



CITY OF SNOHOMISH

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August 6, 2020

PLANNING DIRECTOR DEVELOPMENT CODE INTERPRETATION REGARDING PRESCHOOLS

Issues

- What is the definition of preschool?
- Is a preschool different than a childcare facility?
- Do preschools have the same or similar land use impacts as elementary schools?
- If they do, should they be allowed in the same land use designation areas and regulated in the same way as elementary schools are?

Applicable Snohomish Municipal Code (SMC) provisions

SMC 14.05.050 Administration and interpretation

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

SMC 14.25.040 Definitions – C

Childcare: a non-residential facility licensed for the daytime care of more than six children, including preschool and early learning services.

Childcare, family: a facility licensed 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 12 children, including children living in the home.

SMC 14.25.200 Definitions - S

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.

SMC 14.207.060 Interpretation of the Land Use Tables.

- A. If a proposed land use is not specifically listed in a land use table, the City Planner shall determine whether the land use will be allowed in a land use designation. The City Planner shall make that determination based on consistency with the purposes of Title 14 SMC and the Comprehensive Plan, considering the following factors:
 - 1. The physical characteristics of the use and its supporting structures, including scope, traffic, hours of operation, and other impacts.
 - 2. Whether the use is compatible with other uses permitted in the land use designation.
- B. The City Planner shall issue a written interpretation formalizing the determination, in order to make a record of the decision and establish a clear precedent for similar future occurrences. The issuance of an interpretation by the City Planner may be appealed in accordance with the provisions of SMC 14.75.010.

SMC 14.207.080 General Services Land Use Table

Land Use	Parks, Open Space & Public	Urban Horticulture	Single-Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Education Services													
Childcare	c			p ²	p ²	p ²	p ²	p ²		p			p ²
Childcare, family – 12 children or less	c	c	c	c	c	c	c		c				c
Childcare, family – 6 children or less	c	p	p	p	p	p	p		p				p
Education Services													
Elementary or middle/junior			c	c	c	c	p			p			p
School district support facility				c	c	c	p		p	p	p		p ⁵
Secondary or high school			c	c	c	c	p			p			p
Specialized instruction school	c	c		c	c	c	p		p	p		p	p
Vocational school				c	c	c	p		p	p	p	p	p

Interpretation

Discussion:

Pursuant to SMC 14.207.060, if a land use is not specifically listed in a land use table, the Planning Director can determine whether the land use will be allowed in a land use designation. To make that determination the Director should consider the physical characteristics of the use and its supporting structures, including scope, traffic, hours of operation, and other impacts and whether the use is compatible with other uses permitted in the land use designation.

“Preschool” is not specifically listed in any land use table found in SMC 14.207. However, in the General Services Land Use Table (SMC 14.207.080) there are several childcare land uses listed as well as “Elementary or middle/junior” and “Secondary or high school” land uses.

Snohomish Municipal Code does not define preschool. However, “school” and “childcare” are defined.

In order to address whether preschools should be an allowed use in the Single-Family Residential land use designation area, this interpretation must first determine whether preschools are more similar to elementary schools than to daycares.

That determination will then help define “preschool” in a manner supporting the determination.

Finally, this interpretation must determine if the land use impact of a preschool is substantively different than the impacts created by an elementary school.

Analysis:

Preschool vs. Childcare

The main differences between a preschool and a childcare facility are that the childcare facility offers extended hours and is open year round to provide a safe and supervised environment for children to socialize and play. While some childcares may also offer opportunities for academic learning, that is a secondary service they provide.

However, the main purpose of preschools is not supervision but is to prepare children for entering kindergarten and/or 1st grade. To do so they offer a daily structure similar to the normal public school environment where playtime is minimized and learning lessons take place at similar times each day. Also, preschools are not open during the summer, on public school holidays, or beyond typical public school hours.

Definition of preschool

Since SMC 14.25 does not specifically define “preschool”, the City Planner (Planning Director), pursuant to SMC 14.05.050(A), has the authority to define it so the Development Code can be applied consistently.

Although SMC 14.25 defines “school” that definition is not useful in helping define preschool primarily because the Washington State Office of Superintendent of Public Instruction does not regulate preschools.

The Merriam-Webster.com definition for preschool, “a school for children usually younger than those attending elementary school or kindergarten” also is not all that helpful.

Therefore, the definition of preschool will be based on their operations in order to differentiate them from a childcare facility.

Land use impact of preschools

SMC 14.207.080 allows elementary schools in the Single-Family Residential land use designation area with a Conditional Use Permit. Because preschools offer similar academic services and operate similar hours as elementary schools their land use impacts will also be similar. If anything, the impacts will be less because preschools typically serve far fewer students than does an elementary school and their

facilities are smaller (e.g. most preschools have fewer classrooms and do not have an auditorium, gymnasium, cafeteria or a large playground).

Similarly, the land use impacts generated by a preschool will logically will be significantly less than those created by middle and high schools since those schools are much larger in both number of students and staff and facilities yet they, too, are allowed in the Single-family land use designation area with a Conditional Use Permit.

Since it has been determined that with a Conditional Use Permit the physical characteristics of elementary, middle and high schools and their supporting structures – including their scope, traffic, hours of operation, and other impacts – are compatible with other uses permitted in the Single Family land use designation area, then the same can be said for preschools.

Conclusion

“Preschool” is a type of land use where the primary function is to provide academic learning services to younger. Preschools:

- Shall provide a structure similar to a normal school schedule where each activity and learning lesson takes place at the same time each day;
- Shall primarily provide lessons and activities directed towards preparing young children to enter kindergarten and first grade;
- May offer supervised play and socializing services but not as a primary function; and
- Shall only operate during days and hours similar to public schools meaning they are closed during school holidays and in the summer and are only open hours similar to public schools.

“Preschools shall be an allowed use the same as elementary schools. Therefore, preschools will be allowed as follows:

- As a conditional use in Single-Family Residential
- As a conditional use in Low Density Residential
- As a conditional use in Medium Density Residential
- As a conditional use in High Density Residential
- As a permitted use in Commercial
- As a permitted use in Business Park
- As a permitted use in Mixed Use

Dated this 6th day of August, 2020.



Glen Pickus, AICP
Planning Director

NOTE:

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.05.050. Any aggrieved party to the Planning Director’s Decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in Chapter 14.75 SMC. If no timely appeal is filed, then the Planning Director’s Decision shall be final. Appeals must be filed with City Clerk within 14 days from the date of this decision. Appeals must include a filing fee of \$500 (five hundred dollars).