

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2133

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING THE CITY'S DEVELOPMENT CODE AS SET FORTH IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE BY AMENDING SECTION 14.100.020 SMC RELATING TO THE DEFINITIONS OF RETAINING WALL AND STRUCTURE, AND SECTION 14.240.060 SMC RELATING TO SETBACK REQUIREMENTS FOR RETAINING WALLS

WHEREAS, the City Council finds that the regulation of retaining walls is necessary to provide for public health, safety, and welfare; and

WHEREAS, public health and safety is a consideration in the application of the City's engineering standards for retaining walls; and

WHEREAS, on July 10, 2007, the Planning and Development Services Department forwarded the proposed retaining wall regulation amendments to the Washington State Department of Community, Trade and Economic Development for expedited review under RCW 36.70A.106; and

WHEREAS, on July 18, 2007, the Planning Commission reviewed the proposed amendments to SMC 14.240.060 and recommended the adoption of the regulations contained within this Ordinance; and

WHEREAS, on August 10, 2007, the Planning and Development Services Director, acting as the City's SEPA Responsible Official, reviewed the proposal and subsequently issued a determination of non-significance; and

WHEREAS, on September 4, 2007, the City Council conducted a public hearing on the amendments to the development code contained herein and all persons wishing to be heard were heard;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 14.100.020 of the Snohomish Municipal Code is hereby amended to revise the definitions for "Retaining Wall" and "Structure" read as follows:

Retaining Wall means a wall of any material to resist the lateral displacement of soil, the slope of which is greater than 1.5 horizontal to 1 vertical. Retaining walls are not subject to the setback requirements in Chapter 14.210 SMC.

Structure means an object composed of one or more pieces in a fixed position relative to the ground, not completely buried and below grade. Retaining walls are excluded from the definition of structure for the application of setback requirements in Chapter 14.210 SMC.

Section 2. Section 14.240.060 of the Snohomish Municipal Code is hereby amended to read as follows:

14.240.060 Fence and Wall Regulations

- A. General regulations. Installation of fences and walls, except for public utility purposes, shall comply with the following general requirements:
1. The two sets of Design Standards adopted by the City of Snohomish: the *Design Standards and Guidelines for the City's Historic District* and the *Design Standards and Guidelines for Areas Outside of the Historic District* will apply.
 2. Except for property designated Single Family outside of the Historic District, a building permit issued by the Building Official is required for installation. Plans and specifications may also be required for permit approval.
 3. All fences and walls must meet the requirements for height, setback, sight obstruction, maintenance, and special location provisions as set forth in this section. The type, size, location, and height of fencing proposed for tennis courts, parks, or athletic fields shall be categorically exempt from the requirements outlined in this chapter and will be reviewed and approved by the Planning and Development Services Department on a project-by-project basis.
 4. No fence shall create a safety hazard or sight obstruction in accordance with SMC 14.210.160.
 5. Fence height is based on elevation from ground level.
 6. No fences or walls shall be allowed in the public right-of-way except under the following conditions:
 - a. The proposed fence is in a residential land use designation.
 - b. The right-of-way is in excess of sixty (60) feet.
 - c. No safety or vision problem is created for vehicular or pedestrian traffic.
 - d. There will be no obstruction to the operation of utility equipment and the maintenance of utility lines.
 - e. The fence will be located on the non-street side of the sidewalk.

- f. The property owner shall execute and record an agreement to maintain and remove the fence at the owner's expense if required by the City or other public utility in order to work in the right-of-way.
7. Electric fences shall be a minimum of two (2) feet from the property line.
- B. Electrical fences. Electrical fences shall comply with the following:
1. Use an interrupted flow of current at intervals of one second on and two seconds off.
 2. Be limited to two thousand (2,000) volts at seventeen (17) mill amperes current.
 3. Require an "U.L. Approved" seal.
 4. Be posted with permanent signs with a minimum area of thirty-six (36) square inches at intervals of fifty (50) feet stating that the fence is electrified.
- C. Residential and public land use designation area regulations. Fences constructed in residential and public land use designation areas shall comply with the following requirements:
1. Barbed wire is prohibited.
 2. Within Front Setback.
 - a. Solid Fence. No higher than three (3) feet unless it connects side fences to the structure.
 - b. Open Fence. Up to five (5) feet if it does not create a sight obstruction.
 3. Within Rear Yard Setback. Any type fence no higher than six (6) feet.
 4. Within Side Yard Setback. Any type fence no higher than six (6) feet except on the street side of a corner lot where a fence must meet the sight clearance for intersections set forth in SMC 14.210.160.
- D. Commercial and industry land use designation area regulations. Fences constructed in commercial and industry land use designation areas shall comply with the adopted Design Standards which apply in these areas.
- E. Urban horticulture land use designation area. Fences constructed in urban horticulture land use designation areas may be of any suitable material no higher than seven (7) feet on any part of the lot.
- F. Historic District. Fences constructed in the Historic District shall comply with the *Design Standards and Guidelines for the City's Historic District*.

G. Retaining walls.

1. Retaining wall installations in all land use designation areas must comply with the adopted City of Snohomish Design Standards which apply within said areas.
 - a. Except as otherwise provided below, retaining wall permits shall be required for all retaining walls. The permit application must include a site plan, drawn to scale which shows:
 - i. The whole property and the property lines;
 - ii. At least 50 feet of all adjacent properties, as measured from the proposed retaining wall;
 - iii. All structures, including existing retaining walls, within 50 (fifty) feet of the proposed wall;
 - iv. Existing topography with contour lines at 2-foot vertical intervals. Topographical data obtained from public records is acceptable.
 - v. The materials proposed for use in construction;
 - vi. The location of the proposed wall with all dimensions necessary to describe its location;
 - vii. A cross-section showing the wall and provisions for drainage.
 - b. Building permits, in addition to retaining wall permits, are required for all retaining walls greater than four feet in height.
 - c. No private retaining wall may be located in City rights-of-way except as may be otherwise provided in the Snohomish Municipal Code.
 - d. The height of a retaining wall shall be measured from the lowest part of the wall or wall footing to the highest part of the wall at every location along the wall.
 - e. No part of a retaining wall may extend into an adjacent lot.
 - f. Guardrails placed at the top of retaining walls, pursuant to the Uniform Building Code, shall be permitted as part of the wall, and shall not be considered to be a fence or part of the wall height.
 - g. A retaining wall may terminate at a property line, provided that it must abut a retaining wall on the adjacent property and is structurally independent from such wall.

2. Exemptions.
 - a. No permits shall be required for walls two feet or less in height.
 - b. The City may waive the requirement for a retaining wall permit when:
 - i. Every part of the wall is set back at least five feet from all property lines;
 - ii. The wall is no greater than four feet in height;
 - iii. The wall does not affect the structural integrity of adjacent structures;
 - iv. Such waiver is made in writing by the City Planner or designee.
 - c. No permits shall be required for retaining walls within new plats that are reviewed and approved by the City as part of the plat improvements.
3. Variances. The provisions of Chapter 14.70 SMC shall apply to requests for variances from the requirements of this chapter. (Ord. 2082, 2005)

Section 3. Effective Date. This ordinance shall take effect five days after its publication by summary.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

ADOPTED by the City Council and **APPROVED** by the Mayor this 4th day of September, 2007.

CITY OF SNOHOMISH

By _____
RANDY HAMLIN, MAYOR

Attest:

By _____
TORCHIE COREY, CITY CLERK

Approved as to form:

By _____
GRANT K. WEED, CITY ATTORNEY