

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2391

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
AMENDING SMC 14.295 TRAFFIC IMPACT FEES AND MITIGATION
TO PROVIDE INTERNAL CONSISTENCY WITH TITLE 14 SMC, AND
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

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, the repeal of SMC 14.295.040 Definitions by Ordinance 2401 requires additional clarifying amendments within the Chapter; and

WHEREAS, Chapter 14.295 of the Snohomish Municipal Code (SMC) establishes the process whereby traffic impact fees are applied to development projects within the City, and the applicability is currently outlined within the definition of “development” in SMC 14.295.040; and

WHEREAS, the repeal of SMC 14.295.040 eliminated provisions regarding the imposition of traffic impact fees on types of development; and

WHEREAS, it is appropriate and necessary for consistency to maintain a provision outside of a definition, but within Chapter 14.295 that clarifies which type of projects require the imposition of traffic impact fees; 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 April 3, 2020, a 60-day notice was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, the proposed amendments to the City’s Development Code were publicly noticed and circulated for review and comment in accordance with the City’s normal review and permitting procedures on April 16, 2020; 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 April 16, 2020. No appeal of the determination was received so the determination stands; and

WHEREAS, on February 5, 2020, March 4, 2020, and June 3, 2020, the Planning Commission conducted work sessions which were open to the public to discuss the proposed amendments; and

WHEREAS, on July 1, 2020, 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 July 21, 2020, 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.** The Planning Commission’s findings as set forth in “Exhibit A” are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

1. Internally consistent with the City of Snohomish Comprehensive Plan;
2. Consistent with the Washington State Growth Management Act;
3. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
4. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 3. **SMC 14.295.050 Street System Policy - General Provisions amended.** SMC 14.295.050, entitled “Street System Policy – General Provisions,” is hereby amended to read as follows:

14.295.050 Street System Policy - General Provisions.

- A. *Applicability to development.* Any application for approval of a permit for a development subdivision, short subdivision, site development plan, conditional use permit, building permit, changes in occupancy and other applications pertaining to land uses in the City of Snohomish, but not building permits for single-family residential dwellings, attached or

detached accessory apartments, or duplex conversions, on existing tax lots will be is subject to the provisions of this Chapter.

- B. ~~Director~~City Engineer's recommendation: approval.
1. In approving or permitting a development, the approval authority shall consider the ~~Director~~City Engineer's recommendations and act in conformity with this Chapter.
 2. The ~~Director~~City Engineer shall only recommend approval of a development, if, in the ~~Director~~City Engineer's opinion, adequate provisions for City streets, access, and mitigation of the transportation impacts of the development are made as provided in the City's development regulations, SEPA, and this Chapter.
 3. The ~~Director~~City Engineer shall only recommend approval of a development if the development is deemed to be concurrent in accordance with this Chapter.
- C. *Excessive expenditure of public funds.* If the location, nature, and/or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary street improvement or is inconsistent with priorities established to serve the general public benefit, and if provision has not otherwise been made to meet the mitigation requirements as provided in this Chapter, the City may refuse to approve or grant a permit for development. As an alternative, the City may allow the developer to alter the proposal so that the need for street improvement is lessened or may provide the developer with the option of bearing all or more than the development's proportionate share of the required street improvement costs.
- D. *Development mitigation obligations.* Any application for approval of a permit for a development shall be reviewed to determine any requirements or mitigation obligations that may be applicable for the following:
1. Impact on street system capacity;
 2. Impact on specific level-of-service deficiencies;
 3. Impact on specific inadequate street condition locations;
 4. Frontage improvements requirements;
 5. Access and transportation system circulation requirements;
 6. Dedication or deeding of right-of-way requirements;
 7. Transportation demand management measures.
- E. *Street system capacity requirements.* The direct traffic impacts of any development on the capacity of all intersections, arterials and non-arterials in the street system identified as needing future capacity improvements in the currently adopted Transportation Element will be mitigated either by constructing street improvements which offset the traffic impact of the development or by paying the development's share of the cost of the future capacity improvements.
- F. *Level-of service standards.*
1. As required by RCW 36.70A.070(6)(a), standards for levels of service on City arterials have been adopted by the City in the Comprehensive Plan. The Department will plan, program and construct transportation system capacity improvements for the

purpose of maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the Comprehensive Plan.

2. In accordance with RCW 36.70A.070(6)(b), no development will be approved which would cause the level-of-service on any arterial unit or intersection to fall below the adopted level-of-service standards unless improvements are programmed and funding identified which would remedy the deficiency within six years.
3. When the City Council determines that excessive expenditure of public funds is not warranted for the purpose of maintaining adopted level-of-service standards on an intersection or arterial unit, the City Council may designate by motion such intersection or arterial unit as being at ultimate capacity. Improvements needed to address operational and safety issues may be identified in conjunction with such ultimate capacity designation.

G. *Inadequate pre-existing street condition.*

1. Mitigation of impacts on inadequate pre-existing street conditions is required in order to improve inadequate streets in accordance with adopted standards, prior to dealing with the impacts of traffic from new development. If such inadequate conditions are found to be existing in the street system at the time of development application review and the development will put three or more p.m. peak-hour trips through the identified locations, the development may be approved only if provisions are made in accordance with this Chapter for improving the inadequate street conditions.
2. The ~~Public Works Director~~City Engineer shall make determinations of street inadequacy in accordance with Department policies, standards, and procedures, as adopted pursuant to this Chapter.

H. *Frontage improvements.* All developments will be required to make frontage improvements in accordance with City standards, except where determined untimely by the City Engineer due to the absence of street frontage improvements in the vicinity or to scheduled public improvement projects.

I. *Access and transportation circulation requirements.* All developments shall be required to provide for access and transportation circulation in accordance with the Comprehensive Plan and the development regulations applicable to the particular development, to design and construct such access in accordance with the adopted engineering design and development standards, and to improve existing streets that provide access to the development in order to comply with adopted design standards.

J. *Right-of-way requirements.* As provided for by RCW 82.02.020, all developments, as a condition of approval, will be required to deed or dedicate property, as appropriate pursuant to City standards, when to do so is found by the ~~Director~~City Engineer or a City approval authority to be reasonably necessary as a direct result of the proposed development for improvement, use, or maintenance of the street system serving the proposed development.

K. *Development permit application completeness.* For purposes of this Chapter, permit applications for development shall be determined to be complete in accordance with the

complete application provisions as defined in the applicable development regulations in accordance with Chapter 36.70B RCW. A development permit application shall not be considered complete until all traffic studies or data required in accordance with this Chapter and/or as specified in a preapplication meeting conducted pursuant to Title 14 SMC are received. Review periods and time limits shall be established in Title 14 SMC in accordance with Chapter 36.70B RCW.

- L. ~~Director~~ City Engineer *Authorization for administrative policies and technical standards and procedures.* The ~~Director~~ City Engineer is hereby authorized to produce and maintain administrative policies and technical standards and procedures in order to administer this Chapter. The policies, standards, and procedures shall cover the transportation-related aspects of processing land use applications and shall set forth any necessary procedural requirements for developers to follow in order for their applications to be processed by staff in an efficient manner. The ~~Director~~ City Engineer shall produce administrative policies and technical standards and procedures on at least the following topics:
1. Traffic studies: scoping, elements, processing.
 2. Level-of-service determination: methodology, data collection.
 3. Transit compatibility: transit supportive criteria.
 4. Inadequate street conditions: criteria for identification.
 5. Frontage improvements: standards, variables.
 6. Mitigation measures: extent, timing, agreements.

Section 4. SMC 14.295.060 Traffic Study amended. SMC 14.295.060, entitled “Traffic Study,” is hereby amended to read as follows:

14.295.060 Traffic Study.

- A. *When required.* In order to provide sufficient information to assess a development’s impact on the street system, developments adding three or more p.m. peak-hour trips will be required to provide a traffic study when it has been determined that there is not sufficient information existing in the Department’s database to adequately assess the traffic impacts of the development. The traffic study will consist of at least a traffic generation and distribution analysis. The ~~Director~~ City Engineer may require that additional information be provided on impacts of the development to level-of-service of affected streets, inadequate street conditions, adequacy of the proportionate share calculations of any voluntary payments required under this Chapter to reasonably or adequately mitigate impacts of the proposed development, and conformance with the Comprehensive Plan’s Transportation Element. The ~~Director~~ City Engineer may determine at a pre-application conference the need for a study and the scope of analysis of any needed study.
- B. *Waiver.* If, in the opinion of the ~~Director~~ City Engineer, there is sufficient information known about a development’s street system impacts from previous traffic studies, the ~~Director~~ City Engineer may waive the requirement for a traffic study and so state the waiver determination in the preapplication meeting. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

Section 5. SMC 14.295.070 Determination of Street System Obligations amended. SMC 14.295.070, entitled “Determination of Street System Obligations,” is hereby amended to read as follows:

14.295.070 Determination of Street System Obligations.

- A. Applications which have a prior SEPA threshold determination establishing developer obligation for the transportation impacts prior to the enactment of this Chapter shall be vested under the development obligation identified under SEPA.
- B. A determination of developer obligation shall be made by the City before approval of preliminary plats, short subdivisions, and conditional use permits. For other development approvals, the determination of developer obligation shall be made prior to issuance of a building permit.
- C. Mitigation measures imposed as conditions of a development approval shall remain valid until the expiration date of the concurrency determination for the development. Any building permit application submitted after the expiration date shall be subject to full reinvestigation of traffic impacts under this Chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the development or prior building permits pursuant to a recorded development plan, only where those mitigation measures addressed impacts of the current building permit application.
- D. The ~~Director~~City Engineer, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development’s impacts and mitigation obligations are under this Chapter. The developer shall make a written proposal for mitigation of the development’s traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the City under RCW 82.02.050(2). When the developer’s written proposal has been reviewed for accuracy and completeness by the ~~Director~~City Engineer, the ~~Director~~City Engineer shall make a recommendation to the City approval authority, as to the concurrency determination and conditions of approval or reasons for recommending denial of the development application, citing the requirements of this Chapter.
- E. Any request to revise a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application except where the ~~Director~~City Engineer determines that such revision may be administratively approved.

Section 6. SMC 14.295.080 Street System Capacity Requirements amended. SMC 14.295.080, entitled “Street System Capacity Requirements,” is hereby amended to read as follows:

14.295.080 Street System Capacity Requirements.

- A. All developments must mitigate their impact upon the future capacity of the street system either by constructing offsite street improvements, which offset the traffic impacts of the development, or by paying the development's proportionate share cost of the future capacity improvements.

- B. Construction option.
 - 1. If a developer chooses to mitigate the development's impact to the street system capacity by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements.
 - 2. When two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as a condition of approval.
 - 3. Any developer who volunteers to construct more than the development's share of the cost of offsite improvements may apply for a reimbursement contract.

- C. Payment option.
 - 1. If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the development's share of the cost of future capacity improvements will be calculated as set forth in SMC 14.295.090.
 - 2. Any developer who volunteers to pay more than the development's share of the cost of offsite improvements may apply for a reimbursement contract.

Section 7. SMC 14.295.100 Level-of-Service Requirements and Concurrency Determinations amended. SMC 14.295.100, entitled "Level-of-Service Requirements and Concurrency Determinations," is hereby amended to read as follows:

14.295.100 Level-of-Service Requirements and Concurrency Determinations.

- A. The Department shall make a concurrency determination for each development application to ensure that the development will not impact an arterial unit where the level-of-service is below the adopted level-of-service standard or will not cause the level-of-service on an arterial unit to fall below the adopted level-of-service standard, unless improvements are programmed and funding identified which would remedy the deficiency within six years. The approval authority shall not approve any development that is not deemed concurrent under this section.
 - 1. The Department shall make a concurrency determination upon receipt of a development's pre-application submittal. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the ~~Director~~City Engineer, and the development will be reevaluated for concurrency purposes.
 - 2. The concurrency determination shall expire if the development for which the concurrency is reserved is not applied for within one hundred twenty (120) days of the concurrency determination. This determination is a prerequisite for a complete development application. The expiration date of the concurrency determination for a

- filed development application shall be six years after the date of the determination, except where the application is later withdrawn or approval is allowed to lapse.
3. Building permits for a development must be issued prior to expiration of the concurrency determination for the development, except when the development is a residential subdivision or short subdivision in which case the subdivision or short subdivision must be recorded prior to expiration of the concurrency determination for the development, and except where no building permit will be associated with a conditional use permit, in which case the conditional use permit must be issued prior to expiration of the concurrency determination. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.
 4. If the concurrency determination expires prior to building permit issuance, except when the development is a residential subdivision or short subdivision, then prior to the recording of the subdivision or short subdivision, and except where no building permit will be associated with a conditional use permit, then prior to issuance of the conditional use permit, the ~~Director~~City Engineer shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination in accordance with this section.
 5. Building permit applications for development within a recorded development plan, non-residential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section shall be deemed concurrent, provided that the concurrency determination has not expired, the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the recorded development plan, non-residential subdivision or short subdivision approval is performed as a condition of building permit issuance.
- B. In determining whether or not to deem a proposed development as concurrent, the Department shall analyze likely street system impacts on arterial units based on the size and location of the development.
1. A development shall be deemed concurrent for the period prior to the expiration date of the concurrency determination for the development.
 2. A development's forecasted trip generation at full occupancy shall be the basis for determining the impacts of the development on the street system. The City will accept valid data from a traffic study prepared under this Chapter.
- C. A concurrency determination made for a proposed development under this section will evaluate the development's impacts on any intersections or arterial units in arrears. If a development which generates seven or more p.m. peak-hour trips, or a nonresidential development which generates five or more p.m. peak-hour trips, is proposed to affect an intersection or arterial unit in arrears, then the development may only be deemed concurrent based on a trip distribution analysis to determine the impacts of the development. Impacts shall be determined based on each of the following:
1. If the trip distribution analysis indicates that the development will not place three or more p.m. peak-hour trips on any intersection or arterial units in arrears, then the development shall be deemed concurrent.

2. If the trip distribution analysis indicates that the development will place three or more p.m. peak-hour trips on any intersection or arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under SMC 14.295.100(E).
- D. Any residential development that generates less than seven p.m. peak- hour trips or any nonresidential development that generates less than five p.m. peak-hour trips shall be considered to have only minor impact on City arterials for purposes of a concurrency determination on impacts to level-of- service on intersections and arterial units and shall accordingly be deemed concurrent.
- E. Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:
1. A development which meets the Department's criteria for transit compatibility, in accordance with the ~~Director~~City Engineer's policy and procedure for transit compatibility, shall be deemed concurrent if the impacted intersection or arterial unit in arrears meets the criteria for transit supportive design in accordance with the ~~Director~~City Engineer's policy and procedure for transit compatibility, and if the level-of-service on the impacted intersection or arterial unit in arrears meets the City's adopted LOS standards, and provided that the development can be deemed concurrent in accordance with all other provisions of this section.
 2. A development may modify its proposal to lessen its impacts on the street system in such a way as to allow the City to deem the development concurrent under this section.
 3. The City may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the ~~Director~~City Engineer's recommendation under SMC 14.295.050(B), and referenced in the concurrency determination, as a condition of approval.
 - a. Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the City has made or programmed capacity improvements which would remedy any intersection or arterial units in arrears.
 - b. Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any intersection or arterial units in arrears.
 - i. If a developer chooses to mitigate the development's impact by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements. Construction of improvements shall be in accordance with the City's engineering design and development standards.
 - ii. In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an

arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

- iii. Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the City that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The ~~Director~~City Engineer will determine whether or not such a partnership is to be established.
- iv. Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; provided that where no building permit will be associated with a change in occupancy, then construction of improvements is required as a precondition to approval.

F. *Adopted Level-of-Service.*

1. The level of service for intersections shall be LOS E or better.
2. The Transportation Element may designate intersections that are exempt from the level-of-service standard set forth in this subsection.

Section 8. SMC 14.295.110 Inadequate Street Condition Requirements
amended. SMC 14.295.110, entitled "Inadequate Street Condition Requirements," is hereby amended to read as follows:

14.295.110 Inadequate Street Condition Requirements.

- A. Regardless of the existing level-of-service, development which adds three or more p.m. peak-hour trips to an inadequate street condition existing on the street system, at the time of determination under this Chapter, or development whose traffic will cause an inadequate street condition at the time of full occupancy of the development, will only be approved for occupancy or final inspection when provisions are made in accordance with this Chapter for elimination of the inadequate street condition. The improvements removing the inadequate street condition must be complete or under contract before a building permit on the development will be issued and the street improvement must be complete before any certificate of occupancy or final inspection will be issued; provided that where no building permit will be associated with a conditional use permit, then the improvements removing the inadequate street condition must be complete as a precondition to approval.
- B. The ~~Director~~City Engineer shall determine whether or not a location constitutes an inadequate street condition. Any known inadequate street condition to which the development adds three or more p.m. peak-hour trips shall be identified as part of the ~~Director~~City Engineer's recommendation under SMC 14.295.050(B).
- C. A development's access onto a City street shall be designed so as not to create an inadequate street condition. Developments shall be designed so that inadequate street conditions are not created.

D. *Construction option – requirements.*

1. If a developer chooses to eliminate an inadequate street condition by constructing offsite street improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the ~~Director~~City Engineer for construction of the offsite improvements.
2. When two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

Section 9. 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 10. 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 11. 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 July, 2020.

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

Date of Publication: July 25, 2020

Effective Date (5 days after publication): July 30, 2020

EXHIBIT A

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed amendments to the Definitions chapter and other sections of Title 14 Snohomish Municipal Code related to definitions, 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 to land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (SMC) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the city.
3. Chapter 14.100 SMC contains definitions for the Land Use Development Code, but definitions can also be found in sections SMC 14.212.1020, SMC 14.222.020, SMC 14.242.020, SMC 14.245.020, SMC 14.295.040, and SMC 14.300.170.
4. Some of the definitions are out of date and cumbersome, and require revisions to ease administration of Title 14.
5. All definitions in Title 14 should be consolidated as much as possible within a single chapter of Title 14 that appears earlier in Title 14.
6. Elimination of definitions within Chapters 14.242, 14.295, and 14.300 SMC requires clarifying amendments within those chapters.
7. The existing non-definition language of SMC 14.242.075, 14.295 and SMC 14.300 is inconsistent and ambiguous and should be amended to make the regulations easier to understand and administer.
8. The proposed amendments to Title 14 SMC will add a new Chapter 14.25 SMC (Definitions), containing consolidated definitions of Title 14. Chapter 14.100 SMC will be repealed. All other chapters containing definitions sections will be amended to remove these sections, and in some cases, additional amendments are proposed for clarification purposes, or for internal consistency.
9. The proposed amendments implement the following policies contained in the Snohomish Comprehensive Plan:
 - a. 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.
 - b. Policy ED 2.1: Review codes. Evaluate the City's zoning ordinances for impediments to and consistency with the current economic development vision and market trends and opportunities.
10. 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 April 3, 2020.
 - c. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish, as designated lead agency for review of the proposed amendment, issued a Determination of Non-Significance on April 17, 2020 pursuant to WAC 197-11-340(2).
 - d. The public process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SMC.
11. The Planning Commission met on February 5, 2020, March 4, 2020, and June 3, 2020 to hold work sessions and provide direction on staff-generated definitions and other code language related to these amendments.
 12. A Notice of Planning Commission Public Hearing consistent with Snohomish Municipal Code requirements, was published on June 13, 2020.
 13. The Planning Commission held a public hearing on July 1, 2020, to receive public testimony concerning the proposed amendment.
 14. At the conclusion of the public hearing, the Planning Commission voted to recommend City Council approval of the proposed amendments.

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

1. The proposed amendments will consolidate, update, remove inconsistencies, and improve clarity of definitions within Title 14 of the Snohomish Municipal Code.
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.

Date: July 1st, 2020

By: Terry Lippincott
 Terry Lippincott, Planning Commission Chair