



SNOHOMISH PLANNING COMMISSION

REGULAR MEETING

**Wednesday
July 6, 2022
6:00 p.m.**

in person at the Snohomish Carnegie (lower level), 105 Cedar Avenue
and remote on-line/telephone access via Zoom:

**ONLINE Zoom remote meeting access: <https://us02web.zoom.us/j/87611252971>
Or call in at (253) 215-8782 and use Meeting ID# 876 1125 2971, Passcode 548971**

AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA ORDER**
5. **APPROVAL** of the minutes of the June 1, 2022 regular meeting *(P.3)*
6. **GENERAL PUBLIC COMMENTS** on items not on the agenda
7. **PUBLIC HEARING:** Amend SMC 14.207.080 and .085 – Commercial Uses and Chapter 14.25 SMC – Definitions, to regulate preschools. *(P.7)*
 - a. Chair opens hearing
 - b. Staff presentation
 - c. Commission questions
 - d. Public testimony
 - e. Close hearing
 - f. Deliberations
8. **PUBLIC HEARING:** Amend SMC 14.207.070 and .075 – Residential Uses and Chapter 14.25 SMC – Definitions, to regulate short-term rentals. *(P.15)*
 - a. Chair opens hearing
 - b. Staff presentation
 - c. Commission questions
 - d. Public testimony
 - e. Close hearing
 - f. Deliberations

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9. **COMMISSIONER COMMENTS**

10. **DIRECTOR'S REPORT**

11. **ADJOURNMENT**

NEXT MEETING: The next regular meeting is scheduled for Wednesday, August 3, 2022, at 6 p.m. at the Snohomish Carnegie, 105 Cedar Avenue, Snohomish, and online via Zoom.

Specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's office at 360-568-3115. This organization is an Equal Opportunity Provider.

**CITY OF SNOHOMISH
REGULAR MEETING OF THE PLANNING COMMISSION
MEETING MINUTES
June 1, 2022**

1. **CALL TO ORDER:** The Commission appointed Commissioner Lippincott as interim Chair in the absence of Chair Eskridge and Co-Chair Gottuso. Commissioner Lippincott opened the regular meeting of the Planning Commission at 6:02 p.m. on Wednesday, June 1, 2022, held in person at the Snohomish Carnegie, with a remote attendance option available via Zoom.

2. **FLAG SALUTE**

3. **ROLL CALL:**

COMMISSIONERS PRESENT:

Gordon Cole
Mitch Cornelison
Terry Lippincott
Christine Wakefield Nichols
Merritt Weese

STAFF:

Glen Pickus, Planning Director
Brooke Eidem, Planner
Thomas Kreinbring, Assistant Planner

OTHERS PRESENT:

Judith Kuleta, City Council Liaison

COMMISSIONERS ABSENT:

Hank Eskridge (excused)
Nick Gottuso (excused)

4. **APPROVAL OF AGENDA ORDER:** Commissioner Lippincott asked for the agenda order to be approved as presented. Hearing no objections, the agenda order stood as presented.

5. **APPROVAL** of the minutes of the May 4, 2022, regular meeting.

Commissioner Wakefield Nichols noted her absence at the previous meeting was excused. Commissioner Cole moved to approve the minutes of the May 4, 2022 meeting. Commissioner Wakefield Nichols seconded the motion, which passed 5-0.

6. **GENERAL PUBLIC COMMENTS:** There were no public comments on items not on the agenda.

7. **DISCUSSION ITEMS**

a. Preschools

Mr. Pickus presented background information and staff analysis on the code interpretation for preschools that defines the term and specifies where they are allowed. He then asked the Commission for direction on the code interpretation, so staff could draft a code amendment and present it to the Commission at a public hearing at the July 6, 2022 Planning Commission meeting.

The Commission asked clarifying questions which Mr. Pickus answered. Commissioner Cornelison asked the Commission what the maximum and minimum allowable number of children should be if the Conditional Use Permit (CUP) process is not going to be used. Commissioner Lippincott stated that the CUP process should be used in

residential zones, or there should be a maximum number of children allowed. Commissioner Wakefield Nichols was in favor of allowing them everywhere in residential zones and did not want limits that would be contrary to supporting the Early Childhood Education and Assistance Program (ECEAP).

Commissioner Lippincott opened public comment:

Morgan Davis opposed the code interpretation, stating preschools should be defined similar to daycares and that they should be prohibited in residential zones if they are not regulated.

Commissioner Lippincott closed the public comment period, and the Planning Commission discussed the proposal.

Commissioner Weese was in favor of interpreting preschools like the “childcare, family” definition and use in term of impacts. The Commission agreed that reference notes in the land use tables should be used to manage impacts. Commissioner Cornelison stated he would prefer to regulate preschools in the same manner as childcare facilities in the residential zones. He also stated the CUP process provides the public an opportunity to understand what may come to their neighborhood and to provide a manner by which they could weigh in on such a proposed land use. The Commission agreed preschools should be permitted outright in the commercial and multi-family zones, and that a CUP should be required in the Single Family zone.

Mr. Pickus stated staff would bring back code language based on direction from the Commission.

b. **Short-term Rentals**

Mr. Pickus presented background information and staff analysis on the code interpretation about vacation rentals that defines the term “short-term rentals” and specifies where they are allowed. He then asked the Commission for direction on the code interpretation, so staff could draft a code amendment and present it to the Commission at a public hearing at the July 6, 2022 Planning Commission meeting. Mr. Pickus’ preference is not to heavily regulate the use initially because they do not seem to be problematic at this time. The City can codify the use and re-evaluate later if necessary.

The Commission asked clarifying questions which Mr. Pickus answered. Commissioner Wakefield Nichols stated the transient rental tax, like for hotels/motels, should be another requirement added to the proposed code interpretation’s list of requirements. The Commission agreed that quantifying the limit of people is difficult and that changing the maximum number of people to a single party would be better. Mr. Pickus stated staff would define “party” in the proposed code amendment. Commissioner Cole suggested clarifying the use is limited to residential short-term rentals and not commercial spaces.

Commissioner Lippincott opened public comment:

Morgan Davis provided comment on unrelated items.

Commissioner Lippincott closed the public comment period and the Planning Commission discussed the proposal.

Mr. Pickus stated staff has enough feedback to draft the code amendment.

8. COMMISSIONER QUESTIONS & COMMENTS:

Commissioner Cole informed the Commission he would not be present at the July 6, 2022 regular meeting of the Planning Commission. Commissioner Cornelison advised he would not be present at the June 7, 2022 joint workshop with City Council.

9. **DIRECTOR'S REPORT:** Mr. Pickus shared that the Planning & Development Services Department will be transitioning in December as he will be retiring. Planner Brooke Eidem will become the Interim Planning & Development Services Director at that time.

10. **ADJOURNMENT:** The meeting adjourned at 7:08 p.m.

Approved this 6th day of July 2022.

By: _____
Commissioner Hank Eskridge, Chair

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Date: July 6, 2022
To: Planning Commission
From: Glen Pickus, AICP, Director of Planning & Development Services
Subject: Preschools Code Amendment Public Hearing

SUMMARY: The Planning Commission will consider proposed code amendments to regulate preschools.

BACKGROUND: Preschools are not a listed land use in Chapter 14.207 Snohomish Municipal Code, Land Use Tables. As a result, a code interpretation was made, as authorized by SMC 14.05.050(A), defining “preschools” and establishing where they would be allowed.

At the June 1, 2022 Planning Commission meeting, codification of the code interpretation was discussed. The following proposal reflects that discussion and the direction provide by the Planning Commission.

PROPOSAL:

Amend Chapter 14.25 SMC, Definitions

Staff’s proposal includes adding a definition for “preschool” and updating the definitions for “Childcare”, “Childcare, family”, and “School” as follows:

Childcare: a nonresidential facility licensed by the Washington State Department of Children, Youth, and Families for the daytime care of more than six (6) children from birth through 12 years of age outside of the child’s home for periods of less than 24 hours a day, including preschool and early learning services. Childcare does not include “Childcare, family” or any program exempt from licensing per RCW 43.216.010(2). A “preschool” is not a “childcare”. See SMC 14.25.170 for the definition of preschool.

Childcare, family: a facility licensed by the Washington State Department of Children, Youth, and Families for the daytime care of children that is provided in a residential dwelling unit by the full-time occupant of the home. Family daycare facilities may provide care for up to twelve (12) children, including children living in the home.

Preschool: a facility licensed by the Washington State Department of Children, Youth, and Families whose primary function is to provide academic learning services to children 30 months through six years of age not attending kindergarten or elementary school as defined in SMC 14.25.200. Preschools operate on a definite school year schedule and follow a stated academic curriculum, and accept only children 30 months through six years of age. Preschools may offer supervised play, socializing, and childcare services, but not as a primary function.

School: any institution of learning, such as an elementary, middle, junior high, or high school, which offers instruction as required by the Washington State Office of Superintendent of Public Instruction, including associated meeting rooms, auditoriums, and athletic facilities. See SMC 14.25.170 for the definition of “preschool”.

Amend SMC 14.207.080, Commercial Uses

Staff proposes to amend SMC 14.207.080 to add a “preschool” line to the permitted commercial land uses table, and to largely allow them in the same zones as commercial daycares are currently allowed. This means preschools would be permitted outright in the following zones:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Neighborhood Business
- Business Park
- Midtown District

The proposal is to also allow preschools with a conditional use permit in the Single-family zones, where commercial daycares are not currently allowed.

In addition, to improve the consistency of the code, staff proposes amending SMC 14.207.070 to:

- Allow preschools and commercial childcares in the Historic Business District, where daycares are not currently allowed at all; and
- Add a missing reference note to make commercial childcares in the Business Park zone subject to the special regulations in SMC 14.207.085(3) just like they are in the other zones.

Amend SMC 14.207.085(3), Commercial Uses: Regulations

Currently, commercial daycares are subject to the special provisions of SMC 14.207.085(3).

The proposal is to update SMC 14.207.085(3) to reflect changes in state licensing of childcares and preschools. Preschools will also be subject to SMC 14.207.085(3).

ANALYSIS:

Definitions

In order to regulate preschools the term has to be defined. The proposed new “preschool” definition is drafted to be consistent with the state definition and to differentiate it from a “childcare”.

The existing definitions for “childcare” and “childcare, family” need to be updated to indicate they both are now licensed by the Washington State Department of Children, Youth, and Families. In addition, the “childcare” definition is updated to be consistent with the state definition.

The definition for “school” is proposed to be amended merely to make clear a “school” differs from a “preschool” primarily because while schools are under the auspices of the Office of Superintendent of Public Instruction, “preschools” are subject to the rules of the Department of Children, Youth, and Families.

SMC 14.207.080, Commercial Uses

The proposal to allow preschools in the same zones where commercial daycares are allowed is based on the staff’s analysis that the two land uses have similar impacts.

Based on the Planning Commission's direction and the fact that regular schools are allowed in the Single-family zone with a conditional use permit, the proposal is to treat preschools the same way. In fact, a preschool will have less impacts than a regular school.

Staff does not know the reason why daycares are not currently allowed in the Historic Business District, especially since in years past a childcare was located in the Historic Business District. Therefore, the proposal also includes permitting both commercial childcares and preschools in the Historic Business District.

In the zones where commercial daycares are permitted, they are subject to the requirements of SMC 14.207.085(3) with the lone exception being the Business Park zone. Staff is unaware of why there is an exception for Business Park. For consistency, the proposal also includes making daycares in the Business Park zone subject to SMC 14.207.085(3).

SMC 14.207.085(3)

SMC 14.207.085(3) provides special regulations for commercial childcares. It needs to be updated to show that daycares are now licensed by the Washington Department of Children, Youth, and Families and not the Department of Social and Health Services (DSHS). Preschools will also be subject to these special regulations.

The Planning Commission expressed concern about the impact preschools located in residential areas might have on the neighborhood, especially regarding traffic, parking, and noise. The proposal includes revisions to SMC 14.207.085(3) to address those concerns.

RECOMMENDATION:

- **Motion to recommend City Council approval of amending Chapters 14.25 and 14.207 SMC as proposed to regulate preschools.**
- **Motion to approve the Findings of Fact & Conclusions as drafted.**

NEXT STEPS: The City Council is tentatively scheduled to consider an ordinance to amend the code as recommended by the Planning Commission on August 16, 2022.

ATTACHMENTS:

- A. Preschools
- B. Findings of Fact & Conclusions

ATTACHMENT A

14.207.080 Commercial Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL ¹	BP	MID	I	AI	POP
Adult uses											p8		
Animal grooming w/o kenneling/boarding					p		p		p	p	p		
Auction house					p		p			p	p		
Automotive parking					p		c		p	p15	p	p	
Automotive rental and leasing					p		p12		p	p15	p	p	
Automotive and boat dealer					p		p		p	p	p		
Automotive service and repair					p		p2		p2	p2	p	p2	
Automotive supply store					p4		p4		p4	p	p		
Building supply, hardware, and garden materials					p		p		p	p	p		
Cemetery, columbarium or mausoleum					p		p		p	p	p		
Childcare		p3	p3	p3	p3	p3	p3		p3	p3			
Childcare, family – 12 children or less	c	c	c	c	c		c			c			
Childcare, family – 6 children or less	p	p	p	p	p		p			p			
Commercial accessory use					p10		p10		p10	p10	p	p	
Congregate care/assisted living	c7	c	p	p	p		p		p	p			
Department and variety stores					p		p		p	p			
Equipment rental					p	p	p12		p		p	p	
Fitness center					p	p	p		p	p	p		
Funeral home					p		p		p	p	p		
Gasoline service station					p		p		p	p	p	p	
Grocery store					p	p6/9	p		p	p	p		
Hotel/motel				p	p		p			p			
Kennel or animal boarding, commercial	p5								p5	p5	p		

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL ¹	BP	MID	I	AI	POP
Medical/dental lab					p		p		p	p	p		
Nursing/convalescent home	c7	c	p	p	p		p		p	p	p		
Office					p11	p	p11		p	p	p	p	
Outdoor advertising service					p12		p12		p12		p	p	
Passenger transportation service					p11		p11		p	p11,12	p	p	
Personal medical supply stores					p		p		p	p	p		
Personal services					p		p		p	p	p	p	
Pet store					p	p6	p		p	p	P		
<u>Preschool</u>	<u>c3</u>	<u>p3</u>	<u>p3</u>	<u>p3</u>	<u>p3</u>	<u>p3</u>	<u>p3</u>		<u>p3</u>	<u>p3</u>			
Research, development and testing					p		p		p	p11	p	p	
Restaurant					p	p	p		p	p	p		p14
Restaurant, drive-thru/walk-up					p		p		p	p	p	p	
Retail					p	p6	p		p	p	p		
Self-service storage									p		p	p	
Social services					p		p		p	p	c		
Supervised drug injection facility													
Transportation and taxi					p11		p11		p	p11	p	p	
Veterinary clinic					p5		p5		p5	p5	p		
Winery/brewery/distillery	p13				p		p		p	p12	p		
Trucking and courier service					p11				p	p17	p	p	

14.207.085 Commercial Uses: Regulations.

3. Must be licensed by and meet all of the requirement of the Washington State Department of Children, Youth, and Families. Facilities located in a single-family or multi-family residential zones must:
 - a. Provide ~~Subject to~~ a child drop off and pick up system that ~~meets DSHS~~ minimizes impacts on traffic flow on adjacent streets; and ~~standards and~~ subject to
 - b. Design ~~features for use of~~ outside play areas that will to protect adjacent uses from significant noise levels.

ATTACHMENT B

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to regulate preschools, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. Currently, Chapter 14.207 SMC, Land Use Tables, does not list preschools as a land use.
4. The following Comprehensive Plan goal supports the proposed code amendments:
GOAL LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
5. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on June 14, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to establishing a maximum height for fences in rear set back areas and removing the height limit on retaining walls and rockeries in setback areas.
6. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On June 29, 2022, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
7. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on June 18, 2022.
8. On July 6, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.25, Definitions and Chapter 14.207, Land Use Tables to regulate short-term rentals. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendments are consistent with the Washington State Growth Management Act.

3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The impacts created by preschools will be the same as or less than the impacts created by commercial daycares.
6. The proposed code amendments will allow preschools to be located in most of the zoning districts in the City but regulate them to minimize their impacts in residential areas.

Date: July 6, 2022

By: _____

Hank Eskridge, Planning Commission Chair

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Date: July 6, 2022
To: Planning Commission
From: Glen Pickus, AICP, Director of Planning & Development Services
Subject: **Short-Term Rentals Code Amendment Public Hearing**

SUMMARY: The Planning Commission will consider proposed code amendments to regulate short-term rentals.

BACKGROUND: Short-term rentals are not a listed land use in Chapter 14.207 Snohomish Municipal Code, Land Use Tables. As a result, a code interpretation was made, as authorized by SMC 14.05.050(A), defining “short-term rental” and establishing where they would be allowed.

At its June 1, 2022 meeting, the Planning Commission discussed codification of the code interpretation. The following proposal reflects that discussion and their direction.

Some municipalities have adopted comprehensive short-term rental regulations to address parking, noise, trash, neighborhood character, and housing loss issues. Currently, none of these are significant issues in the City of Snohomish as no written complaints about short-term rentals have been received, nor does it seem the number of short-term rentals in the City is excessive. In the future, it is possible the short-term rental numbers and negative impacts will increase to a point where a more comprehensive regulatory approach would be appropriate. Given the current situation, staff’s proposal is merely to establish short-term rentals as a recognized land use and apply some basic zoning regulations to them.

PROPOSAL: Staff’s proposal is to:

- Define what a short-term rental is;
- Establish in which zones they will be allowed; and
- Create some basic rules for their operation.

Amend Chapter 14.25 SMC, Definitions

The proposed code amendment would add two new definitions as follows:

- **Boarding house:** an owner-occupied detached single-family residence where rooms are occupied by non-family members in exchange for compensation on a monthly or annual basis for periods of 30 days or longer. A rooming house shall have a maximum of three roomers/boarders occupying the residence at one time. Boarding houses must be operated in a manner consistent with SMC 14.207.075(7). “Rooming house” means the same as “boarding house”.
- **Short-term rental:** a furnished dwelling unit, or room within a dwelling, or an Accessory Dwelling Unit, rented out on a daily or weekly basis. “Vacation rental” means the same as “short-term rental”.

Amend SMC 14.207.070 Residential Uses, Land Use Table

The proposal is to amend SMC 14.207.070 to add “short-term rentals” to the list of residential uses and to allow them as an outright permitted use in all zones except in Industry, Airport Industry, and Parks, Open Space & Public.

At the same time, to improve the clarity of the code, staff is proposing to amend SMC 14.207.070 to replace the “Roomers/boarders” land use line with “Boarding House”, but otherwise leaving the current regulations unchanged.

Amend Chapter 14.207.075 SMC, Residential Land Use Regulations

The proposal includes amending SMC 14.207.075 to require all short-term rentals to comply with the following:

- a. Obtain a City of Snohomish business license.
- b. Pay transient rental, hotel/motel, lodging, and other taxes as required for transient accommodations in the City pursuant to WAC 458-20-166.
- c. Not use commercial spaces for short-term rentals.
- d. Not provide any services beyond housekeeping between visits.
- e. Not be rented to the same party for more than 30 consecutive days.
- f. Only be rented to a single party. A party is a group of persons gathering for the same social purpose.
- g. Be for the entire structure or for a self-contained unit within a structure. Only one self-contained unit within a structure shall be rented at a time.

ANALYSIS:

Short-term Rental and Boarding House Definitions

It is important to differentiate short-term rentals from boarding houses and the best way to do that is through their definitions. Currently, SMC 14.25.190 defines “roomer/boarder” as follows:

Roomer/boarder means a resident of a single-family dwelling or approved accessory dwelling unit who is not a member of the family occupying the single-family dwelling. Compensation may or may not be provided.

However, “roomer/boarder” is not a land use so it is necessary to define “rooming house” or “boarding house”. This is a straightforward process of blending the common definition of “house” with the SMC definition for “roomer/boarder” to arrive at a definition for “rooming house” and “boarding house.” Therefore, a “rooming house” or a “boarding house” (which are the same thing) can be defined as a an owner-occupied detached single family residence where rooms are occupied by non-family members in exchange for compensation on a monthly or annual basis for periods of 30 days or longer with a maximum of three roomers/boarders occupying the residence at one time.

The definition for short-term rental needs to make clear that they are not the same as a boarding house or a bed and breakfast.

While the facilities provided by a boarding house may be similar to those of a short-term rental, the fact they are rented for more than 30 days at a time on a monthly or yearly basis, and they can only be located in a detached single-family residences, makes them different.

SMC 14.25.030 defines “Bed and breakfast” as follows:

Bed and breakfast: a single-family residence within which up to four (4) bedrooms are available for short-term lodging for paying guests.

While a bed and breakfast accommodates short-term stays as do short-term rentals, its impact can be significantly different because up to four rooms can be rented to four different groups of people. In addition, bed and breakfast owners are required to live on the property, which is not the case for short-term rentals. Another difference is that a bed and breakfast establishment provides services while a short-term rental does not.

The proposed definition for short-term rental is simple yet clearly differentiates it from both boarding houses and bed and breakfast establishments.

Where short-term rentals should be allowed?

The proposed amendment to SMC 14.207.070 is to allow short-term rentals in any zone where dwelling units are allowed. This reflects the current situation where digital platforms such as Airbnb and Vrbo show rentals of rooms within a house, entire houses, and multi-family units. Given the small impact short-term rentals have, staff believes it is appropriate to allow them in all zones where dwelling units are allowed.

What should the rules be for short-term rentals?

The proposed amendment to SMC 14.207.075 would require all short-term rentals to comply with the following seven regulations:

1. Obtain a City of Snohomish business license.
2. Pay transient rental, hotel/motel, lodging, and other taxes as required for transient accommodations in the City pursuant to WAC 458-20-166.
3. Not use commercial spaces for short-term rentals.
4. Not provide any services beyond housekeeping between visits.
5. Not be rented to the same party for more than 30 consecutive days.
6. Only be rented to a single party. A party is a group of persons gathering for the same social purpose.
7. Be for the entire structure or for a self-contained unit within a structure. Only one self-contained unit within a structure shall be rented at a time.

The first two regulations ensure short-term rentals are accounted for and pay their fair share of fees and taxes similar to other transient accommodations.

Rule 4 ensures a short-term rental does not become a bed and breakfast while, Rule 5 ensures they do not become a boarding house.

Rules 6 and 7 are intended to ensure short-term rentals do not become “party houses”.

RECOMMENDATION:

- **Motion to recommend City Council approval of amending Chapters 14.25 and 14.207 SMC as proposed to regulate short-term rentals.**
- **Motion to approve the Findings of Fact & Conclusions as drafted.**

NEXT STEPS: The City Council is tentatively scheduled to consider an ordinance to amend the code as recommended by the Planning Commission on August 16, 2022.

ATTACHMENTS:

- A. SMC 14.207.070 and SMC 14.207.075 (draft)
- B. Findings of Fact & Conclusions

ATTACHMENT A

14.207.070 Residential Uses

USE	SINGLE-FAMILY	MULTI-FAMILY			COMMERCIAL						INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	NB	HBD	PIL ¹	BP	MID	I	AI	POP
Accessory dwelling units	p2	p2	p2	p2	p2	p2	p2			p2			
Accessory structures	p	p	p	p						p			
Accessory uses	p10	p10	p10	p10						p			
Adult family home	p	p	p	p	p					p			
Animal keeping (see Ch. 7.04 SMC)													
Bed and breakfast	c4	p	p	p	p		p						
<u>Boarding house</u>	<u>p7</u>	<u>p7</u>	<u>p7</u>	<u>p7</u>			<u>p7</u>		<u>p7</u>		<u>p7</u>		
Caretaker residence						p11			p5		p5		
Community residential facility-CRF		c	c	c	c		c			c			
CRF-prisoner release											c		
Foster home	p	p	p	p	p					p			
Home occupation	p3	p3	p3	p3	p3		p3		p3	p3			
Manufactured home	p	p	p	p						p			
Mobile home park		c8	c8	c8									
Multi-family		p	p	p	p9		p		c6	p			
<u>Short-term rentals</u>	<u>p15</u>	<u>p15</u>	<u>p15</u>	<u>p15</u>	<u>p15</u>	<u>p15</u>	<u>p15</u>		<u>p15</u>	<u>p15</u>			
Single-family detached	p	p	p	p	p12		p		p12				
Single-family attached	p13	p	p	p	p9		p		p6	p14			
Student housing		c	c	c						p			
<u>Roomers/boarders</u>	<u>p7</u>	<u>p7</u>	<u>p7</u>	<u>p7</u>			<u>p7</u>		<u>p7</u>		<u>p7</u>		

14.207.075 Residential Uses: Regulations.

...

15. All short-term rentals shall:

- h. Obtain a City of Snohomish business license.
- i. Pay transient rental, hotel/motel, lodging, and other taxes as required for transient accommodations in the city pursuant to WAC 458-20-166.
- j. Not use commercial spaces for short-term rentals.
- k. Not provide any services beyond housekeeping between visits.
- l. Not be rented to the same party for more than 30 consecutive days.
- m. Only be rented to a single party. A party is a group of persons gathering for the same social purpose.
- n. Be for the entire structure or for a self-contained unit within a structure. Only one self-contained unit within a structure shall be rented at a time.

ATTACHMENT B

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to regulate short-term rentals, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. Currently, Chapter 14.207 SMC, Land Use Tables, does not list short-term rentals as a land use.
4. Currently, SMC 14.207.070 Residential Uses, lists “Roomers/boarders” as a land use which is an inaccurate label.
5. The following Comprehensive Plan goal supports the proposed code amendments:
GOAL LU 2: Manage growth and community change in accordance with the values and vision of the Snohomish community of residents, land owners, and business people, and consistent with the Growth Management Act.
6. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on June 14, 2022, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations related to establishing a maximum height for fences in rear set back areas and removing the height limit on retaining walls and rockeries in setback areas.
7. Pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendments. On June 29, 2022, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
8. A Notice of Public Hearing, consistent Snohomish Municipal Code requirements, was published on June 18, 2022.
9. On July 6, 2022, the City of Snohomish Planning Commission held a public hearing to consider amendments to Chapter 14.25, Definitions and Chapter 14.207, Land Use Tables to regulate short-term rentals. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.

2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendments will appropriately change the listed “roomers/boarders” land use to the more accurate term “boarding house”.
6. The proposed code amendments will differentiate short-term rentals from boarding houses and regulate them to mitigate their potential negative impacts and to ensure they pay the same fees and taxes as other transient housing types do.

Date: July 6, 2022

By: _____
Hank Eskridge, Planning Commission Chair