

1 ADOPTED: 03/15/21
2 EFFECTIVE: 03/26/21

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 AMENDED ORDINANCE NO. 21-004

7
8 RELATING TO GROWTH MANAGEMENT; AMENDING SECTIONS 30.23.032,
9 30.23.040, 30.31E.050, AND 30.42B.145 OF THE SNOHOMISH COUNTY CODE TO
10 MODIFY DEVELOPMENT REGULATIONS FOR LOT COVERAGE

11
12 WHEREAS, the Growth Management Act, chapter 36.70A RCW (GMA), requires
13 Snohomish County (the "County") to regulate land use and development within the
14 County's jurisdiction; and

15
16 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) –
17 General Policy Plan (GPP) directs Snohomish County to promote development in urban
18 growth areas (UGAs), support land use practices that reduce housing costs, and
19 maintain a regulatory environment that facilitates growth of the local economy; and

20
21 WHEREAS, chapters 30.23, 30.31E, and 30.42B of the Snohomish County Code
22 (SCC) establish lot coverage ratios, which regulate the amount of building coverage
23 (footprint) on a parcel of land, for seven urban residential zones; and

24
25 WHEREAS, the standard lot coverage ratios for three urban residential zones
26 classified as multiple residential zones present a barrier to infill development in Urban
27 Growth Areas, achieving allowed density, and flexibility for site and building design; and

28
29 WHEREAS, the lot coverage ratios for multi-family development within the Low
30 Density Multiple Residential (LDMR) and Multiple Residential (MR) zones are lower
31 than the lot coverage allowed for single-family and townhouse development; and

32
33 WHEREAS, the County seeks to promote the delivery of more affordable housing
34 throughout Snohomish County by allowing more efficient use of land and promoting a
35 variety of housing to meet the needs of all residents; and

36
37 WHEREAS, the County requires all development projects to meet stormwater
38 regulations which mitigate the impacts of stormwater runoff from impervious surface
39 areas, including from buildings, consistent with chapters 30.63A and 30.63B SCC; and

40
41 WHEREAS, the proposed code amendments will apply to new development
42 proposals and development applications for which the applicant has opted in to the
43 code amendments contained in this ordinance under Section 8 of this Ordinance; all

1 applicants will be required to meet regulations to mitigate the impacts of development
2 which include, but are not limited to, stormwater, critical areas, open space, and tree
3 canopy regulations; and
4

5 WHEREAS, on October 27, 2020, the Snohomish County Planning Commission
6 (the "Planning Commission") was briefed by PDS staff about the proposed code
7 amendments contained in this ordinance; and
8

9 WHEREAS, the Planning Commission held a public hearing on November 17,
10 2020, to receive public testimony concerning the code amendments contained in this
11 ordinance; and
12

13 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
14 Planning Commission deliberated on the proposed code amendments contained in this
15 ordinance and voted to recommend amendments to the County code relating to lot
16 coverage regulations as shown in its recommendation letter dated November 18, 2020;
17 and
18

19 WHEREAS, on March 10, 2021, and continued to March 15, 2021, the County
20 Council held a public hearing after proper notice, and considered public comment and
21 the entire record related to the code amendments contained in this ordinance; and
22

23 WHEREAS, following the public hearing, the County Council deliberated on the
24 code amendments contained in this ordinance.
25

26 NOW, THEREFORE, BE IT ORDAINED:
27

28 Section 1. The County Council adopts the following findings in support of this
29 ordinance:
30

- 31 A. The foregoing recitals are adopted as findings as if set forth in full herein.
32
- 33 B. This ordinance amends SCC Table 30.23.032 and 30.31E.050(3)(a) to increase the
34 standard lot coverage for three urban residential zones, Townhouse (T), Low
35 Density Multiple Residential (LDMR), and Multiple Residential (MR) to promote infill
36 development in Urban Growth Areas (UGAs) and allow greater flexibility in site and
37 building design. Since SCC 30.23.040(1) provides that MR bulk requirements shall
38 apply for all residential development permitted in the Neighborhood Business (NB),
39 Planned Community Business (PCB), Community Business (CB), General
40 Commercial (GC) zones, this ordinance by reference increases the standard lot
41 coverage for those urban commercial zones as well. The Business Park (BP) zone
42 also uses MR bulk requirements, but housing development is prohibited in that zone
43 under SCC 30.22.100 and is therefore unaffected.

- 1
2 C. This ordinance amends SCC 30.23.040 reference note 66 for SCC Table 30.23.032
3 to increase lot coverage for Townhouse and Mixed Townhouse development in the
4 LDMR zone to promote housing variety.
5
6 D. This ordinance amends SCC Table 30.42B.145(1) to promote consistency in the
7 code for Planned Residential Developments (PRD) through adoption of the same lot
8 coverage ratio for non-multifamily and multifamily development.
9
10 E. This ordinance adds a new section SCC 30.23.400 to allow vested development
11 applications to opt in to higher maximum lot coverage regulations contained in this
12 ordinance. Retroactivity eliminates inconsistency in lot coverage regulations
13 between like development types and may allow developments to maximize unit yield
14 on a given site, increasing the county's urban housing capacity.
15
16 F. In developing the proposed amendments, the County considered the goals of the
17 GMA, specifically those goals related to urban growth, reducing sprawl, housing, and
18 the environment. The proposed amendments are consistent with and promote:

- 19
20 1. GMA Goal 1 – *“Urban growth. Encourage development in urban areas where*
21 *adequate public facilities and services exist or can be provided in an efficient*
22 *manner.”*
23

24 The proposed amendments encourage growth to be directed to urban areas by
25 reducing a possible barrier to infill development within UGAs. Any housing units
26 developed within these urban residential zones would be served by existing or
27 planned public facilities and services.
28

- 29 2. GMA Goal 2 – *“Reduce sprawl. Reduce the inappropriate conversion of*
30 *undeveloped land into sprawling, low-density development.”*
31

32 The proposed code amendments may reduce low-density residential
33 development and sprawl by allowing greater lot coverage within three multiple
34 residential zones.
35

- 36 3. GMA Goal 4 – *“Housing. Encourage the availability of affordable housing to all*
37 *economic segments of the population of this state, promote a variety of*
38 *residential densities and housing types, and encourage preservation of existing*
39 *housing stock.”*
40

41 The proposed code amendments may increase housing affordability by
42 facilitating density and a variety of housing types.
43

1 4. GMA Goal 10 – *“Environment. Protect the environment and enhance the state's*
2 *high quality of life, including air and water quality, and the availability of water.”*
3

4 The proposed amendments will not alter existing regulations to protect the
5 environment and mitigate the impacts of development; all development projects
6 will continue to be subject to all other applicable federal, state, and county
7 regulations.
8

9 G. The proposed amendments will better achieve, comply with, and implement goals
10 and policies from the Puget Sound Regional Council’s Multicounty Planning Policies
11 (MPPs), including the following Housing policies:
12

13 MPP-H-2- *“Provide a range of housing types and choices to meet the housing*
14 *needs of all income levels and demographic groups within the region.”*
15

16 MPP-H-10- *“Encourage jurisdictions to review and streamline development*
17 *standards and regulations to advance their public benefit, provide flexibility, and*
18 *minimize additional costs to housing.”*
19

20 The proposed amendments will promote regulations that are more consistent and
21 streamlined. Single-family and multifamily Planned Residential Development
22 (PRD) projects are proposed to have the same lot coverage standards, with
23 multifamily structures no longer held to a regulation of lower lot coverage. The lot
24 coverage standard for three multiple residential zones (T, LDMR and MR) is
25 proposed to be the same 50% which promotes code consistency and simplicity
26 for applicants and implementation by permitting staff.
27

28 H. The proposed amendments will achieve, comply with, and implement the following
29 policies contained in the Countywide Planning Policies:
30

31 CPP-HO-2(c)- *“The county and cities shall make provisions in their*
32 *comprehensive plans to accommodate existing and projected housing needs,*
33 *including a specific assessment of housing needs by economic segment within*
34 *the community as indicated in the housing report prescribed in CPP HO-5. Those*
35 *provisions should consider the following factors:*

36 *c.) Increasing opportunities and capacity for affordable housing close to*
37 *employment, education, shopping, public services, and public transit.”*
38

39 The proposed amendments will facilitate housing development in areas where
40 there is transit, employment, commercial areas and educational facilities.
41

1 CPP-HO-11- *“The county and cities should consider the economic implications of*
2 *proposed building and land use regulations so that the broader public benefit*
3 *they serve is achieved with the least additional cost to housing.”*
4

5 The proposed amendments offer public benefit by lessening lot coverage
6 restrictions, while still requiring proposed projects to meet the following
7 regulations which also provide public benefit: landscaping, open space, tree
8 canopy and stormwater management.
9

10 CPP-DP-11- *“The County and cities should revise development regulations and*
11 *incentives, as appropriate, to encourage higher residential densities and greater*
12 *employment concentrations in Urban Growth Areas.”*
13

14 The proposed amendments will decrease a potential barrier to achieving the
15 allowed density for urban residential zones within UGAs. These amendments
16 would add additional flexibility in the code to supplement the existing flexibility
17 which includes incentives for certain types of residential lot development or
18 subdivision which allow greater than standard lot coverage.
19

- 20 I. The proposed amendments will better achieve, comply with, and implement the
21 following goals, objectives, and policies contained in the County’s GMA
22 Comprehensive Plan (GMACP) – General Policy Plan (GPP):
23

24 GPP- Goal HO 1 - *“Ensure that all county residents have the opportunity to*
25 *obtain safe, healthy and affordable housing.”*

26 Objective HO 1.B - *“Ensure that a broad range of housing types and affordability*
27 *levels is available in urban and rural areas.”*

28 HO Policy 1.B.1 - *“The county shall facilitate affordable home ownership and*
29 *rental opportunities by promoting an increased supply of safe and healthy lower-*
30 *cost housing types, such as housing on small lots, townhouses, multiplexes,*
31 *manufactured housing, mobile homes, and mixed-use housing.”*
32

33 The proposed amendments will promote a range of housing types and housing
34 affordability by increasing lot coverage for multi-family PRD development in the
35 LDMR and MR zones, townhouse and mixed townhouse development in the
36 LDMR zone, and raising the standard lot coverage ratios within three urban
37 residential zones.
38

39 GPP- Goal HO 3 - *“Land use policies and regulations should contribute as little*
40 *as possible to the cost of housing.”*

41 Objective HO 3.A - *“Encourage land use practices, development standards, and*
42 *building permit requirements that reduce housing production costs.”*
43

1 GPP- Goal ED 2 – “Provide a planning and regulatory environment which
2 facilitates growth of the local economy.”

3 Objective ED 2.A - “Develop and maintain a regulatory system that is fair,
4 understandable, coordinated and timely.”

5
6 ED Policy 2.A.1 - “Snohomish County shall work to ensure that the Snohomish
7 County Code is an understandable, accessible, and user friendly document.”

8 ED Policy 2.A.2 - “Snohomish County should stress predictability but maintain
9 enough flexibility in the Comprehensive Plan and development codes to allow for
10 timely response to unanticipated and desirable developments.”

11
12 The proposed amendments will provide greater consistency for these regulations
13 across three different urban residential zones: T, LDMR, and MR. These
14 amendments will promote a code that is more understandable and user friendly
15 for applicants and planning staff.

16
17 J. Procedural requirements.

- 18
19 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
20 respect to this non-project action have been satisfied through the completion of
21 an environmental checklist and the issuance of a determination of non-
22 significance on October 30, 2020.
23
24 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
25
26 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
27 transmitted to the Washington State Department of Commerce for distribution to
28 state agencies on October 9, 2020.
29
30 4. The public participation process used in the adoption of this ordinance complies
31 with all applicable requirements of the GMA and the SCC, including but not
32 limited to, RCW 36.70A.035, RCW 36.70A.140, and chapter 30.73 SCC.
33
34 5. The Washington State Attorney General last issued an advisory memorandum,
35 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
36 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
37 local governments avoid the unconstitutional taking of private property. The
38 process outlined in the State Attorney General’s 2018 advisory memorandum
39 was used by Snohomish County in objectively evaluating the regulatory changes
40 proposed by this ordinance.

41
42 K. The proposed amendments are consistent with the record.

- 1 1. Existing lot coverage regulations present a potential barrier to infill residential
2 development in UGAs. The County received comments from applicants that the
3 regulations present challenges to achieving the residential density allowed by the
4 underlying zoning and do not provide needed flexibility for site and building
5 design.
6
- 7 2. This ordinance raises lot coverage ratios in three urban residential zones,
8 Townhouse (T), Low Density Multiple Residential (LDMR) and Multiple
9 Residential (MR), to a standard 50% lot coverage for these zones. This new
10 standard is aligned with lot coverage ratios for similar zones in cities within
11 Snohomish County. The increase in standard lot coverage will provide greater
12 flexibility for site and building design and promotes consistency within the code.
13
- 14 3. This ordinance promotes a greater variety of housing types through an increase
15 in lot coverage for Townhouse and Mixed Townhouse Development in the LDMR
16 zone and an increase in lot coverage for Multifamily Planned Residential
17 Development (PRD) in the LDMR and MR zones.
18
- 19 4. The GMA and GMACP – GPP promote infill residential development within UGAs
20 to reduce sprawl. The County received comments from applicants that the
21 existing lot coverage ratios do not provide sufficient flexibility for site and building
22 design in order to achieve allowed density. The proposed code amendments will
23 create a better outcome for applicants and the County by facilitating infill
24 residential development to promote more affordable housing and reduce sprawl.
25
- 26 L. The proposed amendments are consistent with the PDS Staff Report to the Planning
27 Commission dated October 5, 2020.

28 Section 2. The County Council makes the following conclusions:

- 30 1. The amendments proposed by this ordinance comply with the GMA and are
31 consistent with the goals, objectives and policies of the GPP.
32
- 33 2. The proposal is consistent with Washington State law and Snohomish County
34 Code.
35
- 36 3. The County has complied with all SEPA requirements with respect to this non-
37 project action.
38
- 39 4. The regulations proposed by this ordinance do not result in an unconstitutional
40 taking of private property for a public purpose.
41
42

1 Section 3. The Snohomish County Council bases its findings and conclusions on
 2 the entire record of the County Council, including all testimony and exhibits. Any
 3 finding, which should be deemed a conclusion, and any conclusion which should be
 4 deemed a finding, is hereby adopted as such.

5
 6 Section 4. Snohomish County Code Section 30.23.032, last amended by
 7 Amended Ordinance No. 18-026 on May 23, 2018, is amended to read:

8
 9 **30.23.032 Urban Residential Zone categories - bulk matrix.**

10
 11 **Table 30.23.032 Urban Residential Zones Bulk Matrix**

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}								Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards		
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest			
Urban Residential	R-9,600	9,600 ²³	70	30	10	5	5	5	See SCC 30.32B.130	See chapters 30.51A and 30.62B SCC	35%		
	R-8,400	8,400 ²³	65	30	10	5	5	5			35%		
	R-7,200	7,200 ^{23, 65}	60	30	10	5	5	5			35%		
	T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050		35	10	10	5	25	See SCC 30.32A.110	See chapters 30.51A and 30.62B SCC	See SCC 30.31E.050		
	T (buildings > 20 feet high) ⁵⁹				15	20	10						
	LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ^{4, 65}	60	45	10	10	5	25			((30))50% ⁶⁶		
	LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62}				10	20	10						

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁹
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
LDMR (buildings > 30 feet high) ^{15,59,61,62}					15	25	15					
MR (buildings ≤ 20 feet high) ^{5,15,59,61,62}	7,200 ^{5,9,65}	60 ⁹	45 ¹⁴		10	10	5					((40))50% ^{9,66}
MR (buildings 20 - 30 feet high) ^{5,15,59,61,62}					10	20	10	25				
MR (buildings > 30 feet high) ^{5,15,59,61,62}					15	25 ⁶⁰	15					
MHP	⁵⁵	None	25	See SCC 30.42E.100(5)(a)							50%	

1 See SCC 30.23.040 for reference notes listed in Table 30.23.032.

2

3 Section 5. Snohomish County Code Section 30.23.040, last amended by
4 Ordinance No. 20-080 on December 16, 2020, is amended to read:

5

6 **30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.**

7

8 (1) MR bulk requirements shall apply for all residential development permitted in the
9 NB, PCB, CB, GC and BP zones.

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

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

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

14 (5) Except as provided below, in the MR zone the maximum density shall be calculated
15 based on 2,000 square feet of land per dwelling unit. For sites zoned MR, NB, PCB, CB,
16 or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the
17 western edge of the right-of-way of State Route 99 or within 800 feet of the eastern

1 edge of the right-of-way of State Route 99; and the site is east of State Route 525, the
2 maximum density shall be calculated based on 750 square feet of land per dwelling unit.
3 One or more transfer of development rights TDR credits must be used to realize the
4 additional density according to the requirements of chapter 30.35A SCC. After June 11,
5 2020, developments for which the applicant provides documentation to the
6 director showing that the entire project has been granted a property tax exemption by
7 the Washington State Department of Revenue under RCW 84.36.041, 84.36.042,
8 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC
9 and development may be permitted up to a maximum density of 750 square feet of land
10 per dwelling unit without using TDR credits.

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

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

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

14 (9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of
15 the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or
16 within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is
17 east of State Route 525, are exempt from minimum lot area, minimum lot width, and
18 maximum lot coverage requirements.

19 (10) RESERVED for future use.

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

21 (12) Greater setbacks than those listed may apply to areas subject to Shoreline
22 Management jurisdiction or critical areas regulations in chapters 30.62A, 30.62B,
23 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC
24 30.23.110.

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

29 (14) The maximum building height is 75 feet for multifamily structures on sites zoned
30 MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the
31 site within 2,000 feet of the western edge of the right-of-way of State Route 99 or within
32 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of
33 State Route 525. Subject to the requirements in SCC 30.22.100, non-residential uses
34 are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and
35 GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of
36 the edge of the right-of-way of State Route 99 and the site is east of State Route 525.

37 (15) See SCC 30.23.300.

38 (16) RESERVED for future use.

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

41 (18) RESERVED for future use.

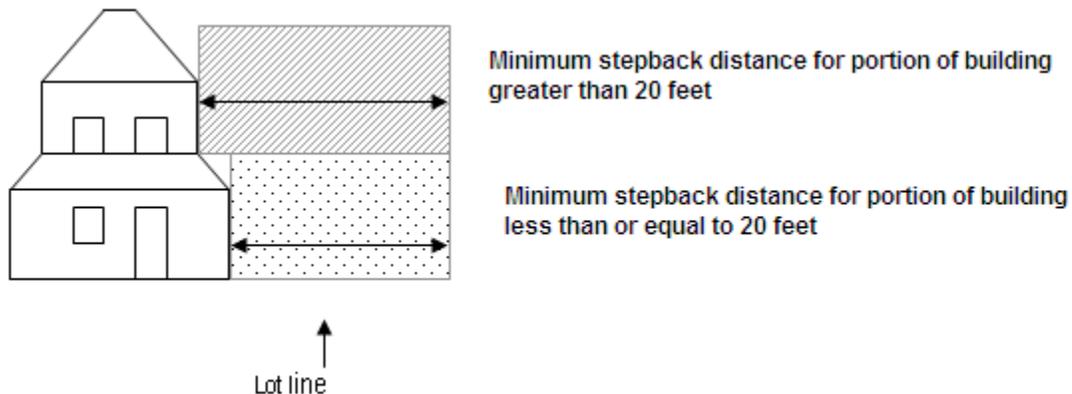
42 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
43 necessary for PCB or BP zoning.

- 1 (20) See additional setback provisions for dwellings located along the boundaries of
2 designated farmland contained in SCC 30.32B.130.
- 3 (21) See additional setback provisions for structures located adjacent to forest lands,
4 and/or on lands designated local forest or commercial forest contained in SCC
5 30.32A.110.
- 6 (22) The minimum lot size for properties designated Rural Residential (RR)--10
7 (Resource Transition) on the comprehensive plan shall be 10 acres.
- 8 (23) Minimum lot area requirements may be modified within UGAs in accordance with
9 SCC 30.23.020.
- 10 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter
11 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The
12 maximum lot area shall be 20,000 square feet or less when located in rural/urban
13 transition areas.
- 14 (25) RESERVED for future use.
- 15 (26) RESERVED for future use.
- 16 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height
17 limit requirements within shoreline jurisdiction.
- 18 (28) RESERVED for future use.
- 19 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.
- 20 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires an
21 application for a new structure on parcels designated commercial forest, but not within a
22 designated commercial forest—forest transition area, to provide a minimum 500-foot
23 setback, which shall be a resource protection area, from the property boundaries of
24 adjacent commercial forest lands except that if the size, shape, and/or physical
25 site constraints of an existing legal lot do not allow a setback of 500 feet, the
26 new structure shall maintain the maximum setback possible, as determined by
27 the department.
- 28 (31) Setback requirements for mineral excavation and processing are in
29 SCC 30.23.110(27). Performance standards and permit requirements are in chapter
30 30.31D SCC.
- 31 (32) The site shall be a contiguous geographic area and have a size of not less than 10
32 acres, except in the case of subsurface shaft excavations, no minimum acreage is
33 required, pursuant to SCC 30.31D.020(1).
- 34 (33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing
35 a home occupation.
- 36 (34) RESERVED for future use.
- 37 (35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone
38 height, setback, and lot coverage requirements.
- 39 (36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094,
40 effective September 29, 2005).
- 41 (37) *Agriculture*. All structures used for housing or feeding animals, not including
42 household pets, shall be located at least 30 feet from all property lines.

- 1 (38) There shall be no subdivision of land designated commercial forest in the
- 2 comprehensive plan except to allow installation of communication and utility facilities if
- 3 all the following requirements are met:
 - 4 (a) The facility cannot suitably be located on undesignated land;
 - 5 (b) The installation cannot be accomplished without subdivision;
 - 6 (c) The facility is to be located on the lowest feasible grade of forest land; and
 - 7 (d) The facility removes as little land as possible from timber production.
- 8 (39) On parcels designated commercial forest, but not within a designated commercial
- 9 forest—forest transition area, establish and maintain a minimum 500-foot setback,
- 10 which shall be a resource protection area, from the property boundaries of adjacent
- 11 commercial forest lands except when the size, shape, and/or physical site constraints of
- 12 an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain
- 13 the maximum setback possible as provided in SCC 30.32A.120.
- 14 (40) Land designated local commercial farmland shall not be divided into lots of less
- 15 than 10 acres unless a properly executed deed restriction which runs with the land and
- 16 which provides that the land divided is to be used exclusively for agricultural purposes
- 17 and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.
- 18 (41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone
- 19 identified as the implementing zone by the comprehensive plan for the plan designation
- 20 applied to the subject property. Where more than one implementing zone is identified
- 21 for the same designation, the minimum lot size shall be that of the zone allowing the
- 22 smallest lot size.
- 23 (42) RESERVED for future use.
- 24 (43) Additional bulk requirements may apply. Refer to
- 25 SCC 30.31F.100 and 30.31F.140.
- 26 (44) The 50 percent maximum lot coverage limitation applies solely to the portion of the
- 27 area within the CRC comprehensive plan designation and zone that is centered at 180th
- 28 Street SE and SR 9, generally extending between the intersection of 172nd Street /SR 9
- 29 to just south of 184th Street /SR 9, as indicated on the County's FLUM and zoning map.
- 30 (45) The 30 percent maximum lot coverage limitation applies solely to the portion area
- 31 located within the CRC comprehensive plan designation and zone that is centered at
- 32 State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use
- 33 Map (FLUM) and zoning map.
- 34 (46) Additional setbacks may apply to development within a rural cluster subdivision.
- 35 Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC
- 36 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral
- 37 Resource Overlay (MRO) to prevent development which would preclude future access
- 38 to the mineral resources.
- 39 (47) RESERVED for future use.
- 40 (48) RESERVED for future use.
- 41 (49) RESERVED for future use.
- 42 (50) RESERVED for future use.
- 43 (51) RESERVED for future use.

- 1 (52) RESERVED for future use.
- 2 (53) RESERVED for future use.
- 3 (54) A split parcel may be subdivided along the UGA boundary line using one of three
- 4 methods. First, a split parcel may be subdivided along the UGA boundary line into
- 5 two lots, whereby one lot remains within the UGA and the other lot remains outside
- 6 the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as
- 7 part of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split
- 8 parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).
- 9 (55) See SCC 30.42E.100(9)(c).
- 10 (56) RESERVED for future use.
- 11 (57) RESERVED for future use.
- 12 (58) RESERVED for future use.
- 13 (59) Relationship of setback to building height:
- 14 The minimum setback requirements are dependent on the heights of the building as
- 15 specified in this column. To meet the setback requirements, buildings over 20 feet in
- 16 height must either:
- 17 (a) Set the entire building back the minimum setback distance; or
- 18 (b) Stepback those portions of the building exceeding 20 feet in height to the
- 19 minimum setback distance, as illustrated in Figure 30.23.040(59).

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



- 22
- 23 (60) Stepback those portions of the building exceeding 45 feet in height from the
- 24 minimum side and rear yard setbacks by one additional foot for each additional two feet
- 25 of building height.
- 26 (61) Single-family detached, single-family attached and duplex structures shall comply
- 27 with the minimum setbacks required in the R-8,400 zone.
- 28 (62) Fencing between single-family detached, single-family attached and duplex
- 29 structures shall be:
- 30 (a) Prohibited in the area that is within five feet of a third story ingress/egress window
- 31 so ladder access to the third floor window is not impeded; or
- 32 (b) Limited to either vegetative, wood, block, concrete or metal that does not exceed
- 33 42 inches in height.

- 1 (63) Additional building height up to a maximum of 125 feet may be allowed under
2 certain circumstances as provided for in SCC 30.34A.040(1).
- 3 (64) If located within an airport compatibility area, building height is subject to the
4 requirements of SCC30.32E.060.
- 5 (65) Townhouse and mixed townhouse may achieve the following density:
6 (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200
7 square feet of land per dwelling unit, but the maximum density may be increased up
8 to 20 percent.
9 (b) For the LDMR and MR zones, the maximum density established under
10 subsections (4) and (5) of this section may be increased up to 20 percent.
11 (c) Maximum density shall be determined by rounding up to the next whole unit when
12 a fraction of a unit is equal to five-tenths or greater.
- 13 (66) The maximum lot coverage in townhouse and mixed townhouse developments is
14 ((40)) 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned
15 MR where any portion of the site is within 2,000 feet of the western edge of the right-of-
16 way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State
17 Route 99, and the site is east of State Route 525 are exempt from maximum lot
18 coverage requirements consistent with SCC 30.23.040(9).

19
20 Section 6. Snohomish County Code Section 30.31E.050, last amended by
21 Amended Ordinance No. 12-115 on January 30, 2013, is amended to read:
22

23 **30.31E.050 Lot area, width and coverage.**
24

- 25 (1) Minimum lot area shall be:
26 (a) An average of 2,000 square feet per each dwelling; and
27 (b) None for non-residential uses.
- 28 (2) There is no minimum lot width.
- 29 (3) Lot coverage requirements shall be in accordance with the following:
30 (a) Single family detached dwellings, mobile homes and associated accessory
31 structures located on individual lots shall cover not more than ((35)) 50 percent of
32 the lot;
33 (b) Dwellings, accessory structures and other uses not prescribed in subsection
34 (3)(a) of this section that are located on individual lots shall together cover not more
35 than 55 percent of the lot; and
36 (c) If common or single ownership of the development is utilized, the lot coverage
37 in subsections (3)(a) and (b) of this section shall be the sum of the lot coverage
38 applied using the gross area of the entire site less critical areas, roads, and areas
39 required for public use.
- 40 (4) Subdivisions in the Townhouse zone shall be subject to the requirements in
41 chapter 30.41A SCC.
- 42 (5) If a townhouse unit lot subdivision or short subdivision is proposed pursuant to
43 SCC 30.41A.205 or 30.41B.205, the lot area, width and coverage provisions of those

1 sections shall apply, and the provisions of subsections (1) through (3) of this section
2 shall not apply.

3
4 Section 7. Snohomish County Code Section 30.42B.145, last amended by
5 Amended Ordinance No. 19-046 on September 25, 2019, is amended to read:

6
7 **30.42B.145 Design criteria – bulk requirements.**

8
9 (1) Unless specifically modified by this chapter, all requirements of the underlying zone
10 shall apply within a PRD.

11 (2) SCC Table 30.42B.145(1) and subsections (3) through (8) of this section establish
12 bulk requirements for PRDs.

13
14 **Table 30.42B.145(1) PRD Bulk Requirements**

Use	Minimum Lot Area	Minimum 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)) 55%

15 ¹ The setback from the side lot line for multifamily dwellings shall be increased to 20
16 feet for those portions of a building higher than 25 feet.

17
18 (3) Setbacks from front and rear lot lines may be reduced to five feet, provided the total
19 distance of the setbacks from the front and rear lot lines adds up to a minimum of 20
20 feet.

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

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

- 1 (6) Setbacks from side lot lines may be modified as follows:
2 (a) Attached single-family dwellings and townhouses developed as zero-lot-line
3 development may have the setback reduced to zero, provided the setback from the
4 outer walls of the building meets the side lot line setback requirement in SCC Table
5 30.42B.145(1); and
6 (b) Setbacks may be reduced to zero, provided the total distance of the setbacks
7 from the side lot lines adds up to 10 feet, except for those portions of multifamily
8 dwellings above 25 feet in which case the total distance shall add up to 40 feet.
9 (7) Buildings shall not be required to be set back from alleys that provide vehicle
10 access to the rear of the property. When this provision is used, subsections (3) and (4)
11 of this section shall not apply.
12 (8) When a condominium of single ownership is utilized, buildings shall maintain a
13 minimum separation of at least 10 feet between the outer walls of the buildings.
14

15 Section 8. A new section is added to chapter 30.23 of the Snohomish County
16 Code to read:

17
18 **30.23.400 Allowing a complete development application to use amended**
19 **provisions adopted by Amended Ordinance No. 21-004.**
20

- 21 (1) An applicant with a development application that was determined to be complete
22 prior to [the effective date of Amended Ordinance 21-004] for which a final decision has
23 not been issued may voluntarily submit a signed waiver to the department requesting
24 the permit application be reviewed under regulations as amended by Amended
25 Ordinance No. 21-004. All other development regulations in effect as of the date of the
26 original permit application was determined to be complete shall apply.
27 (2) Applicants submitting a signed waiver shall have 12 months from [the effective date
28 of Amended Ordinance 21-004] to submit revised application materials.
29 (3) Revised application materials submitted under this section shall require:
30 (a) Updated and renewed public notice under chapter 30.70 SCC for any application
31 materials revised under the provisions of this section; and
32 (b) Payment of any applicable fees as determined by the department.
33 (4) The department shall include in its written decision for a Type 1 permit or staff
34 recommendation for Type 2 permit a statement explaining that amended provisions
35 established under Amended Ordinance No. 21-004 apply.
36 (5) This section is repealed effective 12 months from [the effective date of Amended
37 Ordinance No. 21-004].
38

39 Section 9. Severability and Savings. If any section, sentence, clause or phrase
40 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
41 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
42 unconstitutionality shall not affect the validity or constitutionality of any other section,
43 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
44 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
45 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to

1 the effective date of this ordinance shall be in full force and effect for that individual
2 section, sentence, clause or phrase as if this ordinance had never been adopted.

3
4 PASSED this 15th day of March, 2021.

5
6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington

8 
9 _____
10 Council Acting Chair

11 ATTEST:

12 
13 _____
14 Clerk of the Council

- 15
16 (X) APPROVED
17 () EMERGENCY
18 () VETOED

19 DATE: 3/16/2021
20 _____

21 
22 _____
23 Snohomish County Executive

24 ATTEST:

25 
26 _____

27 Approved as to form only:

28
29 _____
30 Deputy Prosecuting Attorney