



**Snohomish County
Planning and Development Services**

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MEMORANDUM

TO: Snohomish County Planning Commission
Joshua Dugan, Planning Commission Secretary

FROM: David Killingstad, Principal Planner
Planning and Development Services

DATE: October 13, 2015

SUBJECT: **Commercial and Industrial Standards-Phase 1 (Uses and Parking)**

Introduction

The purpose of this staff report is to supplement the staff report to the Planning Commission dated May 13, 2015, and provide changes to the proposed Commercial-Industrial Phase 1 code amendments prior to a public hearing on October 27, 2015. The Planning Commission was briefed on the proposed code amendments on May 26, 2015. Attachments A through E to this memo present the full set of proposed code amendments to Title 30 SCC recommended by Planning and Development Services (PDS). Attachment F presents updated draft findings and conclusions.

Background

This project proposes to update Snohomish County's regulations for commercial and industrial development. Specifically addressed through this code project are amendments to the use matrices (chapter 30.22 SCC), parking requirements (chapter 30.26 SCC) and definitions (chapters 30.91A through 30.91W SCC). The proposed code amendments resolve a number of issues associated with commercial and industrial development including:

- Challenges with classifying uses which were not anticipated when the use matrices were first constructed
- Defining several commercial and industrial uses not included under the recently adopted ordinance which defined uses in the use matrices
- Uses which lack a clear minimum parking requirement
- Higher minimum parking requirements for some uses than is currently needed in today's market
- Regulations which are outdated and put the County at an economic disadvantage

Changes to the Proposal Since the May 26, 2015, Planning Commission Briefing

Since the Planning Commission briefing, staff has met with stakeholders and continued to refine the proposed code amendments. A summary of the changes to the proposed code amendments since the May 26 briefing is presented below.

Use Matrices and Reference Notes (Attachment A)

- *Fallout Shelter, Individual and Joint*

The use is proposed to be removed from the Use Matrices. This use dates to an era in time that no longer exists in today's modern world. Most new fallout shelters would be incidental to the primary use of the property (i.e. removing this will not impact a homeowners ability to put in a fallout shelter on their property).

- *Fix-it Shop*

The use is proposed to be removed from the Use Matrices and included under Small Workshop as part of consolidating similar uses under one category.

- *Intermediate Solid Waste Handling Facility*

The May 13, 2015, staff report presented a new use, intermediate solid waste handling facility proposed to be defined as "...any intermediate use, processing, or storage site engaged in solid waste handling, which is not the final site of disposal. In accordance with WAC 176-350-100, an intermediate solid waste handling facility includes material recovery facilities, transfer stations, drop boxes, baling, and compaction sites." Initially, staff presented to the Planning Commission separate proposed regulations for indoor and outdoor intermediate solid waste handling facilities. This included allowing indoor facilities as an Administrative Conditional Use (ACU) approved by the Director. The nature of this use is such that many of the same impacts occur regardless of whether it is indoors or outdoors. To provide a more adequate administrative and public process, an Intermediate Solid Waste Handling Facility is proposed to only be allowed as a Conditional Use (CU) in the Industrial Park (IP), Light Industrial (LI), Heavy Industrial (HI), Rural Industrial (RI), Rural Diversification (RD), and Rural-5 zones. A CU permit requires a public hearing and approval by the Hearing Examiner. A party of record may appeal the Examiner's decision to the County Council. New performance standards are being added in SCC 30.28.110 (See Attachment C).

- *Locksmith*

The use is proposed to be removed from the Use Matrices and included under Retail, General as part of consolidating similar uses under one category.

- *Neighborhood Services, Office and Banking, and Laboratory*

In the May 13, 2015, staff report, the Rural Use Matrix (SCC 30.22.110) was proposed to be amended to add Laboratory, as well as three new consolidated uses, Neighborhood Services, Office and Banking, and Retail, General to the Clearview Rural Commercial (CRC) Zone. The CRC zone applies to two areas along State Route 9, both of which are classified under the Growth Management Act (GMA) as Limited Areas of More Intense Rural Development

(LAMIRD). LAMIRDs are isolated pockets of more intense development in the rural area and outside of an Urban Growth Area. WAC 365-196-425(6) defines three types of LAMIRDs. The Clearview area is defined as a Type 1 LAMIRD¹. Under WAC 365-196-425(6)(b), only those uses in existence as of July 1, 1990, are allowed. There is a considerable amount of history, including legal challenges under GMA, dating back to the late 1990's regarding the appropriate allowed uses in the CRC zone. Because no Laboratory uses existed in 1990, PDS is no longer proposing to add Laboratory to the CRC zone. Similarly, the new uses of Neighborhood Services, Office and Banking, and Retail, General include a number of uses which did not exist in 1990. To avoid an inconsistency with GMA, a new reference note (135) is proposed to be added which limits the allowed uses to only those which have been determined to meet the requirements under WAC 365-196-425(6)(b). Those uses which will be allowed in the CRC zone include grooming parlors, personal services shops, offices, drug, grocery, hardware, secondhand, specialty, and tire stores, tool sales and rental, home improvement centers, and retail bakeries. All other uses allowed under Neighborhoods Services, Office and Banking, and Retail, General will not be allowed because they could be inconsistent with WAC 365-196-425(6)(b).

- *Vehicle, Vessel and Equipment Sales and Rental*

The term "vessel" is added to provide additional clarity.

- *Reference Note (23)*

Reference Note 23 restricts motor vehicle sales in the Community Business (CB) and CRC to indoors only. The reference note that is in the existing code is proposed to be modified to replace the word "indoor" with "within a structure enclosed by walls on at least two sides" for clarity and to reduce confusion.

- *Reference Note (26)*

Reference note 26 provides additional restrictions on Sawmill, Shake and Shingle Mills including product types produced, number of employees and noise and odors. The reference note that is in the existing code is proposed to be removed as it is outdated, does not reflect a current business model of the existing lumber mills located in unincorporated Snohomish County and is covered by other sections within Title 30 SCC or requirements imposed by outside agencies.

- *Reference Note (134)*

Proposed reference note 134 allows certain uses only when they are designated Urban Village in the GMA Comprehensive Plan. The proposed reference note modified from that shown in the May 13, 2015, staff report to remove a phrase referencing Urban Commercial and other plan designations. The additional phrase is extraneous and adds no value.

- *Reference Note (135)*

¹ WAC 365-196-425(6)(c)(i) Type 1 LAMIRDs - Isolated areas of existing more intense development. Within these areas, rural development consists of infill, development, or redevelopment of existing areas. These areas may include a variety of uses including commercial, industrial, residential, or mixed-use areas. These may also be characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

This is a new reference note proposed to be applied to the Neighborhoods Services, Office and Banking, and Retail, General uses in CRC zone, as described above. The reference note only allows grooming parlors, personal services shops, offices, drug, grocery, hardware, secondhand, specialty, and tire stores, tool sales and rental, home improvement centers, and retail bakeries in the CRC zone. All other uses listed in the respective definitions for Neighborhood Services, Office and Banking, and Retail, General will not be allowed in the CRC zone.

Chapter 30.26 SCC (Parking) (Attachment B)

- **30.26.020 Location of parking spaces.**

The Department of Public Works provided input on the proposed code amendments and suggested some changes to SCC 30.26.020. They felt the existing code language lacked clarity on whether required parking can be allowed within the public right-of-way. (i.e. not specifically prohibited). The changes remove “off-street” in subsection (3) and replace it with “out of the public right-of-way.” Additionally, the word “point” is removed in subsection (1) and replaced with “available entrance” and provides more clarity and removes an ambiguous word.

- **30.26.032 Additional parking requirements for the UC zone.**

A separate table in chapter 30.26 SCC contains the parking requirements for development located in the Urban Center (UC) zone. Under SCC 30.26.032(7) an applicant in the UC zone may reduce the parking requirements when a shared parking plan is submitted. This sets up a conflict with the language in SCC 30.26.040, as SCC 30.26.040 does not specifically prohibit application to the UC zone. To resolve this conflict, subsection (7) is deleted in SCC 30.26.032 and replaced with a cross-reference to SCC 30.26.040. To provide additional clarity the first sentence in SCC 30.26.040 is further amended to add a reference to SCC Table 30.26.032(1). The effect of this change is that applicants in the UC zone may request up to a 40% reduction in the minimum parking ratios listed in SCC 30.26.032(1). This change is consistent with GPP LU Policy 3.A.2, which provides direction to increase use of transit and reduce vehicle miles travelled.

- **30.26.040 Reduction of required parking spaces.**

SCC 30.26.040 provides flexibility to reduce the minimum parking requirements by up to 40% if criteria are met. This section does explicitly state that it applies to the table listing parking requirements. A reference to SCC Table 30.26.030(1) is added to the first sentence to provide greater clarity.

Woodwaste Recycling and Storage and Intermediate Solid Waste Handling Facility (Attachment C)

- **30.28.090 Woodwaste recycling and storage facilities, administrative conditional use permits.**

The first sentence in SCC 30.28.090 is modified to provide a cross-reference to the use matrices. The second sentence is modified to improve readability.

- **30.28.095 Woodwaste recycling and storage facilities, conditional use permits.**

The first sentence in SCC 30.28.095 is modified to provide a more direct link to the use matrices. Subsection (1)(b) is modified to remove an outdated phrase regarding the designation of environmentally sensitive areas which was part of pre-GMA subarea plans. (The subarea plans were repealed in 2005.) Subsection (1)(b) is also modified to remove the last sentence which allowed a greater setback to be imposed consistent with county policies and the applicable pre-GMA subarea plan. The conditional use process and the requirements in the preceding sentence allow a greater setback to be imposed rendering the last sentence extraneous. In addition, the reference to “applicable area comprehensive plan” is outdated as noted about regarding pre-GMA subarea plans.

- **30.28.110 Intermediate Solid Waste Handling Facility.**

The new intermediate solid waste handling facility use covers recycling of non-woodwaste debris. The performance standards proposed to be added to Chapter 30.28 SCC are modified from that presented in the May 13, 2015, staff report. The second sentence is removed as the requirement to meet the definition of a material recovery facility is covered under the references to the WAC’s in the first sentence. The third sentence would have required an applicant to obtain a permit from the Snohomish County Health District. This sentence is removed as that requirement is covered under the WAC’s. Two additional criteria are included in subsection (2) to address odor and vibration. The word “adjacent” is replaced with “abutting” in the fifth criteria to reduce confusion.

Definitions (Attachment E)

- **30.91I.075 Intermediate solid waste handling facility.**

The definition in state law, which the county definition is based on, doesn’t specifically call out storage. The intent of the use is to permit the temporary storage of solid waste, such as certain types of construction debris, for processing at a different location. By adding the word “storage” to the first sentence, clarity is added while maintaining general consistency with state law. The definition is also modified to remove the references to “indoor” and “outdoor” as this distinction is removed from the use matrices.

- **30.91V.013 Vehicle, vessel and equipment sales and rental.**

A separate code project titled “Definitions of Uses” that was considered by the Planning Commission recently, included a new definition for “Commercial Vehicle Storage Facility.” In reviewing that definition and the proposed definition for “Vehicle and Equipment Sales, Rental and/or Storage” a conflict was noted. The definition for “Commercial Vehicle Storage Facility” includes storage not only of automobiles, but also boats and recreational vehicles. These uses were proposed to be included in the definition of “Vehicle and Equipment Sales, Rental and/or Storage.” To avoid this overlap and conflict, the definition for “Vehicle and Equipment Sales, Rental and/or Storage” is amended to remove references to “storage.” Storage would be allowed so long as it is an incidental use. Minor change is also made to add the term “vessel” for consistency with the Use Matrices.

Findings (Attachment F)

There are minor housekeeping changes to the draft findings attached to the staff report dated May 13, 2015. Additional findings are added related to GMA Goals and Vision 2040. The findings of fact and

conclusions in Attachment F, along with any findings related to proposed amendments recommended by the Planning Commission, will be incorporated into an ordinance and forwarded to the County Council for their consideration.

Environmental Review

A State Environmental Policy Act (SEPA) action by PDS is required for the proposed code amendments and will be completed and issued prior to transmittal of the Planning Commission’s recommendation and an ordinance to the County Council. The forthcoming SEPA action will consist of the issuance of a Determination of Nonsignificance (DNS).

Staff Recommendation:

PDS recommends approval of the proposed code amendments described in Attachments A-E as supported by PDS recommended findings of fact and conclusions (Attachment F).

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, denial of the proposal with findings, or amend the proposal with appropriate findings.

Attachments:

- Attachment A: Proposed Amendments to Chapter 30.22 SCC Uses Allowed In Zones
- Attachment B: Proposed Amendments to Chapter 30.26 SCC Parking Standards
- Attachment C: Proposed Changes to Chapter 30.28 General Development Standards – Miscellaneous
- Attachment D: Proposed Changes to SCC 30.31A.140
- Attachment E: Proposed Changes to Subtitle 30.9 Definitions
- Attachment F: Proposed Findings and Conclusions

- cc: Stephan Clifton, AICP, Executive Director
- Clay White, PDS Director
- Josh Dugan, PDS Manager
- Tom Rowe, PDS Manager
- Mike McCrary, PDS Manager
- Will Hall, Legislative Analyst