



Agenda
Planning Commission Rescheduled from November 10 to November
17, 2025
November 17, 2025 | 6:30 PM

Stanwood Fire Station
8117 267th Place NW
Stanwood, WA 98292

Members of the public may attend Stanwood City Council meetings in-person or via Zoom.

<https://www.stanwoodwa.org>.

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Requests and Comments**
- 4. Approval of Minutes**
 - a. Planning Commission Meeting Minutes 2025.10.13
- 5. Unfinished Business**
 - a. Public Hearing - SEPA Code Amendment
 - b. Public Hearing - Nonconforming Regulations
 - c. Permitted Use Matrix Discussion
- 6. New Business**
- 7. Miscellaneous Business**
 - a. December Meeting Cancelled
- 8. Recent Council Action on Commission Items**
 - a. Council Action of Missing Middle Housing Codes
- 9. Upcoming Items**
- 10. 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



**City of Stanwood
Planning Commission
Staff Report**

Item Number: 4.a.
Date: November 17, 2025
Subject: Planning Commission Meeting Minutes 2025.10.13
Contact Person:
Attachments: 1. PC Minutes 2025.10.13

Planning Commission Meeting Minutes 2025.10.13

City of Stanwood
Regular Meeting of the Planning Commission
October 13, 2025 | 6:30 PM

Minutes

1. Call to Order

Planning Commission Chair, Patrick Hosterman called the meeting to order at 6:30 PM.

2. Roll Call

Planning Commissioners Present:

Eric Warnat

Richard Craig

Patrick Hosterman (Commission Chair)

Cody Davis (Commission Vice Chair)

Jeff Wheatley

Planning Commissioners Absent:

Melissa Toner

Gabrielle Braley

Staff Present:

Patricia Love, Community Development Director

Ty Schroeder, Senior Planner

Audrey Rotrock, Associate Planner

Others Present:

Dan Haskins (Online)

3. Public Requests and Comments

4. Approval of Minutes

a. Planning Commission September 8, 2025 Minutes

The minutes of the September 8, 2025, Planning Commission meeting were unanimously approved as written.

5. New Business

a. Municipal Code Update: SEPA Thresholds

The purpose of this item was for the Planning Commission to review, discuss and provide feedback on potential changes to the State Environmental Policy Act (SEPA) categorical exemption levels adopted in the Stanwood Municipal Code. SEPA was adopted in 1971, at a time when Washington State did not yet have modern environmental regulations in place. Before the adoption of critical areas ordinances, shoreline regulations, stormwater standards, or

other environmental protection codes, SEPA served as the primary mechanism for evaluating and mitigating environmental impacts associated with government actions and private development proposals.

In 1990, the Growth Management Act (GMA) fundamentally changed the regulatory landscape by requiring cities and counties to adopt comprehensive land use plans, critical areas protections, and development regulations that directly addressed environmental concerns. GMA ensured that environmental protections were embedded within local development codes rather than relying solely on SEPA review. Post GMA, the function of SEPA has changed. Rather than acting as the baseline for environmental protection, SEPA is now primarily used as a supplemental review tool. It provides a city with authority to apply conditions to projects when potential impacts are identified that are not otherwise regulated or mitigated by existing local codes and standards.

The Legislature has adopted new threshold levels to support the development of infill housing as part of the state strategy to encourage urban growth in already-developed areas. By increasing these thresholds, more infill projects can qualify for exemption from detailed environmental review under SEPA. This policy reflects a deliberate effort to make housing development more efficient and to remove regulatory barriers that might otherwise slow or discourage construction within existing urban boundaries.

Commissioner Questions & Comments

- How many Mitigated Determinations of Non-Significance (MDNS's) have been issued in the last 5 years, for example?
 - About 3 MDNS's have been issued in the last 5 years.
- What is the benefit to increasing the thresholds?
 - All Type 3 permits will be noticed and given 2 comment periods, allowing everyone (Public, City, other Agencies) to view and comment on the projects.
 - The City will be reviewing all the same SEPA conditions/impacts. Many of the reviews will now be required by the Stanwood Municipal Code (SMC). SEPA is intended to cover anything the code did not, creating a thorough review.
- Commissioners want to be sure there is no way that any of the required reviews can be skirted by changing the thresholds.
- Allowing the public to comment on projects is important to the Commissioners.
- Some Commissioners feel the increase in thresholds is too much for our small Community.

b. Municipal Code Update: Nonconforming Uses, Structures and Land

Across Stanwood, many lots, structures, and uses were lawfully built or

established before current zoning standards were adopted. As laws and regulations evolve, these older properties are allowed to continue operating under special conditions and are referred to as “legally nonconforming.” More commonly, people may recognize this concept by its familiar term: “grandfathering.”

Over time, ambiguities in the City’s nonconforming zoning regulations have created challenges. Inconsistent interpretations have caused uncertainty for property owners and staff. To address these issues, the proposed amendments are intended to bring greater clarity, improve transparency, and ensure fairness in land use administration. The goal is to balance the continuation of legally established nonconformities with the City’s long-term vision of bringing properties into compliance with current zoning standards whenever feasible.

The proposed amendments reaffirm that lots, structures, or uses that were legally established under past regulations are considered legal nonconformities. These may continue, subject to the following provisions and rules:

Abandonment: Establishes a 12-month period as the standard for presumed abandonment of a nonconforming use or building. Property owners have the opportunity to demonstrate that they did not intend to abandon the property.

Nonconforming Lots: This section provides clear guidance on when and how nonconforming lots may be developed.

Lot Merger for Nonconforming Lots of Record: When two or more adjacent nonconforming lots of record are under common ownership, the amendments require that they be combined into one legal conforming lot.

Nonconforming Structures: The amendments define the conditions under which nonconforming structures may be repaired, maintained, or expanded.

Nonconforming Uses: Legally established nonconforming uses may continue until they are abandoned or expanded or intensified.

Reconstruction Due to Natural Disasters: If a nonconforming building or use is damaged or destroyed by an event beyond the owner’s control, such as an earthquake, flood, storm, landslide, mudslide, fire, or explosion, the amendments allow for reconstruction.

Variance Criteria: New provision that provides an option for property owners to apply for a variance from the nonconforming standards if necessary.

Commissioner Questions & Comments

- Commissioners like that people can keep their property and the use.
- What could a landowner build on a non-conforming lot?
 - A landowner can build whatever they choose, as long as it meets the conditions of the code (setbacks, depth, width, etc.)
- Commissioners recommend adding language that would require ADA upgrades when a building is improved over a certain percentage.

- Under the Abandonment amendment, a property would have to be "abandoned" for 12 or more months. It would not be considered abandoned if an owner was actively trying to re-open, or lease the property, for example.

c. Municipal Code Update: Permitted Uses

The current Permitted Use Matrix and Use Standards were last updated in 2020, nearly five years ago. Since that time, significant changes have occurred, including the impacts of the COVID-19 pandemic, which altered how people work, live, and use space. Additionally, the City has updated its Comprehensive Plan, creating the need to reassess allowed uses for consistency with the community’s long-term vision and recent state law changes.

The update will involve:

- Reviewing all permitted uses across zones to ensure consistency with the City’s Comprehensive Plan and community vision.
- Revising or consolidating use categories where appropriate for clarity and efficiency.
- Developing or refining specific use standards to mitigate potential impacts (e.g., noise, traffic, light, or compatibility issues).

Commissioner Comments & Questions

- Commissioners support a greater consolidation of the matrix. Review and refine uses, grouping categories as needed to improve clarity and efficiency.
- Commissioners would like more information on how mobile homes and manufactured homes could be of use in the Missing Middle Housing.
- Reexamine the treatment of prohibited uses - particularly manufactured home parks versus mobile home parks - identify state laws and current building industry standards.
- For Places of Worship, clearly define uses, locations where they are and are not allowed, development standards, and appropriate zoning.
- Consider whether residential uses should have occupancy limits for unrelated individuals within a household; verify if such limits are legally permissible. Commissioners expressed concern about parking impacts but support multi-generational households.
- Review the matrix for consistency and potential conflicts with state law.
- Consider reducing the number of definitions to more closely reflect the permitted use matrix.
- Clarify appropriate zoning for rehabilitation facilities and distinguish how these uses differ from homeless or transitional housing facilities.
- Summarize legal requirements for assisted living facilities, including

building and AD compliance standards.

- Identify non-discretionary uses required by state law versus those the City can regulate at its discretion.
- Prepare a policy analysis linking the Permitted Use Matrix to the Comprehensive Plan.

6. Unfinished Business

7. Miscellaneous Business

- a. Reminder: The November Planning Commission Meeting is Scheduled for November 17, 2025**

8. Recent Council Action on Commission Items

- a. Staff update on Missing Middle Housing Ordinance Package**

9. Upcoming Items

- Continue to review Permitted Uses
- Public Hearing at the November meeting for Municipal Code Updates: SEPA Thresholds, and Nonconforming Uses, Structures and Land.

10. Adjourn

8:10 p.m.



City of Stanwood Planning Commission Staff Report

Item Number: 5.a.
Date: November 17, 2025
Subject: Public Hearing - SEPA Code Amendment
Contact Person: Patricia Love, Community Development Director
Attachments:
1. SEPA Rules v3
2. Findings of Fact v1 PC

ISSUE

The purpose of this item is for the Planning Commission to hold a public hearing on the proposed changes to the State Environmental Policy Act (SEPA) code and categorical exemption levels adopted in the Stanwood Municipal Code, consider public testimony, and make a formal recommendation to the City Council.

PUBLIC HEARING PROCEDURE

Below is the recommended procedure for managing the public hearing:

1. Open the 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. Deliberate on the draft ordinance
6. Motion to forward the Ordinance to the City Council

RECOMMENDATION

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed SEPA Amendment ordinance.

Draft Motion:

MOTION TO RECOMMEND APPROVAL OF THE SEPA RULES ORDINANCE TO THE STANWOOD CITY COUNCIL.

BACKGROUND

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) reflecting regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

The next set of amendments focuses on the State Environmental Policy Act (SEPA) provisions contained within the Stanwood Municipal Code. Adopted by Washington State in 1971, SEPA established a comprehensive framework for identifying and evaluating potential environmental impacts of government actions and private development projects. Its purpose is to ensure that environmental considerations are integrated into the public decision-making process.

When SEPA was adopted, Washington State did not yet have modern environmental regulations in place. Before the adoption of critical areas ordinances, shoreline regulations, stormwater standards, or other environmental protection codes, SEPA served as the primary mechanism for evaluating and mitigating environmental impacts associated with development proposals.

In 1990, the Growth Management Act (GMA) fundamentally changed the regulatory landscape by requiring cities and counties to adopt comprehensive land use plans, critical areas protections, and development regulations that directly addressed environmental concerns. GMA ensured that environmental protections were embedded within local development codes rather than relying solely on SEPA review. Post GMA, the function of SEPA has changed. Rather than acting as the baseline for environmental protection, SEPA is now primarily used as a supplemental review tool. It provides cities authority to apply conditions to projects when potential impacts are identified that are not otherwise regulated or mitigated by existing local codes and standards.

The State adopted minimum “threshold” levels within the SEPA rules. These threshold levels define when a development is presumed to have no significant environmental impact and are then automatically exempt from detailed SEPA review. Over time, adopted threshold levels have been adjusted to reflect evolving planning policies, such as the adoption of the Growth Management Act (GMA), critical area ordinances or environmental regulations. These updates were intended to balance the need for environmental protection with the desire to streamline the review process for smaller-scale projects, reducing unnecessary administrative burdens while still ensuring that larger or more complex developments undergo thorough environmental analysis.

The 2024/2025 Legislature has adopted new threshold levels to support the development of infill housing as part of the state strategy to encourage urban growth in already-developed areas. By increasing these thresholds, more infill projects can qualify for exemption from detailed environmental review under SEPA. This policy reflects a

deliberate effort to make housing development more efficient and to remove regulatory barriers that might otherwise slow or discourage construction within existing urban boundaries.

State SEPA Threshold Exemption Levels

WAC 197-11-800

Project Types	Minimum Threshold Levels	Fully Planning GMA Counties Maximum Threshold Levels			All Other Counties Maximum Threshold Levels
		Incorporated UGA	Unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single Family Residential	4 Units	30 Units	30 Units	20 Units	20 Units
Single Family Residential with Less Than 1,500 SF Total		100 Units	30 Units	20 Units	20 Units
Multifamily Residential	4 Units	200 Units	60 Units	25 Units	25 Units
Barn, Loafing Shed, Farm Equipment Storage, Produce Storage or Pack Structure	10,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf
Office, School, Commercial Recreational Service, Storage Build	4,000 sf	30,000 sf	30,000 sf	12,000 sf	12,000sf
Associated Parking Facilities	20 Spaces	90 Spaces	90 Spaces	40 Spaces	40 Spaces
Fill or Excavation	100 cy	1,000 cy	1,000 cy	1,000 cy	1,000 cy

DISCUSSION

This update includes moving the SEPA Rules from Title 17, Zoning, Chapter 17.149 to a new Chapter in the Environmental part of Title 18, Unified Development Code. The proposed changes are intended to modernize and align our SEPA regulations with current state law and best practices. Highlights include:

- **Incorporation by Reference:** Most SEPA rules are now incorporated directly by reference to the WAC.
- **Updated Citations & Structure:** The new chapter updates citations to current WAC provisions and logically groups related sections for easier navigation.
- **Adoption of State Exemptions:** Adopts the current maximum categorical exemptions as allowed under state law.
- **Clarification on Grading Exemptions:** Ensures that grading exemptions apply only to small, standalone projects; grading quantities are included in the threshold exemption for larger projects.
- **Streamlined Appeals:** Updates appeal procedures so SEPA appeal opportunities are stated once in the code, improving clarity.

- Elimination of Non-Project Appeals: Removes the ability to appeal threshold determinations on non-project legislative actions.
- EIS Authority: Removes the City Council’s role in the Environmental Impact Statements (EIS) process.
- Standardized Forms: Adopts by reference the SEPA forms included in the WAC, while allowing minor modifications as necessary.

The following comparison table shows the changes in the threshold levels from the existing code to those adopted by the State. While cities are required by law to adopt the minimum threshold limits, they are not required to adopt the maximum SEPA threshold levels as shown above.

City of Stanwood

Adopted SEPA Threshold Limits Comparison

Project Types	Current City of Stanwood Minimum Threshold Level	Fully Planning GMA Counties Maximum Threshold Levels	Difference
Single Family Residential	30 Units	30 Units	0
Single Family Residential with Less Than 1,500 SF Total (NEW)	0	100 Units	+ 100 Units
Multifamily Residential	60 Units	200 Units	+ 140 Units
Barn, Loafing Shed, Farm Equipment Storage, Produce Storage or Pack Structure	40,000 sf	40,000 sf	0
Office, School, Commercial Recreational Service, Storage Build	30,000 sf	30,000 sf	0
Associated Parking Facilities	90 Spaces	90 Spaces	0
Fill or Excavation	1,000 cy	1,000 cy	0

As noted earlier, the state has raised the maximum SEPA threshold limits for residential units as part of a statewide effort to promote affordable housing and encourage infill development. The purpose of this change is to streamline the permitting process, minimize unnecessary delays, and allow housing construction to begin more quickly. While the SEPA review process and related appeals may be reduced, all other zoning approvals and appeal processes remain in place. This adjustment helps eliminate overlapping appeal periods and shortens overall review timelines.

It is also important to emphasize that raising SEPA thresholds does not remove or weaken other adopted regulations. Standards for critical area protection, traffic analysis, open space, school access, installation of utilities, and other codes that safeguard public health, safety, and neighborhood character all remain fully in effect. Community

members will continue to have opportunities to provide input on projects and, if needed, appeal final decisions regardless of the SEPA threshold adopted by the City.

RESPONSE TO OCTOBER 13 PLANNING COMMISSION MEETING

On October 13, 2025, the Planning Commission discussed the draft SEPA Rules Amendment at their meeting. During the meeting, commissioners asked questions and requested clarifications to the ordinance. The proposed responses below respond directly to those questions and requests.

Issue #1	Planning Commission Comment
Maintaining Purpose and Substance of SEPA	<ul style="list-style-type: none"> • Concern that raising the SEPA thresholds could potentially result in a reduced level of environmental review.

Staff Response:

As previously noted, the State Environmental Policy Act (SEPA) was adopted in 1971, well before the establishment of modern critical areas ordinances and other comprehensive environmental protection regulations. At that time, SEPA served as a primary tool to ensure environmental considerations were considered as part of the land use decision process. Since then, the City and other local governments across the state have adopted extensive development regulations in accordance with the Growth Management Act (GMA). The Stanwood Municipal Code (SMC) now includes regulations addressing environmental protection, including critical areas, stormwater management, traffic mitigation, site and architectural design standards, landscaping, and buffering requirements. These regulations ensure that all development proposals are reviewed for environmental impacts as part of the standard permit process, regardless of whether a project triggers SEPA review.

As a result, the level of analysis and scrutiny applied to projects under the City’s development code is equivalent to, and often more detailed than, what would be required under SEPA for small to mid-scale projects. SEPA review has therefore become largely redundant for projects that comply with adopted GMA consistent development regulations and zoning standards. For projects that are consistent with the Comprehensive Plan and existing zoning, the role of SEPA has been significantly reduced, as environmental protections are already embedded in the City’s adopted regulatory framework.

In today's regulatory environment, SEPA should be used to analyze large-scale developments, master plans, and comprehensive plan or subarea plan amendments where broader cumulative or policy-level environmental impacts must be evaluated.

Issue #2	Planning Commission Comment
Maintaining Purpose and Substance of SEPA	<ul style="list-style-type: none"> • Concern about diluting the purpose of SEPA.

Staff Response:

SEPA is not a permit, it is a process. SEPA does not itself authorize or deny a project. Instead, it serves as an information-gathering and disclosure tool that helps state and local agencies identify and consider potential environmental impacts before making land use or project decisions. The SEPA checklist provides a broad overview of a proposal's relationship to various environmental elements, including earth, air, water, plants and animals, energy, noise, light, land use, transportation, public services, utilities, and cultural or historic resources. When SEPA was first adopted, most local governments lacked comprehensive environmental and land use regulations. SEPA filled that gap by ensuring that agencies examined environmental consequences that were otherwise unaddressed in local codes. Today, however, comprehensive land use and development regulations adopted under GMA provide the same environmental considerations through detailed critical areas ordinances, stormwater management requirements, design standards, and transportation impact mitigation measures.

The Regulatory Reform Act of 1995 reinforced this shift toward greater efficiency and clarity in the permitting process. The Act required cities and counties to establish clear, predictable, and coordinated permit review systems, and to specify all submittal requirements necessary to evaluate an application. Reports and studies that were once requested under an agency's SEPA authority are now required directly by city development codes, meaning SEPA is no longer needed as a mechanism to obtain that information or impose project conditions. The law also required agencies to integrate SEPA review with the permit process, streamlining review and eliminating unnecessary duplication.

Because modern local development codes and GMA-compliant regulations now incorporate environmental protections, expanding SEPA's categorical exemptions does not weaken environmental review. Rather, it reflects the fact that these issues are already being addressed through adopted laws, regulations, and permit standards. The state's continued efforts to increase SEPA exemptions for certain project types simply recognize that the environmental safeguards once provided solely through SEPA have now been embedded into other regulatory frameworks. In short, SEPA's fundamental purpose to provide information to decision makers remains intact. What has changed is how that purpose is achieved: directly through regulatory requirements versus SEPA.

Issue #3	Planning Commission Comment
Use of MDNS Process	<ul style="list-style-type: none"> • How many Mitigated Determinations of Significance (MDNS) has the City issued over the last five years? •

Staff Response:

As discussed at the October meeting, conditions outlined in an MDNS issued under the City's SEPA authority are not enforceable unless carried over into the conditions of approval for the underlying permit. In general, there are few reasons staff might issue an MDNS for a project.

First, and most importantly, SEPA allows for staff or the Hearing Examiner to impose conditions on a permit for the purpose of mitigating environmental impacts not addressed by the Municipal Code. There have only been two projects in the last five years in which the City has issued a 'substantial' MDNS. Those projects are the Cedarside Commons Mixed Use Development and the Redemption Hill Conditional Use Permit. It's important to recognize that under the proposed SEPA exemption thresholds, both of those projects would still be subject to SEPA and would not be considered exempt projects.

The most frequent reason an MDNS is issued in Stanwood is to add supplemental conditions regarding common, minor issues, to address public comments. Examples include sequencing of project improvements, limiting construction traffic to primary roads or adding additional bonding requirements for sensitive areas. Examples of projects that have had MDNS's issued for this reason also include most subdivisions and projects located near sensitive areas or public infrastructure; including Stockbridge Meadow (Josephine), Bakerview, Summerset Springs, Westchester, and the Richardson Grading Project. These conditions could have been added as standard project conditions without SEPA. The other most common reason MDNS's are issued in Stanwood is to reiterate standard requirements of the Stanwood Municipal Code. Examples of this might include reiterating requirements for wetland mitigation or Native Growth Protection Area. Examples of projects that have had MDNS's issued for this reason include most subdivisions or other projects with on-site critical areas; including Bakerview, Westchester, and Creekside Apartments Phase III.

Issue #4	Planning Commission Comment
Increased Threshold Levels	<ul style="list-style-type: none"> • Concern that the threshold increases may be too high with limited community benefit. •

Staff Response:

As noted in the October 13, 2025, presentation to the Planning Commission, adjusting the threshold that triggers SEPA review does not limit public involvement or transparency in the project review process. Type 2 and Type 3 permits will continue to require public notice, include opportunities for written comment, and, where applicable, hold public hearings in accordance with existing code requirements. The intent of the proposed amendments is primarily administrative, to streamline review by reducing redundant procedural steps that are already addressed through other development review processes. Eliminating this overlap will improve efficiency for both applicants and staff without diminishing public participation or environmental protection. It is also important to note that large or potentially impactful projects will remain subject to SEPA review under the higher thresholds. Therefore, community interests and environmental safeguards will continue to be protected. However, if the Planning Commission believes that the proposed threshold changes represent too significant of a shift, they have the option to recommend to the City Council that the current SEPA thresholds remain unchanged.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING THE STANWOOD MUNICIPAL CODE TO REPEAL CHAPTERS OF TITLE 17 RELATING TO THE STATE ENVIRONMENTAL POLICY ACT (SEPA), ADOPTING UPDATED SEPA PROVISIONS IN TITLE 18, UNIFIED DEVELOPMENT CODE, AND 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, Title 18 contains the City’s Unified Development Code; and

WHEREAS, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires state and local governments to review the environmental impacts of proposals prior to decision-making; and

WHEREAS, SEPA rules (Chapter 197-11 WAC) authorize local governments to adopt flexible thresholds for certain categorical exemptions, within limits set by the State of Washington; and

WHEREAS, the Washington State Department of Ecology has issued updated guidance recommending SEPA exemption thresholds for certain project actions, including residential, commercial, and parking development, in order to streamline permitting and focus review on projects with greater potential environmental impacts; and

WHEREAS, the City of Stanwood has previously adopted SEPA thresholds that are now lower than the state-recommended standards, creating unnecessary administrative review for projects that are unlikely to result in significant adverse environmental impacts; and

WHEREAS, updating the City’s SEPA categorical exemption thresholds with the current state-recommended levels will provide consistency, predictability, and efficiency for applicants, staff, and the public, while preserving environmental protections for larger projects; and

WHEREAS, adopting the state SEPA thresholds supports the City’s goals of encouraging infill development consistent with the City’s Comprehensive Plan; and

WHEREAS the City’s building code and development regulations, including but not limited to SMC Division VIII, Environment, provide protection for the elements of the environment listed in WAC 197-11-444; and

WHEREAS the City has adopted SMC 18.812 establishing protections for cultural and historic resources, including for a project that is categorically exempt under SEPA, using

available data and other project review tools regarding known and likely cultural and historic resources, pre-project cultural resource review where warranted, and standard inadvertent discovery language; and

WHEREAS SMC 18.230.055 provides opportunity for tribal resource agency review of project permit applications regardless of whether a project is categorically exempt under SEPA; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 2025-0092; and

WHEREAS, per WAC 197-11-800(1)(c), the City has provided 60 days' notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on September 24, 2025. The 60-day review period was completed on November 23, 2025; and

WHEREAS, the code amendment was circulated for public review on October 7, 2025 through December 8, 2025; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their November 6, 2025; and

WHEREAS, the Stanwood Planning Commission held a public hearing on ordinance on November 17, 2025, and forwarded their findings of fact and conclusions recommending to approve the ordinance to the City Council; and

WHEREAS, all persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so before both the Planning Commission and City Council; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on December 11, 2025, a second reading on _____, 2025, and accepted public comment; and

WHEREAS, the City Council of Stanwood has authority under RCW 36.70A to adopt plans and regulations related to development and operations within the City of Stanwood; and

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

Section 1. Stanwood Municipal Code Chapter 18.820 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 Section 18.230.070 and 18.240.010 are amended as shown in Exhibit B.

Section 3. Stanwood Municipal Code Chapter 17.149, State Environmental Policy Act (SEPA) is repealed.

Section 4. Findings of Fact and Conclusions. The Stanwood City Council adopts the Findings of Fact and Conclusions as recommended by the Planning Commission and attached hereto as Exhibit C and incorporated herein by reference.

Section 5. 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 6. 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 7. 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

i Adoption of these policies is itself categorically exempt as a procedural action under WAC 197-11-800(19) per WAC 197-11-802(4).

Title 18 Unified Development Code

Part 8 Environment

Chapter 18.820 STATE ENVIRONMENTAL POLICY ACT (SEPA)

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18.820.010 Purpose

The purpose of this chapter is to adopt rules and procedures to implement the State Environmental Policy Act (Chapter 43.21C RCW) and comply with the SEPA Rules (Chapter 197-11 WAC).

18.820.020 Applicability

This chapter applies to all actions of the city, including issuance of a permit, unless categorically exempt under SMC 18.820.070.

18.820.030 Definitions

i Next line is based on existing SMC 17.149.080.

(1) The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-220, SEPA/GMA definitions.

WAC 197-11-700 through 197-11-799, Part Eight - Definitions.

i Next lines are based on existing SMC 17.149.020(2).

(2) Additional definitions.

“Department” means any division, subdivision, or organizational unit of the city established by ordinance, rule, or order.

“Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance (DNS) procedures).

“Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology.

18.820.040 Responsible Official

i This section is based on existing SMC 17.149.020(3)(a).

(1) Per WAC 197-11-910, and consistent with SMC 2.08.080, for a proposal for which the city is the lead agency, the SEPA responsible official is the Director of Community Development, or the Director’s designee.

(2) The responsible official is responsible for the following:

(a) all of the duties assigned in Chapter 197-11 WAC;

(b) the City’s compliance with a consultation request from another agency per WAC 197-11-912.

i This section is based on existing SMC 17.149.020(1).

18.820.050 General requirements

(1) The rules in this chapter are to be interpreted consistently with WAC 197-11-906.

(2) General rules.

The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-055 Timing of the SEPA process.

WAC 197-11-060 Content of environmental review.

WAC 197-11-070 Limitations on actions during SEPA process.

WAC 197-11-080 Incomplete or unavailable information.

WAC 197-11-090 Supporting documents.

WAC 197-11-100 Information required of applicants.

WAC 197-11-158 SEPA/GMA project review—Reliance on existing plans, laws, and regulations.

WAC 197-11-920 Agencies with environmental expertise.

WAC 197-11-655 Implementation.

(3) Use of existing documents.

The city's use of existing environmental documents is governed by the following sections of the Washington Administrative Code, which are hereby adopted by reference:

WAC 197-11-600 When to use existing environmental documents.

WAC 197-11-610 Use of NEPA documents.

WAC 197-11-620 Supplemental environmental impact statement—Procedures.

WAC 197-11-625 Addenda—Procedures.

WAC 197-11-630 Adoption—Procedures.

WAC 197-11-635 Incorporation by reference—Procedures.

WAC 197-11-640 Combining documents.

(4) SEPA/GMA integration.

The City's integration of SEPA into GMA non-project legislative action is governed by the following sections of the Washington Administrative Code, which are hereby adopted by reference:

WAC 197-11-210 SEPA/GMA integration.

WAC 197-11-220 SEPA/GMA definitions.

WAC 197-11-228 Overall SEPA/GMA integration procedures.

WAC 197-11-230 Timing of an integrated GMA/SEPA process.

WAC 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

WAC 197-11-235 SEPA/GMA integration documents.

WAC 197-11-238 SEPA/GMA integration monitoring.

(5) SEPA/MTCA Integration.

The City's integration of SEPA with MTCA is governed by the following sections of the Washington Administrative Code, which are hereby adopted by reference:

WAC 197-11-250 SEPA/Model Toxics Control Act integration.

WAC 197-11-253 SEPA lead agency for MTCA actions.

WAC 197-11-256 Preliminary evaluation.

WAC 197-11-259 Determination of nonsignificance for MTCA remedial action.

WAC 197-11-262 Determination of significance and EIS for MTCA remedial actions.

WAC 197-11-265 Early scoping for MTCA remedial actions.

WAC 197-11-268 MTCA interim actions.

18.820.060 Lead Agency

- (1) Per WAC 197-11-050, the lead agency is the agency with main responsibility for complying with SEPA's procedural requirements and is the only agency responsible for the threshold determination and preparation and content of environmental impact statements.

i The following subsection is based on existing SMC 17.149.020(4) and (5). Deleted subsection allowing for a responsible official other than the planning director. Changed "department" references to "city."

- (2) Determination of Lead Agency.
 - (a) When the city receives an application for or initiates a proposal that involves a nonexempt action, the city must determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the city is aware that another agency is in the process of determining the lead agency.
 - (b) When the city is not the lead agency for a proposal, all departments of the city must use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department may prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
 - (c) If the city receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may make an objection of the determination to the originating agency or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946. Any such petition on behalf of the city may be initiated by the responsible official.
 - (d) The city may make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944 if the responsible official approves the agreement.
 - (e) To make a lead agency determination for a private project, the city requires sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal, including agencies which require nonexempt licenses.
 - (f) For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official must also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.
- (3) The following sections of the Washington Administrative Code are hereby adopted by reference:
 - WAC 197-11-050 Lead agency.
 - WAC 197-11-924 Determining the lead agency.
 - WAC 197-11-926 Lead agency for governmental proposals.
 - WAC 197-11-928 Lead agency for public and private proposals.
 - WAC 197-11-930 Lead agency for private projects with one agency with jurisdiction.
 - WAC 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

WAC 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

WAC 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

WAC 197-11-938 Lead agencies for specific proposals.

WAC 197-11-940 Transfer of lead agency status to a state agency.

WAC 197-11-942 Agreements on lead agency status.

WAC 197-11-944 Agreements on division of lead agency duties.

WAC 197-11-946 DOE resolution of lead agency disputes.

WAC 197-11-948 Assumption of lead agency status.

18.820.070 Categorical exemptions

(1) The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-305 Categorical exemptions.

WAC 197-11-800 Categorical exemptions.

WAC 197-11-880 Emergencies.

i The city must follow the process in WAC 197-11-800(1)(c) of documentation and findings and minimum comment periods to set the exemption level; that documentation is contained within the recitals of this ordinance. These max exemptions are explicitly listed, rather than incorporated by reference, due to that procedural requirement.

i The next line is revised from existing code to adopt the maximum allowed thresholds. Existing code (SMC 17.149.090(2)) adopted slightly different thresholds.

(2) A proposal that fits a categorical exemption adopted pursuant to this section or WAC 197-11-800 is exempt from the procedural requirements of this chapter, unless:

(a) The proposal is not exempt under WAC 197-11-908;

(b) The proposal is a segment of a proposal that includes:

(i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction.

(3) The responsible official has the authority and responsibility to determine whether a proposal is exempt.

(4) The city is not required to document that a proposal is categorically exempt, but may note on an application that a proposal is categorically exempt or place such a determination in the proposal record.

(5) The city may not require completion of an environmental checklist for an exempt proposal.

(6) Flexible thresholds. Pursuant to the authority in WAC 197-11-800(1)(c), the city adopts the following exemption levels:

Table 18.820.070-1 Adoption of Flexible Thresholds

Project type	Exemption Threshold
Single family residential (Attached and Detached)	30 units
Single family residential with total square footage < 1,500 sf	100 units
Multifamily residential	200 units
Barn, loafing shed, farm equipment storage, produce storage, or packing structure	40,000 sf
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 sf and 90 parking spaces
Fill or excavation	1,000 cu yd

(7) Consistent with WAC 197-11-800(2)(e), any grading, excavating, filling, septic tank installations, and landscaping necessary for any categorically exempt building or facility, as well as fencing and the construction of small structures and minor facilities accessory thereto, is also categorically exempt.

18.820.080 Planned Action.

i This section is based on SMC 17.149.020(6).

(1) The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-164 Planned actions—Definition and criteria.

WAC 197-11-168 Ordinances or resolutions designating planned actions—Procedures for adoption.

WAC 197-11-172 Planned actions—Project review.

(2) Where a project proposal meets the statutory criteria for a planned action in RCW 43.21C.440, WAC 197-11-172, and the relevant planned action ordinance adopted by the city, the responsible official need not issue a threshold determination or EIS under the provisions of this chapter. If notice is required for the underlying permit, the notice must state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required.

(3) Nothing in this section limits the city from placing conditions on the project in order to mitigate nonsignificant impacts through the normal local project review and permitting process.

18.820.090 Environmental Impact Statement

(1) The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-400 Purpose of EIS.

WAC 197-11-402 General requirements.

WAC 197-11-405 EIS types.

WAC 197-11-406 EIS timing.

WAC 197-11-408 Scoping.

WAC 197-11-410 Expanded scoping. (Optional)

WAC 197-11-420 EIS preparation.

WAC 197-11-425 Style and size.

WAC 197-11-430 Format.

WAC 197-11-435 Cover letter or memo.

WAC 197-11-440 EIS contents.

WAC 197-11-442 Contents of EIS on nonproject proposals.

WAC 197-11-443 EIS contents when prior nonproject EIS.

WAC 197-11-444 Elements of the environment.

WAC 197-11-448 Relationship of EIS to other considerations.

WAC 197-11-450 Cost-benefit analysis.

WAC 197-11-455 Issuance of DEIS.

WAC 197-11-460 Issuance of FEIS.

i The following is existing SMC 17.149.040 with the following modifications:

- Remove City Council as responsible for EIS
- Add ability for Responsible Official to include other elements in EIS

(2) Preparation of EIS.

- (a) Preparation of draft or final EIS (DEIS or FEIS) and draft and final supplemental EIS (SEIS) is the responsibility of the responsible official.
- (b) The DEIS and FEIS or draft and final SEIS may be prepared by the city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official must notify the applicant immediately after completion of the threshold determination. The responsible official must also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- (c) The responsible official may require an applicant to provide information the city does not possess, including specific investigations, provided that the request is within the scope of the checklist or scoping notice. Any limitations on the scope of information requests do not apply to information that the city may require under another ordinance or statute.
- (d) Before the city issues an EIS, the responsible official must be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(3) Additional Elements to Be Covered in an EIS. The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- (a) Economy;
- (b) Social policy analysis consistent with the Comprehensive Plan;
- (c) Cost-benefit analysis.
- (d) Such other elements as may be required by the responsible official.

18.820.100 Notice, Comment, and Hearings

(1) The following sections of the Washington Administrative Code are hereby adopted by reference:

WAC 197-11-500 Purpose of this part.

WAC 197-11-502 Inviting comment.

WAC 197-11-504 Availability and cost of environmental documents.

WAC 197-11-508 SEPA register.

WAC 197-11-510 Public notice.

WAC 197-11-535 Public hearings and meetings.

WAC 197-11-545 Effect of no comment.

WAC 197-11-550 Specificity of comments.

WAC 197-11-560 FEIS response to comments.

WAC 197-11-570 Consulted agency costs to assist lead agency.

i The following sections are based on existing SMC 17.149.050 but have been updated to mostly make reference to the permit procedures in Title 18 Part 2.

- (2) When an application for a SEPA threshold determination is submitted, the City must provide a Notice of Application consistent with SMC 18.230.060.
- (3) When the city issues a SEPA threshold determination or EIS, the City must provide public notice consistent with 18.230.130.
- (4) When the City issues a DS, the City must state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.

18.820.110 Substantive Authority

i This section is based on existing SMC 17.149.070(1).

- (1) The following sections of the Washington Administrative Code are hereby adopted by reference:
 - WAC 197-11-660 Substantive authority and mitigation
- (2) The city may attach conditions to a permit or approval for a proposal if all of the following apply:
 - (a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
 - (b) Such conditions are in writing;
 - (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
 - (d) The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
 - (e) Such conditions are based on one or more policies in this section and cited in the decision document.
- (3) The city may deny a permit or approval for a proposal on the basis of SEPA if all of the following apply:
 - (a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
 - (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
 - (c) The denial is based on one or more policies identified in subsection (4)(c) of this section and identified in writing in the decision document.

- (4) The city designates and adopts by reference the Comprehensive Plan and associated policies, plans, codes, ordinances, and resolutions as adopted by the Stanwood City Council as the basis for the city's exercise of authority pursuant to this section.

18.820.120 Appeals.

i This section is based on existing SMC 17.149.070(1)(e) and (2), RCW 43.21C.075, and WAC 197-11-680.

i Deleted the ability to appeal threshold determinations on non-project legislative actions.

- (1) When allowed. An appeal is allowed only for the following:
- (a) A SEPA determination (including use of SEPA substantive authority) or the adequacy of a final EIS for a project action may be appealed pursuant to the process described in SMC Chapter 18.230.
 - (b) A SEPA determination on a non-project administrative action may be appealed per RCW 43.21C.060.
- (2) When not allowed. An appeal is not allowed for the following:
- (a) The intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) may not be appealed.
 - (b) A SEPA determination on a non-project legislative action may not be appealed.
- (3) Consolidation.
- (a) An appeal related to a project action must be consolidated with any appeal of the decision on the underlying application. If no appeal is allowed for the application under SMC Title 18 Part 2, no SEPA appeal is allowed.
 - (b) Exception. Consolidation is not required for any of the following:
 - (i) an appeal of a determination of significance.
 - (ii) an appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. A subsequent appeal of a substantive determination by the city is allowed.
 - (iii) an appeal to the local legislative authority of a non-project administrative action per RCW 43.21C.060.
- (4) Procedural determinations made by the responsible official are entitled to substantial weight.
- (5) Any appeal authorized in this section requires a record consisting of all of the following:
- (a) findings and conclusions;
 - (b) testimony under oath;
 - (c) a recording or a written transcript, which the city may require the appellant to provide in an electronic form.
- (6) Per WAC 197-11-680(5), the city must give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

18.820.130 Fees

i This section is based on 17.149.100(2). Deleted requirement for applicant concurrence in selection of an EIS consultant.

- (1) The city may establish fees for SEPA determinations in the Consolidated Fee Schedule.
- (2) The city may not collect a fee for performing its duties as a consulted agency.
- (3) The city may charge reasonable fees to cover the city's costs, whether the work is performed by staff or by a contracted third party.
- (4) For an EIS, the responsible official must advise the applicant(s) of the projected costs for the EIS prior to the actual preparation and the applicant must post bond or otherwise ensure payment of such costs. If a proposal is modified so that an EIS is no longer required or the scoping process reveals that an EIS is not warranted as determined by the responsible official, the city must refund any fees that remain after incurred costs are paid.

18.820.140 Forms

i This section is based on existing SMC 17.149.120.

- (1) The forms described in the following sections of the Washington Administrative Code are hereby adopted by reference:
 - WAC 197-11-960 Environmental checklist.
 - WAC 197-11-965 Adoption notice.
 - WAC 197-11-970 Determination of nonsignificance (DNS).
 - WAC 197-11-980 Determination of significance and scoping notice (DS).
 - WAC 197-11-985 Notice of assumption of lead agency status.
 - WAC 197-11-990 Notice of action.

i Next line is per WAC 197-11-906(4).

- (2) The Responsible Official may modify these forms as necessary to include instructions or explanations or to format for letterhead or electronic submittal. Minor changes are allowed to make the forms more useful to agencies, applicants, and the public, as long as the changes do not eliminate requested information or impose burdens on applicants.

EXHIBIT B

18.230.070 SEPA review.

i This section is about threshold determinations, not appeals, so the appeal paragraph is deleted so as to only state these rules in one place.

(1) – (2) No change.

~~(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.~~

18.240.010 Local appeal.

i This section on appeals of project actions is amended to cross-reference to the SEPA rules rather than restate information that could conflict if it's written in more than one place

(1) – (6) *No change.*

(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) except as provided for SEPA appeals in 18.820.120.

(8) SEPA Appeals. Appeals are allowed per SMC 18.820.120. ~~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)-(13) *No change.*

EXHIBIT C

CITY OF STANWOOD
Planning Commission Findings of Fact and Recommendation



10220-270TH Street NW
Stanwood, WA 98292

City of Stanwood, Washington

State Environmental Policy Act Rules
Code Amendment

Findings of Fact and Conclusions of Law

A. GENERAL INFORMATION

File Number(s): 25-0092 (Code Amendment)

Project Summary: Stanwood Unified Development Code: State Environmental Policy Act (SEPA) Rules Code Amendment

Applicant: City of Stanwood

Location: Applies Throughout the City of Stanwood Jurisdictional Limits

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 2022, the City of Stanwood launched the Municipal Code Update Project with the goal of modernizing the City's municipal code. This comprehensive effort is focused on incorporating current best practices in both the content of the code and its administration, ensuring that the City's regulations are clear, consistent, and easy to navigate for staff, residents, and developers alike.

One important component of the Unified Development Code (UDC) effort involves updates to the City's State Environmental Policy Act (SEPA) regulations. Currently, the SEPA rules are located in Title 17, Zoning, Chapter 17.149 of the Stanwood Municipal Code. Under the proposed reorganization, these regulations will be relocated to a new chapter within the Environmental section of Title 18, Unified Development Code. The amendments also bring the City's code current with state laws and administrative procedures, including the provisions of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC).

C. CODE AMENDMENT SUMMARY

The proposed amendments:

- Incorporate by Reference: Most SEPA rules are now incorporated directly by reference to the WAC.
- Update Citations & Structure: The new chapter updates citations to current WAC provisions and logically groups related sections for easier navigation.
- Adopt State Exemptions: Adopts the current maximum categorical exemptions as allowed under state law.
- Clarify Grading Exemptions: Explains that grading exemptions apply only to small, standalone projects; grading quantities are included in the threshold exemption for larger projects.
- Streamline Appeals: Updates appeal procedures so SEPA appeal opportunities are stated once in the code, improving clarity.
- Eliminate Non-Project Appeals: Removes the ability to appeal threshold determinations on non-project legislative actions.
- EIS Authority: Removes the City Council’s role in the Environmental Impact Statements (EIS) process.
- Standardize Forms: Adopts by reference the SEPA forms included in the WAC, while allowing minor modifications as necessary.

The following comparison table shows the proposed changes in the threshold levels from the existing code to those adopted by the State.

City of Stanwood

Adopted SEPA Threshold Limits Comparison

Project Types	Current City of Stanwood Minimum Threshold Level	Fully Planning GMA Counties Maximum Threshold Levels	Difference
Single Family Residential	30 Units	30 Units	0
Single Family Residential with Less Than 1,500 SF Total (NEW)	0	100 Units	+ 100 Units
Multifamily Residential	60 Units	200 Units	+ 140 Units
Barn, Loafing Shed, Farm Equipment Storage, Produce Storage or Pack Structure	40,000 sf	40,000 sf	0
Office, School, Commercial Recreational Service, Storage Build	30,000 sf	30,000 sf	0
Associated Parking Facilities	90 Spaces	90 Spaces	0
Fill or Excavation	1,000 cy	1,000 cy	0

D. CODE AMENDMENT CRITERIA (SMC 17.155.090(2))

The city may approve zoning code text amendments per the following criteria:

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

The amendment updates the City's environmental review procedures with current State Environmental Policy Act (SEPA) regulations (Chapter 43.21C RCW and WAC 197-11). It also simplifies the language by removing unnecessary legal terminology, creating a clearer and more accessible version. In addition, the proposed revisions eliminate redundant procedural steps within the project review process. Public notice and hearings will continue to be required for larger projects, consistent with existing city code.

The City's adopted development regulations comply with the State's Growth Management Act, which mandates consistency between development regulations, the Comprehensive Plan, and the protection of critical areas. Under current law, zoning regulations take precedence in guiding development, while SEPA review applies only when potential environmental impacts are not otherwise addressed in the municipal code. City codes already regulate most typical development impacts, including critical areas, drainage, traffic, noise, building design and setbacks, landscaping, and parking. Updating SEPA rules or threshold levels does not lessen the level of permit review or scrutiny, as all projects must still meet applicable local and state standards for site development and environmental protection.

By clarifying procedures, updating categorical exemptions, and improving administrative efficiency, the amendment streamlines the review process while preserving the intent of the Stanwood Municipal Code to balance development with environmental stewardship. As such, the proposed SEPA code amendment fully meets the purpose and intent criteria for zoning code amendments outlined in the SMC.

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

The proposed SEPA amendments bring the City's environmental review procedures into full compliance with current state law. These updates are primarily procedural in nature and do not alter existing regulations related to public health, safety, or environmental protection. Rather, the amendments are intended to modernize and clarify the City's review process, ensuring that its consistency with state requirements and best administrative practices.

By streamlining procedural steps, the proposed changes help reduce the potential for administrative errors, inconsistencies, or unnecessary delays. The amendments strengthen predictability and efficiency in how environmental reviews are conducted, ultimately supporting both applicants and the general public.

Importantly, the SEPA review process will continue to play a critical role in identifying and mitigating potential environmental impacts associated with proposed projects. This includes maintaining the City's authority to require mitigation measures for

impacts to air and water quality, natural habitats, noise levels, traffic circulation, and other factors that directly influence the health, safety, and overall well-being of the community.

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

Updating the SEPA regulations ensures that environmental review procedures remain consistent with state law. The amendment supports Comprehensive Plan policies that call for clear, predictable development processes. By improving consistency between local and state review requirements, the amendment reduces redundancy, shortens permit timelines, and provides greater certainty for applicants, while preserving opportunities for environmental mitigation and public participation.

Comprehensive Plan Goals and Policies

Goal / Policy Number	Policy
Land Use Policy 1.1:	<i>All amendments to the City’s Comprehensive Plan and development regulations shall ensure early and continuous public participation pursuant to RCW 36.70A/140</i>
Land Use Policy 1.3:	<i>City shall process application for state and local permits in a timely, transparent, and fair manner to ensure predictability.</i>
Economic Development Policy 2.1:	Ensure that City licensing and permitting procedures and development regulation are coherent, fair, equitable and expeditious.

E. FINDINGS OF FACT

1. The City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice.
2. 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.
3. The City of Stanwood has established zoning regulations to guide land use and development in a manner that promotes public health, safety, and welfare.
4. Title 18 contains the City’s Unified Development Code.
5. The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires state and local governments to review the environmental impacts of proposals prior to decision-making.

6. SEPA rules (Chapter 197-11 WAC) authorize local governments to adopt flexible thresholds for certain categorical exemptions, within limits set by the State of Washington.
7. The Washington State Department of Ecology has issued updated guidance recommending SEPA exemption thresholds for certain project actions, including residential, commercial, and parking development, in order to streamline permitting and focus review on projects with greater potential environmental impacts.
8. The City of Stanwood has previously adopted SEPA thresholds that are now lower than the state-recommended standards, creating unnecessary administrative review for projects that are unlikely to result in significant adverse environmental impacts.
9. Updating the City's SEPA categorical exemption thresholds with the current state-recommended levels will provide consistency, predictability, and efficiency for applicants, staff, and the public, while preserving environmental protections for larger projects.
10. Adopting the state SEPA thresholds supports the City's goals of encouraging infill development consistent with the City's Comprehensive Plan.
11. Adjusting the SEPA review thresholds does not reduce opportunities for public involvement or transparency. Type 2 and Type 3 permits will continue to require public notice, written comment periods, and, when applicable, public hearings consistent with existing code requirements.
12. Larger or potentially impactful projects will remain subject to SEPA review under the higher thresholds, ensuring that community interests and environmental safeguards continue to be protected.
13. The proposed amendments are primarily administrative in nature. They are intended to streamline project review by removing redundant procedural steps that are already addressed through other development review processes.
14. The City's building code and development regulations, including but not limited to SMC Division VIII, Environment, provide protection for the elements of the environment listed in WAC 197-11-444.
15. The City has adopted SMC 18.812 establishing protections for cultural and historic resources, including for a project that is categorically exempt under SEPA, using available data and other project review tools regarding known and likely cultural and historic resources, pre-project cultural resource review where warranted, and standard inadvertent discovery language.
16. Stanwood Municipal Code 18.230.055 provides opportunity for tribal resource agency review of project permit applications regardless of whether a project is categorically exempt under SEPA.

17. The City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 2025-0092.
18. Per WAC 197-11-800(1)(c), the City has provided 60 days' notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.
19. Pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on September 24, 2025. The 60-day review period was completed on November 23, 2025.
20. The code amendment was circulated for public review on October 7, 2025 through December 8, 2025.
21. The Stanwood Community Development Committee reviewed the draft ordinance at their November 6, 2025, meeting and has recommended that the City Council adopt the ordinance.
22. On November 4, 2025, the Planning Commission public hearing notice was printed in the Stanwood Camano News and notices were sent to the party of record list and agency distribution list as required by law.
23. The Stanwood Planning Commission held a public hearing on ordinance on November 17, 2025, and forwarded their findings of fact and conclusions recommending to Stanwood City Council.
24. All persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so.
25. 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 November 17, 2025, for their consideration.

F. 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. Stanwood Municipal Code requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to the Zoning and Unified Development Codes.
3. The SEPA code amendment enhances the effectiveness and clarity of the city's development review process without diminishing environmental safeguards, fulfilling both the purpose and desired effect outlined in the Stanwood Municipal Code for zoning and development code amendments.

4. The amendment is consistent with the 2024-2044 Comprehensive Plan policies by streamlining review processes, enhancing consistency with state requirements, reducing redundancy and permit timelines, and increasing predictability while maintaining environmental protections and public participation.
5. The proposed amendments enhance public health and safety by streamlining environmental review procedures to minimize administrative errors and delays, improving consistency, efficiency, and predictability in the permitting process for both applicants and the public.
6. After considering staff comments and public testimony, the Stanwood Planning Commission determined the draft code amendments are consistent with the Comprehensive Plan and should be adopted.

G. STAFF RECOMMENDATION

The Planning Commission hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to the Stanwood Municipal Code.

Dated this _____ day of _____ 2025.

Patrick Hosterman, Planning Commission Chair
City of Stanwood



City of Stanwood Planning Commission Staff Report

Item Number: 5.b.
Date: November 17, 2025
Subject: Public Hearing - Nonconforming Regulations
Contact Person: Patricia Love, Community Development Director
Attachments:
1. Nonconformities v4
2. Findings of Fact v1 PC

ISSUE

The purpose of this item is for the Planning Commission to hold a Public Hearing on the proposed changes to the Nonconforming Regulations Standards code proposed to be adopted in the Stanwood Municipal Code, consider public testimony, and make a formal recommendation to the City Council.

PUBLIC HEARING PROCEDURE

Below is the recommended procedure for managing the public hearing:

1. Open the 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. Deliberate on the draft ordinance
6. Motion to forward the Ordinance to the City Council

RECOMMENDATION

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed ordinances.

Draft Motion:

MOTION TO RECOMMEND APPROVAL OF THE NONCONFORMING REGULATIONS STANDARDS ORDINANCE TO THE STANWOOD CITY COUNCIL.

BACKGROUND:

In 2022, the City launched the Municipal Code Update project to modernize the code with best practices for both content and administration. As part of this effort, a new Unified Development Code is being developed which includes amendments to the City's nonconforming zoning regulations.

Across Stanwood, many lots, structures, and uses were lawfully built or established before current zoning standards were adopted. As laws and regulations evolve, these older properties are allowed to continue operating under special conditions and are referred to as "legally nonconforming." More commonly, people may recognize this concept by its familiar term: "grandfathering". Over time, ambiguities in the City's nonconforming zoning regulations have created challenges. Inconsistent interpretations have caused uncertainty for property owners and staff. To address these issues, the proposed amendments are intended to bring greater clarity, improve transparency, and ensure fairness in land use administration. The goal is to balance the continuation of legally established nonconformities with the City's long-term vision of bringing properties into compliance with current zoning standards whenever feasible.

The proposed amendments reaffirm that lots, structures, or uses that were legally established under past regulations are considered legal nonconformities. These may continue, subject to the following provisions and rules:

- ***Abandonment:*** Establishes a 12-month period as the standard for presumed abandonment of a nonconforming use or building. Property owners have the opportunity to demonstrate that they did not intend to abandon the property.
- ***Conversion of Nonconforming Lots: Structures or Uses: Define when and what triggers the requirements to bring the property into full compliance with the current city code.***
- ***Nonconforming Lots:*** This section provides clear guidance on when and how nonconforming lots may be developed.
- ***Lot Merger for Nonconforming Lots of Record:*** When two or more adjacent nonconforming lots of record are under common ownership, the amendments require that they be combined into one legal conforming lot.
- ***Nonconforming Structures:*** The amendments define the conditions under which nonconforming structures may be repaired, maintained, or expanded.
- ***Nonconforming Uses:*** Legally established nonconforming uses may continue until they are abandoned or expanded or intensified.
- ***Reconstruction Due to Natural Disasters:*** If a nonconforming building or use is damaged or destroyed by an event beyond the owner's control, such as an earthquake, flood, storm, landslide, mudslide, fire, or explosion, the amendments allow for reconstruction.
- ***Normal Maintenance and Repair:*** defines what is considered normal maintenance, allowing the nonconformity to continue.

- Variance Criteria: New provision that provides an option for property owners to apply for a variance from the nonconforming standards if necessary.

DISCUSSION / RESPONSE TO OCTOBER 13 PLANNING COMMISSION MEETING

On October 13, 2025, the Planning Commission discussed the draft Nonconforming Regulations Standards ordinance at their meeting. The Commissioners were supportive of the allowances provided in the code for property owners to continue to use their property as legally allowed prior to any code amendment. During the meeting, commissioners asked questions and requested clarifications to the ordinance. The proposed issues described below respond directly to those questions and requests.

Issue #1	Planning Commission Comment
Development of Nonconforming Lots	<ul style="list-style-type: none"> • Clarify what a property owner could build on a nonconforming lot.

Staff Response:

A nonconforming lot is a parcel of land that does not meet current zoning requirements, such as minimum lot size, width, or other dimensional standards, but was legally created in compliance with the regulations that were in place at the time of its establishment. Similarly, a nonconforming use refers to a legally established activity or land use that was permitted under prior zoning regulations but has since become prohibited or restricted due to subsequent changes in the zoning code. Under the proposed amendments, owners of nonconforming lots or uses will retain the right to continue using or developing their property, provided that the following conditions are met:

- The lot or use was legally established before the adoption of the current zoning regulations.
- Any new or modified development complies with all applicable current standards, including setbacks, height limits, building codes, environmental regulations, and other relevant requirements.
- The proposed use is permitted within the current zoning district, or, if not, the existing use may continue under nonconforming status but may not be expanded or intensified in a way that increases the degree of nonconformity.

The draft code recognizes and preserves legally established rights that predate changes to the Municipal Code. Owners may maintain, repair, or develop their properties in accordance with the current regulations while continuing to enjoy the lawful use rights established prior to the code update. No additional changes are proposed to the code.

Issue #2	Planning Commission Comment
Accessibility	<ul style="list-style-type: none"> • Consider adding language describing when a nonconforming structure should be brought into compliance with ADA requirements. •

Staff Response:

No changes to the Nonconforming Regulations ordinance are proposed as the issue of when a property or building must be brought into compliance with the Americans with Disability Act (ADA) is fully addressed in the International Building Code (IBC). Under the ADA, public and private commercial / industrial buildings must ensure accessibility for individuals with disabilities as follows:

1. New Construction: All new buildings constructed after January 26, 1992, must be fully compliant with ADA Standards for Accessible Design.

2. Change of occupancy, Alterations and Remodels: Any alteration that affects the usability of a facility, or a portion of it, triggers ADA compliance requirements. Examples include:

- Renovations of restrooms, lobbies, or entrances
- Replacement of doors and door hardware
- Reconfiguring spaces such as offices or classrooms

When these changes occur, the altered area must comply with current ADA accessibility standards to the maximum extent feasible. For example, when City Hall was remodeled, the restrooms were redesigned as much as possible to meet ADA requirements. This included widening the men’s restroom door, reconfiguring the women’s restroom to allow wheelchair access, adding ADA-compliant changing tables, and lowering sinks to the appropriate height. Although the men’s restroom could not fully accommodate the required wheelchair turning radius, the dividing wall was removed to maximize available space and improve accessibility. Also, ADA laws require improvements to the “path of travel”, meaning the route from parking to the altered area; however, a complete accessible route does not apply where the cost of providing it exceeds 20% of the cost of the alteration or addition to the primary function area.

3. Additions: When a new addition is built onto an existing building, that addition is considered new construction and must meet ADA standards. Furthermore, the path of travel to the addition, which includes entrances and restrooms, must also be made accessible to the maximum extent feasible.

4. Historic Buildings: Alterations to historic structures must comply as much as possible without threatening or destroying historic features. If full compliance isn't feasible, alternative accessibility methods must be provided.

5. Maintenance and Minor Repairs: Routine maintenance (painting, reroofing, re-carpeting, replacing HVAC systems, etc.) does not trigger ADA compliance, since it doesn't affect usability.

Issue #3	Community Development Committee Comment
Lot Merger Section	<ul style="list-style-type: none"> • Consider removing the lot merger section, as it disproportionately affects only the west end residential area. •

Staff Response:

At its October 6 meeting, the Community Development Committee discussed the proposed lot merger provision in the nonconforming code ordinance. This provision requires the automatic merger of adjacent, commonly owned nonconforming lots. Upon further review, the Committee expressed concern that this requirement disproportionately impacts residential properties located in the City's west end which were originally platted in the late 1800s with smaller, historically established lots. Because these lots were platted so long ago, they also have the highest potential to be affected by the nonconforming code provisions.

The intent of the original merger requirement was to bring lot sizes into conformity with current zoning standards; however, with the adoption of new middle housing regulations, this issue has largely been resolved. The updated code now allows up to three dwelling units on any residentially zoned lot, effectively mitigating previous concerns about undersized parcels. In addition, staff conducted a quick review of the west end residential area and determined that the merger provision would affect very few lots in the west end. Given these changes, the merger clause no longer provides meaningful benefit and may unnecessarily burden a limited number of property owners. Retaining this requirement would continue to place a disproportionate impact on the west end without serving a clear planning purpose under current development standards.

Staff supports the Community Development Committee's recommendation to remove the lot merger clause from the nonconforming ordinance. Eliminating this section will modernize the code, reduce inequitable impacts on the historic downtown, and supports

the City's housing and land use objectives.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) DELETING NONCONFORMING CODE REQUIREMENTS FROM TITLE 17, ZONING, AND ADOPTING RULES FOR NON-CONFORMING LOTS, STRUCTURES AND USES IN TITLE 18, UNIFIED DEVELOPMENT CODE, AND 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 of Stanwood has established zoning regulations to guide land use and development in a manner that promotes public health, safety, and welfare;

WHEREAS, existing lots, structures, and uses that were lawful when established may not fully conform to current zoning standards, yet continue to serve important community, residential, and economic functions;

WHEREAS, the current nonconforming standards contain language that has led to ambiguity and inconsistency in interpretation and application, creating uncertainty for property owners, staff, and decision-makers;

WHEREAS, clarifying the regulations for nonconforming lots, structures, and uses will ensure consistent application of the code, improve transparency, and provide fairness in land use administration;

WHEREAS, it is the City's intent to balance the continuation of legally established nonconformities with the long-term goal of bringing properties into compliance with current zoning laws when feasible;

WHEREAS, amendments to the nonconforming standards are necessary to:

- clearly establish when existing nonconforming lots may be developed;
- define the conditions under which nonconforming structures may be repaired, maintained, or expanded;
- allow the continuation of legally established nonconforming uses while setting thresholds for discontinuance, abandonment, or intensification; and

WHEREAS, these amendments provide a fair and reasonable path for property owners to utilize and maintain their properties while supporting the City's vision for orderly growth and compatible land use;

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on October 14, 2025, and the comment / appeal period ended on October 29, 2025; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on September 30, 2025. The 60-day review period was completed on November 29, 2025; and

WHEREAS, the code amendment was circulated for public review on October 14, 2025 through October 29, 2025; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their November 6, 2025, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission held a public hearing on ordinance on November 17, 2025, and forwarded their findings of fact and conclusions recommending to approve the ordinance to the City Council; and

WHEREAS, all persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so before both the Planning Commission and City Council; and

WHEREAS, the City Council held a public hearing and first reading of the draft code amendment on December 11, 2025, a second reading on _____, and accepted public comment; and

WHEREAS, the City Council of Stanwood has authority under RCW 36.70A to adopt plans and regulations related to development and operations within the City of Stanwood; and

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

Section 1. Stanwood Municipal Code Chapter 18.506 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 sections 17.25.060, 17.25.170, 17.25.180, 17.25.190, 17.25.200, 17.25.210, and 17.25.220 are repealed.

Section 3. Findings of Fact and Conclusions. The Stanwood City Council adopts the Findings of Fact and Conclusions as recommended by the Planning Commission and attached hereto as Exhibit B and incorporated herein by reference.

Section 4. Citation Corrections. The Codifiers of this ordinance are here by instructed to make any and all appropriate code citation references, cross-references, and formatting adjustments necessary to ensure consistency with the amendments and revisions adopted by this ordinance.

Section 5. 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 6. 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 7. 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 Code

DIVISION 5, ZONING AND USES

Chapter 18.506 Nonconforming Uses, Structures, Lots

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i This chapter is based on existing SMC 17.25.060, 17.25.170, 17.25.180, 17.25.190, 17.25.200, 17.25.210, and 17.25.220, while borrowing structure and content from Mukilteo Municipal Code Chapter 17.68 and from Skagit County Code chapter 14.07.

18.506.010 Purpose.

The purpose of this chapter is to set the terms by which land uses, structures, and lots that do not meet current City standards will be allowed to continue and ultimately be brought into compliance with current City standards.

18.506.020 General Rules.

- (1) A lot, structure, or use that does not conform to the provisions of this title, but was legally established under the provisions in effect at the time of its establishment, is considered legally nonconforming and is allowed to continue as provided by this chapter.
- (2) A lot, structure, or use that was not in conformance with the provisions of this title at the time it was established or permitted is illegal and must be brought into conformance with the provisions of this title.

- (3) Change of ownership, tenancy, or management of an existing nonconforming use, structure, or lot does not affect its rights under this chapter.

18.506.030 Abandonment.

i Rewritten to address case law which requires agencies to consider abandonment of nonconforming uses with both passage of time and intent to abandon by the property owner.

- (1) Notwithstanding other allowances in this chapter, a nonconforming use or building that is idle, unoccupied, or vacant for 12 consecutive months or more is presumed discontinued, abandoned, and terminated, and loses its nonconforming rights.
- (2) The presumption of abandonment may be rebutted by evidence clearly demonstrating no intent to abandon, such as:
 - (a) Active maintenance of required business licenses or permits;
 - (b) Continuation of utility services;
 - (c) Substantial investment in repairs or upgrades consistent with the prior use;
 - (d) Evidence of continuous efforts to lease, sell, or market the property for the nonconforming use.
- (3) If the presumption cannot be rebutted under subsection (2), the property owner may apply for a variance to continue the nonconforming use, subject to findings that:
 - (a) The discontinuance resulted from circumstances beyond the owner's control (e.g., natural disaster, regulatory delay, catastrophic damage, litigation);
 - (b) The request is consistent with the comprehensive plan and will not be detrimental to public health, safety, or welfare; and
 - (c) Reasonable conditions can be imposed to mitigate any adverse impacts of the continuation.

i New section added to clarify the triggers for when a property needs to be brought into compliance with the Municipal Code standards.

18.506.040 Conversion of Nonconforming to Conforming Lots, Structures or Uses.

Except as provided by this Chapter, a nonconforming lot, structure or use shall be brought into full or partial compliance with the Municipal Code upon the occurrence of any of the following events:

- (1) Change of Use or Occupancy. When the use or occupancy of a structure or site is changed to a different use classification.
- (2) Expansion or Intensification. When a nonconforming use or structure is expanded, enlarged, or intensified, including but not limited to increases in floor area, occupancy, outdoor area, or parking.
- (3) Permit or Development Application. When any building, grading, or land use permit is requested for expansion, redevelopment, or substantial improvement of a property. Compliance may be required as a condition of permit approval.
- (4) Public Health and Safety Violations. When a nonconforming condition presents a hazard to public health, safety, or welfare, the City may require immediate correction to bring the property into compliance with applicable standards.

18.506.050 Nonconforming Lots.

- (1) A lot that was legally established per the rules in place at the time it was established, but that does not meet the current city standards, is considered a nonconforming lot of record and is legally buildable except as provided below.

i Subsection 2 below is a modified version of SMC 17.25.060, Substandard Lots, and 17.25.170(2), Nonconforming Situations, which allows development on legal nonconforming lots.

- (2) A legal lot of record that does not meet current minimum lot size or dimensional standards may be developed per the underlying zoning requirements, provided all other applicable requirements of the Stanwood Municipal Code are met, including but not limited to permitting uses, building density, setbacks, height limits, lot coverage, critical area protections, and utility standards.
- (3) To be legally buildable, a **vacant** lot must connect to **public water and sewer**. **If connection is not feasible, it must** be in compliance with the rules and regulations of the county health ~~district~~ **department**. Where there is a conflict between the provisions of this section and those rules of the county health ~~district~~ **department**, the more restrictive rules apply.

18.506.060 Lot Merger for Nonconforming Lots of Record

i ~~This section creates a standalone section for nonconforming lot merger requirements.~~

- ~~(1) Where two or more adjacent nonconforming lots of record are under common ownership, they must be consolidated into one lot.~~
- ~~(2) Consolidation through a lot line adjustment is required prior to issuance of a project permit when:
 - ~~(a) A nonconforming and conforming lot are adjacent, under common ownership and will result in legal lots in conformance with area, building setbacks and critical area regulations.~~
 - ~~(b) One lot of adjacent lots under common ownership is buildable only with a critical areas regulation reasonable use exception and will result in legal and conforming lots that do not require a reasonable use exception to be developed or redeveloped.~~~~
- ~~(3) An owner may seek relief from the merger requirement through a variance application, subject to the decision criteria in SMC Chapter 18.330.~~

i Deleted 17.25.108(6) from nonconforming structures section as it required ongoing monitoring post-permit approval and the authorization to require additional parking after the permit was issued which is not allowed by law.

18.506.070 Nonconforming Structures.

- (1) Alteration and Enlargement. A nonconforming structure may be altered, renovated, or added to if the alterations, renovations, or additions meet all requirements of the zone in which they are located ~~and do not increase or intensify the nonconformity.~~
- (2) Repair. Repairs necessary and incidental to meeting requirements regarding building safety, including but not limited to the International Building Code, International Residential Code, or International Fire Code, may be performed on a building or structure even if such repairs do not meet the requirements of the zone in which the building is located.
- (3) Relocation. A nonconforming structure that is moved to another location must conform to all the rules and regulations pertaining to the location to which it is moved.

- (4) Physical alteration of a nonconforming structure or the placement of new structures on land is unlawful if such activity results in:
- (a) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other requirements such as parking requirements.
- (5) **Replacement.** Any structure used for single-family detached residential purposes and maintained as a nonconforming use may be ~~enlarged or~~ replaced with a similar structure of a larger size, so long as the enlargement or replacement ~~does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements~~ **meets all other requirements of the municipal code.**

18.506.080 Nonconforming Uses.

- (1) Expansion or Intensification of Nonconforming Use. Expansion of an existing nonconforming use or intensification of an existing nonconforming use within the confines of an existing structure or lot is allowed subject to the following conditions:
- (a) A nonconforming use may not be enlarged, increased, or extended to occupy a greater area of building or land than was occupied at the effective date of adoption or amendment of that portion of this code which rendered the use nonconforming, unless a variance has been approved by the city.
 - (b) A nonconforming use may not be moved, in whole or in part, to any portion of the building or lot other than that occupied by such use at the effective date of adoption or amendment of that portion of this code which rendered the use nonconforming, unless a variance has been approved by the city.

i Next two subsections based on existing SMC 17.25.200.

- (2) Change of use to a use that is allowed under current code is allowed when all other requirements of the code are complied with, or when the Director finds that full compliance cannot be reasonably achieved without adding additional land to the lot where the nonconforming use is maintained or moving a substantial structure on a permanent foundation. Permission to change the use must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this code is achieved, the property may not revert to its nonconforming status.
- (3) Change of use to another use that is also nonconforming is allowed if the Director finds, in addition to other findings that may be required by this code, that:
- (a) the use requested is one that is permissible in some other zone;
 - (b) the proposed use will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the current nonconforming use.
- (4) Continuance of Conditional Uses. A use that was properly permitted through a conditional use permit and could still be permitted under this title is considered a conforming permitted use.
- (5) ~~A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this code, was manifestly designed or arranged to accommodate such use.~~ **However,** A nonconforming use may not be extended to additional buildings or to land outside the original building.
- (6) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

18.506.090 Normal Maintenance and Repair

- (1) Routine maintenance, minor repair, or replacement of materials on any nonconforming structure or site is permitted, provided such work does not:
 - (a) Expand, enlarge, or intensify the nonconformity; or
 - (b) Alter the use of the property
- (2) For the purposes of this section, normal maintenance and repair includes activities such as:
 - (a) Repainting, reroofing, residing, window replacement, or similar cosmetic improvements;
 - (b) Replacement of existing mechanical, plumbing, or electrical systems;
 - (c) Structural repairs necessary to maintain the safety or integrity of the building, provided the configuration or footprint is not expanded.
- (3) Work that increases the degree of nonconformity or changes the structure's footprint, height, or use classification shall not be considered normal maintenance and repair.

18.506.100 Reconstruction Due to Natural Disasters

- (1) Right to Rebuild. A nonconforming structure or use that is damaged or destroyed by accidental causes may be reconstructed or reestablished, subject to the provisions of this section.
- (2) Definition of Accidental Causes. For purposes of this section, "accidental causes" include natural events such as earthquakes, floods, storms, landslides, and mudslides, and other events such as fire, explosion, or similar occurrences beyond the control of the owner.
- (3) Reconstruction Standards.
 - (a) Footprint. The structure may be rebuilt on the same building footprint, provided no additional nonconformity is created. Minor adjustments to the footprint may be allowed to comply with current building, fire, or life-safety codes.
 - (b) Height. The reconstructed structure may not exceed the maximum building height allowed in the zoning district.
 - (c) Use. The reconstructed structure may be reoccupied by the same use, whether conforming or legally nonconforming, as existed prior to the damage. A change of use must comply with the requirements of this title.
 - (d) Compliance with Codes. All reconstruction must meet current building, fire, critical area, and shoreline requirements, except where specific nonconforming rights are preserved under this chapter.
- (4) Time Limit for Reconstruction. A complete building permit application for reconstruction shall be submitted within 12 months of the damaging event. The Planning Director may grant one extension of up to 12 additional months for good cause. Failure to apply within this time will result in loss of nonconforming rights.

- (5) Documentation of Prior Conditions. The applicant must provide sufficient evidence of the structure’s lawful nonconforming status and its size, location, and use prior to damage, including but not limited to permit records, photographs, assessor’s data, or other reliable documentation.
- (6) Variance Relief. Where full reconstruction in compliance with this section is not feasible due to site conditions or regulatory constraints, the property owner may apply for a variance pursuant to Chapter 18.330 SMC.

i New section for variances related to nonconforming lots, structures and uses. Moved SMC 17.25.170(3) to this section and rewrote to apply generically to nonconforming situations; not just lots.

18.506.110 Variance Criteria for Nonconforming Lots, Structures, and Uses.

- (1) When the provisions of this chapter cannot reasonably be complied with, a minor variance from the standards governing nonconforming uses, structures, or lots may be granted if all of the following criteria are met:
 - (a) Unnecessary Hardship. Strict application of the nonconforming provisions would deprive the property of all reasonable use permitted in the zone.
 - (b) Minimum Relief. The variance is the minimum necessary to allow reasonable use of the property.
 - (c) No Special Privilege. The variance does not grant a use or development right not enjoyed by other properties in the same zone and vicinity.
 - (d) Consistency with Plan. The variance is consistent with the comprehensive plan, intent of the zoning district, and the long-term goal of reducing or eliminating nonconformities.
 - (e) No Adverse Impact. The variance will not be materially detrimental to the public health, safety, or welfare, nor injurious to the use or enjoyment of other properties.
 - (f) Circumstances Beyond Owner’s Control. The hardship results from conditions unique to the property, not from actions of the applicant or owner.
 - (g) Compliance with Law. The variance is consistent with state law, including the Shoreline Management Act (if applicable), and does not authorize any use prohibited outright in the zone.
- (2) Financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (3) Applications for a minor variance under this section shall be filed and processed in accordance with the procedures set forth in SMC Chapter 18.220, Applications and SMC Chapter 18.230, Review Process.

i SMC 17.25.220, Completion of nonconforming projects, was deleted in its entirety as vesting laws apply.

EXHIBIT B

CITY OF STANWOOD
Planning Commission Findings of Fact and Recommendation



10220-270TH Street NW
Stanwood, WA 98292

City of Stanwood, Washington

Nonconforming Zoning Standards Code Amendment

Findings of Fact and Conclusions of Law

A. GENERAL INFORMATION

File Number(s): 25-0095 (Code Amendment)

Project Summary: Stanwood Unified Development Code: Nonconforming Zoning Standards

Applicant: City of Stanwood

Location: Applies Throughout the City of Stanwood Jurisdictional Limits

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 2022, the City launched the Municipal Code Update project to modernize the code with best practices for both content and administration. As part of this effort, a new Unified Development Code is being developed which includes amendments to the City's nonconforming zoning regulations.

Across Stanwood, many lots, structures, and uses were lawfully built or established before current zoning standards were adopted. As laws and regulations evolve, these older properties are allowed to continue operating under special conditions and are referred to as "legally nonconforming." More commonly, people may recognize this concept by its familiar term: "grandfathering."

Over time, ambiguities in the City's nonconforming zoning regulations have created challenges. Inconsistent interpretations have caused uncertainty for property owners and staff. To address these issues, the proposed amendments are intended to bring greater clarity, improve transparency, and ensure fairness in land use administration. The goal is to

balance the continuation of legally established nonconformities with the City's long-term vision of bringing properties into compliance with current zoning standards whenever feasible.

C. CODE AMENDMENT SUMMARY

The proposed amendments reaffirm that lots, structures, or uses that were legally established under past regulations are considered legal nonconformities. These may continue, subject to the following provisions and rules:

Abandonment: Establishes a 12-month period as the standard for presumed abandonment of a nonconforming use or building. Property owners have the opportunity to demonstrate that they did not intend to abandon the property.

Conversion of Nonconforming Lots: Structures or Uses: Define when and what triggers the requirements to bring the property into full compliance with the current city code.

Nonconforming Lots: This section provides clear guidance on when and how nonconforming lots may be developed.

Lot Merger for Nonconforming Lots of Record: When two or more adjacent nonconforming lots of record are under common ownership, the amendments require that they be combined into one legal conforming lot.

Nonconforming Structures: The amendments define the conditions under which nonconforming structures may be repaired, maintained, or expanded.

Nonconforming Uses: Legally established nonconforming uses may continue until they are abandoned or expanded or intensified.

Reconstruction Due to Natural Disasters: If a nonconforming building or use is damaged or destroyed by an event beyond the owner's control, such as an earthquake, flood, storm, landslide, mudslide, fire, or explosion, the amendments allow for reconstruction.

Normal Maintenance and Repair: defines what is considered normal maintenance, allowing the nonconformity to continue.

Variance Criteria: New provision that provides an option for property owners to apply for a variance from the nonconforming standards if necessary.

D. CODE AMENDMENT CRITERIA (SMC 17.155.090(2))

The city may approve zoning code text amendments per the following criteria:

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

The SMC establishes regulations that promote the public health, safety, and welfare of the community, guide orderly growth, and ensure fair and predictable land use decisions. The amendments to the nonconforming code are consistent with this intent and the provisions of the Stanwood Municipal Code in the following ways:

1. **Clarifies Definitions and Procedures:** The proposed amendments provide clear procedures and standards for identifying, maintaining, and modifying nonconforming uses, structures, and lots. These clarifications ensure consistent interpretation and application of the code by staff, property owners, and developers, thereby upholding the SMC's goal of transparent and equitable administration.
2. **Promotes Gradual Compliance with Current Zoning Standards:** The revisions are designed to encourage the eventual transition of nonconforming uses and structures into conformance with current zoning requirements. This approach aligns with the SMC's purpose of promoting orderly development patterns and advancing the City's Comprehensive Plan goals of protecting property rights and managing planned growth.
3. **Improves Administrative Efficiency and Transparency:** The amendments eliminate ambiguity and simplify administrative processes. These changes enhance the usability of the code for both staff and the public, promoting efficient permitting and enforcement consistent with the purpose and intent of the SMC.

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

The proposed updates to the nonconforming code maintain a positive relationship to the public health, safety, and welfare of the Stanwood community by ensuring that nonconforming uses, structures, and lots are managed in a manner that protects property rights while supporting the City's long-term planning and development goals.

The updated code establishes clear standards for the repair, alteration, and replacement of nonconforming structures, requiring that all improvements comply with current building, fire, and safety codes. These provisions prevent unsafe conditions and promote sound construction practices that safeguard life, property, and community well-being.

By clearly defining and regulating the continuation, expansion, and replacement of nonconforming uses, the amendments establish consistent expectations and standards for how such uses may continue and transition toward compliance with permitted use standards established in the zoning code. This clarity promotes fairness, transparency, and predictability for property owners and staff alike.

Finally, the amendments confirm that legally established nonconforming lots of record remain developable, provided that new development complies with current regulations, including requirements for connection to public water and sewer systems and adherence to all applicable building and fire codes. These standards ensure that any redevelopment on nonconforming lots meets modern health and safety requirements.

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

Stanwood’s 2024–2044 Comprehensive Plan envisions a vibrant and resilient community that provides high-quality urban services while preserving its small-town heritage, rural character, and distinctive natural environment. The Plan calls for a balanced community with diverse commercial districts and a range of housing types, from traditional single-family neighborhoods to mixed-use and higher-density developments, that support economic vitality, livability, and a strong sense of place.

Implementation of the Comprehensive Plan is a long-term process. Not all properties will immediately conform to the Plan’s future land use designations or zoning standards. Accordingly, City regulations must recognize that past approvals and established conditions result in ongoing land use rights that deserve protection. At the same time, the code must provide a fair and predictable pathway for gradually transitioning nonconforming uses, structures, and lots toward consistency with current regulations. The Comprehensive Plan recognizes this balance by protecting existing property rights while guiding the City’s growth towards its long-term vision.

The proposed amendments to the nonconforming code are consistent with, and help implement, the following Comprehensive Plan goals and policies:

Comprehensive Plan Goals and Policies

Goal / Policy Number	Policy
Land Use Policy 1.1:	<i>All amendments to the City’s Comprehensive Plan and development regulations shall ensure early and continuous public participation pursuant to RCW 36.70A/140</i>
Land Use Policy 1.3:	<i>City shall process application for state and local permits in a timely, transparent, and fair manner to ensure predictability.</i>
Land Use Policy 7.3:	<i>Promote restoration of historic buildings and encourage compatibility of new development with historic structures.</i>
Economic Development	<i>Ensure equitable and efficient licensing and permitting procedures.</i>

Goal 2:	
Economic Development Policy 2.1:	Ensure that City licensing and permitting procedures and development regulation are coherent, fair, equitable and expeditious.

E. FINDINGS OF FACT

1. The City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice.
2. 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.
3. The City of Stanwood has established zoning regulations to guide land use and development in a manner that promotes public health, safety, and welfare.
4. Existing lots, structures, and uses that were lawful when established may not fully conform to current zoning standards, yet continue to serve important community, residential, and economic functions.
5. The current nonconforming standards contain language that has led to ambiguity and inconsistency in interpretation and application, creating uncertainty for property owners, staff, and decision-makers.
6. Clarifying the regulations for nonconforming lots, structures, and uses will ensure consistent application of the code, improve transparency, and provide fairness in land use administration.
7. It is the City's intent to balance the continuation of legally established nonconformities with the long-term goal of bringing properties into compliance with current zoning laws when feasible.
8. Amendments to the nonconforming standards are necessary to:
 - o clearly establish when existing nonconforming lots may be developed;
 - o define the conditions under which nonconforming structures may be repaired, maintained, or expanded;
 - o allow the continuation of legally established nonconforming uses while setting thresholds for discontinuance, abandonment, or intensification; and
9. These amendments provide a fair and reasonable path for property owners to utilize and maintain their properties while supporting the City's vision for orderly growth and compatible land use.

10. The regulations include variance provisions which allow property owners to seek relief in cases of exceptional or unique hardship beyond their control, ensuring fairness and flexibility in the application of the nonconforming zoning standards.
11. A SEPA determination of non-significance for the draft ordinance was issued on October 14, 2025, and the comment / appeal period ended on October 29, 2025.
12. Pursuant to RCW 36.70A.106, the City submitted the proposed code amendment for the 60-day review to the Washington State Department of Commerce on September 30, 2025. The 60-day review period was completed on November 29, 2025.
13. The code amendment was circulated for public review on October 14, 2025, through October 29, 2025.
14. The Stanwood Community Development Committee reviewed the draft ordinance at their November 6, 2025, meeting and has recommended that the City Council adopt the ordinance.
15. The Stanwood Planning Commission held a public hearing on ordinance on November 17, 2025, and forwarded their findings of fact and conclusions recommending to Stanwood City Council.
16. All persons desiring to either provide written testimony or speak for or against the ordinance were given the opportunity to do so.
17. 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 November 17, 2025, for their consideration.

F. 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. Stanwood Municipal Code requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to the Zoning and Unified Development Codes.
3. On November 4, 2025, the Planning Commission public hearing notice was printed in the Stanwood Camano News and notices were sent to the party of record list and agency distribution list as required by law.
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 proposed nonconforming code updates are consistent with the Stanwood Municipal Code in both purpose and effect. They maintain the City’s commitment to fair, clear, and consistent land use regulations.
6. The proposed nonconforming code is consistent with the Stanwood 2024 – 2044 Comprehensive Plan by balancing the continuation of legally established nonconforming situations with the City’s long-term goal of achieving compliance with current zoning standards where feasible.
7. The proposal is beneficial to the public health, safety and welfare by ensuring maintenance, repair, or expansion of nonconforming buildings meet all building and fire safety codes.
8. After considering staff comments and public testimony, the Stanwood Planning Commission determined the draft code amendments are consistent with the Comprehensive Plan and should be adopted.

G. STAFF RECOMMENDATION

The Planning Commission hereby **ADOPTS** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to the Stanwood Municipal Code.

Dated this _____ day of _____ 2025.

Patrick Hosterman, Planning Commission Chair
City of Stanwood



City of Stanwood Planning Commission Staff Report

Item Number: 5.c.
Date: November 17, 2025
Subject: Permitted Use Matrix Discussion
Contact Person: Patricia Love, Community Development Director
Attachments:
1. Policy Analysis v1
2. Permitted Use Table Change Explainers Summay 102825
3. PU Matrix Only v2
4. Definitions - for Div 5 and 6 draft 2025.10.24 Outbound v1

BACKGROUND:

The City of Stanwood is continuing its comprehensive update of the Municipal Code, with the next phase focused on revising the Permitted Use Matrix and the accompanying Use Standards. The Permitted Use Matrix defines the land uses permitted within each zoning district, while the Use Standards establish criteria to ensure that certain uses are designed and operated in a way that minimizes potential conflicts with neighboring properties. The current Permitted Use Matrix and Use Standards were last updated in 2020, nearly five years ago. Since that time, significant changes have occurred, including the impacts of the COVID-19 pandemic, which altered how people work, live, and use space. Additionally, the City has updated its Comprehensive Plan, creating the need to reassess allowed uses for consistency with the community's long-term vision and recent state law changes.

The update will involve:

- Reviewing all permitted uses across zones to ensure consistency with the City's Comprehensive Plan and community vision.
- Revising or consolidating use categories where appropriate for clarity and efficiency.
- Developing or refining specific use standards to mitigate potential impacts (e.g., noise, traffic, light, or compatibility issues).

DISCUSSION:

The next phase of the City's Municipal Code Update focuses on revising and modernizing the Permitted Use Matrix. This update represents an essential step in updating the City's Unified Development Code with current state laws, industry standards, and Comprehensive Plan policies, while improving the code's usability and clarity for staff, developers, and the public. The forthcoming ordinance will consist of three primary components:

1. Definitions related to the Permitted Use Matrix.
2. The Permitted Use Matrix itself.
3. The use-specific development standards associated with particular land uses.

Proposed Matrix Design and Structure:

The October 13 Planning Commission meeting introduced the overall approach for updating both the Permitted Use Matrix and the corresponding development standards. Commissioners provided thoughtful feedback regarding the proposed approach, emphasizing the following priorities:

- Support greater consolidation of the matrix; review and refine grouping categories as needed to improve clarity and efficiency.
- Reexamine the treatment of prohibited uses—particularly manufactured home parks versus mobile home parks—identify state laws and current building industry standards.
- Evaluate location requirements, development standards, and appropriate zoning for Places of Worship.
- Clarify appropriate zoning for rehabilitation facilities and distinguish how these uses differ from homeless or transitional housing facilities.
- Consider whether residential uses should have occupancy limits for unrelated individuals within a household; verify if such limits are legally permissible. Commissioners expressed concern about parking impacts but support multigenerational households.
- Review the matrix for consistency and potential conflicts with state law.
- Consider reducing the number of definitions to more closely reflect the permitted use matrix.
- Summarize legal requirements for assisted living facilities, including building and ADA compliance standards; update as needed.
- Identify non-discretionary uses required by state law versus those the City can regulate at its discretion.
- Prepare a policy analysis linking the Permitted Use Matrix to the Comprehensive Plan.

For the November 17 Planning Commission meeting, the Commission will focus on reviewing only the draft Permitted Use Matrix. It has been organized differently from the City's current code, which separates permitted uses by zoning category (Residential, Commercial, Industrial, and Public Facilities). The new structure integrates all zoning districts into a single, comprehensive table. This consolidated approach allows users to quickly identify where specific uses are permitted across all zones, an increasingly important feature given new state laws requiring certain uses (e.g., residential uses in commercial zones, or emergency housing in residential and commercial zones). Additionally, the City's updated online code platform provides "hover" features linking directly to related code sections, making the new structure more accessible and user-friendly.

When reviewing the initial draft of the Permitted Use Matrix, bolded uses indicate new or restructured use categories. Many of these represent consolidated or redefined groupings from the existing code. Proposed changes to the matrix are categorized as follows:

1. ***General Approach***: Reconfiguration and restructuring of the matrix for ease of use by staff and the public.
2. ***Minor Changes***: Deletion, modification, or consolidation of similar uses to simplify and clarify the matrix.
3. ***Major Changes***: Introduction of new use definitions and substantial changes to permissions by zoning district.

Comprehensive Plan Consistency:

When evaluating which uses should be allowed, conditionally permitted, or prohibited in each zoning district, the Commission should reference Comprehensive Plan goals and policies that guide land use, housing, and economic development. See the attached Policy Analysis document. Additionally, the recently adopted Missing Middle Housing Ordinance has already updated housing-related use categories. These changes are reflected in the draft matrix for consistency and should not be revisited at this stage. Incorporating them now ensures a seamless integration of all related code updates during the overall Municipal Code revision process. A first draft of the use definitions is also attached for review. Commissioners are encouraged to refer to these definitions for clarification regarding any specific use.

COMMUNITY CORE VALUES



Sense of Community

Retain the City's strong sense of community by fostering a family friendly culture that protects the area's natural beauty, celebrates its rural roots, promotes local businesses, encourages community events, and provides spaces for people to work and play.



Livability

Continue to make Stanwood a desirable place to live by investing in the historic downtown, new uptown commercial areas, and residential neighborhoods to create an aesthetically pleasing community.



Mobility

Stanwood should provide for all forms of multi-modal transportation, including trails, sidewalks, bike lanes, transit, and private vehicles.



Growth

Apply adaptive in-fill growth management strategies to meet population, employment, and housing targets by providing a range of housing types and business opportunities that foster a healthy community while preserving adjacent rural lands.



Economic Development

Focus on retaining the City's role as the urban focal point of the Greater Stanwood area by pursuing new endeavors that support the downtown and leverage Stanwood's location surrounded by world class agricultural land.



Environment

Protect the environment while promoting access and tourism to local natural features.



Parks

Develop a parks system that provides public spaces for all age ranges, bringing people together to create a more vibrant, healthy and equitable community.



2044 VISION STATEMENT

Promote historic downtown Stanwood as the commercial and cultural heart of the Greater Stanwood/Camano region while strategically planning for future growth and economic development opportunities of the entire City.

The Mission of the City of Stanwood is to create and maintain a community where people can live, work, and play in an environment that is safe, vibrant, and aesthetically pleasing. Stanwood is inclusive of everyone, includes the community in its decision-making process, ensures a thriving local economy, provides transparent government, and is responsive to the needs of the community.

Next Steps:

The November 17 meeting will mark the beginning of detailed review and discussion of permitted and prohibited uses by zone. Based on feedback from this meeting, staff will prepare and present the updated matrix and use-specific development standards in January 2026. The City anticipates initiating the public hearing process in March 2026, leading toward adoption of a modernized and user-friendly code that reflects both community values and statutory requirements.

PROPOSED MOTION:

None; Discussion Topic

Stanwood Municipal Code Update Project Permitted Use Matrix Comprehensive Plan Policy Analysis

Community Core Values


Ensuring that the Permitted Use Matrix reflects the Comprehensive Plan’s core values is essential to maintaining consistency between Stanwood’s long-term vision and its day-to-day development decisions.

- The Comprehensive Plan defines the community’s priorities for land use, housing, economic growth, environmental stewardship, and overall quality of life.
- Zoning regulations implement the vision of the Comprehensive Plan.

Consistency between the Comprehensive Plan and the associated zoning regulations ensures predictable and equitable development, encourages balanced growth across all districts, and reinforces Stanwood’s distinctive community character.

COMMUNITY CORE VALUES

 Sense of Community <p>Retain the City’s strong sense of community by fostering a family friendly culture that protects the area’s natural beauty, celebrates its rural roots, promotes local businesses, encourages community events, and provides spaces for people to work and play.</p>	 Livability <p>Continue to make Stanwood a desirable place to live by investing in the historic downtown, new uptown commercial areas, and residential neighborhoods to create an aesthetically pleasing community.</p>	 Mobility <p>Stanwood should provide for all forms of multi-modal transportation, including trails, sidewalks, bike lanes, transit, and private vehicles.</p>	 Growth <p>Apply adaptive in-fill growth management strategies to meet population, employment, and housing targets by providing a range of housing types and business opportunities that foster a healthy community while preserving adjacent rural lands.</p>
 Economic Development <p>Focus on retaining the City’s role as the urban focal point of the Greater Stanwood area by pursuing new endeavors that support the downtown and leverage Stanwood’s location surrounded by world class agricultural land.</p>	 Environment <p>Protect the environment while promoting access and tourism to local natural features.</p>	 Parks <p>Develop a parks system that provides public spaces for all age ranges, bringing people together to create a more vibrant, healthy and equitable community.</p>	



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Guiding Themes

The permitted use matrix update should reinforce Comprehensive Plan goals by promoting consistency, flexibility, and economic diversity while supporting sustainable, equitable, and place-based growth. These guiding themes will assist staff and the Planning Commission in aligning zoning regulations with Stanwood’s long-term vision for a vibrant, livable community.

The following key themes should be used to guide the Permitted Use Matrix Code Amendment discussion.

- Consistency with the Comprehensive Plan
- Encourage Walkable Mixed-Use Developments
- Broaden Commercial, Professional and Industrial Uses that Support Job Creation and Livable Wage Jobs
- Promote Uses that Reinforce Downtown and Uptown Identity
 - Downtown: small-scale retail, dining, and walkable mixed-use.
 - Uptown: larger commercial, auto-oriented uses, and employment centers.
- Encourage New Businesses or Industries that Promote Sustainability and Environmental Stewardship
- Ensure Equitability in Siting of Essential Public Facilities
- Maintain A Balanced Commercial Mix That Meets Daily Needs And Supports Regional Demand.
- Re-evaluate conditional uses that may now be appropriate as permitted uses under updated goals.

Key Themes Already Added with Missing Middle Housing Ordinance:

- Accommodate Housing Diversity and Affordability (Completed with Missing Middle Housing Ordinances)
- Modernize Code with Current Work Types (e.g., “Mixed-Use,” “Live-Work,” “Supportive Housing”).

Supporting Policies

Land Use

General City Character

Goal 5:	<i>Re-vitalize and reinforce the character of Stanwood as new development, redevelopment, and infill occurs.</i>
Policy 5.3:	Recognize Stanwood as the urban focal point of a rural, agricultural community and support residential use at urban densities.
Policy 5.5:	The City shall maintain the Comprehensive Plan Future Land Use Map (FLUM). The City’s Zoning Map, municipal code, and development standards shall align with the FLUM.
Policy 5.6:	Zoning designations and land uses shall be guided by the assigned Future Land Use designations.

Downtown Stanwood

Goal 8:	<i>Develop Downtown Stanwood, defined as the area incorporating East-End, the 271st Corridor, and West-End, and recognize that the Downtown District serves the City and tri-county region as consistent with the Downtown Master Plan.</i>
Policy 8.1:	Allow a mix of residential, office, retail, entertainment, and service uses to operate and serve incorporated Stanwood, unincorporated Snohomish County, Skagit County, and Island County.
Policy 8.2:	Support residential, commercial, and mixed use re-development of the Downtown and recognize the area as transit and pedestrian focused.
Policy 8.3:	Encourage a compact Downtown to facilitate easy pedestrian and bicycle access between shops, buildings, and surrounding neighborhoods.
Policy 8.4:	Foster an atmosphere in the Downtown in which customers are encouraged to park their cars and walk to multiple shops and services.
Policy 8.8:	Encourage use of downtown development incentives and flexible standards to promote business and infill development to achieve a balanced shopping, dining, cultural, and entertainment experience in Downtown.
Policy 8.9:	Allow flexibility in mixed use developments with residential units built into a convenient, transit-oriented, and walkable downtown where there is not convenient access to commercial storefronts.

Policy 8.14:	Encourage small scale, specialty, and local retail along the front of 271st Ave. Encourage residential uses between 271st Ave (behind storefronts) and larger-scale retail and service uses along SR 532.
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Uptown Stanwood

Goal 9:	<i>Maintain and encourage further infill development of commercial and mixed-use structures in the Uptown District to support new jobs, retailer provided essential goods and services, and a variety of housing opportunities.</i>
Policy 9.1:	Support residential, commercial, and mixed use re-development and infill of the Uptown District and allow shared parking and off-site parking when appropriate. Commercial developments should include pedestrian connectivity through drive aisles and parking lots in the uptown District.
Policy 9.2:	Plan for auto-oriented site development within the Uptown District with a combination of private and public street systems and large parcels with shared access through private drive aisles in parking lots.
Policy 9.3:	Allow a variety of retail, service, office, and other commercial uses as well as incentivizing mixed use, middle house, subsidized and affordable housing, senior housing and assisted living residential uses in the Uptown District.

Essential Public Facilities:

Goal 11:	<i>Provide for the siting of essential public facilities, as dictated by the Growth Management Act (GMA).</i>
Policy 11.2:	The City should strive to locate essential public facilities and hazardous industries outside of the floodplain as required by FEMA.
Policy 11.4:	The City shall not prevent the sitting of an essential public facility but should mitigate the impacts of development.
Policy 11.5:	Sitting of an essential public facility should not be located in areas that have experienced disproportional impacts to marginalized communities.

Goods and Services:

Goal 14:	<i>Maintain commercial districts with a sufficient range of uses that provide a variety of essential goods and services to residents while preserving and supporting development of local businesses.</i>
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Policy 14.2:	Stanwood should support a variety of commercial and service uses that serve the residents of the larger, rural community and allows residents to meet their basic daily needs within the City.
Policy 14.4:	Balance the need for “big box” and local businesses by prioritizing placement of “big box” stores in auto oriented and commercialized areas of the City, particularly Uptown, and enhancing opportunities for local businesses Downtown.
Policy 14.5:	Support development of major retailer stores providing key goods and services, such as clothing and furniture, to Stanwood and the surrounding unincorporated areas reducing the City’s economic spillage into other urbanized areas.

Compatibility:

Goal 16:	<i>Encourage compatibility between industrial uses and nearby non-industrial development where industrial land abuts other land uses.</i>
Policy 16.1:	Discourage industrial development that would negatively impact residential and commercial land uses, shorelines, and environmentally sensitive areas.
Policy 16.3:	A mix of appropriate industrial uses with the inclusion of retail, offices, eating and dining, public spaces, and recreation opportunities in business park-type developments are encouraged.

Livable Wages

Goal 17:	<i>Support existing local businesses while promoting development of new planned industrial, office, and complimentary uses since both local and large scale businesses provide livable wage jobs.</i>
Policy 17.3:	Conduct an assessment of permitted industrial uses to ensure there is consistent review of other potential uses that encourage a diverse range of living wage jobs. The assessment should occur alongside the 10-year periodic Comprehensive Plan update.
Policy 17.4:	Support businesses oriented in emerging services, technologies, and industries, such as green businesses, through the Unclassified Use Permit Process.

Supporting Policies

Housing

Missing Middle Housing

Goal 2:	<i>Update the Stanwood Municipal Code to allow for the development of a range of housing types to ensure a diverse variety of living accommodations for those desiring to live in Stanwood.</i>
Policy 2.2:	<i>Encourage the development of a full range of housing types, sizes, and densities to meet the different needs of Stanwood homeowners and renters at all income levels.</i>
Policy 2.3:	<i>Allow for vertical and horizontal mixed-use housing units in addition to live-work housing units where appropriate.</i>
Policy 2.4:	<i>Encourage moderate-density development such as townhouses, duplexes, triplexes, fourplexes, permanent supportive housing, apartments, condominiums, or other housing types to bridge the gap between higher-density residential areas to single-family residential areas to promote affordable housing ownership and rental opportunities.</i>
Policy 2.6:	<i>Encourage and support the development of a variety of housing types that effectively uses the City's remaining land supply to meet housing needs, including accessory dwelling units, cottages, manufactured homes and similar infill housing types.</i>

Supporting Policies

Economic Development

Resiliency:

Goal 1:	<i>Promote a self-sustaining economy that equally supports public and private development, diversifies the City’s tax base, and provides both employment and consumer shopping opportunities for the region.</i>
Policy 1.4:	Expand the types professional / office uses permitted in commercial and industrial zones to encourage more living wage jobs.

Diversification:

Goal 3:	<i>Promote a strong, diversified and sustainable local and regional economy, preserving or enhancing the quality of life in the community while reducing disparities and displacement of underrepresented groups.</i>
Policy 3.1:	Identify sectors of the economy within Stanwood where opportunities might exist to create additional jobs and identify potential strategies for attracting employment.
Policy 3.3:	Strive to create livable wage jobs to promote economic opportunity and sustainability for residents living in the greater Stanwood region.
Policy 3.4:	Office uses should be encouraged in the industrial zones to balance existing service, retail, and industrial based jobs.
Policy 3.5:	Recognize the importance of home-based businesses as a source of new business development.
Policy 3.7:	Encourage businesses and recreational activities that promote tourism.

Natural Resources:

Goal 6:	<i>Encourage economic development activities which respect the natural environment and take into consideration the area’s natural resources, public services, and facilities.</i>
Policy 6.1:	Support businesses that support outdoor recreation and ecotourism by building on the natural amenities present in the community.

Sustainability:

Goal 8:	<i>Strengthen Stanwood's concentration of "green" businesses and its reputation as an environmentally friendly community.</i>
Policy 8.8:	Identify restrictive municipal codes that may prevent development of emerging industries, technologies, and services that promote environmental sustainability, especially addressing climate change and resilience from entering the City.

Downtown:

Goal 9:	<i>Enhance the City's historic Downtown District.</i>
Policy 9.6:	Encourage residential development within walking distance (up to a ½ mile) of the downtown commercial area.
Policy 9.8:	Revitalize the downtown and uptown districts to have a healthy diversity of uses including mixed use residential, civic, and local businesses that tied together through thoughtful, uniform urban design.

City of Stanwood

Title 18 Division 5 Zoning and Uses

Expanded Change Explainers for Permitted Use Table

1. General Approach

This memo provides a detailed description of the changes made to the Permitted Land Use Table in Division 5. In general our approach to updating the Permitted Land Use Table included the following:

- We consolidated the Residential, Commercial and Mixed-Use, Industrial, and Parks and Open Space and Public Facilities Zones Permitted Land Use tables into one Permitted Land Use Table.
- To simplify the table, we removed the “Permit Types” column to avoid conflicts with SMC Title 18 Division 3.
- We modernized the terminology and definitions, consolidated several land uses into broader categories, and eliminated duplications.
- We updated many definitions to reflect state legislation and current planning practices, and to reduce the number of specifically regulated land uses.
- To further streamline the table, we replaced footnotes with a “Code Cross Reference” column that directs readers to specific use standards (Division 6) where all former footnotes have been incorporated and simplified.
- Finally, we renamed many land use categories to maintain consistency with the updated terms and definitions.
- Note that additional changes made to other sections of Division 5 or and to Division 6 are detailed in those draft code document’s change explainers.

2. Simple Changes to Land Uses

We have deleted, modified, or consolidated the following land uses to reduce redundancy and update the uses with modernized language:

Agriculture

- Renamed “Farm, Existing” to “Farms” to simplify the land use. The footnotes in the original table indicated that new farms are only permitted in the SR 12.4 zone, so we are proposing to remove the permissions for the other residential zones to reflect that. Under this update, farms are only permitted in the SR 12.4 zone.

Animal Services

- Renamed “Kennel, Commercial Indoor/Outdoor” to “Kennel, Commercial” to shorten the use and match the definition in code.
- We have both renamed the land use and amended the definition for “Dog daycare” and “Dog grooming” by combining them into a new “Animal daycare/grooming” land use and definition that broadens them to include all animals rather than just dogs.

Lodging

- Renamed the land use category “Hotel and Guest Houses” to “Lodging” to simplify and modernize the terminology.
- Updated and simplified the definitions of “Bed and Breakfast”, “Hotel”, and “Resort” to ensure they are mutually exclusive and use parallel language.

Industrial

- Shortened the land use “Communication Technology (TV broadcasting, radio station, video production, internet or movie production or other similar technologies)” to “Communication Technology”. To reflect this, we have created a new definition for “Communication Technology” that reflects the specific uses listed in the old land use.
- Moved “Small Appliance and Tool” from Repair Services, which has been repealed, to Industrial.

Office

- Renamed “Health Care Facility” to “Health Care Office” and amended the definition of “Health Care Office” and “Hospital” to ensure it they are mutually exclusive and use parallel language.

Personal Services

- Removed “Equipment Rental” to reduce redundancy with other rental uses in the table.
- Shortened “Health/Athletic Club” to “Health Club” and “Tattoo and Piercing Parlors” to “Tattoo Parlors” to match the definition and simplify the use.

Public Facilities

- Added “Essential Public Facilities” to comply with state requirements.
- Removed “Park and Ride Facility” from the Permitted Land Use Table, as it was not permitted in any zone.
- Shortened “Public Safety Station (Police and Fire)” to “Public Safety Station” to simplify the use.
- Consolidated “Government Offices or Facilities” under “Government Use”, including extending the permissions for “Government Use” to the PF zone to reflect the permissions for “Government Offices or Facilities”.

Quasi-Public Uses

- Shortened “Cemetery, Existing” to “Cemetery” to match the definition and shorten the use and moved it from Other to Quasi-Public.
- Moved “Funeral Home” from Personal Services to Quasi-Public.
- Renamed “House of Worship/Church” to “Religious Institutions” to broaden the use.

Repair Services

This land use category has been removed, and the land uses under it have been moved to other land use categories as described (see Automotive Services section).

Residential

- Consolidated “Assisted Living” and “Independent Living”, which used to be listed in both Residential and Personal Services but are now only listed under Residential, into a new use “Assisted Living/Independent Living”. They have also been combined into one definition for “Assisted Living/Independent Living Facility” to reflect this use change.
- Removed “Boarding House” to reflect changes made as part of the Missing Middle Housing (MMH) code update. Boarding houses are included in the use and definition of “Co-living Housing”.
- Consolidated “Dwelling, Multiple-Family Development Up to 20 Units” and “Dwelling, Multiple-Family Development Up to 21 Units or Greater” under “Dwelling, Multifamily”.
- Removed “Dwelling, Triplex” per MMH code update, as triplexes are included in “Multifamily dwelling”.
- Consolidated “Emergency Shelter” to include “Indoor Emergency Shelters” and “Emergency Housing” to include “Indoor Emergency Housing” and the definitions were updated for

compliance with [RCW 36.70A.030](#) and in alignment with the changes made as part of the MMH code update.

- Simplified the “Enhanced Service Facility” uses to match the terminology used in the definition and shorten the use.
- Renamed “Home Occupations” to “Home Businesses” to modernize the language.
- Removed “Homeless Housing” and its definition to prevent redundancy with “Permanent Supportive Housing” and “Transitional Housing”, both of which now have new definitions consistent with state law.

Retail Trade Establishments

- Shortened “Retail Shop – Boutique Style Less Than 3,000 Square Feet” to “Small Retail”, “Retail Shop – Mid-Range Between 3,000 and 10,000 Square Feet (Non-Strip Mall Design)” to “Medium Retail”, and “Retail – Strip Mall or Big Box Greater Than 10,000 Square Feet” to “Strip Mall or Big Box Retail” to simplify the uses.

Wholesale Storage/Distribution Facilities

No changes have been made to these land uses or permissions.

Utilities

- Renamed “Recycle Collection Stand” to “Recycling Collection Stand” to match the definition.

Wireless Communication Facilities

No changes have been made to these land uses or permissions.

Other

- Added “Small-Scale Commercial Infill in Uptown Area” to align with MMH code updates.
- Aside from “Temporary Uses”, all other uses that were previously listed in this category have been moved into other land use categories to reduce redundancy.

3. Substantive Changes to Land Uses

We have made more extensive changes to the following use categories, uses, or definitions, as described below by land use category.

Automotive Services

We have made significant changes to all uses, definitions, and use standards for automotive services to simplify definitions and ensure they are mutually exclusive, reduce redundancies, and ensure clarity.

- Renamed uses using “Automobile” with “Automotive” to broaden the language, i.e. “Automobile Sales is now “Automotive Sales”.
- Created new uses dependent on vehicle capacity.
 - For vehicles over 1-ton capacity, we created a new “Automotive High Intensity” use for sales, rental, fueling, minor & major repairs, and vehicle storage. We used the same permissions as for “Wrecking”, which we removed from the use table included as an example in the “Automotive High Intensity” use standards.
 - For vehicles up to and including 1-ton capacity, we created new uses, including “Automotive Sales”, “Automotive Rentals”, “Automotive Fueling”, “Automotive Minor Repair and Services” (for same day services), and “Automotive Major Repair and Services” (for multiple day services).
 - For “Major Repair and Services”, we used the same permissions as for “Towing & Tow Yards”, which we removed from the use table and included as an example

of “Automotive Major Repairs & Services”. We also removed “Small Engines” as is now included in “Automotive Major Repairs & Services”, no permissions were changed as a result. “Major Repairs” and “Paint/Body Shops” have also been moved from “Automobile Repair and Service” and included as examples of “Automotive Major Repair & Services”. As a result, it is no longer permitted in the GC zone.

- “Automotive Minor Repair & Services” now includes “Car Wash” which we removed from the use table. As an example of “Minor Repair & Services,” car washes are now permitted in the DMU, PI, and GI zones. We have also consolidated “Minor Service Repairs Within the Confines of a Building; No Outside Storage or Repair” from the Repair Services category under “Automotive Minor Repair & Services”, which has resulted in a change from being permitted to not permitted in the TN-MU, DMU, and NB zones, and from not permitted to permitted in the GI zone.
- “Automotive Rentals” now includes “Equipment Rental” which has been removed from the table. This results in a change from being permitted in the DMU, GC, PI, and GI zones to only permitted in the GC zone.
- Renamed from “Automotive Service Station” to “Automotive Fueling”
- Created new accessory uses:
 - “Display lots” for sales and rental
 - “Storage lots” for multiple day storage
- Simplified “Parking Lots, Garages” to “Parking Lots” for surface parking lots and “Parking Structure, Commercial” to “Parking Structure” for in-building parking, which can be multiple floors.
- As a result of these changes, there are no longer explicitly stated allowances for incidental vehicle storage as part of rentals, or for minor repairs, paint, and body work as part of sales.

Cultural and Entertainment

- Created a new “Cultural or Entertainment Facility” to encompass and remove “Night Club”, “Theaters”, “Museum”, and “Game and Video Arcade”.
- Amended the definition of “Cultural/entertainment” to “Cultural or entertainment facility” and updated the definition to delete the examples of entertainment facilities and include them in the use standards instead: museums, art galleries, and entertainment venues. The use standards now also include movie theaters, performing arts venues, and concert halls.
- Live Entertainment is now more fully fleshed out as accessory use
- Recommend considering adding Live Entertainment as an AC permission to the GI zone to align with eating and drinking establishment permissions.

Recreation Areas and Sports Facilities

- Renamed the land use category “Recreation” to “Recreation Areas and Sports Facilities”.
- Consolidated “Ball Park” under “Athletic Field” since they are permitted in the same zones and “Ball Park” is included in the definition of “Athletic Field”.
- Created a new “Parks, Trails, and Open Space” use to consolidate “Park, Community”, “Park, Neighborhood”, “Park, Urban”, “Playground”, “Trails”, and “Open Space” because they all have the same permissions. A new definition has been created for “Park” that includes all park types and playground.
- Consolidated “Conservation Area” under “Open Space” and have included conservation areas in the definition of open space to reflect this change.

- Removed “Recreation Area/Facility”, as it is redundant with other recreational uses.
- Created a new “Play Café” use and definition to address community need and provide an indoor play area for families. New use standards were also drafted under Recreation & Sports Facilities chapter in Division 6.
- Renamed “Amusement Park or Center” to “Amusement Center”, to shorten the use, as amusement park implies outdoor facilities and amusement center could read to include both indoor and outdoor facilities and the definition already listed examples of both indoor and outdoor facilities.
- The definition for “Amusement Park or Center” was changed to “Amusement Center” to reflect the use change and amended to simplify the definition and move specific use standards into Division 6.
- The following uses were also removed to reduce redundancy with “Amusement Center” as they are included as examples: “Batting Cages”, “Go-Kart Track”, “Skating Rink”.
- To reflect these changes and consolidations, the permissions for “Amusement Center” were changed from not permitted to permitted in the POS zone (where batting cages were permitted before). As part of the Amusement Center permissions, batting cages are now permitted in the GC zone, Go Kart Tracks are no longer permitted in the PI zone but are now permitted in the GC and POS zones, and Skating Rinks are no longer permitted in the PI zone, but are now permitted in the GC and POS zones.

Retail Food & Drink Establishments

- Added new “Food Establishments” use to encompass food service uses such as “Restaurant” and “Catering” and “Beverage Stand”.
- Added new “Drinking Establishment” use to primarily encompass alcoholic beverage uses such as “Tavern” and “Bars”, which are now defined under “Drinking Establishment”. This not only simplifies the permitted use table but also allows the RCWs to regulate alcohol licensing configurations.
- New use standards have been developed to regulate drive throughs (fast food), catering (in home), and hours of operation in certain zones. These new standards are cross referenced for the necessary use examples.
- Removed “Retail Prepared Food/Beverage Establishments” to avoid redundancy with the new “Food Establishment” and “Drinking Establishment” uses.

Schools

- Removed “Daycare Center” from Professional Services and moved to Schools for more consistent standard comparison with Preschool Facility use.
- Removed “Daycare, Family” and “Daycare, Mini” to reduce redundancy and align with MMH code updates and consolidate under “Daycare Center”, which need to be more broadly permitted per RCW 36.70A.450. “Daycare, Family” now has AC permissions in all residential zones and “Daycare Center” is now permitted in all Commercial and Industrial Zones.
- Renamed “School, Other” to “Other Schools” to match the definition.
- Further discussion with staff is still needed on the topic of “Other Schools”, “Public Schools”, and/or “School Administration Buildings” under other land use categories. For instance, can public schools be included as examples of elementary, middle, or high schools? Can “other schools” be allowed in more zones? Can “School Administration Buildings” be allowed in all zones schools are allowed in?

18.502.040 Prohibited uses.

- i** This section is based on SMC 17.30.050
- i** Some prohibited uses may conflict with state law or other sections of code. We removed “orphanage” from the list, as this is an outdated term and could be confused with group homes, which are permitted.
- i** “New enhanced treatment facilities” and “recovery homes” have been deleted, because these are both classified as essential public facilities and the city must have a process in their code for citing these. (RCW 36.70A.200)
- i** “Manufactured home parks” is an allowed use in the code, so we deleted this from the list, though we maintained mobile home parks.

! “Guy and lattice towers” are prohibited in Residential table footnote 19, but they are not on the list of prohibited uses here. Recommend that this should be dealt with in the Sign Code (if at all)

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) Auctions or sale of livestock or similar animals in the planned industrial or general industrial zones as noted in Chapter [17.50](#) SMC.
- (11) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
- (12) Incineration or reduction of garbage, sewage, dead animals or refuse.
- (13) Crematoriums including the cremation of human and animal remains.
- (14) Septage treatment plants.
- (15) Uses that cannot meet and/or exceed the performance standards listed in SMC [17.50.020](#), Planned industrial and general industrial district performance standards.
- (16) 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.

(17) Temporary or permanent homeless encampments except as allowed by RCW [35A.21.360](#).

18.502.030 Permitted Land Use Table.

- i** This section is based on existing land use tables (SMC 17.30.060-.090), but the tables have been reformatted, some use categories have been combined, and the Permit Types column has been removed.
- i** In the Permitted Land Use Table below, the individual residential, commercial, industrial, and parks and open space use tables have all been combined into one permitted use table.
- i** Permissions that have been added have been bolded and highlighted in yellow; permissions that have been removed are shown in strikethrough and highlighted.
- i** Uses that have been edited or combined with other uses are shown in bold.
- i** Uses that have been removed from the table (either outright removed or combined under other uses) are shown in bolded strikethrough.
- i** Please refer to the corresponding “Use Changes” document for specific edits that have been made to the uses or permissions.
- i** The permit types columns were removed, and the Code Cross Reference column was added to reference where footnotes from the old permitted use tables have been incorporated into Division 6.

- (1) The following table establishes which land uses are permitted to be developed in Stanwood’s zones. The table establishes permission based on the following categories:
 - (a) The letter “P” means that the use is permitted in that zone.
 - (b) The letters “AC” mean that the use is permissible as an accessory use to a primary use on the same property.
 - (c) The letter “C” means that the use is permissible with a conditional use permit approved by the hearing examiner after holding a public hearing.
 - (d) No letter in the cell means the use is unclassified. See SMC 18.502.020.
- (2) Where additional use standards exist for a specific land use, a cross reference is included in the lefthand column.

Table 18.502.030(1) Permitted Land Use Table

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Agriculture															
Farms	P	P	P	P	P										SMC 18.618 Farming and Agricultural Uses
Animal Services															
Animal Daycare/Grooming							P	P	P	P					SMC 8.70 Animal Welfare
Kennel, Commercial								AC/C			P				SMC 8.20 Hobby Kennels and Catteries
Kennel, Hobby	AC/C	AC/C	AC/C	AC/C	AC/C										SMC 8.20 Hobby Kennels and Catteries
Veterinarian Hospital or Clinic								P		P	P				SMC 8.20 Hobby Kennels and Catteries
Automotive Services															
Automotive Sales										P/C	P	P			SMC 18.608 Automotive Services
Automotive Rentals										P					SMC 18.608 Automotive Services
Automotive Fueling								P			P				SMC 18.608 Automotive Services
Automotive Minor Repair and Services										P	P	P			SMC 18.608 Automotive Services
Automotive Major Repair and Services											P	P			SMC 18.608 Automotive Services
Automotive High Intensity												P			SMC 18.608 Automotive Services
Parking Structure											P	P			SMC 18.608 Automotive Services
Parking Lot							AC	P/AC	AC	AC	AC	AC			SMC 18.608 Automotive Services
Automotive Display Lot										AC	AC	AC			SMC 18.608 Automotive Services
Automotive Storage Lot											AC	AC			SMC 18.608 Automotive Services
Cultural and Entertainment															
Adult Entertainment Facility												P			SMC 18.606 Adult Entertainment Uses

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Cultural or Entertainment Facility								P		P					SMC 18.610 Culture and Entertainment
Live Entertainment								AC	AC	AC	AC	AC			SMC 18.610 Culture and Entertainment
Lodging															
Bed and Breakfast	C	C	C	C	C			P		C	P	P			SMC 18.624.020 Bed and breakfast conditions of approval
Hotel								P/C		P	P				SMC 18.624.030 Hotel and Resort Standards
Resort											P				SMC 18.624.030 Hotel and Resort Standards
Industrial															
Building Construction Yard												P			SMC 18.632.040 Industrial Uses Standards
Food and Beverage Processing										C	P	P			SMC 18.632.040 Industrial Uses Standards
Freezer Plant/Cold Storage/Food Mill											C	P			SMC 18.632.040 Industrial Uses Standards
Laboratory											P	P			SMC 18.632.040 Industrial Uses Standards
Laundry Plant												P			SMC 18.632.040 Industrial Uses Standards
Lumber and Wood Products Processing												P			SMC 18.632.040 Industrial Uses Standards
Manufacturing, Heavy												P			SMC 18.632.040 Industrial Uses Standards
Small Appliance and Tool Repair											P				SMC 18.632.040 Industrial Uses Standards SMC. 18.608 Automotive Services
Manufacturing, Light							P			P	P	P			SMC 18.632.040 Industrial uses standards.
Communication Technology										P	P				SMC 18.632.040 Industrial Uses Standards
Printing, Publishing, or Allied Industry											P	P			SMC 18.632.040 Industrial Uses Standards
Office															
Professional Office							P	P	P	P	P	P			

Land Use	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		Code Cross Reference
	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	
Health Care Office							P	P	P	P	P				
Hospital							C	C	C	C	C				SMC 18.620 Health Services
Personal Services															
Equipment Rental								P		P	P	P			
Health Club								P		P	P				
Janitorial Services								P			P	P			
Laundromat/Dry Cleaner							P	P	P	P	P	P			SMC 18.630.040 Mixed-use development standards
Private Clubs								P		P					
Salon							P	P	P	P	P	P			
Tattoo Parlors								P		P	P	P			
Public Facilities															
Courthouse											P				
Essential Public Facilities														P	SMC 18.616 Essential Public Facilities
Government Use					P		P	P		P				P	
Park and Ride Facility															
Post Office								P		P	P				
Public Safety Station	P	P	P	P	P		P/C	P/C		P/C	P	P		P	SMC 18.632.020 Public Safety Station Standards
Public Transit Storage and Maintenance Facility										P		P			
Public Transit Terminal								P			P	P			
Quasi-Public															
Cemetery		P												C	SMC 18.634 Quasi-Public Uses

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Community Center	C	C	C	C	P										SMC 18.634 Quasi-Public Uses
Funeral Home								P			P				SMC 18.634 Quasi-Public Uses
Religious Institution	C	C	C	C	P		C	P/C	P/C	P/C					SMC 18.634 Quasi-Public Uses
Meeting Hall	C	C	C	C	P		P/C	P			P				SMC 18.634 Quasi-Public Uses
Recreation Areas and Sports Facilities															
Amusement Center										P			P		SMC 18.636 Recreation Areas and Sports Facilities
Athletic Facility													P		SMC 18.636 Recreation Areas and Sports Facilities
Batting Cage													P		
Bowling Alley								P			P				SMC 18.636 Recreation Areas and Sports Facilities
Community Garden							P	P		P			P		SMC 18.636 Recreation Areas and Sports Facilities
Go-Kart Track											P				
Golf Course													P		SMC 18.636 Recreation Areas and Sports Facilities
Parks, Trails, and Open Space	P	P	P	P	P		P	P	P	P	P	P	P		SMC 18.636 Recreation Areas and Sports Facilities
Private/HOA Parks	P	P	P	P	P		P	P		P					SMC 18.636 Recreation Areas and Sports Facilities
Play Cafe								P		P	P				
Skating Rink											P				
Swimming Pool											P		P		SMC 18.636 Recreation Areas and Sports Facilities
Repair Services															

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Automobile Repair Establishment – Minor Repair							P	P	P	P	P				
Small Engines											P	P			
Residential															
Adult Family Home	P	P	P	P	P	P	P	P	P	P					
Assisted Living/Independent Living		C			P					P					
Boarding House								P							
Caretaker’s House											P	P			SMC 18.632.040 Industrial Uses Standards
Co-living Housing					P	P	P	P		P					SMC 18.630.020 Co-living Standards
Congregate Care Facility					C	C	C	P/C		P					SMC 18.616 Essential Public Facilities
Dwelling, Accessory	P	P	P	P	P	P	AC	P							SMC 18.602 Accessory Dwelling Units (ADUs)
Dwelling, Cottage	P	P	P	P	P	P	P	P		P					SMC 18.402.130 <i>[proposed]</i>
Dwelling, Duplex		P	P	P	P	P	P	P		P					
Dwelling, Multiple Family					P		P	P		P					SMC 18.630.050 Mixed-use Development Standards
Dwelling, Single-Family	P	P	P	P	P	P	P								
Dwelling, Townhouse		P	P	P	P	P	P	P		P					SMC 18.630.040 Townhouse standards
Emergency Housing								P		P	P				
Emergency Shelter								P		P	P				SMC 18.616.050
Indoor Emergency Shelters							P	P	P	P	P				
Indoor Emergency Housing								P	P	P	P				
Enhanced Service Facility Category 1 – Nursing Home Type					C	C	C	P		P					SMC 18.616 Essential Public Facilities

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Enhanced Service Facility Category 2 –Assisted Living Type					P	C	C	P		P					SMC 18.616 Essential Public Facilities
Enhanced Service Facility Category 3 –Adult Family Home Type	P	P	P	P	P	P	P								SMC 18.616 Essential Public Facilities
Group Care Facilities						P	P	P							
Group Home	P	P	P	P	P	P	P	P		P					SMC 18.616 Essential Public Facilities
Home Businesses	AC	AC	AC	AC	AC	AC	AC	AC		AC					SMC 18.622 Home Businesses
Homeless Housing	P	P	P	P	P										
Live/Work Units							P	P		P					SMC 18.630.040 Mixed-use development standards
Manufactured/Mobile Home	P	P	P	P											SMC 18.610 Manufactured Housing
Mixed Use							P	P		P	P				SMC 18.630.050 Mixed-use development standards
Permanent Supportive Housing	P	P	P	P	P	P	P	P		P	P				
Transitional Housing	P	P	P	P	P	P	P	P		P	P				
Retail Trade Establishments															
Small Retail								P	P		P				SMC 18.640 Retail Trade Uses
Medium Retail							P	P		P	P	P			SMC 18.640 Retail Trade Uses
Strip Mall or Big Box Retail										P	C	C			SMC 18.640 Retail Trade Uses
Agricultural Produce Stand							P	P	P	P					
Farmer’s Market							P	P	P	P	P				
Kiosk/Vending Machine							AC	AC	AC	AC	AC	AC			
Mail/Small Shipping Store								P		P	P				
Marijuana Retailer								C							SMC 17.100.045

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Plant Nursery								P			P				
Retail Food & Drink Establishments															
Food Establishment							P	P	P	P	P	P			SMC 18.638 Retail Food Uses
Drinking Establishment								P		P	P	P			SMC 18.638 Retail Food Uses
Bars								P		P	P	P			
Catering							P	P	P	P	P	P			
Beverage Stand							P	P	P	P	P	P			
Restaurant							P	P	P	P	P	P			
Tavern								P		P					
Schools															
Bus Transportation and Maintenance Facility											P	P			
Daycare, Home	AC	AC	AC	AC	AC	AC	P	P							SMC 18.612 Daycares
Daycare, Family							P	P	P						
Daycare, Mini				P	P										
Daycare Center	P	P	P	P	P	P	P	P	P	P	P	P		AC	SMC 18.612 Daycares
Preschool Facility	C	C	C	P	P			P			P	P			
Elementary School	C	C	C	C			C								
Middle School	C	C	C	C								P			
High School	C	C	C	C											
Other Schools								P			P				
Post-Secondary School											P				

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Preschool Facility	C	C	C	P	P			P			P	P			
Public School														P	
School Administration Buildings														P	
Seminary			C												
Wholesale Storage/Distribution Facilities															
Detached Commercial Accessory Storage								C	C	C	C	C			SMC 18.604 Accessory Structures and Uses
Equipment and Machinery Storage												P			
Freight Distribution Center												P			
Fuel Storage Facility												C			
Moving Van and Storage Facilities											P	P			SMC 18.632.040 Industrial Uses Standards.
Warehouse Operations											P	P			SMC 18.632.040 Industrial Uses Standards.
Wholesale Operations											P	P			SMC 18.632.040 Industrial Uses Standards.
Utilities															
Electrical Equipment and Pole Storage Yard	P	P	P	P	P		P	P	P	P	P	P	P		SMC 18.632.030(2) Utility Use Standards.
Electrical Generating Plant												C			
Electrical Substation	P	P	P	P	P		P	P	P	P	P	P			SMC 18.632.030(1) Utility Use Standards.
Electrical Transmission Lines	P	P	P	P	P			P		P	P	P			
Recycling Collection Stand								AC	AC	AC	AC				
Sewage Lift Station	P	P	P	P	P		P	P	P		P				
Sewage Treatment Plant												C			SMC 18.632.040 Industrial Uses Standards.
Solid Waste Disposal/Recycling Center												C			

	Residential Zones						Commercial Zones				Industrial Zones		Parks and Open Space and Public Facilities		
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN-RES	TN-MU	DMU	NB	GC	PI	GI	POS	PF	Code Cross Reference
Water, Drainage or Sewage Infrastructure	P	P	P	P	P		P	P	P	P	P	P	P		
Water Well and Pump Station	P	P	P	P	P		P				P				
Wireless Communication Facilities															
Co-Location PWCF	P	P	P	P	P		P	P	P	P	P	P			SMC 17.220 Wireless Communication Facilities (WCFs) Attached and Detached
Minor Facilities	P	P	P	P	P		P	P	P	P	P	P			SMC 17.220 Wireless Communication Facilities (WCFs) Attached and Detached
Monopole Towers	C	C	C	C	C		C	C	C	C	C	C			SMC 17.220 Wireless Communication Facilities (WCFs) Attached and Detached
Single PWCF	P	P	P	P	P		P	P	P	P	P	P			SMC 17.220 Wireless Communication Facilities (WCFs) Attached and Detached
Small Cell Facilities	P	P	P	P	P		P	P	P	P	P	P			SMC 17.220 Wireless Communication Facilities (WCFs) Attached and Detached
Other															
Small-Scale Commercial Infill in Uptown Area		C	C		P	P	P								SMC 18.644 Small Scale Commercial Infill in the Uptown Area
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P		SMC 18.646 Temporary Uses and Structures

DRAFT

Definitions

10/24/2025

Part I General Provisions

Contents of this Part

Chapter 18.102 Definitions1

Chapter 18.102 Definitions

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.

! We should add this rule to SMC 1.02:
The word “should” indicates a provision that recommended but not required.

- (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

i Repealed definition of “accessory dwelling”. Replaced by new definitions for “accessory dwelling unit”, “accessory dwelling unit, attached”, “attached accessory dwelling unit”, and “accessory dwelling unit, detached.”. From MMH Ordinance.

“Accessory dwelling unit” or “ADU” means a dwelling unit located on the same lot as a single-family dwelling unit.

“Accessory dwelling unit, attached”. See “attached accessory dwelling unit”.

“Accessory dwelling unit, detached”. See “detached accessory dwelling unit”.

i Amended “Adult entertainment facility” to “adult entertainment use” and replacing with a new definition for “Adult entertainment use”.

“Adult entertainment use” means a business where at least 20% of its operations involve the sale or viewing of materials that depict sexual activities or nudity. This does not include the sale or advertisement of contraceptives.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board for more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services for up to eight adults upon approval from the Department of Social and Health Services under RCW [70.128.066](#).

“Agricultural activity” means an activity associated with the production of crops, animal husbandry, horticulture, aquaculture, and viticulture, including the normal operation, repair, maintenance of related structures, facilities, implements, and machinery, as well as construction of new farms, buildings, and facilities consistent with this code.

“Agricultural produce stand” means a farm stand that sells produce including fresh, dried or jarred vegetables and fruits and plants/flowers. See also “Farmer’s market” and “Agricultural or produce concession stand.”

i Amended “amusement park or center”; changed term to “amusement center” to shorten it. Standards included in Division 6 instead of keeping them in the definition.

“Amusement center” means a group of amusement devices for children and/or adults and their accessory uses.

i Amended “dog daycare” and “dog grooming” into a new definition for “animal daycare/grooming” to reflect the permitted uses and broaden the definition to animals other than just dogs.

“Animal daycare/grooming” means an establishment providing daytime training, supervision, and recreation for animals and/or pet grooming services including hygienic care and cleaning.

“Animal husbandry” means an agricultural activity in which animals and/or livestock are reared, lodged, bred, or are kept in order to sell the products they produce.

“Aquaculture” means the farming of food fish, shellfish, or other aquatic plants or animals of commercial and/or recreational purposes.

i Repealed: “Art gallery” and included under “Cultural or entertainment facility”.

i Amended “assisted living facility” to a new term “assisted living/independent living facility” with an amended definition to combine the two uses.

“Assisted living/independent living facility” means any home or other institution providing housing, basic services, and assuming general responsibility and well-being of the residents including nursing care. This use can include a continuum of care from relatively independent units to full assistance with such as wellbeing checks, recreational activities, housekeeping and laundry services with options for meals. This use does not include facilities certified as group training homes pursuant to RCW [71A.22.040](#).

i Amended “athletic facility” to include “ball park”.

“Athletic facility” means a facility used for playing sports or games. Includes playing fields; wide expanses of grass, dirt, or sand without many obstructions; and athletic fields or stadiums.

“Attached accessory dwelling unit” or “AADU” means an accessory dwelling unit located within or attached to the principal unit.

- i** Repealed: “Automobile rental agency” and “Automotive repair establishment” was repealed and replaced with “Automotive Rentals”.
- i** Repealed: “Automobile Sales and Service, new or used” was repealed and replaced with “Automotive sales”
- i** Repealed: “Automobile service station” was repealed and replaced with “Automotive fueling”
- i** Add: the following definitions are added to incorporate use standards for automotive services: “Automotive fueling”, “automotive high intensity”, “Automotive major repair and services”, “automotive minor repair and services”, “Automotive rentals”, “Automotive sales”.

“Automotive fueling” means the motor fuel-dispensing facilities for vehicles which do not exceed a one (1) ton capacity.

“Automotive high intensity” means sale, rentals, fueling, minor or major repairs, or storage of vehicles which exceed a one (1) ton capacity; wrecking facilities; and other automotive uses with the high noise, odor, or traffic impacts.

“Automotive major repair and services” means repairs which need more than one day on vehicles which do not exceed a one (1) ton capacity

“Automotive minor repair and services” means repairs or services which can be made in one day or less on vehicles which do not exceed a one (1) ton capacity.

“Automotive rentals” means the rental of vehicles which do not exceed a one (1) ton capacity.

“Automotive sales” means the sales of vehicles which do not exceed a one (1) ton capacity.

18.102.030 "B" Definitions

- i** Repealed “ball park” as it is included in the definition of “athletic facility”.
- i** Repealed “batting cage” as it is included in the definition of “amusement center”.
- i** Repealed “bars and cocktail lounges” as it is included in the new definition for “drinking establishment”.
- i** Amended “barber shop” or “beauty shop” to a new term “salon” and amended the definition. See “Salon”.
- i** Repealed the definition of “boarding house” because it is included in the definition of “co-living housing” per RCW 36.70A.535 Co-living Housing, aligned with the Missing Middle Housing Ordinance.
- i** Amended “bed and breakfast house or inn” to “bed and breakfast” and simplified the definition to ensure it is parallel to and mutually exclusive from other lodging definitions.

“Bed and breakfast” means residential lodging that provides short-term accommodations primarily for overnight stays. Guest services may include on-site meals.

- i** Add new definition for “big box” to reflect permitted use table.

“Big box” means a retail business greater than 10,000 square feet.

“Bowling alley” means recreational facilities which include bowling lanes, and may include a small lounge, restaurant and/or snack bar, video games and pool tables.

“Building construction yard” means an outdoor area consisting of short-term parking and storage of equipment and supplies used in the construction industry. Construction yards may include related offices.

“Bus and mass transit storage and maintenance facility” means any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

18.102.040 "C" Definitions

“Caretaker’s house” means an accessory building for the sole use of a person or persons employed on the premises.

i Repealed: “Car wash” was repealed and is now allowed under “Automotive minor repair and services”

i Repealed “catering” as it is included in the new definition for “food establishment”.

“Cemetery” means a place for the burial or interment of dead persons or household pets.

i Repealed: “Civic uses”. Redundant.

i Added the definition of “co-living housing” for compliance with RCW 36.70A.535 Co-living Housing and aligned with the Missing Middle Housing Ordinance. RCW definition does not address shared or private bathrooms.

“Co-living housing” means a residential development with sleeping units that are independently rented and lockable and that provide living and sleeping space, as well as kitchen facilities that may be shared with other sleeping units in the building.

i Add: new definition for “communication technology”.

“Communication Technology” means facilities related to the provision of television, radio, or internet services as well as to facilities related to movie productions.

i Amended: “Community center” has been amended to be shorter, deleted items were incorporated into use standards.

“Community center” means a facility used for social, civic, or recreational purposes and owned and operated by a nonprofit institution or organization and open to the general public.

“Community garden” means land set aside for collective use for an organization or for the general public to grow produce and/or flowers. No marijuana shall be grown in such gardens.

“Congregate care facility” means a residential facility for the elderly and/or handicapped persons. The facility must have a central lobby, common dining area, hobby and/or recreational rooms. The fee structure shall include at least one meal per day in the common dining area. Accessory support uses for the tenants, such as pharmacies, banking and other internal services, may be included. Congregate care facilities may include the definition for skilled nursing facility and/or short term rehab facility.\

“Cottage housing” means a minimum of four small detached single-family homes located together in a neighborhood format around common open space and intended to provide higher density alternative housing choices for retirees, singles, or smaller families.

i Repealed “Conservation area” as it is included in the “open space” definition.

“Courthouse” means a building in which courts of law are regularly held.

i Repealed “crops” as it is not used.

i Amended: “Cultural/entertainment” was amended to “cultural or entertainment facility”

“Cultural or entertainment facility” means a place providing amusement, cultural, or leisure activities as live or recorded entertainment or participatory experiences.

18.102.050 "D" Definitions

i Missing Middle Housing ordinance has updated the definitions to repeal “mini daycare facility”. Amended “daycare center” to for consistency with state law (RCW 43.216.010). Amended “family daycare home” to “daycare, home” for internal code consistency. Renumbered based on code changes.

Daycare Facility. The following definitions apply to the various daycare facilities allowed in the different zoning districts:

- (1) “Daycare center” means an agency that provides for the care of children under the age of 12 or seniors for periods of less than 24 hours in a facility that is not a “home daycare”.
- (2) “Daycare, home” means a residence used for the care of children under the age of 12 or seniors located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer, such numbers to include those members of the resident family who are under the age of 12 years old. This definition applies regardless of whether the care is provided for compensation.

i Added to comply with state law and to support ADU code changes, per Missing Middle Housing Ordinance.

“Detached accessory dwelling unit” or “DADU” means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from the principal unit.

“Development permit” means a project permit as defined in this chapter.

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

i Add: new definition for “drinking establishment”.

“Drinking Establishment” means a retail establishment whose primary business is the sale of alcoholic beverages.

“Dry cleaner” means an establishment providing cleaning process for clothing and textiles using a chemical solvent rather than water.

i Updated for consistency with State middle housing guidance and to exclude reference to number of families. From Missing Middle Housing Ordinance.

“Duplex” means a residential building with two attached dwelling units.

i Updating “multiple-family” to “multifamily” throughout this chapter for consistency with State middle housing guidance, as well as internal consistency. From Missing Middle Housing Ordinance.

“Dwelling” means a building or a portion of a building, occupied or intended to be occupied for residential purposes, but not including hotels.

“Dwelling, Multifamily”. See “Multifamily dwelling.”

18.102.060 "E" Definitions

“Electrical generating plant” means an establishment or utility that provides electricity.

“Electrical substation” means a facility that provides transmission and distribution of electric power. The facility may also include areas to support the substation operations and may include storage laydown yards, storage buildings, maintenance buildings, or vehicle parking areas.

“Elementary school” means any school, public or private, intended for the education of children from kindergarten through the fifth grade.

“Electrical transmission lines” means lines which connect the power produced at generating facilities to substations.

i Added the definition of “emergency housing” and updated the definition of “emergency shelter” for compliance with RCW 35A.21.430. Definitions are consistent with RCW 36.70A.030. From Missing Middle Housing Ordinance.

“Emergency housing” means temporary indoor accommodations for persons or families who are homeless or at imminent risk of becoming homeless. Emergency housing is intended to address the basic health, food, clothing, and personal hygiene needs of persons or families and may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for persons 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.

“Enhanced service facility” (ESF) means a residential facility that provides services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to complex needs. In accordance with WAC [388-107-0700](#), three types of enhanced service facilities are based off of building occupancy requirements:

- (a) *Enhanced Service Facility Category 1 – Nursing Home Type*. Resident(s) physically or cognitively incapable of self-preservation.
- (b) *Enhanced Service Facility Category 2 – Assisted Living Type*. Resident(s) capable of self-preservation with physical assistance from another person.
- (c) *Enhanced Service Facility Category 3 – Adult Family Home Type*. No more than six residents capable of evacuating the facility within five minutes.

“Equipment and machinery storage” means an establishment handling heavy machinery used in agriculture, trucking, industry and manufacturing, and providing short-term storage in addition to sales. The use occurs both indoors and outdoors, and may include storage yards.

18.102.070 "F" Definitions

i Repealed “family daycare home” which was replaced with “daycare, home”.

“Farmer’s market” means a retail area, outdoors or indoors, either in a public space or on private land, where vendors sell produce, baked goods, food and/or limited crafts to the public. See also “Agricultural produce stand” and “Agricultural or produce concession stand.”

i The following definitions for farms are being maintained from SMC 17.102.020 Right-to-Farm Registration which has been moved into Division 6 under SMC 18.618

“Farms” means property being used for ongoing agricultural activity at the date this chapter is adopted, as well as properties newly converted for agricultural activities consistent with this code.

“Farm, existing” means property previously and currently used for ongoing agricultural activity.

“Farm, new” means property previously used for a different use, or previously unused, but recently converted to new agricultural activity.

“Food and beverage processing” means sorting, packaging, bottling, or labeling raw or semi-processed food or beverages into a product.

i Add new definition for “food establishment”.

“Food establishment” means a retail establishment whose primary business is the sale of food and non-alcoholic beverages.

“Floriculture” means the cultivation and management of ornamental and flowering plants.

“Freezer plants/cold storage/food mills” means industrial businesses providing refrigeration and storage of food or products requiring refrigeration/freezing and may include food processing and management of substances that supply plant nutrients or amend soil fertility.

“Freight distribution center” means an industrial business receiving, storing and delivering a wide variety of goods to other wholesale or retail outlets typically by truck or train. Facilities may include a loading dock.

“Fuel storage facility” means an area used for the storage and distribution of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks. This use includes propane, gasoline and other petroleum storage and distribution.

“Funeral home” means a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation.

18.102.080 "G" Definitions

i Repealed: “Game, video arcade” has been repealed and included under “Cultural or Entertainment Facility”.

“Golf course” means a tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.

- i** Add new definition for “government office or facility” to provide a definition for the use.
- i** Updated the existing term “floor area” to “gross floor area”. “Gross floor area” is the term used throughout the code. This promotes consistency with RCW 36.70A.696(7) for ADUs since GFA needed to be defined and avoids duplicate definitions.

“Gross floor area” means the sum of the gross horizontal areas of all floors of all buildings on a lot, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Floor area must include the area of basements if used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multifamily dwelling, except that portion of said custodian’s dwelling unit that is in excess of 50% of the total basement area.

“Group care facility” means shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such persons’ major life activities when such persons are not living together as a single household unit.

“Group home” means a facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

18.102.090 "H" Definitions

- i** Amended: changed “health care facility” to “health care office” to match the permitted use table and the definition was simplified to be parallel to the “hospital” definition.

“Health care office” means primarily providing outpatient health services and medical supplies.

“Health club” means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

“High school” means any school, public or private, intended for the education of children from the ninth through the twelfth grade.

“Home occupation” means an economic enterprise carried on within a dwelling unit or accessory building which is customarily incidental and secondary to the residential use of the unit as outlined in the residential performance standards of this code. (Bed and breakfast facilities shall not be deemed to be home occupations.)

- i** Amended: “hospital” was amended to simplify and ensure it is parallel to the “health care office” definition.

“Hospital” means primarily providing inpatient health services.

- i** Removed the definition of “homeless housing” since it is a redundant/umbrella term inclusive of “transitional housing” and “permanent support housing”. Added definitions of “transitional housing” and “permanent support housing” consistent with State law.

i Amended “Hotel” to simplify the language and ensure it is parallel to and mutually exclusive from other lodging definitions.

“Hotel” means commercial lodging that provides short term accommodations primarily for overnight stays. Guest services may include daily housekeeping, a front desk, and limited on-site amenities such as a restaurant, lounge, or meeting room.

“Horticulture” means the cultivation of vegetables, fruit, grains, field crops, floriculture, Christmas trees, and nursery products. The term includes, but is not limited to:

- (a) Soil preparation such as plowing, fertilizing, or weed control before planting;
- (b) Crop cultivation, such as planting, thinning, pruning, or spraying, consistent with federal, state, and local standards; and
- (c) Crop harvesting activities, such as threshing grain, mowing, baling, or picking.

i Amended “house of worship/church” to “religious institution”; the definition was maintained but the term was changed.

18.102.100 "I" Definitions

i MMH Ordinance has repealed the definition of “indoor emergency shelters or housing” since it is redundant with definitions for “emergency housing” and “emergency shelters”. Furthermore, “indoor emergency shelters or housing” is not included in any permitted land use table.

i Repealed: “Impound, storage, tow yards” has been repealed and replaced with new definition for “Vehicle storage lot”

i Repealed “Independent living facility” which has been combined into “assisted living/independent living facility”.

i Maintaining the definition for “Industrial”

“Industrial” means a land use where assembly, fabrication, distribution, processing and manufacturing is allowed.

18.102.110 "J" Definitions

“Janitorial services” means a company providing janitorial services such as the cleaning of offices or other building establishments.

18.102.120 "K" Definitions

“Kennel, commercial” means a building in which four or more domestic animals at least four months of age are kept commercially for boarding, breeding, sale or treatment.

“Kennel/cattery, hobby” means a collection of three or more adult dogs and three or more cats and one litter of unweaned pups or four or more adult dogs and four or more cats kept for hunting, breeding, exhibition, and/or domestic use.

“Kiosk/vending machine” means mobile units such as kiosks and vending machines that dispense products for sale including but not limited to beverages, food and video.

18.102.130 "L" Definitions

“Laboratory” means a place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

“Laundromat” means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

“Laundry plant” means an establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

“Laundry service” means a retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

i Amended “live entertainment” to simplify the definition.

“Live entertainment” means accessory use characterized by amplified music, dance, entertainment, or similar performance.

“Livestock” means all animals traditionally or commonly raised on farms, whether now or in the future, and includes such animals as emus, ostriches, buffaloes, llamas, and the like, which are not traditional farm animals, but are raised on farms throughout the nation. “Livestock” does not include dogs, cats, or exotic animals as defined by city ordinance or state statute.

“Live/work unit” means a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates limited commercial uses within the dwelling unit. The predominate use of a live/work unit is residential, and commercial activity is a secondary use.

“Lumber and wood products processing” means a facility that fabricates wood products and/or provides mill work or construction and assembly of products made from wood.

18.102.140 "M" Definitions

i Amended “photocopy/private mail center” to a new term “mail/small shipping store” and amended the definition.

“Mail/small shipping store” means an establishment providing a range of printing, packaging, and shipping services, as well as private mail boxes and mail or package delivery services.

“Manufactured/Mobile Home”

- (1) For the purposes of Chapter 18.810 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, “manufactured/mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured/mobile home” does not include a “recreational vehicle.”
- (2) Except for purposes of Chapter 18.810 SMC, Critical Areas – Frequently Flooded Areas – Specific Standards, “manufactured/mobile home” means a residential unit on one 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, and which bears an insignia issued by a state or federal regulatory agency indicating the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. Commercial coaches, recreational vehicles, or motor homes are not mobile/manufactured homes.

“Manufacturing, heavy” means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve, hazardous or commonly recognized offensive conditions.

“Manufacturing, light” means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

“Marijuana retailer” means the definition as set forth in RCW [69.50.101](#).

i Add new definition for “medium retail” to reflect permitted uses table.

“Medium retail” means a retail business between 3,000 and 10,000 square feet.

“Meeting hall” means a place of assembly that is used on a temporary but recurring basis for a variety of public or private events including meetings, live entertainment, celebrations, exhibits or similar activities.

“Middle school” means any school, public or private, intended for the education of children from the sixth through eighth grade.

“Mixed-use” means a land use combination of residential and commercial uses within a single building or development that may occur either within one story as a horizontal mix, in one structure with multiple stories as a vertical mix, or in more than one detached structure. Mixed-use may occur where the underlying zoning allows “mixed-use” or all uses proposed as “permitted.” Unit types allowed within “mixed-use” may include one or two apartments, an apartment house of three or more units, or townhouses.

“Moving van and storage facility” means an establishment providing trucking to move household or business furniture and both short-term or long-term storage facilities.

i Amended “multiple-family” to “multifamily” throughout this chapter for consistency with State middle housing guidance, as well as internal consistency. Removed reference to families. From MMH Ordinance.

i Defined as 3 or more single households. This may include a triplex, fourplex, etc., but not duplexes or townhouses (attached residential). From MMH Ordinance.

“Multifamily dwelling” means a building or a portion of a building used or designed as a residence for three or more single households living independently of each other and each with facilities for living, sleeping, and cooking. This definition includes apartment houses but does not include hotels, trailers, or mobile/manufactured homes.

i Repealed: “Museum” has been repealed and relevant parts of the definition has been included under “cultural or entertainment facility” use standards.

18.102.150 "N" Definitions

i Amended “night club” to remove the last couple sentences which were incorporated into use standards. The use itself was repealed and included under Cultural or Entertainment Facility, but this definition is important to keep.

! Is this the definition you want to maintain for “night club”?

“Night club” means a business conducted entirely within a building that has a capacity for at least 30 persons seated at tables, includes a bar, employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

18.102.160 "O" Definitions

“Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

i Amended “open space” to include “conservation area”

“Open space” means an area that is intended to provide light and air, and is designed or preserved for environmental, conservation, habitat, scenic or recreational purposes.

“Other schools” means places for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.

18.102.170 "P" Definitions

i Amended: Created new “park” definition to incorporate all park types: “park, regional”, “park, neighborhood”, and “park, urban” and “playground.”

“Park” is an outdoor area meant for the enjoyment of nature, sports, or general recreation. Parks include any of the following:

- (a) “Regional park” means a regional facility including athletic fields and/or ball fields and/or other improvements for organized activities, open space for passive recreation, playgrounds and similar facilities. A community park serves an area of over 10,000 in population and is 20 to 100 acres.
- (b) “Neighborhood park” means a combination playground and park of five to 20 acres designed primarily for nonsupervised, non-organized recreation activities serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area.
- (c) “Urban park” means an area that may be improved for the purpose of providing public access and use in a manner consistent with its recreational, educational, cultural, historical, or aesthetic qualities. This type of facility may include passive recreation, playground, garden, picnic area, path or trail, seating area, restroom, or similar activities.
- (d) “Playground” means a piece of land used for and usually equipped with facilities for recreation especially by children. This definition includes small parcels developed as “tot lots” and may include playground equipment such as swings, slides and climbing structures.

“Park, private/HOA” means privately owned outdoor premises, available for community use, containing recreational areas, common space, or playground equipment. A private park is owned and maintained by an individual, company or homeowners association. The park grounds and recreational facilities shall be for the sole use of residents living in the area or subdivision where such facilities are located and shall not be used for commercial purposes.

- i** Repealed: “Parking lots, garages” was repealed and replaced with new definition for “Parking lot”
- i** Repealed: “Park and ride facility”. Not permitted in any zones.
- i** Repealed: “Parking structure, commercial” was repealed and replaced with new definition for “Parking structure”

“Parking Lot” means an accessory use for the temporary storage of vehicles for customers, employees, or residents.

“Parking Structure” means a structure which is used for the temporary storage of vehicles for customers, employees, or residents.

- i** Add: definition of “permanent supportive housing” for compliance with RCW 35A.21.430. Definitions are consistent with RCW 36.70A.030. From MMH Ordinance.

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy. Permanent supportive housing uses admissions practices designed to lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

“Personal service” means a land use devoted primarily to non-office services, including beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.

- i** Amended “photocopy/private mail center” to a new term “mail/small shipping store” and amended the definition.

“Plant nursery” means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

- i** Add: new definition for “play café” added and use added to Recreation and Sports Facilities in the use table and in the use standards.

“Play Café” means an commercial establishment that combines an indoor recreation area for young children with on-site food and beverage service intended for children and their accompanying guardians.

- i** Amended: Created new “park” definition to incorporate all park types and playground.

“Playground” – see “Park”.

“Post office” means a facility authorized by a postal system for the posting, receipt, sorting, handling, transmission and delivery of mail. Post offices offer mail-related services such as post office boxes, postage and packaging supplies.

“Post-secondary school” means an institution providing a post-secondary level of education that is provided at academies, universities, colleges, seminaries, institutes of technology, and certain other collegiate-level institutions, such as vocational schools, trade schools, and career colleges, that award academic degrees or professional certifications.

i Amended “preschool facility” to align with state regulations.

“Preschool facility” means an educational facility that primarily provides instruction to children prior to kindergarten.

i Add: The following definition is new for compliance with ADU legislation (RCW 36.70A.696(7)). From MMH Ordinance.

“Principal unit” means the single-family dwelling unit located on the same lot as an accessory dwelling unit. Also referred to as the “primary unit.”

i Repeal: “printing and publishing” as it is redundant with “printing, publishing, or allied industry”.

“Printing, publishing or allied industry” means an industry for the process of printing or the reproduction of text and image, typically with ink on paper using a printing press. It is often carried out as a large-scale industrial process, and is an essential part of publishing and transaction printing.

“Private clubs” means organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

“Professional office” means the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

“Public safety station” means a facility used for police and fire services.

“Public transit storage and maintenance facility” means a facility used for public transit storage and maintenance.

“Public transit terminal” means a terminal used for public transit.

18.102.180 "Q" Definitions

18.102.190 "R" Definitions

“Recycling collection stand” means a movable kiosk for the collection of recyclable materials or donations such as newspapers, clothing or books.

- i** Repealed “recreation areas or facilities” and “recreational facilities” – don’t need a definition for a permitted use table header.
- i** Amended “House of worship/church” to “Religious institution” below. The definition was maintained; only the term was changed.

“Religious institution” means a building or structure wherein persons regularly assemble for religious worship, which is specifically designed and used primarily for such purpose, and which is maintained and controlled by a religious body organized to sustain public worship.

- i** Repealed “repair services”, no corresponding line in the permitted use table so no definition is needed.

“Residential treatment facility” means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include: (1) supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene; (2) care in emergencies or during temporary illness, usually for periods of one week or less; (3) supervision in the taking of medication; and (4) other services conducive to the residents’ welfare.

“Residential use” means use of land or structure thereon, or portion thereof, as a dwelling place for one or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

- i** Amended “resort” to simplify the language and ensure it is both parallel to and mutually exclusive from other lodging definitions.

“Resort” means commercial, destination-oriented lodging that provides short term accommodations primarily for vacation or recreation experiences. In addition to the guest services provided at “hotels,” resorts may also provide other on-site recreational, leisure, and entertainment amenities.

- i** Repealed “restaurant” as it is included in the “food establishment” definitions. Use standards in the restaurant definition have been incorporated into the “food establishment” use standards.
- i** Repealed “Retail trade” and “retail sales area” as it is redundant with new definitions for “small retail”, “medium retail”, and “strip mall or big box retail”.
- i** Repealed “retail food establishment” and replaced with “food establishment”. Standards listed under the “retail food establishment” definition have been incorporated into the “food establishment” use standards.

18.102.200 "S" Definitions

- i** Amended “barber shop” or “beauty shop” to a new term “salon” and amended the definition.

“Salon” means a place where hair cutting, coloring, and styling, facials, manicures, tanning, or other spa services are provided.

- i** Repealed “school”, unnecessary definition.

“Seminary” means an educational institution for religious study.

“Sewage lift station” means 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 treatment plant.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage and does not include the definition of septage facility.

i This definition is from RCW 64.37.010(9). It was added to more clearly regulate short-term rentals when it comes to accessory dwelling units.

“Short-term rental” means a dwelling, or part of a dwelling, rented to guests for fewer than 30 consecutive nights. Short-term rentals do not include:

- (1) Hotels or resorts;
- (2) A home or apartment where the owner lives for at least six months per year and rents out fewer than three rooms at a time;
- (3) A rental unit where the same guest stays for 30 or more consecutive nights;
- (4) Temporary housing provided by a registered charitable organization or government entity for persons or their families receiving treatment for trauma, injury, or disease;
- (5) Emergency housing or transitional housing.

i Updated definition to remove reference to number of families per best practice.

“Single-family dwelling” means a detached residential building containing no more than one principal dwelling unit designed for occupancy by a single household.

i Repealed “skating rink” as it is included in the “amusement center” definition.

i Added definition of “sleeping unit” to better implement RCW 36.70A.535 Co-living Housing.

“Sleeping unit” means an independently rented and lockable space used for living and sleeping within a co-living residential development.

i Amended the term “small appliance and tool” to be “small appliance and tool repair”, but maintained the definition as is.

“Small appliance and tool repair” means an establishment repairing a wide variety of electrical, gas and mechanical appliances and tools.

i Add: new definitions for “small retail” to reflect permitted uses table.

“Small retail” means a sidewalk-oriented individual retail business which is 3,000 square feet or less.

“Solid waste disposal/recycling center” means a facility providing solid waste disposal or sorting and/or processing of recycled material for resale.

“Storage, commercial accessory” means the safekeeping of any goods or products used for a commercial activity within a detached subordinate structure located on the same lot as the primary structure, the use of which is clearly incidental to that of the main building or to the principal use of the land.

i Add new definition for “strip mall” to reflect permitted uses table.

“Strip mall” means an automobile-oriented retail development consisting of multiple small or medium-sized retail tenants in a singular building or linear arrangement sharing common parking and vehicle access.

i Repealed “small engines” as it is included in “automotive major repair and services”.

“Swimming pool” means any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes.

18.102.210 "T" Definitions

“Tattoo parlor” means a business designing and creating permanent graphic images on the human body. A tattoo parlor may also include piercing.

“Temporary use” means common land uses that may require a permit such as: carnivals, construction offices and yards, model homes that serve as sales centers in a subdivision, outdoor revival meetings, food trucks, pop-up restaurants or crafts shops, produce stands, Christmas tree stands, fireworks stands, and disaster relief kiosks or offices. City sponsored events or approved special event permits are not considered temporary uses.

i Repealed “tavern” and replaced with new “drinking establishment” definition.

i Repealed: “Theater” was repealed and included under “Cultural or Entertainment Facility”

i Repealed: “Towing” was repealed and now falls under the new definition for “Automotive major repair and services”

i Amended definition of “townhouse or rowhouse” for consistency with middle housing guidance. Removed “rowhouse” from definition since the term is not used in the code.

“Townhouse” means a building that contains two or more attached residential dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. Each dwelling unit is designed for occupancy by a single household.

“Trail” means a path paved or unpaved used for walking, hiking, running, bicycling and/or horseback riding.

i Added definition of “transitional housing” for compliance with RCW 35A.21.430. Definitions are consistent with RCW 36.70A.030.

“Transitional housing” means a facility that provides housing and supportive services to homeless persons or families for up to two years and then facilitates the movement of homeless persons and families into independent living.

18.102.220 "U" Definitions

18.102.230 "V" Definitions

“Vehicle display lot” means an accessory use for the display of vehicles for sale or rent. This use is limited to vehicles which do not exceed a one (1) ton capacity.

“Vehicle storage lot” means an accessory use for the overnight storage of vehicles which are receiving repairs or services. This use is limited to vehicles which do not exceed a one (1) ton capacity.

“Veterinary hospital or clinic” means a building used to provide health care services to animals.

“Viticulture” means cultivation of grapes.

18.102.240 "W" Definitions

i Add: new “warehouse operation” definition to reflect use included in the permitted use table.

“Warehouse operations” means a facility primarily engaged in the storage and distribution of goods and materials. Activities typically include receiving, storing, inventorying, order fulfillment, and shipping of products to retailers, wholesalers, or end users. Limited accessory office space and incidental packaging or assembly may occur, provided such activities are clearly subordinate to the storage and distribution function. This use does not include retail sales to the general public, manufacturing, or contractor yards.

“Water, drainage or sewage infrastructure” means pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage.

“Water well and pump station” means infrastructure used to move water from a ground water source and convey water within a utility system.

“Wholesale operation” means an establishment that includes large storage and distribution areas for receiving goods (such as produce) and shipping these goods to places such as grocery stores and restaurants or large facilities to provide items for sale to the public at wholesale prices. This definition excludes retail sales or clubs that sell wholesale goods to members as a retail transaction.

“Wholesale (trade)” means the sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

i Appealed: “Wrecking” was appealed and allowed under the new definition for “Automotive High Intensity”.

18.102.250 "X" Definitions

18.102.260 "Y" Definitions

18.102.270 "Z" Definitions