



Agenda
Planning Commission Regular Meeting
February 9, 2026 | 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**
 - a. Introduction of new Planning Commission member Doug Standish
- 3. Public Requests and Comments**
- 4. Approval of Minutes**
 - a. Planning Commission Minutes January 12, 2026
- 5. Unfinished Business**
 - a. Permitted Use Matrix and Standards Discussion
- 6. New Business**
 - a. Grading and Stormwater Code Amendments
- 7. Miscellaneous Business**
- 8. Recent Council Action on Commission Items**
- 9. Upcoming Items**
 - a. Design Standards in April / May Time Frame
- 10. Adjourn**

Zoom Meeting Information

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89660483882>

Passcode: 502157

Telephone: 253-215-8782

Webinar ID: 830 9911 3579



City of Stanwood Planning Commission Staff Report

Item Number: 4.a.
Date: February 9, 2026
Subject: Planning Commission Minutes January 12, 2026
Contact Person:
Attachments: 1. Planning Commission Minutes 2026.01.12

January 12, 2026 Meeting Minutes

City of Stanwood
Regular Meeting of the Planning Commission
January 12, 2026 | 6:30 PM

Minutes

1. Call to Order

Patrick Hosterman called the Planning Commission meeting to order at 6:30 pm.

2. Roll Call

Attendance:

Commissioners Present:

Richard Craig

Melissa Toner

Patrick Hosterman, Chair

Gabrielle Braley

Rachelle Pedersen

Staff Present:

Patricia Love, Community Development
Director

Tansy Schroeder, City Planner

Audrey Rotrock, Associate Planner

Absent: Eric Warnat

Also known to be present: Community Members Kristina Robinson, Darren
Macomber, and Marilyn (online)

Public Requests and Comments:

3. Public Requests and Comments

4. Approval of Minutes

The minutes of the November 17, 2025 Planning Commission meeting were approved unanimously with one correction to add Commissioner Craig to the roll call.

a. November 17, 2025 Planning Commission Minutes

5. New Business

a. Election of Chair and Vice-Chair

At the first meeting of the year, the Planning Commission elects a new Chair and Vice Chair.

Commissioner Toner made a motion to elect Patrick Hosterman as the Chair of the Commission. All were in favor.

Commissioner Toner made a motion to elect Richard Craig as the Vice Chair of the Commission. All were in favor.

b. Introduction of New 2026 Planning Commission Members

Two seats on the Planning Commission become vacant at the end of 2025 and were appointed by the City Council at their last meeting in December. The Mayor is responsible for reviewing applicants and recommending appointments to the City Council whenever vacancies occur or terms expire.

Candidates were evaluated on eligibility, professional background, community involvement, residency, and their interest in contributing to Stanwood's long-term vision.

Rachelle Pedersen - Seat Number 7, Expiring December 2029. Rachelle is a Stanwood resident and a veteran of the U.S. Air Force. She brings extensive experience in team development, training, and strategic planning. Her professional background includes roles that require strong communication skills, meticulous attention to detail, and thoughtful, solutions-oriented problem-solving.

6. Unfinished Business

a. Stanwood Municipal Code Update: Permitted Uses

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 update involves:

- 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).

The proposed approach to updating the Permitted Use Matrix includes a comprehensive review of both the Permitted Use Matrix and the associated Use Standards. Specifically, this work includes identifying uses that may be outdated or no longer reflective of current community needs and identifying potential new uses that should be considered or added consistent with the City's recently updated Comprehensive Plan and long-term vision.

Below is the list of existing allowed uses:

- Agricultural
- Animal Services
- Automotive Services
- Cultural and Entertainment
- Lodging
- Industrial
- Office
- Personal Services
- Public Facilities
- Quasi-Public
- Recreational Areas and Sports Facilities
- Residential
- Retail Trade Establishments
- Retail Food and Drink Establishments
- Schools
- Wholesale Storage / Distribution Facilities
- Utilities
- Wireless Communication Facilities
- Other

Types of Uses:

- Are the permitted, conditional, and prohibited uses reflective of modern development patterns?
- Are there outdated or redundant uses that should be removed or consolidated?
- Should emerging uses be added or clarified to better support housing, employment, and services?

Location of Uses:

- Are uses allowed in zoning districts that are appropriate given surrounding land uses and infrastructure?
- Are transitions between incompatible uses adequately addressed?

Uses That Should Not Be Allowed:

- Are there uses currently allowed that conflict with the community's long-term planning goals?
- Should certain uses be prohibited or more tightly limited in residential or mixed-use areas?

Quality of Life and Compatibility:

- Do the permitted uses adequately address livability such as noise, traffic, scale, and operating impacts?
- Are conditional use permits or development standards appropriately applied to higher-impact uses?
- Are there uses that have created recurring compatibility concerns?

Staff asked the Commissioners to consider the following categories to consolidate use categories into:

1. Agriculture
2. Residential
3. Office
4. Entertainment and Tourism
5. General Services

6. Industrial
7. Institutional
8. Retail
9. Utilities and Infrastructure

Commissioner Questions & Comments

- Commissioners agree that consolidating the use categories is an appropriate approach for moving forward with the zoning code update.
- Commissioners requested that Community Gardens be included as an allowed use within residential zoning districts.
- Commissioners discussed how to address proposals for uses that are not listed as either allowed or prohibited. Staff clarified that these are considered unclassified uses.
 - Staff explained that applicants may request a zoning code interpretation by the Hearing Examiner to determine whether an unclassified use may be permitted, permitted as an accessory use, permitted as a conditional use, or prohibited.
- As an example, staff noted that a microbrewery could potentially be considered an accessory use in instances where it is associated with a restaurant, rather than permitted as a standalone use.
- Staff encouraged Commissioners to engage with neighbors and community members to better understand community preferences regarding which uses should or should not be allowed.
- Commissioners requested additional information regarding options to make the unclassified use determination process less burdensome and less cost-prohibitive for applicants.

Public Comments & Questions

- The unclassified use process is cost prohibitive, time-consuming, and could still potentially end in a use being classified as prohibitive. Can the City provide an easier solution?

7. Miscellaneous Business

a. Year In Review

Staff gave a brief summary of the work accomplished by the Community Development Department during 2025.

8. Recent Council Action on Commission Items

a. State Environmental Policy Act and Nonconforming Use Standards Code Amendments

At their last meeting, City Council approved the State Environmental Policy

Act and Nonconforming Use Standards Code with no additional changes.

9. Upcoming Items

10. Adjourn



**CITY OF STANWOOD
PLANNING COMMISSION
AGENDA STAFF REPORT**

ITEM NUMBER: 2026-68
DATE: February 9, 2026
SUBJECT: Permitted Use Matrix and Standards Discussion
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: 1. Draft Ordinance

PURPOSE

The purpose of this agenda item is for Planning Commissions review of the draft Permitted Use Matrix and Use Standards.

BACKGROUND

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 ordinance consists of three primary components:

- Definitions related to the Permitted Use Matrix
- The Permitted Use Matrix
- The use-specific development standards associated with allowed uses

The Planning Commission began its review of the permitted use codes in late 2025 with a general introduction into early 2026.

- November 2025: General approach and chapter structure
- January 2026: Permitted Uses Table and Comprehensive Plan Policy Discussion

This meeting will focus on the actual uses per zone and the associated development standards associated with specific uses.

ANALYSIS

Attached for the Planning Commission is the second draft of the Permitted Use Matrix and Use Standards Code Amendment. While the document is still under development, it includes sufficient detail to allow the Commission to review proposed uses and standards and provide initial feedback.

Permitted Use Matrix: The permitted use matrix is a table within the zoning code that identifies the types of land uses allowed within each zoning district and specifies how those uses may occur, such as permitted outright, subject to conditional use review, or prohibited. It is one of the most important policy tools in the zoning code because it directly determines where housing, businesses, services, and industrial activities may locate throughout the City. Once adopted, the permitted use matrix establishes legally enforceable land use rights. Development proposals that are consistent with the zoning code must be approved, and subsequent permit review processes may not be used to modify or further restrict those rights.

As generally described at the January meeting, this version of the permitted use matrix has been reconfigured to reduce the number of land use categories from 20 to 10. However, no changes to the actual uses have been made yet. That work will formally begin after this meeting.

Permitted Use Matrix Code Amendment

Permitted Use Categories



Individual permitted uses organized into use “categories”

- 20 different existing use categories

Allowed Uses	
• Agriculture	Automotive Services
• Animal Services	Hotels / Guest Houses
• Cultural/Entertainment	Offices
• Industrial	Public Facilities
• Personal Services	Recreation
• Quasi-Public	Residential
• Repair Services	Food / Beverage
• Retail Trade	Wholesale
• Schools	Other
• Utilities	
• Wireless Communication Facilities	

Residential Zones						
Cross Reference: SMC 18.646 TN Standards						
Land Use	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN RES
Agriculture						
Farms	P	P	P	P	P	
Animal Services						
Animal Daycare/Grooming						
Kennel, Commercial						



Permitted Use Matrix Code Amendment

Permitted Use Categories



Proposing to consolidate into 9 resulting use categories:

Keep / Retain	Consolidate / Revise	
<ol style="list-style-type: none"> 1. Agriculture 2. Residential 3. Office 	<ol style="list-style-type: none"> 4. Entertainment and Tour <ul style="list-style-type: none"> • Cultural/Entertainment • Hotels / Guest Houses • Recreation 5. General Services <ul style="list-style-type: none"> • Personal Services • Animal Services 6. Industrial <ul style="list-style-type: none"> • Industrial • Automotive Services • Wholesale • Repair Services 	<ol style="list-style-type: none"> 7. Institutional <ul style="list-style-type: none"> • Public Facilities • Quasi-Public • Schools 8. Retail <ul style="list-style-type: none"> • Retail Trade • Food / Beverage 9. Utilities and Infrastructure <ul style="list-style-type: none"> • Utilities • Wireless Communication Facilities 10. Other



Definitions: This section moves the relevant use definitions from Title 17 to new Title 18. It also updates the definition to be user friendly and consolidates general terms. The general approach to updating the definitions chapter is If a term is not defined, the general “websters” dictionary definition applies.

Uses: The uses identified in the permitted use matrix are intended to implement the land use, housing, and economic development goals and policies of the Comprehensive Plan. The Comprehensive Plan emphasizes job growth and the creation of living-wage employment opportunities, and the matrix should reflect this policy. The matrix should also reinforce the City’s vision for Downtown as a walkable, pedestrian-oriented area characterized by small- to moderate-scale businesses that reflect the City’s history and character, while Uptown is planned to function as a more auto-oriented commercial and business center.

The existing permitted use matrices have been consolidated into a single matrix, with zoning districts listed across the top of the table and land uses listed down the left-hand column. Uses are identified as follows:

- Permitted uses are shown as “P”
- Accessory uses as “AC”
- Conditional uses as “C”
- Uses that are not allowed in a zoning district are left blank
- Prohibited uses are either identified in the Prohibited Use List or not listed in the matrix

The Planning Commission’s discussion will focus on reviewing the list of permitted uses by zoning district to ensure that future development aligns with the Comprehensive Plan’s vision for both community livability and economic development.

Key policy-level considerations for discussion include:

- What type of businesses should the City encourage or limit to support the Comprehensive Plan’s economic development strategies?
- What is working well today and what changes are needed in the matrix? What problems are we trying to fix?
- How much flexibility should be provided in the new code for evolving technologies or businesses models?
- Will the uses listed in the matrix make sense in 10 to 20 years? How can the matrix adapt to market conditions?

Use Standards: As part of the reorganization of the permitted use matrix, existing footnotes that previously contained additional development standards have been relocated to a new Division 6, Use Standards. The applicable use standards are now clearly identified in the right-hand column of the updated matrix. This reorganization improves clarity and usability by ensuring that standards specific to individual uses are easily located, consistently applied, and readily understood by staff, community members, and the developer during project review.

Most of the use standards included in the ordinance reflect existing standards which have been updated to be consistent with the reader-friendly style of the overall municipal code update project. Significant changes have been made as follows:

Topic:	Change:
Automotive Services	Multiple uses have been consolidated with development standards listed in a table for easy reference: vehicle size, lot size, screening, outdoor work allowance, storage allowances, and use examples.
Adult Entertainment	Licensing requirements are in Title 5 and land use standards are in Title 18.
Daycares / Preschools	Simplified standards to comply with state law.
Right to Farm	Deleted requirements as there are no remaining lots in the Residential 12.4 zone that meets the lot size requirement. However, the permitted use matrix continues to allow agricultural uses throughout the City.
Home Occupations	Significantly updated to reflect current work trends. Amendments address complaints received over the years which resulted in restricted uses that didn't impact neighborhoods or those that were allowed with impacts. Amendments attempt to address changing times, with the goal to allow more home occupations but limit neighborhood impacts.
Bed & Breakfasts, Lodging, Quasi-Public Facilities, Utilities, and Religious Institutions	Updated standards to require residential neighborhood compatibility: landscape buffers, noise and lighting restrictions, parking and circulation layout.
Schools	Allow daycares and preschools as accessory uses. Allowing vocational programs that serve the community as an accessory use. An example of this is the Sno-Ilse Tech Skills Center culinary program that serves lunch to the community at reduced prices.

Development standards that were originally adopted in conjunction with the Missing Middle Housing and Land Division codes have been readopted by reference into the new Title 18 sections. These standards are not proposed for further review or modification at

this time, as they were thoroughly vetted through extensive public and legislative discussion during adoption of the Missing Middle Housing ordinance. These standards will be monitored over the next year and if amendments are needed, they will be addressed then.

In addition, several other use-specific standards are being adopted by reference and incorporated into Title 18. These standards were previously adopted following comprehensive policy review or were updated to ensure compliance with applicable state and federal regulations. These include standards governing marijuana uses, wireless communication facilities, traditional neighborhood and industrial development. No substantive changes are proposed to these standards as part of this action.

Additional Amendments: As this document is a working draft, additional refinements and amendments are anticipated between the February and March Planning Commission meetings. These changes are expected to be primarily clarifying and technical in nature. In addition, several supplementary exhibits are included in the ordinance that amends both Title 17 and Title 18 to ensure internal consistency with the proposed updates as well as previously adopted code changes. These exhibits address revisions to the permit review and application submittal procedures, as well as the repeal of obsolete or redundant code sections.

RECOMMENDATIONS

Staff Recommendation:

Staff is seeking the Planning Commission's comments and suggestions on the draft ordinance. Committee input will help ensure the amendments reflect the City's vision and community character.

PROPOSED MOTION

None; Discussion Item

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 15XX

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) ADOPTING AMENDMENTS TO CHAPTER 18.102, DEFINITIONS, ADOPTING NEW DIVISION5, ZONING AND USES, ADOPTING NEW DIVISION6, SPECIFIC USE STANDARDS, AMENDING OR DELETING ASSOCIATED PROVISIONS IN TITLE 17, ZONING FOR CONSISTENCY, 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 to ensure consistent interpretation and administration, reduce ambiguity and disputes, and improve predictability for residents, property owners, applicants, and decision-makers; and

WHEREAS, the GMA requires jurisdictions to adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the City Council adopted the 2024 Comprehensive Plan which establishes goals and policies addressing land use, housing, economic development, capital facilities, utilities, transportation, parks and recreation, and environmental protection; and

WHEREAS, the City desires to ensure that the Stanwood Municipal Code includes definitions and regulatory standards that are clear, internally consistent, and aligned with the Comprehensive Plan's intent and policy direction; and

WHEREAS, best practices in planning and zoning necessitate updates to outdated land use definitions and terminology; and

WHEREAS, permitted use tables and use classifications are primary tools by which the Comprehensive Plan is implemented through zoning; and

WHEREAS, adopting updated permitted uses and associated development regulations is intended to implement Comprehensive Plan policies related to housing, businesses, economic development, and provisions for public services; and

WHEREAS, use specific development standards ensures neighborhood compatibility and protects community character while allowing a variety of businesses in the city; and

WHEREAS, updating development standards consistent with the Comprehensive Plan will improve the quality and predictability of development and redevelopment; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on _____, 2026, and the comment / appeal period ended on _____, 2026; 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 _____, 2026. The 60-day review period was completed on _____ 2026; and

WHEREAS, the code amendment was circulated for public review on _____, 2026 through _____, 2026; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their _____, 2026, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission held a public hearing on ordinance on _____, 2026, 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 on the draft code amendment on _____, 2026, and accepted public comment; and

WHEREAS, the City is authorized under the Constitution and laws of the State of Washington, including the Growth Management Act, Chapter 36.70A RCW, to adopt and amend land use regulations and development standards to protect the public health, safety, and welfare; and

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

Section 1. General Provisions. Stanwood Municipal Code Chapter 18.100, General Provisions is amended as provided in **Exhibit A** attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Definitions. Stanwood Municipal Code Chapter 18.102, Definitions is amended as provided in **Exhibit B** attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Zoning And Uses. Stanwood Municipal Code Division 5, Zoning and Uses, is adopted as provided in **Exhibit C** attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 4. Specific Use Standards. Stanwood Municipal Code Division 6, Specific Use Standards, is adopted as provided in **Exhibit D** attached to this ordinance and incorporated herein by reference as if set forth in full.

Section X. Permit Types and Process. Permit applications and review process is amended as provided in **Exhibit X**, which is attached hereto and incorporated by this reference.

Section X. Repealed Sections. The Stanwood Municipal Code Chapters and Sections repealed by this Ordinance are identified in **Exhibit X**, which is attached hereto and incorporated by this reference.

Section X. 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 X** and incorporated herein by reference.

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

PASSED and APPROVED this ____ day of _____, 2026.

CITY OF STANWOOD:

- Approve
- Veto

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Chapter 18.100 GENERAL PROVISIONS

Chapter 18.100 General Provisions

Repeal SMC 17.25.010, Conflict with other laws and other legal documents, and recodify as SMC 18.100.015 as written below.

18.100.015 Conflict with other laws and other legal documents

Where other laws, or codes (not including the previously adopted zoning code), impose greater requirements, regulations, or restrictions than those contained herein, those other laws or codes shall control, regardless of whether such laws or documents have been passed or created prior to or subsequently to the effective date of this code.

Repeal SMC 17.25.030, Minimum requirements, and recodify as SMC 18.016 as written below.

18.100.016 Minimum requirements

The regulations set forth in this code shall be considered to be minimum requirements for the purpose of promoting the general public health, safety and welfare of the people of the city of Stanwood.

EXHIBIT B

Chapter 18.102 DEFINITIONS AND RULES OF INTERPRETATION

Chapter 18.102 Definitions

The following definitions have been either amended or added as provided below. All other definitions in Chapter 18.102 remain unchanged.

18.102.020 "A" Definitions

“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”.

“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.”

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

“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.

“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](#).

“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.

“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

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

“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.

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

“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.

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

“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.

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

“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

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.

“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.

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

“Drive aisle” means a designated route for vehicle circulation within a parking lot or garage.

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

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

“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.”

“Dwelling, Townhouse” See “Townhouse”

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.

“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

“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.”

“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.

“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

“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.

“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

“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.)

“Hospital” means primarily providing inpatient health services.

“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.

18.102.100 "I" Definitions

“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.

“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

“Major transit stop” means:

- (a) A stop on a high capacity transportation system funded or expanded under the provision of Chapter 81.104 RCW;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems, including transitways, not including Stanwood Station;
- (d) Stops on rapid transit routes or routes that run on high occupancy vehicle lanes; or
- (e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

“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”

- (2) 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.”

- (3) 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” means all parts of the cannabis plant whether growing or not.

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

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

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

“Marijuana use” includes a store, agency, organization, dispensary, cooperative, network consultation, operation, or other business entity, group or person, no matter how described or defined, including any associated premises and equipment which has for its purpose or which is used to grow, select, measure, process, package, label, deliver, dispense, sell or otherwise transfer for consideration, or otherwise, marijuana in any form.

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

“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.

“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.

18.102.150 "N" Definitions

“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.

“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

“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.

“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.

"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.

"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.

"Play Café" means a 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.

"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.

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

"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."

"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.

18.102.190 "R" Definitions

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

“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.

“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.

“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.

18.102.200 "S" Definitions

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

“School” See “Elementary school”, “High school”, “Middle school”, or “Other schools”

“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.

“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.

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

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

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

“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.

“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.

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

18.102.210 "T" Definitions

“Tandem parking” means having two or more vehicles, one in front of or behind the other, with a means of ingress and egress.

“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.

“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.

“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.

18.102.230 "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

“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.

EXHIBIT C

Division 5 ZONING AND USES

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Chapter 18.500 Purpose and Applicability

18.500.010 Purpose.

The purpose of this chapter is to establish standards specific to permitted uses and structural dimensions, in some cases, based on zone. This chapter intends to implement the land use and housing policies of the Comprehensive Plan through the allowance or prohibition of certain uses throughout the city’s zones, in order to minimize land use conflicts, avoid impacts from incompatible uses, and support sustainable development patterns.

18.600.020 Applicability.

The standards in this chapter apply to all lands in the city of Stanwood.

Chapter 18.502 Permitted Land Uses

18.502.010 Permitted land uses and established classification of uses.

- (1) Any site developed or structure constructed, converted, enlarged, reconstructed, or structurally altered in the City of Stanwood must comply with the land use permissions established by this chapter.
- (2) Under certain circumstances, preestablished nonconforming uses may be permitted to continue, pursuant to SCM 18.506 Nonconforming Uses, Structures, and Lots.
- (3) Land Use Classifications Established. This section establishes permitted, conditional, accessory, and prohibited uses for all zones in the city. Any land use in a given zone is classified as one of the following:

Classification	Description
Permitted Use (P)	Land uses allowed outright within a zone
Accessory Use (AC)	Uses incidental and subordinate to the principal use and located on the same as the principal use. Accessory uses are intended to support the main occupancy of the principal use.
Conditional Use (C)	Uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to additional review and public hearing to establish conditions to protect public health, safety and welfare.
Use Not Allowed in Zone	Blank box
Prohibited Use	Any use not specifically listed as a permitted, accessory, or conditional use is prohibited, except those uses determined to be unclassified and permitted by the community development director. Specific prohibited uses are listed in this chapter. Any prohibited use is illegal and is subject to civil or criminal penalties under SMC Title 13 .

18.502.020 Temporary uses.

In some cases, a certain land use is needed only temporarily, or a structure is needed only for a temporary period of time. These uses are regulated under SMC [18.645](#) Temporary Uses and Structures.

18.502.030 Unclassified uses.

- (1) Unclassified Uses. In the event that a proposed use is not listed in the permitted use table or there is ambiguity as to if a proposed use meets the definition of a use defined by the Stanwood Municipal Code, an applicant may request an interpretation of the zoning code, pursuant to the process determined in SMC Title 18 Division 2 Applications, to determine if the use is allowed, allowed as an accessory use, allowed as a conditional use, or prohibited, based on the criteria in subsection 2 below.

- (2) Criteria for Unclassified Uses. In order to decide that an unclassified use is permitted, conditionally permitted, or accessory, the decisionmaker must find that the use is:
 - (a) In keeping with the purpose and intent of the zoning district as described in the Stanwood Comprehensive Plan.
 - (b) Compatible with other permitted, accessory or conditional uses in the zoning district including, but not limited to, being similar in nature to and no more intense than a specifically listed permitted, conditional or accessory use.
 - (c) Compatible in an alternative zoning district that is more appropriate for the proposed use. Evaluation should include, but not be limited to, traffic, access, noise, odor, smoke, vibrations, parking, outdoor storage, and adjacent use or zoning buffers.
- (3) Unclassified use requests shall be processed as a Type 3 permit subject to a public hearing. After considering staff comments and taking public testimony on the proposed use, the decisionmaker shall determine if the use is allowed, allowed as an accessory use, allowed as a conditional use or prohibited within the requested zone or any other appropriate zoning district. The decisionmaker may also require special conditions be applied to the use to ensure compatibility with the intent of the zoning district.
- (4) Upon final decision, including any associated appeals, the interpretation shall be documented and posted on the city's website. Future updates to this title shall incorporate any "unclassified use" interpretations issued since the last code update.

18.502.040 Change in use.

- (1) A substantial change in use occurs whenever a new use or activity conducted on a lot creates a more intensive impact to the site or to the infrastructure of the city than the previous use, as determined by the community development director and/or his or her designee.
- (2) A change in the status of property from occupied to unoccupied or vice versa does not constitute a substantial change in use. Whether a change in use occurs shall be determined by comparing the uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 12 months or has been abandoned.
- (3) A change in ownership of a business or enterprise or a change in the name shall not be regarded as a substantial change in use.

18.502.050 Prohibited uses.

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

- (1) Aggregate extraction.
- (2) The disassembly, dismantling, or storage of more than five wrecked vehicles as defined in RCW [46.80.010\(6\)](#) at any one time unless completely contained within an enclosed building.
- (3) Manufacture of explosives.
- (4) Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018.
- (5) Petroleum refineries.
- (6) Fertilizer manufacture.

- (7) Guy wires and lattice towners
- (8) Sanitary landfills.
- (9) Waste-to-energy facilities.
- (10) Casinos and card rooms with two or more card tables.
- (11) Auctions or sale of livestock or similar animals in the planned industrial or general industrial zones as noted in Chapter [17.50](#) SMC.
- (12) Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials.
- (13) Incineration or reduction of garbage, sewage, dead animals or refuse.
- (14) Crematoriums including the cremation of human and animal remains.
- (15) Septage treatment plants.
- (16) Uses that cannot meet and/or exceed the performance standards listed in SMC [17.50.020](#), Planned industrial and general industrial district performance standards.
- (17) 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.
- (18) Temporary or permanent homeless encampments except as allowed by RCW [35A.21.360](#).

18.502.060 Permitted Land Use Table.

- (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 not allowed in that zone.
 - (e) Uses not listed are considered unclassified. See SMC 18.502.030.
- (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

Land Use	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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	
Agriculture															
Farms	P	P	P	P	P										SMC 18.618 Farming and Agricultural Uses
Entertainment and Tourism (<i>Cultural / Entertainment, Lodging, Recreation</i>)															
Adult Entertainment Facility												P			SMC 18.606 Adult Entertainment Uses
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
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
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				

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
Skating Rink											P				
Swimming Pool											P		P		SMC 18.636 Recreation Areas and Sports Facilities
General Services (<i>Animal Services, Personal Services</i>)															
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
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			
Industrial Uses (<i>Automotive Services, Industrial, Repair Services, Wholesale</i>)															
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

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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
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
Automobile Repair Establishment – Minor Repair							P	P	P	P	P				
Small Engines											P	P			

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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.
Institutional Uses (Public Facilities, Quasi-Public, Schools)															
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			
Cemetery		P												C	SMC 18.634 Quasi-Public Uses
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

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
Meeting Hall	C	C	C	C	P		P/C	P			P				SMC 18.634 Quasi-Public Uses
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				
Preschool Facility	C	C	C	P	P			P			P	P			
Public School														P	
School Administration Buildings														P	
Seminary			C												
Office															
Professional Office							P	P	P	P	P	P			
Health Care Office							P	P	P	P	P				
Hospital							C	C	C	C	C				SMC 18.620 Health Services

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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
Enhanced Service Facility Category 2 –Assisted Living Type					P	C	C	P		P					SMC 18.616 Essential Public Facilities
Enhanced Service Facility Cat. 3 – Adult Family Home Type	P	P	P	P	P	P	P								SMC 18.616 Essential Public Facilities

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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 Establishments (Retail Trade, Retail Food and Beverage)															
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
Plant Nursery								P			P				
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

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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					
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			
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				
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

	Residential Zones Cross Reference: SMC 18.646 TN Standards						Commercial Zones Cross Reference: SMC 18.646 TN Standards				Industrial Zones Cross Reference: SMC 17.623 Industrial Use Standards		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
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

Chapter 18.504 Height and Bulk Standards

18.504.010 Purpose and Applicability

- (1) The tables in this chapter contain dimensional development standards for each zone and alternative bulk standards by lot type or use.
- (2) If a unit lot subdivision or lot split land division process is proposed in accordance with Title 18 Part 4 Land Divisions, then the development standards in this chapter apply to the parent lot. Additional standards that may apply to an individual lot resulting from these processes include those found in Chapter 18.402 Standards for Land Divisions and Adjustments.
- (3) Additional standards that may apply include but are not limited to those found in Chapter 17.90-17.154 SMC and Chapter 17.200-17.220 SMC, and Title 18 Part 4 Land Divisions and Adjustments.

18.504.020 Standards

- (1) More than one structure containing a permitted or permissible principal use may be erected on a single lot in conformance with the provisions of this code; provided, that required setbacks, lot area and other requirements of this code must be met for each structure as though it were on an individual lot.
- (2) Permitted Building Area. All buildings must be built within the required setbacks.
- (3) Exceptions to Setbacks. In all zoning districts, every part of the required setback area must be open and unobstructed at and above ground level, except as provided below:
 - (a) Eaves may project up to 24 inches into a required yard. However, where the side yard is less than five feet, no eaves may project into a required setback.
 - (b) Movable awnings and decks averaging less than 30 inches from the ground may project into a required yard area, provided they do not cover more than one-half the width of the required yard.
 - (c) In all zoning districts, fences, walls, and hedges are permitted within any required front, rear, or side yard area, provided these do not conflict with the "sight triangle" requirements contained in the landscape performance standards or architectural design standards in this code.
 - (d) Sheds, playhouses, gazebos, etc., and other accessory structures less than 200 square feet, may be located within two feet from a property line.
 - (e) Uncovered decks less than four (4) feet in height, measured at the point of connection to the principal building, may extend up to ten (10) feet into a required rear setback.
 - (f) Ramps designed to provide accessibility in compliance with the Americans with Disabilities Act (ADA) may extend into a required setback.
 - (g) Architectural building features such as chimneys, bay windows, covered stoops, and porches, may extend up to twenty-four (24) inches into a required building setback. Fire resistant construction may be required.
- (4) Distance to a property line is measured at the narrowest space between the structure and property line, and must not include any roof overhang (eaves) in calculating the building/setback measurement. In no instance shall any roof overhang be allowed to extend beyond a property line.
- (5) Exception to Height Limits.

- (a) The height limitations contained in this chapter SMC 18.504 do not apply to flag poles, spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, roof mechanical penthouses solely for air handling equipment, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Rooftop air conditioning and ventilating units must be screened so they are not visible from the adjacent public right-of-way.
- (b) Elevator machine rooms and elevator shafts may exceed the height limit provided that they do not occupy more than 20 percent of the roof of the building on which it is located.

18.504.030 Residential zones standards.

Repeal SMC 17.60.020 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.030, Residential zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.020(1) Development Standards – Residential Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.040 Residential/commercial zone standards

Repeal SMC 17.60.030 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.040, Residential / Commercial zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.030(1) Development Standards – Residential / Commercial Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.050 Commercial and industrial zones standards.

Repeal SMC 17.60.040 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.050, Commercial and industrial zones standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.040(1) Development Standards – Commercial / Industrial Zones in its entirety:

NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.

18.504.060 Public facility standards.

Repeal SMC 17.60.044 as adopted in Ordinance 1549 in its entirety and recodify as SMC 18.504.060, Public facility standards, with the following change. All other sections shall remain as adopted in Ordinance 1549.

Delete Note in Table 17.60.045(1) Development Standards –Public Facility Zones in its entirety:

~~NOTE: Development standards pertaining to density, lot area, lot width, and lot depth are removed from this table for ease of review; however, these standards are not intended to be deleted by this ordinance.~~

18.504.070 Parks and Open Space standards

Repeal SMC 17.60.050, parks and open space development standards in its entirety and recodify as SMC 18.504.070, Parks and Open Space Standards, with only changes to citation numbers and formatting.

Chapter 18.506 Nonconforming Uses, Structures, and Lots

This chapter is codified per Ordinance 1558, Nonconforming Uses, Structures, Lots, without change.

Chapter 18.508 Development Agreements

Repeal SMC 17.60.060, development agreements, in its entirety and recodify as SMC 18.508, Development Agreements, with only changes to citation numbers and formatting.

EXHIBIT D

Division 6 SPECIFIC USE STANDARDS

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Chapter 18.600 Purpose and Applicability

18.600.010 Purpose and Applicability.

- (1) The purpose of this chapter is to establish standards for specific land uses that, because of their unique characteristics or potential impacts, require additional regulations to ensure they are compatible with surrounding development and consistent with the purpose and intent of the zoning code.
- (2) Further, this chapter is also intended to implement the land use policies of the Comprehensive Plan by providing development standards for specific uses that warrant special consideration. These standards ensure such uses minimize conflicts with surrounding properties.
- (3) The standards in this chapter apply to all land uses listed in the sections below and apply in any zoning district where the land use is located, unless specifically clarified otherwise in this code. These standards are in addition to, and do not replace, the general provisions and development standards applicable to all uses within the zoning code.

Chapter 18.602 Accessory Dwelling Units (ADUs)

Stanwood Municipal Code Chapter 17.95, Residential Performance Standards, Article IX, Accessory Dwelling Units, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.604 Accessory Structures and Uses (Non-Dwelling)

18.604.010 Standards for accessory structures in all zones.

- (1) In all zones, accessory structures over 120 square feet, are permitted to be located in required side or rear yards, but not front yards, provided that the structure meets the setback requirements in Chapter 18.504, Height and Bulk Standards.
- (2) When an accessory structure is attached to and made a part of the main building it is considered to be part of the main building and is no longer considered accessory.
- (3) An accessory structure, unless attached to and made a part of the main building, must be no closer than five feet to the main building.

18.604.020 Standards for commercial accessory storage structures and uses.

- (1) Metal storage or cargo containers:
 - (a) Storage uses may occur in metal prefabricated and movable structures up to 400 square feet maximum provided the structures are visually screened, include enclosure walls providing 100 percent visual separation and a roof. The roof requirement may be waived when the top of a metal storage unit is not visible from adjacent properties, including views from roads, parking areas, and outdoor recreation areas.
 - (b) Screening must be of building materials consistent with the materials of the primary building on the site and may consist of any building material allowed by the architectural standards for the zone.
 - (c) Landscape materials are not permitted for screening purposes.
 - (d) Storage containers must meet the anchoring standards required for manufactured homes.
- (2) Built storage structures:
 - (a) If accessory storage is located in a structure built consistent with the International Building Code, which meets the architectural standards for new buildings in the zone, and is constructed of material consistent with the primary structure, then additional screening is not required.
 - (b) Structures must be installed with a permanent foundation.
- (3) All storage containers or structures:
 - (a) Must not be used for residential purposes.
 - (b) Must not displace required parking established for the primary use of the property.
 - (c) The gross square footage of the storage use must be included in the calculation for off-site parking and loading requirements for the primary use at the same use designation.
 - (d) Must comply with the relevant height, setback and bulk standards.
 - (e) Detached accessory storage must comply with the architectural standards for the DMU zoning district and GC zoning district.

Chapter 18.606 Adult Entertainment Uses

18.606.010 Purpose.

It is the purpose of this section to regulate the location and physical standards of adult use businesses to prevent adverse secondary impacts on surrounding properties while protecting constitutional rights to free expression.

18.606.020 Applicability.

- (1) Adult uses subject to this chapter include those regulated by special license in SMC Chapter 5.32.
- (2) Adult retail establishments, as defined in this below, are subject to this Chapter.
- (3) Compliance with this Chapter is a prerequisite to eligibility for a license under Chapter 5.32. The planning director or his/her designee is responsible for ascertaining whether a proposed adult use complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of the ordinance codified in this Chapter.

18.606.025 Definitions.

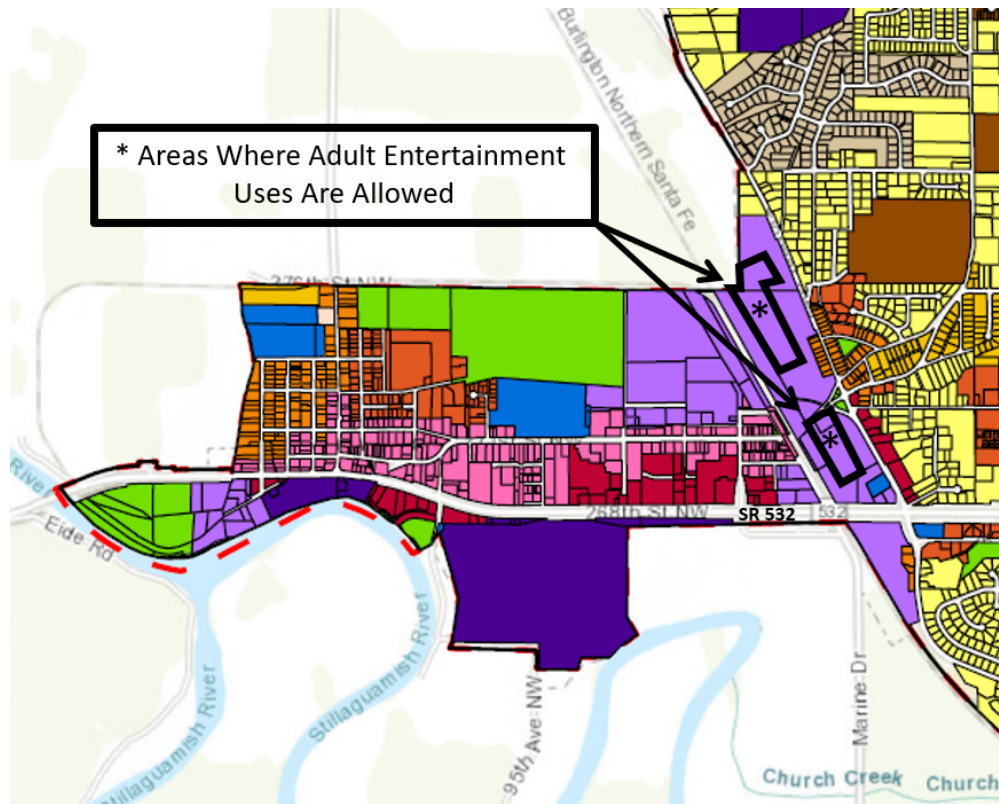
The definitions contained in SMC Chapter 5.32 are applicable to this Chapter.

“Adult retail establishment” means a retail establishment in which a substantial portion of the goods sold consist of merchandise distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to “specified sexual activities” or a retail establishment which has as one of its principal purposes, the sale, exchange, rent, loan, trade, transfer, and/or viewing of merchandise distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to “specified sexual activities” The term “merchandise” as used above includes but is not limited to the following: books, magazines, posters, cards, pictures, periodicals, or other printed matter; prerecorded video tapes, discs, film or other such medium; instruments, devices, equipment, paraphernalia or other such products.

“Adult use” means an adult retail establishment or an adult entertainment establishment.

18.606.030 Zoning and location restrictions.

- (1) Adult entertainment uses are only allowed in the Planned Industrial zone located between the railroad tracks (east of 84th Avenue) and west of Pioneer Highway as shown below and must comply with the licensing requirements in SMC 5.32.



18.606.040 Buffers.

- (1) Adult entertainment establishments are prohibited within 500 feet of any residential land use zone, single or multiple-family residence, public or private school (preschool – twelfth grade), religious facility, public park, childcare service, child daycare center, public library, community youth center, or other adult use.
- (2) The 500-foot distance is measured as a straight, horizontal line, measured from the nearest point of that portion of a lot proposed to be used for an adult entertainment establishment (generally, the enclosed building or indoor leased space, excluding, for example, parking areas, landscaping or tenant common areas) to the nearest point of:
 - (a) That portion of a lot used for another adult entertainment establishment;
 - (b) A lot owned or leased, or that portion of a lot leased (excluding common areas), for a residence, private or public school (preschool – twelfth grade), religious facility, public park, childcare service, child daycare center, public library, or community youth center; or
 - (c) A residential land use zone.
- (3) Limited Exception to Separation Requirements: To ensure that the separation requirement does not operate as a de facto prohibition on adult entertainment establishments within the City, an exception to the 500-foot separation requirement may be granted only if the applicant demonstrates, through a site availability analysis, that no parcel or lawful tenant space within the allowed area, per section 18.606.030, is available that can reasonably accommodate an adult entertainment establishment in compliance with subsection (1) and (2).
 - (a) The exception shall be processed as provided in Chapter 18.230, Review Process, with a public hearing.

(b) An exception may be approved only if all of the following are met:

- (i) Strict application of the 500-foot separation requirement would preclude the siting of any adult entertainment establishment within the City;
- (ii) The proposed location minimizes potential adverse secondary effects on nearby sensitive land uses to the maximum extent feasible;
- (iii) The proposed establishment is located as far as practicable from the uses listed in subsection (1);
- (iv) The proposed establishment complies with all other applicable zoning, development, licensing, and operational standards of the City; and
- (v) Granting the exception is necessary to avoid an unconstitutional restriction on lawful adult expression.

(c) Limitations: Any approved exception must:

- (i) Apply only to the specific site and use approved;
- (ii) Not be transferable to another location;
- (iii) Not reduce the separation distance below the minimum necessary to allow siting of the use; and
- (iv) Be subject to any reasonable conditions imposed to mitigate potential secondary effects, including but not limited to hours of operation, signage limitations, lighting, and security measures.

(4) Burden of Proof: The applicant bears the burden of demonstrating compliance with this subsection. Failure to establish eligibility or satisfy the approval criteria will result in denial of the exception.

18.606.050 Buildings.

(5) All adult use building facades, exteriors, and exits must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females can not be posted or painted on any exterior wall of a building used for an adult use business, or on any door or apparatus attached to such building.

(6) The exterior of any newly constructed, renovated, or altered building must comply with the architectural design standards contained in Chapter 17.112 SMC.

18.606.060 Signs.

Signs must meet the requirements of Chapter [17.110](#) SMC. Illustrations depicting partially or totally nude males and/or females are not be permitted on signage.

18.606.070 Parking and lighting regulations.

On-site parking must meet the requirements of Chapter [17.105](#) SMC, and in addition must meet the following requirements:

(1) All on-site parking areas and premises entries of adult use businesses must be illuminated from dusk until one hour past closing hours of operation with a lighting system that will provide adequate illumination and visibility on the parking surface and/or walkways. An on-premises exterior lighting plan must be approved by the Director prior to the operation of any adult use business.

(2) All parking must be visible from the fronting street. Access to the exterior rear of the building must be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of fencing as approved by the city Director.

18.606.080 Number of permitted uses per structure.

No more than one adult use operating in the same building, structure, or portion thereof is allowed. In addition, no other adult use business operating in the same building, structure, or portion thereof in which an adult use business is currently operating, is allowed.

18.606.090 Penalties for violation.

Violation of this chapter is a class 1 civil infraction and may also be enforced pursuant to SMC Title [13](#).

Chapter 18.607 Automotive Services

- (1) Lighting. All automotive uses must meet lighting standards in SMC 17.112.090 Lighting.
- (2) Outdoor work. Outdoor work on vehicles must be screened so that damaged vehicles are not visible from the fronting right-of-way. Screening must meet standards in SMC 17.117.070. No chain link fencing or fencing with slats are allowed.
- (3) Junk and nuisance vehicles. Junk and nuisance vehicles are prohibited according to SMC 7.18.040.

	Sales	Rentals	Fueling	Minor Repair & Services	Major Repair & Services	High Intensity
Vehicle capacity served	1-Ton or less					Any size vehicle
Minimum lot size	20,000 square feet		Underlying zoning	20,000 square feet		
Outdoor work allowed?	No	No	No	No	Yes	Yes
Vehicle Storage Lot allowed as accessory use?	No	No	No	No	Yes	Yes
Screening required?	No	No	No	No	Yes	Yes
Vehicle storage lot allowed as an accessory use?	No	No	No	No	Yes	Yes
Examples	New car sales Used car sales	Rental agency	Gas station	Car Wash Oil Change	Towing Paint & body shop	Vehicle service,

		Equipment Rental (non-automotive)		Engine tune up Brake repair Front end alignments Small Appliance and Tool Repair (non-automotive)	Engine or transmission overhaul Tire shop Small engine repair (non-automotive)	repair, fueling
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(4) Automotive Fueling Standards.

- (a) Automotive Fueling uses will meet the motor fuel-dispensing facilities regulations in International Fire Code.
- (b) The surface area of canopies will be measured as coverage for the purposes of determining both maximum lot coverage and setback requirements.

(5) Automotive Sales, Display, Rental and Storage Lot Standards.

- (a) Vehicles shall be parked in orderly rows and must not encroach on sidewalks, rights-of-way, or required landscape areas.
- (b) A five foot landscaped buffer must be provided along street frontages and maintained in good condition.
- (c) Low fencing, hedges, or similar screening may be used along roadways where appropriate for aesthetics and safety.
- (d) Outdoor lighting shall be shielded to eliminate glare onto roadways and adjacent properties.
- (e) Pricing; temporary flags, banners, inflatables, and similar visual clutter are prohibited along street frontages.
- (f) Lots shall be kept free of litter, debris, and abandoned vehicles, with pavement and site features maintained.

(6) Parking lots.

- (a) Landscaping. Parking lots must meet the standards for landscaping required in SMC 17.145, Landscape Performance Standards.

Chapter 18.608 Building Alterations and Conversions

The following Sections of Stanwood Municipal Code Chapter 17.25, General Provisions, are hereby recodified in Chapter 18.608, Building Alterations and Conversions, without amendment , except that the sections are renumbered to conform to the formatting style of this ordinance.

- 17.25.120 Restoration of Buildings
- 17.25.130 Building Upgrades
- 17.25.140 Buildings to be moved to new lots
- 17.25.150 Building permits required
- 17.25.160 Building Conversions (Per Ordinance 1549, Exhibit B)

Chapter 18.609 Co-Living Housing

Stanwood Municipal Code Chapter 17.95, Residential Performance Standards, Article XI, Co-Living Housing, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.610 Culture and Entertainment

(1) General Standards.

- (a) All events, live entertainment, venues and businesses must meet the noise standards per SMC 7.30.
- (b) Outdoor lighting associated with cultural and entertainment venues shall be directed away from residential areas and designed to minimize glare, spillover, and late-night illumination.
- (c) Traffic must be managed to reduce congestion on surrounding streets and maintain safe access for residents and emergency vehicles.
- (d) On-site or off-site parking must be provided to prevent spillover parking in residential neighborhoods.

(2) Accessory Uses.

- (a) Accessory commercial and retail uses such as restaurants and gift shops are allowed.
- (b) The accessory uses must not constitute more than 25% of the total floor area.

(3) Night Club standards.

- (a) Night clubs must have capacity for at least 30 people seated at tables.
- (b) Night clubs can include food service as an accessory use.
- (c) Night clubs can include a bar, maintain table service, and allow dancing and live entertainment for guests.

18.610.030 Live entertainment standards.

- (1) Live entertainment standards. In the zones where it is permitted, live entertainment is allowed as an accessory use.
- (2) A business license specifying indoor or outdoor use is required to provide live entertainment.
- (3) Indoor live entertainment must be conducted entirely inside the premises and doors and windows must remain closed.
- (4) Outdoor live entertainment shall be permitted only through the City's special event or temporary use permitting process and shall comply with all applicable noise regulations. Amplified sound shall be limited to approved hours and decibel levels, with more restrictive standards applied when events are located adjacent to residential zones. Event organizers shall provide adequate off-street parking, prevent spillover parking into surrounding neighborhoods, and maintain clear emergency access at all times. The City may

require traffic control measures, security staffing, and crowd management plans as conditions of approval to ensure public safety and minimize impacts.

- (5) Live entertainment is allowed for all other uses as a temporary use, subject to SMC 18.646, Temporary Use.
- (6) Public Safety.
 - (a) The chief of police may evaluate the operation of a live entertainment venue upon application for business license and during operation of the venue, or upon complaint to determine whether a public safety plan is required.
 - (b) A police officer or officers may, at the discretion of the chief of police, be required to police a dance or other live entertainment event to provide security and/or traffic control.
 - (c) When required, the expense of additional security must be borne by the applicant, and a public safety plan must be approved by the chief of police.
- (7) Hours Live Entertainment May Be Conducted. Live entertainment is allowed:
 - (a) Indoors between 8:00 a.m. and 2:00 a.m. on any day or night of the week
 - (b) Outdoors between 10:00 a.m. and 10:00 p.m. unless otherwise allowed by a special event permit.
- (8) Conditions of Facilities.
 - (a) Any facility providing live entertainment must be kept in a clean, healthful, and sanitary condition.
 - (b) All corridors and connected stairways must be open to the public and fully lighted.
 - (c) Any facility providing live entertainment must provide adequate ventilation and air conditioning.

Chapter 18.612 Daycares

- (1) General Standards for all daycares.
 - (a) Daycare facilities must be licensed with the Washington State Department of Children, Youth, and Families (DCYF).
 - (b) Daycare facilities must obtain a City business license.
 - (c) Outdoor preschools are allowed as an accessory to a daycare facility.
 - (d) Home daycare facilities must provide at least one parking space for child drop-off and pick-up. Commercial days must provide parking and drop off areas per the Municipal Code parking requirements.
 - (e) Home daycare facilities are limited to one, unlit six square foot sign that must be attached to the primary residential building.

Chapter 18.614 Drive Throughs

- (1) Commercial driveways shall be spaced at least 75 feet apart, with two one-way driveways no more than 12 feet wide counted as one. Where this standard cannot be met due to existing development, the applicant shall seek shared access; if unavailable, the Planning Director may approve a deviation, provided the driveway is located as far as practicable from existing access points.

- (2) Approach lanes for the drive-through facilities must have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.
- (3) Drive-through facilities shall provide a minimum of 100 feet of linear vehicle stacking distance, measured from the order point to the entry queue point, to prevent vehicle queuing onto public rights-of-way or internal circulation aisles.
- (4) The minimum distance from the proposed drive-through facility to the right-of-way must be 40 feet where no turns are required. This distance must be measured from the drive-through station farthest from the main building. Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn must be 34 feet. The minimum turning radius must be 17 feet.
- (5) The minimum distance from a drive-through facility to any residential building must be 25 feet. This distance must be measured at the narrowest point between the main building, an off-street parking area, or vehicle lanes, whichever is closer.
- (6) Alleys or driveways in residential areas adjacent to drive-through facilities may not be used for circulation of customer traffic.
- (7) No drive-through service is allowed on 271st between 88th Avenue and 84th Avenue and 270th from 99th Avenue to 102nd Drive.

Chapter 18.616 Essential Public Facilities

18.616.010 Applicability.

- (1) This section applies to all existing and new essential public facilities as defined in RCW 36.70A.200. Examples from the City of Monroe (which has more exemptions listed). Placeholder for any appropriate exemptions.
- (2) Exemptions. The following are exempt from the requirements of this chapter:
 - (a) Repair of existing essential public facilities, provided that any addition is located within the existing property boundary and is deemed by the community development director to be minor.
 - (b) Preempted facilities. Any essential public facilities for which the city's regulatory authority is preempted by state or federal law.
- (3) Inventory of Existing Stanwood Essential Public Facilities. The following EPFs are currently located within the city of Stanwood:
 - (a) Stanwood Sewage Treatment System

18.616.020 Siting requirements.

- (1) The site of any facility for substance abuse treatment or recovery, group homes, or community facilities must be located at least 1,200 feet from another such facility, measured at the property line of each site.
- (2) Essential public facilities must be located outside of the 100-year floodplain and other hazardous areas unless no other location is physically available.
- (3) Essential public facilities should not be located in areas that have experienced disproportionate impacts on marginalized communities.

18.616.030 Application and review.

- (1) Determination of essential public facilities. The community development director will determine if an application is an essential public facility per WAC 365-196-550(2)(a)-(e).
- (2) General approval criteria. Essential public facilities must meet all of the following criteria:
 - (a) If required by state law, the applicant has provided opportunity for public participation in the siting decision and development of any mitigation measures;
 - (b) The proposal complies with the applicable requirements of this title and all other applicable provisions of the Stanwood Municipal Code.
 - (c) All buildings must conform to the existing architectural form and design of surrounding buildings.
 - (d) Essential public facilities must be located and designed to minimize adverse impacts on nearby residential areas, public health and safety, and other identified impacts.
 - (e) There are no other feasible sites available that meet the functional requirements and operational needs of the facility.
 - (f) The facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
- (3) Independent consultant review.
 - (a) The community development director may require independent consultant review of the proposal to assess its compliance with the decision criteria contained in this chapter.
 - (b) The cost of any additional consultant services shall be the responsibility of the applicant and shall be based on a scope of work determined by the city and Chapter [3.30](#) SMC, Fee.

18.616.040 Standards.

The following specific standards apply when siting certain essential public facilities.

- (1) Group homes and temporary emergency shelters
 - (a) If the facility is located within a residential neighborhood, it must be maintained to conform to look and feel of that neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood.
 - (b) Only identification signs not exceeding six square feet in area denoting the name and/or purpose of a special residential use are allowed in a residential neighborhood. Such signs must be attached to the structure.
 - (c) Facilities located in nonresidential areas must be maintained in the general style of the surrounding area. This applies to design, lot size, and landscaping affecting the look and feel of the area.
 - (d) The total occupancy of a structure designed for residential use is dictated by the adopted building code. For homes on a local residential street, occupancy may not exceed two clients per bedroom.
- (2) Congregate care facilities.
 - (a) Congregate care facilities are limited to 30 rooms per every 20,000 square feet of land area in the DMU zone.
- (3) Secure Community Transition Facilities

- (a) The following standards for secure community transition facilities (SCTFs) in compliance with RCW 71.09 are provided to maintain compatibility with other land uses and services permitted within the city.
 - (i) SCTFs may not be located adjacent to, immediately across a street or parking lot from, or within the line of sight (600 feet) of a risk potential activity or facility in existence at the time a site is listed for consideration, such as:
 - (A) Schools or daycare centers;
 - (B) Sports fields, playgrounds, parks, or recreation centers;
 - (C) Religious institutions;
 - (D) School bus stops;
 - (E) Properties used by organizations or businesses providing services or activities to children and/or youth;
 - (F) Public libraries or other public gathering spaces;
 - (G) Trails used by the general public to access schools or park and recreation facilities.
 - (ii) Sites furthest away from the risk potential activities listed in SMC 18.616.050(3)(a) must be given higher priority.
 - (iii) The site or building must meet all of the security requirements of RCW 71.09.295.
 - (iv) No SCTF may be located within 600 feet of any residential property.
 - (v) A minimum six-foot high solid fence between the facility and all property boundaries is required. The fence or screening must be complimentary of surrounding buildings and must not consist of chain-link, wire, or similar materials. If evergreen plantings are used, the plantings must be at least six feet from grade at the time of planting and must be maintained by the property owner.
- (b) Application Materials. In addition to the regular application materials required under SMC 18.220, the following materials are required for SCTFs:
 - (i) Proposed mitigation measures, including the use of buffering from adjoining uses.
 - (ii) A general overview of planned security for the facility, including backup power sources, per RCW 71.09.295.
 - (iii) A schedule and analysis of all public input solicited or to be solicited during the siting process, pursuant to RCW 71.09.315.
 - (iv) Notice of the application to all property owners and occupants of record within one mile of the proposed site.

Chapter 18.622 Home Businesses

- (1) A home business is allowable as an accessory use to a dwelling unit in any residential area. In addition to any provision regulating residential use, all of the following standards apply:
 - (a) All activities occur entirely indoors, either in a house, garage, or outbuilding.
 - (b) No outdoor display or storage of materials, goods, supplies, or equipment is allowed.
 - (c) There must be no changes to the exterior of the building nor any visible evidence that the residence also contains a home business, including signage.

- (d) The home business may not result in impacts that negatively affect the adjacent neighborhood. The following thresholds provide acceptable compliance levels:
 - (i) No more than two clients per hour, by appointment only and not more than eight total client visits per day;
 - (ii) On-site parking must be provided without using on-street parking;
 - (iii) Client visits shall be limited to 7 am to 8 pm;
 - (iv) All activities must be conducted in a manner that prevents sounds from being audible beyond the property line;
 - (v) Residential scale deliveries by postal services, courier services or common carriers using passenger vehicles or light delivery vans. Vehicles involving freight or bulk materials such as box trucks, flatbed trucks, tractor trailers or similar vehicles is not considered residential scale.
- (e) No more than one non-resident may be employed in the home occupation.
- (f) The maximum area devoted to a home occupation can be no greater than 25% of the gross floor area of the dwelling unit.
- (g) Home occupations must have a home occupation business license.
- (2) Commercial vehicles and equipment associated with home occupations are allowed subject to the following standards:
 - (a) One commercial vehicle, including a pickup truck, service van, or similar vehicle not exceeding one (1) ton capacity with company logo or signage.
 - (b) Small construction or trade equipment, including compressors, generators, tools, trailers, or similar equipment customarily used by tradespeople.
 - (c) All equipment must be stored within an enclosed structure such as a garage or storage shed or stored behind a solid fence not less than six feet in height and not visible from the public right of way. Tarps or temporary coverings are not considered adequate screening.
- (3) The following are prohibited as home occupations:
 - (a) Uses that include regular freight or commercial vehicle deliveries.
 - (b) Uses involving hazardous materials beyond typical household quantities.
 - (c) Uses involving loading or unloading of commercial vehicles or equipment.
 - (d) Uses involving repair or service of motor vehicles, heavy equipment, or similar machinery.
 - (e) Uses involving semi-trucks, tractor-trailers, or heavy construction equipment such as backhoes, dump trucks, excavators, bulldozers.
 - (f) Uses that generate noise or vibrations inconsistent with residential use.
 - (g) Uses requiring compliance with state or federal licensing that cannot be met in a residential setting.
- (4) Exception. The Community Development Director, or designee, may approve a minor variance, per SMC 18.330.070, to the standards associated with a home occupation when:
 - (a) Commercial vehicles or equipment are completely stored within a fully enclosed structure with no portion of the vehicles visible from public right-of-way or adjoining properties.

- (b) The exception will not result in increased traffic noise, vibrations, odors or other impacts inconsistent with residential uses.

Chapter 18.623 Industrial Use Standards

Stanwood Municipal Code, Additional Standards – PI and GI (Planned Industrial and General Industrial) Zoning Districts, Chapter 17.50 is hereby recodified without amendment, except that the chapter name is revised and the sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.624 Lodging

18.624.010 Bed and breakfasts standards

Bed and breakfasts must give no outward appearance of a business, except as provided below.

- (1) Bed and breakfasts must not create noise, odor, vibration, or other nuisance conditions in violation of Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (2) Bed and breakfasts must have a valid business license.
- (3) Bed and breakfasts are limited to the following number of guest rooms:

	All other residential zones	SR 5.0	MR	GC
Number of guest rooms allowed	4	6	10	16

- (4) Commercial accessory uses are not permitted.
- (5) Meals.
 - (a) Meal service is limited to registered overnight guests only and shall not be provided to the general public or non-lodging visitors.
 - (b) Kitchen facilities are not permitted within guest rooms, except for microwave ovens, small refrigerators, and coffee pots.
- (6) Parking.
 - (a) Pick-up and drop-off and loading/unloading areas must be provided on-site.
 - (b) Adequate parking per SMC [17.105.140](#) must be provided on-site.
 - (c) Parking must be screened from the view of all neighboring properties.
- (7) All lot lines abutting residentially developed lots must be planted with a five-foot wide landscaping strip providing a dense visual barrier of trees and shrubs.
- (8) Signage. Signage must be limited to one monument sign meeting the standards of SMC [17.110.080](#).

18.624.020. Hotel and Resorts Standards

Hotels and resorts located adjacent residential zones shall be designed and operated to minimize impacts on nearby residences and preserve neighborhood compatibility. Development shall comply with the following standards:

- (1) **Neighborhood Compatibility.** Buildings, site layout, circulation, lighting, and operations must be designed and operated so that noise, odor, vibration, light spillover, and visual impacts do not exceed levels prohibited under Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (2) **Density and Room Area.** The total number of guest rooms and the gross floor area devoted to lodging use shall not exceed the maximum residential density permitted in the underlying zoning district.
- (3) **Building Height.** Building height shall not exceed the maximum height permitted in the underlying zoning district.
- (4) **Landscaping.** All lot lines abutting residentially zoned lots must be planted with a five-foot wide landscaping strip providing a dense visual barrier of trees and shrubs.
- (5) **Variations Prohibited.** Variations or modifications to the density, room area, or height standards of this section are not permitted.

Chapter 18.626 Manufactured Housing

18.626.010 Classifications of manufactured housing.

Manufactured homes are classified as follows for purposes of these standards:

- (1) A manufactured housing unit is a single-family residence, transportable in one or more sections, which is designed to be used with or without a permanent foundation when connected to the required utilities. After June 15, 1976, manufactured homes must be constructed in accordance with U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bear the appropriate insignia indicating such compliance.
- (2) **Type A.** New manufactured homes certified as meeting U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, or used manufactured homes certified as meeting the HUD standards specified above and found on inspection to be in excellent condition and safe and fit for residential occupancy.
- (3) **Type B.** Used manufactured or mobile homes, whether or not certified as meeting prior HUD codes, found on inspection by the building official to be in excellent or good condition, as defined by the HUD Manufactured Home Construction and Safety Standards.

18.626.020 Standards for manufactured housing.

- (1) Manufactured housing is an allowable dwelling unit type in those zones in which single-family residential land uses are permitted. Such housing is subject to the building code and all standards in this code that apply to residential land uses, including the subdivision standards contained in this code. Additionally, all manufactured housing must be installed on permanent foundations before an occupancy permit is issued.
- (2) Type A manufactured homes are allowed in any manufactured home park as defined in SMC 18.610.040 or on their own individual lots as a single-family home.

- (3) Type B manufactured or mobile homes are allowed only in a manufactured home park. A Type B manufactured or mobile home to be moved to a new location must meet the following standards:
 - (a) Upon inspection by the building official, the Type B manufactured or mobile home must be found to be in excellent or good condition prior to the move. Criteria for determining condition must be the same as those applied to housing inspections. After moving or relocation of the Type B manufactured or mobile home, a second inspection must be required to verify that the manufactured or mobile home remains in no less than good condition. An occupancy permit may not be issued until such conditions are met.

18.626.030 Standards for manufactured home parks.

A manufactured home park must meet the following standards.

- (1) A manufactured home park is allowed in the SR 7.0 and SR 5.0 zones. A manufactured home park may not exceed the densities established for single-family detached residential uses within the district proposed for the development.
- (2) The following are site design standards for a manufactured home park:
 - (a) Every manufactured home must be located at least eight feet from any internal abutting street.
 - (b) The minimum distance between a manufactured home (including allowable accessory buildings) and an adjacent manufactured home (including accessory buildings) is 15 feet. This distance must be measured at the narrowest space between structures, whether they be the living units or accessory buildings (e.g., carport, storage building).
 - (c) All platting, utility, and street improvement standards applicable to residential developments apply to the design and development of a manufactured home park.

Chapter 18.628 Marijuana Retail

Stanwood Municipal Code Section 17.100.045, titled “Conditions for Permitting Marijuana Retailers,” is hereby recodified without amendment, except that the section is renamed and renumbered to conform to the formatting style of this ordinance.

Chapter 18.631 Mixed-Use Development Standards

- (1) Only mixed-use commercial/residential developments are allowed on properties with street frontage on 271st Street, 88th Avenue, 92nd Avenue, 102nd Avenue, and 270th Street between 99th Avenue and 102nd Drive, 72nd Avenue and 265th Street. The commercial mixed-use building(s) must be the dominant use along the street frontage. All other properties may be developed with residential infill developments without associated commercial uses.
- (2) Mixed-use developments are permitted in the PI zone in conjunction with a planned industrial park development under SMC 17.50.010; no more than 35% of the total industrial park floor area may be devoted to residential uses and all residential uses must be located above commercial or industrial uses. A minimum of five acres of land is needed to apply the mixed-use allowances.
- (3) Live/work units are allowed in the TN-MU, DMU, and GC zones as part of a mixed-use development.
- (4) Laundromat or dry cleaners are allowed in the TN-MU but are limited to drop-off and pick-up with no site dry cleaning allowed.

Chapter 18.632 Public Utilities

This section provides miscellaneous standards applicable to public utilities to supplement land use permissions and height and bulk sections in SMC Title 18 Division 5.

- (1) A minimum land area of 10,000 square feet is required for electrical substations and electrical equipment and pole storage yards.
- (2) Pole yards and storage areas must be screened from adjacent residential or commercial uses.
 - (a) Chain link fences with slats are not allowed.
 - (b) Required screening shall be sight-obscuring, durable, and compatible with the surrounding area, and shall be maintained year-round.
 - (c) Where landscaping is used, it must be designed to function similarly as a fence, effectively screening the use.
 - (d) Refuse and storage materials shall be fully contained within screened areas and shall not be visible from streets or adjacent properties.

Chapter 18.634 Quasi-Public and Religious Institution Uses

To ensure buildings and uses are designed and operated in a manner compatible with surrounding residential land uses, the following standards apply to all quasi-public uses such as community centers, meeting halls, public buildings or religious institutions:

- (a) Landscape Buffer. A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (b) Outdoor activities and noise. Outdoor activities, including amplified sound, bells, music, announcements, or events, shall be conducted in compliance with Title 7, Health, Sanitation and Nuisances, of the Stanwood Municipal Code.
- (c) Accessory Use. Classes, meals, counseling, daycare centers, senior care and adult daycare, or similar functions are allowed as accessory uses.
- (d) Parking Location. Off-street parking and circulation areas shall be located away from or appropriately set back from adjacent residential properties and designed to minimize noise, headlight glare, and activity impacts on nearby homes.
- (e) Refuse and Service Areas. Refuse containers, recycling areas, and service functions shall be located away from adjacent residential properties and screened to reduce noise, odor, and visual impacts.
- (f) Lighting. Exterior lighting shall be designed and located to prevent light spillover onto adjacent properties and public rights-of-way.
- (g) Traffic Access. Vehicular access shall be taken from arterial or collector streets where available. Direct access from local residential streets shall be avoided to the maximum extent practicable.

Chapter 18.636 Recreation Areas and Sports Facilities

The following standards apply to all Recreation Areas and Sports Facilities, including public and private parks, recreation and amusement facilities:

- (a) A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (b) Food and beverage service or concession stands are considered an accessory use for patrons using the facility.
- (c) Hosted events such as parties or other activities are allowed as an accessory use.
- (d) Recreation and amusement uses within a building with shared walls, such as multitenant buildings, must provide soundproofing to limit noise impacts on adjacent uses.

Chapter 18.638 Retail Food & Drink Establishments

- (1) The following standards apply to retail food and drinking establishments.
 - (a) Drive throughs must meet standards in SMC 18.616, Drive Throughs.
 - (b) Live Entertainment must meet standards in SMC 18.610.030, Live Entertainment standards.
 - (c) Outdoor dining is allowed as an accessory use and limited to areas designated for such use.

Chapter 18.640 Retail Trade Uses

- (1) Retail Size Categories. For purposes of this section, retail development is classified as follows:
 - (a) Small-Scale Retail: Up to 10,000 square feet of gross floor area.
 - (b) Medium-Scale Retail: 10,001 to 20,000 square feet of gross floor area.
 - (c) Large-Scale (Big-Box) Retail: Greater than 20,000 square feet of gross floor area.
- (2) Zone Applicability.
 - (a) Downtown Mixed-Use (DMU) and Neighborhood Business (NB) Zones. Only small-scale retail is permitted in the DMU zone.
 - (b) General Commercial and Industrial Zones. Small-, medium-, and large-scale retail uses are permitted in General Commercial zones, subject to applicable development standards.
 - (c) Strip Mall Uses. Multi-tenant retail or service developments consisting of two or more commercial tenant spaces arranged in a linear or clustered format with shared parking, are permitted only within General Commercial and Industrial zoning districts.
- (3) Deviation Process in the Downtown Mixed-Use (DMU) Zone. To encourage high-quality, context-sensitive development, limited deviations from applicable DMU development standards may be approved through the design review process, subject to the following:
 - (a) Purpose. Deviations are intended to allow flexibility in site and building design where strict application of development standards would result in inferior design or conflict with adopted downtown or community design goals.

- (b) Eligibility. Deviations may be considered only the square footage requirement in subsection 2. Deviations to permitted uses, maximum density, or maximum building height are not allowed unless expressly authorized elsewhere by this code.
- (c) Approval Criteria. A deviation may be approved only if the applicant demonstrates that:
 - (i) The proposal is consistent with the intent of the DMU zone and the Comprehensive Plan;
 - (ii) The deviation results in equal or superior urban design and pedestrian orientation.
 - (iii) The deviation will not increase impacts to adjacent properties, including noise, traffic, light, or scale; and
 - (iv) The project remains compatible with the surrounding building scale.
- (d) Limitations. Deviations shall be the minimum necessary to achieve the design objective and shall not establish a precedent for similar deviations on other sites.

Chapter 18.642 Schools

- (1) New school facilities, and existing school facilities that create or contribute to traffic congestion or vehicle queuing on public streets, shall provide on-site pick-up and drop-off areas of sufficient size and design to substantially reduce vehicle on-street queuing.
- (2) Schools must connect to public sewer, water, and electricity.
- (3) Schools must be served by public roads meeting City street standards.
- (4) Daycares, preschools, and before and after school programs are allowed as accessory uses and must be licensed with the Department of Children, Youth, and Families when required by the state.
- (5) Vocation programs at the high school which provide services to the public are allowed as an accessory use.
- (6) A 20-foot-wide landscape buffer must be provided along an abutting residentially zoned property line.
- (7) Parking Location. Off-street parking and circulation areas shall be located away from or appropriately set back from adjacent residential properties and designed to minimize noise, headlight glare, and activity impacts on nearby homes.
- (8) Refuse and Service Areas. Refuse containers, recycling areas, and service functions shall be located away from adjacent residential properties and screened to reduce noise, odor, and visual impacts.
- (9) Lighting. Exterior lighting shall be designed and located to prevent light spillover onto adjacent properties and public rights-of-way.

Chapter 18.644 Small Scale Commercial Infill in the Uptown Area

Stanwood Municipal Code Section 17.100.085, Supplemental Standards for Small-Scale Commercial – “Corner Store” Infill, as adopted in Ordinance 1549, is hereby recodified without amendment, except that the section is renumbered to conform to the formatting style of this ordinance.

Chapter 18.645 Temporary Uses and Structures

- (1) The following uses may be authorized as a temporary use, subject to applicable approval criteria in this Title.

- (a) Temporary entertainment or cultural events which do not meet the definition of special events under Chapter [5.06](#) SMC.
 - (b) Indoor or outdoor art and craft shows and exhibits when operated no more than 15 days in one year.
 - (c) Indoor or outdoor special sales including sidewalk sales, parking lot sales, warehouse sales or similar activities, limited to locations on lots not used for residential purposes in commercial or industrial districts, and when operated not more than 30 days in the same year.
 - (d) Temporary live entertainment for a maximum of three days.
 - (e) Temporary structures including sheds or similar portable structures 400 square feet or less used for nonresidential purposes, and located in districts where the proposed use of the structure is allowed as a primary or accessory use for a maximum of 60 days with one 30-day extension,
 - (f) Metal shipping and storage container, tents, canopies and other structures up to a maximum of 400 square feet used for nonresidential purposes are allowed for a maximum of 60 days except that metal shipping and storage containers are not permitted in residential zones.
 - (g) The community development director or designee may authorize additional temporary uses/structures not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and conditions of subsection [\(5\)](#) of this section.
- (2) The following activities are exempt from requirements to obtain temporary use permit approval:
- (a) Uses subject to the special events provisions of Chapter [5.06](#) SMC.
 - (b) Fireworks stands, subject to the provisions of Chapter [5.04](#) SMC.
 - (c) Garage Sales. Garage sales shall occur no more than three times per calendar year and not to exceed three consecutive days at one time.
 - (d) Fundraising car washes.
 - (e) Temporary storage structures used for special events when authorized as part of the special event permit and when limited to the duration of the special event permit.
 - (f) Contractor's office and laydown area on an active construction project site or other offices associated with an active construction project. This use may be approved as part of an active building permit for the duration of the permit without a separate temporary use permit required. Maintenance and upkeep of the building grounds shall be provided by the permit holder.
 - (g) Temporary dumpsters on private property used for up to 14 days.
- (3) Duration of Temporary Uses/Structures.
- (a) Temporary uses and structures may operate for up to 30 days, unless a different duration is expressly authorized by this chapter.
 - (b) For intermittent activities, the community development director or designee may approve up to 30 nonconsecutive days when consistent with the purpose and approval criteria of this chapter.
 - (c) Only one temporary use permit may be issued per calendar year for the same use or structure; however, the director or designee may approve one additional 30-day extension upon written request, except for metal shipping containers and other temporary storage structures.
- (4) Standards for Temporary Uses/Structures.

- (a) Each site occupied by a temporary use or building must be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.
 - (b) A temporary use conducted in a parking facility cannot occupy or remove from availability more than 25 percent of the spaces required for the permanent use.
 - (c) Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking must comply with the requirements of Chapter 17.105 SMC and must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.
 - (d) All temporary uses must obtain, prior to occupancy of the site, all required city permits, licenses or other approvals, e.g., business license, building permit, site development.
 - (e) The community development director or his/her designee may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.
- (5) Public Safety. In the event the police chief determines that a police officer should be in attendance at any temporary use, the cost to cover the salary of the extra officer shall be paid by the sponsor/promoter.

CHAPTER 18.646 TN (Traditional Neighborhood) Zoning Standards

Stanwood Municipal Code, TN (Traditional Neighborhood) Zoning District, Chapter 17.47 is hereby recodified without amendment, except that the chapter name is amended and sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.647 Townhouse Standards

- (1) Townhouses are permitted in accordance with SMC 18.400.045, Housing Diversity in Subdivisions. Each townhouse building must have four or fewer townhouse dwelling units.
- (2) Commercial Zone Standards. In the GC zone, townhouses are permitted if part of a mixed-use development.

Chapter 18.648 Wireless Communications Facilities (WCFs)

Stanwood Municipal Code, Wireless Communication Facilities Chapters 17.200, 17.205, 17.210, and 17.220 are hereby recodified without amendment, except that the chapter and sections are renumbered to conform to the formatting style of this ordinance.

Chapter 18.648 Wireless Communication Facilities General Provisions

Chapter 18.648A Eligible Facility Modifications

Chapter 18.648B, Regulation of Wireless Communication Facility Franchise

Chapter 18.648C, Wireless Communication Facilities (WCF) Attached and Detached

EXHIBIT X

PERMIT TYPES AND PROCESS

Update Table 18.220.030-1, Types of Review and Permit Groups, to add Temporary Uses and Unclassified Uses as shown below. No other changes are made to this table.

Temporary Uses:	Group Type 1C
Minor Unclassified Use:	Group Type 2B

Update Table 18.230.020-1, Types of Review, to add Temporary Uses and Unclassified Uses as shown below. No other changes are made to this table.

Temporary Uses:	Type 1 Permit – Director Decision without Notice
Major Unclassified Use:	Type 4 Permit – City Council Decision

EXHIBIT X

REPEALED CODE CHAPTERS AND SECTIONS

Chapter 17.20, Construction of Language – Definitions, as follows:

Section 17.20.020, “A” Definitions: the following definitions are repealed.

“Accessory dwelling unit” or “ADU”	“Assisted living facility”
“Accessory dwelling unit, attached”	“Athletic field”
“Accessory dwelling unit, detached”	“Attached accessory dwelling unit” or “AADU”
“Adult entertainment facility”	“Automobile rental agency”
“Adult family home”	“Automotive repair establishment”
“Agricultural produce stand”	“Automotive Sales and Service, new or used”
“Amusement park or center”	Automotive Service Station”
“Aquaculture”	“Automotive Service”
“Art gallery”	

Section 17.20.030, “B” Definitions: the following definitions are repealed.

“Ball park”	“Bed and breakfast residence”
“Bar and/or cocktail lounge”	“Bowling alley”
“Barber shop or beauty shop”	“Building construction yard”
“Batting cage”	“Bus and mass transit storage and maintenance facility”
“Bed and breakfast house or inn”	

Section 17.20.040, “C” Definitions: the following definitions are repealed.

“Caretaker’s house”	“Co-living housing”	“Conservation area”
“Car wash”	“Community center”	“Courthouse”
“Catering”	“Community garden”	“Crops”
“Cemetery”	“Congregate care facility”	“Cultural / entertainment”
“Civic Uses”	“Cottage housing”	

Section 17.20.050, “D” Definitions: the following definitions are repealed.

“Daycare facility”	“Duplex”	“Dwelling, Multifamily”
“Detached Accessory Dwelling Unit”	“Duplex, dwelling”	“Dwelling, Single-Family”
“Dog daycare”	“Dwelling”	“Dwelling, Townhouse”
“Dog grooming”	“Dwelling, Accessory”	“Dwelling Unit”
“Drive aisle”	“Dwelling, Attached”	
“Dry cleaner”	“Dwelling, Cottage”	

Section 17.20.060, “E” Definitions: the following definitions are repealed.

“Electrical generating plant”	“Emergency housing”
“Electrical substation”	“Emergency shelter”
“Elementary school”	“Enhanced service facility”
“Electrical transmission lines”	“Equipment and machinery storage”.

Section 17.20.070, “F” Definitions: the following definitions are repealed.

“Farmer’s market”	“Freezer plants/cold storage/food mills”
“Farm, existing”	“Freight distribution center”
“Farm, new”	“Fuel storage facility”
“Food and beverage processing”	“Funeral home”

Section 17.20.080, “G” Definitions: the following definitions are repealed.

“Game, video arcade”	“Group care facility”
“Golf course”	“Group home”
“Gross floor area”	

Section 17.20.090, "H" Definitions: the following definitions are repealed.

"Health care facility"	"Homeless housing"	"Hospital"
"Health club"	"Hotels and guest houses"	
"High school"	"Horticulture"	
"Home occupation"	"House of worship/church"	

Section 17.20.100, "I" Definitions: the following definitions are repealed.

"Impound, storage, tow yards"	"Independent living facility"	"Industrial"
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Section 17.20.110, "J" Definitions: the following definitions are repealed.

"Janitorial services"

Section 17.20.120, "K" Definitions: the following definitions are repealed.

"Kennel, commercial"	"Kennel/cattery, hobby"	"Kiosk/vending machine"
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Section 17.20.130, "L" Definitions: the following definitions are repealed.

"Laboratory".	"Live entertainment"
"Laundromat	"Livestock
"Laundry plant"	"Live/work unit"
"Laundry service"	"Lumber and wood products processing"

Section 17.20.140, "M" Definitions: the following definitions are repealed.

"Major transit stop"	Marijuana producer"	"Middle school"
"Manufactured/Mobile Home"	"Marijuana retailer	"Mixed-use"
"Manufacturing, heavy"	Marijuana use"	"Moving van and storage facility"
"Manufacturing, light"	"Marijuana-infused products"	"Multifamily dwelling"
"Marijuana"	"Meeting hall"	"Museum"
"Marijuana Processor"		

Section 17.20.150, “N” Definitions: the following definitions are repealed.

“Night club”

Section 17.20.160, “O” Definitions: the following definitions are repealed.

“Office”

“Open space”

“Other schools”

Section 17.20.170, “P” Definitions: the following definitions are repealed.

“Park and ride facility”

“Personal service”

“Printing, publishing or allied industry”

“Park, community”

“Photo processing service”

“Private clubs”

“Park, neighborhood”

“Photocopy / private mail center”

“Private garage”

“Park, private/HOA”

“Plant nursery”

“Private parking”

“Park, urban”

“Playground”

“Professional office”

“Parking, garage”

“Post office”

“Public safety station”

“Parking lot and/or garage”

“Post-secondary school”

“Public transit storage and maintenance facility”

“Parking structure”

“Preschool facility”

“Public transit terminal”

“Permanent supportive housing”

“Principal unit”

“Printing and publishing”

Section 17.20.190, “R” Definitions: the following definitions are repealed.

“Recreation areas or facilities”

“Residential use”

“Recreational facilities”

“Resort”

“Recycling collection stand”

“Retail food establishment”

“Repair service”

Retail sales area”

“Residential treatment facility”

“Retail trade”

Section 17.20.200, “S” Definitions: the following definitions are repealed.

“School”	“Seminary”	“Small appliance and tool”
“School, elementary”	“Sewage lift station”	“Small engines”
“School, high”	“Sewage treatment plant”	“Solid waste disposal/recycling center”
“School, middle”	“Short-term rental”	“Storage, commercial detached accessory”
“School, other”	“Single-family dwelling”	“Swimming pool”
	“Skating rink”	
	“Sleeping unit”	

Section 17.20.210, “T” Definitions: the following definitions are repealed.

“Tandem parking”	“Thrift store”
“Tattoo parlor”	“Towing”
“Tavern”	“Townhouse or rowhouse”
“Temporary use”	“Trail”
“Theater”	

Section 17.20.230, “V” Definitions: the following definitions are repealed.

“Vehicular use area”	“Veterinary hospital or clinic”	“Video sales and rental”
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Section 17.20.240, “W” Definitions: the following definitions are repealed.

“Warehouse operations”	“Wholesale (trade)”
“Water, drainage or sewage infrastructure”	“Wrecking”
“Wholesale operation”	

Chapter 17.25, General Provisions is repealed in its entirety

Chapter 17.30, Permitted Land Uses is repealed in its entirety.

Chapter 17.47, TN (Traditional Neighborhood) Zoning District is repealed in its entirety.

Chapter 17.50, Additional Standards – PI and GI (Planned Industrial and General Industrial) Zoning Districts is repealed in its entirety.

Chapter 17.60, Zoning Standards Tables is repealed in its entirety.

Chapter 17.100, Nonresidential Performance Standards is repealed in its entirety.

EXHIBIT X

FINDINGS OF FACT AND CONCLUSIONS



**CITY OF STANWOOD
PLANNING COMMISSION
AGENDA STAFF REPORT**

ITEM NUMBER: 2026-69
DATE: February 9, 2026
SUBJECT: Grading and Stormwater Code Amendment Discussion
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: 1. Draft Ordinance

PURPOSE

The purpose of this agenda item is for Planning Commissions first review of the draft Grading and Stormwater Code Amendments.

BACKGROUND

Similar to the other municipal code updates currently underway, related and complementary code provisions are being processed together. This next grouping consists of the City's grading and stormwater management regulations. The grading code is currently codified as SMC 17.154, and the stormwater management code is codified as SMC 17.140. As part of this update, both codes are proposed to be relocated to Title 18 under Division III, Environmental Codes, and renumbered as SMC 18.830, Grading, and SMC 18.840, Stormwater Management.

The City's grading and stormwater regulations were originally adopted in the mid-1990s and have received only minor amendments since that time. The most recent substantive updates to these codes occurred in 2013. The grading regulations were initially embedded within the City's permit procedures code and, in 2021, were readopted as a standalone chapter without substantive changes. As a result, the core provisions of both the grading and stormwater codes have remained largely unchanged for more than a decade.

ANALYSIS

The City's grading and stormwater regulations are intended to protect public health, safety, and welfare by minimizing erosion, managing runoff, preventing flooding, and protecting water quality and downstream infrastructure. These regulations also ensure that development occurs in a manner consistent with adopted engineering standards, environmental requirements, and the City's long-term maintenance standards.

Over time, changes in state and federal regulations, evolving best management practices, and experience gained through project review and construction have identified areas where the City's existing grading and stormwater codes would benefit from minor clarifying amendments.

The attached draft Grading and Stormwater code amendments reflect current best practices and have been informed by interviews with the City's Public Works staff. The proposed updates are primarily clarifying and procedural in nature and are intended to improve consistency, predictability, and implementation. Key elements of the proposed codes are summarized below.

Grading Code:

- Updates the grading permit approval period to two years, with a one-time two-year extension, consistent with subdivision and general land use permit approvals. This change allows site construction to proceed without a grading permit expiring prior to the associated land use permit.
- Clarifies when a grading permit is required, including excavations or fills exceeding 50 cubic yards within a 12-month period, cuts or fills exceeding two feet, and retaining walls greater than two feet in height.
- Adds standard exemptions consistent with other jurisdictions, including grading associated with a building permit, solid waste disposal, agricultural activities, site investigation work, wells and utilities, and emergency repairs.
- Incorporates best practice standards related to building grades, cuts and fills, slope setbacks, drainage and terracing, erosion control, site markings, plan submittal requirements, and inspections.

Stormwater Management Code:

- Re-adopts the 2005 Edition of the Washington State Department of Ecology *Stormwater Management Manual for Western Washington*.
- Requires stormwater management for all land-disturbing activities greater than 5,000 square feet; projects under 5,000 square feet must still meet applicable water quality standards.
- Provides exemptions for agricultural activities, forest practices, and Washington State Department of Transportation highways, as regulated by state law.
- Establishes design requirements for stormwater facilities, including detention ponds and vaults.

Overall, the proposed amendments are intended to support predictable project review, reduce the potential for drainage-related impacts, and ensure that the City's grading and stormwater regulations remain technically sound, environmentally responsible, and aligned with community goals consistent with the Comprehensive Plan.

RECOMMENDATIONS

Staff Recommendation:

Staff is seeking the Planning Commission's comments and suggestions on the draft ordinance. Committee input will help ensure the amendments reflect the City's vision and community character.

PROPOSED MOTION

None; Discussion Item

CITY OF STANWOOD
WASHINGTON

ORDINANCE NO. 15XX

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, REPEALING STANWOOD MUNICIPAL CODE (SMC) CHAPTERS 17.140, STORMWATER MANAGEMENT PERFORMANCE STANDARDS AND 17.154, GRADING REGULATIONS AND ADOPTING NEW CHAPTERS 18.830, GRADING AND 18.840, STORMWATER MANAGEMENT, 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 to ensure consistent interpretation and administration, reduce ambiguity and disputes, and improve predictability for residents, property owners, applicants, and decision-makers; and

WHEREAS, the City of Stanwood is authorized under state law to adopt grading and stormwater regulations to protect public health, safety, and welfare; and

WHEREAS, grading and stormwater standards help ensure that new development and redevelopment are designed and constructed in a manner that minimizes adverse impacts to neighboring properties, public infrastructure, and natural resources; and

WHEREAS, as part of the larger Municipal Code Update project, the grading and stormwater regulations are being updated to be current with best management practices, technical standards, and applicable state and regional requirements; and

WHEREAS clear, consistent, and up-to-date code provisions improve predictability for applicants, reduce permitting delays, and support efficient administration and enforcement; and

WHEREAS, the grading and stormwater regulations currently codified in Title 17 of the Stanwood Municipal are being updated and moved to Title 18, Unified Development Code for consistency with the new code organization structure; and

WHEREAS, updating the grading and stormwater codes implements the City's Comprehensive Plan policies for environmental protection, climate resilience, and sustainable development; and

WHEREAS, a SEPA determination of non-significance for the draft ordinance was issued on _____, 2026, and the comment / appeal period ended on _____, 2026; 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 _____, 2026. The 60-day review period was completed on _____ 2026; and

WHEREAS, the code amendment was circulated for public review on _____, 2026 through _____, 2026; and

WHEREAS, the Stanwood Community Development Committee reviewed the draft ordinance at their _____, 2026, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission held a public hearing on ordinance on _____, 2026, 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 on the draft code amendment on _____, 2026, and accepted public comment; and

WHEREAS, the City is authorized under the Constitution and laws of the State of Washington, including the Growth Management Act, Chapter 36.70A RCW, to adopt and amend land use regulations and development standards to protect the public health, safety, and welfare; and

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

Section 1. Permit Procedures. Stanwood Municipal Code Chapter 18.130, Permits is amended as provided in Exhibit A attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Grading Code. Stanwood Municipal Code Chapter 18.830, Grading is adopted as provided in Exhibit B attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Stormwater Management Code. Stanwood Municipal Code Chapter 18.840, Stormwater Management is adopted as provided in Exhibit C attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 4. Repealed Sections. The Stanwood Municipal Code Chapters 17.140, Stormwater Management Performance Standards and 17.154, Grading Regulations are repealed in their entirety.

Section X. 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 X** and incorporated herein by reference.

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

PASSED and APPROVED this ____ day of _____, 2026.

CITY OF STANWOOD:

- Approve
- Veto

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Chapter 18.310 Permits Generally

i SMC 18.310.010 (Permit terms, extension, and expiration) is amended to incorporate parts of SMC 17.154.110 (Permit expiration). Existing provisions for “renewal” of a grading permit are integrated into permit extension provisions below.

18.310.010 Permit terms, extension, and expiration.

- (1) *Applicability.* This section applies to issued project permits, which is an authorization to perform the work or establish the use identified in the permit. After the expiration of the permit, legally established uses that become nonconforming are governed by the nonconforming uses provisions of this title.
- (2) *Initial Term.*
 - (a) A permit is valid for the initial term shown in Table 18.310.010-1 unless extended by the director.
 - (b) A permit’s initial term is measured from the date of project or permit approval (as specified in the notice of decision, if one is required), except that if the decision is appealed, the effective date is the date of decision on appeal. The initial term for a shoreline permit commences on the effective date of the permit as defined in WAC 173-27-090.
 - (c) If the director determines that soil, hydrologic, or geologic conditions necessitate that grading, drainage improvements or site stabilization be completed in less time, then the director may:
 - (i) Establish a shorter initial term for a grading permit;
 - (ii) Issue a grading permit that is not renewable pursuant to subsection (5) of this section; or
 - (iii) Both of the above.
- (3) *Extension.* The director may extend a permit the number of times shown in Table 18.310.010-1, for the length of extension indicated, only if all of the following criteria are met:
 - (a) The applicant submits a written request on forms provided by the department at least 30 days prior to expiration of the permit;
 - (b) Any applicable fee has been paid;
 - (c) The permittee has proceeded with due diligence and in good faith;
 - (d) The use remains a permitted use in the zone;
 - (e) The extension is not prohibited by requirements of state or federal law;
 - (f) Proper justification consists of one or more of the following conditions:
 - (i) Economic hardship;
 - (ii) Change of ownership;
 - (iii) Unanticipated construction, or site design problems, or both;
 - (iv) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.
- (4) *Expiration.*

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

Table 18.310.010-1. Permit Terms and Extensions

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Subdivision	5 years	1	1 year
Short Subdivision	5 years	1	1 year
Shoreline Permit	2 years	1	1 year
Conditional Use Permit	2 years to establish the use	0	n/a
Variance	2 years to establish the use	0	n/a
<u>Grading Permit</u>	<u>2 years</u>	<u>1</u>	<u>2 years</u>
All Other Type 1 Permits	1 year	1	1 year
All Other Type 2-4 Permits	2 years	1	1 year

EXHIBIT B

Division VIII Environment

Chapter 18.830 Grading

- i** The sections in Chapter 17.154 (Grading Regulations) pertaining to grading standards are included in this chapter. The sections in Chapter 17.154 pertaining to grading permitting are proposed to be included in a new chapter (Grading Permits) under Division III, Permits.
- i** SMC 17.154.050 (Applications) is not proposed to be included in Title 18 since it is redundant with Table 18.230.020-1. Grading is a Type I project permit application. A project permit for grading will need to provide the required application contents per 18.220.030, including items established in a checklist by the director. It does not need to be repeated here.
- i** SMC 17.154.060 (SEPA) is not proposed to be included in Title 18 since this will be established by Table 18.820.070-1 (Adoption of Flexible Thresholds) - once adopted - and does not need to be repeated here. Fill within a sensitive area is not exempt per WAC 197-11-908.
- i** SMC 17.154.100 (Filling of Wetlands) is not proposed to be included in Title 18. Under proposed SEPA amendments, a proposal is not exempt if it is not exempt under WAC 197-11-908 for critical areas. This means that any fill in a critical area would require SEPA. This does not need to be repeated in grading regulations. Furthermore, work in the floodplain or shoreline would be subject to flood regulations or the SMP and does not need to be repeated here.
- i** The following two sections are based on SMC 17.154.010 (Purpose and Applicability). Minor updates for plain language.

18.830.010 Purpose.

The purpose of this chapter is to establish standards to regulate grading, excavating, filling, and the creation of impervious surface to safeguard life, property, and the environment.

- i** The following section incorporates parts of SMC 17.154.020 (Exemptions) and SMC 17.154.110 (Permit expiration). Updated based on conversations with staff. Prior exemptions for volume are reframed in the positive in the applicability section.

18.830.020 Applicability.

- (1) This chapter applies to the following grading activity unless exempt by SMC 18.830.030.
 - (a) Excavation or fill exceeding 50 cubic yards in a 12 month period. Quantities of excavation and fill are calculated separately and added together.
 - (b) Excavation or fill exceeding two feet deep.
 - (c) Excavation or fill associated with construction of a retaining wall more than two feet high.

- (2) The requirements of this chapter that are not expressly temporary, including but not limited to erosion control, drainage, and slope management, do not terminate with expiration of the grading permit subject to SMC 18.310.010.

i The following section is based on SMC 17.154.020 (Exemptions).

18.830.030 Exemptions.

The following grading activity is exempt from the requirements of this chapter if it occurs outside a critical area and is at least two feet from a property line:

! Would the city would like to continue to exempt any grading if a building permit has been issued? Based on peer city review, this is not a common exemption.

- (1) Grading, excavation or filling performed during the construction of a building for which a valid building permit has been issued.

! Would the city like to continue to exempt solid waste disposal sites? Consider whether this exemption is relevant to Stanwood. Does Stanwood have or anticipate having a landfill?

- (2) Operation of a solid waste disposal site subject to a solid waste permit pursuant to Chapter 70.95 RCW. The expansion, relocation, or closure of a solid waste disposal site is not exempt.

! Would the city like to continue to exempt operations for mining, quarrying, etc.? Consider whether this exemption is relevant to Stanwood. Does Stanwood have or anticipate having any of these operations?

- (3) Ongoing commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay. This exemption does not apply to:

- (a) Reclamation activities;
- (b) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; or
- (c) An operation which the director determines may result in adverse downstream drainage impacts.

- (4) Ongoing agricultural activities, as follows:

- (a) Tilling, soil preparation, and maintenance; and
- (b) Fallow rotation, planting, and harvesting.

- (5) Site investigative work necessary for project permit application submittals such as surveys, soil borings and test pits, percolation tests, and other related activities, provided the land-disturbing activity is the minimum necessary.

- (6) Excavation of a well for a single-family dwelling.

- (7) Excavation or filling of cemetery graves.

- (8) Utility and related underground drainage system construction and maintenance in city rights-of-way.

! Would the city like to continue to exempt the creation of less than 2,000 sf of impervious surface? If not, associated grading would be subject to volume and depth limits.

- (9) Creation of less than 2,000 square feet of impervious surface, which requires no utilities.

- (10) Emergency sandbagging, diking, ditching, or similar work immediately before, during, or after periods of extreme weather conditions, including flooding, when done to protect life or property.

i The following section incorporates parts of SMC 17.154.030 (Other Laws) and SMC 17.154.090 (Permit Issuance).

18.830.040 Grading Permit Application.

(1) General.

- (a) A grading permit application is subject to the content and procedural requirements of Division II of this title and will only be approved if found to be consistent with these requirements.
- (b) A grading permit may be part of a larger project for which additional permits are required, according to Division II of this title.

i The following section is based on SMC 17.154.040 (Accuracy of plans).

- (2) Accuracy of grading plans. The city is not responsible for the accuracy of grading plans submitted for approval. The design and implementation of a suitable grading plan is the responsibility of the owner and applicant and not the city.

i The following section is based on SMC 17.154.070 (Engineered grading).

- (3) Engineered grading. The following activities require engineered grading and must have stamp and signature from a civil engineer:
- (a) Grading in excess of 50 cubic yards. Such grading also requires submittal of a full drainage plan as specified in the application checklist provided by the city;
 - (b) Grading within rights-of-way, whether public or private. Such grading shall comply with city specifications;
 - (c) Grading associated with development activities that are subject to SEPA environmental review;
 - (d) Creation of more than 2,000 square feet of impervious surface; and
 - (e) All other grading that requires civil engineering.

i The following section is based on SMC 17.154.080 (Geotechnical reports).

- (4) Geotechnical reports. The city may determine that geologic, hydrologic, or soil conditions present special grading or drainage conditions that may damage a public right-of-way or pose a substantial threat to public health, safety, or welfare. In these cases, the city may require the applicant to submit a geotechnical engineering report that includes a soils engineering report, an engineering geology report, or both pursuant to subsection (5) of this section. If a geotechnical engineering report is required:
- (a) The applicant's geotechnical engineer or civil engineer must inspect and approve the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions.
 - (b) The geotechnical evaluation must also address the need for subdrains or other groundwater drainage devices.
 - (c) To verify safety, the city may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of approval.

- (5) Additional Engineering Reports. The city may require any of the following additional engineering reports.
- (a) Soils Engineering Report. The city may require a soils engineering report that includes:
 - (i) Data regarding the nature, distribution, and strength of existing soils;
 - (ii) Conclusions and recommendations for grading procedures and design criteria for corrective measures, including structural fills, when necessary; and
 - (iii) An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
 - (b) Engineering Geology Report. The city may require an engineering geology report that includes:
 - (i) An adequate description of the geology of the site;
 - (ii) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development; and
 - (iii) An opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
 - (c) Liquefaction Report. The city may require a geotechnical investigation and report in accordance with IBC Sections 1802.2 and 1802.6, that addresses the potential for liquefaction.

18.830.060 Grading Standards.

i The following section is based on SMC 17.25.130 (Building Grades). Minor updates for plain language.

- (1) Building grades. Any building requiring yard space must be located at an elevation such that a sloping grade causes the flow of surface water to run away from the walls of the building.

i The following section is based on SMC 17.154.160 (Cuts or Excavations). Minor updates for plain language and consistency with style guide.

- (2) Cuts or excavations.
- (a) Unless otherwise recommended in the approved soils engineering report or engineering geology report, cuts must conform to the provisions of this section. These provisions do not apply to minor cuts which are less than four feet in height when such cuts do not pose a threat to adjoining property.
 - (b) The slope of cut surfaces must be no steeper than is safe for the intended use and must be no steeper than one unit vertical in two units horizontal (50% slope) unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope is stable and does not create a hazard to public or private property.
 - (c) Slopes must be stabilized after being cut. The soils engineering report or engineering geology report, or both, must verify that the slopes are not subject to ongoing erosion that may adversely impact public or private property.

i The following section is based on SMC 17.154.170 (Fills or embankments). Minor updates for plain language and consistency with style guide.

- (3) Fills or embankments.

- (a) Unless otherwise recommended in the approved soils engineering report, fills must conform to the provisions of this section. These provisions do not apply to minor fills not intended to support structures, and which are less than four feet in height, when such fills do not pose a threat to adjoining property.
- (b) Fill slopes may not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50% slope).
- (c) Fill Material.
 - (i) Detrimental amounts of organic material is not permitted in fills. Rock or similar irreducible material with a maximum dimension greater than 12 inches is not allowed to be buried or placed in fills, except:
 - (A) The director may permit placement of larger rock when the soils engineer properly devises a method of placement, and the soils engineer continuously inspects its placement and fill stability. The following conditions also apply:
 - (I) Prior to issuance of the grading permit, potential rock disposal areas must be delineated on the grading plan;
 - (II) Rock sizes greater than 12 inches in maximum dimension must be 10 feet or more below grade, measured vertically; and
 - (III) Rocks must be placed so as to assure filling of all voids with well-graded soil.
 - (ii) Compaction.
 - (A) All fills intended to support structures or private roads must be compacted to a minimum of 95% of maximum density.
 - (B) All fills within public or private rights-of-way must be compacted in accordance with city specifications.
 - (iii) The slope of fill surfaces must be no steeper than is safe for the intended use, and no steeper than one unit vertical in two units horizontal (50% slope).

i The following section is based on SMC 17.154.180 (Setbacks). Minor updates for plain language.

i SMC 17.154.180(1) on Field Marking is pulled out and proposed to be its own section (SMC 18.830.090) since it is related to process.

- (4) Setbacks.
 - (a) Cut and fill slopes must be set back from site boundaries in accordance with this section. Setback dimensions are horizontal distances measured perpendicular to the site boundary.
 - (b) The top of cut slopes may not be made nearer to a site boundary line than one-fifth of the vertical height of cut, but in no event nearer than two feet from the boundary line. The setback may be increased as necessary for stability of any required subsurface drainage or surcharge.
 - (c) The toe of fill slopes may not be made nearer to the site boundary line than one-half the height of the slope, but in no event nearer than two feet from the boundary line.

i The following section is based on SMC 17.154.190 (Drainage and terracing). Minor updates for plain language and consistency with style guide.

- (5) Drainage and terracing.

- (a) Unless otherwise indicated on the approved grading plan, drainage facilities and terracing must conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope).
- (b) Terraces at least six feet in width must be established at not more than 30 foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it must be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height must be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height must be designed by the civil engineer and approved by the director. Suitable access must be provided to permit proper cleaning and maintenance.
- (c) Swales or ditches on terraces must have a minimum gradient of .5%.
- (d) Cut or fill slopes must be provided with subsurface drainage as necessary for stability and proper conveyance of groundwater.
- (e) All drainage facilities must be designed to carry waters to the nearest practicable drainage way in a safe manner approved by the director. Outfalls or points of discharge must be designed using best management practices and construction procedures which prevent or minimize erosion.
- (f) Building pads must have a drainage gradient of 2% toward approved drainage facilities, unless waived by the director. Except the gradient from the building pad may be 1% if all of the following conditions exist throughout the permit area:
 - (i) No proposed fills are greater than 10 feet in maximum depth;
 - (ii) No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet; and
 - (iii) No existing slope faces steeper than one unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet.
- (g) Paved interceptor drains must be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. If required, interceptor drains must:
 - (i) Be paved with a minimum of three inches of concrete or gunite and reinforced;
 - (ii) Have a minimum depth of 12 inches;
 - (iii) Have a minimum paved width of 30 inches measured horizontally across the drain; and
 - (iv) Have a slope approved by the director.

i The following section is based on SMC 17.154.200 (Erosion control). Minor updates for plain language.

- (6) Erosion control.
 - (a) The faces of cut and fill slopes must be prepared and maintained to control against erosion. Erosion control:
 - (i) May consist of effective planting, hydroseeding, or mulching.
 - (ii) Must be installed as soon as practicable, and prior to calling for final approval.
 - (iii) Must conform to the city's adopted stormwater manual.
 - (b) Where necessary to provide safety to adjoining properties, the applicant must employ check dams, cribbing, riprap, silt fences or other devices and methods.

- (c) Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, erosion control may be omitted.

18.830.070 Grading Activity Requirements.

i The following sub-section is new.

- (1) Any person performing grading subject to a grading permit must:
 - (a) Have a copy of the issued grading permit and approved plans on the work site at all times; and
 - (b) Be responsible for compliance with the plans, specifications, and permit requirements

i The following sub-section is based on SMC 17.154.180(1) Field marking.

- (2) Field marking. Before performing any grading activities for which a permit is required pursuant to this chapter, the applicant must mark in the field:
 - (a) Limits of all grading and clearing activity;
 - (b) Critical areas and critical area buffers;
 - (c) Trees to be retained; and
 - (d) Drainage courses.

i The following section is based on SMC 17.154.150 (Modification to permits).

- (3) Grading plan modification.
 - (a) After issuance of a grading permit, the director may require modifications of grading plans, specifications, construction phasing or operations, or impose additional or more stringent standards and requirements to the extent necessary to protect public health, safety, and welfare.
 - (i) Modifications, standards, or requirements may be necessary because of unusual circumstances or newly discovered site conditions, including but not limited to soil type, topography, and weather conditions.
 - (ii) Modifications, standards and requirements may include but are not limited to scheduling, time restrictions, or a phased grading plan pursuant to subsection (b) of this section.
 - (b) Phased grading plan.
 - (i) A phased grading plan may be approved as part of a modified permit for incomplete portions of a grading proposal subject to the following requirements:
 - (A) In lieu of completing the improvements required by the grading permit, the applicant must provide a two-year bond or equivalent form of financial surety at 150% of the established cost of the improvements, if it is determined by the city engineer that the incomplete project requires additional erosion control, slope management or drainage improvements to protect adjacent and abutting property or critical areas on site;
 - (B) All phases of a plan must be completed within 24 months of the approval of the modified permit, except the director may set an earlier expiration date pursuant to SMC 18.310.010(2).
 - (ii) A phased grading plan must include:

- (A) A plan sheet delineating the phases and sequencing of proposed grading with proposed completion dates for each phase;
- (B) An explanation of why the phased plan is needed;
- (C) The percentage of remaining work to be completed as a separate phase and cost of each phase;
- (D) A revised plan sheet showing how each phase complies with the performance standards for the permit including describing the edge of the filled area and temporary erosion control; and
- (E) A description of how site drainage will be controlled until the project is complete.

i The following sub-section is based on SMC 17.154.120 (Inspections).

- (4) Grading inspections. Grading activities for which a permit is required are subject to inspection by the city. Professional inspection of grading operations must be provided by the civil engineer, soils engineer, or the engineering geologist retained by the applicant to provide services for engineered grading and as required by the city, as follows:
- (a) The civil engineer must
 - (i) Provide professional inspection services that consist of observation and review as to the establishment of line, grade, surface drainage and erosion control of the development area.
 - (ii) Prepare any revised plans that may be required during the course of work.
 - (b) The soils engineer must:
 - (i) Provide professional inspection services that consist of observation during grading and testing for required compaction.
 - (ii) Provide sufficient observation during the preparation of the natural ground, and placement and compaction of the fill, to verify that such work is being performed in accordance with the conditions of the approved plan and the requirements of this code.
 - (iii) Submit any revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports to the city.
 - (c) The engineering geologist must:
 - (i) Provide professional inspection services that consist of inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report.
 - (ii) Submit any revised recommendations relating to conditions differing from the approved engineering geology report to the soils engineer.
 - (d) The applicant or owner is responsible for the work to be performed in accordance with the approved plans and in conformance with the provisions of this code, and must engage consultants, if required, to provide professional inspections on a timely basis. In the event of changed conditions, the applicant or owner is responsible for informing the city of such change and must provide revised plans for approval.
 - (e) The public works director or city engineer may inspect grading of subdivisions to assure the future roadways, whether public or private, are graded in accordance with the approved plans and specifications and in conformance with provisions of the public works standards.
 - (f) The city must inspect the project at various stages of work to determine that adequate control is being exercised by the professional consultants.

- (g) If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this code or the approved grading plans, the discrepancies must be reported immediately in writing to the city.
- (h) The city must notify the applicant or owner of any discrepancies that would necessitate plan revisions or corrections by the professional consultants when notified in subsection (5) of this section.
- (i) The types of soils inspections and standards recognized as acceptable soils tests are:
 - (i) ASTM D 1557, moisture-density relations of soils and soil aggregate mixtures;
 - (ii) ASTM D 1556, in place density of soils by the sand-cone method; ASTM D 2167, the rubber-balloon method; or ASTM D 2937, the drive-cylinder method; and
 - (iii) ASTM D 2922 and D 3017, in place moisture content and density of soils by nuclear methods.

i The following sub-section is based on SMC 17.154.130 (Transfer of responsibility).

- (5) Transfer of responsibility. If the civil engineer, soils engineer, or engineering geologist of record changes during grading, the work must be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work in compliance with approved plans. It is the duty of the applicant or owner to notify the city in writing of such change prior to the recommencement of grading.

i The following sub-section is based on SMC 17.154.140 (Completion of work).

- (6) Completion of work. Upon completion of the work, the civil engineer must submit as-built drawings and a report to the city certifying that the completed project conforms to the conditions of the permit and the approved plans, and that all grading work, drainage facilities, erosion control measures, etc., have been completed in accordance with the issued permit. Minor deviations from the approved plans must be listed in the report or noted on reproducible as-built drawings, which must be submitted with the report.

EXHIBIT C

Division VIII Environment

Chapter 18.840 Stormwater Management

i This chapter is based on Chapter 17.140 (Stormwater Management Performance Standards).

i The following section is based on SMC 17.140.010 (Purpose). Minor amendments for plain language, simplification, and consistency with style guide.

18.840.010 Purpose.

The purpose of this chapter is to:

- (1) Ensure that development is consistent with the land use, utilities and natural features elements of the Comprehensive Plan;
- (2) Minimize water quality degradation and sedimentation in rivers, streams, ponds, lakes, wetlands, and other water bodies;
- (3) Minimize the impact of increased runoff, erosion, and sedimentation caused by land development and maintenance practices;
- (4) Maintain and protect groundwater resources;
- (5) Minimize adverse impacts of alternations on ground and surface water quantities, locations, and flow patterns;
- (6) Decrease potential landslide, flood, and erosion damage to public and private property;
- (7) Promote site planning and construction practices that are consistent with natural topographical, vegetational, and hydrological conditions;
- (8) Maintain and protect the city's stormwater management infrastructure and those downstream;
- (9) Provide a means of reviewing clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety;
- (10) Provide minimum development regulations and construction procedures that will preserve, replace, or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of lands, wetlands and water bodies; and
- (11) Encourage low impact development (LID) techniques for stormwater.

i The following section is based on SMC 17.140.030 (Applicability), 17.140.020 (General Provisions), and SMC 17.170.040 (Regulated activities and allowed activities). Minor amendments for clarity, plain language, organization, and consistency with style guide.

i Under regulated activities, new development and redevelopment subsections were consolidated since there was substantial overlap between the listed activities.

i SMC 17.140.030(3) is not included in Title 18. This subsection included requirements for a small parcel erosion and sediment control plan, large parcel erosion and sediment control plan, and permanent stormwater quality control plan. There are no clear thresholds for when these plans are required, or

required contents. It appears the approval standards and minimum requirements for these plans were repealed by Ordinance 1110 in 2002 (SMC 17.140.060-070). The Stormwater Manual includes requirements for a Stormwater Site Plan and Construction Stormwater Pollution Prevention plan. The city is not required to establish separate or more restrictive requirements.

18.840.020 Applicability.

- (1) This chapter applies to new development or redevelopment that includes a regulated activity.
- (2) Regulated activities. The director may approve the following activities subject to the requirements of this chapter, unless exempted by subsection (3) of this section:
 - (a) Land disturbing activities;
 - (b) Structural development, including construction, installation or expansion of a building or other structure;
 - (c) Creation or addition of impervious surfaces;
 - (d) Replacement of impervious surface that is not part of a routine maintenance activity;
 - (e) Class IV general forest practices that are conversions from timber land to other uses; and
 - (f) Subdivision, short subdivision, and binding site plans, as defined in RCW [58.17.020](#).
- (3) Exemptions. This chapter does not apply to the following activities:
 - (a) Commercial agriculture and forest practices regulated by WAC Title [222](#), except for Class IV general forest practices that are conversions from timber land to other uses; and
 - (b) Development undertaken by the Washington State Department of Transportation in state highway rights-of-way regulated by Chapter [173-270](#) WAC, the Puget Sound Highway Runoff Program.
- (4) Conflict. When any other requirement of this code conflicts with this chapter, the requirement that provides more environmental protection applies unless otherwise established.
- (5) Greater restrictions. It is not the intent of these standards to repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where these standards impose greater restrictions, the provisions of these standards prevail.

i The following section is based on SMC 17.140.050 (General Requirements). Minor amendments for plain language and consistency with style guide.

! Need to add a cross reference to standards regarding dedication to city. Staff to review code and standards to determine whether it includes adequate language regarding condition of facilities when turned over to the city (i.e. facilities must be clean condition and in good working order).

18.840.040 Stormwater Standards.

- (1) Stormwater designs must be consistent with:
 - (a) The 2005 Edition of the Washington State Department of Ecology’s “Stormwater Management Manual for Western Washington” (manual), which is hereby adopted by reference. Local exceptions are included in Chapter 3 of the Street and Utility Standards (Chapter [14.08](#) SMC).
 - (b) The Street and Utility Standards (Chapter [14.08](#) SMC).
- (2) Required Stormwater Best Management Practices (BMPs).

- (a) General.
 - (i) BMPs must be used to control pollution from stormwater.
 - (ii) BMPs must be used to comply with this chapter.
 - (iii) BMPs may be found in the manual.
- (b) Experimental BMPs.
 - (i) In those instances where appropriate BMPs are not in the manual, experimental BMPs may be considered.
 - (ii) Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater quality technology.
 - (iii) Experimental BMPs must be approved in accordance with the approval process outlined in the manual.
- (3) Illicit discharges to stormwater drainage systems are prohibited.
- (4) Design Requirements for Stormwater Facilities.
 - (a) New stormwater ponds must be designed with an irregular shape that utilizes the natural contours of the site and limits the use of manmade concrete walls to no more than 50% of the length of the perimeter pond embankment, measured at the pond bottom.
 - (b) Ponds that are surrounded by a fence must utilize chain link fencing coated in black vinyl to reduce the aesthetic impact of the fencing.
 - (c) Stormwater ponds must incorporate landscaping that provides visual screening of the pond for a minimum of 40% of the pond perimeter using either shrubs and evergreen trees or living fences.
 - (i) Spaces between planting clusters must utilize ground cover.
 - (ii) Trees and shrubs must be grouped to provide a minimum of six feet for consideration of mowing equipment.
 - (iii) Deciduous trees and shrubs are not allowed within or around the pond area.
 - (iv) Plants considered acceptable for living fences include:
 - (A) Barberries (*Berberis darwinii* and *B. veruculosa*);
 - (B) Camelia (*Camelia sasanqua*);
 - (C) Quince (*Chenomeles*);
 - (D) Cotoneaster (*Cotoneaster horizontalis*, *C. simonsii*);
 - (E) Forsythia (*Forsythia suspensa sieboldii*);
 - (F) Winter jasmine (*Jasminum nudiflorum*);
 - (G) Euonymous (*Euonymous fortunei*);
 - (H) Bittersweet (*Celastrus orbiculatus*); and
 - (I) Russian vine (*Polygonum*).
 - (v) Plants considered acceptable for shrubs include:
 - (A) English laurel;
 - (B) Photinia;

- (C) Yew;
 - (D) Arbor-vitae;
 - (E) Hemlock;
 - (F) Western red cedar;
 - (G) Hornbeam (Carpinus);
 - (H) Hawthorn (Crataegus);
 - (I) Cypress (Cupressocyparis); and
 - (J) Beech (Fagus).
- (d) Functional integration (such as fountains, basketball courts, tennis courts, open play areas, etc.) is strongly encouraged with stormwater facilities.