

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2347**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE TO MODIFY DEVELOPMENT REGULATIONS FOR THE PILCHUCK DISTRICT BY AMENDING CERTAIN SECTIONS IN CHAPTER 14.212 SNOHOMISH MUNICIPAL CODE (SMC) ; AMENDING SMC 14.100.020 RELATING TO LAND USE DEFINITIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, The City has the authority under RCW Title 35A the State and Federal Constitutions and common law to adopt regulations related to land use; 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**, in 2011 the City Council created the Pilchuck District with development regulations specific to the district in order to promote a redevelopment strategy for the area intended to encourage investment and to foster a distinctive and walkable district; and

**WHEREAS**, in accordance with RCW 36.70A.130(2)(a)(i), the cumulative impacts of the Pilchuck District Subarea Plan and development standards have been reviewed and assessed in an environmental impact statement under RCW 43.21C; and

**WHEREAS**, the City Council finds that at this time it is appropriate to amend the Chapter 14.212 SMC, Pilchuck District Development Regulations in order to stimulate and facilitate new development and redevelopment within the district; and

**WHEREAS**, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the City's Development Code; and

**WHEREAS**, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. A determination was made that issuing an environmental determination for the proposed amendments was unnecessary as the amendments were consistent with the Final Environmental Impact Statement for the Pilchuck District Subarea Plan and Planned Action Ordinance issued March 2011; and

**WHEREAS**, in public meetings on January 3 and February 7, 2018, the Planning Commission evaluated issues related to the proposed Pilchuck District development regulations; and

**WHEREAS**, on March 7, 2018, a public hearing on the proposed amendments was held by the Planning Commission, and all persons wishing to be heard were heard; and

**WHEREAS**, on March 7, 2018, consistent with SMC 14.15.090, the Planning Commission issued written “Findings of Fact & Conclusions” to the City Council regarding the proposed Development Code amendments in which the Planning Commission found that the proposed amendments were internally consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and were in the interest of the public health, safety, and welfare of Snohomish residents;

**WHEREAS**, in the “Findings of Facts & Conclusions”, the Planning Commission recommended that the City Council adopt the proposed Development Code amendments;

**WHEREAS**, on April 3, 2018, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

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

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

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

**Section 2. Adoption of Planning Commission Findings and Recommendation.** The Planning Commission “Findings of Fact & Conclusions” is hereby adopted, incorporated by reference, and attached hereto as **Exhibit A**, including but not limited to the findings that the Development Code amendments adopted by this Ordinance are:

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

**Section 3. Amended SMC 14.100.020 SMC adopted.** SMC 14.100.020 entitled “Definitions”, is hereby amended to add new definitions for “Daycare”, “Daycare, commercial”, and “Daycare, family” and to amend existing definitions for “Childcare”, “Family childcare”, and “Light manufacturing” and shall read as follows:

**Daycare** means licensed care of children, including preschool and early learning services, away from their own home a substantial portion of the day but less than twenty-four (24) hours, by persons other than their parents or legal guardian. All daycare facilities shall be licensed by the Washington State Department of Early Learning

pursuant to Chapter 170-295 WAC as exists now or is hereafter amended.

**Daycare, commercial** means a daycare facility for more than six children within a nonresidential building or within the nonresidential portion of a mixed use building.

**Daycare, family** means a daycare facility provided in a residential dwelling unit in which the full-time occupant provides daycare for children other than his/her own family and the children of close relatives. Family daycare facilities may provide for care for up to twelve (12) children, including the children living in the home or children of close relatives cared for in the home, between the hours of 6:00 a.m. and 7:00 p.m.

**Child care** means the same as daycare.

**Family child care** means the same as family daycare.

**Light manufacturing** means processing and fabricating activities, which provide minimal hazards or nuisance related to noise, vibration, glare, odor, smoke, dust, air pollution, toxins, fire, explosion, or traffic. Light manufacturing uses include, but are not limited to, the processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of previously prepared materials or finished products or parts. Light manufacturing uses do not include the basic industrial processing of unfinished unprocessed raw materials.

Except as provided in this section, all other definitions set forth in SMC 14.100.020 shall remain in full force and effect, unchanged.

**Section 4. Amended SMC 14.212.140 adopted.** SMC 14.212.140 entitled “Development Review and Approval”, is hereby amended and shall read as follows:

- A. Approval of a site development plan shall be required for all new development and redevelopment that alters the site or existing building footprint except for the development or redevelopment of a single-family residence. Applications for site development plan approval and the review thereof shall conform to the provisions of Title 14 SMC.
- B. Unless waived by the Planning Director, applicants for a site development plan shall participate in a pre-application process or conference with City staff prior to formal application.
- C. Permit applicants may request and the Planning Director may approve site development plans in an incremental or phased manner so that fundamental aspects or features of a planned development are determined and resolved before construction plans are prepared. Permit review fees shall be assessed for each phase of review.

**Section 5. Amended SMC 14.212.210 adopted.** SMC 14.212.210 entitled, “Regulating Plan Adopted”, is hereby amended and read as set forth in the attached **Exhibit B** which is incorporated herein by this reference.

**Section 6. Amended SMC 14.212.220 adopted.** SMC 14.212.220, entitled “Zones”, is hereby amended and shall read as follows:

**14.212.220 Zones.**

The Regulating Plan defines four zones and one building height overlay. Each zone is subject to a range of permitted uses and building standards as shown on the tables and illustrations in this chapter.

- A. Pilchuck Single-Family. The intent of the Pilchuck Single-Family zone is to allow development that is complementary to the character of the existing small-lot single-family enclaves. New development should be consistent with surrounding development in its scale and placement.
- B. Townhouse. The intent of the Townhouse zone is to allow development compatible with the scale and character of the adjacent small-lot single-family development while encouraging additional housing units and allowing street level commercial uses. The small-scale multi-family development and small-scale low-impact street-level commercial uses should employ single-family architectural techniques as to size, proportion, and scale in order to ensure their impacts are comparable to the impacts of the existing small-lot single-family houses.
- C. Center: The intent of the Center zone is to enhance the vitality and pedestrian-orientation of the Pilchuck District by creating opportunities for a variety of both business and residential land uses. The standards for land use and building form applicable to this zone are intended to create continuity and compatibility between adjacent developments and to emphasize the relationship of development sites to the public sidewalk. Except for sites adjacent to Second Street, land uses shall be visually and functionally compatible with residential uses. A building height of three stories is permitted by right with one additional story permitted subject to purchase of transferred development rights (TDR), except in the Center with Height Overlay, where two additional stories, for a total of five stories, are permitted with TDR.
- D. Civic. The intent of the Civic Zone is to address the special requirements of properties owned and managed by public agencies where the public land use would require different standards from typical private development in the Pilchuck District. Typical public land uses are open space and recreational but may include other municipal and community uses.

**Section 7. Amended SMC 14.212.410 adopted.** SMC 14.212.410, entitled “Allowed Uses”, is hereby adopted and shall read as set forth in the attached **Exhibit C** which is incorporated herein by this reference.

**Section 9. Amended SMC 14.212.1020 adopted.** The following definition in SMC 14.212.1020 is hereby repealed:

- **Administrative Development Plan (ADP)**

Except as provided in this section, all other definitions set forth in SMC 14.212.1020 shall remain in full force and effect, unchanged.

**Section 10. 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 11. Effective date.** This ordinance shall take effect five days after the date of its adoption and publication by summary.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 3<sup>rd</sup> day of April, 2018.

CITY OF SNOHOMISH

By John T. Kartak  
John T. Kartak, Mayor

ATTEST:

By Pat Adams  
Pat Adams, City Clerk

Approved as to form:

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

# EXHIBIT A

## Snohomish Planning Commission Findings of Fact & Conclusions

**Based on the review of the proposed amendments to the Pilchuck District Development Regulations and other sections of Title 14 Snohomish Municipal Code, the Planning Commission of the City of Snohomish makes the following Findings of Fact:**

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. 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.
3. In 2011, the Snohomish City Council approved Ordinance 2209 creating Chapter 14.212 – Pilchuck District Development Regulations, Snohomish Municipal Code.
4. On 2017, the Snohomish City Council directed the Planning Commission to investigate and consider revisions to Pilchuck District regulations that would stimulate development activity in the District.
5. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on Jan. 31, 2018, the city notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to the Pilchuck District.
6. The Planning Commission discussed the issues at their regular public meetings on Sept. 6, 2017, Jan. 3, 2018, and Feb. 7, 2018, and received public input at those meetings.
7. The Planning Commission discussed code amendments that would allow limited commercial uses in the Neighborhood Townhouse Zone, light manufacturing in the Neighborhood Center Zone, and providing specific criteria to allow existing nonconforming uses to be replaced by new, but not identical, nonconforming uses. Adopting a multi-family property tax exemption for the Pilchuck District, as provided for by RCW 84.14, was also discussed.
8. The following Comprehensive Plan goals and policies support the proposed code amendments:
  - GOAL LU 1: Designate adequate lands for existing and future land use needs of Snohomish.
  - GOAL LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
  - GOAL LU 5: Accommodate a range of housing types and residential densities to provide living options for the spectrum of ages, lifestyles, and economic segments of the City’s population.
  - GOAL LU 6: Develop thriving commercial areas that are safe, attractive, and convenient.
  - CO 6.1: Commercial capacity. Designate adequate mixed-use areas to provide for a variety of commercial activities with differing characteristics and emphases as

described below:

b. Neighborhood Business. Small-scale convenience retail and personal and professional service uses, either stand-alone or in small groups, compatibly located in residential areas. Uses are intended to primarily serve the daily needs of the immediate community and should be located and designed for pedestrian orientation and to preserve neighborhood character.

GOAL LU 12: Establish and maintain a distinctive, desirable, vital, and walkable, mixed-use neighborhood in the Pilchuck District.

GOAL LU 15: Encourage investment in the Pilchuck District.

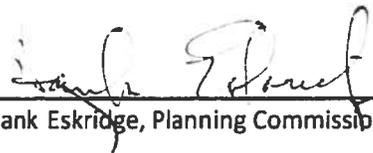
GOAL LU 17: Promote a residential neighborhood character with allowances for office, retail, and service uses in areas outside of the Second Street corridor.

9. On March 7, 2018 the City of Snohomish Planning Commission held a public hearing to consider amendments to Snohomish Municipal Code that could stimulate new development and redevelopment in the Pilchuck District. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed amendment be approved and that the Pilchuck District should be designated a targeted area eligible for the multi-family tax exemption provided for by RCW 84.14.

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

1. The proposed updated code amendments are consistent with Washington State law.
2. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
3. The proposed code amendments will protect the public health, safety, and general welfare.
4. The proposed code amendments have the potential to stimulate new development and redevelopment within the Pilchuck District.
5. Designating the Pilchuck District as a target area eligible for a multi-family tax exemption as provided for by RCW 84.14 could stimulate new development in the Pilchuck District.

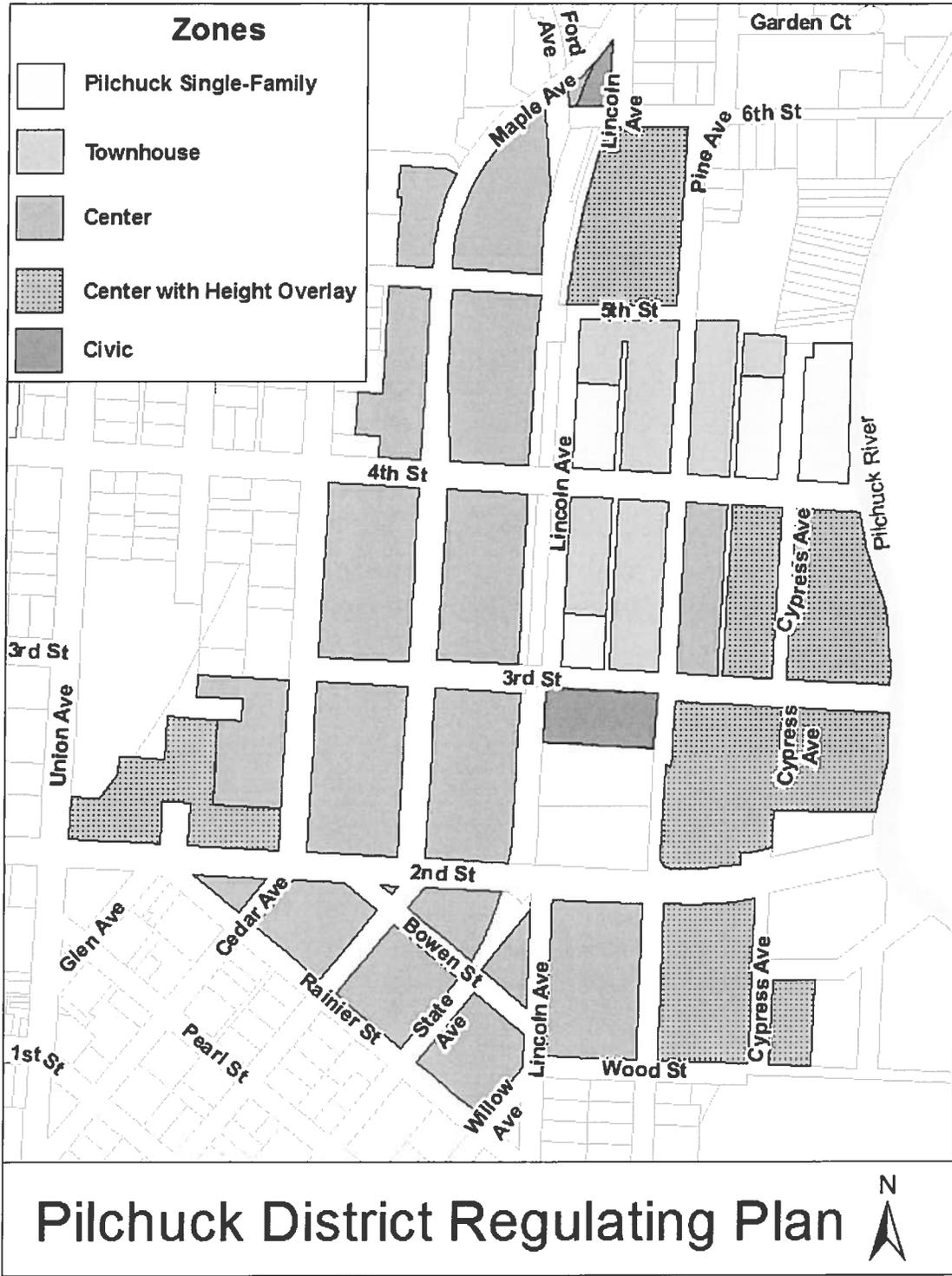
Date: 3-7 2018

By:   
Hank Eskridge, Planning Commission Chair

## **EXHIBIT B**

### **SMC 14.212.210 – Regulating Plan.**

The Regulating Plan for the Pilchuck District is hereby adopted by reference as an implementing measure of the Pilchuck District land use designation. Amendments to the Regulating Plan shall be processed as Comprehensive Plan amendments under Chapter 14.15 SMC. The map set forth below which is excised shall be deleted from SMC 14.212.210 and replaced with the map immediately following it herein.



## EXHIBIT C

### 14.212.410 Allowed Uses

- A. *Uses listed.* Table IV-1 designates permitted and provisional land uses in the Pilchuck District zones.
- B. *Permitted uses.* Uses listed as permitted are defined as those uses permitted by right.
- C. *Provisional uses.* Uses listed as provisional are defined as those uses that require special consideration due either to their potential impacts on the neighborhood and land uses in the vicinity and/or to the typical physical organization, design, or function of the use. A listed provisional use may be permitted if the proposed use, with or without special conditions, is determined to be consistent with the criteria below.
- D. *Prohibited uses.* Uses listed in Table IV-1 but not identified as permitted or provisional shall be prohibited.
- E. *Unlisted uses.* Any proposed use not listed in Table IV-1 shall be classified by the Planning Director as permitted, provisional, or prohibited based on the listed use to which the proposed use is most similar or on the anticipated characteristics and impacts of the proposed use. If the Planning Director determines that the proposed use is not similar to any use in the table and not compatible with the intent of the zone, the proposed use shall not be permitted. The determination of the Planning Director shall be appealable to the Hearing Examiner in accordance with SMC 14.20.170.
- F. Applications for provisional or unlisted uses shall be evaluated by the Planning Director, or designee, for conformance with the general criteria listed below. Provisional or unlisted uses shall only be approved if all relevant criteria are met. If necessary for the application to meet the criteria, the Planning Director may impose special conditions of approval. The Planning Director shall issue a written decision of evaluation, including findings of fact and conclusions, and conditions of approval as deemed necessary for compliance with the criteria.
  - 1. The proposed use shall conform with the Pilchuck District goals and policies.
  - 2. The proposed use shall promote, where feasible, activities that foster pedestrian interest and activity in the streetscape, especially on the ground floor/street level. Provisional uses with specific criteria described in reference notes to Table IV-1, Permitted Land Use, are not required to meet this criterion.
  - 3. The proposed use shall not generate noise, dust, smoke, ~~or~~ odors, or create

other significant adverse impacts that would detract from the enjoyment and repose of typical residential uses in the vicinity.

4. The proposed use shall not require operational activities 2 a.m. – 7 a.m. that would significantly detract from the enjoyment and repose of typical residential uses in the vicinity.
  5. The proposed use shall primarily occur within an enclosed building, except for temporary open air markets/vendor carts/stands, accessory sales displays intended for a pedestrian clientele, and outdoor seating areas associated with restaurants.
  6. Proposed provisional uses shall also conform to the specific criteria described in the reference notes to Table IV-1, Permitted Land Use.
- G. *Existing legal non-conforming uses.* Legally established uses existing on March 15, 2011, that are not listed as permitted uses on Table IV-1, shall be considered legal non-conforming uses on the site or parcel(s) where established. Legal non-conforming uses shall be classified according to Chapter 14.80 SMC
1. Any legal nonconforming use that has ceased operation of such use for a period of 12 consecutive months, or through a change of use to a legal conforming use, shall be considered abandoned and shall lose all vested rights to continue or restart the use.
  2. An existing legal nonconforming use may be replaced by a new legal nonconforming use if the Planning Director determines:
    - a. The new use falls under the same general land use category – commercial, industrial, multi-family residential, single-family residential – as the existing legal nonconforming use and
    - b. The new use has the same or less aesthetic impacts as the existing legal nonconforming use. “Same aesthetic impacts” means the appearance of the site from the public realm is largely unchanged especially as it relates to outside storage.
      - i. If the existing legal nonconforming use did not have outside storage the new use shall not have any outside storage.
      - ii. If the existing legal nonconforming use had outside storage but the new use does not continue to have outside storage within six (6) months of starting operations then the right to have outside storage shall be considered abandoned.
      - iii. If the existing legal nonconforming use has outside storage then the new use may have outside storage provided the materials stored outside and that are visible from the street do not exceed the existing volume and dimensions of the current legal nonconforming

uses' outside storage; and

- c. The new use has the same or less level of activity as the existing legal nonconforming use. Activity level shall be a subjective determination of the Planning Director of the composite activity related to traffic generation, number of employees, number of customers, and hours of operation; and
  - d. The new use will not require the construction of any new detached structures on the site or parcel(s).
- 3. Other than the exception described above in Subsection 2, any new use on a site or parcel(s) shall be consistent with Table IV-1.
  - 4. Where multiple legal non-conforming uses exist on a site, the legal continuation of each individual use shall be considered separately from all others.
- H. *Temporary uses.* Temporary uses listed on Table IV-1 or determined consistent by the Planning Director under subsection E above may be approved for a maximum of 60 consecutive or non-consecutive days in any year. Temporary structures associated with approved temporary uses are not required to conform to the building standards in this chapter.
- I. Accessory uses, where permitted, shall be subordinate to the primary use(s) on the site.
  - J. Accessory dwelling units shall only be allowed in conjunction with one single-family home on one lot. All requirements in SMC 14.207.075(2) shall apply to accessory dwellings.

**Table IV-1. Permitted Land Uses**

	Center	Pilchuck Single-Family	Townhouse	Civic
<b>Residential Uses</b>				
Single-family	--	Permitted	Permitted	--
Townhouse	Permitted	--	Permitted	--
Bungalow Court	Permitted	--	Permitted	--
Stacked-flat multi-family	Permitted	--	--	--
Adult family home	--	Permitted	Permitted	--
Senior citizen assisted living	Permitted	--	--	--
<b>Retail</b>				
Retail stores	Permitted	--	--	--
Outdoor boat/vehicle sales	--	--	--	--
Temporary open air markets / vendor carts or stands	Provisional	--	--	Provisional
Restaurants	Permitted	--	--	Permitted
Bars, taverns, night clubs	Provisional	--	--	--
<b>Office/service uses</b>				
Craft wineries, distilleries, and breweries with on-site sales and public tasting area	Provisional	--	--	--
Professional/administrative/medical/social	Permitted	--	Provisional <sup>1</sup>	--
Veterinary (indoor only)	Permitted			
Commercial daycare <sup>3</sup>	Permitted	--	Provisional <sup>1</sup>	Provisional
Family daycare <sup>3</sup>	--	Permitted	Permitted	--
Business services (e.g., reprographics, bank)	Permitted	--	Provisional <sup>1</sup>	--
Personal services (e.g., hair salon; drycleaner; commercial daycare)	Permitted	--	Provisional <sup>1</sup>	--
<b>Other Commercial/Industrial</b>				
Light manufacturing	Provisional <sup>2</sup>			
Vehicle service/repair	Provisional <sup>2</sup>	--	--	--
Vehicle storage (except as accessory)	--	--	--	
Warehousing / Storage (except accessory)	--	--	--	--
Manufacturing (except accessory)	--	--	--	--
<b>Entertainment &amp; Recreation</b>				
Theaters – movie and performing arts	Permitted	--	--	--
Recreational center / sports club	Permitted	--	--	--
Bowling / billiards / amusement arcades	Permitted	--	--	--
Adult use	--	--	--	--
<b>Lodging</b>				
Hotel with or without convention center	Permitted	--	--	--
Bed and breakfast	Permitted	--	Permitted	--

	Center	Pilchuck Single-Family	Townhouse	Civic
<b>Accessory to allowed uses (on same site)</b>				
Manufacturing products for sale on-site	Permitted	--	--	--
Home occupation, live-work	Permitted	Permitted	Permitted	--
Accessory dwellings (see SMC 14.212.410(J))	--	Permitted	Permitted	--
Storage / warehousing (indoor only / 30% of first floor max.)	Permitted	--	--	--
Family daycare	Permitted	Permitted	Permitted	--
Other uses as determined accessory and consistent with the intent of the zone	Permitted	Permitted	Permitted	Permitted
<b>Civic &amp; Cultural</b>				
Municipal offices	Permitted	--	--	Permitted
Parks and recreation	Permitted	Permitted	Permitted	Permitted
Community center	Permitted	--		Permitted
Educational facilities	Permitted	--	Provisional	Permitted
Libraries, museums	Permitted	--	--	Permitted
Fire & police stations	Permitted	--	--	Permitted
Religious assembly	Permitted	--	Provisional	--
General assembly (e.g., private clubs, rental spaces)	Permitted	--	--	Permitted
Parking garages	Permitted	--	--	Permitted

1. Allowed as a provisional use if all of the following criteria are met:
  - a. The use shall only be allowed on the ground/street level.
  - b. The use shall be located in the portion of the building closest to and fronting the public sidewalk.
  - c. The use shall only be open Mondays-Saturdays, 8:00 a.m. – 8:00 p.m.
  - d. No more than one office, commercial, business services, or personal services provisional use shall be allowed per site or building, whichever is less.
  - e. The use shall not occupy more than 2,000 gross square feet of floor area.
  - f. Signage shall be regulated pursuant to SMC 14.245.115 – Signs in Residential Land Use Designations.
2. Allowed as a provisional use if all of the following criteria are met:
  - a. Business activity shall only occur within an existing or new fully-enclosed building. If a new building is constructed, the building shall meet the design standards for the Pilchuck District. If the business activity is taking place in an existing building, the building does not have to meet the design standards for the Pilchuck District.
  - b. Outside storage shall be prohibited.
3. All day care uses shall be licensed by the Washington State Department of Early Learning pursuant to Chapter 170-295 WAC.