



**PLANNING COMMISSION
SPECIAL MEETING AGENDA**
November 18, 2024– 6:30 PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Approval of Minutes
 - Approval of the October 14, 2024, Planning Commission Minutes
5. Special Presentation
 - TranspoGroup – Land Use Economic Analysis (Supplement to Permitted Uses Discussion)
6. Old Business
 - Approval of Findings of Facts and Conclusions for the Unified Development Code Structure and Permitting Procedures
7. New Business
 - Conceptual Approach for the Updated permitted Use Zoning Matrix
 - Draft Subdivision Code Approach
8. Miscellaneous Business
 - December Meeting Cancelled
9. Recent Council Action on Commission Items
 -
10. Upcoming Items
 -
11. Adjourn

Zoom Meeting Information

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82891360016>

Passcode: 502157

Telephone: 253-215-8782

Webinar ID: 830 9911 3579

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Planning Commission Meeting Minutes Monday, October 14, 2024 – 6:30 pm

Call to Order: 6:30 pm

Roll Call

Commissioners Present:

Eric Warnat, Commissioner (online)
Kathy Moe, Commissioner
Cody Davis, Commission Vice-Chair
Gabrielle Braley, Commissioner
Jeff Wheatley, Commissioner

Staff Present:

Patricia Love, Community Development Director
Audrey Rotrock, Associate Planner

Absent: Melissa Toner, Commissioner; Patrick Hosterman, Commission Chair

Also known to be present: Community Members: Ronald Smith, Brian Romano, Carol Frey, Kevin Flynn. Developers: Larry Calvin, Albert Torrico

Public Requests and Comments: None

Approval of Minutes:

The minutes from the September 9, 2024 Planning Commission meeting were unanimously approved.

New Business:

Public Meeting: 24-0104 Josephine Preliminary Plat

Pursuant to Stanwood Municipal Code (SMC) 17.80.310, Type III permits are required to hold a public meeting with the City of Stanwood Planning Commission. The purpose of a public meeting is to provide the public with the opportunity to learn about a project and to ask questions in order to gain a better understanding of a project. Meetings are not as formal as a hearing, do not require public testimony, and are not required to be recorded.

Sage Homes NW LLC, the applicant, is proposing to construct an 89-lot subdivision consisting of 73 single-family residences, 8 duplex lots, and 8 townhome lots for a total of 97 units. The project is located northeast of 68th Avenue NW and 284th Street NW intersection on one Traditional Neighborhood zoned parcel approximately 16.87 acres (735,061 square feet) in size. Vehicular access to the site will be from 68th Avenue NW and 284th Street NW. The proposed community will include open space tracts, storm water management, and street and landscaping improvements.

Commissioner Questions & Comments

- Consider adding a walking trail or path throughout the neighborhood in addition to the active opens space (for basketball or pickleball for example). Try to connect those trails to trails in nearby neighborhoods.
- Create open space that is more park-like instead of a field with a picnic table.
- Will there be multi-family units/apartments? No, the property is too far from the more urban areas for multi-family units.



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- What is the price range of the units? \$600k - \$750k for the SFR's and lower for the townhomes and duplexes. It will also depend on the market at the time of sale.
- What is the square footage of the units? Townhomes and duplexes will be around 1,499 square feet and the SFR's will be around 2,300 – 2,600 square feet.
- What are the setbacks for the neighborhood? The front setbacks will be 0 ft, rear setback will be 25 ft, and the side setbacks for townhomes is 0 ft for interior units and 10 ft for end units. Side setbacks for SFR's 5 ft.
- What are the street widths for the neighborhood? Streets will be a minimum of 26 ft wide plus 8 ft for parking on one side.
- What are the lot area sizes? The minimum lot size for SFR's in the TN zone is 5000 square feet. Lot areas for townhomes are calculated differently.
- Will there be a fence around the perimeter of the development? There will be fencing along the north and east sides of the development.
- How will Native Growth Protection Areas (NGPA's) be monitored? The closing documents will specify how the NGPA's will be monitored, and later the Homeowners Association will take over.

Public Questions & Comments

- There are wetlands, an eagle's nest, and an aquifer on or abutting this property. Do your due diligence to protect these natural features.

Critical Areas Code

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

As part of the Municipal Code Update, the City has elected to create a Unified Development Code (UDC) that merges Title 16, Subdivisions, and Title 17, Zoning, into a single Title. A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title. The Critical Area Regulations will be updated and integrated in the new UDC.

Updates to the Critical Area Regulations include:

- Reorganizing and renumbering the existing critical areas regulations to new chapters and aligning them with state guidance based on Best Available Science.
- Duplicative sections were streamlined, definitions updated, and provisions made more consistent with Best Available Science and state regulations.
- Wetland regulations (SMC 18.802) and stream buffers (SMC 18.804) have been revised to align with Washington State Department of Ecology guidance, including buffer updates based on site-potential tree height (SPTH).
- The geologically hazardous areas chapter (SMC 18.806) incorporates definitions consistent with RCW and WAC.
- Floodplain management is renamed "Frequently Flooded Areas" (SMC 18.810) with added protections for HVAC systems.



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- New cultural resources provisions were added based on state recommendations.

Commissioner Questions & Comments

- How are homeowners prevented from using prohibited chemicals near the Aquifer Recharge Area? The types of prohibited hazardous materials are not generally sold for residential use. Any business that might use those hazardous materials would not likely be allowed in residential zones.
- There is no local register of historical houses in Stanwood. How would Stanwood get registered? There are multiple conditions that a historical home would have to qualify for. It would come down to each individual homes and their qualifying conditions in order to be on a register.
- The brick roads in town have important historical significance.
- The Commission supports moving the Critical Areas code forward.

Old Business

Public Hearing – Title 18, Unified Development Code

This code amendment merges Title 17, Zoning with Title 16, Subdivisions into a new Title 18 to be referred as the Unified Development Code. A UDC combines traditional zoning codes with subdivision, design standards, utility and engineering regulations into a single document to provide a comprehensive set of development standards and to avoid overlapping regulations.

The ordinance provides the outline for the new Title 18, which divides the Title into the following eight (8) logical groupings:

- Part 1: General Provisions
- Part 2: Applications
- Part 3: Permits
- Part 4: Land Divisions
- Part 5: Zoning and Uses
- Part 6: Specific Use Standards
- Part 7: Development & Design Standards
- Part 8: Environmental

UDC Project Goals:

The City Council adopted the following goals and action items to guide the adoption of Title 18 Unified Development Code Update. A checklist, so to speak, for the factors that will be used to evaluate whether the completed project is successful, on track, and consistent with the original objectives. These goals will be revisited over the life of the project and used to maintain focus over the coming months of revisions, drafts, review, and ultimately approval of the update code.

- Goal 1: Comprehensively update and modernize the Zoning Code with respect to content and administration of the code.
- Goal 2: Improve the development review process for applicants and staff.
- Goal 3: Promote development patterns consistent with the Comprehensive Plan and the 20-year growth projections.
- Goal 4: Evaluate and amend the Code to eliminate contradictions and remove barriers to development.



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- Goal 5: Adopt design guidelines and site planning standards to achieve the desired community vision as described in the Comprehensive Plan.
- Goal 6: Update Shoreline Management Plan (SMP) policies and regulations.
- Goal 7: Consider the best approach to integrate the 2023 state law requirements into the Municipal Code while ensuring consistency with the Comprehensive Plan.

Commissioner Questions & Comments

- Are there flow charts included in permit applications to show the steps involved in each permit type? No, but they can be added.
- Can applicants apply online? Yes, Stanwood has an online permitting portal.
- The commissioners are satisfied with the findings and support continuing the Public Hearing at the next Planning Commission on Monday, November 18, 2024.

Public Questions & Comments

- None

Miscellaneous Business:

- The November Planning Commission meeting will be held on Monday, November 18, 2024, instead of November 11, 2024. November 11th is Veterans Day.
- The December Planning Commission meeting is canceled for the holiday season.

Recent Council Action on Commission Items:

- City Council approval of the 2024-2044 Comprehensive Plan

Upcoming Items:

- Subdivisions.

Adjourn: 8:15 pm



CITY OF STANWOOD
PLANNING COMMISSION

AGENDA STAFF REPORT

MEETING DATE: November 18, 2024

SUBJECT: November Agenda Items

CONTACT PERSON: Patricia Love, Community Development Director

Special Presentation – Land Use Economic Analysis (Supplement to Permitted Uses Discussion Below)

As part of the permitted use code amendments discussion, the City needs to plan for missing middle housing which includes cottages, duplexes, townhouses, small apartments, and mixed-use developments. Missing middle housing can help address housing shortages, create more affordable housing options, and provide options for people wanting to downsize from traditional larger detached single-family homes.

One of the common complaints that the City hears about mixing housing types in traditional single-family neighborhoods is the negative impact on property values. To evaluate how missing middle housing affects property values and city tax revenue, the City is working with TranspoGroup to analyze the differences in land values for various uses such as residential, mixed-use, multifamily, or commercial developments. Using existing Snohomish County data, we can compare property valuations to land use types as a prediction of how zoning changes could affect property values.

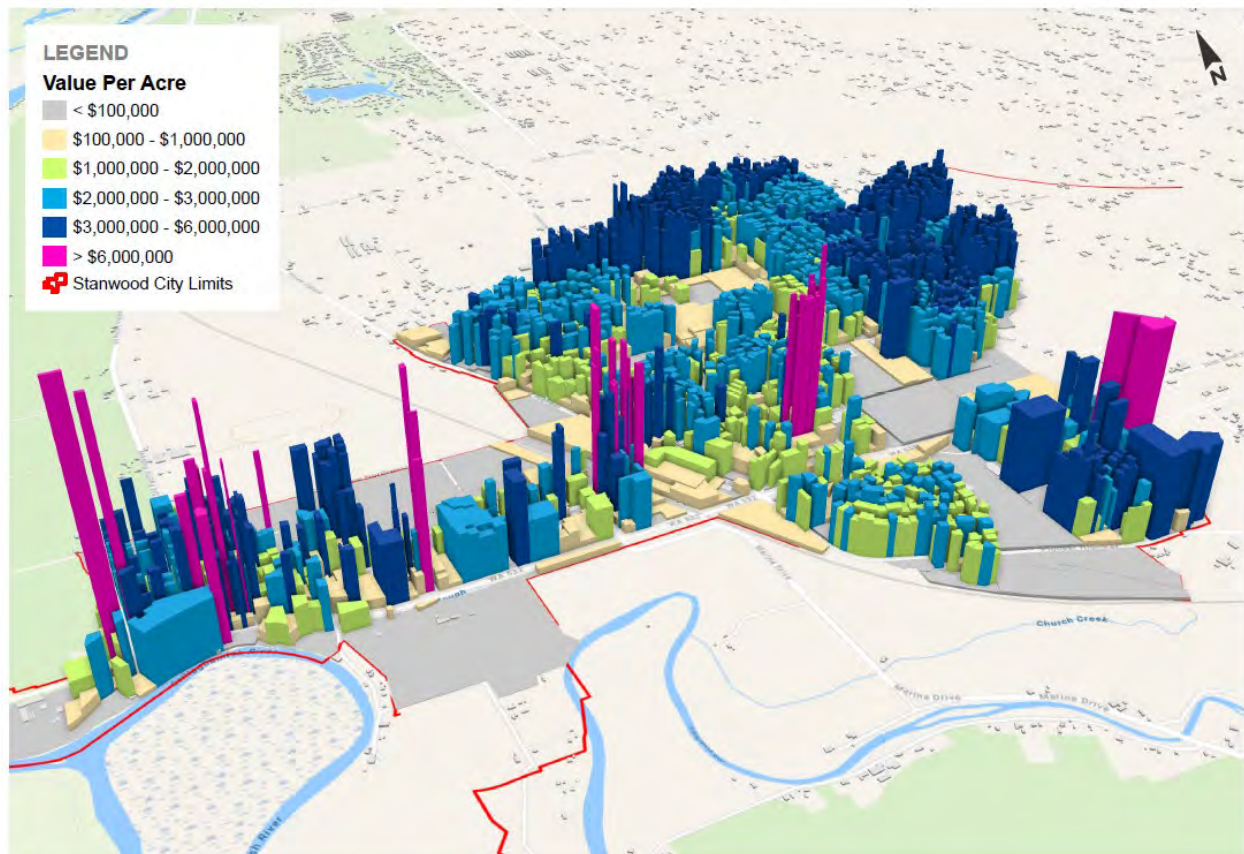
The project looks at land valuation per density and use types to get an average property value per acre. For valuation comparison purposes, County's tax codes are used to compare land use categories: agriculture, culture and religion, education, industrial, residential, public, retail, service, underdeveloped and utilities. To help better understand how housing and density affect property values, the residential categories are further broken into subcategories.

Single Family Residential:
Single Family Detached
Single Family - Duplex
Single Family – Townhome

Multifamily Residential:
Multiple Family 5-15 Units
Multiple Family 16-50 Units
Multiple Family 51-100 Units
Multiple Family 101+ Units

Below is an example of the type of GIS analysis that can be prepared. This map visually depicts every building in the City and its associated valuation per acre. This map shows commercial and mixed-use buildings have the highest value per acre (pink). In the uptown area the newer residential development, which includes some “missing middle” housing in the Traditional Neighborhood zones, have the next highest valuation (dark blue) and the older, standard detached single-family homes have a lower valuation per acre (light blue and green).

Nate Jones of TranspoGroup will provide an overview of the project and methodology. As the Commission considers how best to integrate missing middle housing into Stanwood, this model can be used to evaluate how different housing types affect land valuation.



Taxable Value (\$) per Acre by Snohomish County 2024 Parcels

Stanwood On-Call 2021

DRAFT

transpogroup

FIGURE

XX

Title 18, Unified Development Code: General Provisions and Permit Procedures – Continued Public Hearing

At the October 14, 2024 Planning Commission meeting, the Commission held a public hearing on the draft of the new Unified Development Code outline and permit procedures code. This code amendment merges Title 17, Zoning with Title 16, Subdivisions into a new Title 18 to be referred as the Unified Development Code (UDC). A UDC combines traditional zoning codes with subdivisions, design standards, utility and engineering regulations into a single document to provide a comprehensive set of development standards and to avoid overlapping regulations.

The attached ordinance provides the outline for the new Title 18, which divides the Title into the following eight (8) logical groupings:

- Part 1: General Provisions
- Part 2: Applications
- Part 3: Permits
- Part 4: Land Divisions
- Part 5: Zoning and Uses
- Part 6: Specific Use Standards
- Part 7: Development & Design Standards
- Part 8: Environmental

At the conclusion of the meeting the Commission supported the amendments, continued the public hearing and directed staff to prepare the findings of fact and conclusions for review and adoption.

UDC Project Goals:

As a reminder, the City Council adopted the following goals and action items to guide the adoption of Title 18 Unified Development Code Update. The goals and action items serve as a checklist, so to speak, for the factors that will be used to evaluate whether the completed project is successful, on track, and consistent with the original objectives. These goals will be revisited over the life of the project and used to maintain focus over the coming months of revisions, drafts, reviews, and ultimately, the approval of the updated code. The following is a summary of the seven goals and what they entail.

Unified Development Code Goals and Action Items

Project Goal	Action Summary
Goal 1: Comprehensively update and modernize the Zoning Code with respect to content and administration of the code.	▪ Making the Code user-friendly by simplifying language, and improving format and organization. ▪ Making the Code consistent with current laws and best practices.
Goal 2: Improve the development review process for applicants and staff.	▪ Revising permit procedures to address changes in state law for housing permits, including updating submittal checklists to set clear expectations for the applicant.

Project Goal	Action Summary
	Updating definitions to establish a clear common language, removing unneeded or confusing terms.
Goal 3: Promote development patterns consistent with the Comprehensive Plan and the 20-year growth projections.	- Combining similar zones and adding more flexibility in uses, where necessary. - Ensuring consistency between zoning and comprehensive plan land use designations. - Updating subdivision rules to be clearer, easier to use, and reflect best practices.
Goal 4: Evaluate and amend the Code to eliminate contradictions and remove barriers to development.	- Encouraging flexibility in design and use locations, such as by allowing variations in development standards and adopting standards for “live-work” units. - Updating or adding standards to address specific challenges or issues noted by staff.
Goal 5: Adopt design guidelines and site planning standards to achieve the desired community vision as described in the Comprehensive Plan.	- Updating design standards to foster active public realms and cohesive urban design, and compatibility with historic buildings, but maintaining flexibility in hardship situations. - Streamlining development and design standards to encourage infill development.
Goal 6: Update Shoreline Management Plan (SMP) policies and regulations.	Updating and moving Shoreline regulations out of the Critical Areas Code and into a separate chapter.
Goal 7: Consider the best approach to integrate the 2023 state law requirements into the Municipal Code while ensuring consistency with the Comprehensive Plan.	Using the Comprehensive Plan vision and goals to guide integrating of new state laws.

UDC Organization

This first UDC ordinance being processed includes both the organization structure of Title 18, UDC, as well as the application and permit chapters. Setting up Title 18 is necessary so that as amendments are processed and adopted, they can be dropped into the appropriate chapters. New Title 18 will include 8 parts as follows:

**Title 18
Unified Development Code
Organizational Structure**

UDC Organization Structure	Content
Part 1 – General Provisions	General Provisions, Establishment of Zones, Adoption of Zoning Map, Definitions
Part 2 - Applications	Application Types and Permit Review Processes
Part 3 - Permits	Issued Permits, Conditional Uses, Variances
Part 4 – Land Divisions	Long and Short Subdivisions, Binding Site Plans, Boundary Line Adjustments
Part 5 – Zoning and Uses	Permitted Uses and Bulk Standards
Part 6 – Specific Uses Standards	Development Standards for Specified Uses
Part 7 – Development and Design Standards	Design Standards, Parking, Signage, Landscaping, Stormwater, Grading
Part 8 - Environment	Shoreline and Critical Areas (wetlands, streams, slopes, floodplains)

Staff anticipates that drafting Title 18 will take about 2 years to complete and during this time portions of Title 17, Zoning will remain in effect as there will be overlaps between Title 17 and 18 until the entire Title 18 is complete. It is anticipated there will be multiple code amendments to complete the full UDC, so portions of Title 17 will remain in effect while Title 18 is being developed and adopted. Once Title 18 is finished, Title 17 will be repealed in its entirety.

As such, staff and the public will be referencing both Title 17, Zoning and Title 18, UDC for development code issues. To help with this transition, the regulatory substance contained in the Title 17 chapters being amended will be deleted, and a note will be added referencing the reader to the appropriate chapter / section in Title 18. An example, of how this will look to the reader is shown to the right.

EXHIBIT B

AMENDMENTS TO SMC TITLE 17

i Exhibit B will include amendments to Title 17 that are necessary to accommodate the new procedures described in Exhibit A.

Chapter 17.80 Permit Review Procedures, is repealed and replaced with a chapter to read as follows:

Chapter 17.80 Permit Review Procedures

17.80.010 Replaced by Unified Development Code

For regulations governing the processing of permit applications and post-issuance requirements, see SMC Title 18 Part 2.

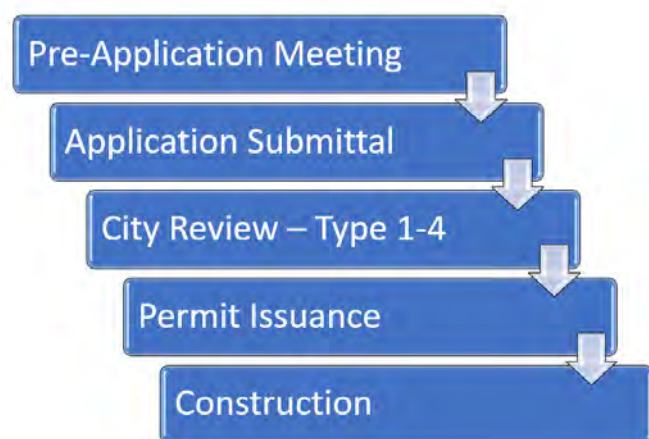
UDC Part 1 – General Provisions:

The General Provisions part establishes the foundation for the entire UDC. It adopts the City's zoning districts and map consistent with the Comprehensive Plan; rulemaking authority, administrative interpretations, violation references, and definitions are also included in the General Provisions Chapter. Most of these sections are copied over from the existing Title 17, except that the zoning districts and map have been updated to be consistent with the 2024-2044 Comprehensive Plan.

Definitions will be migrated from Title 17 to Title 18 as chapters are adopted. Keep in mind that the existing definitions in SMC Chapter 17.20 will remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

UDC Part 2 – Applications

The applications chapter of the UDC contains the permit types, permit submittal requirements, and the permitting process. Permits are processed according to the city's procedures which are codified in the Municipal Code. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions, and open transparency of the city's processes. All permits follow a similar workflow, but the variation in time and process occurs in the City review step.



Permit types are categorized as Type 1-4 according to the level of review: Administrative, Hearing Examiner, and City Council decisions. The following table and charts outline the city's permit types and their review process.

The only significant difference between this amendment and the existing Title 17 procedures code is that the old Type 5 permits have been deleted. Type 5 permits were those that were not subject to the "Regulatory Reform Act" of the State of Washington which establishes permit review timelines and procedures. These are included street vacations, final plats, and annexations; review processes for these actions are established in other code sections or by state law.

Permit Application Category Types

Type 1 Administrative Decisions without Notice	Type 2 Administrative Decisions With Public Notice	Type 3 Decisions After Public Hearing by Hearing Examiner	Type 4 City Council Decisions
▪ Single Family (Bldg, Mech, Plumb) ▪ Fire ▪ Multi-Family ≤ 40 Units ▪ Com/Ind ≤ 12K SF ▪ Mixed-Use ≤ 20 Units ▪ ADU ▪ Zoning Code Interpretation ▪ BLA ▪ Code Enforcement ▪ Concurrency Eval ▪ Encroachment (ROW) ▪ Floodplain ▪ Grading ▪ Home Occupation ▪ Manufactured Home Infill ▪ Parcel Combination ▪ ROW ▪ Sign ▪ TN – Public Facilities ▪ Small Cell WCF ▪ Co-Located WCF ▪ Minor Modification to WCF	▪ Multi-Family > 40 Units ▪ Com/Ind > 12K SF ▪ Mixed-Use > 20 Units ▪ Admin Variance ▪ Binding Site Plans ▪ Reasonable Use Permit ▪ Right to Farm ▪ SEPA Determinations ▪ Shoreline Substantial Development Permit ▪ Short Plats ▪ Waiver of 6-Year Forest Practice Moratorium	▪ Appeal – Code Enforcement ▪ Appeal – Building Code ▪ Appeal - Administrative ▪ Conditional Use Permit ▪ Preliminary Plat; Including PRD's, Cottage , & Offspring Subdivision ▪ Essential Public Facilities ▪ Non-Admin Variance ▪ Shoreline CUP ▪ Shoreline Variance ▪ TN-Residential Subdivisions ▪ TN – Mixed Use ▪ Forest Practice Waiver – Nonresidential ▪ WCF – Mono Pole ▪ WCF – Deviation	▪ Development Agreements ▪ Site Specific Rezones

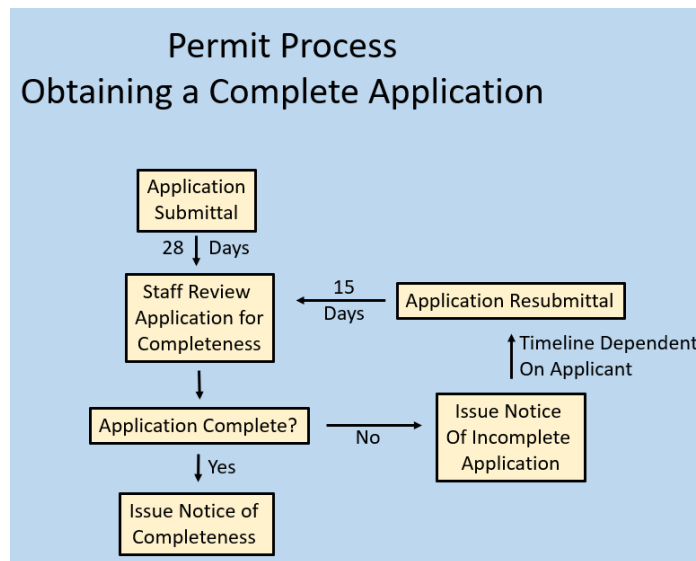
Part 2 also outlines the permit process for each permit type. Permit types are listed on a graduated scale by review authority:

- Type 1: Administrative decision by staff with no public comment
- Type 2: Administrative decision by staff with public notice
- Type 3: Administrative review with decision by the Hearing Examiner after holding a public hearing.
- Type 4: Administrative review, Hearing Examiner public hearing and recommendation to the City Council and final decision by the City Council after holding a public hearing.

Prior to review of an application, it needs to be determined if an application contains all of the information needed for review – this process is commonly referred to as a “completeness review”. Each permit type is reviewed against the submittal checklist. If all of the required information is submitted, a complete application notice can be issued.

Submittal Category	Typical Submittal Requirements
General Application Materials:	Forms, Fees, Project Narratives, Vicinity Maps
Site Plans:	Plat Maps, Site, Landscape, Tree Retention Plans, Building Elevations
Civil Engineering Plans:	Drainage, Traffic, Clearing, Grading, Road / Right-of-Way, Erosion Control, and Utility Plans

Submittal Category	Typical Submittal Requirements
Environmental Documents:	SEPA Checklist, Critical Area Reports (Wetlands and Streams), Floodplain, Geotechnical, and Cultural Resource Reports
Other:	Public Notice Lists, Safe Walking to School Plans, Covenants, Title Certificates, Lot Closure Reports
Before Final Plat or Occupancy:	Deeds, Easements, Bonds, Asbuilts



Once a project receives a complete application, the permit review process begins. The diagrams below show the review process for each permit type.



Community Development
Department

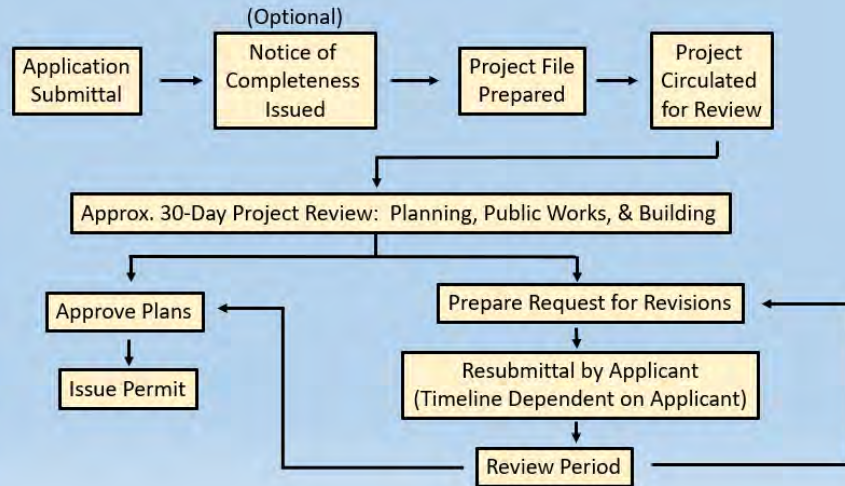
10220 – 270th Street
Stanwood, WA 98292

360-629-2181

www.stanwoodwa.org

Type 1 Permits:
The City Strives to
Complete
Project Reviews within
65 Days of Issuance of
the
Notice of Complete
Application - Excluding
Time for Applicant
Revisions

Permit Process Type 1: Administrative Review



Community Development
Department

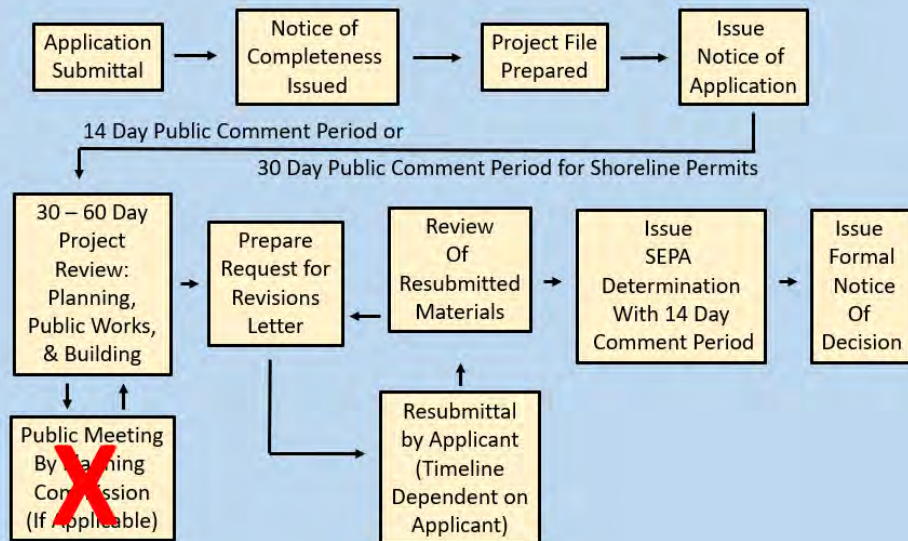
10220 – 270th Street
Stanwood, WA 98292

360-629-2181

www.stanwoodwa.org

Type 2 Permits:
100 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process Type 2: Administrative Review With Public Comments



Note the draft amendment eliminates the “public meetings” with the Planning Commission in favor of only having “public hearings” before Hearing Examiner, consistent with State law limiting the number of allowed hearings on a project.



Community Development
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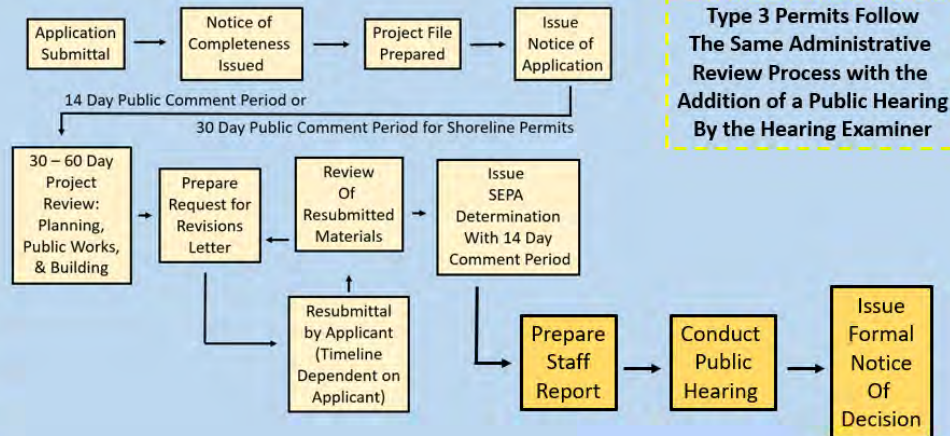
360-629-2181

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Type 3 Permits:
170 Day
Review Period from
Notice of Complete
Application -
Excluding
Time for
Applicant
Revisions

Permit Process

Type 3: Public Hearing Required with Hearing Examiner



Community Development
Department

10220 – 270th Street
Stanwood, WA 98292

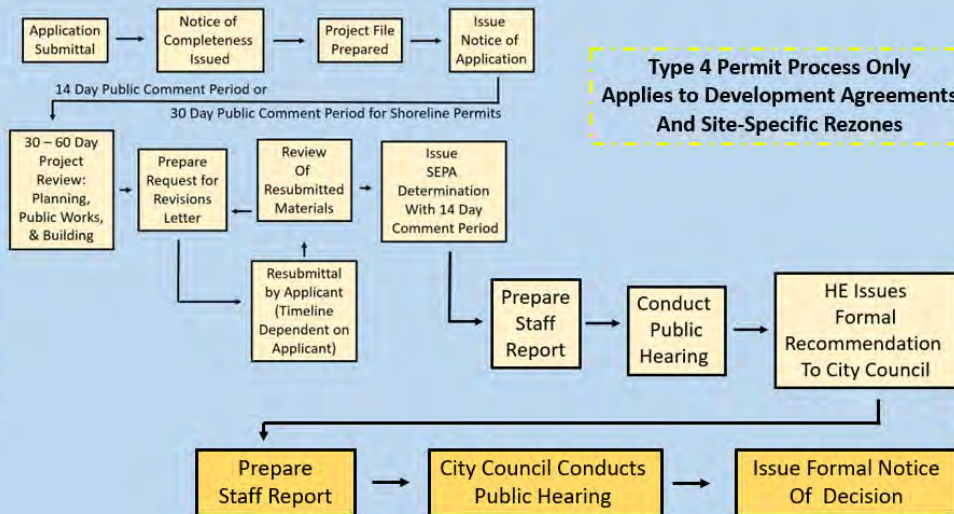
360-629-2181

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Type 4 Permits:
The 170 Day
Review Period
Does Not
Apply to
Type IV Permits

Permit Process

Type 4: Approval By City Council



In addition to changing the code into “plain talk”, amendments include:

- Procedures are reorganized to fit the new table of contents for the new Title 18;
- Consolidates various tables into a single table in proposed 18.230.020, Types of Review;
- Adds permit review time periods consistent with the defaults in 2SSB 5290:
 - Type 1 Permits: 65 days
 - Type 2 Permits: 100 days
 - Type 3 Permits: 170 days
 - Type 4 Permits: 170 days;
- Final plat approval, as a ministerial action, is moved to Type 1 per recent amendment of RCW 58.17.100.
- Street vacations and annexations are not project permits, are not subject to the other requirements of the chapter and statute, so are not included.
- Creates an optional meeting procedure in proposed 18.230.080(3) to implement RCW 36.70B.160(1)(j), which is one of the options to avoid permit fee refunds.

UDC Part 3 – Permits

Part 3, Permits, covers the post permit application process and details the review criteria for variances and conditional use permits.

Chapter 18.310 Permits Generally

This code section covers the post permitting processes and requirements. There are no significant changes from existing Chapter 17.80 Article IV with the exception of using plain language text and reorganization.

- Permit Terms, Extensions, and Expiration
- Permit Revisions
- Requirements for Civil Construction Plans
- Inspections
- Effect of Decisions
- Certificate of Occupancy
- Vacation of Permits

Chapter 18.320 Conditional Use Permits

A Conditional Use Permit (CUP) is a zoning tool to allow a property to be used in a way that is not typically permitted under the current zoning regulations but might be appropriate under certain situations or conditions. Conditional Use Permits provide:

- Flexibility in Land Use: CUPs provide flexibility within zoning laws by allowing certain uses that could be beneficial or compatible with the surrounding area if specific conditions are met.
- Community Input: The city's CUP process requires a public hearing, giving the community an opportunity to voice their concerns or comment on potential mitigation strategies.
- Case-by-Case Review: Each CUP application is reviewed individually, allowing for a thorough examination of the specific circumstances, including the proposed use, location, and potential effects on the surrounding area.

To obtain a conditional use permit, the applicant must show how their application meets the compatibility criteria: Zoning Compatibility, Community Compatibility, and Effect on Adjacent Properties.

Community Compatibility Means: The use will not have a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area than those generally permitted in the district. In the determination of community compatibility, the reviewing official must consider the following factors:

- Hours and manner of operation, such as dust, odor, fumes, and vibration do not impact adjacent properties;
- Existing infrastructure, such as roads, utilities, and parks, can accommodate the proposed use without degrading the adopted level of service standards; and
- The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.

Chapter 18.330 Variances

A variance is a form of regulatory relief granted that allows a property owner to deviate from the strict requirements of the zoning code. A variance typically allows a property owner to use their land in a way that is generally allowed, but in a manner that does not fully comply with the zoning regulations due to unique circumstances.

The primary purpose of a variance is to provide flexibility in situations where the strict application of zoning laws would cause undue hardship due to the unique physical characteristics of the property. For example, if a property has an irregular shape, steep topography, or other unusual features that make it difficult or impossible to comply with the standard zoning requirements, a variance might be granted to accommodate these challenges.

Stanwood has two types of variances: administrative and through the public hearing process with the Hearing Examiner. This amendment is proposing to change the terms for these variances as follows:

Existing Term	Proposed Term
Administrative Variance	Minor Variance
Non-Administrative Variance	Major Variance

Planning Commission September 9, 2024, Review Comments:

The Planning Commission reviewed the first draft of the proposed amendments on September 9, 2024, and provided the following comments:

1. Update the submittal checklist to group like type permits with the same submittal requirements; the intent is to simplify the matrix while still showing all of the permit applications.
 - o Staff Response: See updated charts with permit types sorted by category.
2. Expand on the explanation on when the optional submittal requirements are needed.

- o Staff Response: Submittal requirements vary from project to project based on the characteristics of the underlying land. As such is impossible to predict every permit submittal scenario. To address the Planning Commissions concern, the following draft language is proposed to provide some clarity.

18.220.030 Application Contents

- (6) Tables 18.220.030 -1 through 4 reflect the permit submittal requirements for the City of Stanwood.
 - (a) City of Stanwood requires electronic project submittal through the portal on the City's website;
 - (b) Submittal materials are marked as "required", "required upon request" and "not required"; and
 - (c) Additional information may be required on a case-by-case basis depending on the complexity of the application.
 - (7) Due to variations in land conditions, similar permits may require different submittal requirements. To determine if a permit submittal is required beyond those noted as "required" in the tables, contact the Planning Department to schedule a general information meeting.
 - (8) The submittal requirements listed in the tables are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
3. Provide better clarity of the district definitions; it is confusing with regard to school and the new public facilities zones.
- o Staff Response: Staff recommends maintaining the existing definitions until the permitted use and bulk matrix amendments are developed. At that time the zoning definitions can be updated for consistency. This approach keeps from needing to update the zoning definitions twice.
4. Clarify the process and penalties for permit violations.
- o Staff Response: In the event of non-compliance with a permit, the primary tool the City has when a person is non-compliant, either with the municipal code directly or the conditions of a permit, is the administrative order process in SMC 13.30. This is potentially a powerful tool to correct problems because the City can impose \$100 per day, *per violation* and the City can also go to court to seek an injunction or other relief.
 - o The emergency/stop work order provision in SMC 13.30.010(2) (Code Enforcement Title) applies when "the health and safety of the occupants" or the public is at risk, so that won't always be an available tool, but when it is, under SMC 13.30.060 a violation of an emergency/stop work order is a *gross misdemeanor*, which potentially carries a pretty serious criminal penalty.
 - o It is not recommended to include language which allows for revoking an issued permit as it would deprive the permit-holder of a property right, potentially without due process, and potentially in violation of the Land Use Petition Act. It is recommended to use the code enforcement processes noted above when needed to enforce permit conditions.

Advisory Group Review:

The Municipal Code Update Advisory Group reviewed the proposed amendments on September 18, 2024. They had the following comments:

- They agree with the Planning Commission and support the hybrid approach to the submittal checklist: grouping like type permits with the same submittal requirements with the intent to simplify the matrix while still showing all of the permit applications;
- Like the changes to the CUP criteria as they are more specific to an impact analysis and reduces the chances of arbitrary decisions;
- Support appeals going to the Hearing Examiner; and
- Consider making all affordable housing projects, whether a subdivision or multifamily project, a Type 1 permit to reduce costs and review time; also consider adopting reduced fees for affordable or low-income projects.

Planning Commission October 14 Public Hearing Comments:

- Are there flow charts included in permit applications to show the steps involved in each permit type? Staff response: No, but they can be added.
- Can applicants apply online? Staff response: Yes, Stanwood has an online permitting portal.
- The commissioners are satisfied with the findings and support continuing the Public Hearing at the next Planning Commission on Monday, November 18, 2024.

November 18 Amendments: Minor Ordinance Changes Based on Planning Commission and Advisory Group Comments:

Following the Planning Commission's October 14 meeting, the following revisions to the code have been made.

1. Changed "submittal" in favor of "application," which is more plain language and also what the statute calls it.
2. Clarified that variance criteria in Part II does not apply to critical areas variances.
3. Deleted language about revoking an issued permit.
4. Simplified the submittal tables and explanation notes.
5. Clarified all land divisions, not just long subdivisions, are subject to the timelines in RCW 58.17.
6. Excluded development agreements from the review time periods, as they are legislative decisions.
7. Inserted optional language to allow affordable housing projects to be reviewed as Type 1 or 2 permits based on SEPA requirements.
8. Inserted new language allowing the applicant to demand review without a fourth round of revisions, but not making that process automatic.
9. Deleted the pre-application section as it was not needed.

Public Hearing Procedure:

Below is the recommended procedure for managing the Unified Development Code / Permit Procedures public hearing:

1. Open the Continued Public Hearing;
2. Receive the staff presentation and ask questions;
3. Take public testimony and ask questions (if any);
4. Ask any additional questions of staff;
5. Close public hearing;
6. Deliberate on the draft ordinance;
7. Motion to adopt findings of fact and conclusions and forward a recommendation to the City Council.

Draft Motions:

Motion 1: Findings of Fact and Conclusions

I MOVE TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS FOR THE UNIFIED DEVELOPMENT AND PROCEDURES CODE ORDINANCE 1543 AS PRESENTED.

OR

I MOVE TO APPROVE THE FINDINGS OF FACT AND CONCLUSIONS FOR THE UNIFIED DEVELOPMENT AND PROCEDURES CODE ORDINANCE 1543 AS AMENDED.

Motion 2: City Council Recommendation

I MOVE TO RECOMMEND APPROVAL OF THE UNIFIED DEVELOPMENT AND PROCEDURES CODE ORDINANCE 1543 TO THE STANWOOD CITY COUNCIL AS PRESENTED.

OR

I MOVE TO RECOMMEND APPROVAL OF THE UNIFIED DEVELOPMENT AND PROCEDURES CODE ORDINANCE 1543 TO THE STANWOOD CITY COUNCIL AS AMENDED.

Optional Motion 3: Planning Commission Continued Review

I MOVE TO DIRECT STAFF TO AMEND THE UNIFIED DEVELOPMENT AND PROCEDURES CODE ORDINANCE 1543 AS DISCUSSED AND BRING BACK FOR FINAL APPROVAL ON JANUARY 13, 2025.

Permitted Use and Bulk Matrix Project Approach

Work continues on the Municipal Code Update project by merging Title 16, Subdivisions and Title 17, Zoning into a new Title 18 titled Unified Development Code. A major component of a UDC includes evaluating what uses should be allowed in each zone and the building site dimensional standards. Prior to preparing the first draft of permitted use matrix and site dimensional standards, it is important to identify key issues of importance to the community and state mandates that need to be addressed. Responses to the following topics will set the foundation for the first draft.

1. Zoning District Purpose and Intent:

The City's zoning districts are based on the land use designations adopted in the Comprehensive Plan and the uses within each of these districts need to be consistent with the purpose and intent of the Comprehensive Plan. These definitions can be simplified so long as the intent is consistent with the Comprehensive Plan.

Comprehensive Plan Designation	Zoning District	Definition
Low Density Residential	SFR 12.4	This designation shall provide for primarily for single-family residential and accessory dwelling units at a density of 3.5 units per acre.
	SFR 9.6	This zoning district is intended to provide opportunities for moderate density residential development with larger lot sizes, and provide standards that encourage reasonable integration of new and existing residential areas, active and passive recreational facilities and activities that support these residential communities. The zone also supports public/quasi-public facilities such as secondary schools, community centers and parks that draw from and support the regional community. This zone implements the residential medium density land use designation in the Comprehensive Plan. This designation shall provide for primarily for single-family residential, townhouses, duplexes, triplexes and accessory dwelling units at a density of 4.5 units per acre.
Medium Density Residential	SFR 7.0	This zoning district is intended to accommodate medium density residential development as infill on smaller lots than in moderate density designations but platted at a standard that is consistent with the density of the existing residential area, and to provide standards and uses to encourage reinvestment in and maintenance of existing properties and provide supportive active and passive recreational facilities. The zone also allows public/quasi-public uses such as elementary schools,

Comprehensive Plan Designation	Zoning District	Definition
		community centers, parks and community-based recreation facilities that support those uses and serve more than one residential area. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 6-7 units per acre.
	SFR 5.0	This zoning district is intended to provide standards to maintain the smaller lot plat pattern of the pre-1940 subdivisions that predominate the areas in this designation; promote infill, redevelopment and maintenance of property consistent with the historic smaller lot pattern and older housing stock; provide infill housing at higher density on larger parcels, encourage active and passive recreational facilities such as community centers, parks and community-based recreation that support the neighborhood; and allow for public and quasi-public uses that are part of these areas due to this historic settlement pattern, such as elementary schools that may serve more than one neighborhood. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 9-10 units per acre.
High Density Residential	MFR	This designation shall provide for small lot single family and multi-family residential development at a range of densities between 10 and 20 dwelling units per acre. Small amounts of commercial uses such as schools, churches, daycare centers, live-work units, or small office where a full range of public facilities and services to support urban development exists should be allowed. Generally, this designation is appropriate for land which is located convenient to principal arterials and to business and commercial activity centers.
Traditional Neighborhood	TN – Res TN – MU	The purpose of the Traditional Neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more

Comprehensive Plan Designation	Zoning District	Definition
		typical of older neighborhoods. It features requirements for common open space, through streets and a mix of housing types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. An allowance for commercial development shall also be allowed.
Mixed Use	DMU	The intent of the Downtown Mixed-Use land use designation is to create a dense, mixed use, pedestrian-friendly shopping environment reminiscent in design and uses to a turn-of-the-century downtown. This designation generally applies to downtown Stanwood. The purpose of the Downtown Mixed-Use zoning is to permit a complementary mix of residential and commercial uses in a single district creating a walkable community. This district allows a combination vertical mixed-use and horizontal mixed-use, thus creating an area containing mixed-use buildings as well as distinct single-use buildings in close proximity to each other. Mixed-use buildings, with residential above or behind commercial/retail space, shall be allowed along the City's primary streets in downtown (270th Street, 271st Street, 92nd Avenue, and 88th Avenue). Whereas standalone residential buildings may be permitted on the secondary streets with no direct access to the primary streets. Developments should be designed so that shoppers are less dependent on the automobile. In general, zero lot line development shall be maintained with store fronts and common walls. Parking shall be located on the street or to the rear of buildings. On-street parking will be on both sides of the street, and diagonal in the east end. Public parking areas may be necessary to assist people in leaving their cars and traveling on foot. Within the historic downtown commercial areas, the City will allow flexible interpretations of standards to encourage re-investment in, re-use and maintenance of structures that display historic period architectural character and scale. The architectural styles representative of commercial and residential buildings that existed from 1890 through the 1920s should be maintained.
Commercial	General Commercial	This designation comprises more intensive retail and service uses than described in the Downtown Mixed-Use zone. General commercial uses typically require outdoor display and/or storage of merchandise that tend

Comprehensive Plan Designation	Zoning District	Definition
		to generate noise as part of the operation. Such uses include, but are not limited to grocery stores, pet stores, drug stores, medical clinics, recreational facilities vehicle sale lots, tire and muffler shops, and equipment rental. Many of the businesses allowed in the DMU district are also allowed in this district. This designation is also meant to include the development of high-density multi-family housing including both: 1) vertical mixed use with commercial / retail space on the bottom floor and residential above; or 2) horizontal mixed-use buildings where commercial building(s) face the street frontage and standalone multifamily buildings are located behind and setback from the commercial / retail buildings.
	Neighborhood Business	This designation shall comprise retail and service businesses which serve the limited convenience shopping and personal service needs of the immediate surrounding neighborhood.
Industrial	Planned Industrial	The intent of the Planned Industrial land use designation is to create a district that permits activities involved in the manufacture, repair, or service of goods, or products that are conducted with minimal adverse impact on the environment and the general community, as well as retail and office uses. The PI zone is intended to accommodate a variety of commercial and industrial uses that complement typical light industrial complexes. Industrial, commercial, commercial or retail business uses desiring to locate in the PI zone must meet the architectural and performance standards for this district. The PI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods.
	General Industrial	This designation comprises more intensive industrial type uses than those permitted in the Planned Industrial zone. Uses in the GI zone require equipment, devices or technology for the control of odors, dust, fumes, smoke, noise, or other wastes and/or by-products from affecting adjacent properties. The GI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods. Examples of General Industrial uses include large indoor manufacturing facilities, automotive repair, construction yards or

Comprehensive Plan Designation	Zoning District	Definition
		material storage and the water and wastewater treatment plant.
Public Facility	Parks and Open Space	The parks and open space zoning designation is applied to lands which are to be maintained as park space or natural open spaces in perpetuity by the city. Many of these lands have underlying contractual agreements with either the Washington State Recreation and Conservation Office, conservation futures easements, or critical area easements. The POS designation should be applied to public park properties identified in the city's parks, recreation and open space plan.
	Public Facilities	This designation is applied to lands that are used as public lands and facilities, including utilities, schools, railroad, and the wastewater treatment plant.

2. Organizational Structure:

In 2022 the city restructured its permitted use tables into its current format that groups uses by category and zone: residential, commercial, Industrial, public facilities. This change was intended to bring consistency to how codes are presented, aligning use tables with bulk and dimensional standards for each zone. Consistency between chapters makes the regulations clearer and easier to interpret, reduces the risk of misinterpretation and prevents incompatible land uses from being placed adjacent to each other.

Since the community is already familiar with the current format, staff recommends maintaining it. Keeping this structure would likely support ongoing clarity and minimize confusion, ensuring residents and developers can continue to understand and apply zoning regulations without additional adjustments. This approach could also reinforce the initial goal of reducing misinterpretations and inconsistent applications of city codes.

Currently the matrixes are set up as follows based on use category: residential, commercial, industrial, and public facilities. Unique land use regulations that apply to a specific use are noted by footnotes at the end of the matrix. Staff is recommending that the “definitions” in the matrix be replaced by the specific code citations that apply a particular use.

Originally, the abbreviated definition was added to the matrix for ease of use by both staff and the community. It eliminated the need to flip back and forth between the permitted use chapter and the definition chapter. New features in the electronic version of the Municipal Code allows someone to hover over a use category and the definition will pop up next to it, eliminating the need for the definition to be included in the matrix.

Existing Format:

Land Use	Permit Type	Zoning Designation	Zoning Designation	Zoning Designation	Zoning Designation	Abbreviated Definition
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Proposed New Format:

Land Use	Permit Type	Zoning Designation	Zoning Designation	Zoning Designation	Zoning Designation	Zoning Standards Cross Reference
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Next to the land use column, uses are then identified as one of the following. This structure will remain the same.

Key:	
Blank = Not Permitted	C = Conditional Use
P = Out Right Permitted	AC = Accessory Use

3. *Permitted Use Issues:*

The primary focus of this segment of the Unified Development Code (UDC) update will involve reassessing land uses to ensure alignment with the Comprehensive Plan's vision for Stanwood, adherence to state requirements, and responsiveness to community needs. These amendments aim to establish a framework that will guide development for the next 10 to 20 years. In amending the City's permitted land uses chapter, staff is proposing the following updates:

- Consolidate uses into broader, more generalized use categories;
- Review the prohibited uses in regard to new zoning categories and land use compatibility;
- Include missing middle housing types in residential, multifamily, and commercial zones;
- Update Accessory Dwelling Unit requirements consistent with state law;
- Adopt Essential Public Facilities standards;
- Update family and commercial day care location and development standards;
- Move Adult Entertainment standards into UDC;
- Evaluate small commercial uses that may be appropriate to be located in the uptown area;
- Review definitions against changes; and
- Other hot topics identified by Committee and Board members.

Attached are the existing permitted use matrixes to start the conversation on future land uses and guide the development of the first draft.

4. *Bulk and Dimensional Standards:*

The associated bulk standards play a crucial role in shaping Stanwood's development by setting clear parameters for density, lot size, building setbacks, building height, and lot coverage. These standards are designed to ensure that new development aligns with the community's vision, while the City builds out its remaining vacant land supply. The aim of these project amendments is to strike a balance between allowing flexibility in lot

development while preserving existing density standards. This approach helps maintain a consistent character across the city as it grows while simultaneously providing development flexibility for efficient use of land and preservation of critical areas.

Bulk standards address two issues: lot dimensions and lot development.

Lot Dimensions: This includes requirements for minimum lot sizes, lot width, and lot depth, ensuring that lots are appropriately sized for the intended land use and align with the Comprehensive Plan for density and character.

Lot Development: This includes building setbacks, building height, lot coverage, building area. These standards manage how structures are placed and sized on individual lots.

Together, these standards regulate the physical form and layout of development. In amending the City's bulk and dimensions chapter, staff is proposing the following updates:

- Move the lot dimension standards to the land development (subdivisions) chapter;
- Create flexibility in lot dimensions standards to accommodate subdivision layout, critical areas, and road design;
- Consider amending lot development standards to provide flexibility for smaller lots, accessory dwelling units, cottage housing, and accessory buildings; and
- Reevaluate the structure of the matrixes and footnotes for better readability.

Attached are copies of the existing bulk standards to help identify necessary updates to ensure the new code balances development flexibility with the preservation of Stanwood's character. Staff will also be reaching out to our development community, including the Master Builders Association, to get a better understanding of issues they feel are barriers to development. Their feedback will provide insight into real-world challenges and perceived barriers with the City's current code.

Subdivision Code Amendment Project Approach

Staff and the consultants are in the process of preparing the outline and approach for the land division portion of Title 18, Unified Development Code. The land division portion of the UDC covers the different ways land can be subdivided and alteration of lot lines can occur, including:

Land Division	Lots	Approval Process
Long Subdivision	10 or More Lots	Public Hearing with Hearing Examiner
Short Subdivision	9 or Fewer Lots	Staff Administrative Approval
Binding Site Plan	Subdivision of Multifamily, Commercial, and Industrial Lands	Staff Administrative Approval
Condominiums	Common Wall Projects (Multifamily, Duplex or Townhouses)	Private Property Actions with Survey and Covenants.
Boundary Line Adjustment	Revision to Lot Lines without Creating New Lots	Staff Administrative Approval

Public agencies regulate the creation of new lots through the land division process to ensure the protection of the public health, welfare, and safety by ensuring newly developed lots are safe, functional, and compatible with surrounding neighborhood. When agencies review and approve the creation of new lots, they enforce adopted Comprehensive Plan policies and development standards that address:

- Utilities and Infrastructure: Requirement that each new lot has access to essential services, including water, sewer, drainage, and other utilities, to support both current and future residents.
- Roads and Traffic Safety: Safe road networks that meet traffic design standards for traffic flow, emergency services, and pedestrian safety.
- Access to Schools: Provisions for safe walking access to schools.
- Protection of Critical and Natural Areas: Protection of wetlands, rivers and streams, floodplains, geologic hazard areas, aquifer recharge areas, and other ecologically sensitive areas from development impacts.
- Neighborhood Compatibility and Aesthetics: Lot and project design standards that establish lot size, setback requirements, park space requirements, parking, landscaping, and other requirements aimed to enhance community cohesion.

Types of subdivisions can vary based on the type of housing planned for the property. For Stanwood, staff is proposing that the following subdivision types be allowed for the purpose of providing a variety of housing types consistent with the newly adopted Comprehensive Plan.

Subdivision Type	Description
Standard Subdivision	Traditional detached single family residential subdivisions based on defined density, lot size and dimensions, and building setbacks.
Zero Lot Line	Residential subdivisions where duplexes or townhouses are constructed directly on one side lot line, or "zero lot line," of the property boundary. This style of subdivision reduces or eliminates the setback on one side of the property.
Cluster Subdivision	Typically, a detached single family residential development that groups homes closer together on smaller lots than allowed per the zoning district, but in exchange for smaller lots, open space and natural features are preserved by "clustering" the housing units on part of the property while setting aside the remaining area for shared open space, recreation, or natural habitats.
Cottage Housing	Small, detached homes grouped around shared common spaces, often designed to create a sense of community. Cottage housing developments typically feature clusters of 4-12 compact cottages, each with a small footprint, oriented around a central, landscaped courtyard or green space.
Unit Lot Subdivisions	A type of subdivision that divides a property into smaller "unit lots" to facilitate the sale of individual housing units, while still keeping shared spaces and infrastructure jointly managed by a homeowners' association. This is most likely the subdivision type that will be used to implement the state Accessory Dwelling Unit (ADU) law allowing up to 2 ADU's per lot.
Binding Site Plans	Subdivision process multifamily residential projects, like apartments, condos, and townhomes, without needing to create separate lots for each unit. Instead, it creates a master plan that delineates how the entire property will be organized, including buildings, parking, open spaces, and shared amenities.

Subdivision of land occurs in three distinct phases: preliminary plat, plat construction, and final plat. The land use law associated with each phase is also very distinct regarding a city's legal authority to regulate that process.

Platting Phase:	Process & Legal Authority
Preliminary Plat	Applications for preliminary plat are reviewed against the City's adopted subdivision, zoning, environmental, and development standards for compliance with land use regulations as well as for overall life, health, welfare requirements. Projects are circulated for public comment and in the case of long subdivisions, a public hearing is held. A formal decision to either approve, approve with conditions, or deny the preliminary plat application at the conclusion of the public review process. Conditions may be attached to the approval which have a direct relationship to the projects impacts; this is called "nexus", and to the size of that impact, which is commonly referred to as "proportionality". Upon approval, the applicant now has a legal right to build without any further requirements imposed by the City.
Plat Construction	Applicants have five years to construct the required plat improvements per their approval. During this phase of the development, the applicant submits for final construction plan approval and builds out the plat per the approved plans and conditions of approval. At critical milestones in the development process, city and special district staff inspect the site improvements to ensure compliance with the approved plans and conditions. Typical site improvements include roads, utilities, storm water, environmental enhancements, and park improvements.
Final Plat	Once all of the site improvements have been constructed and inspected per the approved plan, the applicant can apply for final plat approval. At the final plat approval stage, the process is essentially administrative: the city verifies all conditions of preliminary plat have been met and site improvements are installed per plan approval. If the City finds that the plat conforms to the preliminary approval, the City must approve the final plat. Once the final plat has been approved, the developer can begin building houses on the lots or sell the property.

Land Division Design and Development Flexibility:

Stanwood's current land division code is very rigid, leaving little room for lot layout or design flexibility. This creates difficulty when working with land contours, road standards, preservation of critical areas, and now the new state requirement to provide missing middle housing. Staff is proposing that the new code provide some flexibility in design while preserving underlying density requirements. The following have been identified as potential options to include in the new UDC provisions.

- *Lot Layout Flexibility:* Delete minimum lot width and depth standards and allow the developer to create lots that meet the proposed housing type. There is little risk to eliminating minimum standards as developers typically will not create lots that cannot accommodate their housing product.
- *Critical Area On-Site Density Transfer:* Allow smaller lot sizes without an increase in overall density to accommodate on-site critical area protection.
- *Plat Design Flexibility:* Establish a minimum lot size less than the underlying zoning standard to accommodate plat design flexibility through the use of lot size averaging. No increase in density would be allowed. Flexibility in lot design helps to facilitate good plan designs that work with land contours, critical areas, and open space requirements.
- *Fee In Lieu for Parks Program:* Consider adopting a Fee-In-Lieu program to provide funding for public parks, open spaces, and recreational amenities in lieu of requiring developers to set aside land within a new development for these purposes. In cases where the available land within a development is insufficient for a usable park or when it would be more effective to create or improve an existing park nearby, developers can opt to pay a fee instead of dedicating space within the project. This fee is often determined based on the development size, type, and projected impact on local infrastructure. This would be in addition to payment of park impact fees, not in replacement of fees.
- *Adopt Incentives for Affordable Housing:* Consider adopting incentives for affordable housing projects managed by an agency or non-profit specializing in housing. Incentives could include density bonuses, parking reductions, land use fee and utility reductions, or other options.

Design Issues Raised by Community Members:

Another issue raised by community members regarding subdivisions is the quality of materials used in a project and how the design affects neighboring property owners. Issues raised include:

- *Materials:* Adopt material standards for developments so that new owners are not responsible for short term replacement cost such as landscaping, fencing, signage.

- Fences: Require fencing between subdivisions / neighborhoods. This is a common request by neighbors, but because the current code does not address fencing, it is usually up to the developer if they want to provide it.
- Grading: Consider how grades affect neighboring plats. Limit wall heights or require higher fences between houses to maintain some sense of privacy.
- Landscape Buffers: Increase buffers and/or landscaping between subdivisions. To accommodate buffers, consider reducing lot sizes. \

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Exhibit A Unified Development Code and Permitting Procedures

Findings of Fact and Conclusions of Law

Ordinance No. 1543



City of Stanwood
Findings of Fact and Conclusions of Law
Planning Commission Recommendation

A. GENERAL INFORMATION

File Number(s): 2024-0116
Project Summary: Unified Development Code and Permitting Procedures
Applicant: City of Stanwood
Location: City of Stanwood
Planning Commission
Public Hearing Date: October 14 and November 18, 2024
Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Stanwood has initiated a code amendment to merge Title 16, Subdivisions, and Title 17, Zoning, into a single new title referred to as a Unified Development Code (UDC). A UDC is a comprehensive set of regulations or standards that govern land use, zoning, and development within a single Municipal Code Title. The UDC Ordinance includes both the organizational structure of Title 18, UDC, as well as the application and permit chapters.

UDC Part 1 – General Provisions:

The ordinance provides the outline for the new Title 18, which divides the Title into the following eight (8) logical groupings:

UDC Organization Structure	Content
Part 1 – General Provisions	General Provisions, Establishment of Zones, Adoption of Zoning Map, Definitions
Part 2 - Applications	Application Types and Permit Review Processes
Part 3 - Permits	Issued Permits, Conditional Uses, Variances

UDC Organization Structure	Content
Part 4 – Land Divisions	Long and Short Subdivisions, Binding Site Plans, Boundary Line Adjustments
Part 5 – Zoning and Uses	Permitted Uses and Bulk Standards
Part 6 – Specific Uses Standards	Development Standards for Specified Uses
Part 7 – Development and Design Standards	Design Standards, Parking, Signage, Landscaping, stormwater, grading
Part 8 - Environment	Shoreline and Critical Areas (wetlands, streams, slopes, floodplains)

UDC Part 2 – Applications:

The applications chapter of the UDC contains the permit types, permit submittal requirements and the permitting process. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions and open transparency of the city's processes. All permits follow a similar workflow, but the variation in time and process occurs based on the type of permit.

UDC Part 3 – Permits:

Part 3, Permits, covers the post permit application process and details the review criteria for variances and conditional use permits.

C. CODE AMENDMENT CRITERIA

The city may approve or approve with modifications amendments to the text of the zoning code if:

(a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;

The Stanwood Comprehensive Plan establishes land use designations based on historic development patterns and community desires. The Stanwood Municipal Code then implements the Comprehensive Plan through the adoption of zoning standards which address allowed or prohibited uses, building density, building height, lot dimensions, site and architectural development standards and protection of critical areas. Also included in the zoning chapter of the municipal code are the procedures for approving permits, amending the municipal code and adopting amendments to the Comprehensive Plan. The municipal code is the set of laws that govern the operation and development of the city.

The purpose of these code amendments is to establish Title 18, Unified Development Code, adopt the general regulations that will apply to the entire UDC, eliminate procedural conflicts, simplify the permit procedures and update the City's permitting procedures to be consistent with state law.

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes. The intent of the draft regulations is to update the permitting process in accordance with recent changes in state law and streamline the permitting processes for consistency with the goals of the GMA.

Streamlining the permitting processes will make it faster and more efficient for individuals, businesses, or organizations to obtain necessary approvals and permits for projects. Efficient and clearly written regulations and permit procedures can encourage economic growth, foster innovation, reduce the potential for misinterpretations, and avoid prolonged permitting processes.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

The Land Use Element of the Comprehensive Plan describes trends, anticipated future growth, and describes how best to preserve the general character of Stanwood. Land use patterns are what determine the character of the City and the locations, type of future development and where redevelopment that will likely occur. Land use determines where people in the City will reside, shop and work. Goals and policies that support the proposed amendments includes:

Future Land Use Goals and Policies:

LUG 1 Provide an amendment process that allows for annual updates of this Comprehensive Plan.

LUP 1.1: All amendments to the City's Comprehensive Plan and development regulations shall ensure early and continuous public participation pursuant to RCW 36.70A.140.

LUP 1.3: City shall process applications for state and local permits in a timely, transparent, and fair manner to ensure predictability.

LUG 4 Future land use designations shall ensure the optimum use of the land for present and future generations while preserving and maintaining the quality of the natural environment.

LUP 4.7: Future plans, policies, and regulations shall eliminate barriers that have prevented historically marginalized communities and people of color from owning and developing land in the City of Stanwood.

D. FINDINGS OF FACT

1. In 2022 the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practices, eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices.
2. The City Council has opted to comprehensively revise and consolidate its zoning, subdivision and development regulations in a new Unified Development Code to be housed in Title 18 of the Stanwood Municipal Code.
3. This first ordinance establishes the organizational structure of the Unified Development Code, permitting procedures, post permitting procedures and the review criteria for variances and conditional use permits.
4. New Title 18 will consist of the following eight parts: General Provisions, Applications, Permits, Land Divisions, Zoning and Uses, Specific Uses and Standards, Development and Designs Standards, and Environment.
5. The General Provisions part establishes the foundation for the entire UDC. It adopts the City's zoning districts and map consistent with the Comprehensive Plan; rulemaking authority, administrative interpretations, violation references and definitions.
6. The applications chapter of the UDC contains the permit types, permit submittal requirements and the permitting process. The purpose of codifying the permit review procedures is to ensure consistency of review, reducing the chances of arbitrary decisions and open transparency of the city's processes.
7. The amendments are consistent with the permitting requirements of RCW 36.70B Local Project Review.
8. Permit review timing and process changes mandated by 2SSB 5290 (2023) are included in the application procedures amendments.
9. Amendments also include post permit application process and details the review criteria for variances and conditional use permits.
10. Pursuant to RCW 36.70A.106, the City submitted the proposed Unified Development Code amendment for the 60-day review to the Washington State Department of Commerce on September 10, 2024. The 60-day review period was completed on November 9, 2024.
11. The code amendment was circulated for public review on September 24 through October 8, 2024. No comments were received on the amendment.

12. A SEPA determination of non-significance for the draft ordinance was issued on September 24, 2024, and the comment / appeal period ended on October 8, 2024.
13. The Stanwood Advisory Group reviewed the draft ordinance at their September 18, 2024, meeting and has recommended that the City Council adopt the ordinance.
14. The Stanwood Community Development Committee reviewed the draft ordinance at their October 3, 2024, meeting and has recommended that the City Council adopt the ordinance.
15. The Stanwood Planning Commission held their first reading of the ordinance on September 9, 2024, held a public hearing on ordinance on October 14, 2024, and considered the draft findings of fact and conclusions on November 18, 2024.
16. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on October 14, 2024, for their consideration.
17. Upon considering all relevant matters, comments and testimony, the Planning Commission formally recommended that the City Council accept their adopted findings of fact and conclusions and approve the ordinance.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. SMC section 17.155.030 requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.
3. On September 24, 2024, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard.
4. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued per City Code and under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
5. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Land Use Goals 1 and 4 and Land Use Policies 1.1, 1.3, and 4.7.

6. The proposal is beneficial to the public health, safety and welfare and is in the public interest by adopting clear and concise regulatory code language and providing reliable and predictable permitting procedures.
7. After considering staff comments and public testimony, the Stanwood Planning Commission determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

F. STAFF RECOMMENDATION

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments creating a new Title 18 of the Stanwood Municipal Code.

Dated this 18th day of November 2024.

Patrick Hosterman, Planning Commission Chair
City of Stanwood

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1543

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING A NEW SMC TITLE 18, UNIFIED DEVELOPMENT CODE AND TABLE OF CONTENTS IN THE STANWOOD MUNICIPAL CODE (SMC); ADOPTING PART 1 OF TITLE 18, APPLICATIONS; ADOPTING PART 2 OF TITLE 18, APPLICATIONS, ADOPTING PART 3 OF TITLE 18, PERMITS; ADOPTING NEW CHAPTER 17.01, APPLICABILITY; REPEALING PORTIONS OF TITLE 17 IMPLEMENTING SAID PORTIONS OF TITLE 18; ESTABLISHING SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, the City Council has opted to comprehensively revise and consolidate zoning, subdivision and development regulations in a new Unified Development Code in Title 18; and

WHEREAS, the amendments in this ordinance adopt the general provisions and permit procedures provisions for the new Unified Development Code; and

WHEREAS, the amendments were reviewed for consistency with the permitting requirements of RCW 36.70B Local Project Review; and

WHEREAS, the amendments integrate permit review timing and process changes mandated by 2SSB 5290 (2023) into the city's application procedures; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed Unified Development Code amendment for the 60-day review to the Washington State Department of Commerce on September 10, 2024. The 60-day review period was completed on November 9, 2024; and

WHEREAS, the code amendment was circulated for public review on September 24 through October 8, 2024. No comments were received on the amendment; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on September 24, 2024, and the comment / appeal period ended on October 8, 2024; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their September 18, 2024, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their October 3, 2024, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission held their first reading of the ordinance on September 9, 2024, held a public hearing on ordinance on October 14, 2024, and forwarded their findings of fact and conclusions recommending to approve the ordinance on November 18, 2024; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on _____, a second reading on _____, and accepted public comment; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Stanwood Municipal Code Title 18, Unified Developed Code, is adopted as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Stanwood Municipal Code Title 17 is amended as shown in Exhibit B.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this _____ day of _____, 2025.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Title 18 Unified Development Code5

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Title 18 Unified Development Code

i The new Unified Development Code is proposed for division into multiple parts, each including logical grouping of chapters. This ordinance would adopt the outline for the entire title, but only adopt content for selected chapters.

Part 1 General Provisions

i These chapters reflect the general provisions chapters of the zoning code, chapters 17.05-17.25.

Chapter 18.100 General Provisions.

18.100.010 Purpose

i This section is based on existing SMC 17.05.010 Purpose.

The purpose of this code is to establish standards, procedures, and minimum requirements to achieve the following general intentions and purposes for the city of Stanwood:

- (1) To establish regulatory procedures and standards for review and approval of all proposed development in the city;
- (2) To foster and preserve public health, safety, comfort, and welfare, and to aid in the orderly, aesthetically pleasing, and socially beneficial development of the city, in accordance with the Comprehensive Plan;
- (3) To adopt a development review process that is:
 - (a) Efficient, in terms of time and expense,
 - (b) Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the city, and
 - (c) Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the city;
- (4) To implement the Comprehensive Plan of the city by:
 - (a) Establishing regulations and conditions governing the erection and use of future buildings, structures and land as specified in the Comprehensive Plan;
 - (b) Securing safety from fire, panic, and other dangers;
 - (c) Lessening automobile congestion of the streets;
 - (d) Providing for adequate light and air;
 - (e) Preventing the overcrowding of land;
 - (f) Planning for population growth and facilitating the adequate provision of transportation, potable water, wastewater disposal, schools, parks, and other public requirements of the city;

- (g) Establishing zoning districts, defining certain terms, designating the uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements;
 - (h) Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the city.
- (5) To regulate the subdivision of land to ensure that adequate public facilities are provided in developing portions of the city; to promote coordinated land development; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description;
 - (6) To ensure that all development in the city will be served by adequate public facilities;
 - (7) To require that all new land development activity contribute its proportionate share of the funds, land, and public facilities necessary to accommodate the impacts that such new development has on public facilities and services;

i Next line edited from “rational nexus” to “nexus and proportionality.”

- (8) To ensure nexus and proportionality exists between the proposed development and project conditions for which the need is reasonably attributable to the proposed development;
- (9) To provide for enforcement of this code;
- (10) To minimize and avoid public nuisances by preventing incompatible uses from locating adjacent or within close proximity to one another, and by conditioning certain uses in particular circumstances, thereby restricting those aspects of the uses that may be incompatible.

18.100.020 Establishing of Zones

The city of Stanwood is hereby divided into the following zoning districts:

- (1) SR (single-family residential) 12.4 zoning district;
- (2) SR (single-family residential) 9.6 zoning district;
- (3) SR (single-family residential) 7.0 zoning district;
- (4) SR (single-family residential) 5.0 zoning district;
- (5) MR (multiple-family residential) zoning district;
- (6) TN (traditional neighborhood) zoning district;
- (7) NB (neighborhood business) zoning district;
- (8) DMU (downtown mixed-use) zoning district;
- (9) GC (general commercial) zoning district;
- (10) PI (planned industrial) zoning district;
- (11) GI (general industrial) zoning district;
- (12) POS (parks and open space) zoning district;
- (13) PF (public facilities) zoning district.

18.100.030 Purpose and Intent of Zoning Districts

- (1) Single Family Residential 12.4 Zone. This designation shall provide for primarily for single-family residential and accessory dwelling units at a density of 3.5 units per acre.

- (2) Single Family Residential 9.6 Zone. This zoning district is intended to provide opportunities for moderate density residential development with larger lot sizes, and provide standards that encourage reasonable integration of new and existing residential areas, active and passive recreational facilities and activities that support these residential communities. The zone also supports public/quasi-public facilities such as secondary schools, community centers and parks that draw from and support the regional community. This zone implements the residential medium density land use designation in the Comprehensive Plan. This designation shall provide for primarily for single-family residential, townhouses, duplexes, triplexes and accessory dwelling units at a density of 4.5 units per acre.
- (3) Single Family Residential 7.0 Zone. This zoning district is intended to accommodate medium density residential development as infill on smaller lots than in moderate density designations but platted at a standard that is consistent with the density of the existing residential area, and to provide standards and uses to encourage reinvestment in and maintenance of existing properties, and provide supportive active and passive recreational facilities. The zone also allows public/quasi-public uses such as elementary schools, community centers, parks and community-based recreation facilities that support those uses and serve more than one residential area. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 6-7 units per acre.
- (4) Single Family Residential 5.0 Zone. This zoning district is intended to provide standards to maintain the smaller lot plat pattern of the pre-1940 subdivisions that predominate the areas in this designation; promote infill, redevelopment and maintenance of property consistent with the historic smaller lot pattern and older housing stock; provide infill housing at higher density on larger parcels, encourage active and passive recreational facilities such as community centers, parks and community-based recreation that support the neighborhood; and allow for public and quasi-public uses that are part of these areas due to this historic settlement pattern, such as elementary schools that may serve more than one neighborhood. This zone implements the residential medium density land use designation in the Comprehensive Plan and provides for primarily for single-family residential, townhouses, duplexes, triplexes, quadplexes and accessory dwelling units at a density of 9-10 units per acre.
- (5) MR (Multi-Family Residential) Zone. This designation shall provide for small lot single family and multi-family residential development at a range of densities between 10 and 20 dwelling units per acre. Small amounts of commercial uses such as schools, churches, daycare centers, live-work units, or small office where a full range of public facilities and services to support urban development exists should be allowed. Generally, this designation is appropriate for land which is located convenient to principal arterials and to business and commercial activity centers.
- (6) NB (Neighborhood Business) zone. This designation shall comprise retail and service businesses which serve the limited convenience shopping and personal service needs of the immediate surrounding neighborhood.
- (7) TN (Traditional Neighborhood) Zone. The purpose of the Traditional Neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through streets and a mix of housing types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. An allowance for commercial development shall also be allowed.
- (8) DMU (Downtown Mixed-Use) Zone. The intent of the Downtown Mixed-Use land use designation is to create a dense, mixed use, pedestrian-friendly shopping environment reminiscent in design and uses to a turn-of-the-century downtown. This designation generally applies to downtown Stanwood. The purpose of the Downtown Mixed-Use zoning is to permit a complementary mix of residential and commercial uses in a single district creating a walkable community. This district allows a combination vertical mixed-use and horizontal mixed-use, thus creating an area containing mixed-use buildings as well as distinct single-use buildings in close proximity to each other. Mixed-use buildings, with residential above or behind

commercial/retail space, shall be allowed along the City's primary streets in downtown (270th Street, 271st Street, 92nd Avenue, and 88th Avenue). Whereas standalone residential buildings may be permitted on the secondary streets with no direct access to the primary streets. Developments should be designed so that shoppers are less dependent on the automobile. In general, zero lot line development shall be maintained with store fronts and common walls. Parking shall be located on the street or to the rear of buildings. On-street parking will be on both sides of the street, and diagonal in the east end. Public parking areas may be necessary to assist people in leaving their cars and traveling on foot. Within the historic downtown commercial areas, the City will allow flexible interpretations of standards to encourage re-investment in, re-use and maintenance of structures that display historic period architectural character and scale. The architectural styles representative of commercial and residential buildings that existed from 1890 through the 1920s should be maintained.

- (9) GC (General Commercial) Zone. This designation comprises more intensive retail and service uses than described in the Downtown Mixed-Use zone. General commercial uses typically require outdoor display and/or storage of merchandise that tend to generate noise as part of the operation. Such uses include, but are not limited to grocery stores, pet stores, drug stores, medical clinics, recreational facilities vehicle sale lots, tire and muffler shops, and equipment rental. Many of the businesses allowed in the DMU district are also allowed in this district. This designation is also meant to include the development of high-density multi-family housing including both: 1) vertical mixed use with commercial / retail space on the bottom floor and residential above; or 2) horizontal mixed-use buildings where commercial building(s) face the street frontage and standalone multifamily buildings are located behind and setback from the commercial / retail buildings.
- (10) PI (Planned Industrial) Zone. The intent of the Planned Industrial land use designation is to create a district that permits activities involved in the manufacture, repair, or service of goods, or products that are conducted with minimal adverse impact on the environment and the general community, as well as retail and office uses. The PI zone is intended to accommodate a variety of commercial and industrial uses that complement typical light industrial complexes. Industrial, commercial, commercial or retail business uses desiring to locate in the PI zone must meet the architectural and performance standards for this district. The PI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods.
- (11) GI (General Industrial) Zone. This designation comprises more intensive industrial type uses than those permitted in the Planned Industrial zone. Uses in the GI zone require equipment, devices or technology for the control of odors, dust, fumes, smoke, noise, or other wastes and/or by-products from affecting adjacent properties. The GI uses shall not adversely affect the health and safety of adjacent non-industrial and residential neighborhoods. Examples of General Industrial uses include large indoor manufacturing facilities, automotive repair, construction yards or material storage and the water and wastewater treatment plant.
- (12) POS (Parks and Open Space) Zone. The parks and open space zoning designation is applied to lands which are to be maintained as park space or natural open spaces in perpetuity by the city. Many of these lands have underlying contractual agreements with either the Washington State Recreation and Conservation Office, conservation futures easements, or critical area easements. The POS designation should be applied to public park properties identified in the city's parks, recreation and open space plan.
- (13) PF (Public Facilities) Zone. This designation is applied to lands that are used as public lands and facilities, including utilities, schools, railroad, and the wastewater treatment plant.

18.100.040 Establishment and Interpretation of Zoning Maps

i This section is based on existing SMC Chapter 17.15. Retitled to add “interpretation.”

- (1) The boundaries and identification of the zoning districts established by this code are shown on the zoning map which is filed in the office of the city clerk (with copies in the planning department). Said map is hereby declared to be part of this code as fully as if set out herein.
- (2) No building or land may be used and no building may be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the zoning map in which such building, land, or water is located.
- (3) Zoning district boundaries are shown as heavy solid lines on the zoning map and may be superimposed on lighter lines designating platted lot lines, streets, and other physically identifiable ground features, unless specific distances in feet or angles, bearings, radii, or other references to a boundary line located are specified.
- (4) Zoning district boundary lines, when located in streets or other public rights-of-way, must be interpreted as being located in the centerline of such rights-of-way. When distances expressed as linear footage are shown between a zoning district and a street, the distance must be interpreted as being between said boundary line and the centerline of said street, unless otherwise specified.
- (5) Boundary lines between zoning districts which are interrupted on the zoning map to show street names or other identification numbers must be interpreted as extending through such identification, unless otherwise specified.
- (6) When the exact location of a zoning district boundary line is not clear, it must be determined by the Director, with due consideration given to the location as indicated by the scale of the zoning map. When, for any reason, the streets or alleys as they actually exist on the ground differ from the depiction of said streets and alleys as they are shown on the zoning map, the planning director may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of this code.
- (7) Where a zoning district boundary line shown on the zoning map divides a lot of record, the property owner has the option of choosing either of the two districts to apply to the entire lot area, or may subdivide the lot to retain both districts as mapped so long as all of the standards and requirements of the relevant performance standards can be met.

18.100.050 Rulemaking Authority

i This section is based on existing SMC 17.80.150 Rule making authority. The objective is to provide rulemaking authority for the entire UDC.

- (1) Consistent with the intent of the Comprehensive Plan and this title, the Director may issue written rules as the Director deems necessary to carry out the provisions of this title. Such rules may include but are not limited to the following:
 - (a) Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved; and
 - (b) Requirements for the conduct and continuance of public hearings and the methods of providing public notice on projects and permits.

- (2) The Director may administratively determine the format and contents of permits, application forms, application checklists, additional information needs, and notices above and beyond the minimums set forth in this code.

18.100.060 Administrative Interpretations

i This section is based on existing SMC 17.80.160 Administrative interpretations, broadened to describe entire UDC (rather than previously the "zoning code").

i Deleted section about appeals, etc., because that is handled by procedures chapters.

This section establishes the procedure and criteria that the city will use in deciding upon a written request to interpret the provisions of this title. The interpretation of the provisions of a development agreement or concomitant agreement will be treated as an interpretation of the unified development code.

- (1) **Applicability.** This section applies to each written request to interpret the provisions of the unified development code, with the exception of unclassified uses.
- (2) **Purpose.** An interpretation of the provisions of the unified development code clarifies conflicting or ambiguous wording or the scope or intent of the provisions of the unified development code. A request for a code interpretation must relate to a specific site, zoning district, classified use, or application within the city of Stanwood. An interpretation of the provisions of the unified development code may not be used as, or considered to be, an amendment to the unified development code.
- (3) **Application Requirements.** Any person requesting an administrative interpretation must submit a written request on a form provided by the city specifying each provision of the code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or material in support of a proposed interpretation.
- (4) **Procedure.** An application for an administrative interpretation follows the procedure described in Title 18 Part 2. The Director must interpret the provisions of the unified development code in conformance with this section.

i Deleted existing paragraph (c) referring to unclassified uses because such uses are not within the applicability statement of this section.

- (5) **Timing.** An administrative interpretation requested by a person other than the project proponent or property owner must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates. An administrative interpretation requested after the applicable appeal period may not affect an issued permit or decision.
- (6) **Factors for Consideration.** In making an administrative interpretation, the Director must consider the following factors:
 - (a) The applicable provisions of the unified development code, including their purpose, intent, and context;
 - (b) The impact of the interpretation on other provisions of the municipal code;
 - (c) The implications of the interpretation for development within the city as a whole;
 - (d) The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
 - (e) Any applicable state statutes and court decisions.
- (7) **Effect of Interpretation.** An interpretation of the code issued under this section has the same effect as any provision of the unified development code.

- (8) Time Limitation. An administrative interpretation of the code remains in effect until rescinded in writing by the director or this title is amended to implement or override the interpretation.
- (9) All administrative interpretations must be posted on the City's website.

18.100.070 Violations

i This section is based on existing SMC 17.80.490 Violations. Deleted paragraphs purporting to give unlimited inspection authorization to city staff, and authorizing withholding permits.

- (1) Any person violating any provisions of this title is subject to enforcement per SMC Title 13.
- (2) Any building, structure, development, activity, land use, or division of land, not in conformance with this title and not a legal nonconformance or exempted by a policy governing existing nonconforming structures or uses, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in SMC Title 13.
- (3) The Director must withhold issuance of any occupancy permit until the provisions of this code, including the conditions on any permit issued thereunder, have been met.
- (4) The Director must regularly monitor a permittee's compliance with the terms and conditions of its project permit.

Chapter 18.102 Definitions and Rules of Interpretation.

i The definitions that appear below are new material that is necessary to the adoption of new Title 18. Definitions in existing Chapter 17.20 will be migrated here when Title 18 is completed.

18.102.010 Applicability

- (1) The definitions in this chapter apply to terms used throughout Title 18.
- (2) Definitions in SMC Chapter 17.20 are being migrated to SMC Chapter 18.102 in the City's new Unified Development Code. Definitions in SMC Chapter 17.20 remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

18.102.015 Rules of Interpretation

i The rules in existing SMC 17.20.005 are now found in SMC Chapter 1.02.

- (1) The rules of interpretation in SMC Chapter 1.02 apply to this title.
- (2) The word "used" includes designed, intended, or arranged to be used.
- (3) Distances must be measured horizontally unless otherwise specified.

18.102.020 "A" Definitions

18.102.030 "B" Definitions

18.102.040 "C" Definitions

i This definition of cultural resources is based on WAC 365-196-450.

"Cultural resources" means lands, sites, and structures that have cultural, historical, archaeological, or tribal significance, or other traditional cultural properties.

18.102.050 "D" Definitions

"Department" means the Community Development Department.

"Director" means the Director of Community Development appointed per SMC Chapter 2.08, or the Director's designee.

"Development permit" means a project permit as defined in this chapter.

18.102.060 "E" Definitions

18.102.070 "F" Definitions

18.102.080 "G" Definitions

18.102.090 "H" Definitions

18.102.100 "I" Definitions

18.102.110 "J" Definitions

18.102.120 "K" Definitions

18.102.130 "L" Definitions

18.102.140 "M" Definitions

18.102.150 "N" Definitions

18.102.160 "O" Definitions

18.102.170 "P" Definitions

"Project permit" includes the meaning established in RCW 36.70B.020, or any other permit or authorization required by the Department for construction or exterior alteration of structures (including building permits and other permits issued pursuant to SMC Title 18), dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance; but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

18.102.180 "Q" Definitions

“Qualified professional” means a person with experience and training in a field that is applicable to the work to be performed by this person. For critical areas, see also the requirements of SMC 18.800.160.

18.102.190 "R" Definitions

Review time period: the allowed time for review of a project permit application specified for each type of review in Table 18.230.020-1, Types of Review and calculated by SMC 18.230.040, Timing of Review.

18.102.200 "S" Definitions

18.102.210 "T" Definitions

18.102.220 "U" Definitions

18.102.230 "V" Definitions

18.102.240 "W" Definitions

18.102.250 "X" Definitions

18.102.260 "Y" Definitions

18.102.270 "Z" Definitions

Part 2 Applications

i Part 2 is the collection of procedural provisions that is the primary focus of this ordinance.

Chapter 18.210 General Provisions

i This is a new chapter based on existing SMC Chapter 17.80 Article I, General Provisions.

18.210.010 Purpose.

i This is existing SMC 17. 80.100.

In enacting regulations to conform with Chapter 36.70B RCW, the city intends to 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 city’s adopted Comprehensive Plan and existing development regulations. In order to achieve this purpose, the city finds that:

- (1) Considerable time and effort went into the adoption of the city’s Comprehensive Plan under the mandates of the Growth Management Act. The Comprehensive Plan and the city’s supporting development regulations identify land use types, densities, minimum development standards, and mitigation for critical

areas and public impacts. These documents are the foundation for project and environmental review in the city. The city may not reanalyze these basic land use planning decisions when making a permit decision.

- (2) The land use development permit review process must determine consistency between the proposed project and applicable regulations or plans through an integrated project and environmental impact analysis that run concurrently with each other, not separately.
- (3) This chapter provides a coordinated review of zoning and other development regulations to ensure that proposed site development complies with the city's Comprehensive Plan, zoning regulations, public works standards, and other applicable development regulations.

18.210.020 Applicability.

i This is existing SMC 17.80.110 Applicability. Deleted section about rulemaking, which is now in 18.100.050.

The provisions of this part apply to all development permits identified in this code and to any related regulation implementing these provisions or any other ordinance or law.

18.210.030 Permit Required

i This is existing SMC 17.80.120 Permit required, renumbered.

- (1) A permit is required for any of the following including but not limited to:
 - (a) buildings and work not exempt under the adopted building codes;
 - (b) boundary line adjustments;
 - (c) subdivisions;
 - (d) binding site plans;
 - (e) planned unit developments;
 - (f) conditional uses or variances;
 - (g) shoreline substantial development;
 - (h) site plan review;
 - (i) signs;
 - (j) permits or approvals required by critical area ordinances;
 - (k) permits subject to review under the State Environmental Policy Act (SEPA);
 - (l) right-of-way encroachment activities per Title 11;
 - (m) engineering permits (e.g., right-of-way, clearing, grading, filling), and
 - (n) site-specific rezones authorized by the comprehensive plan or a subarea plan.
- (2) No permit or approval may be issued for any parcel of land developed or divided in violation of this title.

18.210.040 Permit Exemptions

i This is existing SMC 17.80.130 Exemptions.

- (1) Notwithstanding any provision in this title to the contrary, no permit is required pursuant to this chapter for the following types of development:

- (a) Accessory structures in a residential zone that do not require a building permit according to the most recently adopted International Building Codes;
 - (b) Fences;
 - (c) Adoption or amendment of a comprehensive plan, subarea plan, or development regulations, which are legislative actions that must be adopted by the City Council by ordinance; and
 - (d) Annexations, which are processed per Chapter 17.158 SMC.
- (2) Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a permit prior to initiating such action under this section may be waived by the Director. The applicant must notify the Director, in writing, of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. Work must be commenced within 30 days following the disaster, accident, or other emergency. However, this does not preclude the requirement for building permits for such activity. One 30-day extension may be permitted by the Director if progress towards project completion is demonstrated.

18.210.050 Fees

i This is a new general section.

- (1) The City may establish requirements for fees for various types and classes of permits through its adoption of a fee schedule per SMC 3.20.040.
- (2) Fee refunds are allowed per SMC 3.20.100.

18.210.080 Vesting

i This is existing SMC 17.80.210 Vesting.

- (1) An application for a project permit, except those which seek variance from land use regulations, must be considered under the development regulations in effect on the date of a complete application. For purposes of this section the “date of a complete application” means the date on which the application is deemed or determined complete.

i Deleted paragraph about determination of completeness, which is handled elsewhere.

- (2) Supplemental information required after vesting of a complete application does not affect the validity of the vesting for such application unless the information is requested because incorrect information was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.
- (3) An applicant-requested modification occurring either before or after issuance of the permit eliminates vesting when such modification would result in a substantial change in a project’s review requirements, as determined by the Director. Under such a condition, the application will be deemed a new application. See SMC 18.220.040, Application Revision.
- (4) Applications for subdivisions that propose to create offspring lots within a parent site comprising existing detached condominiums or attached townhouses for which a grading or building permit has been issued vest to the site development requirements and standards in effect at the time such grading or building permit application was determined to be complete by the city.

- (5) Building permits that may be subsequently required to construct or complete a vested site development permit are subject to the edition of the building code in place at the time of application.
- (6) Nothing herein restricts the Director's authority to impose permit conditions pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
- (7) Filing an application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, are those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.

18.210.090 Decision Criteria

i This section is based on existing SMC 17.80.140 Permit approval criteria.

- (1) A permit must be granted if the city finds, based on substantial evidence in the record, that the development is consistent with the goals, policies, requirements and performance standards of the Stanwood Municipal Code, the street and utility standards, and other applicable laws and regulations. Consistency must be established by determining if the following four factors have been met:
 - (a) The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied.
 - (b) The level of development, such as units per acre or other measures of density, meets the zone for which it is located, including any density bonus provisions.
 - (c) Availability and adequacy of infrastructure, public facilities and services needed to serve the development as identified in the Comprehensive Plan, including but not limited to: transportation, utilities, parks, and capital facilities.
 - (d) The character of the development is consistent with all applicable development and design standards.
- (2) The project as proposed must incorporate, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development.
- (3) The project must be connected to the city water, sewer, and stormwater systems.

Chapter 18.220 Applications

i This is a new chapter based on existing SMC Chapter 17.80 Article II, Application Provisions and Procedures.

18.220.020 Pre-application meeting

i This is based on existing SMC 17.80.200 Pre-application meeting.

i Deleted section about pre-app meetings being free; that should be set by fee schedule.

- (1) The purpose of a pre-application meeting is for the applicant to provide preliminary information and specific questions regarding the development proposal, and for the City to provide the applicant with preliminary information about development requirements, procedural and application requirements (e.g. applications and fees required), known community concerns (if any), and answers to specific questions asked by the applicant.

- (2) For the city to accurately evaluate the proposed project at the pre-application meeting, the applicant must provide at a minimum a draft site plan, preliminary grading and critical area plans, and locations of drainage and utility connections.
- (3) At the applicant's request, a pre-application conference may be scheduled with representatives of the city planning, engineering, fire and building departments. The purpose of the pre-application process is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can provide the applicant with the requirements that must be met in order to have the proposed project proceed through the formal permit review process.
- (4) It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting do not bind or prohibit the city's future application or enforcement of all applicable laws.
- (5) Information provided at the pre-application meeting, including but not limited to conceptual site and civil construction plans, building concepts, environmental documents or interpretation requests, does not vest a development.
- (6) While pre-application meetings are informational in nature, it is the responsibility of the applicant to ensure their project meets the minimum requirements of the Stanwood Municipal Code and city street and utility standards.

18.220.030 Application Contents

i This is based on existing SMC 17.80.220 Submittal requirements.

i New directive to submit applications via online system.

- (1) An application for a project permit must provide the information required on the relevant application checklist provided in this section and be submitted on the forms and using the electronic system provided or as directed by the Department.
- (2) Applications must include:
 - (a) Scaled Drawings. Site and construction plans drawn to an engineering scale of appropriate size to read and verify drawing elements.
 - (b) Plans. Unless waived by the Director, plans must be prepared by a registered engineer, architect, landscape architect, or land surveyor illustrating the proposed development of the property.
 - (c) Evidence of Ownership or Legal Interest. An application must be signed by the property owner or an authorized representative. An authorized representative must demonstrate authorization, on forms provided by the department, from the property owner to sign and submit the application on behalf of the property owner.
 - (d) An accurate address, assessor's parcel number(s), and legal description of the property subject to the requested permit.
 - (e) A statement signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with the provisions of this section is good cause to deny the application.
- (3) Application and inspection fees must be paid at the time of application as set forth in the fee resolution adopted by the city council.

- (4) Tables 18.220.030-1 and 2 reflect the required components for an application to be determined procedurally complete.
 - (a) City of Stanwood requires electronic project application through the portal on the City’s website;
 - (b) Application materials are marked as “required,” “required upon request,” and “not required”;
 - (c) Additional information may be required on a case-by-case basis depending on the complexity of the application; and
 - (d) Critical Areas review pursuant to SMC Title 18 Part 8 is required when indicated by the tables and when applicable pursuant to SMC Title 18 Part 8.
- (5) The Director may waive, in writing, specific application requirements or additional material, such as maps, studies, or models, when the Director determines that the item:
 - (a) is not relevant to the proposed project;
 - (b) is irrelevant based on site conditions; or
 - (c) is met by existing submitted or adopted documents.
- (6) Due to variations in land conditions, similar permits may require different application requirements. To determine if an element of a permit application is required beyond those noted as “required” in the tables, contact the Planning Department to schedule a general information meeting.
- (7) The application requirements listed in the tables are for City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to determine whether other permits are required.
- (8) In the tables in this section:
 - (a) Table 18.220.030-1 organizes the types of permits or decisions into groups based on type of review shown in SMC 18.230.020.
 - (b) Table 18.220.030-2 shows the required elements of an application for each group of permits.
 - (c) Items listed in the “Before Final Plat/Certificate of Occupancy” category may be deferred until the time of final plat or certificate of occupancy.
 - (d) The ● symbol indicates the item that is required for a complete application.
 - (e) The ■ symbol indicates the item must be submitted to the Department when code requires or upon request.

i The following tables are reworked and consolidated from the tables in existing SMC 17.80.260.

Table 18.220.030-1 Types of Review and Permit Groups

Group	Types of Permit or Decisions
1A	Zoning Interpretation, Code Enforcement, Home Occupation
1B	Single Family Building Permits (Bldg, Mech, Plumb), Fire, Accessory Dwelling Units, Floodplain, Manufactured Home Infill, Sign
1C	Multifamily < 39 Units, Commercial / Industrial < 12 K SF, Mixed Use < 19 Units, TN Public Facilities
1D	Wireless Communication Facilities (Small Cell, Co-Located, Minor Modifications)
1E	Parcel Combination, Boundary (Lot) Line Adjustment, Final Plat
1F	Traffic Concurrency Evaluation, Water/Sewer Concurrency Evaluation, Encroachment (ROW), Right-of-Way, Grading
2A	Zoning Interpretation, Code Enforcement, Home Occupation
2B	Minor Variances, Right to Farm, Waiver of 6-Year Forest Practice Moratorium
2C	Multifamily > 40 Units 11, Commercial / Industrial > 12 K SF 11, Mixed Use < 20 Units 11, Reasonable Use, Shoreline Substantial Development
2D	Binding Site Plans, Short Plats
3A	Appeals – Code Enforcement, Building Code, Administrative Decisions
3B	Conditional Use, Preliminary Plats, Cottage Plat, Offspring Subdivision, Essential Public Facilities, Major Variance, Shoreline Conditional Use Permit, Shoreline Variance, TN Residential Subdivisions, TN Mixed-Use Development
3C	Forest Practice Waiver - Nonresidential
3D	Wireless Communications Facilities – Mono Pole, Deviation
4A	Development agreements, Site-specific rezones

Table 18.220.030-2 Application Requirements by Permit Group

Application Element	1A	1B	1C	1D	1E	1F	2A	2B	2C	2D	3A	3B	3C	3D	4A
General Application															
Permit Application		●	●	●	●	●		●	●	●		●	●	●	●
Written Request from Applicant	●						●				●				
Project Narrative	●	□	●	●	●	●	●	●	●	●	●	●	●	●	●
Review Fee ¹	□	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Legal Description			●	●	●	□			●	●		●		●	●
Vicinity Map or Aerial Photograph			●	●	●	□	□	□	●	●		●		●	●
Water/Sewer Availability Letter ²			●						●	●		●			●
Site Plans															
Site Plan ³		●	●	●		●	□	□	●	□		□		●	●
Landscape Plan ³			●	□		□		□	●	●		□		□	□
Tree Retention Plan ³			□	□		□			□	□		□			□
Plat Map ⁴					●	□				□		□			
Building Plan Set		●													
Building Elevations		●	●						●			□		□	□

Application Element	1A	1B	1C	1D	1E	1F	2A	2B	2C	2D	3A	3B	3C	3D	4A
Civil / Engineering ⁵															
Drainage Report		☐	●	☐		☐	☐		●	●		●		☐	☐
Traffic Control Plan						☐	☐								☐
Traffic Impact Study ⁶			●			☐	☐	☐	●	●		●			☐
Grading and Clearing Plan		☐	●			☐	☐		●	●		●		●	☐
Road and Drainage Plans		☐	●		●	☐	☐		●	●		●		●	☐
TESCP (Erosion Control Plan)		☐	●			☐	☐		●	●		●		☐	☐
Topography (Existing Conditions)		☐	●	☐	☐	☐	☐		●	●		●		●	☐
Water / Sewer / Utility Plans		☐	●		☐	☐	☐		●	●		●		●	☐
Boundary Line Survey / Map		☐	☐	☐	●	☐		☐	☐	●		☐		☐	☐
Environmental															
SEPA Checklist ⁷							●		☐	☐		☐		☐	●
Critical Areas Report / Memo		☐	●	☐		☐	☐		●	●		●		●	●
Wildlife Habitat Report (floodplain)		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Archaeology / Cultural Report		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Inadvertent Archaeological Discovery Plan		☐	●	☐		●	☐		●	●		●		●	☐
Geotechnical Report		☐	☐	☐		☐	☐		☐	☐		☐		☐	☐
Other															
Public Notice Materials ⁸							●	●	●	●	☐	●		●	●
School Safe Walking Conditions Assessment			●						●	●		●			☐
Title Certificate (< 30 days old)					●					●		☐			
Lot Closures					●					●		☐			
Boundary Line Affidavit Form					☐							☐			
Photo Simulations (WCF)				●										●	
Before Final Plat/Certificate of Occupancy															
Deeds/Easements / Conveyances		☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐
Maintenance Agreements for Shared Facilities		☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐
Sureties / Bonds ⁹		☐	☐		☐	☐			☐	☐		☐			☐
Electronic CAD As-Built Plans		☐	●	☐	●	☐			●	●		●		☐	

Footnotes:

1. See the City of Stanwood Adopted Fee Schedule
2. Water / Sewer Availability must be determined prior to application and letters submitted.
3. See Site Plan Application Requirements for required specifications.
4. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Application Requirements for required specifications.
5. See Engineering Plan Application Requirements for required specifications.
6. See the City of Stanwood Transportation Study Guidelines to determine the level of traffic study needed.

7. See the SEPA Checklist Requirements for Categorical Exemption Thresholds.
8. See Public Notice Materials for requirements.
9. See Sureties/Bond Application Requirements for required specifications.

18.220.040 Application Revision

i This section is new material.

(1) Applicability.

- (a) This section applies to applications that have been submitted for review but not for issued permits.
- (b) For rules regarding revisions of issued permits, see SMC 18.310.020.
- (c) For rules regarding alterations of subdivisions, see SMC Title 16.

i The following line attempts to eliminate any distinction between a “revision” and some other response to requests for more information. This clarity is important for compliance with the new review time period requirements.

- (d) Any response to the Department’s written request for more information on an application is considered a revision to the initial application.

(2) Minor revisions authorized.

- (a) An applicant may make minor revisions to the application after the determination of completeness. A “minor revision” to an application includes changes to:
 - (i) floor plans that do not substantially alter the site plan;
 - (ii) exterior building configurations that do not create a substantially greater bulk or scale;
 - (iii) building placement that does not change the general location and layout of the site;
 - (iv) grading alterations that do not change the basic concept, significantly increase slopes, or building elevations, or change course of drainage which could adversely affect adjacent or surrounding properties.
- (b) A minor revision does not include:
 - (i) change in the type of construction (e.g., site-built to manufactured home, wood-frame to steel);
 - (ii) change in occupancy that requires substantial change to the structure (e.g., garage to ADU).

- (3) Any revision other than a minor revision requires a new application, which restarts the applicable Review Time Period. The Director may authorize fees paid to be refunded per SMC 3.20.100.

18.220.050 Application Withdrawal

i This section is new material.

- (1) Applicability. This section applies to any application submitted for review under this Chapter.

- (2) An applicant may withdraw an application at any time via notice in writing to the Department. Withdrawal of an application stops all review. Review of a withdrawn application may not be restarted.
- (3) Application fees may be refunded only as allowed by SMC 3.20.100, refunds.

18.220.060 Application Expiration

i This section is new material.

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) Application expiration.
 - (a) Unless review is suspended under SMC 18.230.040(3)(b), if the Department requests more information from the applicant about the application, the applicant has 120 days to respond with the requested information.
 - (b) If the applicant does not respond within the required period, the Director may expire the application for failure to timely submit requested information by providing the applicant with written notice of expiration.
 - (c) If the Director expires an application, the applicant must submit a new application, including any applicable fees, to restart the review process.
 - (d) The Director may grant one or more 3-month extensions (not to exceed three extensions) if:
 - (i) a written request for extension is submitted prior to expiration of the application;
 - (ii) based on information in the request, the Director concludes that the applicant is making reasonable progress toward submitting the required information;
 - (iii) in the opinion of the Director, extraordinary circumstances excuse a delayed response.

18.220.070 Applications for Phased Projects

i This is existing SMC 17.80.240 Phased permit applications.

- (1) Projects may be completed in phases, provided the phasing meets the requirements of this section and conforms to the approved phasing plan. The regulations in effect at the time of the original approval continue to apply.
- (2) An applicant must describe and submit site plans that clearly show the various phases or stages of the proposed development and how the requirements of this title will be satisfied with respect to each phase or stage.
- (3) Each phase must stand on its own in terms of meeting the requirements of the permit and this title. For example, improvements necessary to support Phase 1 cannot be deferred to be constructed in Phase 2.
- (4) The vehicle and pedestrian circulation pattern at the end of each phase must result in a configuration that does not create traffic hazards and that adequately supports the level of traffic anticipated to be generated during each phase.
- (5) Phased development authorized in one permit may be commenced with separate building permits; however, each phase must be initiated prior to the overall permit expiration period as provided in Table 18.310.010-1, Permit Terms and Extensions. All construction must conform to the International Building Code and International Fire Code regulations in force at the time of building permit application.

18.220.080 Reapplication

i This section is based on existing SMC 17.80.480 Reapplications.

- (1) Reapplication Following Denial of Permit. Whenever an application for a land use permit or a variance is denied, the same or similar permit application may not be resubmitted for a period of one year from the date of denial unless the applicant clearly demonstrates that:
 - (a) The zoning classification or relevant development standards have changed;
 - (b) New information is available that could not with reasonable diligence have been presented at a previous hearing; or
 - (c) The project is modified in such a manner so as to correct the defects on which the original denial was based.

Chapter 18.230 Review Process

i This is a new chapter based on existing SMC Chapter 17.80 Article III, Permit Review Procedures.

18.230.010 Foundation of Review

i This is existing SMC 17.80.300 Purpose.

It is the intent of this chapter to provide the review procedures for applications and land use actions classified as Types 1 through 4 permits. These procedures are intended to outline the permitting process once an application has been submitted.

18.230.020 Types of Review

i This section is based on existing SMC 17.80.230 Permit types and existing SMC 17.80.310 Permit review process. The narrative descriptions of review types contained within those sections has been removed in favor of describing the processes in only one place, i.e., the table.

- (1) Decisions on permit applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decisionmaker.
- (2) Table 18.230.020-1 identifies the type of review applicable to each type of application or decision and describes the process for each type of review.
 - (a) The types of applications and decisions that are subject to each type of review are listed in the first row beneath the header for each type.
 - (b) The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
- (3) The Director must determine the proper review type for all applications consistent with Tables 18.230.020-1 and 18.230.020-2 and this subsection.
 - (a) Consistent with the integration of environmental review required by SMC 18.230.020, if a project that would otherwise be characterized as Type 1 requires SEPA review (is not SEPA-exempt), it must be processed as a Type 2 (or higher) review.

- (b) See SMC 18.230.030 for the process for consolidation of multiple applications for a single project.
- (c) If there is a question as to the appropriate type of process, the Director must resolve it in favor of the higher-numbered type.

i Next line is based on 17.80.230(1) and (4).

- (d) If a permit or land use action is not listed, the Director is authorized to determine the appropriate review type based on the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input, and the type of appeal opportunity.

- i** The table below consolidates existing SMC 17.80.230, Table 1, and existing SMC 17.80.310, Tables 3A and 3B.
- i** Existing code created a fifth type of review for City Council decisions on street vacations, final plat approvals, and annexations. Final plat approval, as a ministerial action, is moved to Type 1 per recent amendment of RCW 58.17.100. Street vacations and annexations are not project permits, are not subject to the requirements for project permits, and not included in this table.
- i** Existing code differentiated between the forest practices waiver for the six-year moratorium on development for single-family residential versus other development. That distinction is no longer supported by state law, so all forest practice waivers are now Type 2.
- i** Existing code included a public meeting before the Planning Commission prior to a decision by the Hearing Examiner for some types of permits. This is contrary to best practice and may be violative of the limitation in RCW 36.70B for only a single public hearing to be held on a given application. This meeting has been removed.
- i** Moved Concurrency Evaluation to Type 1.
- i** Review time periods under existing SMC 17.80.360 are 120 days for all permits. RCW 36.70B.080, amended by 2SSB 5290 in 2023, requires local governments to adopt new review time periods specific to various types of permits. The proposed time periods below are the defaults from the statute, but may be modified, but “should” not exceed the default time periods.
- i** Existing code did not clearly distinguish multifamily or commercial/industrial developments at the threshold levels between review types.
- i** Deleted existing code “developments with 5+ substantive comments”. This provision is not a best practice, would make it more difficult to achieve the new statutorily required review periods. Instead permit types have been listed based on number of units or square footage.

Table 18.230.020-1 Types of Review

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
Applications Subject to this Type of Review	• Single-Family Residential Building Permits • Fire Permits • Multifamily Residential Projects ≤ 40 Units • Commercial and industrial development ≤ 12,000 square feet • Mixed-Use Developments ≤ 20 Units • Accessory Dwelling Unit • Administrative Zoning Code Interpretation • Boundary Line Adjustment • Code Enforcement • Concurrency Evaluation • Encroachment (ROW) Permit • Floodplain Development • Grading • Home Occupation • Manufactured Home Infill • Parcel Combination • Public Works Deviation Requests • Right-of-Way Permits • Sign • TN – Public Facilities • WCF Small Cell • WCF Co-Located • WCF Minor Modification	• Multifamily Residential Projects > 40 Units • Commercial and Industrial Developments > 12,000 Square Feet • Mixed-Use Developments > 20 Units • Minor Variance • Binding Site Plans • Reasonable Use Permit • Right to Farm • SEPA Determinations • Shoreline Substantial Development Permit • Short Plats • Waiver of 6-year forest practices moratorium	• Conditional Use Permit • Preliminary Plat; Including PRDs, Cottage, and Offspring Subdivision • Essential Public Facilities • Shoreline CUP • Shoreline Variance • TN – Residential Subdivisions • Major Variance • TN – Commercial/Mixed-Use Projects • WCF Monopole • WCF Deviation • Code Enforcement Appeals • Building Code Appeals • Administrative Appeals	• Development Agreement • Site-Specific Rezone
Pre-App Conference	Optional	Optional	Optional	Optional
Notice of Application	No	Yes	Yes	Yes
Standard Comment Period	None	15 days	15 days	15 days

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 City Council decision
Shoreline Permit Comment Period	None	30 days / 2 notices	30 days / 2 notices	30 days / 2 notices
Recommendation By	None	None	Director	Hearing Examiner
Standard Public Hearing Notice	None	None	10 days	10 days
Shoreline Public Hearing Notice	None	None	15 days	15 days
Pre-Decision Open- Record Public Hearing	No	No	Yes, held by Hearing Examiner	Yes, held by Hearing Examiner
Decisionmaker	Director	Director	Hearing Examiner	City Council
Notice of Decision	No	Yes	Yes	Yes
Review Time Period	65 days	100 days	170 days	170 days
Local Appeal To	Hearing Examiner	Hearing Examiner	None	None
Local Appeal Hearing	Open-Record	Open-Record	N/A	N/A

(4) Exceptions to Table 18.230.020-1:

- (a) Default and shoreline comment periods are shown in the table.
- (b) For time periods relating to land divisions, see subsection (5) and RCW 58.17.140.
- (c) A development agreement is a legislative decision that is not subject to the review time periods.
- (d) Default review time periods are shown in the table, with the following exceptions:
 - (i) SEPA threshold determinations are governed by WAC 197-11-310 and SMC 18.230.070;
 - (ii) eligible collocation and modification requests for wireless facility services is governed by SMC 17.200.

 The next paragraph's optional language addresses an advisory group request shown in the Tracking Amendment Form. The % of dwelling units could be adjusted; the HUD Low Income level is 80% of Area Median Income and could be adjusted as well. Expediting this review may not be sufficient to incentivize property owners to execute the covenant required in this section. Also note that as indicated above, a Type 1 review becomes a Type 2 review if the project requires SEPA.

- (e) An application for a project permit where the applicant commits to providing at least 50% of dwelling units in the project to households whose annual household income is at or below the current Low Income level for the area that includes the City, as established by the United States Department of Housing and Urban Development, at a rental rate of not more than 30 percent of monthly household income, may be processed as a Type 1 or Type 2 review depending on SEPA requirements. As a condition of permit approval, the applicant must be required to execute an affordable housing agreement that implements this subsection, in a form approved by the Director and City Attorney, and record it as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.

- (5) Table 18.230.020-2 identifies the types of review for a land division based on the proposed number of lots, tracts, or parcels.

Table 18.230.020-2 Types of Review for Land Divisions

Type	Number of lots/tracts/parcels	Type of Review			
		Preliminary	Final	Alteration	Vacation
Short subdivision	1-9	2	1	2	2
Subdivision	10 or more	3	1	3	2
Binding site plan	1-8 (or in an existing development)	2	n/a	1	2
Binding site plan	9 or more	3	n/a	1 (minor)	2

18.230.030 Consolidation of Review

i This is existing SMC 17.80.250 Consolidated permit review.

- (1) If a project action requires more than one project permit, the applicant may elect in writing to have the applications reviewed under a consolidated permit review process. This includes a combined application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated process, the determination of completeness, the notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.
- (2) When applying concurrently for a development that involves two or more related applications, individual permit numbers must be assigned and separate permit fees must be paid, but the applications must be reviewed and processed collectively at the applicant's request. Consolidated reports setting forth the recommendation and decision must be issued.
- (3) If the applicant elects to have a project reviewed under a consolidated permit process, it must be reviewed collectively under the highest numbered procedure required for any part of the application.
- (4) No hearing or deliberation upon an application that is inconsistent with the existing zoning map may be scheduled for the same meeting at which the required zoning map amendment will be considered by the appropriate hearing body. This section is intended to be a procedural requirement applicable to such actions as noted in RCW 58.17.070.

i The following is new material:

- (5) Integration of State Environmental Policy Act ("SEPA") review.
 - (a) SEPA review of a project permit application must be combined with review of the underlying application unless the project is categorically exempt from SEPA. If studies that adequately analyzed a project's specific probable adverse impacts have already been performed under another SEPA review process, then additional or redundant studies may not be required under SEPA.
 - (b) A project permit application subject to review under SEPA must be reviewed in accordance with the policies and procedures contained in this title and WAC Chapter 197-11.
 - (c) Per WAC 197-11-055(4), SEPA review may be performed on a project prior to submittal of a project permit application, but may need to be performed again as part of review of the permit application dependent on the level of detail evaluated in the initial review.

18.230.040 Timing of Review

i This section is based on existing SMC 17.80.360 Application review time frames, with updates to comply with 2SSB 5290 (2023), now codified in RCW 36.70.080. The statute uses the term "time period."

- (1) Purpose. RCW 36.70B.070 and 36.70B.080 require time periods be established for review of applications to ensure applications are reviewed in a timely and predictable manner. This section establishes the time frames and procedures for issuance of a final decision.
- (2) Applicability.
 - (a) The Review Time Periods identified in Table 18.230.020-1 apply to applications processed under the corresponding type of review. The Department must complete review of an application within the corresponding Review Time Period.
 - (b) The Review Time Periods do not apply if a permit application requires:
 - (i) An amendment to the Comprehensive Plan or development regulations; or
 - (ii) Approval of a new fully contained community, master planned resort, or the siting of an essential public facility; or
 - (iii) Substantial revisions by the applicant, in which case the time period must start from the date at which the revised project application is determined to be complete.

i The review time periods shown in the table are the default time periods in the statute. Per RCW 36.70B.080.

i The following text is nearly verbatim from revised RCW 36.70B.080(1)(g), which goes into effect January 1, 2025. Until that date, the statute in effect suggests 120 days for all types of review.

- (3) The Review Time Period is measured from the date of the Department's determination the application is complete (see SMC 18.230.050) by counting every calendar day and excluding the following:
 - (a) Any period between the day that the Department has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

i Inserted a 12-mo limit on suspension of an application as authorized by RCW 36.70B.080(1)(g).

- (b) Any period after an applicant informs the Department in writing that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the Department in writing that they would like to resume the application, up to 12 months;
- (c) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;
- (d) Any period that review of the application is suspended by the Department pursuant to authorization elsewhere in this chapter;
- (e) Any extension of time mutually agreed upon by the applicant and the city.

i Next line based on RCW 36.70B.080(1)(h).

- (4) The Review Time Period starts over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness under SMC 18.230.050 for the new use.

i The following subsection is adapted from RCW 36.70B.080(1)(i), broken into subparagraphs. Note that this subsection allows for an extension of the maximum review period (a benefit to the Department) but not a constraint on the applicant's time to file new information.

- (5) The Review Time Period is extended by 30 days any time that an applicant informs the Department in writing that the applicant would like to temporarily suspend the review of the project for more than 60 days; or if an applicant is not responsive for more than 60 consecutive days after the Department has notified the applicant in writing that additional information is required to further process the application.
- (a) Any written notice from the Department to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the Review Time Period.
- (b) For the purposes of this subsection, "non-responsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.
- (6) Possible Extension of Time for Final Decision. If the city is unable to issue a final decision within the time limits provided herein, the applicant must be provided written notice of this fact. The notice must include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

18.230.050 Review for Completeness

i This is existing SMC 17.80.320 Notice of completeness, except subsection (1), which is integrated into proposed SMC 18.102.040, Timing of Review. Note that state law does not allow the department to hold off issuing determination of completeness based on a desire to request more information than required by the minimum application contents.

- (1) Determination of Completeness. Within 28 calendar days after receiving an application, the city must issue a written determination of completeness to the applicant which states either: (a) that the application is complete and the date that it was determined complete; or (b) that the application is incomplete and state what additional information is necessary to make the application complete.
- (2) Additional Information. A permit application is complete for purposes of this section when it meets the application requirements in SMC 18.220.030.
- (3) A determination of completeness must be made when the required submittals are determined to be in a comprehensible format and contain at least the minimum amount of information to allow review of the project to progress even though additional information may be required or project modifications may be undertaken subsequent to initial project review.
- (4) The city's determination of completeness does not preclude the city from requesting additional information or studies either at the time of the determination of completeness or at some later time.
- (5) Incomplete Application Procedure. If the applicant received a determination of incompleteness from the city, the applicant has 120 days from the date of the determination of incompleteness to submit the

necessary information to the city. Within 14 calendar days after an applicant has submitted the requested additional information, the city must prepare a written determination of completeness as described in the section above, and notify the applicant in the same manner.

- (6) If the applicant does not submit the required information within the 120-day period, the Director must expire the application for failure to submit the necessary information in a timely manner.
- (7) City's Failure to Provide a Determination of Completeness. If, within 28 calendar days of the date of the submitted application, the city has not provided a written determination of completeness, the application is deemed complete.

18.230.060 Notice of Application

i This section is based on existing SMC 17.80.330 Notice of application.

- (1) When required by SMC 18.230.020, the city must issue a notice of application within 14 calendar days after the city has made a determination of completeness.
- (2) The NOA must include:
 - (a) The date of application and the date of the notice of application;
 - (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
 - (c) The identification of other permits not included in the application, to the extent known by the city;
 - (d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - (e) A statement of the limits of the public comment period;
 - (f) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;
 - (g) The date, time, place and type of meeting or hearing, if applicable and if it has been scheduled as of the date of notice of the application;
 - (h) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
 - (i) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
 - (j) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
 - (k) Any other information determined appropriate by the city, such as the city's threshold determination, if complete at the time of issuance of the notice of application.

i Existing SMC 17.80.330 Table 5 has been removed because all permits except those that do not require a notice of application had the same distribution requirements.

- (3) Distribution. The Department must distribute the notice by:
 - (a) Posting at City Hall, the library, and the post office;

- (b) Publication in Designated Newspaper;
- (c) Electronic mail or first-class mail to:
 - (i) Adjacent Jurisdictions Within 1/4 Mile
 - (ii) WSDOT if Adjacent to Highway
 - (iii) Property Owners Within 300 Feet
 - (iv) Other Agencies with Jurisdiction
 - (v) Parties of Record.
- (4) All public comments on a notice of application must be received by the community development department by 4:30 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, sent by facsimile or by any online digital method established by the city. Comments should be as specific as possible.

i Existing table at 17.80.330(5) has been integrated into the Review Type matrix.

- (5) No proceeding of any procedure established in this chapter may be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.
- (6) The records of the Snohomish County assessor's office or title company must be used for determining the property owner of record. Addresses for a mailed notice required by this code must be obtained from the Snohomish County real property tax records.
- (7) All public notices must be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (8) As an alternative to mailing the full notice of application, the city may issue a post card notice of application to adjacent property owners as long as the post card includes the website address where detailed information on the project is available for viewing.

18.230.070 SEPA Review

i This is existing SMC 17.80.340.

- (1) A SEPA threshold determination or a scoping notice may be issued with a Notice of Development Application. A final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application unless the requirements of the optional DNS process (WAC 197-11-355) are followed. A final determination of significance and a SEPA scoping notice may be issued with the Notice of Development Application and prior to the expiration of the public comment period on the Notice of Development Application. Per RCW 36.70B.110(6)(b), for Type 3 and 4 reviews, the threshold determination must be issued at least 15 days prior to the open-record pre-decision hearing.
- (2) If the optional DNS process, as authorized under SEPA and set forth in this section, is used, the responsible official must:
 - (a) State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
 - (i) The optional DNS process is being used;
 - (ii) This may be the only opportunity to comment on the environmental impacts of the proposal;

- (iii) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
- (iv) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request;
- (b) List in the notice of application the conditions being considered to mitigate environmental impacts, if a MDNS is expected;
- (c) Comply with the requirements for a notice of application and public notice in RCW 36.70B.110;
- (d) Send the notice of application and environmental checklist to:
 - (i) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - (ii) Anyone requesting a copy of the environmental checklist for the specific proposal;
- (e) If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WAC 197-11-940 and 197-11-948;
- (f) The responsible official must consider timely comments on the notice of application and either:
 - (i) Issue a DNS or MDNS with no comment period;
 - (ii) Issue a DNS or MDNS with a comment period;
 - (iii) Issue a DS; or
 - (iv) Require additional information or studies prior to making a threshold determination;
- (g) If a DNS or MDNS is issued under this section, the responsible official must send a copy of the DNS or MDNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.
- (3) Any appeal of a determination of significance may proceed in advance of any hearings or appeals of the underlying project permit. Any appeals of a determination of nonsignificance must be combined with and processed at the same time as the hearings or appeals of the underlying project permit.

18.230.080 Staff Review

i This is existing SMC 17.80.350 Project review with the exception of existing subsection (3), which moved elsewhere.

- (1) Project Analysis. Upon determination that the proposed project is consistent with the adopted development regulations and standards a single staff report must be prepared that consolidates all land use development permit recommendations or decisions. The report must 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 must include or append the SEPA threshold determination for the project. The SEPA threshold determination must be issued at least 15 calendar days prior to the opening of a public hearing.
- (2) Insufficient Information. If, upon review of a complete application, the city finds that additional information is necessary or corrections are required to be made to the plans to be consistent with city codes and regulations, the city must write a letter to the applicant detailing the necessary corrections. The applicant has 120 calendar days from the date of the letter requesting additional information to submit the necessary

information to the city. If the applicant does not submit the required information within 120 calendar days, the application lapses for failure to submit the necessary information in a timely manner, and the Director must document that the application has lapsed for failure to submit the necessary information in a timely manner and expire the application. The director may allow for an extension to submit the required information per SMC 18.220.060.

i This following subsection is based on a provision in SB 5290 (2023), now codified at RCW 36.70B.160(1)(j), which creates the process described below. The statute is ambiguous as to whether the meeting need only be “scheduled” or held within 14 days.

(3) Requests for additional information or corrections.

- (a) If the Department twice requests additional information or corrections during application review, the Department must offer the applicant a meeting with Department staff to resolve outstanding issues. The meeting must be scheduled within 14 days of the second request for corrections.
- (b) If the meeting cannot resolve the issues and the Department requests additional information or corrections a third time, upon receiving the additional information or corrections and upon the request of the applicant, the Department must forward the application to the next step in the review process, i.e., the recommending body or decisionmaker, for decision on the application.
- (c) Nothing in this section affects the timelines for application expiration in SMC 18.220.060.

18.230.090 Public Hearings

i This is existing SMC 17.80.370 Public meetings and public hearings. State law limits a local government permit process to a single open-record public hearing, regardless of what it is called, so the "public meetings" are proposed for deletion in this rewrite.

- (1) Public Hearings. The purpose of having hearings is to provide decision makers with an opportunity to obtain additional information and to provide the public with an opportunity to introduce that information and to make their views known. Public hearings are required when this chapter or state law requires a hearing; when a hearing is required, the following applies:
 - (a) A verbatim record must be kept;
 - (b) Those present must be given the opportunity to testify under oath;
 - (c) The hearing authority must be allowed to ask questions of those testifying;
 - (d) The hearing must be conducted to ensure fairness to all parties;
 - (e) The hearing authority may subpoena witnesses; and
 - (f) A hearing may be kept open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six months or more elapses between meeting dates.
- (2) Notices of public hearings must include the following information:
 - (a) The date, time, and place and/or manner of the meeting or hearing.
 - (b) Location of the site.
 - (c) A brief description of the request, and any proposed modifications or variances.
 - (d) Applicant’s name.
 - (e) Project name and file number and a statement of its availability for inspection by the public.

- (f) A statement of the right of any person to submit written testimony to the appropriate permit-issuing authority and to appear at the public hearing to give testimony orally.
 - (g) A statement that only persons who submit written or oral testimony to the permit-issuing authority may appeal the decision.
 - (h) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services.
- (3) Burden of Proof/Testimony.
- (a) The burden of presenting evidence to the permit-issuing entity sufficient to lead it to conclude that the application should be approved, conditioned, or denied is on the applicant. Unless otherwise specified in statute or ordinance, the standard of proof is the preponderance of the evidence.
 - (b) All persons in attendance that wish to testify must be sworn in.
 - (c) All findings and conclusions necessary to the issuance of a decision must be based upon reliable evidence.
- (4) Joint Public Hearings.
- (a) Approval Authority's Decision to Combine Joint Hearing. At the applicant's request, the approval authority may combine any public hearing on a permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
 - (i) The hearing is held within the city limits; and
 - (ii) The requirements of RCW 36.70B.110(7) are met.
 - (b) Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings (RCW 36.70B.110(7)).
 - (c) Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
 - (i) The other agency is not expressly prohibited by statute from doing so (RCW 36.70B.110(8));
 - (ii) Sufficient notice of the meeting or hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
 - (iii) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its meeting or hearing at the same time as the local government hearing; and
 - (iv) The meeting or hearing is held within the geographic boundary of the local government.
- (5) Record.
- (a) Electronic recordings must be made of all hearings required by this chapter, and such recordings must be kept for at least two years. Accurate minutes must also be kept of all such proceedings, but a transcript need not be made. The written decision of a hearing examiner meets the requirement for minutes of the hearing examiner public hearing.
 - (b) Whenever practicable, all documentary evidence presented at a hearing, as well as all other types of physical evidence, must be provided to the city in digital form, made a part of the record of the proceedings, and kept by the city for at least two years.

18.230.100 Hearing Examiner procedures

i This section is existing SMC 17.80.380 Hearing examiner procedures with the exception of (3) which is inserted here.

- (1) Any person may participate in a hearing examiner public hearing by submitting written comments to staff prior to the hearing or by submitting written comments or making oral comments at the hearing. Any party may be represented by an agent or attorney.
- (2) The department must transmit to the hearing examiner a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by staff. The file must also include information to verify that the requirements for notice to the public (notice of application and notice of SEPA threshold determination) have been met.

i The following subsection is existing SMC 17.80.380 and 381 Report of department.

- (3) Department report.
 - (a) The Director is responsible for the preparation of a report to the hearing examiner that summarizes the factors involved and the department's findings and recommendations. Comments, reports, and recommendations from other departments, advisory boards and commissions, and agencies must be coordinated and assembled among departments and agencies in preparation of the report.
 - (b) At least seven calendar days prior to the scheduled hearing, the report must be filed with the hearing examiner and made available for public inspection at City Hall. A copy must be mailed to the applicant.
- (4) The department must create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
- (5) The hearing examiner must approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. The hearing examiner may remand an application to staff for revision. In all other cases, the hearing examiner must deny the application.
- (6) If the hearing examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided, the hearing examiner must conduct a new hearing on the modified proposal.
- (7) The hearing examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.
- (8) The hearing examiner must within 10 business days following the close of the record, unless a longer time period is agreed to on the record by the applicant/appellant, issue a written report supporting the decision. The hearing examiner's written report must be distributed to parties of record electronically or in paper form by the community development department. The report must contain the following:
 - (a) The decision of the hearing examiner;
 - (b) Any conditions included as part of the decision;
 - (c) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
 - (d) A statement explaining the process to appeal the decision of the hearing examiner to superior court.

(9) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the hearing examiner for reconsideration within 10 business days of the date of the hearing examiner's decision. The request must explicitly set forth alleged errors of procedure or fact. The examiner must request comments from affected parties of record and reviewing city departments on the request for reconsideration. Comments must be received within 14 business days. The hearing examiner must act within 10 business days after the close of the comment period by denying the request, issuing a revised decision, or calling for an additional public hearing. A reconsideration request for which one of the actions specified above has not been taken within the required time period must be deemed to have been denied.

(a) The grounds for reconsideration are limited to the following:

- (i) The hearing examiner exceeded their jurisdiction;
- (ii) The hearing examiner failed to follow the applicable procedure in reaching their decision;
- (iii) The hearing examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
- (iv) The hearing examiner's findings, conclusions and/or conditions are not supported by the record; and/or
- (v) Newly discovered evidence alleged to be material to the hearing examiner's decision which could not reasonably have been produced prior to the hearing examiner's decision.

(b) The examiner's action following reconsideration is not subject to further requests for reconsideration.

(10) Proceedings before the hearing examiner must conform with the hearing examiner's rules of procedure.

18.230.110 Decision

i The following subsection is from existing SMC 17.80.350(3).

- (1) Applications may be approved, approved with conditions, or denied. For those permits subject to review by the hearing examiner, the examiner may remand an application to staff for further review. If an application for a permit is denied, the applicant may not submit another application for development of the same property sooner than one year after the date of such denial.
- (2) Following the completion of any hearing, procedure, or administrative decision, the permit application must be:
 - (a) approved;
 - (b) approved with conditions;
 - (c) remanded; or
 - (d) denied.

18.230.120 Notice of Decision

i This is existing SMC 17.80.385 Notice of final decision, with the exception of existing subsection (1), which moved above.

- (1) Where required by SMC 18.230.020, the Department must prepare a Notice of Decision within five calendar days of a decision.
- (2) Contents. The notice of decision must include:
 - (a) the final determination of approval or denial of the project,

- (b) a statement of any threshold determination made under SEPA, and
 - (c) the procedure to appeal the notice of decision.
- (3) When a notice of decision is not required by SMC 18.230.020, a memorandum or completed project checklist must be placed in the permit file containing findings describing how the application was consistent/inconsistent with applicable zoning regulations and development standards.
- (4) When a notice of decision is required by SMC 18.230.020, the notice must be mailed or emailed to all parties of record, including the applicant and each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision.
- (5) For shoreline permits, the director must notify the following persons in writing of its final approval or disapproval of a shoreline conditional use permit or shoreline variance:
- (a) The applicant.
 - (b) The Department of Ecology.
 - (c) Any person who has submitted written comments on the application.
 - (d) Any person who has written to the hearing examiner requesting notification.
- (6) If the city is unable to issue its notice of decision within the allotted time frame, it must provide written notice to the project applicant including the reasons the time limits have not been met and an estimated date for issuance of the notice of decision.

i Exclusions for time limits has been moved to 18.230.040.

Chapter 18.240 Appeals and Reconsideration

i This is a new chapter based on existing SMC Chapter 17.80.390.

18.240.010 Local Appeal

i This is new material.

- (1) Applicability. This section applies to local appeals of decisions on permit applications when allowed by SMC 18.230.020.
- (2) Standing. Only the following parties have standing to file an appeal:
- (a) the City;
 - (b) the applicant; and
 - (c) a party of record.

i The appeal period length is set at 14 days by RCW 36.70B.110(6)(d) and (9).

- (3) Time to file. An appeal is timely only if it is:
- (a) Filed within 14 days (5 working days for shoreline permits) after the written notice of decision is mailed or the building permit is issued; and
 - (b) Accompanied by the required appeal fee.

- (4) Method of service. An appeal must be delivered to the Department before 4:30 p.m. on the last business day of the time to file by mail, personal delivery, or in an electronic method prescribed by the Department. An appeal received by mail after that deadline will not be accepted, regardless of when the appeal was mailed or postmarked.

i The following is existing SMC 17.80.390 Appeals with the exception of the subsection on standing, which is addressed above, and the appeal procedures table 7.

- (5) Processing of Appeals. Appeals of decisions on permits must be processed according to the procedures outlined in this section. The decisionmaker on the appeal may reverse or affirm or modify the decision, if it is found the original decision was based on faulty facts or incorrect application of the law. Any modifications to the decision must be limited to those necessary to ensure the decision criteria of this title are met.
- (6) Effect of Appeal. Application decisions are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Director seeking enforcement of or compliance with the order or decision appealed from, unless the Director finds that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings must not be stayed except by order of the hearing examiner, Shorelines Hearings Board or a court with jurisdiction.
- (7) Consolidated Appeals. All appeals of permit application decisions, other than an appeal of determination of significance (DS), must be considered together in a consolidated appeal (RCW 36.70B.060(6), 43.21C.075).
- (8) SEPA Appeals. Appeals may only be of the determination of nonsignificance or mitigated determination of nonsignificance, or final determination if issued. See SMC 18.230.070 for SEPA and agency decisions.
- (9) Content of Appeal. Appeals must be in writing, be accompanied by an appeal fee as outlined in the city's most current fee resolution, and contain the following information:
- (a) Appeals must be submitted with a completed appeal form;
 - (b) Facts demonstrating that the person is adversely affected by the decision;
 - (c) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - (d) The specific relief requested; and
 - (e) Any other information reasonably necessary to make a decision on the appeal.
- (10) Notice of Appeal. A hearing before the Hearing Examiner, must be set and the hearing notice must be mailed or emailed to the appellant, the applicant, and all parties of record no less than 10 days prior to the appeal hearing.
- (11) Public Hearing. The hearing examiner must conduct an open record hearing. The appellant, the applicant, and the city are indispensable parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information or to present testimony. The examiner may allow nonparties to present relevant testimony if allowed under the examiner rules of procedure.
- (12) Decision on Appeal. The hearing examiner must issue a written decision to grant, grant with modifications, or deny the appeal. The hearing examiner may grant the appeal or grant the appeal with modification if:
- (a) The appellant has carried the burden of proof; and
 - (b) The examiner finds that the decision is not supported by a preponderance of the evidence.
 - (c) The hearing examiner must accord substantial weight to the decision of the applicable department director.

- (13) Decision of Appeal. The city must issue a written decision of appeal within 10 business days of the Hearing Examiner's decision to the parties of record disclosing whether the appeal is upheld or denied.

18.240.020 Exhaustion of Administrative Remedies

i This is a new section replacing SMC 17.80.390(12) and (13).

- (1) To exhaust administrative remedies, an appellant must file and complete the local appeal process identified in SMC 18.230.020 for the relevant type of review.
- (2) No further local appeal is available when the appeal allowed in SMC 18.230.020, if any, has been heard and a decision on the appeal (other than a remand) has been issued.
- (3) A request for reconsideration is not required to exhaust administrative remedies. If a request for reconsideration is timely filed, the time for filing a petition for further (non-local) review does not commence until the decisionmaker or appellate body disposes of the petition for reconsideration.

i The following is the second half of existing 17.80.390(13).

- (4) The cost of transcription of all records ordered certified by the court for such review must be borne by the appellant. A copy of each transcript prepared by an appellant must be submitted to the city for confirmation of its accuracy.

Part 3 Permits

i This proposed title emphasizes the distinction between "applications" and "permits," which are different in a number of important ways. For example, applications and permits have different timelines. The Department is obligated to process "applications" within specified time periods, but once the application is approved and the permit is issued, the burden switches to the permit holder to consider its timelines.

i Additional chapters in this Part will describe conditional use permits and variances.

Chapter 18.310 Permits Generally

i This is a new chapter based on existing SMC Chapter 17.80 Article IV, Post Permit Requirements.

18.310.010 Permit Terms, Extension, and Expiration

- (1) Applicability. This section applies to issued project permits, which is an authorization to perform the work or establish the use identified in the permit. After the expiration of the permit, legally established uses that become non-conforming are governed by the non-conforming uses provisions of Unified Development Code.
- (2) Initial term.
 - (a) A permit is valid for the initial term shown in Table 18.310.010-1 unless extended by the Director.
 - (b) A permit's initial term is measured from the date of project or permit approval (as specified in the Notice of Decision, if one is required), except that if the decision is appealed, the effective date is the date of decision on appeal. The initial term for a shoreline permit commences on the effective date of the permit as defined in WAC 173-27-090.

i The following subsection (3) is based on existing SMC 17.80.395 Expiration of approvals and approved permits.

- (3) Extension. The Director may extend a permit the number of times shown in Table 18.310.010-1, for the length of extension indicated, only if all of the following criteria are met:
- (a) The applicant submits a written request on forms provided by the Department at least 30 days prior to expiration of the permit;
 - (b) Any applicable fee has been paid;
 - (c) The permittee has proceeded with due diligence and in good faith;

i Note, prior language was "The zoning designation of the property has not changed;"

- (d) The use remains a permitted use in the zone;

i Next line is added to address limitations of Snohomish County v. Pollution Control Hearings Board (2016).

- (e) The extension is not prohibited by requirements of state or federal law;
- (f) Proper justification consists of one or more of the following conditions:
 - (i) Economic hardship;
 - (ii) Change of ownership;
 - (iii) Unanticipated construction, or site design problems, or both;
 - (iv) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.

i The following subsection (4) is new material.

- (4) Expiration.
- (a) A permit issued under this title will expire if, on the date the permit expires, the permitholder has not performed the work indicated in Table 18.310.010-1 or fulfilled the requirements of the applicable permit.
 - (b) Exception. The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.

i The following table is based on Table 8 in existing SMC 17.80.395.

Table 18.310.010-1 Permit Terms and Extensions

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Subdivision	5 years	1	1 year
Short Subdivision	5 years	1	1 year
Shoreline Permit	2 years	1	1 year
Conditional Use Permit	2 years to establish the use	0	N/A
Variance	2 years to establish the use	0	N/A
All other Type 1 Permits	1 year	1	1 year
All other Type 2-4 Permits	2 years	1	1 year

18.310.020 Permit Revision.

i This is existing SMC 17.80.420 Permit modifications.

- (1) Minor Modifications to an Approved Permit. Minor modifications to a permit may be permitted by administrative decision. To be considered a minor modification, the amendment must not:
 - (a) Involve more than a 10 percent increase in area or scale of the development in the approved site development plan; or
 - (b) Have a significantly greater impact on the environment and facilities than the approved plan; or
 - (c) Change the boundaries of the originally approved plan.
- (2) Major Adjustments to an Approved Permit. Major adjustments to an approved permit will require a new application. The review and approval rest with the approval body which approved the original permit. Major adjustments involve a substantial change in the basic site design plan, intensity, density, use, and other zoning code issues and generally involve more than a 10 percent change in area or scale.

18.310.030 Civil Construction Plans

i This section is based on existing SMC 17.80.400 Construction plan approvals.

- (1) Final civil construction plan applications may be submitted with the land use entitlement permit or after the land use entitlement permit process has been completed. At a minimum the 30 percent design plans must be submitted with the land use entitlement application. To obtain civil construction plan approval, the plans must be consistent with the Stanwood Municipal Code and the street and utility standards.
- (2) Approval of final civil construction plans is exempt from the application review processes described in SMC Title 18 Part 2.
- (3) Construction must begin on a building permit issued prior to the expiration times outlined in Table 18.310.010-1, Permit Terms and Extensions. If work has not begun prior to expiration of the land use entitlement permit, all plans must be resubmitted and comply with the current code requirements.

18.310.040 Inspections

i This is existing SMC 17.80.410 Inspections.

- (1) Once a permit is issued, inspections are required to verify that the construction or work is being done in accordance with the approved plans. Site inspections include, but are not limited to: erosion control, critical area protection, grading, pavement, roadway and sidewalk improvements, drainage, utility installation, parking and landscaping. The project applicant is responsible for ensuring all inspections have been conducted pursuant to city requirements.
- (2) Final project approval may not be given, whether a final plat approval or certificate of occupancy, until all of the required site improvements have been inspected, bonded and approved by the city inspector.

18.310.050 Effect of Decisions

i This is existing SMC 17.80.430 Effect of decisions.

- (1) No Occupancy or Use of Property Until Requirements Fulfilled. Issuance of a land use permit authorizes the recipient to commence construction activity, subject to obtaining appropriate building or construction permits, designed to support the approved land use. Actual occupancy or use of the approved land use may not occur until all requirements of the permit have been satisfied.
- (2) Transfer of Permit and Permit Applications to Successors and Assigns. Active land use permits and pending land use permit applications, including subdivisions, run with the land and therefore are transferable to new owners.

18.310.060 Certificate of Occupancy

i This is existing SMC 17.80.440 Certificate of occupancy.

- (1) No land area must be occupied or used and no building hereafter erected or altered may be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the building official, stating that the premises, building, or other development complies with all provisions of this code. Minor exceptions include:
 - (a) Cases of alteration that does not require vacating the premises;
 - (b) Cases where parts of the premises are finished and ready for occupancy before the completion of the alteration; or
 - (c) In the case of a new structure, before its completion, a conditional occupancy permit may be issued.
- (2) No change, extension of use, or alteration may be made to a nonconforming use without a building permit having first been issued by the building official that such change, extension or alteration is in conformity with the provisions of this code.
- (3) Within 10 days from the date that an applicant requests that an occupancy permit be issued on his/her development project, the building official must render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the building official must so notify the applicant including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof, and the building official has not informed the applicant of approval or denial, in writing, it must be deemed that the building official approves the request and the applicant may legally occupy the premises.

18.310.070 Vacation of Permit

i This is existing SMC 17.80.460 Vacation of approved permits.

- (1) A request to vacate a permit or variance must be made in writing to the Department.
- (2) The Director may vacate the permit or variance if the following conditions are present:
 - (a) The use authorized by the permit or variance does not exist and is not actively being pursued; or
 - (b) The use has been terminated and no violation of the terms and the conditions of the variance or permit exists.

Chapter 18.320 Conditional Use Permits

i This chapter is based on existing SMC Chapter 17.40.

i Deleted section on fees, which is now covered by a general fee section.

18.320.010 Purpose.

The purpose of conditional use permits is to allow certain uses in districts where they are normally prohibited by this title, when the proposed uses are deemed consistent with other existing and potential uses within the general area of the proposed use. Except as provided in this section, a conditional use permit may not reduce the requirements of the zone in which the use is to be located.

18.320.030 Review process.

An application for a conditional use permit is reviewed subject to the procedures in SMC Title 18 Part 2.

18.320.040 Applicant's responsibility.

The application must set forth fully the grounds and the facts justifying the granting of the conditional use permit consistent with the decision criteria in this chapter.

18.320.060 Decision criteria.

i Revised "community need" to "community compatibility" and changed criteria. Denying an application on community need may give rise to liability.

- (1) To approve an application for a conditional use permit, an applicant must demonstrate compliance with all of the following criteria:
 - (a) Zoning Compatibility. The proposed use must be compatible with the general purpose and intent of the zoning district as described in Chapter 17.10 SMC, Establishment of Zoning Districts.
 - (b) Community Compatibility: The use will not have a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area than those generally permitted in the district. In the determination of community compatibility, the reviewing official must consider the following factors:
 - (i) Hours and manner of operation, such as dust, odor, fumes and vibration do not impact adjacent properties;

- (ii) Existing infrastructure, such as roads, utilities, and parks, can accommodate the proposed use without degrading the adopted level of service standards; and
- (iii) The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.
- (c) Effect on Adjacent Properties. The proposed use at the proposed location may not result in substantial or undue adverse effects on adjacent property. The following factors must be considered:
 - (i) Compatibility. The proposed use must be compatible with the scale and character of the neighborhood.
 - (ii) Traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area must be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.
 - (iii) Noise and Glare. Potential noise, light and glare impacts must be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.
 - (iv) Landscaping. The decisionmaker may require additional landscaping to buffer adjacent properties from potentially adverse effects of the proposed use.
 - (v) Public Improvements. The proposed use and location must be adequately served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision or guarantee by the applicant of necessary public improvements, facilities, utilities, and services.

18.320.070 Additional conditions.

i These cross-references will be updated by the code reviser when we update Title 17.

- (1) Additional conditions for bed and breakfast uses in single-family residential zones are set forth in SMC 17.100.060.
- (2) Additional conditions for school uses in single-family residential zones are set forth in SMC 17.100.070.
- (3) Additional conditions for wireless communications facilities are set forth in Chapter 17.220 SMC.
- (4) Additional conditions for ball parks, athletic fields, parks, playgrounds, community centers, houses of worship and meeting halls in residential zones are set forth in SMC 17.100.050.
- (5) Additional conditions for marijuana retailers are set forth in SMC 17.100.045.

Chapter 18.330 Variances

- i** This chapter is based on existing SMC Chapter 17.35.
- i** Deleted section on fees, which is now covered by a general fee section.

18.330.010 Purpose

- i** Based on a portion of existing SMC 17.35.010 Purpose and applicability.
- i** Modified to “unnecessary AND UNUSUAL hardship.”

A variance is a mechanism by which relief may be granted from selected provisions of this title where compliance with those provisions renders an unnecessary and unusual hardship.

18.330.020 Applicability

- i** Based on a portion of existing SMC 17.35.010 Purpose and applicability.

Variances may be granted from the strict application of any land dimension, density, or height requirements of this title due to exceptional narrowness, shallowness, shape, or substandard size of specific parcels of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property.

18.330.040 Review process.

An application for a variance is reviewed subject to the procedures in SMC Title 18 Part 2.

18.330.050 Applicant’s responsibility.

The application must set forth fully the grounds and the facts justifying the granting of the variance or administrative variance permit consistent with the decision criteria in this chapter.

18.330.060 Types of variances

- i** This section is based on existing SMC 17.35.070 Administrative variances.

- (1) Variances are either minor or major and are subject to the type of review shown in SMC 18.230.020.
- (2) A major variance is any variance other than a minor variance.
- (3) A minor variance is a variance that allows:
 - (a) A decrease of not more than 25% of the required width of front, side, or rear setback.
 - (b) A reduction in the minimum lot size for existing lots to eliminate the property from being declared nonconforming.
 - (c) A decrease of not more than 20% in the number of required parking spaces if the reduction would allow the preservation of trees, critical areas, buffers, or other unique topographical features.
 - (d) Allow compact parking stalls to account for up to 20% of the total number of parking stalls required on a site.
- (4) Unless other specified all variances must comply with the decision criteria in 18.330.070.

18.330.070 Decision criteria.

- (1) The criteria in this section apply to variances other than critical areas variances. For critical areas variances, the criteria in SMC Title 18 Part 8 apply.

i This section is based on existing SMC 17.35.060 Decision criteria.

- (2) To approve an application for a variance, the decisionmaker must find that strict application of this code would result in a practical difficulty or unnecessary hardship upon the owner of said property and all of the following:
- (a) That such variance can be granted without substantial impairment of the intent, purpose, and integrity of this title and of the Comprehensive Plan of Stanwood;
 - (b) That the variance would not permit a use of land not authorized within the zoning district, increase in the volume of a building or structure, or increase the density of development beyond that permitted, as established by this code;
 - (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated;
 - (d) That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land; and
 - (e) All of the following conditions exist:
 - (i) That, if the owner or lessor complied with the provisions of this code, he or she would not be able to make reasonable use of his or her property;
 - (ii) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district;
 - (iii) That the hardship was not the result of the applicant's own action (applicant's own action must not include the purchase of the property); and
 - (iv) That the hardship is not merely financial or pecuniary.
- (3) The fact that property may be utilized more profitably may not be considered.

Part 4 Land Divisions

Reserved.

Part 5 Zoning & Uses

Reserved.

Part 6 Specific Use Standards

Reserved.

Part 7 Development & Design Standards

Reserved.

Part 8 Environment

Reserved.

EXHIBIT B

AMENDMENTS TO SMC TITLE 17

i Exhibit B will include amendments to Title 17 that are necessary to accommodate the new procedures described in Exhibit A.

New Chapter 17.01 Applicability is adopted to read as follows:

Chapter 17.01 Applicability

17.01.010 Migration to Unified Development Code

Regulations in SMC Title 17 are being updated and migrated to the City's new Unified Development Code in SMC Title 18. Regulations in SMC Title 17 remain in effect until repealed. Where regulations in SMC Title 17 conflict with SMC Title 18, the new regulations in SMC Title 18 control.

Chapter 17.05, Purpose and Scope, is repealed.

Chapter 17.10, Establishment of Zoning Districts, is repealed.

Chapter 17.15, Establishment of Zoning Maps, is repealed.

New section 17.20.001 is added to Chapter 17.20 to read as follows:

17.20.001 Migration to Unified Development Code

Definitions in SMC Chapter 17.20 are being migrated to SMC Chapter 18.102 in the City's new Unified Development Code. Definitions in SMC Chapter 17.20 remain in effect until repealed and apply to both Title 17 and Title 18. Where definitions in SMC Title 17 conflict with SMC Title 18, the new definitions in SMC Title 18 control for regulations in SMC Title 18.

Chapter 17.35, Variances, is repealed.

Chapter 17.40, Conditional Use Permits, is repealed.

Chapter 17.80, Permit Review Procedures, is repealed and replaced with a chapter to read as follows:

Chapter 17.80 Permit Review Procedures

17.80.010 Replaced by Unified Development Code

For regulations governing the procedures and processing of permit applications and post-issuance requirements, see SMC Title 18 Part 2.

Chapter 17.160, Enforcement and Penalties is repealed.

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Exhibit B Unified Development Code and Permitting Procedures

Residential Use Zoning Table

Commercial and Mixed Use Zoning Table

Bulk Residential Development Standards

Bulk Commercial & Industrial Development Standards

Prohibited Uses

17.30.060 Residential use zoning table established.**Permitted Use Table: Residential Zones**

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
Agriculture							
Farm, Existing	P-I	P(1)	P(1)	P(1)	P(1)	P(1)	Property previously and currently used for ongoing agricultural activity.
Animal Services							
Kennel, Hobby	P-I	AC/C(2)	AC/C(2)	AC/C(2)	AC/C(2)		A collection of 3 or more adult dogs or 4 or more cats and 1 litter of unweaned pups.
Hotels and Guest Houses							
Bed and Breakfast	P-III	C(3)(4)	C(3)(4)	C(3)(4)	C(3)(4)	C(3)(4)	A building other than a hotel or nursing home where meals and short-term

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							lodging are provided for compensation to guests.
Public Facilities							
Governmental Use	P-I					P	Public facilities that are utilized for daily administration and operation of government business.
Public Safety Station (Police and Fire)	P-II	P(5)	P(5)	P(5)	P(5)	P(5)	A facility used for police and fire services.
Quasi-Public							
Cemetery, Existing	P-I		P				A place for the burial or interment of dead persons or household pets.
Community Center	P-III	C	C	C	C	P	A building or grounds used for social, civic,

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							or recreational purposes.
House of Worship/Church	P-III	C	C	C	C	P	A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
Meeting Hall	P-III	C	C	C	C	P	A place of assembly that is used on a temporary but recurring basis for a variety of public or private events.
Recreation							
Open Space	P-I	P	P	P	P	P	A common, accessible area that is shared by residents

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							of a subdivision and/or by the public and is left in its natural or undisturbed state.
Park, Community	P-II	P	P	P	P	P	Regional park facility that serves an area of over 10,000 in population and is 20 to 100 acres.
Park, Neighborhood	P-II	P	P	P	P	P	A park of 5 to 20 acres serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area.
Park, Urban	P-II	P	P	P	P	P	A park providing public access and recreational, educational, cultural, historical, or aesthetic amenities.

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
Private/HOA Parks	P-I	P	P	P	P	P	A park area under common ownership by a homeowners association.
Trail	P-II	P	P	P	P	P	A paved or unpaved path used for walking, hiking, running, bicycling and/or horseback riding.
Residential							
Adult Family Home	P-I	P	P	P	P	P	A residential home in which a person or persons provide personal care, special care, room, and board to more than 1 but not more than 6 adults who are not related by blood or marriage to the person or persons providing the

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							services.
Assisted Living/Independent Living	P-II					P	A state licensed group residence for adults per Chapter 18.20 RCW.
Congregate Care Facility	P-III					C(6)	A residential facility for the elderly and/or handicapped persons.
Daycare, Home	P-I	AC(7)	AC(7)	AC(7)	AC(7)	AC(7)	Care for children under the age of 12 or seniors located in the family dwelling accommodating 12 or fewer.
Dwelling, Accessory	P-I	AC(8)	AC(8)	AC(8)	AC(8)		A secondary living unit that is located on the same property as the primary dwelling.
Dwelling, Cottage	P-III	P(9)	P(9)	P(9)	P(9)		A minimum of 4 small detached

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							single-family homes located together in a neighborhood format around common open space.
Dwelling, Duplex	P-I				P(10)	P	A detached building, designed for 2 families living independently of each other and divided by a common wall.
Dwelling, Multiple-Family Development Up to 20 Units	P-I					P	A building designed for 3 or more families living independently of each other, including apartment houses but not including hotels, trailers, or mobile/manufactured homes.
Dwelling,	P-II					P	A building designed

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
Multiple-Family Development 21 Units or Greater							for 3 or more families living independently of each other, including apartment houses but not including hotels, trailers, or mobile/manufactured homes.
Dwelling, Single-Family	P-I	P	P	P	P	P	A detached building designed for or occupied exclusively by 1 family.
Dwelling, Townhouse	P-I				C	P	A dwelling unit that is: occupied by 1 family; has no units above or under it; and is attached to other units by common side walls.
Enhanced Service Facility Conversion Category 1 – Existing	P-III					C	A facility licensed under Chapter 70.97 RCW that provides

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
Nursing Home Conversion of Up to a 16-Bed Facility (21)							support and services to persons for whom acute inpatient treatment is not medically necessary.
Enhanced Service Facility Conversion Category 2 – Existing Assisted Living Conversion of Up to a 16-Bed Facility (21)	P-II					P	A facility licensed under Chapter 70.97 RCW that provides support and services to persons for whom acute inpatient treatment is not medically necessary.
Enhanced Service Facility Conversion Category 3 – Existing Adult Family Home Conversion of Up to a 6-Bed Facility (21)	P-I	P	P	P	P	P	A facility licensed under Chapter 70.97 RCW that provides support and services to persons for whom acute inpatient treatment is not medically necessary.
Group Home	P-I	P(11)	P(11)	P(11)	P(11)	P(11)	A facility licensed by the state to provide

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							24-hour training, care, custody, correction or control, or any combination of those functions, to 1 or more persons. This term shall not include schools, hospitals, prisons or other social service facilities.
Home Occupation	P-I	AC(12)	AC(12)	AC(12)	AC(12)	AC(12)	A business carried on within a dwelling unit or accessory building which is incidental and secondary to the residential use.
Homeless Housing	P-I	P	P	P	P	P	"Homeless housing" means housing types that are usually geared specifically towards homeless populations including: transitional

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							housing and permanent supportive housing.
Manufactured/Mobile Home	P-I	P(13)	P(13)	P(13)	P(13)		A residential unit on 1 or more chassis for towing to the point of use and designed to be used with a permanent foundation as a dwelling unit on a year-round basis.
Schools							
Elementary School	P-III	C	C	C	C		Any school, public or private, intended for the education of children from kindergarten through the fifth grade.
High School	P-III	C	C	C	C		Any school, public or private, intended for the education of

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							children from the ninth through the twelfth grade.
Middle School	P-III	C	C	C	C		Any school, public or private, intended for the education of children from the sixth through eighth grade.
Preschool Facility	P-II/P-III	C	C	C	P(10)	P	An educational establishment that provides instruction and daytime care, for 4 or more children between the ages of 2 and 5 years.
Seminary	P-III			C(14)			An educational institution for religious study.
Utilities							

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
Electrical Equipment and Pole Storage Yard Associated with Electrical Substations	P-I	P	P	P	P	P	Area used for the storage of equipment and support poles associated with a permitted electrical substation.
Electrical Substation	P-II	P	P(15)	P(15)	P(15)	P	A facility that provides transmission and distribution of electric power.
Electrical Transmission Lines	P-II	P	P	P	P	P	Lines which connect the power produced at generating facilities to substations.
Sewage Lift Station	P-II	P	P	P	P	P	The station in a sewer system where the wastewater needs to be pumped (lifted) to a higher elevation so that gravity can be used to bring the wastewater to the

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							treatment plant.
Water Well and Pump Station	P-II	P	P	P	P	P	Infrastructure used to move water from a ground water source and convey water within a utility system.
Water, Drainage or Sewage Infrastructure	P-II	P	P	P	P	P	Pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage.
Wireless Communication Facilities							
Co-Location PWCF	P-II	P(16)	P(16)	P(16)	P(16)	P(16)	The placement and arrangement of multiple providers' antennas and equipment on a single support structure or

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							equipment pad area.
Minor Facilities	P-II	P(17)	P(17)	P(17)	P(17)	P(17)	Wireless communications facility consisting of up to 3 antennas within specified size limitations.
Single PWCF	P-II	P(18)	P(18)	P(18)	P(18)	P(18)	A wireless communications facility for the transmission and/or reception of radio frequency signals associated with personal wireless services and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure, reception and transmission devices and antennas and

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							temporary or portable service facilities.
Monopole Towers	P-II	C(19)	C(19)	C(19)	C(19)	C(19)	Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.
Small Cell Facilities	P-II	P(20)	P(20)	P(20)	P(20)	P(20)	A personal wireless services facility that meets the requirements of Chapters 17.200 through 17.220 SMC.
Other							
Daycare Center	P-II			P(7)	P(7)	P(7)	Care of children under the age of 12, or seniors, located in a facility which

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							accommodates 13 or more persons.
Daycare, Mini	P-II				P(7)	P(7)	Care of children under the age of 12, or seniors, located in a facility other than a family dwelling, which accommodates 12 or fewer persons.
Transitional Housing	P-II	P	P	P	P	P	Temporary housing for individuals and families for periods up to 2 years. Such facilities may also include job and/or self-sufficiency training and other supportive services to help people transition to independent living.
Emergency Shelter	P-I	P	P	P	P	P	"Emergency shelter" means an indoor

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
Emergency Housing	P-I	P	P	P	P	P	“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that are intended to

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 SMC Contains Full Definition)
							address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
Temporary Uses	P-I	P	P	P	P	P	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

Residential Zoning Use Conditions:

(1) Farms shall register with the city for the right to farm per Chapter [17.102](#) SMC. New farms are limited to the SR 12.4 zone with a minimum land area of two and one-half acres. Farms preexisting on the effective date of Ordinance No. [1032](#) in 2002 are permitted on smaller land areas and may register to receive right-to-farm protection.

(2) A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued

administratively by the animal control officer pursuant to SMC [8.02.450](#) and [8.02.470](#); provided, however, that in all cases exceeding the maximum standard by six animals requires an conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter [8.02](#) SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.

(3) A business license and compliance with conditions in SMC [17.100.060](#) for permitting a bed and breakfast use are required. Bed and breakfast residence use is limited to four rooms per residence. Bed and breakfast inn use is limited to six rooms in the SR 5.0 zone, 10 rooms in the MR zone and 16 rooms in the GC zone.

(4) Restaurants that serve lunches and/or dinner shall be allowed in bed and breakfast accommodations.

(5) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process in SMC [17.80.120](#) provided the lot meets the minimum lot size standard for the zone.

(6) Limited to 30 rooms/increment of minimum land area.

(7) All daycare uses shall comply with the daycare facilities requirements provided in SMC [17.95.382](#). Family daycare shall require a home occupation permit. Daycare centers are limited to a minimum land area of 10,000 square feet in the SR 5.0 zone and 30,000 square feet in the SR 7.0 zone.

(8) One accessory dwelling unit per lot is allowed. Accessory dwelling units shall comply with the criteria and design standards set forth in SMC [17.95.470](#) through [17.95.480](#).

(9) Cottage housing units shall comply with the requirements in SMC [17.95.450](#).

(10) Minimum land area of 7,000 square feet required.

(11) This use shall comply with the special residential use requirements provided in SMC [17.95.375](#). Group homes are limited to six rooms in the SR 7.0, SR 5.0, RM and GC zones.

(12) A home occupation permit and business license are required. Home occupations shall comply with the requirements in SMC [17.95.380](#).

(13) This use shall comply with the manufactured housing requirements of SMC [17.95.385](#). Manufactured housing use is limited to Type A homes certified as meeting U.S. HUD standards. Manufactured home park use may accommodate both Type A and Type B HUD certified units and requires a minimum land area of three acres in SR 7.0 and two acres in SR 5.0 zones.

(14) Limited to 9,000 square feet in the SR 7.0 zone.

(15) Minimum land area of 10,000 square feet required.

(16) Subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.

(17) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.

(18) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.

(19) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.

(20) All small wireless communication facilities shall be subject to the requirements of Chapters [17.200](#), [17.205](#), and [17.210](#) SMC.

(21) Enhanced service facility conversions of Category 1 – 3 facilities shall be subject to the requirements of SMC [17.95.375](#).

(Ord. 1499 § 2 (Exh. B), 2021).

The Stanwood Municipal Code is current through Ordinance 1542, passed through September 12, 2024.

Disclaimer: The city clerk's office has the official version of the Stanwood Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: stanwoodwa.org](http://stanwoodwa.org)

[Hosted by General Code.](#)

Permitted Use Table: Commercial and Mixed-Use Zones

Land Use	Permit Type	TN	DMU	NB	GC
Animal Services					
Animal Daycare/Grooming	P-I	P (1)	P(1)	P (1)	P (1)
Kennel, Commercial Indoor / Outdoor			AC / C (4)		
Veterinarian Hospital or Clinic	P-I		P(5)		P
Automotive Services					
Automobile Rental Agency	P-I				P
Automobile Repair and Services	P-I				P (6)
Automobile Sales and Service, New or Used	P-I				P / C (7)
Automobile Service Station	P-I		P(35)		
Car Wash	P-I		P		P
Parking Lots, Garages	P-I	AC	P / AC	AC	AC
Cultural / Entertainment					
Art Gallery	P-I		P		P
Game, Video Arcade	P-I		P		P
Live Entertainment	P-I		AC (9)	AC (9)	AC (9)
Museum	P-II		P		P
Night club	P-I		P		P
Theater	P-I		P		P
Hotels and Guesthouses					
Bed and Breakfast	P-III		P (2) (10) (11)		C (2) (10) (11)
Hotel	P-I		P / C (7)		P
Industrial					
Food and Beverage Processing Facility	P-III				C
Manufacturing, Light	P-II	P(12)			P (12)
Communication Technology (TV broadcasting, radio station, video production, internet or movie production or other similar technologies)	P-I				P
Office					
Professional Office	P-I	P	P	P	P
Health Care Office	P-I	P	P	P	P
Hospital	P-III	C	C	C	C
Personal Services					

Land Use	Permit Type	TN	DMU	NB	GC
Assisted / Independent Living		C	P / C (7) (17)		P (17)
Salon	P-I	P	P	P	P
Daycare Center	P-I	P (13)	P (13)	P (13)	P (13)
Laundromat / Dry Cleaner	P-I	P (14)	P	P	P
Equipment Rental	P-I		P		P
Health / Athletic Club	P-I		P		P
Funeral Home	P-I		P		
Janitorial Services	P-I		P		
Mail / Small Shipping Store	P-I		P		P
Private Clubs	P-I		P		P
Tattoo & Piercing Parlors	P-I		P		P
Public Facilities					
Governmental Use	P-I	P	P (7)		P
Park and Ride Facility	P-II				
Post Office	P-I		P (7)		P
Public Safety Station (Police and Fire)	P-II	P / C (15)	P / C (15)		P / C (15)
Public Transit Storage and Maintenance Facility	P-II				P
Public Transit Terminal	P-II		P		
Quasi-Public					
Meeting Hall	P-II	P / C (7)	P		
House of Worship / Church	P-III	C (7)	P / C (7)	P / C (7)	P / C (7)
Recreation					
Amusement Park or Center	P-II				P
Bowling Alley	P-I		P		
Community Garden	P-I	P	P		P
Open Space	P-I	P	P	P	P
Park, Community	P-II	P	P	P	P
Park, Urban	P-II	P	P	P	P
Private / HOA Parks	P-I	P	P		P
Trail	P-II	P	P	P	P
Repair Service					
Minor Service Repairs Within the Confines of a Building; No Outside Storage or Repair	P-I	P	P	P	P
Residential					
Adult Family Home	P-I	P	P	P	P
Assisted Living/Independent Living	P-II				P

Land Use	Permit Type	TN	DMU	NB	GC
Boarding House	P-I		P (16)		
Congregate Care Facility	P-III	C	P / C (7) (17)		P (17)
Daycare, Family	P-I	P	P (13)	P	
Dwelling, Accessory	P-I	AC (18)	P		
Dwelling, Cottage	P-II	P (20)			
Dwelling, Duplex	P-I	P	P (39)		P(21) (39)
Dwelling, Triplex	P-I		P(39)		P(21) (39)
Dwelling, Multiple Family	P-II	P (7)	P(39)		
Dwelling, Single Family	P-I	P			
Dwelling, Townhouse	P-I	P	P		P (8 21) (39)
Emergency Housing	P-1		C (7)		C (7)
Enhanced Service Facility Conversion Category 1 – Existing Nursing Home Conversion of up to a 16 Bed Facility (21)	P-III	C	P		P
Enhanced Service Facility Conversion Category 2 – Existing Assisted Living Conversion of up to a 16 Bed Facility (21)	P-II	C	P		P
Enhanced Service Facility Conversion Category 3 – Existing Adult Family Home Conversion of up to a 6 Bed Facility (21)	P-I	P			
Group Care Facilities		P	P		
Group Home	P-I		P (19)		P (19)
Home Occupation	P-I	AC (22)	AC (22)		AC
Live/Work Units	P-1		P (38) (39)		P(21) (38) (39)
Mixed Use	P-II	P	P (39)		P (8) (39)
Retail Trade Establishments					
Retail Shop – Boutique Style Less than 3,000 square fee	P-I		P	P	
Retail Shop – Mid-Range between 3,000 and 10,000 square feet (Non-Strip Mall Design)	P-I	P	P		P

Land Use	Permit Type	TN	DMU	NB	GC
Retail – Strip Mall or Big Box greater than 10,000 square feet	P-III				€-P
Agricultural Produce Stand	P-I	P	P	P	P
Farmer's Market	P-I	P	P	P	P
Kiosk / Vending Machine	P-I	AC (23)	AC (23)	AC (23)	AC (23)
Marijuana Retailer	P-I		C(40)		
Plant Nursery	P-I		P		
Retail Prepared Food / Beverage Establishments					
Bars and Cocktail Lounges	P-I		P		P
Catering	P-I	P (24)	P	P	P
Beverage Stand	P-I	P (24)	P (24) (25) (26)	P (25) (26)	P (25) (26)
Restaurant	P-I	P (24) (26)	P (24) (25)	P (25) (26)	P (25) (26)
Tavern	P-I		P		P
Schools					
Elementary School	P-III	C			
Preschool Facility	P-II/P-III		P (27)		
School, Other	P-I		P (27)		
Wholesale Storage / Distribution Facilities					
Detached Commercial Accessory Storage	P-III		C (28)	C (28)	C (28)
Utilities					
Electrical Equipment and Pole Storage Yard Associated with an Electrical Substation	P-I	P (29) (36)	P (29) (36)	P (29) (36)	P (29) (36)
Electrical Substation	P-II	P (29)	P	P	P
Electrical Transmission Lines	P-II		P		P
Recycle Collection Stand	P-II		AC	AC	AC
Sewage Lift Station	P-II	P(29)	P	P	
Water Well and Pump Station	P-II	P			
Water, Drainage or Sewage Infrastructure	P-II	P	P	P	P
Wireless Communications Facilities					
Co-Location PWCA	P-I	P (30)	P (30)	P (30)	P (30)
Minor Facilities	P-I	P (31)	P (31)	P (31)	P (31)
Single PWCF	P-II	P (32)	P (32)	P (32)	P (32)
Monopole Towers	P-III	C (33)	C (33)	C (33)	C (33)

Land Use	Permit Type	TN	DMU	NB	GC
Small Cell Facilities	P-I	P (34)	P (34)	P (34)	P (34)
Other					
Indoor Emergency Shelters	P-I	P	P	P	P
Indoor Emergency Housing	P-I		P	P	P
Temporary Uses	P-I	P	P	P	P
Transitional Housing	P-I	P			P

Commercial and Mixed-Use Zoning Use Conditions:

(1) Subject to animal services grooming parlor conditions in SMC [8.70](#).

(2) Retail trade establishments are limited to 50,000 square feet gross floor area per individual establishment. A business license and compliance with conditions in SMC [17.100.060](#) for permitting a bed and breakfast use are required. Bed and breakfast residence use is limited to four rooms per residence. Bed and breakfast inn use is limited to six rooms in the SR 5.0 zone, 10 rooms in the MR zone and 16 rooms in the GC zone.

(3) Reserved

(4) A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued administratively by the animal control officer pursuant to SMC Title 8, Animals ; provided, however, that in all cases exceeding the maximum standard by six animals requires a conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter 8 SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.

(5) No outdoor kennels.

(6) Automobile repair is limited to minor repair services in the general commercial zone

(7) Minimum land area of 20,000 square feet is required. This standard may be modified through the conditional use permit process.

(8) Reserved

(9) Subject to standards in SMC [17.100.055](#).

(10) A business license and compliance with conditions in SMC [17.100.060](#) for permitting a bed and breakfast use are required.

(11) Restaurants that serve lunches and/or dinner shall be allowed in bed and breakfast accommodations.

(12) In the general commercial zone east of 72nd Avenue, light manufacturing is limited to assembly and fabrication of products such as medical equipment, optics, electrical and electronic goods. In the TN – Mixed Use designation light manufacturing uses are limited to 30% of the site and shall consist of incubator businesses wholly contained within the building; no outdoor storage.

(13) All daycare uses shall comply with the daycare facilities requirements provided in SMC [17.95.382](#). Family daycare shall require a home occupation permit.

(14) Limited to drop-off and pick-up with no on-site dry cleaning allowed.

(15) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process provided the lot meets the minimum lot size standard for the zone.

(16) Boarding/rooming houses shall be allowed only as second or third floor activities over retail trade, personal service or business professional service establishments, and not as ground floor uses.

(17) Limited to 30 rooms/increment of minimum land area.

(18) One accessory dwelling unit per lot is allowed. Accessory dwelling units shall comply with the criteria and design standards set forth in SMC [17.95.470](#) through [17.95.480](#).

(19) This use shall comply with the special residential use requirements provided in SMC [17.95.375](#). Group homes are limited to six rooms in the GC zone.

(20) Cottage housing units shall comply with the requirements in SMC [17.95.450](#).

(21) Permitted when part of a mixed-use development.

(22) A home occupation permit and business license are required. Home occupations shall comply with the requirements in SMC [17.95.380](#).

(23) Kiosks/vending machines are permitted only as accessory uses inside a building.

(24) No drive-through service allowed on 271st between 88th Avenue and 84th Avenue and 270th from 99th Avenue to 102nd Drive.

(25) Drive-up windows allowed subject to the supplemental standards for drive-through facilities provided in SMC [17.100.040](#).

(26) Outside dining is limited to areas designated for such use, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.

(27) Permitted when located in the historic downtown areas as depicted in SMC 17.05.110, provided there is no outdoor display or storage.

- (28) Detached accessory storage shall comply with nonresidential performance standards in SMC [17.100.075](#), conditions for permitting detached storage structures in commercial zones, and the additional architectural standards in SMC [17.112.030](#) in the DMU zone, and SMC [17.112.040](#) in the GC zoning district.
- (29) Minimum land area of 10,000 square feet required.
- (30) Subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (31) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (32) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (33) All small wireless communication facilities shall be subject to the requirements of Chapters [17.200](#), [17.205](#), and [17.210](#) SMC.
- (34) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (35) The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage and also shall be used for the measurement of setback requirements.
- (36) Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.
- (37) Reserved
- (38) Live/work units are allowed as part of a mixed-use development.
- (39) Only mixed-used commercial / residential developments are allowed on properties with street frontage on 271st Street, 88th Avenue, 92nd Avenue, 102nd Avenue and 270th Street between 99th Avenue and 102nd Drive. The Commercial mixed-use building(s) shall be the dominant use along the street frontage. All other properties may be developed with residential in-fill developments without associated commercial uses.
- (40) Subject to standards in SMC 17.100.045.

17.30.080 Industrial Use Zoning Table Established

Permitted Use Table: Industrial Zones

Land Use	Permit Type	PI	GI
Animal Services			
Kennel, Commercial Indoor / Outdoor	P-I	P (1)	
Veterinarian Hospital or Clinic	P-II	P	
Automotive Services			
Automobile or Truck Repair and Services	P-I	P (2)	P (2)
Automobile Sales and Service, New or Used	P-I	P	P
Automobile Service Station	P-I	P (3)	
Car Wash	P-I	AC	
Impound, Storage, Tow Yards	P-I	AC (4)	AC (4)
Parking Lots, Garages	P-I	AC	AC
Parking Structure, Commercial	P-I	P	P (5)
Towing	P-I	P (6)	P (6)
Wrecking	P-I		P (6)
Cultural / Entertainment			
Adult Entertainment Facility	P-I		P (7)
Live Entertainment	P-I	AC	
Hotels and Guesthouses			
Bed and Breakfast	P-I	P	P
Hotel	P-I	P (8)	
Resort	P-III	P (8)	
Industrial			
Building Construction Yard	P-I		P
Feed and Fertilizer Operation	P-I		P
Food and Beverage Processing Facility	P-I	P	P
Freezer Plant / Cold Storage / Food Mill	P-I	C	P
Laboratory	P-I	P	P
Laundry Plant	P-I		P
Lumber and Wood Products Processing	P-I		P
Manufacturing, Heavy	P-II		P
Manufacturing, Light	P-II	P (9)	P (9)
Communication Technology (TV broadcasting, radio station, video production, internet or movie production or other similar technologies)	P-I	P	
Printing, Publishing, and Allied Industry	P-I	P	P
Office			
Professional Office	P-I	P	P
Health Care Office	P-I	P	
Hospital	P-III	C	
Personal Services			
Daycare Center	P-I	P(5)	P (5)
Equipment Rental	P-I	P	P
Funeral Home	P-I	P	

Land Use	Permit Type	PI	GI
Health / Athletic Club	P-I	P	
Janitorial Services	P-I	P	P
Laundromat / Dry Cleaner	P-I	P	P
Mail / Small Shipping Store	P-I	P	
Salon	P-I	P	P
Tattoo & Piercing Parlors	P-I	P	P
Public Facilities			
Courthouse	P-III	P	
Post Office	P-I	P	
Public Safety Station	P-II	P	P
Public Transit Storage and Maintenance Facility	P-II		P
Public Transit Terminal	P-II	P	P
Quasi-Public			
Meeting Hall	P-II	P (10)	
Recreation			
Bowling Alley	P-I	P	
Go-Cart Track	P-I	P	
Open Space	P-I	P	P
Park, Community	P-II	P	P
Park, Neighborhood	P-II	P	P
Park, Urban	P-II	P	P
Skating Rink	P-I	P	
Swimming Pool	P-II	P	
Trail	P-II	P	P
Repair Services			
Minor Service Repairs Within the Confines of a Building; No Outside Storage or Repair	P-I	P	
Small Appliance and Tool	P-I	P	
Small Engines	P-I	P	P
Residential			
Caretaker's House	P-I	P (11)	P (11)
Emergency Housing	P-I	C(8)	
Mixed Use	P-II	P(5)	
Retail Trade Establishments			
Retail Shop – Boutique Style Less than 3,000 square fee		P	
Retail Shop – Mid-Range between 3,000 and 10,000 square feet (Non-Strip Mall Design)		P	P
Retail – Strip Mall or Big Box greater than 10,000 square feet		C	C
Farmer's Market	P-I	P	
Kiosk / Vending Machine	P-I	AC (13)	AC (13)
Plant Nursery	P-I	P (12)	
Retail Prepared Food / Beverage Establishments			
Bars and Cocktail Lounges	P-I	P	P
Catering	P-I	P	P
Beverage Stand	P-I	P	P (14) (15)
Restaurant	P-I	P	P (14), P (15)
Schools			
Bus Transportation and Maintenance Facility	P-I	P	P
Middle School	P-II		P
Post-Secondary School	P-II	P	

Land Use	Permit Type	PI	GI
Preschool Facility	P-I	P (5)	P (5)
School, Other	P-I	P	
Wholesale Storage / Distribution Facilities			
Detached Commercial Accessory Storage	P-I	C (16)	C (16)
Equipment and Machinery Storage	P-I		P
Freight Distribution Center	P-II		P
Fuel Storage Facility	P-III		C
Moving Van and Storage Facilities	P-I	P (17)	P
Warehouse Operations	P-II	P (17)	P
Wholesale Operations	P-II	P (17)	P
Utilities			
Electrical Equipment and Pole Storage Yard	P-I	P (24) (25)	P (24) (25)
Electrical Generating Plant	P-II		C
Electrical Substation	P-II	P	P
Electrical Transmission Lines	P-II	P	P
Recycle Collection Stand	P-II	AC	
Sewage Lift Station	P-II	P	
Sewage Treatment Plant	P-II		C (18)
Solid Waste Disposal / Recycling Center	P-II		C
Water Well and Pump Station	P-II	P	
Water, Drainage or Sewage Infrastructure	P-II	P	P
Wireless Communication Facilities			
Co-Location PWCA	P-I	P (19)	P (19)
Minor Facilities	P-I	P (20)	P (20)
Single PWCF	P-II	P (21)	P (21)
Monopole Towers	P-III	C (22)	C (22)
Small Cell Facilities	P-I	P (23)	P (23)
Other			
Indoor Emergency Housing	P-I	P	
Indoor Emergency Shelter	P-I	P	
Transitional Housing	P-I	P	
Temporary Uses	P-I	P	P

Industrial Zoning Use Conditions:

(1)A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued administratively by the animal control officer pursuant to SMC Title 8, Animals; provided, however, that in all cases exceeding the maximum standard by six animals requires an administrative conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter 8 SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.

(2)Automobile repair is limited to minor repair services in the planned industrial zone and minor repair, major repair and paint/body shops are permitted in the general industrial zone.

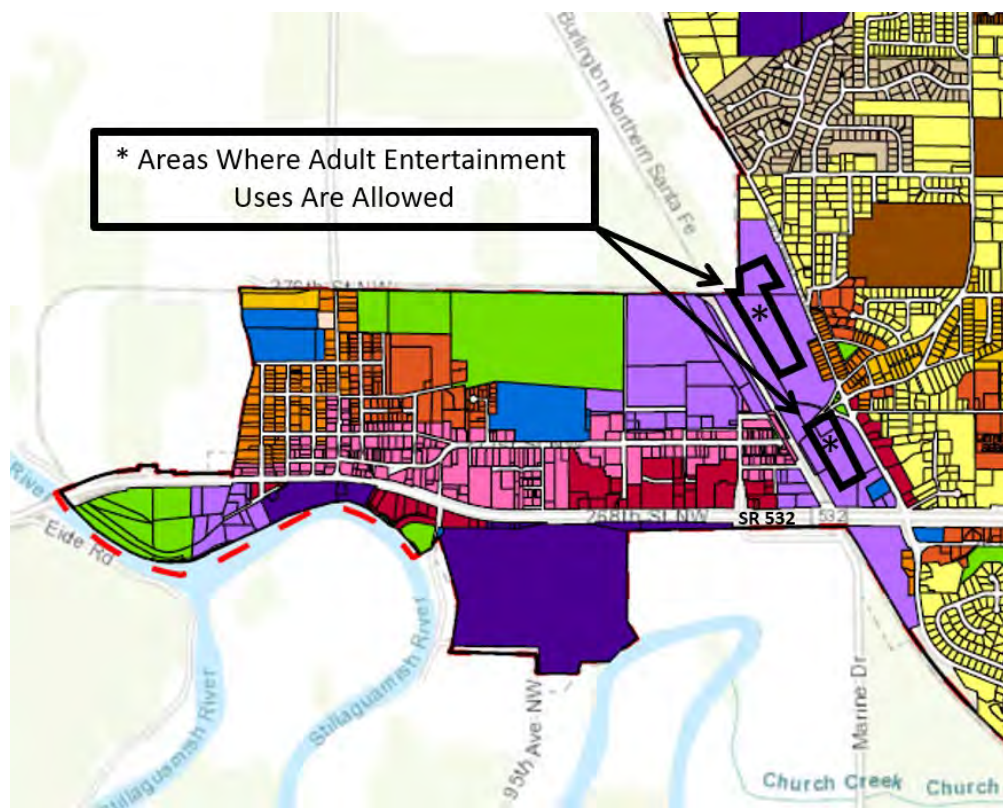
(3) The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage and also shall be used for the measurement of setback requirements.

(4) A six-foot sight-obscurer fence or wall and landscaping consistent with Chapter [17.145](#) SMC, Landscape Performance Standards, shall be required.

(5) Permitted in conjunction with a planned industrial park development under SMC 17.50.010; no more than 35% of the total industrial park floor area may be devoted to residential uses and all residential uses must be located above commercial or industrial uses. A minimum of 5 acres of land is needed to apply the mixed-use allowances.

(6) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process provided the lot meets the minimum lot size standard for the zone.

(7) Adult entertainment uses shall only be allowed in the General Industrial zone located between the railroad tracks (east of 84th Avenue) and Pioneer Highway as shown below and shall comply with the requirements in SMC [5.32.030](#).



(8) Limited to 30 rooms/increment of minimum land area.

(9) Accessory retail limited to 2,000 square feet for goods manufactured, assembled or distributed on site.

- (10) Minimum land area of 20,000 square feet is required. This standard may be modified through the conditional use permit process.
- (11) Caretaker units are limited to one per business.
- (12) Retail trade establishments are limited to 50,000 square feet gross floor area per individual establishment.
- (13) Kiosks/vending machines are permitted only as accessory uses inside a building.
- (14) Outside dining is limited to areas designated for such use, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.
- (15) Drive-up windows allowed subject to the supplemental standards for drive-through facilities provided in SMC [17.100.040](#).
- (16) Detached accessory storage shall comply with nonresidential performance standards in SMC [17.100.075](#), conditions for permitting detached storage structures in commercial zones, and the additional architectural standards in SMC [17.112.040](#) in the NB, GC and GI zoning districts and SMC [17.112.045](#) in the PI zoning district.
- (17) Accessory retail limited to 2,000 square feet for goods manufactured, assembled or distributed on site.
- (18) Privately owned and operated sewage treatment plants, including but not limited to septage facilities, are not permitted.
- (19) Subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (20) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (21) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (22) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (23) All small wireless communication facilities shall be subject to the requirements of Chapters [17.200](#), [17.205](#), and [17.210](#) SMC.
- (24) Minimum land area of 10,000 square feet required.
- (25) Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.

Permitted Use Table: Parks and Open Space and Public Facilities

Land Use	Permit Type	POS	PF
Recreation			
Athletic Field	P-I	P	
Ball Park	P-II	P	
Batting Cage	P-II	P	
Community Garden	P-I	P	
Conservation Area	P-I	P	
Golf Course	P-III	P	
Open Space	P-I	P	
Park, Community	P-III	P	
Park, Neighborhood	P-II	P	
Park, Urban	P-II	P	
Playground	P-I	P	
Recreation Area / Facility	P-I	P	
Swimming Pool	P-III	P	
Trail	P-II	P	
Schools			
Public School			P
School Administration Buildings			P
Utilities			
Electrical Equipment and Pole Storage Yard	P-I	P (1) (2)	
Water, Drainage or Sewage Infrastructure	P-II	P	
Other			
Temporary Uses	P-I	P	
Government Offices or Facilities			P
Public Safety Station (Police & Fire)			P
Cemetery			C

17.60.020 Residential development standards.(1) *Development Standards Table – Residential Zones.*

	SR 12.4	SR 9.6^{10,} 11, 12	SR 7.0	SR 5.0	MR
Density: maximum dwelling unit per gross acre. Density standards are not subject to the variance procedure.	3.5	5	6	10 ²	20 ¹
Base Standard	5	6	8	N/A	
PRD review	10	10	10	10	
Cottage					
Lot Area: minimum square feet for subdivision.	12,400	9,600	7,000	5,000	20,000
Base Standard	10,000	7,000	5,000	N/A	
PRD review	3,000	3,000	3,000	3,000	
Cottage					
Minimum Lot Width	100'	75'	60'	50'	100'
Base Standard	85'	60'	50'	N/A	
PRD	50'	50'	50'	50'	

	SR 12.4	SR 9.6^{10,} 11, 12	SR 7.0	SR 5.0	MR
Cottage					
Minimum Lot Depth	100'	100'	80'	75'	200'
Base Standard	100'	80'	75'	N/A	
PRD	60'	60'	60'	60'	
Cottage					
Front Setback	20 – 30' ⁹	20 – 30' ⁹	20'	10 – 20' ^{3, 9}	20' ³
Base Standard ⁴	25'	10'	10'	N/A	20'
PRD	10'	10'	10'	10'	
Cottage	25'	25'	25'	20'	
Accessory Structure ⁵					
Rear Setback	25'	25'	20'	15' ³	15' ³
Base Standard ⁴	25'	20'	15'	N/A	5'
PRD	10'	10'	10'	10'	20'
Cottage	5'	5'	5'	5'	
Accessory Structure ³					
Congregate Care					
Side Setback	15'	10'	10'	5' ³	25' ³
Base Standard ⁴	20'	15'	15'	N/A	5'

	SR 12.4	SR 9.6^{10,} 11, 12	SR 7.0	SR 5.0	MR
PRD	combined	combined	combined	5'	10'
Cottage	5' each side	5' each side	5' each side	5'	
Accessory Structure ⁵	10'	5'	5'		
Congregate Care			5'		
Corner Lot Side Setback	15'	15'	15'	15'	25'
	15'	15'	15'	N/A	
Base Standard ⁴	10'	10'	10'	10'	
PRD	10'	5'	5'	5'	
Cottage					
Accessory Structure					
Maximum Height	30'	30'	30'	30'	40' ¹³
Base Standard ⁴	30'	30'	30'	N/A	20'
PRD	30'	30'	30'	30'	
Cottage	20'	20'	20'	20'	
Accessory Structure					
Percent of Lot Coverage	30 ⁷	35	40	50	40
	40	40	40	N/A	
Base Standard	40	40	40	40	

	SR 12.4	SR 9.6^{10, 11, 12}	SR 7.0	SR 5.0	MR
PRD Cottage Accessory Structure ^{5, 6}	10 ⁷	10	10	10	
Maximum Building Area Cottage	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	N/A
Minimum Driveway Length Base Standard PRD Cottage	None None 20'	None 20' 20'	None 20' 20'	20' ⁸ N/A 20'	N/A

(2) *Development Conditions – Residential Zones.* 1. In the MR zone, single-family detached use requires a minimum land area of 4,500 square feet per unit, duplex use requires a minimum land area of 7,000 square feet, and townhome use requires a minimum land area of 2,000 square feet for end units, and 1,800 square feet for interior units. Multiple structures may occur on a legal lot with a minimum of 20,000 square feet.

2. In the R 5.0 zone, duplexes and townhouses require a minimum land area of 7,000 square feet. Townhomes require a minimum land area of 2,000 square feet for end units, and 1,800 square feet for interior units. Multiple structures may occur on a legal lot with a minimum of 7,000 square feet.

3. The front, rear and side yard setbacks for attached dwellings in these zones are not intended to be applied to each individual dwelling when there are multiple buildings on a site. Rather,

they are meant to be used to establish the minimum dimensional requirements for the perimeter of the housing development.

4. Setbacks are applicable to the primary structure, attached accessory structures and accessory dwelling units.

5. Excludes residential accessory structures.

6. Coverage for accessory dwelling units may be increased by 15 percent over the base coverage.

7. Greenhouses on farms within the SR 12.4 zone are excluded from maximum coverage calculations.

8. A 20-foot-long driveway from the front or rear is required in the SR 5.0 zone.

9. No two adjacent dwellings that front the same street shall have the same front yard setback unless otherwise approved by the city council. The front yard setback shall be randomly arranged with an equal number of dwellings at each increment. Setbacks shall be 20, 25 and 30 feet in the SR 12.4 and SR 9.6 zones. In the SR 5.0 zone, setbacks and structure placement shall be varied to accommodate the requirement for a 20-foot-long driveway from the front or rear in addition to the varied setback.

10. The community development director or hearing examiner may reduce lot sizes to a minimum of 8,000 square feet and/or widths to a minimum of 60 feet for the fewest number of lots necessary if development under the city's regular standards precludes the development from meeting minimum urban net density as established under the Growth Management Act. In addition, lots in plats vested to Snohomish County standards prior to annexation may have lot size reduced to 5,000 square feet, lot width reduced to 50 feet and lot depth reduced to 75 feet; provided, that overall density of the plat conforms to the land use element of the Stanwood Comprehensive Plan.

11. The community development director may approve reduced side and rear setbacks of five feet when the adjacent tract is devoted to open space, recreation space, or storm water detention. In addition, development on lots in plats vested to Snohomish County standards prior to annexation may conform to SR 5.0 zoning district standards for setbacks.

12. Heights may be increased to 60 feet for high school facilities.

13. Maximum of three stories. The building shall have a pitched roof and comply with the architectural elements of Chapter [17.112](#) SMC, Architectural Design Standards. (Ord. 1492 § 3 (Exh. C), 2021; Ord. 1440 § 4, 2017; Ord. 1418 § 11, 2016; Ord. 1294 § 18, 2011).

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Bulk Matrix

Zoning Standards Table

17.60.030 Residential / commercial zone development standards.

	TN	DMU
Maximum Residential Density		
Single Family	20 du/ac ⁵ for all unit types	10 du/ac
Duplex		20 du/ac
Townhouse/ Apartment in Mixed-Use		20 du/ac ¹⁰
Multifamily		20 du/ac ¹⁰
Cottage		20 du/ac
Lot Areas Square Feet for Subdivisions		
Base Standard	None	2,500
Single Family	5,000	2,500
Duplex	6,000	2,500
Townhouse:		
End Lot	2,000	2,000
Interior Lot	1,800	1,800
Multifamily	20,000	7,000
Minimum Lot Width		
Base Standard	50'	35'
Minimum Lot Depth		
Base Standard	70'	75'
Minimum Front Setback ^{1,2}		
Based Standard	0	0
Accessory Structure	10'	10'
Attached Dwelling	0	0
Rear Setback ^{1,2,4}		
Base Standard	25'	25'
Accessory Structure	15'	15'
Side Setback ^{1,2}		
Base Standard	5' ^{6,7}	5'
Accessory Structure	5'	5'
Maximum Height		
Based Standard	30' ³	45' ³
Accessory Structure	20'	
Maximum Building Coverage ⁸		
Base Standard	60% ⁸	90%

Footnotes:

Development Conditions – Residential/Commercial Zones.

1. The front, rear and side yard setbacks for structures in these zones are not intended to be applied to each individual building when there are multiple buildings on a site. Rather, they are meant to be used to establish the minimum dimensional requirements for the perimeter of the development.
2. Setbacks are applicable to the primary structure and attached accessory structures.
3. Height may be increased to 55 feet for hotels/motels in the DMU zone. Heights may be increased to 40 feet for multifamily, and mixed uses in the TN – Residential designation and to 55 feet for multifamily, hotel/motels, and mixed-use buildings in the TN – Mixed Use designation if the structure has a pitched roof (not a shed roof).
4. Rear setbacks of 15 feet are required for residential uses. Setbacks may be reduced to five feet when property is served by an alley.
5. Maximum density in the TN zone is calculated based on the total number of dwelling units of all types per gross acre. The density for each housing type within a project is determined by the minimum lot size.
6. Side setback for commercial is zero.
7. Side setback for attached townhouse units and multifamily is zero for interior units and 10 feet for end units. Side setback for utilities and public facilities is 20 feet.
8. For automobile service stations the cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.
10. Density may be increased to 30 du/acre for mixed use developments when 100 percent of the required residential parking is provided on the ground floor and the building is at least LEED silver certified.

17.60.040 Commercial and Industrial Development Standards

	NB	GC ¹⁰	PI	GI
Lot Area: Minimum Square Feet for Subdivision				
Base Standard	6,000	10,000	20,000	1 Acre
Minimum Lot Width				
Base Standard	50'	70'	80'	100'
Minimum Lot Depth				
Base Standard	70'	70'	80'	100'
Front Setback ^{1,2,7}				
Based Standard	10'	25'	25'	25'
Accessory Structure	10'	25'	25'	25'
Rear Setback ^{1,2,7}				
Base Standard	25'	25'	5' ⁴	25' ⁴
Accessory Structure	15'	5'	5'	5'
Side Setback ^{1,2,7}				
Base Standard	10'	10'	5' ⁴	25' ⁴
Accessory Structure	5'	0	5'	5'
Maximum Height				
Based Standard	30'	35' ^{9, 14}	35' ⁹	35' ^{6,8}
Accessory Structure	20'	0	0	30'
Maximum Building coverage ^{3,7}				
Base Standard	40%	60%	80%	80% ⁵
Accessory Structure	10%	10%	10%	10%
Density for Mixed-Use Projects				
Base Standard		No Limit ^{11,12}	35% ¹³	

Footnotes:

Development Conditions – Commercial and Industrial Zones.

1. The front, rear and side yard setbacks for structures in these zones are not intended to be applied to each individual building when there are multiple buildings on a site. Rather, they are meant to be used to establish the minimum dimensional requirements for the perimeter of the development.
2. Setbacks are applicable to the primary structure and attached accessory structures.
3. Ten percent additional coverage is allowed for detached accessory structures in the NB, GC, and GI zones in addition to the allowance for the primary structure.
4. Where an industrial or manufacturing use abuts a residential zone, a 25-foot setback is required in the PI zone and a 50-foot setback is required in the GI zone.

5. Coverage may be increased to 40 percent for wholesale, moving van/storage and warehouse operations, 50 percent for petroleum products distribution and storage and school bus maintenance facilities, and 65 percent for mini-warehouse.
6. Height may be increased to 50 feet for food processing plants, wholesale operations, warehousing operations, and freight distribution centers.
7. For automobile service stations, the cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements.
8. Height may be increased to 80 feet for feed and fertilizer operations abutting railroad corridors for silos and grain elevator structures only.
9. Height may be increased to 55 feet for hotels/motels.
10. General commercial mixed use projects shall comply with the specific standards of Chapter 17.65 SMC, Additional Standards –Downtown Mixed-Use Zoning Standards
11. Where residential uses are allowed, density shall be determined by the development standards required for the specific property, including, but not limited to: height, parking, landscaping, lot coverage, recreational and open space, and stormwater.
12. Maximum of four stories. The building shall have pitched roof or parapet roof design and comply with the architectural elements of Chapter 17.112 SMC, Architectural Design Standards.
13. Density of Mixed-Use projects developed under the Planned Industrial Park standards (SMC 17.50.010) is limited to 35% of the gross floor area. Mezzanines shall not be counted in the gross floor area for the purpose of determining the total number of allowed units.
14. The base height in the General Commercial zone is 35 feet. Mixed use buildings in the General Commercial zone may be increased to 45 feet so long as the additional building height is stepped back 10 feet from the face of the building along the street frontage(s).

17.60.0450 Public Facility Development Standards

Development standards for the Public Facilities zone.

	PF ^{1,2}
Minimum Lot Area (Square Footage):	5,000
Minimum Lot Width:	50'
Front Setback:	25'
Side Setback:	25'
Rear Setback:	25'
Maximum Height:	40'
Building Coverage:	60%
Density:	N/A

Development Conditions:

1. The front, rear and side yard setbacks for structures in these zones are not intended to be applied to each individual building when there are multiple buildings on a site. Rather, they are meant to be used to establish the minimum dimensional requirements for the perimeter of the development.
2. Setbacks are applicable to the primary structure and attached accessory structures.

17.30.050 Prohibited uses.

The following activities and uses are prohibited throughout the city of Stanwood due to their impactful nature on adjacent land uses or the community at large:

- (1) Aggregate extraction.
- (2) The disassembly, dismantling, or storage of more than five wrecked vehicles as defined in RCW [46.80.010\(6\)](#) at any one time unless completely contained within an enclosed building.
- (3) Manufacture of explosives.
- (4) Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018.
- (5) Petroleum refineries.
- (6) Fertilizer manufacture.
- (7) Sanitary landfills.
- (8) Waste-to-energy facilities.
- (9) Casinos and card rooms with two or more card tables.
- (10) New enhanced service facilities.
- (11) Recovery homes.
- (12) Orphanage.
- (13) Manufactured/mobile home parks.
- (14) Auctions or sale of livestock or similar animals in the planned industrial or general industrial zones as noted in Chapter [17.50](#) SMC.
- (15) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
- (16) Incineration or reduction of garbage, sewage, dead animals or refuse.
- (17) Crematoriums including the cremation of human and animal remains.
- (18) Septage treatment plants.
- (19) Uses that cannot meet and/or exceed the performance standards listed in SMC [17.50.020](#), Planned industrial and general industrial district performance standards.

(20) Use of an automobile, travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year.

(21) Temporary or permanent homeless encampments except as allowed by RCW [35A.21.360](#). (Ord. 1538 § 9 (Exh. I), 2024; Ord. 1499 § 2 (Exh. B), 2021).

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