

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2338

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE TO SIMPLIFY AND CLARIFY LAND USE PERMITTING PROCESSES BY REPEALING CHAPTERS 14.20, 14.25, 14.30, 14.35, 14.40, 14.45, 14.50, 14.55, 14.75, AND 14.82 SNOHOMISH MUNICIPAL CODE; AMENDING CERTAIN SECTIONS IN CHAPTERS 14.205, 14.215, 14.220, 14.225, 14.230, AND 14.242 SNOHOMISH MUNICIPAL CODE; ADOPTING REVISED CHAPTERS 14.15, 14.65, AND 14.80 SNOHOMISH MUNICIPAL CODE; ADOPTING NEW CHAPTERS 14.20 AND 14.55 SNOHOMISH MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, The City has the authority under RCW Title 35A to adopt regulations related to processing of land use development permits; and

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

WHEREAS, Chapters 14.25-14.50 SMC create six types of permits which are cumbersome to administer and out of date; and

WHEREAS, the decision-making authority and appeal authority is spread out throughout the Development Code and difficult to administer; and

WHEREAS, the City Council desires the processing of land use development permits to be efficient and easy to understand and administer; and

WHEREAS, the intent to amend development regulations was noticed in accordance with City of Snohomish procedures and regulations as provided for in SMC 14.15.070 and on Sept. 18, 2017 a 60-day notice of intent to amend development regulations was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on Aug. 28, 2017. No appeal of the determination was received so the determination stands; and

WHEREAS, on June 7, 2017, the Planning Commission conducted a work session which was open to the public to discuss the proposed amendments; and

WHEREAS, on November 1, 2017, a public hearing on the proposed amendments set forth herein was held before the Planning Commission and all persons wishing to be heard were heard; and

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

WHEREAS, on November 21, 2017, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

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

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

Section 1. Chapters 14.20, 14.25, 14.30, 14.35, 14.40, 14.45, 14.50, 14.55, 14.75, and 14.82 SMC repealed. Chapters 14.20, 14.25, 14.30, 14.35, 14.40, 14.45, 14.50, 14.55, 14.75, and 14.82, Snohomish Municipal Code are hereby repealed in their entirety.

Section 2. Revised Chapter 14.15 SMC adopted. A revised Chapter 14.15 SMC, Amendments to the Comprehensive Plan, Land Use Map, and Development Code, is hereby adopted to read as set forth in “Exhibit A” and incorporated herein by reference.

Section 3. New Chapter 14.20 SMC adopted. A new Chapter 14.20 SMC, Permit Classifications and Development Review Process, is hereby adopted to read as set forth in “Exhibit B” and incorporated herein by reference.

Section 4. New Chapter 14.55 SMC adopted. A new Chapter 14.55 SMC, Conditional Use Permits, is hereby adopted to read as set forth in “Exhibit C” and incorporated herein by reference.

Section 5. Revised Chapter 14.65 SMC adopted. A revised Chapter 14.65 SMC, Site Development Plans, is hereby adopted to read as set forth in “Exhibit D” and incorporated herein by reference.

Section 6. Revised Chapter 14.80 SMC adopted. A revised Chapter 14.80 SMC, Nonconforming Uses and Structures, is hereby adopted to read as set forth in “Exhibit E” and incorporated herein by reference.

Section 7. SMC 14.205.055 amended. SMC 14.205.055, Business Park Designation, is hereby amended to read as follows:

14.205.055 Business Park Designation. The purpose of this designation is to provide areas suitable for a mix of light manufacturing and commercial uses while discouraging strip commercial development. The purpose of this designation is also to broaden the array of

developable areas to include those with environmental constraints. Development will occur under strict aesthetic and environmental controls. This designation is intended to designate and preserve properties for commercial and manufacturing activities, which could improve the economic base of the City. Multiple family type residential use is permitted in conjunction with commercial use on the same site.

1. Business Parks shall have access to at least one major arterial. Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.
2. Criteria for approval of the site development plan shall include the prevention of strip commercial development and the protection of environmentally critical areas. The City and the applicant may agree to process a site development plan application as a Type 4 instead of a Type 2-permit.
3. A minimum of five (5) acres will normally be required for a Business Park development; however, existing smaller parcels that cannot be aggregated together to establish a five (5) acre project will be allowed subject to appropriate review and conditions.
4. Townhouse and apartment styles of residential use are permitted in conjunction with commercial use on the same site.
5. In Business Park areas, the Planning Director or Hearing Examiner may determine that two or more non-contiguous parcels constitute one development site when all of the following conditions are satisfied:
 - a. The parcels are within 0.25 mile, measured between nearest property lines, so that land development conditions and issues are substantially similar.
 - b. The parcels are in common ownership throughout the permitting and construction process.
 - c. Construction activity upon all parcels is requested, reviewed, and permitted through one land use development application.
 - d. Signs, structures, and other improvements on all parcels exhibit common architectural design features.
 - e. The names given to development on the non-contiguous parcels have common words and themes.
 - f. The parcels are connected by pedestrian walkway.

Section 8. SMC 14.205.065(C) amended. SMC 14.205.065(C) is hereby amended to read as follows:

- C. Development will be pursuant to site development plan.
 1. Criteria 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.

Section 9. SMC 14.205.070 amended. SMC 14.205.070, Mixed Use Designation, is hereby amended to read as follows:

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. The development of mixed uses on the same site and/or in the same structure will be encouraged by incentives such as shared parking.

Section 10. SMC 14.215.020(B)(4) amended. SMC 14.215.020(B)(4) is hereby amended to read as follows:

4. Consistency with the concurrency requirement of SMC 14.20.090.

Section 11. SMC 14.220.020 amended. SMC 14.220.020, Applicability, is hereby amended to read as follows:

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 Multi 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 preliminary plat in accordance with Chapter 14.215 SMC.
- D. The application 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 floor plans but shall depict the conceptual building elevations, 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.

Section 12. SMC 14.220.040 amended. SMC 14.220.040, Application and Review Procedures, is hereby amended to read as follows:

14.220.040 Application and Review Procedures

Preliminary planned residential developments shall be processed as Type 5 permits, and final planned residential developments shall be processed as Type 4 permits under Chapter 14.20 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 Planning & Development Services Department. The City's application forms shall be developed by the Planning Director 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 14.20.060.

Section 13. SMC 14.225.050 amended. SMC 14.225.050, Implementation of Design Standards – Reviewing Entity, is hereby amended to read as follows:

14.225.050 Implementation of Design Standards – Reviewing Entity

- A. Chapter 14.20 SMC establishes 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 Planning Director on conformance with the Design Standards for all development within the Historic District, provided that the Planning Director 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 Planning Director.

Section 14. SMC 14.225.060 amended. SMC 14.225.060, Exemptions, is hereby amended to read as follows:

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 14.20 SMC, 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.

Section 15. SMC 14.225.070 amended. SMC 14.225.070, Submittal Requirements, is hereby amended to read as follows:

14.225.070 Submittal Requirements

The applicant shall complete the appropriate application forms and submit the application and fee to the Planning Director. The City's application forms shall be developed by the Planning Director 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 SMC14.20.060.

Section 16. SMC 14.225.100 amended. SMC 14.225.100, Conduct of DRB Meetings, is hereby amended to read as follows:

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 Chapter 14.20 SMC.

Section 17. SMC 14.230.030 amended. SMC 14.230.030, Implementation of Design Standards – Reviewing Entity, is hereby amended to read as follows:

14.230.030 Implementation of Design Standards – Reviewing Entity

- A. Chapter 14.20 SMC establishes the processes wherein the City shall require conformance with the design standards.
- B. Outside the Historic District the Planning Director 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.

Section 18. SMC 14.230.040 amended. SMC 14.230.040, Exemptions, is hereby amended to read as follows:

14.230.040 Exemptions

Outside the Historic District, all City approvals of property improvements shall undergo design review as stated in Chapter 14.20 SMC, except the following which are exempt:

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

Section 19. SMC 14.230.050 amended. SMC 14.230.050, Submittal Requirements, is hereby amended to read as follows:

14.230.050 Submittal Requirements

The applicant shall complete the appropriate application forms and submit the application and fee to the Planning & Development Services Department. The City's application forms shall be developed by the Planning Director 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 14.20.060.

Section 20. **SMC 14.242.060(A) amended.** SMC 14.242.060(A) is hereby amended to read as follows:

A. A WCF exception is a Type 4 permit process.

Section 21. **SMC 14.242.170 amended.** SMC 14.242.170, Public Notice, is hereby amended to read as follows:

14.242.170 Public Notice

Public notice of WCF applications shall be in accordance with the provisions of SMC 14.20.130. Notice of WCF applications shall be provided as follows:

- A. SEPA-exempt Category 1 and Category 2 permits shall be exempt from notice requirements.
- B. Notice of application shall be issued for Category 3 permits for WCFs listed as Tier 3 or Tier 4 on the preference hierarchy in SMC 14.242.050.
- C. Public notice shall be in accordance with SMC 14.20.130, except that notice of application required. shall be mailed to all owners of property located within the City.

Section 22. **Findings, Conclusions, and Analysis.** In support of the amendments approved in this ordinance, the Snohomish City Council adopts the findings, conclusions, and analysis contained in the Planning Commission's Findings of Fact and Conclusions, attached hereto as "Exhibit F" and incorporated herein by reference.

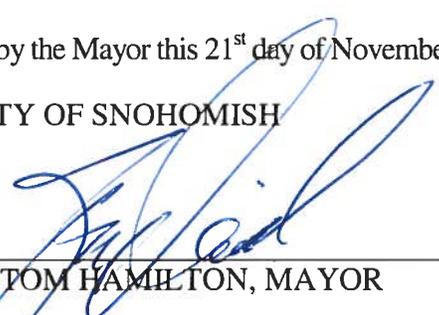
Section 23. **Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 24. **Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 25. **Effective Date.** This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 21st day of November, 2017.

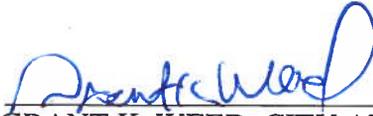
CITY OF SNOHOMISH

By 
TOM HAMILTON, MAYOR

ATTEST:

By 
Pat Adams, CITY CLERK

APPROVED AS TO FORM:

By 
GRANT K. WEED, CITY ATTORNEY

Date of Publication: 12-2-17

Effective Date: 12-7-17

EXHIBIT A

Chapter 14.15

**AMENDMENTS TO THE COMPREHENSIVE PLAN, LAND USE MAP, AND
DEVELOPMENT CODE**

Sections

- 14.15.010 Early and continuous public participation
- 14.15.020 Initiation of amendments
- 14.15.030 Scheduling consideration of 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
- 14.15.105 Amendments to the Development Code's Land Use Designation Map
- 14.15.110 Appeals

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 14.20.130, which are consistent with the requirements of RCW 36.70A.130, 140, and 470. Procedures, timelines, and application forms are available from the Planning & Development Services Department.

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 March 31st shall be processed in the following calendar year as Type 5 permits. The Planning Director 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 5 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 Planning Director, 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. (Ord. 2092, 2006)

14.15.030 Scheduling Consideration of Proposed Amendments

The Planning Director 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 Planning & Development Services Department subject to payment of prescribed fees. The Planning Director shall verify completeness and shall docket complete requests.
- B. Once a proposed amendment to the Comprehensive Plan or Development Code has been drafted, the Planning Director 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 Planning Director 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 Planning Director 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 65 permit.
 - e. The Planning Director, at his or her discretion, 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 Planning Director 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 Planning Director or designee 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 Planning Director 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 14.20 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.

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

Amendments to the Development Code's Land Use Designation Map shall be consistent with the Growth Management Act, and shall be in the public interest.

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.

COMPREHENSIVE PLAN OR DEVELOPMENT CODE AMENDMENT

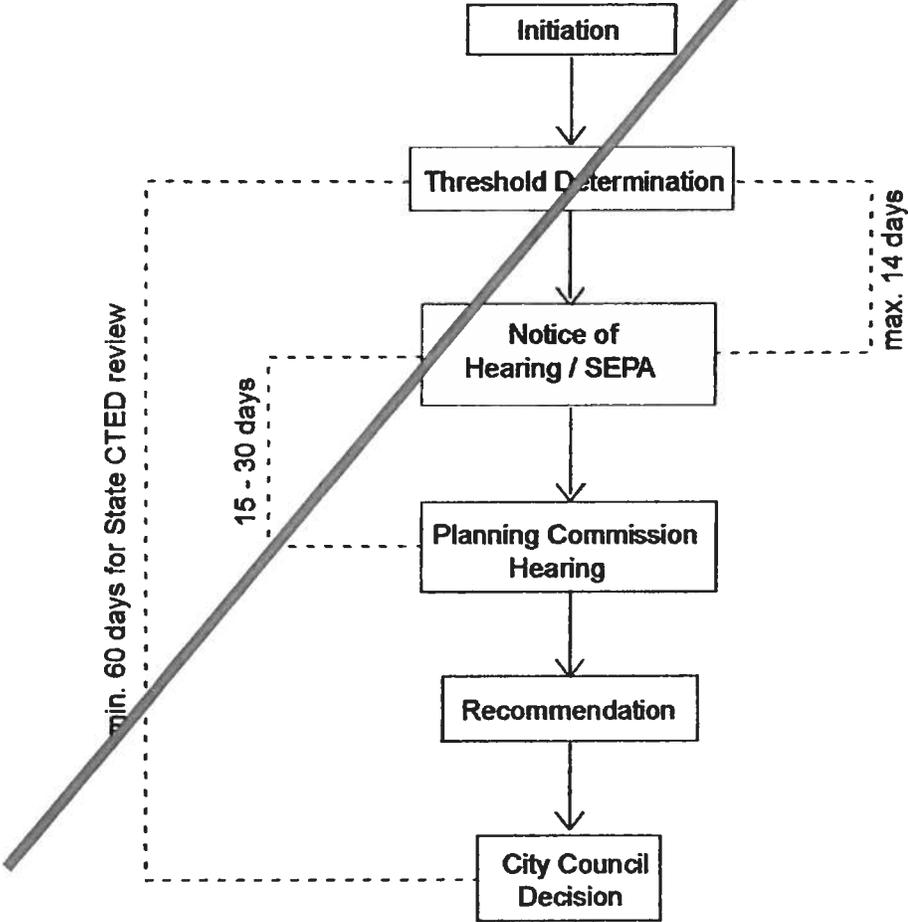


EXHIBIT B

Chapter 14.20

PERMIT CLASSIFICATIONS AND DEVELOPMENT REVIEW PROCESS

- 14.20.010 Purpose
- 14.20.020 Permit Classifications
- 14.20.030 Consolidation of Permits
- 14.20.040 Pre-Application Process
- 14.20.050 Design Review
- 14.20.060 Application Information Requirements
- 14.20.070 Acknowledgement of Owner
- 14.20.080 Determination of Legal Status of Lot or Parcel
- 14.20.090 Concurrency
- 14.20.100 Land Use Permit Review Process
- 14.20.110 Determination of Completeness and Review Timeframes
- 14.20.120 Permit Approval Timeframes and Expiration
- 14.20.130 Public Notice
- 14.20.140 Permit Conditions
- 14.20.150 Assignability of Permits
- 14.20.160 Minor Changes
- 14.20.170 Appeals
- 14.20.180 Vesting of Applications

14.20.010 Purpose

The purpose of this chapter is to establish a land use development permit review process, as established by state law, for considering consistency of a proposed project with the applicable development regulations. These regulations establish a mechanism for implementing the provisions of the Growth Management Act regarding compliance, conformity, and consistency of land use development permit review with the Snohomish Comprehensive Plan and existing development regulations.

These procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the land use review process, decisions, and consolidated appeal processes. These procedures are intended to:

1. promote timely and informed public participation;
2. process permits equitably and expediently;
3. balance the needs of permit applicants with those of neighboring properties;
4. ensure that decisions are made consistently and predictably;
5. eliminate redundancy and confusion in the application, permit review, and appeal processes; and
6. result in development that furthers the City's vision, goals, and policies as set forth in the Comprehensive Plan.

14.20.020 Permit Classifications

- A. The director shall determine the proper classification for all project permit applications. Any reference in the land use development code or other City ordinance to a review process that no longer exists shall be construed to refer to the comparable process in this title. If the director determines that the choice among appropriate classifications cannot be ascertained from the code and its intent, the director shall resolve it in favor of the higher classification number.
- B. A project that involves two or more land use permits may be processed collectively under the highest numbered classification required for any part of the application or processed individually under each of the classifications identified by the specific City regulation. The applicant may determine whether the application is processed under the individual procedure option. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to the subsequent lower numbered procedure.
- C. The land use development permit application review shall follow the underlying permit review process as described in the Snohomish Municipal Code. Depending on the application, land use development permit application review may be administrative or require a public hearing by a City designated Hearing Examiner, commission, board or the City Council.
- D. Permits and approvals shall be classified according to the decision maker and applicable review procedures. In the following table, permit types are organized into five classifications based on the decision authority, the appeal authority, and the review process.

Classification	Permit Type	Decision Authority	Appeal Authority*
Type 1	Building Permit Code Interpretation Design Review Determination Fence Permit Final Short Plat Retaining Wall Permit Right of Way Permit Sidewalk Use Permit Sign Permit, Temporary Sign Permit Utility Connection Permit (Water, Sewer) Wireless Communications Facilities, Cat. 1	Planning Director	Hearing Examiner
Type 2	Accessory Dwelling Unit Binding Site Plan Boundary Line Adjustment Flood Hazard Area Permit Home Occupation Permit Minor Variance	Planning Director	Hearing Examiner

	Site Civil Permit		
Type 3	Site Development Plan Preliminary Short Plat Unit Lot Subdivision Wireless Communications Facilities, Cat. 2, 3 Shoreline Substantial Development Permit*	Planning Director	Hearing Examiner*
Type 4	Conditional Use Permit Planned Residential Development Preliminary Plat Shoreline Conditional Use Permit* Shoreline Variance* Variance Wireless Communications Facilities, Tier 4	Hearing Examiner	Superior Court*
Type 5	Code Amendment Comprehensive Plan Amendment Final Plat Development Agreement Rezone	City Council	Growth Management Hearings Board

* The appeal authority for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances shall be the Washington State Shoreline Hearings Board.

1. Type 1 decisions. The Type 1 process includes permits and approvals that are based on compliance with specific criteria that is nondiscretionary and clearly defined in the code. These permits have no notice requirements and are reviewed administratively.
2. Type 2 decisions. The Type 2 process includes permits and approvals that are based on standards and clearly defined criteria. These permits require written documentation and may include conditions for the proposal to reach consistency with applicable requirements. These permits have no notice requirements and are reviewed administratively.
3. Type 3 decisions. The Type 3 process includes permits and approvals that are based on standards and clearly defined criteria. These permits require written documentation and may include conditions for the proposal to reach consistency with applicable requirements. Public notice is required for these permit types. Approvals are subject to appeal to the Hearing Examiner.
4. Type 4 decisions. The Type 4 process includes permits and approvals that require an open record public hearing and involve discretionary judgment based on criteria. Public notice is required for these permit types. The Department forwards a staff report with a recommendation regarding the proposal's consistency with criteria to the Hearing Examiner. Following the open record public hearing, the Hearing Examiner issues a written decision with findings, conclusions, and conditions, if any. These permits are subject to appeal to the Superior Court.

5. Type 5 decisions. The Type 5 process includes permits and approvals that require a public hearing before the City Council. A public hearing before the Planning Commission is typically held prior to City Council, with the recommendation of the Planning Commission being forwarded to the City Council as well as public testimony and other information provided at the public hearing. Public notice is required for these permit types. The decision is subject to appeal to the Growth Management Hearings Board.

6. Non-Permit Actions. The following actions are not permits for the purpose of this Development Code and do not appear in the Permit Classification table. These actions shall not be processed as Type 1-5 decisions:
 - a. Minor approvals for use of public properties
 - b. Administrative adjustments of impact fee amounts (in-kind mitigation)
 - c. Minor amendments to permits
 - d. Historic District designations
 - e. Landscape approvals
 - f. Petitions for Annexation
 - g. Street Vacations
 - h. Hydrant Use Permit
 - i. Mobile Food Vendor approvals

7. Procedures. The following review procedures apply to the permit classifications described above.

Procedure	Type 1	Type 2	Type 3	Type 4	Type 5 (except final plat)
Pre-Application	Not required	Not required	Recommended	Required	Required
Determination of Completeness	No	Yes	Yes	Yes	Yes
Notice of Application	No	No	Yes	Yes	Yes
SEPA Review	No	Potential	Potential	Potential	Yes
Design Review	Potential	Potential	Potential	Potential	Potential
Open record public hearing	No	No	No	Yes	Yes
Notice of Decision	No	No	Yes	Yes	Yes

14.20.030 Consolidation of Permits

If a proposal requires more than one permit, review of all permits shall be consolidated where practicable, 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. Separate processing must be approved by the Planning Director, to ensure cumulative impacts are addressed.
- B. The Planning Director 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. The consolidated single process used shall be that which corresponds to the highest decision classification.
- C. If one permit cannot be reasonably processed until another is issued, such as a boundary line adjustment 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.

14.20.040 Pre-Application Process

It is required that applications for Permit Types 4 and 5, and recommended for applications for Permit Type 3, go through the pre-application process prior to submitting an application for development. The purpose of the pre-application is to acquaint the applicants with the requirements of the code and the project review process, and for City staff to perform a preliminary review of the proposal for the purpose of determining appropriate review procedures, identifying potential issues, and facilitating the application and project review process. In order to ensure that the pre-application is meaningful, the applicant is requested to provide the information listed on the forms supplied by the department. City staff will respond to a pre-application submittal with written comments. The applicant may then request a conference if necessary.

14.20.050 Design Review

Proposals subject to design review require a Design Review Determination from the Planning Director. The design review process shall be consistent with the process discussed in Chapter 14.225 or 14.230 SMC, as applicable. The Planning Director shall not approve the permit unless he or she finds that the proposal is consistent with the applicable design standards.

14.20.060 Application Information Requirements

- A. Submittal Criteria. A land use permit application is complete for the purposes of this section when it meets the submittal requirements established by the Department. Required submittals shall meet the following minimum criteria:
 - 1. Applications and related submittals shall contain at least the minimum amount of

information necessary to allow for review of the project to progress even though additional information may be required or project modifications may be undertaken subsequent to the initial project review.

2. Applications and related submittals shall be comprehensible, legible, and in a format typical for the information being provided.
 3. Applications and related submittals shall meet minimum code requirements for the type of application applied for.
- 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 Planning and Development Services Department.
- C. Depending on the nature of the application, the required information may include the following:
1. The name, address, telephone number and e-mail address of the property owner. The name, address, telephone number and e-mail address of the developer/applicant, if different from the owner. A 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 300 feet of the subject property, according to the County Assessor, provided on mailing labels.
 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, setbacks for each lot, parcels and tracts to be reserved or dedicated for streets or other public uses. The map shall be to a scale appropriate for 24" by 36" paper, or as otherwise required by the Planning Director.
 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 as defined in WAC 365-195-905(4).

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 not less than two 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 and a detailed description of proposed building materials.
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 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.
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 systems. If the property is within the NE Sewer Area, the utilities plan will show how compliance with SMC 15.04.047 will be achieved.
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 and impacts to downstream properties.
 - e. documentation of compliance with the Endangered Species Act.
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 water main 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 multi family, 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 professional 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 professional 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.
 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. The appropriate fee to cover all costs of processing the application.
- D. Change in Submittal Requirements. The Department shall establish and may revise written submittal requirements for each type of land use, project, or other development permit or approval type. The requirements shall be made available to the public in a checklist or other

form that clearly describes the material and number of copies that must be submitted for an application to be considered complete. The Department shall provide public notice of any changes to the submittal requirements at least 30 days prior to their effective date.

- E. **Waiver of Submittal Requirements.** Submittal requirements shall not be waived, except that the Department may determine in writing that a particular requirement is not applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed action and is not necessary to demonstrate compliance with applicable requirements and City codes.
- F. **Additional Information.** Even after a determination of completeness, the Department may require the submittal of additional information or studies as it determines necessary for review of the application. The submittal of additional information or studies shall not affect the validity of the vesting of the application pursuant to SMC 14.20.180, unless the information is requested because incorrect or false information was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.

14.20.070 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.

14.20.080 Determination of Legal Status of Lot or Parcel

Prior to further processing of a permit application, the Planning Director 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 Planning Director may require the applicant to provide necessary research and background information.

14.20.090 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 Planning Director 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 Planning Director may exempt from concurrency review those permits typically unassociated with significant traffic generation, such as proposals that will create fewer than 10 peak hour trips

14.20.100 Land Use Permit Review Process

- A. When the City receives a land use development permit application, consistency between the proposed project and the applicable regulations and Comprehensive Plan shall be determined through the process in this section and concurrently through the City’s adopted SEPA ordinance (Chapter 14.90). An approved land use permit as defined in SMC 14.20.020D shall be issued by the City only after the proposal has met all the requirements of the Snohomish Municipal Code.

- B. During land use development permit review, the City shall determine whether the proposed project is consistent with applicable development regulations. In the absence of applicable development regulations, the City shall determine whether the adopted Comprehensive Plan contains policies which address the unregulated impacts. This determination of consistency shall include evaluation of the following:
 - 1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval have been satisfied;
 - 2. The level of development, such as units per acre or other measures of density or intensity;
 - 3. Availability and adequacy of infrastructure, public facilities and services identified in the Comprehensive Plan and needed to serve the development; and
 - 4. The character of the development and consistency with development standards.

- C. The following types of permits require at least one public hearing.

Hearing Examiner	City Council
Conditional Use Permit Planned Residential Development Preliminary Plat Variance Wireless Communications Facilities (Category 3 Tier 4)	Comprehensive Plan Amendment Development Agreement Rezone Street Vacation

- D. SEPA Analysis.
 - 1. The City shall review the land use development permit application for compliance with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City’s SEPA ordinance, Chapter 14.90 of the Snohomish Municipal Code, and shall:
 - a. Determine whether the applicable regulations require studies that adequately analyze all of the land use development permit applications’ specific probable adverse environmental impacts;

- b. Determine if the applicable regulations require measures that adequately address such environmental impacts;
 - c. Determine whether additional studies are required and/or whether the land use development permit application should be conditioned with additional mitigation measures; and
 - d. Provide prompt and coordinated review by government agencies and the public regarding compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.
2. In its review of a land use development permit application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, Comprehensive Plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.
- a. The City may make the determination provided for in this subsection if:
 - i. In the course of land use development permit review, including any required environmental analysis, the City considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the zoning and development standards or other applicable requirements of the Comprehensive Plan, or other local, state, or federal rules or laws; and
 - ii. The City bases or conditions its approval on compliance with these requirements or mitigation measures.
 - b. If the City's Comprehensive Plan and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under this subsection, the City shall not impose additional mitigation under SEPA during project review. Project review shall be integrated with environmental analysis under this chapter.
 - c. A Comprehensive Plan or development regulation shall be considered to adequately address an impact if the City, through the planning and environmental review process under Chapters 36.70A and 43.21C RCW, has identified the specific adverse environmental impacts and:
 - i. The impacts have been avoided or otherwise mitigated; and
 - ii. The City Council has designated acceptable certain level of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.

3. If the City bases or conditions its approval of the land use development permit application on compliance with the requirements of mitigation measures described in subsection (D)(1) of this section, the City shall not impose additional mitigation under SEPA during project review.
4. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its land use development permit approval on compliance with these other existing rules or laws.
5. Planned Actions.
 - a. A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
 - b. A “planned action” means one or more types of project action that:
 - i. Are designated planned actions by an ordinance or resolution adopted by the City;
 - ii. Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
 - (A) A Comprehensive Plan or subarea plan adopted under Chapter 36.70A RCW, or
 - (B) A fully contained community, a master planned development or a phased project;
 - iii. Are subsequent or implementing projects for the proposals listed in subsection (D)(2)(b) of this section;
 - iv. Are located within an urban growth area, as defined in RCW 36.70A.200;
 - v. Are not essential public facilities, as defined in RCW 36.70A.200; and
 - vi. Are consistent with the City’s Comprehensive Plan adopted under Chapter 36.70A RCW.
 - c. The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the city, and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040.

- E. Upon determination that the proposed project is consistent with the Snohomish Comprehensive Plan, adopted development regulations and standards, and SEPA, a single staff report shall be prepared which consolidates all land use development permit decisions. The report shall state any mitigation required or proposed under the development regulations or through SEPA. If a threshold determination, other than a determination of significance, has not been previously issued by the City, the report shall include or append the SEPA threshold determination for the project. The SEPA threshold determination shall be issued at least fifteen calendar days prior to the opening of the public hearing.
- F. If the applicant so elects, an application that involves two or more land use development permits may be processed under a consolidated review and approval process. The consolidated single process used shall be that which corresponds to the highest decision classification. The single process shall include a single staff report and final decision, and shall require, at a maximum, a single open record hearing, with the exception of Type 5 Permits, and no more than one closed record appeal. If an applicant elects not to have the multi-permit application processed under the consolidated process, all permits shall be processed individually according to the process applicable to each permit.

14.20.110 Determination of Completeness and Review Timeframes

A. Completeness determination.

- 1. **Determination of Completeness.** The Department shall determine in writing whether a project permit application is complete or incomplete within 28 days after receiving an application. The written determination shall be mailed, faxed, e-mailed, or delivered to the applicant or the applicant's representative within the required time period. The determination shall state:
 - a. That the application is complete; or
 - b. That the application is incomplete and include a statement as to necessary actions to make the application complete.
 - i. If the applicant does not submit the required information within 90 days after receiving the determination that their application was incomplete, the application shall automatically lapse for failure to submit the necessary information in a timely manner and close the permit application file.
 - ii. Upon written request by the applicant prior to expiration of the initial 90 days, the Director may grant a time extension to submit the required information, not to exceed an additional 90 days.
 - iii. When applications lapse for failure to submit the required information within the necessary time period, or when the applicant requests their application be withdrawn, the applicant may request a refund of the unused portion of the application fee by submitting a written request to the Director. If a Notice of

Application has been issued then no refunds shall be issued. Refunds shall be processed in accordance with the City's normal refund practices.

2. Resubmittals. If the Department determines an application is incomplete and the applicant submits additional documents identified by the Department as necessary for a complete application, the Department shall notify the applicant within 14 days of the submittal that the application is complete or what additional information is necessary to make the application complete.
 3. Department's Failure to Provide a Determination of Completeness. If the Department has not issued a determination of completeness as described above within 28 days after receiving an application, or within 14 days after receiving additional information in response to the necessary actions required to make the application complete, as described above, the application shall be deemed complete.
 4. Identification of Other Agencies with Jurisdiction. A written determination of completeness shall, to the extent known by the department, identify other local, state, or federal agencies with jurisdiction concerning the application and permits requested. The department may include other information or conditions in the Determination of Completeness.
- B. Within 14 days of determination of completeness of an application, the Planning Director shall publish a notice of application in accordance with SMC 14.20.130. The public comment period for the notice of application shall be 15 days.
- C. As required by Ch. 36.70B RCW, the City shall issue a decision 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:
1. 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.
 2. Any period during which the applicant is not current in payment of City permit review fees.
 3. Any period during which a Comprehensive Plan or development regulation amendment is being processed preliminarily to deciding upon a permit application.
 4. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
 5. Any period during which any decision related to the permit application is being appealed.
 6. Any period mutually agreed upon by the applicant and the City.
- D. If the proposal requires City acceptance of public improvements such as street, sidewalk, stormwater, or other utility improvements, the Planning Director's decision may be a preliminary approval of the proposal in the form of a letter to the applicant stating any conditions of approval. The Planning Director shall coordinate with the City Engineer in determining acceptance of public improvements. The Planning Director and City Engineer shall not give final approval, nor shall any plat be recorded, until the stipulated public improvements are complete or bonded for, in compliance with Chapter 14.215 SMC.

- E. Time Limits for Submittal of Required Information.
1. Upon the issuance of a notice of incomplete permit application, the applicant shall submit the necessary information within 90 days. The Planning Director may extend this time period an additional 90 days upon written request of the applicant prior to the expiration of the 90-day period.
 2. Following a determination that a permit application is complete, the Planning Director may notify the applicant when new information is necessary or changes or corrections to the application materials are required before a permit may be approved. Upon the issuance of a notice of required changes or corrections to a complete permit application, the applicant shall submit the necessary information to the City within 90 days. If the applicant does not submit the necessary information within 90 days, the application shall lapse and shall become nullified. The director may extend this time period an additional 90 days upon written request of the applicant prior to the expiration of the 90-day period.
 3. If the information and/or corrections required pursuant to subsections A or B above are not received within the specified timeframe, the Planning Director shall notify the applicant that the permit application is nullified. Unexpended application fees and deposits may be refunded to the applicant.
- F. Delayed Threshold Determination. If the Planning Director 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 Planning Director shall issue a notice for SEPA and public hearing if applicable, complying with the permit procedure applicable to that type of permit.

14.20.120 Permit Approval Timeframes and Expiration

- A. Any land use development permit approved pursuant to this code shall be commenced, performed and completed in compliance with the provisions and conditions of the permits under which the project was approved. The permit shall be valid as outlined in the table below from the date that the permit is approved. Approval periods and extensions for permits issued under the provisions of the building code shall be as set forth in SMC 19.04 and are not subject to the timeframes of this chapter.

Permit Type	Approval Period	Extensions
Preliminary Short Plat	5 years	1 year
Preliminary Plat	5 years	1 year
Boundary Line Adjustment	1 year	1 year
Shoreline Substantial Development Permit (RCW 90.58.143)	<ul style="list-style-type: none"> • 2 years to show substantial progress • 5 years to complete construction 	1 year
All other permits not listed above and not excepted under this chapter	<ul style="list-style-type: none"> • 2 years to show substantial progress • 5 years to complete construction 	1 year

- B. 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 section C below.
- C. Upon written request by the applicant received prior to a permit's expiration date, the Planning Director, in his or her sole discretion, may extend the date of permit expiration for up to one year. The applicant's written request shall provide justification for the delay and list reasonable grounds why the extension is necessary.

14.20.130 Public Notice

- 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.
 - 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, at a minimum, extend to and include the 15th day after the date of publication. The Planning Director, in his or her sole discretion may on a case-by-case basis, may require a longer comment period. The date of publication shall be the date on which all of the required methods of publication have been implemented.
- C. Public notice shall be consistent with the following parameters:

Public Notice Type	Method of Notification					
	Mail to 300' property owners	Advertise in newspaper of record	Post site	Publish to City website/post City Hall	Mail to Snohomish County Assessor	Mail / e-mail to parties of record
Notice of Application	✓	✓	✓	✓		✓
SEPA Threshold Determination	✓	✓	✓	✓		✓
Notice of Public Hearing	✓	✓	✓	✓		✓
Notice of Decision				✓	✓	✓

1. Notices of application, hearing, and/or determination of significance/scoping shall be:
 - a. 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;
 - b. Posted on the development site, at location(s) which the Planning Director deems suitable to reach the attention of the public, on a sign(s) at least two feet by three feet in size; and
 - c. Posted at City Hall and on the City website.
 2. 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.
 3. Projects with multiple notices may have notices combined in a single publication or issuance.
- D. The Planning Director may publicize a given permit proposal more broadly or by additional means than stated herein, if in the Planning Director's sole discretion a greater level of public awareness is deemed necessary.
- E. Notices of Public Hearing shall be published between 15 and 30 days before the scheduled hearing. If a public hearing is continued to a date certain, no further notice is required.

14.20.140 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 or surety 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.
- D. The following process may be used by the City to provide applicants notice of permit conditions and to receive notice from applicants of any objections to such conditions:
 1. At any point in the permit process, the City may provide written notice to the applicant that the City intends to recommend or impose one or more conditions of permit approval and that, if the applicant objects to any of said conditions, the applicant is required to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.
 2. For the purpose of this subsection, written notice may be given either by e-mail, fax, first-class mail, or hand delivery.

3. The applicant's written notice of objections to permit conditions shall be given to, and received by, the City no later than seven calendar days from the applicant's receipt of the written notice from the City.
4. If the applicant receives written notice from the City of the City's intent to recommend or impose permit conditions within seven calendar days of a hearing on the permit application, then the applicant shall provide written notice to the City of the applicant's objections to any such conditions, which notice shall be given to, and received by, the City at any time prior to the commencement of the hearing.

14.20.150 Assignability of Permits

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

14.20.160 Minor Changes

- A. The Planning Director 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 Planning Director'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 and the Comprehensive Plan.
- B. If the Planning Director 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.

14.20.170 Appeals

- A. Appeal Of Planning Director's Actions
 1. All final actions of the Planning Director, including Type 1, 2, or 3 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:
 - a. The decision, if the decision process does not provide for a comment period or notice of decision;
 - b. The notice of decision if the permit process provides for such notice; or
 - c. The end of the comment period in the case of SEPA threshold determinations.
 2. Appeals shall include:
 - a. A detailed statement of the grounds for appeal, referencing each allegedly erroneous finding, conclusion, or condition.
 - b. A detailed statement of the facts upon which the appeal is based.
 - c. The name, address, e-mail address and daytime telephone number of each appellant, together with the signature of at least one appellant or attorney thereof.
 - d. A statement of the standing of the appellant to make such an appeal.

3. 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.
 4. 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.
 5. 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.
 6. Appeal proceedings shall be limited to those issues raised in the written appeal.
 7. The Hearing Examiner shall receive comment and decide the appeal.
- B. 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.
- C. Appeal of Hearing Examiner's Actions
1. Actions of the Hearing Examiner are appealable to Snohomish County Superior Court pursuant to Chapter 36.70C RCW, except for shoreline permit actions, which are appealable to the State Shoreline Hearings Board pursuant to Chapter 90.58 RCW.
 2. 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.
 3. 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 audio recording by the City and will be responsible for their transcription.
- D. Open and Closed Record Appeals. Only one open record hearing is allowed per project, as set forth in Chapter 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 new evidence or limited new evidence or information allowed to be submitted and with only appeal argument allowed.

14.20.180 Vesting of Applications

- A. Purpose: The purpose of this section is to implement local vesting regulations that are best suited to the needs of the City and consistent with state law. This section is intended to provide property owners, permit applicants, and the general public assurance that the

development regulations for project development will remain consistent during the life of an application.

B. Vesting: An application for a land use, project, or other development permit or approval type which vests shall be considered under the development regulations in effect on the date the application is determined to be fully complete pursuant to SMC 14.20.110. Once an application is approved and a permit is issued the project is vested to the regulations under which the application was reviewed.

C. Applications which Vest: The following applications for a permit or approval types as set forth in Titles 14 and 19 SMC shall vest to the development regulations in effect at the time the application is determined to be complete pursuant to SMC 14.20.110:

1. Binding Site Plan
2. Boundary Line Adjustment
3. Building Permit
4. Conditional Use Permit
5. Development Agreement
6. Fence Permit
7. Flood Hazard Area Development Permit, subject to the requirements of the National Flood Insurance Program where applicable
8. Retaining Wall Permit
9. Shoreline
 - a. Conditional Use Permit
 - b. Substantial Development Permit
 - c. Variance
10. Site Civil Permit
11. Site Development Plan
12. Subdivisions
 - a. Preliminary Fee Simple Unit Lot Subdivision
 - b. Preliminary Subdivision (Preliminary Plat)
 - c. Preliminary Short Subdivision (Preliminary Short Plat)
 - d. Planned Residential Development
13. Sign Permit

14. Sidewalk Use Permit

15. Variance

- a. Minor
- b. Major

- D. Subsequent Applications. Development permit applications related to the development identified in subsection C above that are submitted after the initial application, shall vest to the development regulations in effect at the time the initial application for development identified in subsection C above was determined to be complete pursuant to SMC 14.20.110. However, any subsequent permit application must be determined to be complete pursuant to SMC 14.20.110 prior to the expiration date of the initial permit(s) or approval(s) issued for the application types listed in Subsection C above.
- E. Exceptions: The provisions of this section shall not be applicable to applications for the following permit or approval types, including when the application is a subsequent application to an initial application that has vested. However, if vesting is provided elsewhere in this code or in state and federal regulations, they may be applicable.
- 1. All permit or approval types set forth in Title 15 SMC;
 - 2. All permit or approval types set forth in Title 20 SMC;
 - 3. Wireless Telecommunication Facilities permits as set forth in SMC 14.242;
 - 4. Comprehensive Plan Amendments as set forth in Title 14 SMC;
 - 5. Rezones as set forth in Title 14 SMC; and
 - 6. Temporary Permits as set forth in SMC 14.60.
- F. For the purpose of this section, "development regulation" means those provisions of Snohomish Municipal Code that exercise a restraining or directing influence over land, including provisions that control or affect the type, degree, or physical attributes of land development or use but shall not include:
- 1. Permit processing fees and taxes or administrative fees;
 - 2. Procedural rules and regulations; and
 - 3. Regulations that specify or are based upon adopted SEPA policies for the exercise of SEPA substantive authority, including the SEPA ordinance.
- G. A complete building permit application shall always be subject to that version of Title 19 SMC in effect at the time the building permit application is submitted.
- H. Notwithstanding any other provision in this section, any application dependent on approval of a rezone, Comprehensive Plan amendment, variance, or conditional use application shall

not vest until the underlying rezone, Comprehensive Plan amendment, variance, or conditional use application is approved.

- I. Review of a project proposal during a pre-application process and/or conference does not vest the application.
- J. Stormwater regulations cannot be vested through the provisions of this section.
- K. Fees, including but not limited to, environmental impact mitigation fees, permit processing fees, latecomer agreement fees, and taxes or administrative fees cannot be vested through the provisions of this section.
- L. All vested rights associated with a permit application or permit are lost when that application or permit expires as provided for in SMC 14.20.120.

EXHIBIT C

Chapter 14.55
CONDITIONAL USE PERMITS

14.55.010 Applicability

14.55.020 Approval Criteria

14.55.010 Applicability

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.

14.55.020 Approval Criteria

A. 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 14.20.090) shall be complied with.
6. The development shall be consistent with the health, safety, and general welfare.

B. 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.

EXHIBIT D

Chapter 14.65

SITE DEVELOPMENT PLANS

Sections

14.65.010 Applicability

14.65.020 Approval Criteria

14.65.010 Applicability

A site development plan shall be required for all new development and redevelopment that alters the site or building footprint for all development types except detached single family residential. No site development plan shall be required for construction of one single family home on one lot, where permitted. In each instance where the approval of site 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.

14.65.020 Approval Criteria

- A. The criteria for approval of a site development plan 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 applicable design standards and guidelines.
 3. The development shall be consistent with the Comprehensive Plan.
 4. The development shall mitigate any significant adverse environmental impacts.
 5. Concurrency requirements (SMC 14.20.090) shall be complied with.
 6. The development shall be consistent with the health, safety, and general welfare.
- C. In approving a site development plan, to protect the health, safety and general welfare, the City may:
1. Require a site plan showing exact location and dimensions of existing and proposed structures or equipment.
 2. 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.
 3. Require improvements designed to mitigate the proposal's environmental impacts.
 4. Otherwise impose conditions as may be consistent with the purpose of Title 14 SMC or the purpose of the land use designation.

EXHIBIT E

Chapter 14.80

NONCONFORMING USES AND STRUCTURES

- 14.80.010 Applicability
- 14.80.020 Nonconforming Uses
- 14.80.030 Nonconforming structures

14.80.010 Applicability

- A. Where modifications to existing buildings and/or existing land uses are proposed, the Planning Director or designee shall determine whether a proposed development activity constitutes Full, Partial, or Incidental Development as described below. The purpose of this determination is to specify the extent to which the development site's nonconforming conditions shall be remedied.
- B. Full Development refers to construction or development and/or changes in use or occupancy that warrant compliance with all, or virtually all, applicable development regulations. Compliance with applicable development regulations will eliminate all, or virtually all, nonconforming conditions. Examples of Full Development include:
 - 1. Construction of a new primary structure, with or without demolition of an existing primary structure.
 - 2. A change of use of the primary structure or the majority of the site, along with the demolition and reconstruction of site's parking, access, or similar significant modifications that affect the appearance and function of, and circulation on, the site.
- C. Partial Development refers to construction or development and/or changes in use or occupancy of all or portions of an existing developed site that warrant compliance with those development regulations specifically related to and proportionate to the proposed change. Compliance with applicable development regulations will eliminate nonconforming conditions specifically related to and proportionate to the proposed change. Examples of Partial Development include:
 - 1. Construction or re-construction of an accessory structure.
 - 2. Expansion of an existing structure that results in less than 25 percent increase gross floor area.
 - 3. A change in use of the primary structure with a reconfiguration of the existing off-street parking.
- D. Incidental Development. A minor change to a development site that does not warrant compliance with development regulations not directly related to the proposed change. Examples of Incidental Development include:
 - 1. Installation of one or more windows or similar exterior modifications intended as aesthetic improvements.
 - 2. Construction of an enclosure to screen solid waste containers.
 - 3. Removal and replacement of a building sign, except that compliance with all regulations in Ch. 14.245 SMC is required.
 - 4. Building improvements internal to an existing structure.

- E. As provided by SMC 14.05.050A, the Planning Director shall interpret and apply the provisions of the Land Use Development Code in a consistent manner. The Planning Director shall employ consistent reasoning and criteria in determining whether a proposed development activity constitutes Full, Partial, or Incidental Development. Determinations made by the Planning Director pursuant to this chapter shall be appealable to the hearing examiner as provided by Ch. 14.75 SMC and Ch. 14.90 SMC.

14.80.020 Nonconforming Uses

- A. 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 nonconforming use or building is not changed, enlarged, or extended in a manner which increases or reinforces its degree of nonconformity.
- B. 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.
- C. Change in Tenancy. Change of tenancy, ownership, or management shall not affect legal nonconforming status.
- D. Nuisances. Nuisances as defined by State law or City ordinance shall not enjoy legal nonconforming status.
- E. 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 nonconforming 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 nonconforming 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.

14.80.030 Nonconforming Structures

- A. 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.
- B. 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.
- C. 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:

1. To restore a destroyed nonconforming structure, a building permit must be submitted to the department within one year of the destruction; and
2. 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

EXHIBIT F

Findings of Fact and Conclusions for Planning Commission Hearing on Permit Review Process Amendments

The City of Snohomish Planning Commission makes the following Findings of Fact and Conclusion in support of its recommendation to the Snohomish City Council to approve the proposed amendments to Title 14 Snohomish Municipal Code, as presented.

A. Findings of Fact

1. The City of Snohomish Planning Commission held a discussion on June 7, 2017 concerning the proposed amendments.
2. The Planning Commission held a public hearing on November 1, 2017, to receive public testimony concerning the proposed amendments.
3. At the conclusion of the public hearing, the Planning Commission voted 4-0 to approve the proposed amendments.
4. The proposed amendments will reclassify permit types, and reorganize chapters and clarify language associated with the permit review process.
5. The proposed amendments to Title 14 SMC will:
 - a. Repeal Chapters 14.25 (Type 1 Permits), 14.30 (Type 2 Permits), 14.35 (Type 3 Permits), 14.40 (Type 4 Permits), 14.45 (Type 5 Permits), 14.50 (Type 6 Permits), 14.55 (Provisions Applicable to All Permits), 14.75 (Appeals), and 14.82 (Non-Conforming Structures) SMC to accommodate reorganization of regulations and eliminate redundancy.
 - b. Amend Chapter 14.15 SMC (Amendments to the Comprehensive Plan and Development Code) to add regulations for changes to the Land Use Map.
 - c. Create a new Chapter 14.20 SMC (Permit Classifications and Development Review Process) for all regulations associated with the development review process.
 - d. Create a new Chapter 14.55 (Conditional Use Permits) for regulations associated with applicability and processing of Conditional Use Permits.
 - e. Amend and rename Chapter 14.65 SMC (Site Development Plans) for regulations associated with applicability and processing of Site Development Plans (previously Administrative Development Plans).
 - f. Amend and rename Chapter 14.80 SMC (Nonconforming Uses and Structures) for combined regulations associated with nonconforming uses and structures.
 - g. Amend Chapter 14.205 SMC (Permitted Land Uses) to correct references to permit types and clarify language.
 - h. Amend Chapter 14.215 SMC (Subdivisions) to correct references to permit types and clarify language.
 - i. Amend Chapter 14.220 SMC (Planned Residential Developments) to correct references to permit types and clarify language.

- j. Amend Chapter 14.225 SMC (Design Standards in the Historic District) to correct references to permit types.
 - k. Amend Chapter 14.230 SMC (Design Standards Outside the Historic District) to correct references to permit types.
 - l. Amend Chapter 14.242 SMC (Wireless Communications Facilities) to correct references to permit types.
6. The proposed amendments implement GMA planning goal 7 related to permit processing, “(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”
 7. The proposed amendments implement the following policies contained in the Snohomish Comprehensive Plan:
 - a. Policy HO 6.1: Review time frames. Conduct development review according to predictable and efficient time frames.
 - b. Policy HO 6.3: Permit process. Achieve permitting processes, applicable regulations, and conditions of approval that are clear and understandable.
 - c. Policy HO 6.4: Periodic review. Periodically evaluate permit review processes to minimize costs to developers to the extent possible while preserving the public health, safety, and welfare.
 8. Procedural requirements.
 - a. The proposed amendments are consistent with state law.
 - b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on September 18, 2017.
 - c. Pursuant to WAC 197-11-310, a Determination of Non-Significance (DNS) was issued on August 28, 2017.
 - d. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.

B. Conclusions

1. The proposed amendments improve and clarify regulation language associated with the permit review process.
2. The proposed amendments are consistent with Washington State law and the SMC.
3. The proposed amendments implement and are consistent with the goals and policies of the Comprehensive Plan.
4. The proposed amendments protect the public health, safety, and general welfare.
5. The proposed amendments do not result in an unconstitutional taking of private property for public purpose and they do not violate substantive due process guarantees.