pacific Northwest*. Seattle & London: University of Washington Press. 1999.
5. Taylor, Norman. DeWolf, Gordon P., Jr. Ed. *Taylor's Guide to Ground Covers, Vines, & Grasses*. Boston: Houghton Mifflin Company. 1987.

2. Trees. Deciduous trees or broad leaf evergreen trees shall have a minimum caliper two and one-half (2½) inches measured four (4) feet above ground level. Trees in street right-of-way shall be a minimum two (2) inch caliper, dbh. Coniferous trees shall be a minimum of six (6) feet in height. (Ord. 1917, 2000)
3. Shrubs and ground cover. An informal arrangement of plants shall be installed in order to provide a variety of height and texture that will enhance the architectural designs and attractively screen views of parked vehicles and visually incompatible site land uses, including, but not limited to, parking, dumpsters and service areas. Unless more specifically required, ground covers shall be installed so there is at least 75 percent coverage in two years. Installed shrubs shall be a minimum eighteen (18) inches in height, when mature height is three (3) feet for more. Shrubs with mature height of less than three (3) feet shall be a minimum of twelve (12) inches in height at planting.
4. Applicant may select species other than those listed, only with approval of the City.

B. Street frontage landscaping.

Street frontage landscaping shall comply with the two sets of design standards adopted by the City of Snohomish: the Design Standards and Guidelines for the City's Historic

District and the Design Standards and Guidelines for Areas Outside of the Historic District.

- C. Perimeter landscaping on Interior lot lines (buffering requirements).
1. To provide visual separation between abutting properties, the minimum planting strips of the designated width and landscape type shall apply on interior property lines, according to the following table:

TABLE I

Adjacent to Land Use	Single Family	Multi-family Residential	Commercial	Industry Bus. Park	Mobile home Park
Single-Family Residence	None	Type III 8' Wide	Type III 10' Wide	Type IV 20' Wide	Type III 10' Wide
Multi-family. Residence	None	Type III 10' Wide	Type III 10' Wide	Type IV 20' Wide	Type III 10' Wide
Mobile home Park	None	Type III 10' Wide	Type III 10' Wide	Type IV 20' Wide	None
General Commercial	None	Type III 10' Wide	None	Type III 10' Wide	Type III 10' Wide
Industry/ Bus. Park	None	Type IV 10' Wide	Type III 10' Wide	None	Type III 10' Wide

Note: In reaching a conclusion as to the exact landscaping buffer requirement to be used with regard to a specific development proposal, consideration shall be given to any existing buffer which may have been required on the adjacent property as a condition of the development on that property and how the additional buffer required of the new development may complement the earlier planting to produce a more effective result.

Churches, auditoriums, and recreation facilities, including clubs, located in an Single-Family designation shall install and maintain a Type III planting strip, ten feet (10') in width, on any interior property line. Where these uses are located in any use other than single-family, landscaping shall be provided in accordance with TABLE I above.

Buffer requirements may be adjusted based upon Design Review Board or City Planner approval, see Section 14.240.010(F).

- D. Interior lot landscaping. The two sets of design standards adopted by the City of Snohomish: Design Standards and Guidelines for the City's Historic District and a separate set of Design Standards and Guidelines for Areas Outside of the Historic District will be used for primary guidance in this area.
- E. Outdoor storage and dumpsters. The two sets of design standards adopted by the City of Snohomish: the Design Standards and Guidelines for the City's Historic District and the Design Standards and Guidelines for Areas Outside of the Historic District will apply.
- F. Landscape types. The intent of the landscape type and the minimum requirements for

each are described below. For minimum required plant sizes see Section 14.240.040(C), Landscape Development Standards.

1. TYPE I: Open Area Landscaping.
 - a. Purpose. Type I landscaping is intended to visually soften large open spaces of parking areas.
 - b. Description. Type I landscaping shall consist of deciduous trees spaced a maximum of thirty-five (35) feet on center in a continuous planting bed; a maximum of seventy-five (75) feet on center with segmented planting areas; and low lying shrubs with a maximum height of thirty-six (36) inches and ground cover or grass, which combined with shrubbery provide at least 75 percent coverage of the landscaped area within two years. Planting areas shall have a minimum width of four (4) feet. (See Figure 1)
2. TYPE II: Ornamental Landscaping.
 - a. Purpose. Type II landscaping is intended to provide visual relief and add to the overall quality of a development by softening the effect of the new building upon the landscape.
 - b. Description. Type II landscaping shall consist of conifer and deciduous trees planted an average of thirty (30) feet apart on center in beds at least five (5) feet in width, along with evergreen and deciduous shrubs and ground cover forming an effective screen so as to cover over 75 percent of the landscaped area within two years. (See Figure 2)
3. TYPE III: Visual Buffer.
 - a. Purpose. Type III landscaping is intended to provide visual separation of incompatible uses from streets, arterials, and along property lines.
 - b. Description. Type III landscaping shall consist of conifers or a mixture of coniferous and deciduous (no greater than 80 percent deciduous) trees. Maximum spacing shall be twenty (20) feet on center for evergreen trees and thirty-five (35) feet on center for deciduous trees. Shrubs and live ground covers shall provide for at least 75 percent coverage of landscaped area within a two year period. An earthen berm may be used with low shrubbery (maximum thirty-six (36) inches, mature height) in place of more level terrain with larger three (3) to five (5) foot shrubbery. (See Figure 3)
4. TYPE IV: Solid Screening.
 - a. Purpose. Type IV landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.
 - b. Description. Type IV landscaping shall consist of a double row of evergreen trees (with rows offset) planted at a maximum spacing of fifteen (15) feet triangulated on center, earth berming at a minimum height of two and one-half (2½) feet, along with a ground cover to provide 85 percent surface coverage within two years. As an alternative to earth-berming, a six (6) foot high sight-screening fence may be incorporated into the landscaping, as approved by the Design Review Board. (See Figure 4)

14.240.050 Maintenance of landscaping

Vegetation must be maintained and kept healthy for two years through at least two growing seasons. A maintenance guarantee specified by the City as acceptable shall be provided by the developer/owner for landscaping required by the City for any development project. The maintenance guarantee shall be in an amount equal to 20 percent of the total landscape construction costs and shall be in effect for at least two full growing seasons (March through October). The developer/owner must provide this landscape maintenance guarantee to the City at the time of final inspection of the development project.

14.240.060 Fence and wall regulations

- A. General regulations. Installation of fences and walls, except for public utility purposes, shall comply with the following general requirements:
1. The two sets of Design Standards adopted by the City of Snohomish: the Design Standards and Guidelines for the City's Historic District and the Design Standards and Guidelines for Areas Outside of the Historic District will apply.
 2. A building permit issued by the Building Official is required for installation. Plans and specifications may also be required for permit approval.
 3. All fences and walls must meet the requirements for height, setback, sight obstruction, maintenance, and special location provisions as set forth in this section. The type, size, location and height of fencing proposed for tennis courts, parks, or athletic fields shall be categorically exempt from the requirements outlined in this chapter and will be reviewed and approved by the Planning and Development Services Department on a project-by-project basis.
 4. No fence shall create a safety hazard or sight obstruction in accordance with SMC 14.210.160.
 5. Fence height is based on elevation from ground level.
 6. No fences or walls shall be allowed in the public right-of-way except under the following conditions:
 - a. The proposed fence is in a residential land use designation.
 - b. The right-of-way is in excess of sixty (60) feet.
 - c. No safety or vision problem is created for vehicular or pedestrian traffic.
 - d. There will be no obstruction to the operation of utility equipment and the maintenance of utility lines.
 - e. The fence will be located on the non-street side of the sidewalk.
 - f. The property owner shall execute and record an agreement to maintain and remove the fence at the owner's expense if required by the City or other public utility in order to work in the right-of-way.
 7. Electric fences shall be a minimum of two (2) feet from the property line.
- B. Electrical fences. Electrical fences shall comply with the following:
1. Use an interrupted flow of current at intervals of one second on and two seconds off.
 2. Be limited to two thousand (2,000) volts at seventeen (17) milliamperes current.

3. Require an “U.L. Approved” seal.
 4. Be posted with permanent signs with a minimum area of thirty-six (36) square inches at intervals of fifty (50) feet stating that the fence is electrified.
- C. Residential and public land use designation area regulations. Fences constructed in residential and public land use designation areas shall comply with the following requirements:
1. Barbed wire is prohibited.
 2. Within Front Setback.
 - a. Solid Fence. No higher than three (3) feet unless it connects side fences to the structure.
 - b. Open Fence. Up to five (5) feet if it does not create a sight obstruction.
 3. Within Rear Yard Setback. Any type fence no higher than six (6) feet.
 4. Within Side Yard Setback. Any type fence no higher than six (6) feet except on the street side of a corner lot where a fence must meet the sight clearance for intersections set forth in SMC 14.210.160.
- D. Commercial and industry land use designation area regulations. Fences constructed in commercial and industry land use designation areas shall comply with the adopted Design Standards which apply in these areas.
- E. Urban horticulture land use designation area. Fences constructed in urban horticulture land use designation areas may be of any suitable material no higher than seven (7) feet on any part of the lot.
- F. Historic District. Fences constructed in the Historic District shall comply with the Design Standards and Guidelines for the City’s Historic District.
- G. Retaining walls.
1. Retaining wall installations in all land use designation areas must comply with the adopted City of Snohomish Design Standards which apply within said areas.
 - a. Except as otherwise provided below, retaining wall permits shall be required for all retaining walls. The permit application must include a site plan, drawn to scale which shows:
 - i. The whole property and the property lines;
 - ii. At least 50 feet of all adjacent properties, as measured from the proposed retaining wall;
 - iii. All structures, including existing retaining walls, within 50 feet of the proposed wall;
 - iv. Existing topography with contour lines at 2-foot vertical intervals. Topographical data obtained from public records, is acceptable.
 - v. The materials proposed for use in construction;
 - vi. The location of the proposed wall with all dimensions necessary to describe its location;
 - vii. A cross-section showing the wall and provisions for drainage.
 - b. Building permits, in addition to retaining wall permits, are required for all retaining walls greater than four feet in height.
 - c. No private retaining wall may be located in City rights of way except as

- may be otherwise provided in the Snohomish Municipal Code.
- d. The height of a retaining wall shall be measured from the lowest part of the wall or wall footing to the highest part of the wall at every location along the wall.
 - e. Except as otherwise provided below, retaining walls greater than two feet and less than or equal to four feet in height must be setback a minimum of two feet from all property lines, measured from the nearest part of the wall excluding the footing, provided that no part of the footing may extend beyond the property line of the lot on which it is located.
 - f. A retaining wall, located in a side yard adjacent to another lot, and over four feet in height at any point along the wall, must meet the setback requirements for structures in the land use designation in which it is located.
 - g. Guardrails placed at the top of retaining walls, pursuant to the Uniform Building Code, shall be permitted as part of the wall, and shall not be considered to be a fence or part of the wall height.
 - h. A retaining wall may terminate at a property line, provided that it must abut a retaining wall on the adjacent property and is structurally independent from such wall.
2. Additional regulation applicable to retaining walls in land use designations other than single family. Retaining walls greater than two feet and less than or equal to four feet in height may be located at the property line if both retaining wall permits and building permits have been obtained.
 3. Exemptions.
 - a. No permits shall be required for walls two feet or less in height.
 - b. The City may waive the requirement for a retaining wall permit when:
 - i. Every part of the wall is set back at least five feet from all property lines;
 - ii. The wall is no greater than four feet in height;
 - iii. The wall does not affect the structural integrity of adjacent structures;
 - iv. Such waiver is made in writing by the City Planner or designee.
 - c. No permits shall be required for retaining walls within new plats that are reviewed and approved by the City as part of the plat improvements. No setbacks shall be required for such walls.
 4. Variances. The provisions of Chapter 14.70 SMC shall apply to requests for variances from the requirements of this chapter.

FIGURE 1
Type I -- Open Area

14.240.040 G(1)(b)

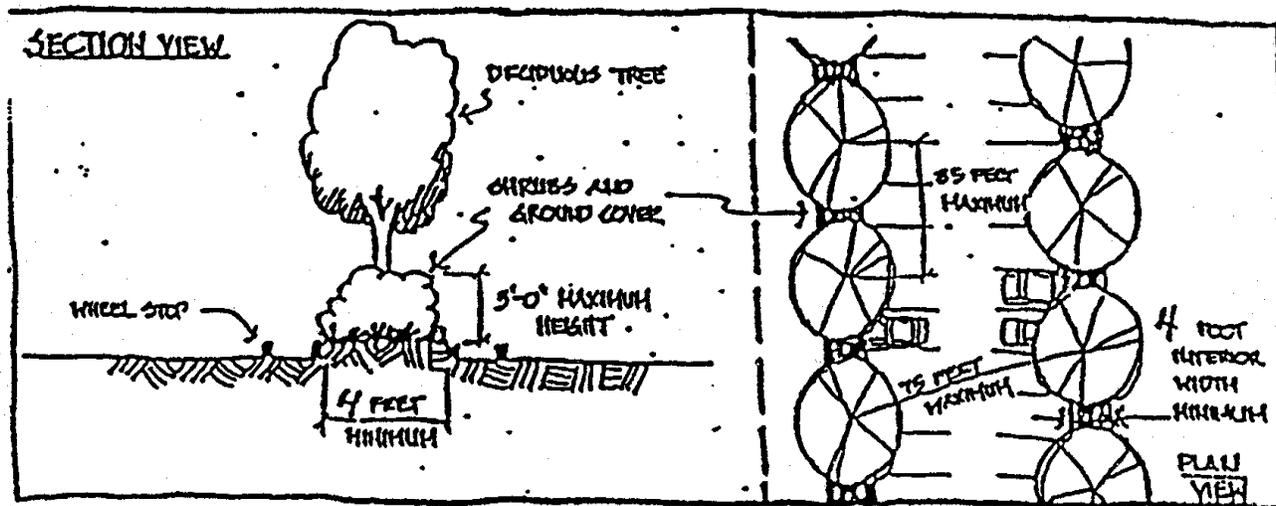


FIGURE 2
Type II -- Ornamental
14.240.040 G(2)(b)

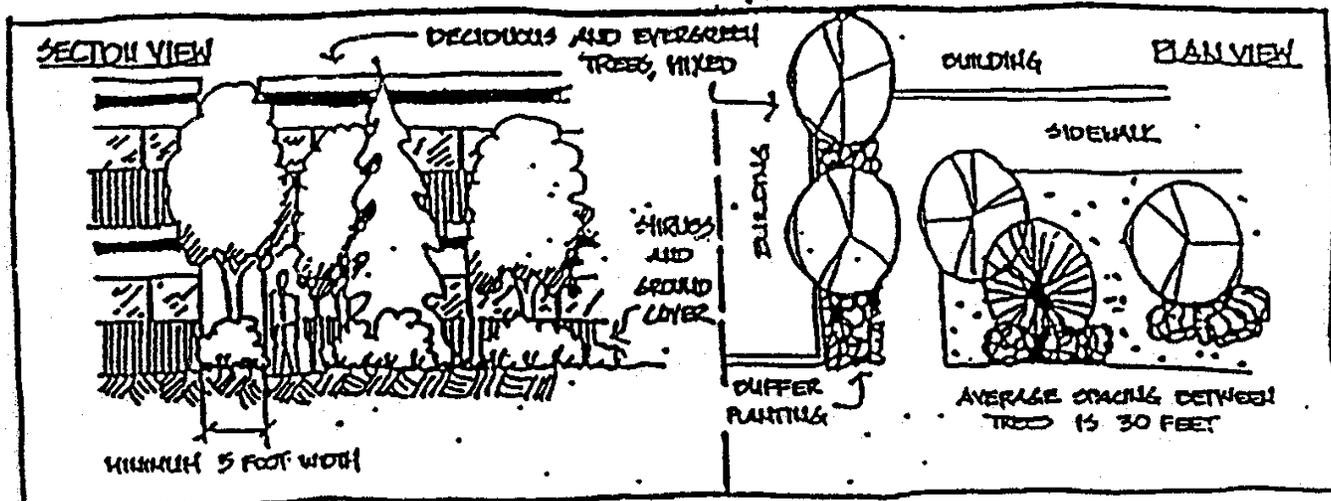


FIGURE 3
 Type III -- Visual Buffer
 14.240.040 G(3)(b)

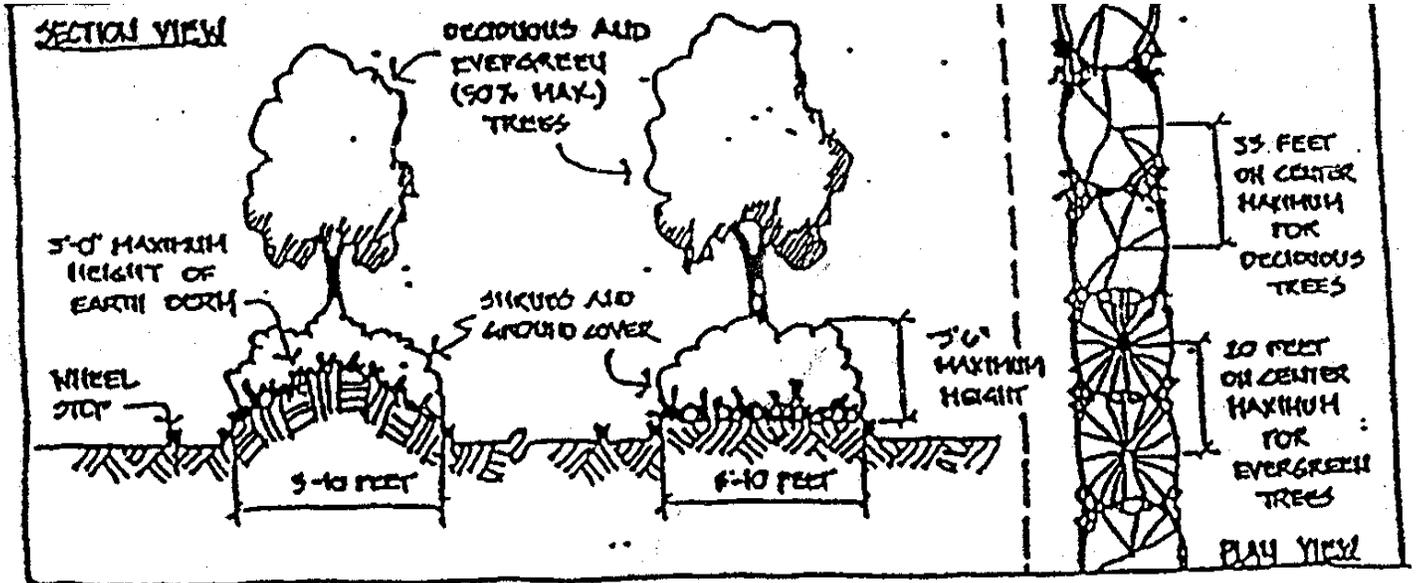


FIGURE 4
 Type IV -- Solid Screening
 14.240.040 F(4)(b)

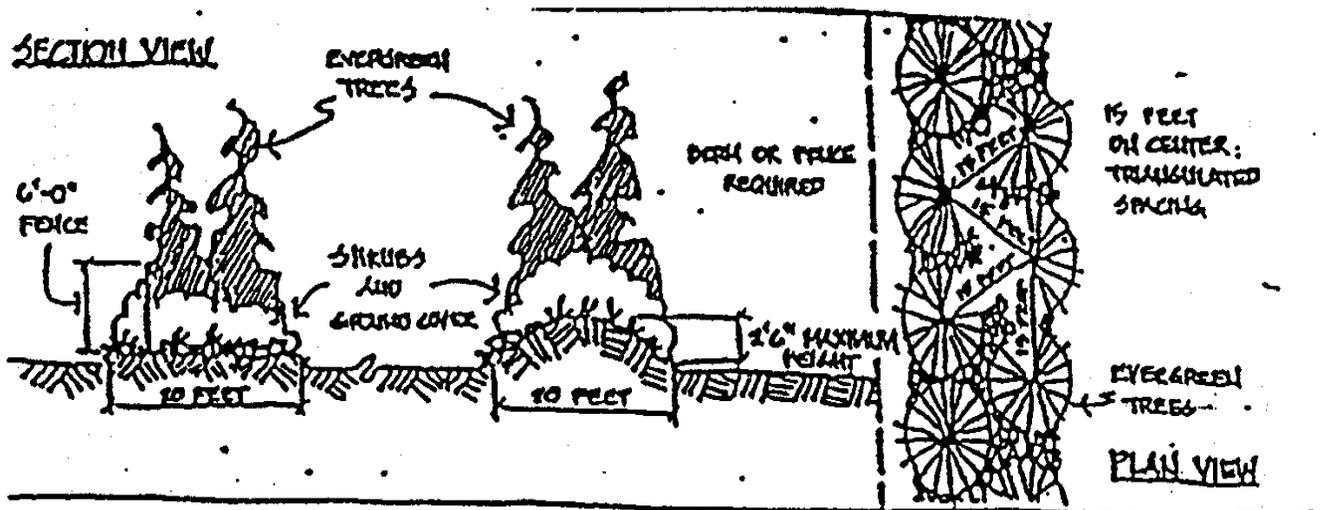
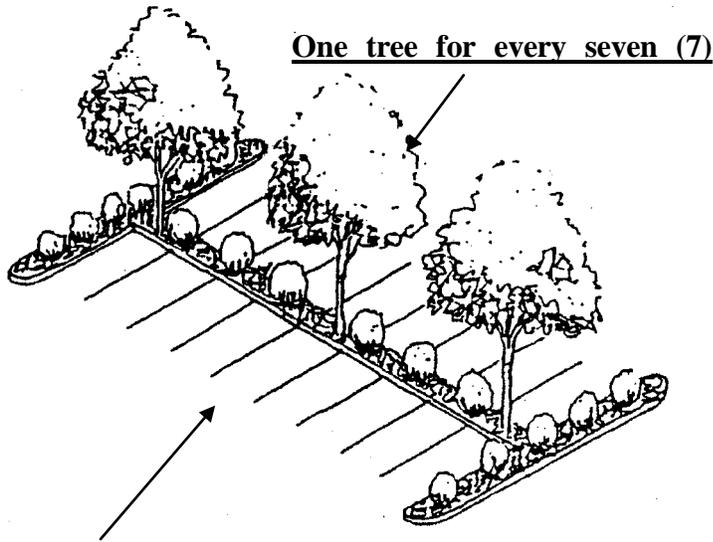
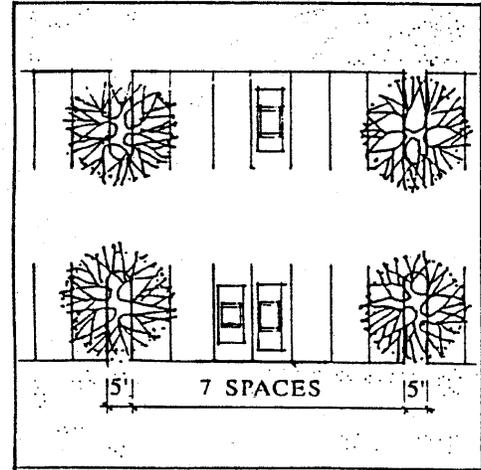


FIGURE 5
14.240.040(F)(3)(d)(1)



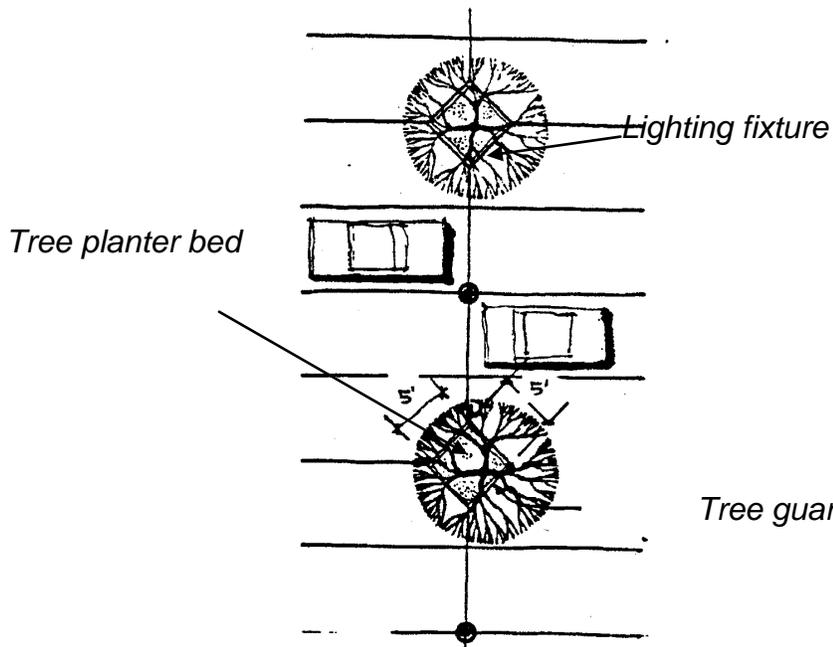
Groundcover
(See SMC
14.240.040(G) for
required groundcover)

FIGURE 6
14.240.040(F)(3)(d)(2)



Tree guards required

FIGURE 7
14.240.040(F)(3)(d)(3)



Tree guards required

Chapter 14.245

SIGNS

**THE ENTIRE SIGNS CHAPTER IS BEING REVISED IN A
SEPARATE PROCESS**

Chapter 14.250

SHORELINE DEVELOPMENT

Sections:

- 14.250.010 Shoreline management master program adopted by reference
- 14.250.020 Substantial development permit
- 14.250.030 Variances

14.250.010 Shoreline management master program adopted by reference

The Shoreline Management Master Program of the City of Snohomish, as adopted by the City Council on December 7, 1976, and as adopted by the Washington State Department of Ecology on September 20, 1974, is hereby adopted by reference. Likewise the shoreline environments as shown on the “Shoreline Environment Designation Map” are hereby adopted.

14.250.020 Substantial development permit

- A. No “substantial development” as defined by RCW 90.58.030(3)(e) shall be undertaken on the shorelines of the City of Snohomish without a substantial development permit from the City. Substantial development permits are Type 6 permits. See Chapter 14.50 SMC. The application form shall establish the submittal requirements.
- B. No substantial development permit shall be issued which is inconsistent with Chapter 90.58 RCW, the shoreline management guidelines of the Department of Ecology, or the Shoreline Management Master Program of the City of Snohomish.
- C. No substantial development permit shall be issued for:
 - 1. Surface drilling for oil and gas within one thousand feet landward from the ordinary high water mark.
 - 2. Structures more than thirty-five feet above the average grade level that will obstruct the view of a substantial number of adjoining residences unless the master program permits the same and then only when overriding considerations of the public interest are served.

14.250.030 Variances

- A. Substantial development permits may be granted with flexibility from certain provisions per SMC 14.70.030(A), when it is found that:
 - 1. The criteria of WAC 173-27-170 are complied with.
 - 2. The variance will be in harmony with the purpose of this chapter and the shoreline management master program.
- B. Shoreline variances shall be processed as Type 6 permits (see Chapter 14.50 SMC) except that, in accordance with RCW 90.58.140(10), the City shall not render a decision but rather shall forward a recommendation to the Washington Department of Ecology, which shall approve or disapprove.

Chapter 14.255 – 14.280
ALL CRITICAL AREAS CHAPTERS
ARE BEING REVISED IN A SEPARATE PROCESS

Chapter 14.285

LOW-INCOME HOUSING INCENTIVES

Sections:

- 14.285.010 Purpose
- 14.285.020 Eligibility
- 14.285.030 Parking Requirements
- 14.285.040 Procedure for Review and Approval
- 14.285.050 Density Incentive

14.285.010 Purpose

The intent of this chapter is to encourage development of low-income housing within the City of Snohomish in order to meet the housing needs of all economic segments of the community and to meet the goals and objectives of Washington's Growth Management Act, Chapter 17, Laws of 1990, while maintaining high standards of design. This chapter provides for density incentives, which may be granted by the City when certain ownership and management criteria are met by the proposed low-income development. Additionally, in order to further encourage the development of low-income housing within the City of Snohomish, this chapter will provide for relaxed parking requirements upon a showing by the project proponent that parking impacts of the project will be less than would be required by Chapter 14.35 SMC.

14.285.020 Eligibility

A low-income housing density incentive may be granted to multi-family projects being developed within land use designations Multi-family Residential 12, Multi-family Residential 18 and Multi-family Residential 24, as regulated by SMC Title 14. This chapter shall amend the permitted density provisions of these land use designations such that Multi-family residential developments may be granted a 10 percent unit density incentive, if all of the following criteria are met:

- A. The property owner is either a governmental agency or a non-profit corporation, incorporated pursuant to Chapter 24.03 RCW, which will manage the development of the project to meet the housing needs of low-income persons as defined by the federal or state low-income standards.
- B. The owner will covenant with the City of Snohomish to manage the development for low-income housing purposes for a minimum of thirty years.
- C. The owner will enter into a binding covenant with the City, which covenants site and building design and other conditions required to grant the density incentive.
- D. The density incentive will not be permitted for projects with a pre-incentive development containing more than forty units upon any given site or within any given development. To qualify for a density incentive, a development must be no more than forty units, and any development shall be separated from other developments

qualifying for density incentive by an unrelated land use, under separate ownership, other than a public or private street, easement, or buffer strip. However, where a 10 percent density bonus is requested for projects between twenty and forty units, the 10 percent density bonus may be denied or reduced, if shopping opportunities are not available within reasonable proximity and if neighborhood parks are not within reasonable proximity or recreational opportunities are not provided on site.

- E. The project proponent will demonstrate through occupancy studies that the increase in density will not result in a significant increase in the on-street parking, traffic, park and utility impacts in the neighborhood over those which would be expected by a project developed at the pre-incentive density.

14.285.030 Parking requirements

Parking requirements contained within Chapter 14.35 SMC shall be modified for projects meeting the criteria for eligibility stated in SMC 14.285.020. If a low-income housing project is designed and devoted solely to the use by senior residents, meaning persons over 65 years of age, one stall of off-street parking per dwelling unit shall be provided. Other low-income projects shall provide one and one-half off-street parking stalls per dwelling unit. The location, use, and construction of parking areas shall comply with all appropriate requirements described in Chapter 14.35 SMC. To qualify for relaxed parking requirements, the project proponents shall present a study to the City showing that the parking requirements of the occupants shall not exceed the parking stalls required pursuant to this section.

14.285.040 Procedure for review and approval

Density incentives and any relaxation of parking requirements shall be granted only upon review of the application and binding covenant as specified in Chapter 14.285 SMC by the Hearing Examiner and review under the City's Design Standards. The Hearing Examiner, after a public hearing, shall approve or deny the application and binding covenant. A low-income development which receives a density incentive and/or a relaxation of parking requirements shall not receive building, construction, or other permits until the binding covenant has been executed.

14.285.050 Density incentive

A multi-family project meeting the eligibility criteria contained within SMC 14.285.020 shall be granted a 10 percent density incentive, which shall be rounded up to the next whole unit.

Chapter 14.290

SCHOOL IMPACT FEES

Sections:

- 14.290.010 Purpose
- 14.290.020 Applicability
- 14.290.030 Incorporation of school district capital facilities plan as a sub-element of the City capital facilities plan
- 14.290.040 Establishment of impact fees
- 14.290.050 Exemptions from impact fees
- 14.290.060 Procedure for determining mitigation impacts
- 14.290.070 Method for calculating impact
- 14.290.080 Administrative adjustment of fee amount
- 14.290.090 School district impact area
- 14.290.100 Comparable In-kind mitigation option
- 14.290.110 Credit for payment or obligation previously incurred
- 14.290.120 Time of performance for mitigation of impact
- 14.290.130 Use of impact mitigation funds
- 14.290.140 Unacceptable impact levels
- 14.290.150 Impact fee schedule exemptions
- 14.290.160 Impact fee limitations
- 14.290.170 Revision of school district CFP
- 14.290.180 Annual report
- 14.290.190 Appeals

14.290.010 Purpose

The regulations contained in this chapter are necessary for the protection and preservation of the public health, safety, and general welfare of the citizens of the City of Snohomish. The public school system which serves City residents is unable to provide the services required to meet the educational needs of the growing community. The purposes of this chapter are (1) to ensure that adequate school facilities are available to serve new growth and development; and, (2) to require that new growth and development pay a proportionate share of the costs of new school facilities needed to serve new growth and development.

14.290.020 Applicability

The terms of this title shall apply to all residential development as defined herein for which a complete application for approval has been submitted on or after the effective date of this chapter.

14.290.030 Incorporation of school district capital facilities plan as a sub-element of the City capital facilities plan

By separate ordinance, the City Council has adopted and incorporated by reference the Capital Facilities Plan of the Snohomish School District as a subelement of the Capital Facilities Element of the City's Comprehensive Plan. The necessary school facilities and the methodology and schedule of school impact fees set forth in the School District's Capital

Facilities Plan shall constitute the basis for the school impact fees established in SMC 14.290.040.

14.290.040 Establishment of impact fees.

As a condition of approval of all development or development activity, as defined herein, or as a condition of issuance of a building permit for existing undeveloped lots, the City will require mitigation of adverse impacts on school services pursuant to the State Growth Management Act, RCW 36.70A, RCW 82.02 and this chapter. School impact fee amounts shall be based on the Snohomish School District’s Capital Facilities Plan 2005– 2010 as follows:

<u>Development</u>	<u>Per Unit Impact Fee</u>
Detached Single-Family Residence	\$5,798
Attached Single-Family Residence	\$5,798
Single Bedroom Apartments	\$0
Apartments with two or more bedrooms	\$2,017

14.290.050 Exemptions from impact fees

Accessory units, as defined in this title, are exempt from the requirements of this chapter.

14.290.060 Procedure for determining mitigation impacts

Approval of residential development by the City shall be contingent upon the project proponents documenting to the satisfaction of the City that the projects adverse impacts on existing primary and secondary public educational improvements identified by this chapter and the School District’s Capital Facilities Program. Documentation shall consist of a letter from the Snohomish School District stating that monetary, land, or comparable in-kind mitigation which meets the requirements of this chapter have been made by the project proponent.

14.290.070 Method for calculating impact fees.

The method and formula for determining any required school impact mitigation shall be as established by the Snohomish School District in its capital facilities plan and as adopted by the City of Snohomish in its Comprehensive Plan and this Chapter. The school impact fees shall be in conformance with the schedule set forth in SMC 14.290.040.

14.290.080 Administrative adjustment of fee amount

A. Within 14 days of acceptance by the City of a building permit application a developer or school district may appeal to the director for an adjustment to the fees imposed by this title. The City Planner may adjust the amount of the fee, in consideration of studies and data submitted by the developer and any affected district, if one of the following circumstances exists:

1. It can be demonstrated that the school impact fee assessment was incorrectly calculated;
 2. Unusual circumstances of the development demonstrate that application of the school impact fee to the development would be unfair or unjust;
 3. A credit for in-kind contributions by the developer is warranted; or
 4. Any other credit specified in RCW 82.02.060(1)(b) may be warranted.
- B. To avoid delay pending resolution of the appeal, school impact fees may be paid under protest in order to obtain development approval.
- C. Failure to exhaust this administrative remedy shall preclude appeals of the school impact fee pursuant to SMC 14.290.190 below.

14.290.090 School district impact area

The service area for which a subdivision or residential development shall be considered to have impacted, shall be the entire Snohomish School District. The District encompasses a geographic area in excess of that of the City of Snohomish; therefore, impact fees cannot be directly attributable to a specific geographic area at all times. This is particularly true for junior and senior high schools. The School District shall, however, attempt to designate impact mitigation for elementary schools, as much as possible, to the general geographic area in which the subdivision or residential development is located, especially in such cases where the school population for the subdivision or residential development is within what is considered normal walking distances between home and an elementary school or school site.

14.290.100 Comparable in-kind mitigation option

The Snohomish School District and the proponent of the project may consider in-kind options to satisfy the mitigation obligation. Land dedication, site preparation, provision of portable units, equipment purchases, and other in-kind mitigation options equivalent in value to the dollar amount required for mitigation may be utilized if acceptable to the School District, so long as the mitigation is found by the School District to be equal to the impact fees otherwise due under this chapter.

14.290.110 Credit for payment or obligation previously incurred

The dollar value of comparable in-kind mitigation shall be credited against the dollar amount of mitigation required pursuant to this chapter. If the dollar value of comparable in-kind mitigation or any impact element exceeds the dollar amount required for mitigation for that element, the project proponent shall be reimbursed from impact mitigation monies collected for the same or similar mitigation for subsequent projects. Any process or schedule for reimbursement shall be negotiated between the project proponent and the School District, a copy of which will be forwarded to the City of Snohomish to be included in the file for the project, prior to final development approval.

14.290.120 Time of performance for mitigation of impact

Payment of any required school impact fees or in-kind contribution shall be made prior to the issuance of a building permit. A project proponent may elect to pay before the final plat is

approved for the lots within a subdivision or residential development. Such election to pay shall be noted by a covenant placed on the deed for each affected lot within the subdivision or residential development. When a subdivision or residential development is conditioned upon the performance of a comparable in-kind mitigation, a final plat shall not be recorded, and no building permit for any individual lot shall be issued until the School District indicates in writing to the City that such in-kind mitigation has been satisfactorily completed.

14.290.130 Use of impact mitigation funds

The Snohomish School District shall use mitigation impact funds received under this chapter to meet its Capital Facilities Plan, so long as said mitigation funds received are used in the same manner as mitigation funds received from subdivisions and residential developments from outside of the City limits of the City of Snohomish; and further provided the use of said mitigation funds results in improvements to district-wide student housing.

14.290.140 Unacceptable impact levels

- A. The City shall review residential development proposals pursuant to all applicable state and local laws and regulations, including the State Environmental Policy Act (Chapter 43.21C RCW), the State Subdivision Law (Chapter 58.17 RCW), and the applicable sections of the Snohomish Municipal Code. Following such review, the City may condition or deny development approval as necessary or appropriate to mitigate or avoid significant adverse impacts to school facilities, to assure that appropriate provisions are made for schools, school grounds, and safe student walking conditions, and to ensure that development is compatible and consistent with each district's services, facilities and capital facilities plan.

- B. Impact fees required by this chapter for development, together with compliance with development regulations and other mitigation measures offered or imposed at the time of development review, shall constitute adequate mitigation for all of a development's specific adverse environmental impacts on the school system for the purposes of Chapter 16.12, SMC. Nothing in this chapter prevents a determination of significance from being issued, the application of new or different development regulations, and/or requirements for additional environmental analysis, protection and mitigation measures to the extent required by applicable law.

14.290.150 Impact fee schedule exemptions

The Council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income or senior housing that achieves broad public purposes as defined in Chapter 14.01.020 SCC, and authorized by and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer of such housing shall submit a petition to the Director for consideration by the Council prior to application for building permit. Conditions for such approvals shall be established by the Council at the time of approval that, at a minimum, meet the requirements of RCW 82.02.060(2), and which shall also include a requirement for a covenant to assure the project's continued use for low-income or senior housing. The covenant entered into by and between the developer and the City shall be an obligation that runs with the land, and shall be recorded against the title of the real

property upon which such housing is located in the real property records of the City of Snohomish. The covenant shall be reviewed and approved as to form by the City Attorney.

14.290.160 Impact fee limitations

- A. School impact fees shall be imposed for District capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall be used for system improvements that will reasonably benefit the new development.
- B. School impact fees must be expended or encumbered for a permissible use within six years of receipt by the District.
- C. To the extent permitted by law, school impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities, provided that school impact fees shall not be imposed to make up for any existing system deficiencies.
- D. A developer required to pay a fee pursuant to RCW 43.21C.060 for capital facilities shall not be required to pay a school impact fee pursuant to RCW 82.02.050 - .090 and this title for the same capital facilities.

14.290.170 Revision of school district CFP

The Snohomish School District must review and update its CFP biannually in order for this ordinance to remain in effect. The CFP must be submitted in reasonable time for City review in advance of the expiration of the current CFP. The City will accept the updated CFP by adopting the Snohomish School District CFP as part of the City CFP in the City Comprehensive Plan and annual budget.

14.290.180 Annual report

The Snohomish School District submit must to the City annually a report in accordance with the requirements of RCW 82.02.070 showing the system improvements that were financed in whole or in part by impact fees and the amount of funds collected, expended and held for future improvements. The annual report shall be sent to the City on or before April 1 of each year for the preceding calendar year.

14.290.190 Appeals

Appeals of mitigation requirements imposed pursuant to this title shall be as provided in Chapter 14.10 of the Snohomish Municipal Code.