



CITY OF SNOHOMISH

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January 11, 2023

Planning Director Code Interpretation CLINICS IN THE MIDTOWN DISTRICT

Issues

- Is an outpatient behavioral health facility the same use as a clinic as defined by the Snohomish Municipal Code?
- In what zoning districts are clinics permitted uses?

Applicable Snohomish Municipal Code (SMC) provisions

SMC 14.05.050 Administration and interpretation

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

SMC 14.25.060 Definitions – C

Clinic: a building for licensed outpatient health services.

SMC 14.25.160 Definitions – O

Office: a place of business where commercial, professional, or bureaucratic work is performed. An office is limited to the building or portion thereof where such activities are performed, as well as associated parking for employees, patrons, and company vehicles. Retail activities and personal services cannot take place in an office.

SMC 14.25.170 Definitions – P

Personal services: a business or occupation which provides goods and services for the nonmedical physical and mental care and support to individuals, such as, but not limited to, barbershops, beauty salons, tattoo parlors, and similar establishments.

SMC 14.25.200 Definitions – S

Social services: assistance or activities provided to individuals to promote their physical, mental, and social well-being.

SMC 14.207.060 Interpretation of the Land Use Tables.

- A. If a proposed land use is not specifically listed in a land use table, the City Planner shall determine whether the land use will be allowed in a land use designation. The City Planner shall make that determination based on consistency with the purposes of Title 14 SMC and the Comprehensive Plan, considering the following factors:
 - 1. The physical characteristics of the use and its supporting structures, including scope, traffic, hours of operation, and other impacts.
 - 2. Whether the use is compatible with other uses permitted in the land use designation.
- B. The City Planner shall issue a written interpretation formalizing the determination, in order to make a record of the decision and establish a clear precedent for similar future occurrences. The issuance of an interpretation by the City Planner may be appealed in accordance with the provisions of SMC 14.20.170.

SMC 14.207.080 Commercial Uses.

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL ¹	BP	MID	I	AI	POP
Office					p11	p	p11		p	p	p	p	
Personal services					p		p		p	p	p	p	
Social services					p		p		p	p	c		

11. Limited to office use and related parking for vehicles and equipment.

SMC 14.214.210 Uses.

- A. See Chapter 14.207 SMC, Land Use Tables, for permitted uses in the Midtown District.
- B. Buildings with frontage on Avenue D shall meet or exceed minimum requirements to provide space designed for commercial uses on the street level at the front of the building as specified in SMC 14.214.505.
- C. Outdoor storage shall be prohibited as a primary or an accessory use.
- D. Uses are specifically prohibited pursuant to SMC 14.207.065.
- E. Nonconforming uses shall be subject to the provisions of SMC 14.80.020.

Interpretation

Discussion:

The land use tables of Chapter 14.207 SMC were amended under Ordinance 2434. Land uses were consolidated and reorganized.

The Midtown District was created February 1, 2022, with the adoption of Ordinance 2425.

“Clinic” is not specifically listed in any land use table found in Chapter 14.207 SMC.

Ordinance 2424 removed “Office/patient clinic” from the land use tables but “clinic” is defined in Chapter 14.25 SMC. The intention of Ordinance 2424 was to consolidate all types of offices, including medical offices, however by leaving the “clinic” definition there is confusion as to whether a clinic is an unlisted use.

A customer inquiry asks whether an outpatient behavioral health clinic is a permitted use in the Midtown District.

Analysis:

Behavioral health facility

A licensed outpatient facility providing behavioral health services to patients can be considered to meet the SMC definition of “clinic”. No prohibited uses can be performed on site, including supervised drug injections, which is specifically prohibited under SMC 14.207.065(B). No overnight stays are permitted.

Clinic vs. Office

A clinic meeting the definition of SMC 14.25.060 is a type of office, because it has similar operations and impacts. The intent of Ordinance 2424 was to consolidate similar land uses, to make the land use tables easier to read and interpret. The previous “office/patient clinic” land use was consolidated into “office” because of the similarity.

Midtown District

The Avenue D commercial corridor was zoned Commercial before it was rezoned to Midtown District on February 1, 2022. That rezone did not substantially change the type of commercial uses allowed in the Midtown District. There are several medical offices in what is now the Midtown District that were permitted when the area was zoned Commercial.

Clinics are consistent with and supportive of the purpose and intent of the Midtown District.

Conclusion:

- A behavioral health facility without overnight stays and without supervised drug injections is considered a clinic.
- A clinic meeting the definition in SMC 14.25.060 is a type of office and is therefore permitted wherever office is a permitted use.

Dated this 11th day of January 2023.



Brooke Eidem, AICP
Planning Director

NOTE:

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.05.050. Any aggrieved party to the Planning Director's Decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in Chapter 14.75 SMC. If no timely appeal is filed, then the Planning Director's Decision shall be final. Appeals must be filed with City Clerk within 14 days from the date of this decision. Appeals must include a filing fee of \$500 (five hundred dollars).