



CO00045530

1 Adopted: October 3, 2012
2 Effective: Jan 1, 2013

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 12-049

8
9 RELATING TO GENERAL DEVELOPMENT STANDARDS - ROADS AND ACCESS;
10 REPEALING CHAPTER 30.24 SNOHOMISH COUNTY CODE (SCC); ADOPTING A NEW
11 CHAPTER 30.24 SCC; AND ADDING, REPEALING, AND AMENDING SECTIONS OF
12 CHAPTERS 30.23, 30.23A, 30.26, 30.34A, 30.41A, 30.41B, 30.41C, 30.41E, 30.41G, 30.42B,
13 AND SUBTITLE 30.9 SCC
14

15 WHEREAS, pursuant to the Growth Management Act (GMA), chapter 36.70A RCW, the
16 Snohomish County Council (the "county council") has adopted the Snohomish County GMA
17 Comprehensive Plan (GMACP) – General Policy Plan (GPP) for the unincorporated areas of
18 Snohomish County; and
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20 WHEREAS, on December 9, 2002, the county council adopted title 30 of the SCC,
21 entitled the Unified Development Code (UDC), containing regulations that guide development
22 within the unincorporated areas of Snohomish County; and
23

24 WHEREAS, on January 21, 2009, the county council adopted Amended Ordinance No.
25 08-101 creating Urban Residential Design Standards for development within the unincorporated
26 areas of Snohomish County, as codified in chapter 30.23A SCC; and
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28 WHEREAS, Amended Ordinance No. 08-101 also repealed former chapter 30.24 SCC
29 and adopted a new chapter 30.24 SCC to consolidate sections and subsections of title 30 SCC
30 related to roads and access into one chapter; and
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32 WHEREAS, the Department of Planning and Development Services (PDS) and the
33 Department of Public Works (DPW) have been working with the provisions of Amended
34 Ordinance No. 08-101 and have determined that repealing chapter 30.24 SCC and adopting a
35 new chapter 30.24 SCC together with adding, repealing and amending other sections of title 30
36 SCC are warranted to address implementation issues identified during the processing of new
37 development applications since the effective date of Amended Ordinance No. 08-101; and
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39 WHEREAS, PDS conducted early and continuous public participation and the proposed
40 amendments have been broadly disseminated, and opportunities have been provided for written
41 comments after effective notice; and
42

43 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt this code
44 amendment was transmitted to the Washington State Department of Commerce on March 13,
45 2012; and
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47 WHEREAS, PDS briefed the Snohomish County Planning Commission (the "planning
48 commission") at public meetings on November 15 and December 20, 2011; and
49

1 WHEREAS, the planning commission held a public hearing on February 28, 2012, to
2 receive public testimony concerning the proposed code amendments; and
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4 WHEREAS, on February 28, 2012, the planning commission deliberated on the
5 proposed development regulations at an advertised public meeting; and
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7 WHEREAS, at the conclusion of its deliberations the planning commission voted to
8 recommend that the county council approve the proposed development regulations, with
9 amendments as enumerated in its recommendation letter dated April 3, 2012; and
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11 WHEREAS, after proper notice, the county council held a public hearing on October 3,
12 2012, to consider the entire record, including the planning commission's recommendations on
13 the full package of development regulations and PDS Staff report dated February 16, 2012,
14 which provides a detailed summary of the proposed development regulations, and to hear public
15 testimony on Ordinance No. 12-049; and
16

17 WHEREAS, the county council deliberated on the planning commission
18 recommendations on October 12, 2012.
19

20 NOW, THEREFORE, BE IT ORDAINED:
21

22 Section 1. The foregoing recitals are incorporated herein as findings and conclusions as
23 if set forth in full.
24

25 Section 2. The county council makes the following additional findings of fact and
26 conclusions:
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28 A. The public participation process related to the adoption of this ordinance has been early and
29 continuous and complies with all applicable requirements including, but not limited to, the
30 GMA, chapter 30.73 SCC, and the Snohomish County Charter.
31

32 B. The proposed road and access requirements will better achieve the overall goals of the
33 GMACP to ensure predictability in the permitting process.
34

35 C. The Washington State Attorney General is directed under RCW 36.70A.370 to advise state
36 agencies and local governments on an orderly, consistent process that better enables
37 government to evaluate proposed regulatory actions to assure that the actions do not result
38 in the unconstitutional taking of private property or violate substantive due process
39 guarantees.
40

41 D. The Washington State Attorney General issued an advisory memorandum in December of
42 2006 entitled Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property
43 (the "2006 advisory memorandum") to help local governments avoid the unconstitutional
44 taking of private property.
45

46 E. The 2006 advisory memorandum was used by the county in objectively evaluating the
47 regulatory changes proposed in this ordinance.
48

49 F. The county council considered and assessed potential constitutional issues related to the
50 regulations proposed in this ordinance. These include, but are not limited to the following

1 questions: whether the proposed regulations would result in a permanent or temporary
2 physical occupation of private property; whether the proposed regulations would deprive
3 affected property owners of all economically viable uses of their properties; whether the
4 proposed regulations would deny or substantially diminish a fundamental attribute of
5 property ownership; whether the proposed regulations require a property owner to dedicate
6 a portion of property or to grant an easement; and whether the proposed regulations would
7 have a severe impact on the property owners' economic interests.

8
9 G. The regulations proposed by this ordinance do not result in an unconstitutional taking of
10 private property for a public purpose.

11
12 H. The amendments are consistent with the goals and requirements of the GMA.

13
14 I. The regulations proposed by this ordinance are reasonably related to and necessary for the
15 advancement of the GMA's goals of a multimodal transportation system.

16
17 J. The regulations proposed by this ordinance are reasonably related to and necessary for the
18 advancement of the GMA's goal that applications for local government permits be
19 processed in a timely and fair manner to ensure predictability.

20
21 K. The code amendments and revisions adopted by this ordinance are consistent with the
22 goals and requirements of the GMACP.

23
24 L. The provisions in new chapter 30.24 SCC proposed in this ordinance are consistent with
25 the Countywide Planning Policies for Snohomish County and with the multi-county policies
26 adopted by the Puget Sound Regional Council.

27
28 M. SEPA requirements with respect to this non-project action have been satisfied through the
29 completion of an environmental checklist and the issuance of a Determination of Non-
30 significance (DNS) on March 23, 2012.

31
32 N. This ordinance is adopted pursuant to the Snohomish County Charter and the Washington
33 State Constitution, Article XI, Section 11.

34
35 Section 3. The county council bases its findings and conclusions on the entire record of
36 the planning commission and the county council, including all testimony and exhibits. Any
37 finding which should be deemed a conclusion, and any conclusion which should be deemed a
38 finding, is adopted as such.

39
40 Section 4. Snohomish County Code Section 30.23.010, last amended by Amended
41 Ordinance No. 08-101 on January 21, 2009, is amended to read:

42
43 **30.23.010 ((Dimensional requirements)) Bulk matrices - Purpose, applicability and**
44 **general provisions.**

45
46 (1) SCC Tables 30.23.030, 30.23.032, 30.23.041, 30.23.043, 30.23.045, and 30.23.047
47 constitute the bulk matrices. The bulk matrices contain the setback, lot coverage, building
48 height, and lot dimension regulations for all zones in unincorporated Snohomish County.

49 (2) Additional setback, lot width and lot area requirements and exceptions are found at SCC
50 30.23.100 through 30.23.260 and chapters 30.34A, 30.41C, 30.41G, 30.42B and 30.67 SCC.

1 ~~((1))~~ (3) All lots and structures shall conform to the requirements listed ~~((in))~~ in the ~~((Bulk~~
2 ~~Matrix))~~ bulk matrices, SCC Tables ~~((30.23.030(1) and 30.23.030(2)))~~ 30.23.030, 30.23.032,
3 30.23.041, 30.23.043, 30.23.045, and 30.23.047, unless modified elsewhere in this title.

4 ~~((2) Lot))~~ (4) SCC 30.23.040(41) establishes minimum lot area ~~((in))~~ for the RU zone ~~((shall~~
5 ~~be as set forth in SCC 30.23.030(41)))~~.

6 (5) For design reasons, the director may reduce the property line setbacks established in
7 SCC Tables 30.23.030 and 30.23.032 by up to 25 percent for walls or structures that are 20 feet
8 in length or less, provided that a minimum setback of three feet is maintained.

9 (6) Except as otherwise provided in this title, every required setback shall be open and
10 unobstructed from the ground to the sky except for trees and other natural vegetation, eaves,
11 foundations and walls.

12 (7) A setback or the open space required around any structure or use shall not be calculated
13 in an adjacent development's setback or open space for a structure or use.

14 (8) SCC 30.23.250 establishes the setback requirements for aggregated lots.

15
16 Section 5. Snohomish County Code Section 30.23.030 (Bulk matrix), last amended by
17 Amended Ordinance No. 10-072 on September 8, 2010, is repealed.
18
19

Section 6. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.030 Rural, Resource, Urban (Non-Residential) and Other Zone Categories: Bulk Matrix.

Table 30.23.030

RURAL, RESOURCE, URBAN (NON-RESIDENTIAL) AND OTHER ZONE CATEGORIES BULK MATRIX

			Lot Dimension (ft) ³⁴			Setback Requirements From: (ft) ³¹					
Category	Zone	Max. Bldg. Height (ft) ²⁷	Min. Lot Area ^{22,29}	Min. Lot Width	Min. Corner Lot Width	Commercial and Industrial Zones	Residential, Multifamily, and Rural Zones ³³	Resource Lands ³³		Water Bodies ¹²	Max. Lot Coverage ⁸
Resource	MC ³¹		10 ac ³²				100				
	F ³⁸	45 ⁶	20 ac ³	300	300	100 ¹³	100 ¹³	50	100 ³⁰	25 ¹³	35%
	F & R ^{38, 39}	30 ⁷	200,000 sf ^{2, 23}	100	100	5	5	50	100 ³⁰	25	35%
	A-10 ^{37, 40, 52}	45	10 ac	none	none	5	5	50	100 ³⁰	25	none
Rural	RRT-10	45	10 ac	225	225	5	5	50	100 ³⁰	25	35%
	R-5 ^{37, 38, 39, 40, 46}	45	200,000 sf ^{2, 24}	165 ²⁴	165 ²⁴	5	5	50	100 ³⁰	25	35%
	RD ³⁸	45	200,000	165	165	5	5	50	100 ³⁰	25	35%
	RB	35	none	none	none	none	50	50	100	none	35%
	CRC	35 ⁴³	none	none	none	none	25	50	100	none	50% ⁴⁴ 30% ⁴⁵
Other	RFS	35	none	none	none	none	50	50	100	none	35%
	RI	50	none	none	none	none	100	100	100	none	35%
	SA-1 ^{37, 39}	35	1 ac/43,560 sf	150	150	5	5	50	100	25	35%
	RC ^{37, 38, 39, 40}	35	100,000 sf ²⁴	165 ²⁴	165 ²⁴	5	5	50	100 ³⁰	25	35%
	RU ^{37, 39}	35	⁴¹	60	65	5	5	50	100	25	35%
	R 20,000 ^{37, 39}	25	20,000 sf	85	90	5	5	50	100	25	35%
	R12,500 ⁴⁰	30	12,500 sf	75	80	5	5	50	100	25	35%
WFB	30	7,200 sf ²³	60	65	5	5	50	100	25	35%	

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Table 30.23.030 (continued)
RURAL, RESOURCE, URBAN (NON-RESIDENTIAL) AND OTHER ZONE CATEGORIES BULK MATRIX

		Lot Dimension (ft) ⁵⁴			Setback Requirements From: (ft) ¹¹						
Category	Zone	Max. Bldg. Height (ft) ²⁷	Min. Lot Area ²⁸	Min. Lot Width	Min. Corner Lot Width	Commercial and Industrial Zones ^{11, 33}	Residential, Multiple Family, and Rural Zones ^{11, 33}	Resource Lands ³³		Water Bodies ¹²	Max. Lot Coverage ⁸
								Ag ²⁰	Forest ²¹		
Urban (Non-Residential)	FS	35	none	none	none	5/15 ¹⁶	25	none	100	none	none
	NB ¹	40	none	none	none	none	10	none	100	none	65%
	PCB ¹	40	none ¹⁹	none	none	none	25	none	100	none	none
	CB ¹	35	none	none	none	none	10	none	100	none	50%
	GC ¹	45	none	none	none	none	10	none	100	none	50%
	IP	65	none	none	none	none ¹⁷	25 ¹⁷	none	100	none	50%
	BP ¹	50	none ¹⁹	none	none	none	25	none	100	none	35%
	LI	50	none	none	none	none	50	none	100	none	none
	HI	65	none	none	none	none	50	none	100	none	none
	UC ⁶³	90	none	none	none	none	See SCC 30.34A.040(2)	100	none	none	none

Notes:

See SCC 30.23.040 for reference notes listed in Table 30.23.030.

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Section 7. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.032 Urban Residential Zone Categories: Bulk Matrix.

Table 30.23.032

URBAN RESIDENTIAL ZONES BULK MATRIX

Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}						Max. Lot Coverage ⁸	
	Min. Lot Area ²⁹ (sq ft)	Min. Lot Width	Max. Bldg Height ²⁷	Side and Rear Lot Lines Adjacent to:				Resource Lands			Seismic Hazards
				Commercial & Industrial zones	R-9,600, R-8,400 & R-7200	Other Urban Residential zones	Rural zones	Ag	Forest		
R-9,600	9,600 ²³	70	30	10	5	5	5	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A & 30.62B SCC	35%
R-8,400	8,400 ²³	65	30	10	5	5	5				35%
R-7200	7,200 ²³	60	30	10	5	5	5				35%
T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050		35	10	10	5	5				25
T (buildings > 20 feet high) ⁵⁹				15	20	10					
LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ⁴	60	45	10	10	5	25				
LDMR (buildings 20-30 feet high) ^{15, 59, 61, 62}				10	20	10					
LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15					
MR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ⁵	60	45	10	10	5	25				
MR (buildings 20-30 feet high) ^{15, 59, 61, 62}				10	20	10					
MR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15					
MHP	55	None	25	See SCC 30.41E.100(5)(a)				50%			

Notes:
See SCC 30.23.040 for reference notes listed in Table 30.23.032.

Notes:

See SCC 30.23.040 for reference notes listed in Table 30.23.032.

RELATING TO GENERAL DEVELOPMENT STANDARDS-ROADS AND ACCESS AND RELATED FEES FOR MODIFICATION REQUESTS; REPEALING CHAPTER 30.24 SNOHOMISH COUNTY CODE (SCC); ADOPTING A NEW CHAPTER 30.24 SCC; AND ADDING, REPEALING, AND AMENDING SECTIONS OF CHAPTERS 30.23, 30.23A, 30.26, 30.34A, 30.41A, 30.41B, 30.41C, 30.41E, 30.41G, 30.42B, 30.66B, 30.86 AND SUBTITLE 30.9 SCC
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Section 8. Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.23.040 Reference notes for ~~((bulk matrix))~~ SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.

(5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.

(6) Commercial forestry structures shall not exceed 65 feet in height.

(7) Non-residential structures shall not exceed 45 feet in height.

(8) Lot coverage includes all buildings on the given lot.

(9) ~~((Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.))~~ RESERVED for future use.

(10) ~~((Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.))~~ RESERVED for future use.

(11) These setbacks shall be measured from the property line.

(12) Greater setbacks than those listed may apply to areas subject to Shoreline Management Program jurisdiction or critical areas regulations in chapter 30.62A, 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC 30.23.110.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.

(14) RESERVED for future use.

(15) ~~((MR and LDMR setbacks:~~

~~(a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet. For single family detached structures over two stories that have a third story side yard ingress/egress window, the building separation shall be increased to 15 feet; provided, however, that (i) the building separation shall not be increased if the three story units with side yard ingress/egress windows are equipped with approved NFPA 13D automatic sprinkler systems, or (ii) where it is shown that due to topography of the particular site a building separation of less than 15 feet (but not less than the minimum 10 feet) can provide the necessary geometric prism for fire fighters to set a ladder reaching the third-story yard ingress/egress window at no greater than a 75 degree angle.~~

~~—(b) In order to provide fire access to a side yard ingress/egress window on the third floor of a single family detached structure, either (i) unit boundaries should be drawn with a "zero lot line" on one side of the unit, (ii) fencing between units shall be prohibited (at least in the area that is within five feet of the third story ingress/egress window) so as not to impede ladder access to the third floor window, or (iii) fencing between units shall be limited to either vegetative fencing or hard fences (e.g. wood or metal) not exceeding three feet, six inches (3'6") in height.))~~ See SCC 30.23.300.

(16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.

(17) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

(18) ~~((In the PCB zone the setback from private roads and easements is 25 feet.))~~
RESERVED for future use.

(19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land necessary for PCB or BP zoning.

(20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.

(21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 30.32A.110.

(22) The minimum lot size for properties designated Rural Residential (RR)--10 (Resource Transition) on the comprehensive plan shall be 10 acres.

(23) Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.23.020.

(24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall be 20,000 square feet or less when located in rural/urban transition areas.

(25) ~~((These setbacks shall be measured from the edge of the right-of-way as determined by the director of the department of public works.))~~ RESERVED for future use.

(26) ~~((Except where specifically prohibited by the hearing examiner, the director of the department may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within commercial and industrial zones only if such waiver or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.))~~ RESERVED for future use.

(27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit requirements within shoreline jurisdiction.

(28) ~~((See SCC 30.23.100 et seq. for additional setback requirements and exceptions.))~~
RESERVED for future use.

(29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

(30) SCC 30.32A.120 (Siting of new structures--Commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a designated commercial forest--forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

(32) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.31D.020(1)(a).

(33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home occupation.

(34) ~~((See SCC 30.23.120 for other setback exceptions.))~~ RESERVED for future use.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094, effective September 29, 2005)

(37) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines ((and dwellings, as provided in SCC 32.23.110(4))).

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

- (a) The facility cannot suitably be located on undesignated land;
- (b) The installation cannot be accomplished without subdivision;
- (c) The facility is to be located on the lowest feasible grade of forest land; and
- (d) The facility removes as little land as possible from timber production.

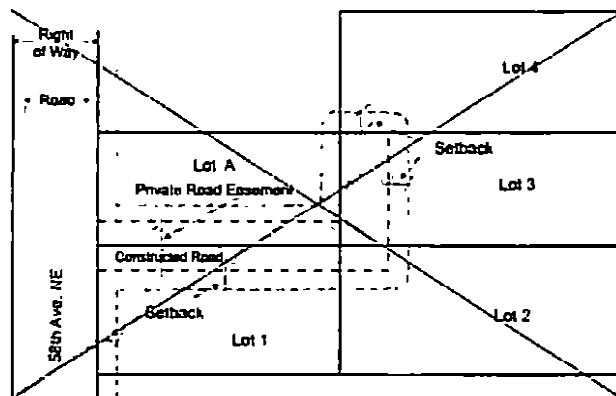
(39) On parcels designated commercial forest, but not within a designated commercial forest-forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless; a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) ((Figure 30.23.040(42) EASEMENT SETBACKS PER BULK MATRIX. RESERVED for future use.

Figure 30.23.040(42)
EASEMENT SETBACKS PER BULK MATRIX))

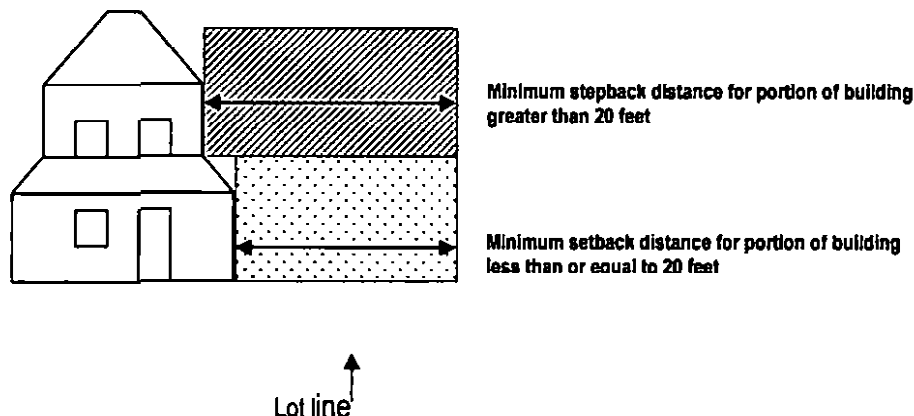


((Setbacks are measured from edge of easement or road right-of-way, not from edge of constructed road.))

- (43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.
- (44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.
- (45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.
- (46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.
- (47) RESERVED for future use.
- (48) RESERVED for future use.
- (49) RESERVED for future use.
- (50) RESERVED for future use.
- (51) RESERVED for future use.
- (52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.
- (53) ~~((This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.))~~ RESERVED for future use.
- (54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).
- (55) See SCC 30.42E.100(9)(c).
- (56) ~~((Measured from centerline of right-of-way.))~~ RESERVED for future use.
- (57) ~~((See SCC 30.42E.100(6)(a)(iv).))~~ RESERVED for future use.
- (58) ~~((Minimum setback for dwellings constructed pursuant to chapter 30.41F SCC is five feet from the pavement edge of a drive aisle, fire lane, or sidewalk, whichever is closer.))~~ RESERVED for future use.
- (59) Relationship of setback to building height:
The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

- (a) Set the entire building back the minimum setback distance; or
- (b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59)
Example of relationship of building height to setback



(c) Those portions of a building or structure allowed to exceed the maximum building height pursuant to SCC 30.23.050(3) for low impact development shall have the minimum side and rear yard setbacks increased by one foot for each additional 2 feet of building height.

~~(60) ((Lots adjoining a right-of-way that is less than 50 feet in width, or is otherwise determined by the director of the department of public works to be of inadequate width for future roadway needs, as determined by the comprehensive plan arterial circulation map or an adopted design report, roadway design or right-of-way plan, shall have the following minimum setback from the front lot line:~~

~~— (a) The minimum setback shall be increased by an amount determined by the director to be sufficient to ensure that future roadway needs can be met without the need for public acquisition and demolition of structures; or~~

~~— (b) The front lot line setback shall be measured from the reservation line as determined in SCC 30.24.070(2).))~~ RESERVED for future use.

(61) Single family detached, single family attached and duplex structures shall comply with the minimum setbacks required in the R-8,400 zone.

(62) Fencing between single family detached, single family attached and duplex structures shall be:

(a) Prohibited in the area that is within five feet of a third story ingress/egress window so ladder access to the third floor window is not impeded; or

(b) Limited to either vegetative, wood, block, concrete or metal that does not exceed 42 inches in height.

(63) Additional building height up to a maximum of 180 feet may be allowed under certain circumstances as provided for in SCC 30.34A.040(1).

Section 9. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.041 Setbacks from Road Network Elements in Urban Zones.

Table 30.23.041
Setbacks from Road Network Elements in Urban Zones¹⁰
(All minimum setbacks are measured in feet)

Category	Zone	Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure			
		Public Road		Private ^{1,2}		Public Road		Private ^{1,2}	
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Blinding Site Plan ³	Under 60 Feet ^{4,5}	Private Road	Drive Aisle, Shared Court and Shared Driveway	Alley	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Blinding Site Plan ³	Under 60 Feet ^{4,5}	Private Road and Shared Driveway
Urban	R-9600	15	45	15	0	0	18	48	18
	R-8400	15	45	15	0	0	18	48	18
	R-7200	15	45	15	0	0	18	48	18
	T (buildings ≤ 20' high) ¹²	15	45	15	0	0	18	48	18
	T (buildings > 20' high) ¹²	20	50	20	0	0	20	50	18
	LDMR (buildings ≤ 20' high) ^{6,7,12}	15	45	15	0	0	18	48	18
	LDMR (buildings > 20' high) ^{6,7,12}	20	50	20	0	0	20	50	18
	MR (buildings ≤ 20' high) ^{6,7,12}	15	45	15	0	0	18	48	18
	MR (buildings > 20' high) ^{6,7,12}	20	50	20	0	0	20	50	18
	MHP	20	50	20	15	0	18	48	18
	FS	25	55	25	0	0	25	55	18
	NB	10	40	10	0	0	18	48	18
Alley	PCB	25	85	25	0	0	55	58	18
	CB	25	55	25	0	0	25	55	18
	GC	25	55	25	0	0	25	55	18
		25	55	25	0	0	25	55	18

¹⁰ RELATING TO GENERAL DEVELOPMENT STANDARDS-ROADS AND ACCESS AND RELATED FEES FOR MODIFICATION REQUESTS; REPEALING CHAPTER 30.24 SNOHOMISH COUNTY CODE (SCC); ADOPTING A NEW CHAPTER 30.24 SCC; AND ADDING, REPEALING, AND AMENDING SECTIONS OF CHAPTERS 30.23, 30.23A, 30.26, 30.34A, 30.41A, 30.41B, 30.41C, 30.41E, 30.41G, 30.42B, 30.42B, 30.66B, 30.86 AND SUBTITLE 30.9 SCC

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	IPa		25	60	25	0	0	30	60	18	18	4
	BP		25	60	25	0	0	30	60	18	18	4
	LI		25	55	25	0	0	25	55	18	18	4
	HI		25	55	25	0	0	25	55	18	18	4
	UC		0	0	0	0	0	20	50	18	18	4

Section 10. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.043 Setbacks from Road Network Elements in Rural Zones.

Table 30.23.043
Setbacks from Road Network Elements in Rural Zones¹⁰

		Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure					
Category	Zone	Public Road		Private ^{1, 2}		Public Road		Private ^{1, 2}		Alley	
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³	Under 60 Feet ^{4, 5}	Private Road	Drive Aisle, Shared Court and Shared Driveway	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³	Under 60 Feet ^{4, 5}	Private Road	Drive Aisle, Shared Court and Shared Driveway		
Rural	RRT-10"	20	50	20	0	0	20	50	20	20	4
	R-5"	20	50	20	0	0	20	50	20	20	4
	RD"	20	50	20	0	0	20	50	20	20	4
	RB	25	55	25	0	0	20	55	20	20	4
	CRC	25	55	25	0	0	20	55	20	20	4
	RFS	25	55	25	0	0	20	55	20	20	4
	RI	25	55	25	0	0	20	55	20	20	4

RELATING TO GENERAL DEVELOPMENT STANDARDS, ROADS AND ACCESS AND RELATED FEES FOR MODIFICATION REQUESTS; REPEALING CHAPTER 30.24 SNOHOMISH COUNTY CODE (SCC); ADOPTING A NEW CHAPTER 30.24 SCC; AND ADDING, REPEALING, AND AMENDING SECTIONS OF CHAPTERS 30.23, 30.23A, 30.26, 30.34A, 30.41A, 30.41B, 30.41C, 30.41E, 30.41G, 30.42B, 30.42B, 30.66B, 30.86 AND SUBTITLE 30.9 SCC

Section 11. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.045 Setbacks from Road Network Elements in Resource Zones.

Table 30.23.045
Setbacks from Road Network Elements in Resource Zones¹⁰
(All minimum setbacks are measured in feet)

		Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure					
Category	Zone	Public Road		Private ^{1,2}		Alley	Public Road		Private ^{1,2}		Alley
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³	Under 60 Feet ^{4,5}	Private Road	Drive Aisle, Shared Court and Shared Driveway		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³	Under 60 Feet ^{4,5}	Private Road	Drive Aisle, Shared Court and Shared Driveway	
Resource	MC ¹¹	50	80	50	0	0	50	80	50	20	4
	F ^{9,11}	100	130	100	0	0	100	130	100	20	4
	F & R ¹¹	20	50	20	0	0	20	50	20	20	4
	A-10	20	50	20	0	0	20	50	20	20	4

Section 13. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.049 Reference notes for SCC Tables 30.23.041 through 30.23.047.

(1) The setback shall be measured from the edge of the tract or easement. Where no tract or easement is established, the measurement shall be made from the edge of the road network element.

(2) The setback may be reduced to the setback required for a structure if a vehicle entering the covered parking structure can turn around inside the covered parking structure and exit without having to back out.

(3) These setbacks shall be measured from the edge of the right-of-way.

(4) Applies to public right-of-way under 60 feet that are not included in development subject to the recorded subdivision, short subdivision or binding site plan. These setbacks shall be measured from the centerline of the right-of-way.

(5) The county engineer may require the front lot line setback from a public right-of-way be measured from a right-of-way reservation line established in accordance with SCC 30.24.140(1), when:

(a) The right-of-way width is less than 60 feet in width and determined inadequate by the county engineer based on:

(i) The comprehensive plan arterial circulation map; or

(ii) An adopted design report, roadway design or right-of-way plan; and

(b) The right-of-way is not located in a recorded subdivision, short subdivision or binding site plan.

(6) Single family detached, single family attached and duplex structures constructed in the LDMR and MR zones shall use the minimum setbacks required in the R-8400 zone.

(7) Structures over two stories, other than single family detached structures, shall increase the setbacks by three feet.

(8) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

(9) In the F zone, the setbacks for residential structures on lots 10 acres or less, where the lot was legally created prior to being zoned to F, shall be the same as in the R-5 zone.

(10) See SCC 30.23.120 for front setback exceptions from road network elements.

(11) See SCC 30.41C.130 and 30.41C.140 for additional front setback requirements for lots created through the rural cluster subdivision provisions of chapter 30.41C SCC.

(12) See SCC 30.23.040(59).

Section 14. Snohomish County Code Section 30.23.050, last amended by Amended Ord. 10-072 on September 8, 2010, is amended to read:

30.23.050 Height requirements, exceptions and measuring height.

(1) The maximum height of buildings and structures shall be pursuant to the height standards in SCC Table ((~~30.23.030(1)~~)) 30.23.030 and Table ((~~30.23.030(2)~~)) 30.23.032, except as provided in SCC 30.23.050(2) and SCC 30.23.050(3).

(2) The following shall be exempt from the maximum height standards:

(a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers and masts used to support commercial radio and television antennae, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and drive-

1 in theater projection screens, provided they are set back at least 50 feet from any adjoining lot
2 line;

3 (b) Towers and masts used to support private antennas, provided they meet the minimum
4 setback of the zoning district in which they are located, and the horizontal array of the antennae
5 does not intersect the vertical plane of the property line;

6 (c) Towers, masts or poles supporting electric utility, telephone or other communication
7 lines;

8 (d) Schools and educational institutions provided that:

9 (i) The use was approved as part of a conditional use permit;

10 (ii) A maximum building height of 45 feet is not exceeded; and

11 (iii) Any portion of any building exceeding the underlying zoning maximum height standard
12 is set back at least 50 feet from all of the site's perimeter lot lines; and

13 (e) Aircraft hangars located within any industrial zone provided that the hanger is set back at
14 least 100 feet from any non-industrial zone.

15 (3) Applicants proposing height modifications pursuant to SCC 30.63C.080(1)(a) to
16 incorporate low impact development techniques into site design and planning, may exceed the
17 maximum height of the underlying zoning district provided that:

18 (a) The maximum height is not increased if the property is located in R-9600, R-8400, R-
19 7200, T, LDMR, and MR zones; and the maximum height is not increased by more than 14 feet
20 if the property is located in FS, NB, PCB, CB, GC, IP, BP, LI and HI zones;

21 (b) The property is located within an urban growth area;

22 (c) The maximum lot coverage is reduced by one percentage point for each foot of additional
23 height (example: one foot of additional height means a 35 percent maximum lot coverage will be
24 reduced to 34 percent); and

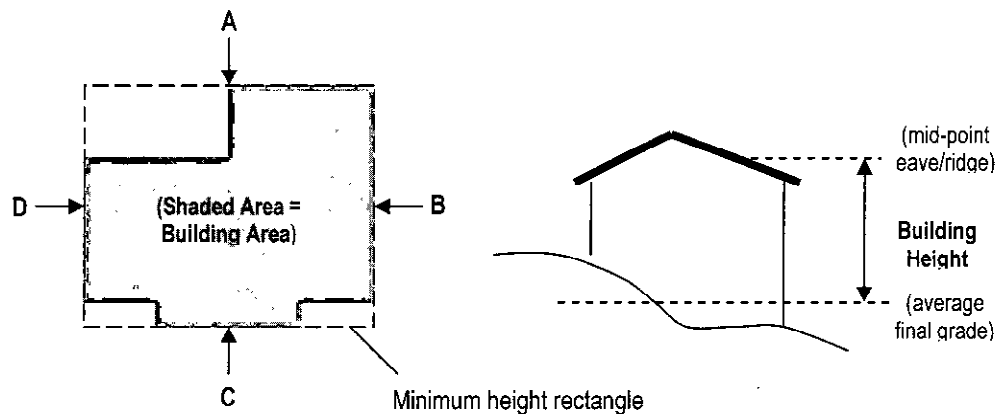
25 (d) If the zone does not have a maximum lot coverage requirement then at least 40 percent of
26 the site shall contain pervious surfaces.

27 (4) Building height shall be measured as the vertical distance from the average final grade to
28 the highest point of ~~((the coping of))~~ a flat roof, or to the deck line of a mansard roof, or to the
29 average height of the highest gable of a pitch or hip roof.

30 (5) Calculation of the average final grade shall be made by drawing the smallest rectangle
31 possible that encompasses the entire building area as shown in Figure 30.23.050(1) and
32 averaging the elevations at the midpoint of each side of the rectangle.

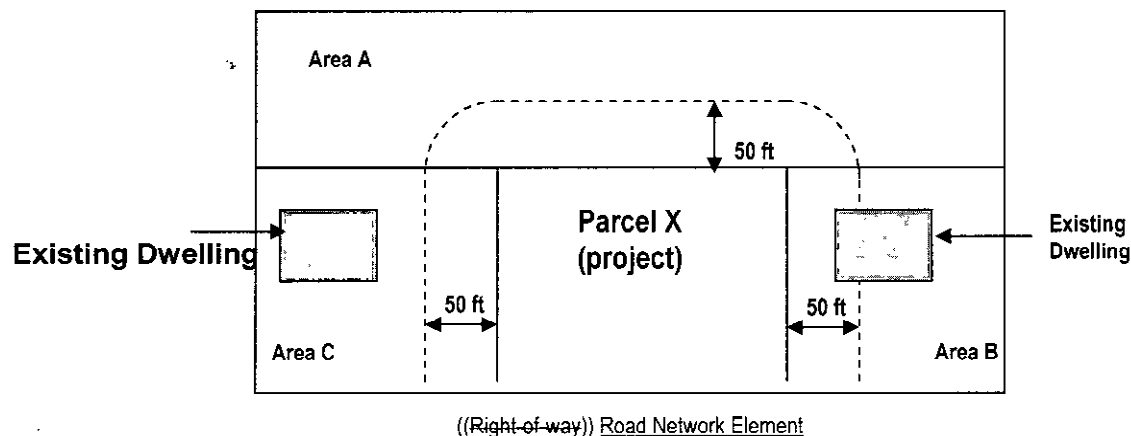
33 (6) Fill shall not be used to raise the average final grade more than five feet above the
34 existing grade of any dwelling located within 50 feet on adjoining properties. (Figure
35 30.23.050(2)).
36

Figure 30.23.050(1)
Calculating average final grade and determining height:



$$(\text{Final Elevation at Mid-point of A} + \text{B} + \text{C} + \text{D}) \div 4 = \text{Average Final Grade Elevation}$$

Figure 30.23.050(2)
Adjustments for measuring height
where an adjoining dwelling(s) exists:



No adjustments required for structures on Parcel "X" adjoining Areas A or C;
 Adjustment required for structures adjoining Area B.

(7) The measurement of height under this section does not apply to buildings regulated by the Snohomish County Shoreline Management Program, nor does it replace the definitions of height in the construction codes, which are specific to the provisions in those chapters.

(8) Rooftop heating, ventilation and air conditioning (HVAC) and similar systems, when located on commercial, industrial or multifamily structures. The system shall not exceed the maximum building height of the underlying zone by more than 30 percent or 15 feet, whichever is less. Sight-obscuring screening shall be required unless otherwise approved by the director of the department.

Section 15. Snohomish County Code Section 30.23.100, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

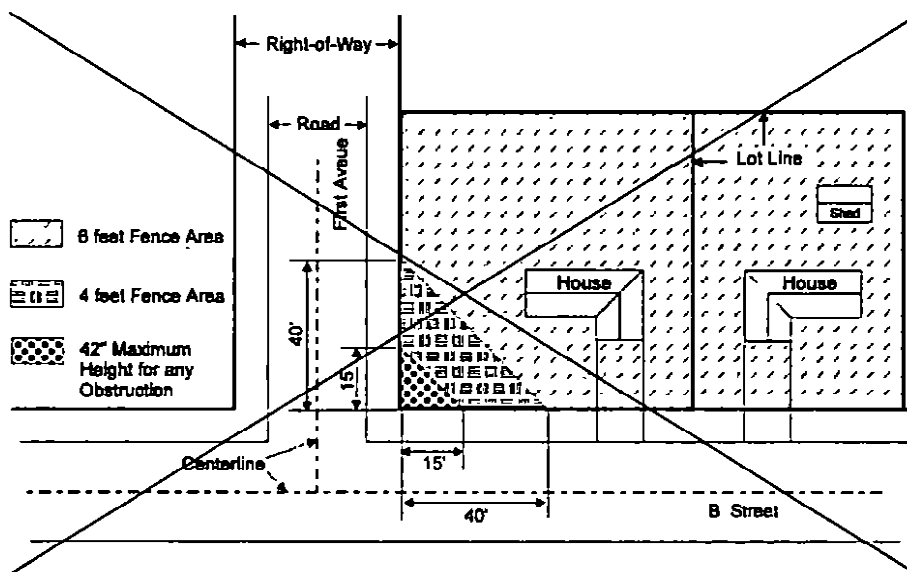
30.23.100 Setbacks and corner lot sight clearance triangles.

~~((1) All structures shall be placed on their lots in compliance with the requirements of the Bulk Matrix, SGC Tables 30.23.030(1) and 30.23.030(2), except as otherwise provided in this title.~~

~~—(2) Except as otherwise provided in this title, every required setback shall be open and unobstructed from the ground to the sky except for trees and other natural vegetation. No setback or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a setback or open space on the adjacent building site whereon a building is located or is to be erected. SGC 30.23.250 establishes the setback requirements for aggregated lots. When the common boundary line separating two or more contiguous lots is covered by a building or permitted group of buildings or when two or more lots are used as a single building site, the lots shall constitute a single building site and the setbacks as required by this title shall then apply to the aggregate of the lots.))~~

~~((3) All corner lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle is a triangular area, one angle of which shall be formed by the front and side lot lines. These two sides of the triangle, forming the corner angle, shall be 15 feet in length measured from the aforementioned corner angle. The third side of the triangle shall be a straight line connecting the two 15 foot lines. Within the area comprising the triangle, no tree, fence, shrub, or other physical obstruction higher than 42 inches above the established street grade shall be permitted. No fences or freestanding walls more than four feet in height shall be permitted in the sight triangle when the sides forming the street corner angle measure 40 feet or less. Figure 30.23.100(3) illustrates how this subsection is applied:))~~

**((Figure 30.23.100(3)
CORNER LOT SIGHT TRIANGLE / FENCE HEIGHT REGULATIONS))**



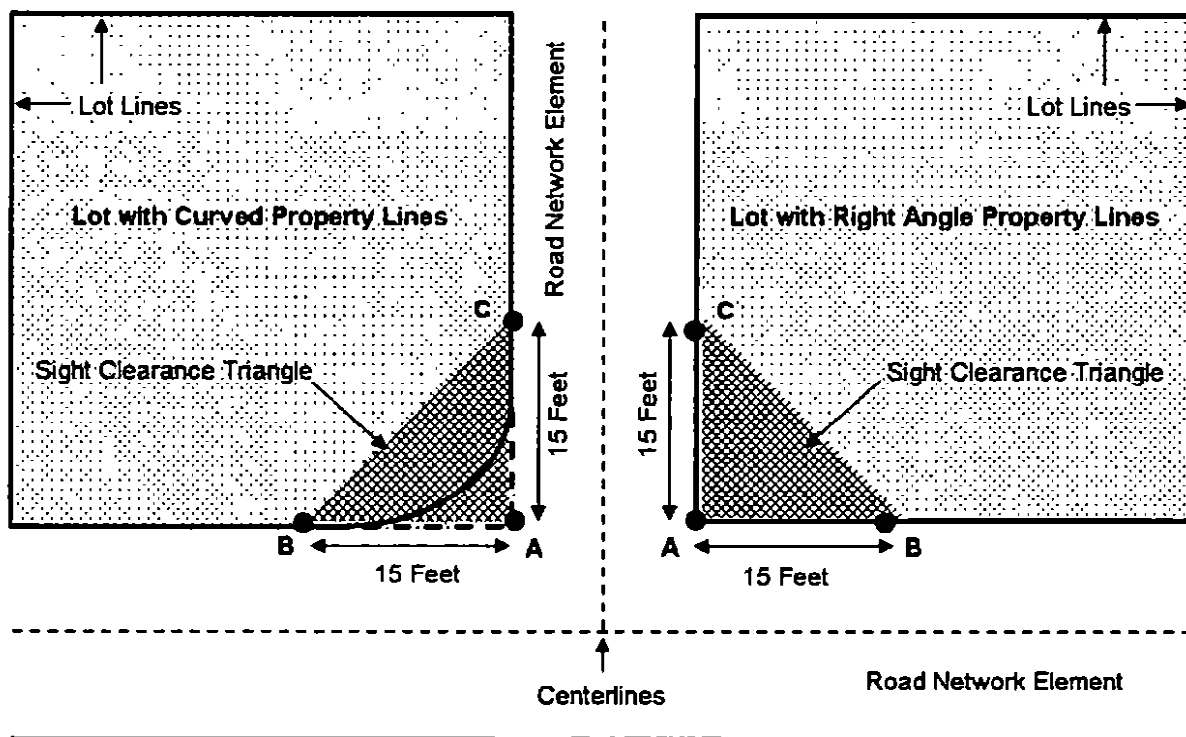
~~((4) Any attached or detached garage or carport taking direct access from a public or private road or street must be set back a minimum of 10 feet from the road right-of-way or easement~~

line or tract boundary that defines the roadway, notwithstanding the minimum setback that may apply to the home or residential structure that it serves. Any attached or detached garage taking access from an alley or autocourt must be set back a minimum of five feet from that alley or autocourt.

(5) The director may reduce any of the setbacks in SCC Table 30.23.030(2) by up to 25 percent for those walls or structures that are 20 feet in length or less, provided a minimum setback of three feet is maintained.)

For safety purposes, all owners of corner lots shall maintain a sight clearance triangle in accordance with SCC Figure 30.23.100(1). The sight clearance triangle is formed by measuring 15 feet along the two front lot lines from their point of intersection (point A) and connecting the two endpoints (line B - C). Within the area comprising the triangle, no tree, fence, shrub, sign, or other physical obstruction higher than 42 inches above the established road network element grade shall be permitted.

Figure 30.23.100(1)
CORNER LOT SIGHT CLEARANCE TRIANGLE



Section 16. Snohomish County Code Section 30.23.110, last amended by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.23.110 Special setbacks for certain uses.

This section supplements the normal setbacks required by the underlying zone for the specified use.

RELATING TO GENERAL DEVELOPMENT STANDARDS-ROADS AND ACCESS AND RELATED FEES FOR MODIFICATION REQUESTS; REPEALING CHAPTER 30.24 SNOHOMISH COUNTY CODE (SCC); ADOPTING A NEW CHAPTER 30.24 SCC; AND ADDING, REPEALING, AND AMENDING SECTIONS OF CHAPTERS 30.23, 30.23A, 30.26, 30.34A, 30.41A, 30.41B, 30.41C, 30.41E, 30.41G, 30.42B, 30.66B, 30.86 AND SUBTITLE 30.9 SCC

1 (1) Agriculture: All structures used for housing or feeding animals, not including household
2 pets, shall be located at least 30 feet from all property lines.

3 (2) Amusement Facilities: Theaters must be at least 300 feet from the property line of any
4 preschool or K-12 school. Other amusement facilities must be at least 500 feet from the
5 property line of any park, playground, preschool, or K-12 school. Distances shall be measured
6 horizontally by following a straight line from the nearest point in the building in which the
7 amusement facility will be located, to the nearest property line of a parcel which contains a park,
8 playground, preschool, or K-12 school.

9 (3) Art Gallery: All buildings must be at least 20 feet from any other lot in a residential zone.

10 (4) Cemetery, Mausoleum, and Crematoriums: All buildings must be at least 50 feet from
11 external boundaries of the property.

12 (5) Church: All buildings must be at least 25 feet from any other lot in a residential zone.

13 (6) Dock and Boathouse: Covered structures must be at least three feet from any side lot line
14 or extension thereof. No setback from adjacent properties is required for any uncovered
15 structure, and no setback from the water is required for any structure permitted hereunder,
16 except that setbacks for docks and boathouses located in shoreline jurisdiction are regulated
17 under SCC 30.67.515.

18 (7) Educational Institutions:

19 (a) All buildings ~~((must))~~ shall be set back at least 35 feet from all external property lines; and

20 (b) All buildings ~~((must))~~ shall be ~~((at least 75 feet from the centerlines of all street rights-of-~~
21 ~~way, or 45 feet from the edges of all such rights-of-way whichever is greater))~~ set back from all
22 road network elements, except a driveway. The setback shall be the greater of either 75 feet
23 from the centerline of a road network element, or 45 feet from the edge of a road network
24 element.

25 (8) Equestrian Center and Mini-Equestrian Center: Open or covered arenas must be at least
26 50 feet from any external property line. New structures located on or adjacent to lands subject to
27 chapter 30.32A SCC shall comply with all applicable setbacks.

28 (9) Governmental Structure or Facility: All structures must be at least 20 feet from any other
29 lot in a residential zone.

30 (10) Health and Social Service Facility, Level II: All buildings must be at least 30 feet from all
31 external property boundaries.

32 (11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding: All
33 animal runs, and all buildings and structures devoted primarily to housing animals, must be at
34 least 30 feet from all external property lines.

35 (12) Library: All buildings must be at least 20 feet from any other lot in a residential zone.

36 (13) Museum: All buildings must be at least 20 feet from any other lot in a residential zone.

37 (14) Office, Licensed Practitioners: All buildings must be at least 20 feet from any other lot in a
38 residential zone.

39 (15) Race Track: The track must be at least 50 feet from all external property lines.

40 (16) Rural Industry: All buildings and structures, storage areas, or other activities (except
41 sales stands) occurring outside of a residential structure must be at least 20 feet from any
42 property line.

43 (17) School Preschool and K-12:

44 (a) All buildings ~~((must))~~ shall be set back at least 35 feet from all external property lines; and

45 (b) All buildings ~~((must))~~ shall be ~~((at least 75 feet from the centerlines of all street rights-of-~~
46 ~~way, or 45 feet from the edges of all such rights-of-way whichever is greater)~~ set back from all
47 road network elements, except a driveway. The setback shall be the greater of either 75 feet
48 from the centerline of a road network element, or 45 feet from the edge of the road network
49 element.

50 (18) Service ~~((Station))~~ Station Pump Island or Canopy. The following setbacks shall be
51 applied from all road network elements, except for a driveway:

1 (a) ~~((Where))~~ The setback for a pump island, where the ((right-of-way)) width of the road
2 network element is less than 60 feet, ((pump islands)) shall ((meet a minimum setback of)) be
3 45 feet from the centerline of the ((right-of-way)) road network element. ((Where the public road
4 right-of-way is 60 feet or more, pump islands shall meet a minimum set-back on one-half the
5 right-of-way plus 15 feet. Setbacks shall apply to private rights-of-way and easements.))

6 (b) The setback for a pump island, where the road network element is 60 feet or wider, shall
7 be one-half the width of the road network element plus 15 feet.

8 ~~((b) Where))~~ (c) The setback for a canopy, where the ((right-of-way)) the road network
9 element is less than 60 feet, ((canopies)) shall ((meet a minimum setback of)) be 35 feet from
10 the centerline of the ((right-of-way)) road network element. ((Where the right-of-way is 60 feet or
11 more, canopies shall meet a minimum setback of one-half the right-of-way plus five feet.
12 Setbacks shall apply to private rights-of-way and easements.))

13 (d) The setback for a canopy, where the road network element is 60 feet or wider, shall be
14 one-half the width of the road network element plus 5 feet.

15 (19) Small Animal Husbandry: All structures used for housing or feeding animals must be at
16 least 30 feet from all property lines.

17 (20) Detached accessory or non-accessory storage structures and private garages with
18 building footprints over 2,400 square feet must be at least 15 feet from any external property
19 line, provided that parcels abutting open space tracts shall have a five-foot setback from the
20 open space. Storage structures and private garages over 4,000 square feet in size must be
21 setback at least 20 feet from any external property line, provided that parcels abutting open
22 space tracts shall have a five-foot setback from the open space.

23 (21) Stormwater Facilities:

24 (a) Buildings shall be set back an unobstructed 15 feet from the top of the bank of an open
25 constructed channel or an open detention or retention pond to allow access by maintenance
26 equipment.

27 (b) Buildings shall be set back ten feet from the nearest edge of a closed drainage facility.

28 (c) If the construction of drainage facilities will require a structural setback on adjacent
29 properties pursuant to SCC 30.23.110(21)(a) or (b), the owner of the drainage facility shall
30 obtain a drainage easement or agreement from the affected adjacent property owner(s) prior to
31 construction approval.

32 (22) Studio: All buildings must be at least 20 feet from any other lot in a residential, multiple-
33 family, or rural zone. The hearing examiner may require an additional setback distance when
34 necessary to maintain compatibility of the proposed building with residential uses on adjoining
35 properties.

36 (23) Swimming or Wading Pool: The pool must be at least five feet from any property line.

37 (24) Tavern: The use must be at least 500 feet from the external property lines of all public
38 school grounds and public parks or playgrounds.

39 (25) Utility Structures: All structures must be at least 20 feet from any other lot in a residential
40 zone.

41 (26) Personal Wireless Telecommunications Service Facilities: The setbacks of a wireless
42 communications support structure used for a personal wireless telecommunications service
43 facility shall be measured from the base of the structure to the property line of the parcel on
44 which it is located. Where guy wire supports are used, setbacks shall be measured from the
45 base of the guy wire anchored to the ground, rather than the base of the structure except as
46 provided for in SCC 30.23.110(25)(a).

47 (a) In zones categorized as Rural or Resource under SCC 30.21.020, any public road right-
48 of-way may be included in the setback calculation. In all other zones categorized under SCC
49 30.21.020, public road right-of-way shall not be included in the setback calculation.

50 (b) Wireless communications support structures shall be setback from a property line with a
51 minimum of 50 feet except as provided for in SCC 30.23.110(25)(c) through 30.23.110(25)(e).

For the purposes of this subsection, a wireless communications support structure lease area boundaries shall not be considered property lines.

(c) Setbacks may be modified by the approval authority to no less than 20 feet from a property line only if there is significant existing vegetation, topography, or some other land feature that will provide a higher level of screening of the facility. In accordance with SCC 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall be established and maintained when this provision is used.

(d) Wireless communications support structures located on utility support structures shall have no specific setback requirement.

(e) Wireless communications support structures located on parcels adjacent to forest lands or lands designated local forest shall be set back in accordance with SCC 30.32A.110.

(f) To minimize the potential for birds to collide into antenna support structures, personal wireless telecommunications services facilities shall not be located within the recommended construction buffer zone for birds listed as priority species by the Washington Department of Fish and Wildlife as described in its Management Recommendations for Washington's Priority Species Volume IV: Birds (May 2004), or listed as endangered or threatened species under the federal Endangered Species Act (64 FR 14307), and as amended, unless the applicant demonstrates that the proposed location will not have a significant impact on such birds.

(g) In no case shall a wireless communications support structure be constructed so that its base is closer to an existing dwelling than a distance equal to the height of the wireless communications support structure, unless the owner of such dwelling consents in writing that a closer distance is permitted.

(27) Excavation and Processing of Minerals:

(a) Minimum setbacks, as measured from the nearest edge of active mining or processing, shall be established as follows:

(i) Distance from property line: 50 feet;

(ii) Distance from any public ((street)) road or right-of-way: 50 feet;

(iii) Distance from residences: 100 feet, provided that the residence is located on a site(s) designated and zoned for residential use;

(iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of permit application: ¼ mile (1,320 ft);

(v) Distance from UGA boundary: ¼ mile (1,320 ft)

(b) No mining, processing or permanent buildings shall be located within the setback.

(c) Structures or buildings associated with mineral operations shall be located at least 100 feet from a developed residential property line.

Section 17. Snohomish County Code Section 30.23.120, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.23.120 Front setback exceptions for new structures from existing road network elements.

Front setback exceptions for new structures from existing road network elements listed in SCC Tables 30.23.041 through 30.23.047 shall be as follows:

((Averaging: In any zone when at least 50 percent of the frontage in any block front is improved with permitted buildings, some of which have setbacks from the street of less than the required depth, any new building shall provide a setback from the street of at least the average of setbacks provided by all properties 165 feet on either side of the subject lot. Vacant lots shall be considered as having the setback required in the zone.)) The minimum front setback from a road network element may be averaged when at least 50 percent of the lots on the same side of the road network element, and within 165 feet of either side of the subject lot, are improved with

permitted buildings. The front setback shall be determined by averaging the front setback of those structures on those lots whose setback is equal to or less than the setback required in the underlying zone. Provided, that the setback for a vacant lot is that required in the bulk matrices for the underlying zone.

(2) ~~((Steep slopes: On any lot where the))~~ The minimum front setback may be reduced one foot for each percent of natural ~~((gradient or))~~ slope in excess of 35 percent, as measured from the midpoint of the front lot line ~~((along the centerline of the lot))~~ from which the reduction is sought, for a distance of 60 feet ~~((is in excess of 35 percent, then the required front setback may be reduced one foot for each one percent of gradient or slope in excess of 35 percent))~~ in to the lot.

(3) ~~((Hammerheads: The required setback from a street on any lot abutting a hammerhead on a dead-end street shall be measured from the extended right-of-way line of the street before entering the hammerhead. The setback from the extended right-of-way line shall be computed the same way as any other setback, and shall be at least 15 feet. Figure 30.23.120(3) illustrates this methodology:))~~ The setback from a temporary turnaround easement shall be the greater of either:

(a) Five feet from the easement line; or

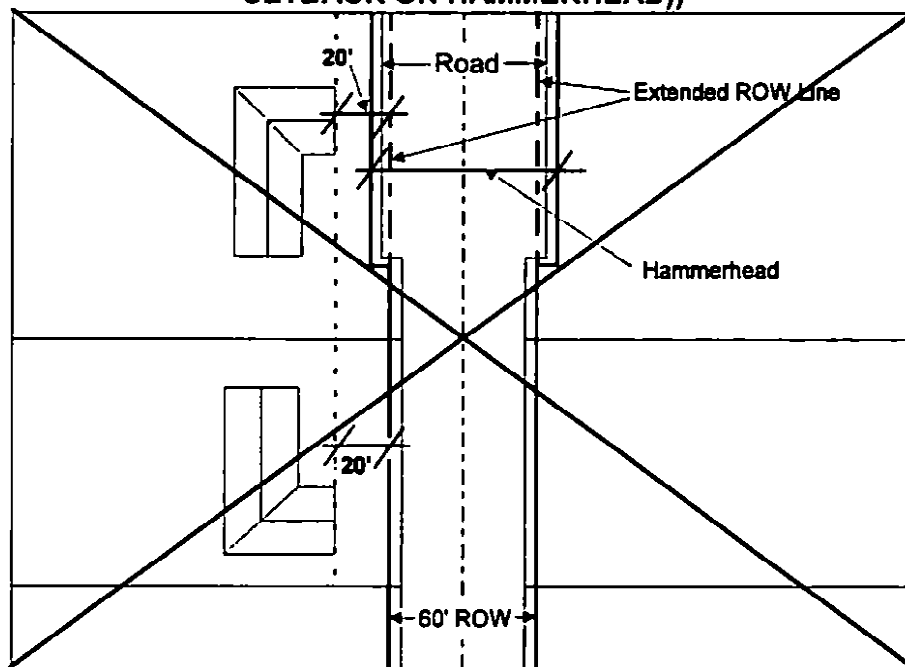
(b) The setback from the right-of-way line for the zoning classification.

(4) New structures shall have a minimum five foot setback from:

(a) The edge of a private road network element when the lot does not have an easement to utilize the private road network element; or

(b) The edge of a restricted access right-of-way.

((Figure 30.23.120(3)
SETBACK ON HAMMERHEAD))



~~((4) Existing building setback from new private road:-~~

~~— (a) The minimum setback of five feet shall be required for buildings existing at the time of creation of a private road and having legal right of access to the private road; provided that the private road is less than 50 feet in width and is not capable of~~

~~— (i) providing access for more than eight lots;~~

1 ~~—(ii) generating more than 80 average daily trips in designated urban growth areas or more~~
2 ~~than 90 average daily trips in areas not included within the urban growth areas. Trip generation~~
3 ~~shall be determined based on the latest edition of the ITE trip generation report published by the~~
4 ~~Institute of Traffic Engineers; or~~

5 ~~—(iii) being converted to a street.~~

6 ~~—(b) A minimum of two off street parking stalls shall be provided within the unencumbered~~
7 ~~portion of the property in conformance with chapter 30.26 SCC.~~

8 ~~—(c) When the existing structure is less than 20 feet from the private road, the existing~~
9 ~~structure may not be moved or expanded to encroach closer to the private road than existed at~~
10 ~~the time of creation of the private road.~~

11 ~~—(5) New building setback from private road with no access: The minimum setback~~
12 ~~requirement from private roads for structures which do not have legal right of access to the~~
13 ~~private road shall be five feet from the edge of the private road easement; provided that the~~
14 ~~private road is less than 50 feet in width and is not capable of either providing access for more~~
15 ~~than eight lots or being converted to a street.))~~

16 ~~((6)) (5) ((Setbacks from limited access easements:)) The setback from a tract or easement~~
17 ~~for a shared driveway or a private road ((or easement)) capable of serving only one or two lots~~
18 ~~shall be considered a side or rear setback if the lot also fronts on a public right-of-way.~~

19 ~~((7)) (6) ((Corner or through lots on limited access right-of-way:)) Where one of the roads~~
20 ~~creating a corner or through lot is a ((limited)) restricted access right-of-way, side or rear yard~~
21 ~~setbacks shall apply along the ((limited)) restricted access right-of-way.~~

22
23 Section 18. Snohomish County Code Section 30.23.125, last amended by Amended
24 Ordinance No. 07-022 on April 23, 2007, is repealed.

25
26 Section 19. A new section is added to chapter 30.23 of the Snohomish County Code to
27 read:

28
29 **30.23.130 Setback for new private road network elements from existing structures.**

30
31 (1) A proposed private road network element that provides legal access to a lot shall not be
32 located closer than 15 feet from any existing structure on the lot.

33 (2) A proposed private road network element that does not provide legal access to a lot shall
34 not be located closer than 5 feet from any existing structure on the lot.

35
36 Section 20. A new section is added to chapter 30.23 of the Snohomish County Code to
37 read:

38
39 **30.23.300 Building separation for single family detached, single family attached and**
40 **duplex structures constructed in the LDMR and MR zones.**

41
42 (1) Single family detached, single family attached and duplex structures in the LDMR and MR
43 zones with a third-story side yard ingress/egress window in the MR and LDMR zones shall have
44 a minimum of 15 feet building separation.

45 (2) Building separation may be reduced to 10 feet when:

46 (a) The dwelling units are equipped with approved NFPA 13D automatic sprinkler systems;

47 (b) The topography of the particular site can provide the necessary geometric prism for fire
48 fighters to set a ladder reaching the third-story yard ingress/egress window at no greater than a
49 75 degree angle; or

50 (c) The dwelling unit boundaries are drawn with a "zero lot line" on one side of the unit.

Section 21. Snohomish County Code Section 30.23A.050, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.23A.050 Attached single-family dwelling and townhouse design standards.

Attached single-family dwellings and townhouses shall comply with the following requirements.

(1) Site layout and pedestrian circulation.

(a) Attached single-family dwelling and townhouse developments shall have an integrated pedestrian circulation system that connects buildings, common space and parking areas pursuant to SCC 30.24.080.

(b) Surface parking spaces shall be located to the side or rear of buildings.

(c) Driveways shall ~~((not exceed 20 feet in width within the front yard setback area, except that shared driveways and common driveways may have the width increased to 30 feet))~~ be designed in accordance with the EDDS.

(2) Buildings shall be oriented pursuant to SCC 30.23A.070.

(3) Architectural design elements:

(a) Townhouse structures shall have no more than six dwelling units per each building, except the maximum number of dwellings in a building may be increased to eight in the LDMR, MR, NB, PCB, CB, and GC zones.

(b) Each attached single-family dwelling and townhouse structure shall incorporate variation to any façade of a building that faces a public or private road or drive aisle by incorporating at least three of the following elements:

(i) Changes in the roofline at intervals not greater than 40 continuous feet in length, such as variations in roof pitch, overhangs, projections and extended eaves;

(ii) Distinctive window patterns that are not repeated within groupings of up to four dwelling units;

(iii) Variations in the setback of the front façade of the building by at least five feet between adjoining dwelling units;

(iv) Step backs on the façade of at least two feet in depth and four feet in width at intervals of not more than 30 feet;

(v) Diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);

(vi) Balconies, bays or changes in the wall plane of the front façade of the building;

(vii) Garage door entrance(s) for automobiles located at the side or rear of the building; or

(viii) Other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

(4) The architectural design elements in SCC 30.23A.050(3)(b) shall be implemented pursuant to the Snohomish County Residential Design Manual.

(5) Specific development requirements.

(a) The director may reduce the underlying zoning side and rear lot line setbacks to zero for townhouse structures and attached single-family dwellings to allow for zero-lot-line development provided that the remaining underlying zoning setbacks meet the requirements of the zone.

(b) Attached single-family dwellings and townhouse structures built as a zero lot line development shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions and restrictions of the adjoining lots, and may be recorded with the covenants, conditions and restrictions or in a separate document approved by the director.

(c) Buildings in townhouse developments shall be separated by at least 10 feet as measured between the nearest outer walls of the buildings. This separation shall not apply between a

primary residential dwelling and detached structures accessory to the primary residential dwelling.

(d) The standard for providing a minimum suitable construction area as set forth in SCC 30.41A.235 shall not apply to townhouse construction.

(6) In addition to the landscaping requirements in chapter 30.25 SCC, townhouses shall provide landscaping in all front and side setbacks and common outdoor areas associated with the townhouse structure. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:

(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;

(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;

(c) Not more than 50 percent of the shrubs may be deciduous; and

(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.

Section 22. Snohomish County Code Section 30.23A.080, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.23A.080 On-site recreation space.

(1) On-site recreation space shall be required for residential development that is subject to the provisions of this chapter and containing seven or more dwellings, except this section shall not apply to projects submitted under chapter 30.42B SCC.

(2) On-site recreation space shall be provided in accordance with SCC Table 30.23A.080(2) below:

Table 30.23A.080(2) – On-site recreation space requirements

Number of Dwelling Units	Amount of on-site recreation open space required per each dwelling
Units 7 to 40	200 sq ft
Units 41 to 100	150 sq ft
Units Over 100	100 sq ft

(3) The requirements in SCC Table 30.23A.080(2) may be reduced by up to 50 percent for residential development that is located within one-quarter mile walking distance of a public park or public school containing a playground or outdoor recreational facilities. The director shall determine the amount of reduction based on the following:

(a) The availability of safe pedestrian facilities connecting the development to the park/school;

(b) The ability of the park/school facilities to accommodate additional usage by residents of the development; and

(c) The number of parks and school facilities located within one-quarter mile distance.

(4) On-site recreation open space shall be designed as follows:

(a) On-site recreation open space shall be located in a separate tract for subdivisions and short subdivisions from the residential dwellings and shall have an undivided ownership interest by owners of the development;

(b) At least 40 percent of the total required on-site recreation open space shall be consolidated in one location within the development;

- (c) At least 75 percent of the total required on-site recreation open space shall be located outside of critical areas other than buffers identified in chapters 30.62 and 30.62A;
- (d) No on-site recreation open space tract shall contain less than 700 square feet in area;
- (e) On-site recreation open space shall be developed for active and passive uses. At least 50 percent of the on-site recreation open space shall be designed and improved for one or more active uses. When an area of on-site recreation open space is designed and improved for active uses other than improved pedestrian or bicycle paths with hard surfaces, the average width of the area shall be at least equal to half of the average length of the area. Active uses include, but are not limited to:
- (i) Playgrounds developed with children's play equipment;
 - (ii) Improved pedestrian or bicycle paths with hard surfaces;
 - (iii) Sports fields (such as soccer or softball fields), with associated improvements;
 - (iv) Indoor or outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;
 - (v) Picnic areas with permanent tables, benches or gazebos;
 - (vi) Community club house and meeting facilities;
 - (vii) Community gardens for use by the residents;
 - (viii) Plazas with lighting, artwork, and sitting space for pedestrians at four or more spaces for every required 100 square feet of area; and
 - (ix) Other similar uses approved by the director;
- (f) Passive uses include critical areas that cannot be developed, nature interpretive areas, bird watching facilities, unimproved trails, and similar uses approved by the director;
- (g) The following drainage facilities may be counted as on-site passive recreation space:
- (i) Unfenced detention, retention and wet ponds;
 - (ii) Stormwater treatment wetlands;
 - (iii) Stormwater infiltration trenches and bioswales that serve more than one dwelling; and
 - (iv) Vegetated areas located above underground detention facilities; and
- (h) ~~((Pedestrian access))~~ Access for pedestrians shall be provided from all dwellings within the development to the on-site recreation space through trails, sidewalks, pathways and other similar means of access pursuant to SCC 30.24.080; and
- (i) On-site recreation space shall not include privately owned yards.

Section 23. Chapter 30.24 of the Snohomish County Code is repealed.

Section 24. A new chapter 30.24 of the Snohomish County Code is added to read:

Chapter 30.24
GENERAL DEVELOPMENT STANDARDS – ACCESS AND ROAD NETWORK

Sections:

- 30.24.005 Purpose and applicability.
- 30.24.010 General requirements.
- 30.24.020 Connection of road network elements.
- 30.24.025 Connections to schools.
- 30.24.030 Establishing or altering vehicular and pedestrian access.
- 30.24.040 Access and road network requirements for proposed development on lots not created through a subdivision, short subdivision, or binding site plan.
- 30.24.050 Access and road network requirements to a proposed subdivision, short subdivision, binding site plan, or single family detached unit development (SFDU).

- 1 30.24.055 Access and road network requirements to individual lots within a proposed
2 subdivision, short subdivision or binding site plan development or to proposed
3 SFDU.
4 30.24.060 Access and road network requirements for lots included in a proposed boundary
5 line adjustment (BLA).
6 30.24.070 Access and road network requirements for a proposed development in the Urban
7 Center (UC) zone and subject to the requirements of chapter 30.34A SCC.
8 30.24.080 Pedestrian facility requirements.
9 30.24.090 Drive aisle requirements.
10 30.24.100 Fire lane (fire apparatus access road) requirements.
11 30.24.110 Shared court requirements.
12 30.24.120 Alley requirements.
13 30.24.130 Shared driveway requirements.
14 30.24.135 Requirements for access permit and license across a railroad company right-of-
15 way or county-owned trail.
16 30.24.140 Requirements for dedication, deeding, establishing or reserving right-of-way.
17 30.24.145 Requirements for locating utilities within a right-of-way.
18 30.24.150 Requirements for public access to publicly-owned or controlled water bodies.
19 30.24.170 Recommendations of the county engineer.

20
21 **30.24.005 Purpose and applicability.**

22
23 This purpose of this chapter is to establish minimum access and county road network
24 requirements to promote vehicular and pedestrian safety. This chapter shall apply to all
25 development applications except for the following where no new access is created:

26 (1) Any remodel of an existing single family detached, duplex or attached single family
27 structure.

28 (2) Site-specific rezones that are not accompanied by another permit or approval.

29 (3) Construction of an accessory apartment.

30 (4) Construction of an accessory or non-accessory storage structure that does not require a
31 conditional use permit.

32 (5) Construction of a detached private accessory or non-accessory garage that does not
33 require a conditional use permit.

34
35 **30.24.010 General requirements.**

36
37 The following regulations shall pertain to all development unless exempted pursuant to SCC
38 30.24.005 or more specific regulations are established within this chapter:

39 (1) Road networks and their associated stormwater facilities shall be designed and
40 constructed according to titles 30 and 13 SCC, the EDDS and any other applicable local, state
41 and federal requirements.

42 (2) The overall road network, including stormwater drainage facilities associated with a road
43 network element shall be subject to approval of the county engineer, except when these powers
44 are delegated to the department pursuant to SCC 13.01.020(3) and 13.01.020(4).

45 (3) Road network elements shall be connected pursuant to SCC 30.24.020.

46 (4) Road network connectivity, including the extension of opened or unopened right-of-way
47 that abut a proposed development, shall be required unless the county engineer determines that
48 unique circumstances of the site make extension of the road network impractical or infeasible.
49 Unique circumstances of the site may include topography, the surrounding road network, soils,
50 hydrology, or maintenance requirements.

51 (5) Internal road networks shall be designed to provide:

- (a) Access and circulation that comply with SCC 30.66B.420;
- (b) Emergency vehicle access consistent with the requirements of SCC 30.24.100 and SCC 30.53A.512; and
- (c) A connected road network rather than long, irregular loops with dead-ends and cul-de-sacs, except as provided for in SCC 30.24.010(4).
- (6) Maintenance of private road network elements shall be the responsibility of:
 - (a) The applicable owners;
 - (b) A homeowners association; or
 - (c) Any other legal entity made up of all benefited property owners.
- (7) Building and structural setbacks from road network elements shall be required pursuant to chapter 30.23 SCC unless otherwise modified.
- (8) All privately owned road network elements, except for a drive aisle or driveway shall be located in a tract or easement.
- (9) All road network elements shall be clearly identified on site plans.

30.24.020 Connection of road network elements.

- (1) Connections between road network elements are allowed according to SCC Table 30.24.020(1), subject to the county engineer's approval.
- (2) A private road, drive aisle or shared driveway may not make a direct, in-line connection between two sections of public road.

Table 30.24.020(1)
Connections to a Road Network Element

How to use the Table. Start in "column A" with the road network element that is being proposed. Move over to column B to the road network element that the connection is proposed from. If there is an "A" in the box the connection is allowed. If the box is blank, the connection is not allowed.

Column A Road Network Element Being Proposed	Column B Road Network Element the Connection is Proposed To						
	Public Road	Private Road	Drive Aisle	Alley	Shared Court	Shared Driveway	Driveway
Public Road	A						
Private Road	A	A					
Drive Aisle	A	A	A				
Alley	A	A		A			
Shared Court	A	A					
Shared Driveway	A	A					
Driveway	A	A	A	A	A	A	

30.24.025 Connections to schools.

When new residential development of three or more dwelling units is proposed on a site that abuts a constructed public school, the department shall consult with the affiliated school district to determine if the district would like a pedestrian connection to be provided between the

1 proposed development and the school. If the school district requests a connection, the
2 development shall be required to connect the pedestrian facilities within the development to the
3 school property boundary with a privately owned ADA compliant pedestrian facility unless the
4 department determines that such a connection is not feasible.

5
6 **30.24.030 Establishing or altering vehicular and pedestrian access.**

7
8 Decisions by the county engineer in establishing or altering the location, width, number and
9 design of any vehicular or pedestrian access from a road network element shall be made in
10 accordance with SCC 13.01.020(2) and shall not be subject to the provisions of title 30 SCC.

11
12 **30.24.040 Access and road network requirements for proposed development on lots not**
13 **created through a subdivision, short subdivision, or binding site plan.**

14
15 Access for proposed development on a lot or lots not created through a subdivision, short
16 subdivision, or binding site plan shall be provided according to the provisions of this section.

17 (1) The provisions of SCC 30.24.040(2) & (3) shall apply when:

- 18 (a) No access exists to the property subject to the proposed development;
19 (b) Access exists but new access is proposed to the property subject to the proposed
20 development;
21 (c) The proposed development changes the use on the property to a use that will result in
22 an increase in vehicular traffic over the existing use; or
23 (d) The proposed development adds a use to the property that will result in an increase in
24 vehicular traffic.

25 (2) Access to such lots shall be provided by a road network element that connects to road
26 network elements as permitted in SCC Table 30.24.020(1).

27 (3) Where access to a lot is provided by a road network element that does not meet the
28 requirements of this chapter and the EDDS, the road network element shall meet and be
29 constructed to the:

- 30 (a) Applicable requirements of this chapter, unless a variance is approved pursuant to
31 chapter 30.43B SCC; and
32 (b) EDDS, unless an EDDS deviation is obtained pursuant to the EDDS.

33
34 **30.24.050 Access and road network requirements to a proposed subdivision, short**
35 **subdivision, binding site plan, or single family detached unit development (SFDU).**

36
37 Access to a proposed subdivision, short subdivision or binding site plan development or to a
38 proposed SFDU shall meet the requirements of this section.

39
40 (1) Access to a proposed subdivision, short subdivision, or binding site plan development or
41 to a proposed SFDU in the urban area shall be provided by a public road, except a private road
42 network element may be requested as a variance pursuant to chapter 30.43B SCC if unique
43 circumstances of the site, such as topography, the surrounding road network, soils, hydrology or
44 maintenance requirements make the extension of the public road to the development
45 impractical or infeasible.

46 (2) Access to a proposed subdivision, short subdivision, or binding site plan development in
47 the rural area may be provided by a private road network element as provided for in this
48 chapter, except when the county engineer, in accordance with chapter 30.66B SCC, determines
49 that a public road is required to provide for the public health, safety and welfare or connectivity
50 of the public road system.

(3) Where access by an existing private road network element is permitted, the existing private road network element shall be constructed to a standard acceptable to the county engineer. The standard set by the county engineer shall be based upon existing and the anticipated traffic volumes generated by the proposed development.

(4) Where access by a private road network element is permitted, and the proposed private road network element has the potential for serving more than nine lots or 90 average daily trips, the county engineer may require that the road be designed to enable future conversion to a public road. The land use approval shall, to the extent possible, include a condition that the conversion to a public road may not be protested.

30.24.055 Access and road network requirements to individual lots within a proposed subdivision, short subdivision or binding site plan development or to proposed SFDU units.

Access to lots within a proposed subdivision, short subdivision or binding site plan development or to proposed SFDU units shall meet the requirements of this section.

(1) Access to individual lots, tracts or easements within a proposed subdivision or short subdivision in the urban area shall be by a public road, except a private road network element may be requested as a variance pursuant to chapter 30.43B SCC if unique circumstances of the site, such as topography, the surrounding road network, soils, hydrology or maintenance requirements make the extension of the public road to the development impractical or infeasible.

(2) Access to individual lots, tracts or easements, within a proposed subdivision, short subdivision, or binding site plan development in the rural area may be provided by a private road network element as provided for in this chapter, except when the county engineer, in accordance with chapter 30.66B SCC, determines that a public road is required to provide for the public health, safety and welfare or connectivity of the public road system.

(3) Access to individual dwelling units within a SFDU shall be provided by a drive aisle, unless the county engineer, in accordance with chapter 30.66B SCC, determines a public road is required to provide for the public health, safety and welfare or connectivity of the public road system.

(4) Where access by a private road network element is permitted, and the private road network element has the potential for serving more than nine lots or 90 average daily trips, the county engineer may require the private road to be designed to enable future conversion to a public road and the final subdivision, short plat or binding site plan shall contain a provision that the conversion to a public road may not be protested

30.24.060 Access and road network requirements for lots included in a proposed boundary line adjustment (BLA).

Access to lots within a proposed BLA shall meet the requirements in this section.

(1) Lots created through a subdivision, short subdivision, or binding site plan that are included in a proposed BLA shall meet all requirements of this chapter except SCC 30.24.040, 30.24.070, 30.24.080, 30.24.140 and 30.24.150.

(2) Lots not created through a subdivision, short subdivision, or binding site plan that are included in a proposed BLA shall meet all requirements of this chapter except, SCC 30.24.010(7) and (8), SCC 30.24.070, 30.24.080, 30.24.140 and 30.24.150.

(3) Any new primary access shall be constructed from the nearest open, constructed and maintained public or private road prior to recording of the BLA when:

(a) The access will be from a new or different road network element;

(b) The BLA involves three or more lots; and

(c) The access is not constructed to a standard determined appropriate by the county engineer for the existing and anticipated traffic volumes to be generated by the lots reconfigured in the BLA.

30.24.070 Access and road network requirements for a proposed development in the Urban Center (UC) zone and subject to the requirements of chapter 30.34A SCC.

Proposed development in the UC zone that is subject to the requirements of chapter 30.34A SCC must comply with following additional vehicular and pedestrian circulation system requirements:

(1) Proposed urban center developments shall be designed to provide for future vehicular connections to adjacent parcels, where applicable.

(2) The internal vehicular circulation system shall:

(a) Be clearly identifiable, pedestrian friendly and promote connectivity within the existing development;

(b) Be coordinated with the pedestrian circulation system of the development to minimize conflicts;

(c) Include loading and service areas that are separate from pedestrian circulation and parking areas.

(3) The pedestrian circulation system shall:

(a) Comply with the requirements of SCC 30.24.080;

(b) Connect to existing or planned transit stops and stations; and

(c) Connect to existing or previously approved pedestrian facilities on abutting urban center developments; or provide a pedestrian stub at the property line of the abutting property when it is zoned UC and not developed as an urban center. The connections shall be designed to be consistent with other connections of the pedestrian circulation system.

(4) As a condition of approval, a property owner may be required to provide for joint vehicular access to and/or from adjacent parcels. Joint vehicular access must be accomplished through easements or joint use agreements on forms approved by the county.

(5) Curb cuts from a public right-of-way allowed at the time of development may be temporary and subject to closure when more suitable access is developed on adjacent sites. Specifically, the county engineer may require temporary curb cuts for site access. When an adjacent site is developed, the new development may be required to close temporary curb cuts and provide access for adjoining properties through an access located on the new development site. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut required on the first site.

(6) If there is a conflict between the provisions of this section and other chapters within title 30 SCC or the EDDS, the county engineer shall determine the appropriate regulation or standard.

30.24.080 Pedestrian facility requirements.

The intent of this section is to improve the pedestrian environment by providing facilities to make it easier, safer, and more comfortable to walk as a means of transportation by providing pedestrian connections to transit stops, between businesses and residences, through parking areas, and to all on-site activities.

(1) Pedestrian facilities shall be required:

(a) In existing or proposed right-of-way, as frontage improvements, when required by the county engineer in accordance with chapter 30.66B SCC and the EDDS;

(b) Within the development in accordance with SCC 30.24.080(3) and applicable EDDS standards;

(c) Off-site when required by chapter 30.66B SCC and the EDDS; and

(d) In any abutting state, city, town or other county's right-of-way, in accordance with chapter 30.66B SCC.

(2) Pedestrian facilities shall include infrastructure and equipment to accommodate or encourage pedestrian mobility.

(3) Pedestrian facilities shall form a network providing mobility from dwelling units or other buildings to:

- (a) Other dwelling units or buildings;
- (b) Community facilities;
- (c) Central mailboxes;
- (d) Parking areas;
- (e) On-site recreation spaces; and
- (f) Other pedestrian facilities.

(4) Pedestrian facilities shall comply with American Disabilities Act (ADA) specifications and applicable standards for accessibility.

(5) Pedestrian facilities shall not be required for permanent dead-end road network elements that are 150 feet or less in length which serve 90 average daily trips or less.

(6) Pedestrian facilities shall be prohibited in an alley.

(7) Pedestrian facilities required for a public road may be located outside of the right-of-way if an EDDS deviation is approved.

(8) Additional circulation requirements may be required by the county engineer to ensure pedestrian safety or pedestrian connectivity pursuant to this chapter, title 13 SCC, and the EDDS.

30.24.090 Drive aisle requirements.

Drive aisles are permitted subject to the following requirements.

(1) Connection of a drive aisle to an element of the road network shall be allowed according to SCC 30.24.020.

(2) A drive aisle designated as a fire lane shall meet the requirements of SCC 30.53A.512 and SCC 30.24.100.

(3) Drive aisles shall be:

- (a) Owned in common by all the property owners utilizing the drive aisle;
- (b) Not located within a tract or easement; and
- (c) Designated an alley if the drive aisle provides access to the rear of a structure, lot or use.

30.24.100 Fire lane (fire apparatus access road) requirements.

In addition to the fire lane requirements in chapter SCC 30.53A.512, the following requirements shall apply to all development:

(1) All elements of a road network shall be designated a fire lane, except:

- (a) A driveway;
- (b) A shared driveway that provides primary access to no more than two dwelling units, or two Group U occupancies;
- (c) An alley that does not provide the only vehicular access to the structure, lot, or use; and
- (d) A road network element that is not needed or required to provide fire apparatus access to buildings and facilities within a proposed development according to SCC 30.53A.512.

(2) Fire lanes shall be designed according to SCC 30.53A.512 to provide fire apparatus access to buildings and facilities within proposed development.

1 (3) When pedestrian facilities are required, the minimum driving surface width for a drive aisle
2 or shared court may include a pedestrian facility on one side that is constructed with rolled curb
3 and meets emergency vehicle load specifications.

4 (4) Parking facilities shall be prohibited within the minimum driving surface width.

5 (5) When a parking lane is provided on only one side of a fire lane, fire hydrants shall be
6 located on the opposite side.

7 8 **30.24.110 Shared court requirements.**

9
10 Shared courts are permitted subject to the following requirements.

11 (1) Connection of a shared court to an element of the road network shall be allowed according
12 to SCC 30.24.020.

13 (2) A shared court shall be designed according to the following minimum requirements as
14 depicted in SCC Figure 30.24.110(1):

15 (a) The length of the shared court shall not exceed 150 feet (Distance A1 to any A2) as
16 measured along the centerline of the shared court panhandle, from the face of the curb line or
17 edge of pavement, where there is no curb, of the intersecting public or private road or drive aisle
18 (Point A1) to the farthest opposite edge of the shared court (Point A2). The maximum length of
19 the shared court shall not be increased by either a variance pursuant to chapter 30.43B SCC or
20 an EDDS deviation in accordance with EDDS section 1-05.

21 (b) The shared court area, excluding the shared court panhandle, shall provide sufficient
22 area for joint use activities and vehicle movement. The minimum area of the court shall be the
23 greater of:

24 (i) 1,900 square feet; or

25 (ii) 300 square feet per dwelling unit, whose access is from the shared court, including the
26 court's panhandle.

27 (c) The court shall be configured to provide a minimum backing up distance of 24 feet from
28 the end of each driveway. This distance shall be measured perpendicular to the edge of the
29 court from the point where it intersects the driveway centerline (Distance B1 to B2).

30 (d) The width of the court panhandle (Distance C1 to C2) shall meet the minimum width
31 requirement for a fire lane according to SCC 30.53A.512.

32 (3) No parking shall be allowed within the shared court except in separate designated parking
33 areas. These areas shall not be included in the minimum court area required by SCC
34 30.24.100(2)(a).

35 (4) A shared court shall be located entirely within a tract or easement unless the development
36 is a commercial, multiple family residential or single family detached unit development on one
37 site.
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(6) An alley may serve as the only vehicular access for residential dwellings when pedestrian access is provided to the front of the lot and the alley is designated, designed and constructed as a fire lane.

30.24.130 Shared driveway requirements.

Shared driveways are permitted subject to the following requirements.

(1) Connection of a shared driveway to an element of the road network shall be allowed according to SCC 30.24.020.

(2) A shared driveway shall have a minimum 10-foot wide driving surface and easement width.

(3) A shared driveway designated as a fire lane shall meet the requirements of SCC 30.24.100 and SCC 30.53A.512.

(4) A shared driveway that provides access to more than two dwelling units or Group U occupancies must meet the fire lane requirements in SCC 30.24.100 and SCC 30.53A.512.

(5) Parking is prohibited within a shared driveway designated as a fire lane.

30.24.135 Requirements for access permit and license across a railroad company right-of-way or county-owned trail.

(1) When access to a lot is proposed that will cross a railroad company right-of-way or county-owned trail, the applicant, prior to the issuance of development permits, shall provide the department a copy of the document issued by the railroad company or by the Snohomish County department of parks and recreation, that grants access over the railroad company right-of-way or county-owned trail. Such document shall be recorded with the county auditor.

(2) When access to multiple lots is proposed that will cross a railroad company right-of-way or county-owned trail, the owner(s) may collectively enter into an incorporated homeowners association for the benefit of the multiple lots. The articles of incorporation, bylaws shall be recorded with the county auditor.

30.24.140 Requirements for dedication, deeding, establishing or reserving right-of-way.

(1) An applicant for proposed development shall be required to dedicate, deed or establish right-of-way to the county along any abutting county right-of-way for road purposes pursuant to SCC 30.66B.510.

(2) In cases where the dedication, deeding, or establishment of additional right-of-way cannot be reasonably required as a direct result of the proposed development, but such right-of-way is determined by the county engineer to be necessary for future expansion of the public road system, the county engineer shall establish a reserve area reservation line and all building setback and all other zoning code requirements will be established with respect to the reservation line rather than the existing right-of-way line.

(3) If dedication of right-of-way in a short subdivision is required under this title and that dedication results in the loss of one or more lots, SCC 30.23.230(3) may apply to the development.

30.24.145 Requirements for locating utilities within a right-of-way.

(1) Utilities located within a right-of-way shall be installed according to title 13 SCC and the EDDS.

(2) As a condition of approving a proposed development, utility easements that comply with the requirements of the applicable utility district may be required.

1
2 **30.24.150 Requirements for public access to publicly-owned or controlled water bodies.**

3
4 Public access to publicly-owned or controlled water bodies shall be provided according to the
5 Snohomish County Shoreline Management Program and chapter 30.44 SCC.
6

7 **30.24.170 Recommendations of the county engineer.**

8
9 (1) Recommendations of the county engineer concerning the requirements of chapter 30.24
10 SCC on development applications shall include written findings of fact and conclusions. ~~((A~~
11 ~~recommendation of the county engineer may be overturned by the hearing examiner only if it is~~
12 ~~found to be clearly erroneous and based on an analysis provided by an engineer licensed to~~
13 ~~practice in the state of Washington with special training and experience in traffic engineering~~
14 ~~and, preferably, membership in the Institute of Transportation Engineers (ITE). The county~~
15 ~~engineer's professional judgment and expertise shall be granted deference and be given~~
16 ~~substantial weight. The challenging party shall have the burden of proof.))~~

17 (2) Decisions made by the county engineer pursuant to SCC 30.24.030 shall be made in
18 accordance with SCC 13.01.020(2) and shall not be subject to the provisions of title 30 SCC.
19

20 Section 25. Snohomish County Code Section 30.26.040, last amended by Amended
21 Ordinance No. 10-086 on October 20, 2010, is amended to read:
22

23 **30.26.040 Reduction of required parking spaces.**

24
25 The department may reduce the parking requirements otherwise prescribed for any use or
26 combination of uses as set forth below:

27 (1) Retirement apartments. Approved building plans shall show one parking space per
28 dwelling unit. Installation of up to 50 percent of the required spaces may be deferred by the
29 department and held in reserve as landscaped area. Installation of the deferred parking spaces
30 and any required parking lot landscaping will be required at such time as the building is no
31 longer used as a retirement apartment. A performance security may be required in accordance
32 with SCC 30.84.020, for the cost of the deferred improvements to assure installation at a future
33 date ((;)) .

34 (2) Retirement housing. The requirement of one space per dwelling unit may be reduced to no
35 less than one space for every three dwelling units as determined by the department. The
36 determination shall be based on the following:

37 (a) Demonstrated availability of private, convenient, regular transportation services to meet
38 the needs of the retirement apartment occupants;

39 (b) Accessibility to and frequency of public transportation; or

40 (c) Direct access for pedestrians ~~((access))~~ to health, medical, and shopping facilities ((;
41 and)) .

42 (3) All other uses. The department may reduce, by not more than 40 percent, the number of
43 required parking spaces when an applicant demonstrates that effective alternatives to
44 automobile use, including but not limited to van pooling, ride matching for carpools, and
45 provision of subscription bus service will be implemented ~~((and))~~ that will provide an effective
46 and permanent reduction in parking demand.
47

Section 26. Snohomish County Code Section 30.34A.080, adopted by Amended Ordinance No. 09-079 on May 12, 2010, is amended to read:

30.34A.080 ((Circulation and access)) Access and road network requirements.

—(1) ~~The vehicular and pedestrian circulation system must be designed to be consistent with this chapter, chapter 30.24 SCC, the EDDS and the provisions described in the following design reports available at the department:~~

—(a) ~~Southwest Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Street Design, pp. 9—13; and~~

—(b) ~~Specific road designs for public roads in urban centers that have been approved by the Department of Public Works, including but not limited to Ash Way Design for the Transit/Pedestrian Village, August 2003.~~

—(2) ~~Pedestrian connections must be provided to existing or previously approved walkways on adjacent urban center projects to provide for inter-project pedestrian circulation. The design of such connections must match or be consistent with the design of existing or previously approved walkways on adjacent urban center projects.~~

—(3) ~~Sidewalks must be designed to include a minimum clear zone of 7 feet for pedestrian travel and a planting/amenity zone of an additional 5 feet between the curb and the clear zone.~~

—(4) ~~A minimum 5-foot wide pedestrian connection, which complies with standards established by the Americans with Disabilities Act (ADA), must be provided through parking lots to building entrances, sidewalks and transit stops.~~

—(5) ~~Curb cuts for driveway entrances:~~

—(a) ~~may not be located closer than 100 feet apart; and~~

—(b) ~~may not exceed 35 feet in width for combined entry and exits.~~

—(6) ~~Internal public and private roads, drive aisles, woonerfs and auto courts must comply with the EDDS. The county engineer may approve a design that varies from the EDDS.~~

—(7) ~~Additional circulation requirements may be required as approved under SCC 30.34A.180, if needed, to ensure pedestrian safety or based on pedestrian connectivity pursuant to chapter 30.24 SCC, title 13 SCC and the EDDS.~~

—(8) ~~As a condition of site development approval, a property owner may be required to provide for joint access to and/or from adjacent parcels. This must be accomplished through easements or joint use agreements on forms approved by the county. Curb cuts from a public right-of-way allowed at the time of development may be temporary and subject to closure when more suitable access is developed on adjacent sites. Specifically, when a site plan is approved the owner may, at the county engineer's discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater traffic safety.~~

—(9) ~~Applicants must provide transportation demand management measures for developments pursuant to chapter 30.66B SCC with the potential for removing a minimum of 15 percent of the development's peak hour trips from the road system.~~

—(10) ~~If there is a conflict between the provisions of this chapter and other chapters within title 30 SCC, the county engineer shall determine the appropriate regulation.~~

Development in the UC zone shall comply with the vehicular and pedestrian circulation system requirements in chapters 30.24 and 30.66B SCC and the EDDS.

Section 27. Snohomish County Code Section 30.41B.020, last amended by Ordinance No. 06-013 on April 5, 2006, is amended to read:

30.41A.030 Prior divisions of land.

(1) A legal division of land shall be recognized as having occurred in the following circumstances, provided that ~~((lots, tracts, or parcels shall be recognized only if the division of land complied, at)) the time, with all minimum requirements of applicable state law and zoning and access requirements of this code or if no legal access was created at the time of the division, the requirements of SCC 30.24.050(4) must be))~~ the requirements of SCC 30.41A.030(2) are met:

~~((1))~~ (a) Land was divided into lots, tracts or parcels five acres or larger if the land is not capable of subdivisional description, or 1/128th of a section in size or larger prior to September 16, 1986, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

~~((a))~~ (i) There was filed with the department a large lot subdivision map of lots;

~~((b))~~ (ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided;

~~((c))~~ (iii) There was filed with the Snohomish County Assessor a tax segregation of the tracts to be subdivided; or

~~((d))~~ (iv) There were sales and/or transfers of interest in tracts or parcels;

~~((2))~~ (b) Land was divided into lots, tracts, or parcels 20 acres or larger if the land is not capable of subdivisional description, or 1/32nd of a section in size or larger prior to May 16, 1991, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

~~((a))~~ (i) There was filed with the department a large lot subdivision map of lots;

~~((b))~~ (ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided; or

~~((c))~~ (iii) There were sales and/or transfers of interest in tracts or parcels.

(2) Lots, tracts, or parcels shall be recognized only if the division of land complied with all minimum requirements of applicable state law and zoning requirements of the Snohomish County Code in effect at the time of division.

Section 28. Snohomish County Code Section 30.41B.020, last amended by Ordinance No. 06-013 on April 5, 2006, is amended to read:

30.41B.020 Exemptions.

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions made by testamentary provisions or the laws of descent;

(3) Any division of land regulated by chapter 30.41A SCC;

(4) Boundary line adjustments completed pursuant to chapter 30.41E SCC;

(5) Condominiums when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW or the Condominium Act, chapter 64.34 RCW;

(6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010 and when the lot size requirements of this code have been met;

(7) Division of land into lots, tracts, or parcels each of which is at least one-eighth of a section of land or larger, or 80 acres or larger in size if the land is not capable of subdivisional description;

(8) Divisions of land pursuant to the binding site plan provisions of chapter 30.41D SCC;

(9) Divisions of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

(10) Any division where no permanent road may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permits human occupancy, overnight camping, or other human habitation;

(11) Transfers of land to the county for open space, conservation, or park purposes. Any remaining area must meet the minimum requirements of SCC 30.23.230(1). The land remaining must meet the minimum access requirements of SCC (~~(30.24.050(3) and SCC 30.24.050(4))~~) 30.24.040 and SCC 30.24.055;

(12) Sales of tax title property to an adjoining property owner by the county pursuant to SCC 4.46.160(5); and

(13) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

Section 29. Snohomish County Code Section 30.41B.025, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41B.025 Prior divisions of land.

(1) A legal division of land shall be recognized as having occurred in the following circumstances provided that the requirements of ~~((subsection))~~ SCC 30.41B.025(2) are met:

(a) Land was divided into lots, tracts or parcels five acres or larger if the land is not capable of subdivisional description, or 1/128th of a section in size or larger prior to September 16, 1986, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(i) There was filed with the department a large lot subdivision map of lots;

(ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided;

(iii) There was filed with the Snohomish County Assessor a tax segregation of the tracts to be subdivided; or

(iv) There were sales and/or transfers of interest in tracts or parcels;

(b) Land was divided into lots, tracts, or parcels of 20 acres or larger if the land is not capable of subdivisional description, or 1/32nd of a section in size or larger prior to May 16, 1991, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(i) There was filed with the department a large lot subdivision map of lots;

(ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided; or

(iii) There were sales and/or transfers of interest in tracts or parcels.

(2) Lots, tracts, or parcels shall be recognized only if the division of land complied with all minimum requirements of applicable state law ~~((;))~~ and zoning ~~((and access))~~ requirements of Snohomish County Code in effect at the time of division. ~~((If no legal access was created at the time of the division, the requirements of SCC 30.24.052(2) must be met.))~~

Section 30. Snohomish County Code Section 30.41C.130, adopted by Amended Ordinance 08-087 on February 4, 2009, is amended to read:

30.41C.130 Rural cluster-bulk regulations.

(1) SCC Table 30.41C.130 establishes the bulk regulations for rural cluster subdivisions or short subdivisions located outside of the RUTA and replaces SCC Table ~~((30.23.030(1)))~~

30.23.030 for rural cluster subdivisions. Bulk regulations for rural clusters located inside the RUTA are governed by SCC 30.41C.140.

Table 30.41C.130
BULK REGULATION REQUIREMENTS

Zones and comprehensive plan designations	(1) Forestry zone (F) with or without MRO (2) Forestry & Recreation zone (F&R) with or without MRO (3) Mineral Conservation zone (MC) (4) Rural 5-Acre zone in RR-5 & RR-10(RT) designation without MRO designation (5) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with MRO
Maximum lot coverage	35 percent
Minimum lot width at building site	125 feet
Minimum lot size	20,000 square feet
Minimum front yard setback ^{(1)(r 2))}	20 feet, plus at least a 10 foot variation in setbacks on lots adjacent to one another
Minimum rear yard setback	5 feet
Minimum side yard setback ⁽⁴⁾⁾	25 feet
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet

⁽⁴⁾ In accordance with 30.91L.170, corner lots have two front yard setbacks.))

^{(2)) 1} Pursuant SCC 30.41C.070(1)(d), the variations in front yard setbacks shall be at least 10 feet on lots adjacent to each other. Variety in lot size and configuration is also encouraged to avoid creating uniformity, which is characteristic of urban development.

Section 31. Snohomish County Code Section 30.41E.100, last amended by Amended Ordinance No. 05-042 on July 6, 2005, is amended to read:

30.41E.100 Decision criteria.

In reviewing a proposed boundary line adjustment, the department or hearing examiner shall use the following criteria for approval:

(1) The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of subtitle 30.2 SCC and any conditions deriving from prior subdivision or short subdivision actions;

(2) The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

(3) The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the

health district, the department of public works, or any other agency or department with expertise;

(4) The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the department of public works. The BLA shall comply with the access provision set forth in SCC 30.24.060 and 30.41E.200;

(5) When a BLA application is submitted concurrently with a type 2 application pursuant to SCC 30.41E.020(1)(b), and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA;

(6) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

(7) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(8) The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements provided that the proposed BLA satisfies the other requirements of this chapter and the nonconforming condition is not increased by more than 50 percent; and

(9) The proposed BLA will not result in lots with less than 1000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial zones identified in SCC 30.21.025(1)(c), 30.21.025(1)(d), and 30.21.025(2)(d) through 30.21.025(2)(g).

Section 32. Snohomish County Code Section 30.41E.200, last amended by Amended Ordinance No. 05-042 on July 6, 2005, is amended to read:

30.41E.200 Design standards - access.

(1) All BLAs shall comply with the access requirements in SCC 30.24.060.

(2) If proposed lots within a BLA result in reduced public road frontage and/or changes in access, the department of public works may require verification that all lots have safe access points. In such cases, the applicant shall stake approximate proposed access points and property lines along the public road frontage within five days of receipt of a request by the department of public works to do so.

Section 33. Snohomish County Code Section 30.41G.060, adopted by Amended Ord. 08-101 on January 21, 2009, is amended to read:

30.41G.060 Bonus density.

(1) The maximum number of dwelling units permitted in a cottage housing development shall be 120 percent of the maximum number of units permitted by the underlying zone as determined in SCC 30.41G.060(2), unless adjusted per the provisions of SCC 30.41G.060(2)(b).

(2) The maximum number of dwelling units permitted shall be computed as follows:

(a) The gross area of the site shall be divided by the minimum lot area of the underlying zone set forth in SCC Table ((30.23.030(2))) 30.23.032, except in the LDMR zone where a lot area of 4,000 square feet shall be used. The resulting number shall be multiplied by 1.2; and

(b) If the number computed in subsection (a) is a fractional equivalent of 0.5 or more, the fraction shall be rounded up to the next whole number. Fractions of less than 0.5 shall be rounded down.

Section 34. Snohomish County Code Section 30.41B.115, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.42B.115 Design criteria - open space.

(1) Open space shall be provided in PRD developments consistent with the following standards:

(a) Within a PRD, a minimum of 20 percent of the gross site area shall be established as open space;

(b) Open space shall be used for:

(i) On-site recreation space;

(ii) Critical areas and their required buffers subject to chapters 30.62, 30.62A and 30.62B SCC;

(iii) Perimeter landscaping areas outside of right-of-ways;

(iv) All other open space areas owned in common and shared by residents and/or owners in the PRD, excluding those items listed in SCC 30.42B.115(1)(c);

(c) Open space shall not include any of the following:

(i) Lots, dwellings, and associated private yards, outdoor storage areas, and building setback areas;

(ii) Public or private street right-of-way including sidewalks and planter strips;

(iii) Parking lots, driveways and other areas of motorized vehicle access;

(iv) Open drainage facilities such as detention and retention ponds, wetponds, and other drainage facilities that require fencing pursuant to chapter 30.63A SCC, the Drainage Manual, or the EDDS; or

(v) Submerged lands when not defined as critical areas pursuant to chapters 30.62A, 30.62B or 30.62C SCC;

(d) Open space shall be permanently established in clearly designated, separate tracts. Tracts shall be owned by:

(i) The landowner, when no individual building lots are created and the property is held under single ownership;

(ii) All lot owners and condominium owners jointly, with an equal and undivided interest; or

(iii) A homeowners association, when consistent with SCC 30.42B.210(6);

(e) Open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director. The recorded covenant must restrict uses of the total open space to those specified in the approved PRD site plan and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose.

(2) On-site recreation space shall be provided as a component of total open space and shall be consistent with the following standards:

(a) The on-site recreation space shall be for the uses set forth in SCC 30.23A.080(4), excluding the following:

(i) Critical areas and their buffers subject to chapters 30.62, 30.62A and 30.62B SCC; and

(ii) Utility easements that exist on the project site at the time of application submittal;

(b) The requirement for on-site recreation space shall be at least 600 square feet per dwelling unit: except that retirement apartments and retirement housing shall be 200 square feet per dwelling unit;

(c) 40 percent of the required on-site recreation space shall be located in a single open space tract or permanent easement. Alternatively, the applicant shall be permitted to satisfy this requirement when no more than three open space tracts are created that provide a comparable open space use to that otherwise required. Power line, utility rights-of-way and other similar easement may be incorporated into on-site recreation space and counted towards the open

space requirements of this section, provided they are developed with active recreational improvements. Remaining on-site recreation space shall be adequate in design and size for the intended passive and/or active recreation. No on-site recreation space shall have any dimension less than 20 feet (except for segments containing trails, which shall not be less than 10 feet in width), unless the applicant can demonstrate that a lesser dimension will not inhibit the use of the open space for its designated purpose;

~~(((d)) On-site recreation space shall be accessed by all-weather pedestrian pathways and/or sidewalks from all lots and dwellings within the PRD;))~~

~~(((e)))~~ (d) On-site recreation space designed for children shall not be located adjacent to any street designated as a collector/arterial unless properly designed with fencing, located away from street edges and other provisions to ensure adequate child safety. On-site recreation space designed for children shall be open, accessible, and visible from adjacent dwellings in order to enhance security;

~~(((f)))~~ (e) On-site recreation space shall have the appropriate location, slope, soils, and drainage to be considered for recreational development;

~~(((g)))~~ (f) On-site recreation space shall not contain above ground utility transmission lines and associated easement or right-of-way;

~~(((h)))~~ (g) On-site recreation space shall be landscaped pursuant to the provisions of SCC 30.42B.125, and in accordance with the required landscape plan in a manner that enhances the design of the open space while not conflicting with the function of the proposed recreation use; and

~~(((i)))~~ (h) Any buildings, structures, and improvements to be permitted in the on-site recreation space shall be those appropriate to the proposed uses.

(3) Active recreation uses shall be provided as follows:

(a) A minimum of 30 percent of the required on-site recreation space within PRDs with 10 or more lots or dwelling units shall be developed for active recreation uses.

(b) The active recreation requirement may be reduced by up to 30 percent for projects of 20 or fewer dwelling units, if ~~(((pedestrian)))~~ access for pedestrians is constructed to an adjacent off-site public recreation area that contains an active recreation use that meets the needs of residents within the PRD and is approved by the off-site recreation provider;

(c) The active recreation facility shall be located on a reasonably level site with slopes no greater than six percent unless the applicant can demonstrate that the recreation facility can function adequately on greater slopes; and (d) Playgrounds with children's play equipment shall meet all safety recommendations and construction specifications of the manufacturer of the equipment used.

Section 35. Snohomish County Code Section 30.42B.145, added by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.42B.145 Design criteria - bulk requirements.

(1) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within a PRD.

(2) SCC Table 30.42B.145(1) and SCC 30.42B.145(3) through 30.42B.145(8) establish bulk requirements for PRDs.

Table 30.42B.145(1)
PRD Bulk Requirements

Use	Min. Lot Area	Min. Lot Width	Minimum setbacks from			Maximum Lot Coverage
			Front Lot Line	Rear Lot Line	Side Lot Line	
Single-family dwellings and duplexes (detached)	None	None	10 feet	10 feet	5 feet	55%
Attached single-family dwellings and townhouses	None	None	10 feet	10 feet	5 feet	55%
Multifamily dwellings	None	60 feet	25 feet	25 feet	5 feet ¹	40%
¹ The setback from the side lot line for multifamily dwellings shall be increased to 20 feet for those portions of a building higher than 25 feet.						

(3) Setbacks from front and rear lot lines may be reduced to five feet provided the total distance of the setbacks from the front and rear lot lines adds up to a minimum of 20 feet.

(4) If a lot has more than one front lot line, the front lot line may be reduced to five feet, provided the total distance of the setbacks from all front lot lines adds up to a minimum of 20 feet if the lot has two front lot lines, and 30 feet if the lot has three front lot lines.

(5) The minimum setback for automobile entry of garages or carports from the front lot line shall be 18 feet.

(6) Setbacks from side lot lines may be modified as follows:

(a) Attached single-family dwellings and townhouses developed as zero-lot-line development may have the setback reduced to zero provided the setback from the outer walls of the building meets the side lot line setback requirement in SCC Table 30.42B.145(1); and

(b) Setbacks may be reduced to zero provided the total distance of the setbacks from the side lot lines adds up to 10 feet, except for those portions of multifamily dwellings above 25 feet in which case the total distance shall add up to 40 feet.

(7) When residential dwellings are developed as a condominium or single ownership, the maximum lot coverage shall be calculated based on the cumulative building footprint for all structures in the buildable area of the PRD site. The buildable area of the site shall not include tracts or public and private roadways.

(8) Buildings shall not be required to be setback from alleys (~~or auto courts~~) that provide vehicle access to the rear of the property. When this provision is used, SCC 30.42B.145(3) and 30.42B.145(4) shall not apply.

(9) When a condominium of single ownership is utilized, buildings shall maintain a minimum separation of at least 10 feet between the outer walls of the buildings.

Section 36. Snohomish County Code Section 30.91A.150, last amended by Amended Ordinance No. 07-022 on April 23, 2007, is amended to read:

30.91A.150 Alley.

"Alley" means ~~((a private access way for the use of vehicles and/or pedestrians which affords a secondary means of access to public or private property, courtyard, park or a common parking area; provided, however an alley may serve as the primary vehicular access to dwelling units if the alley meets the minimum requirements for fire access (20 feet in width) and if the alley does not serve as the primary pedestrian access to the dwelling units. An alley emphasizes vehicle access over pedestrian access))~~ a road network element that is typically privately owned and provides vehicle access to the rear of a structure, lot, or use.

Section 37. Snohomish County Code Section 30.91A.305, (**Auto court or shared court**), adopted by Amended Ordinance No. 07-022 on April 23, 2007, is repealed.

Section 38. A new section is added to chapter 30.91C of the Snohomish County Code to read:

30.91C.204 Community facility.

"Community facility" means any facility owned or used by the community for recreation, sport, cultural or community purposes, on a non-commercial or non-profit making basis.

Section 39. A new section is added to chapter 30.91C of the Snohomish County Code to read:

30.91C.335 Covered parking structure.

"Covered parking structure" means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed and may have additional vehicular parking spaces located on the open top deck surface of the same structure. This definition includes, but is not limited to, carports, garages, parking garages, deck parking, and underground or under-building parking areas.

Section 40. Snohomish County Code Section 30.91D.455, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.91D.455 Drive aisle.

"Drive aisle" means ~~((internal vehicle circulation system of private access ways for the passage of vehicles which may include fire lanes, auto courts, and roads that are a road owned in common by all the property owners of a development that are not located in an access easement, tract or right of way. For the purpose of building setbacks, drive aisles shall be treated as a private road.))~~ a road network element that is owned in common by all the property owners of a development and that is not located in a tract, or easement. A drive aisle that provides access to the rear of the structure, lot, or use is an alley only if it provides access to the rear of the structure and not the front.

Section 41. Snohomish County Code Section 30.91D.460, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.91D.460 Driveway.

"Driveway" means ~~((the area for the passage of vehicles to a parking area or structure on a lot. A driveway begins at the property line or edge of an access easement or drive aisle and extends into the site. A residential driveway shall not serve more than one detached single-family or one duplex structure))~~ a road network element that provides a single access for vehicles and pedestrians to one lot serving a maximum of two dwelling units.

Section 42. Snohomish County Code Section 30.91D.464 (**Driveway, common**), adopted by Amended Ordinance No. 08-101 on January 21, 2009, is repealed.

Section 43. Snohomish County Code Section 30.91D.465, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.91D.465 Driveway, shared.

"Driveway, shared" ("Shared driveway") means a ~~((driveway))~~ road network element that provides a single ((common)) vehicle and pedestrian access in a private tract or easement ((to)) for two lots that have no more than two dwelling units or two Group U occupancies per lot.

Section 44. Snohomish County Code Section 30.91F.300, last amended by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91F.300 Fire lane.

"Fire lane" ("Fire apparatus access road") means any road ~~((or driving surface whether public or private that is used to meet the))~~ network element used to meet the requirements of SCC 30.53A.512, except a driveway, or a shared driveway that provides primary access ((requirement of the currently adopted edition of the uniform fire code)) to no more than two dwelling units or Group U occupancies.

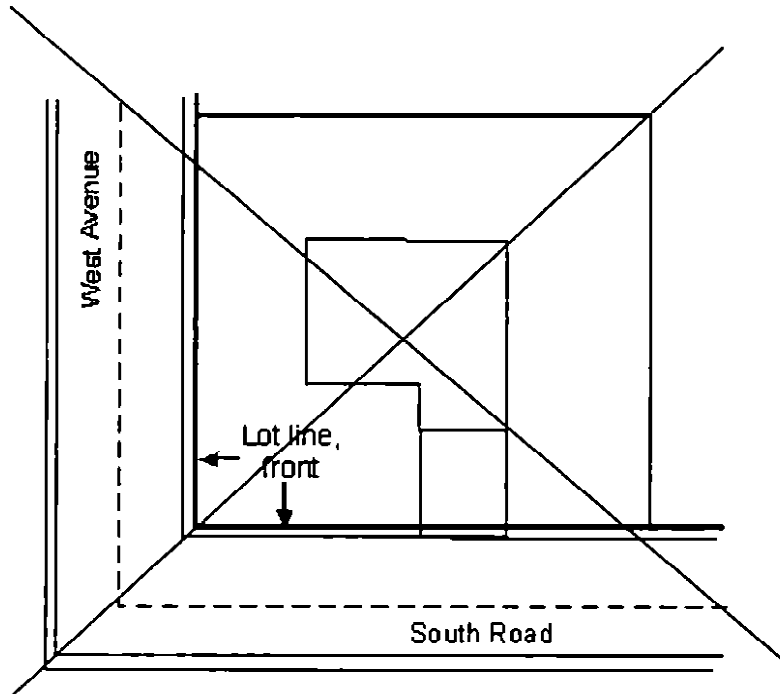
Section 45. Snohomish County Code Section 30.91L.140, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.91L.140 Lot, corner (Corner lot).

"Lot, corner" ("Corner lot") means a lot with two or more front lot lines situated at the intersection of two or more ~~((streets or roads or private roads, or bounded on two or more adjacent sides by street or road or private road lot lines. The angle of intersection of such lot lines shall not exceed 135 degrees))~~ road network elements, except a driveway or a shared driveway that is not designated a fire lane. (See Figure ((30.91L.140)) 30.91L.170 for illustration.) ((Corner lots do not have rear lot lines)) The remaining lot lines shall be considered side lot lines.

1
2
3 ((Figure 30.91L.140 Lot, corner))
4

Corner Lot

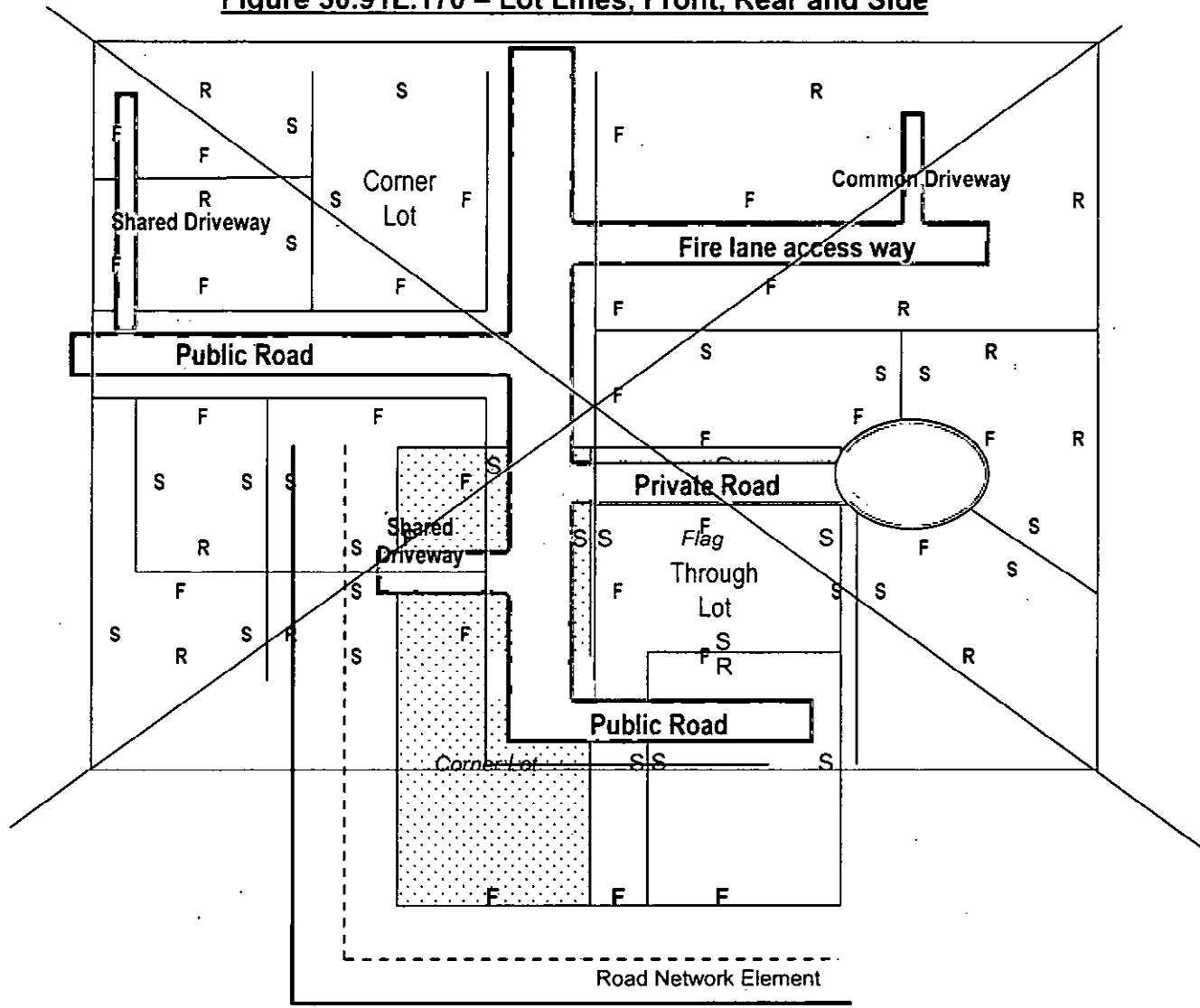


5
6
7
8 Section 46. Snohomish County Code Section 30.91L.170, last amended by Amended
9 Ordinance No. 10-072 on September 8, 2010, is amended to read:

10
11 **30.91L.170 Lot line, Front.**

12
13 "Lot line, front" ("Front lot line") means ~~((the))~~ a lot line ~~((separating the lot from the street, or~~
14 ~~private road, or drive aisles))~~ that abuts a public right-of-way or a private access tract, excluding
15 alleys. ~~((Corner lots have front lot lines along each street, or private road or drive aisle.))~~ (See
16 Figure 30.91L.170 for illustration). For the purpose of determining setbacks from vehicular
17 easements, the edge of the access easement shall be considered a front property line.
18

Figure 30.91L.170 – Lot Lines, Front, Rear and Side



F = Lot Line, Front
 S = Lot Line, Side
 R = Lot line, Rear
 (([] = Pavement))

Section 47. Snohomish County Code Section 30.91P.125, (pedestrian access), adopted by Amended Ordinance No. 07-022 on April 23, 2007, is repealed.

Section 48. Snohomish County Code Section 30.91L.180, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91L.180 Lot line, ~~((real))~~ rear (Rear lot line).

"Lot line, rear" ("Rear lot line") means a lot line which is opposite and most distant from the front lot line. In the case of a triangular, or gore-shaped lot, it means a line 20 feet in length within the lot parallel to and at the maximum distance from the front lot line.

When a lot bordering a body of water, stream, or river, extends into the body of water, stream, or river beyond the ordinary high water mark, the rear lot line shall be considered to be the ordinary high water mark. (See figure ~~((30.91L.150(A)))~~ 30.91L.170 for illustration)

Section 49. Snohomish County Code Section 30.91L.190, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91L.190 Lot line, side (Side lot line).

"Lot line, side" ("Side lot line") means any lot line not a front or rear lot line. (See figure ~~((30.91L.150(A)))~~ 30.91L.170 for illustration)

Section 50. Snohomish County Code Section 30.91P.127, adopted by Amended Ordinance No. 07-022 on April 23, 2007, is amended to read:

30.91P.127 Pedestrian facility.

"Pedestrian facility" means the infrastructure and equipment ~~((to accommodate or encourage walking, including))~~ that create a walking environment including, sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, shared use paths and other design features intended to provide for pedestrian travel.

Section 51. A new section is added to chapter 30.91R of the Snohomish County Code to read:

30.91R.125 Restricted access right-of-way.

"Restricted access right-of-way" means a state, county, tribal, or city public right-of-way where vehicular access to all or specific properties is prohibited.

Section 52. A new section is added to chapter 30.91R of the Snohomish County Code to read:

30.91R.214 Road network.

"Road network" means the connected road system that provides access to or within property or development. Pedestrian facilities are part of a road network when they are located within the right-of-way, tract or easement or when they are located outside of a right-of-way, tract or easement but open to the general public.

Section 53. A new section is added to chapter 30.91R of the Snohomish County Code to read:

30.91R.215 Road network element.

"Road network element" means an individual component of the connected road network that provides access to or within property or development. Elements include public roads, private roads, drive aisles, alleys, shared courts, shared driveways, driveways and any associated right-of-way, tracts or easements.

Section 54. Snohomish County Code Section 30.91R.220, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91R.220 Road ~~((or))~~, public ~~((road))~~.

~~("Road" or Public road" means an open, public way for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, planter strips, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right of way. The term "road" is used interchangeably with "street.")~~

"Road, public" ("Public road") used interchangeably with road, roadway or street, means improvements in the right-of-way maintained by the county for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, planter strips, paths, walkways, or side ditches, including the associated shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way.

Section 55. Snohomish County Code Section 30.91R.230, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91R.230 Road, private (Private road).

~~"Road, private" ("Private road") means a road network element that is privately ((maintained easement or parcel created)) owned and maintained, is located within a tract or easement and is designed to provide ~~((vehicle))~~ access from a public road to ~~((one))~~ three or more lots ~~((, and where appropriate, may include pedestrian, equestrian and bicycle facilities)). ((Limits may include the outside edge of sidewalks, or curbs and gutters, planter strips, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the easement or parcel.))~~~~

Section 56. Snohomish County Code Section 30.91R.240, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91R.240 Road system.

"Road system" means those existing or proposed public ~~((roads))~~ or private road network elements whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within:

1 (1) The transportation service area, as defined by the ((Snohomish)) Snohomish County
2 transportation needs report, in which a development is located, except that ((instead)) an
3 adjacent transportation service area may apply if determined by the ((director)) county engineer
4 to be more appropriate where a development has a greater impact on public roads in an
5 adjacent transportation service area than in the transportation service area in which the
6 development is located; or

7 (2) The area of another county which is adjacent to the transportation service area in which
8 the development is located.
9

10 *This definition applies only to "Road impact mitigation" regulations in chapter 30.66B SCC.*
11

12 Section 57. A new section is added to chapter 30.91S of the Snohomish County Code
13 to read:

14
15 **30.91S.175 Shared court.**
16

17 "Shared court" means a road network element that is a joint vehicle and pedestrian use
18 facility ending in a common court used for access and other activities of the users.
19

20 Section 58. Snohomish County Code Section 30.91W.115, (Woonerf), adopted by
21 Amended Ordinance No. 07-022 on April 23, 2007, is repealed.
22

23 Section 59. Effective date, implementation. This ordinance shall take effect 90 days
24 after the date of adoption or September 1, 2012 whichever is later. PDS is authorized to take
25 such actions as may be necessary to implement this ordinance on its effective date.
26

27 Section 60. Severability and Savings. If any section, sentence, clause or phrase of this
28 ordinance is held invalid or unconstitutional by the Growth Management Hearings Board
29 (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
30 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
31 Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be
32 invalid or unconstitutional by the Board or a court of competent jurisdiction, then the section,
33 sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full
34 force and effect for that individual section, sentence, clause or phrase as if this ordinance had
35 never been adopted.
36

37 PASSED this 3rd day of October, 2012.
38

39
40 SNOHOMISH COUNCIL
41 Snohomish, Washington
42
43
44

Council Chair

45 ATTEST:

46
47 *Sheila McCallister*
48 Asst. Clerk of the Council
49
50
51

1
2 (✓) APPROVED
3 () EMERGENCY
4 () VETOED
5
6
7
8

10/18/12

DATE:



County Executive

9 ATTEST:

10 *Cora E. Palmer*
11 *10/18/12*
12

13 Approved as to form only:
14
15

16 _____
Deputy Prosecuting Attorney

D-6