

1 ADOPTED: 04/07/21
2 EFFECTIVE: 04/22/21

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 21-011
7

8 RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT
9 REGULATIONS IN CHAPTERS 30.23 AND 30.70 OF THE SNOHOMISH COUNTY CODE
10 PERTAINING TO SCHOOLS
11

12 WHEREAS, the Growth Management Act, chapter 36.70A RCW (GMA), requires
13 Snohomish County (the “County”) to ensure that public facilities and services necessary to
14 support development are adequate to support existing and future development; and
15

16 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General
17 Policy Plan (GPP) directs Snohomish County to both ensure that county growth and
18 development can be accommodated by present and future school facilities, and to periodically
19 review the permitting process to eliminate unnecessary administrative procedures; and
20

21 WHEREAS, the Snohomish County Code (SCC) 30.70.210 establishes the process for
22 minor revisions for approved development applications, which allows the administrative
23 approval of certain modifications to an existing development that do not change the use or
24 substantively alter the character of the previously approved development application; and
25

26 WHEREAS, modifications to an existing development that do not change the use or
27 substantively alter the character of the previously approved application but do exceed the
28 thresholds in SCC 30.70.210 for a minor revision are processed as a new application; and
29

30 WHEREAS, school facility projects are financed through a combination of impact fees,
31 municipal bonds and state funds which limit the flexibility of the timing and construction of
32 school facilities; and
33

34 WHEREAS, the current threshold for a minor revision to an approved conditional use
35 permit (CUP) application presents a barrier to schools seeking to use an administrative process to
36 expand their existing facilities to accommodate growth in a timely manner; and
37

38 WHEREAS, SCC 30.23.050 contains height requirements that present a barrier for
39 schools seeking to make efficient use of their land by constructing three-story facilities; and
40

41 WHEREAS, the County seeks to support Snohomish County schools in accommodating
42 student growth in an efficient and timely manner; and

1
2 WHEREAS, on November 17, 2020, the Snohomish County Planning Commission (the
3 "Planning Commission") was briefed by PDS staff about the proposed code amendments
4 contained in this ordinance; and
5

6 WHEREAS, the Planning Commission held a public hearing on December 15, 2020, to
7 receive public testimony concerning the code amendments contained in this ordinance; and
8

9 WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning
10 Commission deliberated on the proposed code amendments contained in this ordinance and
11 voted to recommend amendments to the County code relating to height requirements and minor
12 revisions to an approved conditional use permit for a school facility as shown in its
13 recommendation letter dated January 15, 2021; and
14

15 WHEREAS, on April 7, 2021, the County Council held a public hearing after proper
16 notice, and considered public comment and the entire record related to the code amendments
17 contained in this ordinance; and
18

19 WHEREAS, following the public hearing, the County Council deliberated on the code
20 amendments contained in this ordinance.
21

22 NOW, THEREFORE, BE IT ORDAINED:
23

24 Section 1. The County Council adopts the following findings in support of this ordinance:
25

- 26 A. The foregoing recitals are adopted as findings as if set forth in full herein.
27
28 B. This ordinance amends SCC 30.23.050 to increase the allowed building height for schools
29 and educational institutions to allow schools sufficient room for the construction of three-
30 story buildings, making a more efficient and economical use of the land.
31
32 C. This ordinance amends SCC 30.70.210(4) to increase the threshold for a minor revision to an
33 approved conditional use permit for a school facility to allow a 20% increase in gross floor
34 area and trip generation without the need to submit a new application. The ordinance
35 additionally includes a housekeeping revision that clarifies the requirements of the minor
36 revision process.
37
38 D. In developing the proposed amendments, the County considered the goals of the GMA
39 related to school facilities as public services. In particular, the proposed amendments are
40 consistent with and promote:
41

1 GMA Goal 12 – *“Public facilities and services. Ensure that those public facilities and*
2 *services necessary to support development shall be adequate to serve the development at*
3 *the time the development is available for occupancy and use without decreasing current*
4 *service levels below locally established minimum standards.”*

5
6 The proposed changes will allow school districts to expand the capacity of existing
7 facilities to support future student growth. Schools are public facilities which are
8 necessary for development, and this change will allow them to more easily maintain their
9 level of service.

- 10
11 E. The proposed amendments will better achieve, comply with, and implement goals and
12 policies from the Puget Sound Regional Council’s Multicounty Planning Policies (MPPs),
13 including the following Public Services policy:

14
15 MPP-PS-26 – *“Work cooperatively with school districts to plan for school facilities to*
16 *meet the existing and future community needs consistent with adopted comprehensive*
17 *plans and growth forecasts, including siting and designing schools to support safe,*
18 *walkable access and best serve their community.”*

19
20 The amendments were developed with significant input from school district
21 representatives and will provide schools with more flexibility to efficiently expand their
22 facilities. Because revising an existing CUP is less expensive and time-consuming than
23 submitting a new CUP application, the amendments will allow schools to more easily
24 accommodate their existing and future growth needs.

- 25
26 F. The proposed amendments will better achieve, comply with, and implement the following
27 goals, objectives, and policies contained in the County’s GMA Comprehensive Plan
28 (GMACP) – General Policy Plan (GPP):

29
30 GPP- Objective CF 10.A.5 - *“The County shall review and consider modifications to its*
31 *development regulations as necessary to facilitate school siting within urban growth*
32 *areas and discourage the location of middle and high schools outside of UGAs.”*

33
34 Allowing schools greater flexibility in increasing the capacity of their existing facilities
35 will reduce the likelihood that they will look outside urban areas for new school sites.

36
37 Policy ED 2.A.3 - *“To ensure timeliness, responsiveness, and increased efficiency, the*
38 *county shall develop and maintain a program of periodic review of the permitting*
39 *process to eliminate unnecessary administrative procedures that do not respond to legal*
40 *requirements for public review and citizen input.”*

1 Allowing schools greater flexibility in using the minor revision process eliminates an
2 unnecessary administrative procedure in the permitting process.

3
4 G. Procedural requirements.

- 5
6 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
7 respect to this non-project action have been satisfied through the completion of an
8 environmental checklist and the issuance of a determination of non-significance on
9 November 9, 2020.
10
11 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
12
13 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
14 transmitted to the Washington State Department of Commerce for distribution to state
15 agencies on October 30, 2020.
16
17 4. The public participation process used in the adoption of this ordinance complies with all
18 applicable requirements of the GMA and the SCC, including but not limited to, RCW
19 36.70A.035, RCW 36.70A.140, and chapter 30.73 SCC.
20
21 5. The Washington State Attorney General last issued an advisory memorandum, as
22 required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum:
23 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid
24 the unconstitutional taking of private property. The process outlined in the State
25 Attorney General’s 2018 advisory memorandum was used by Snohomish County in
26 objectively evaluating the regulatory changes proposed by this ordinance.
27

28 H. The proposed amendments are consistent with the record.

- 29
30 1. Existing regulations related to minor revisions to an approved CUP and height
31 allowances have presented a potential barrier to school facility development. The County
32 received comments from applicants that the existing regulations present challenges to
33 expanding school facilities to accommodate future student growth.
34
35 2. This ordinance increases the height exemption for schools and education institutions to a
36 maximum of 55 feet. This would allow schools sufficient room for a third story and
37 rooftop mechanical unit, and facilitate schools building up and making a more efficient
38 and economical use of the land.
39
40 3. This ordinance increases the thresholds for a minor revision to an approved CUP for a
41 school facility. The threshold for an allowed increase in gross floor area and for allowed
42 trip generation is increased to 20% for K-12 public, private, and parochial schools. These

1 increases will allow schools to more easily add capacity to their existing sites, and more
2 efficiently serve the needs of growing communities.

3
4 I. The proposed amendments are consistent with the PDS Staff Report to the Planning
5 Commission dated October 30, 2020.

6
7 Section 2. The County Council makes the following conclusions:

- 8
9 1. The amendments proposed by this ordinance comply with the GMA.
10
11 2. The amendments proposed by this ordinance comply with the Snohomish County
12 GMACP.
13
14 3. The proposal is consistent with Washington State law and Snohomish County Code.
15
16 4. The County has complied with all SEPA requirements in respect to this non-project
17 action.
18
19 5. The public participation process used in the adoption of this ordinance complies with all
20 applicable requirements of the GMA and title 30 SCC.
21
22 6. The amendments proposed by this ordinance do not result in an unconstitutional taking of
23 a private property for a public purpose.

24
25 Section 3. The Snohomish County Council bases its findings and conclusions on the
26 entire record of the County Council, including all testimony and exhibits. Any finding which
27 should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
28 adopted as such.

29
30 Section 4. Snohomish County Code Section 30.23.050, last amended by Amended
31 Ordinance 17-062 on October 18, 2017, is amended to read:

32
33 **30.23.050 Height requirements, exceptions and measuring height.**

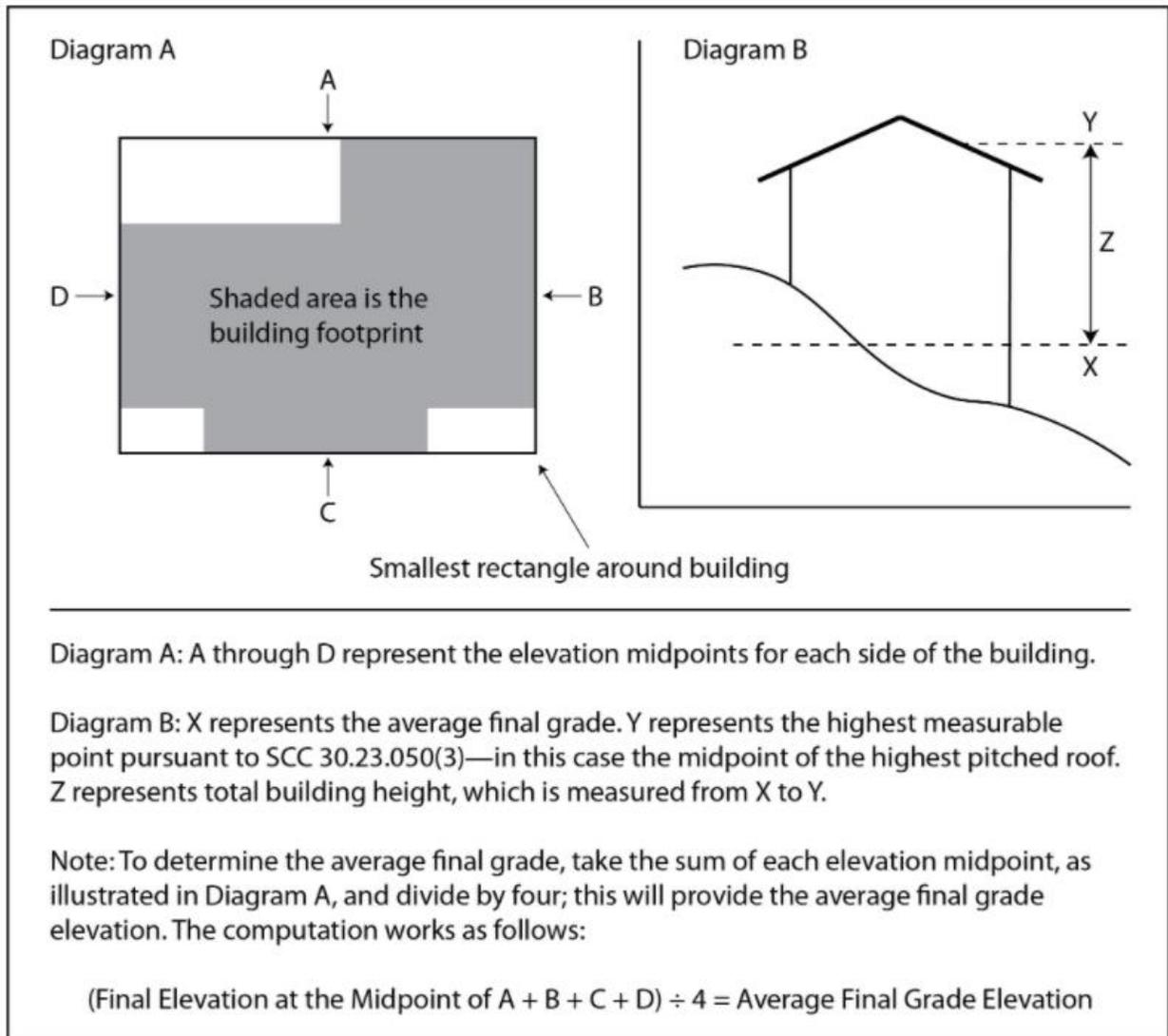
34
35 (1) The maximum height of buildings and structures shall be pursuant to the height standards in
36 SCC Tables 30.23.030 and 30.23.032, except as provided in subsection (2) of this section.

37 (2) The following shall be exempt from the maximum height standards, except structures and
38 uses located in an airport compatibility area are subject to the height review requirements of SCC
39 30.32E.060:

- 40 (a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys,
41 water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag
42 poles, towers and masts used to support commercial radio and television antennas,

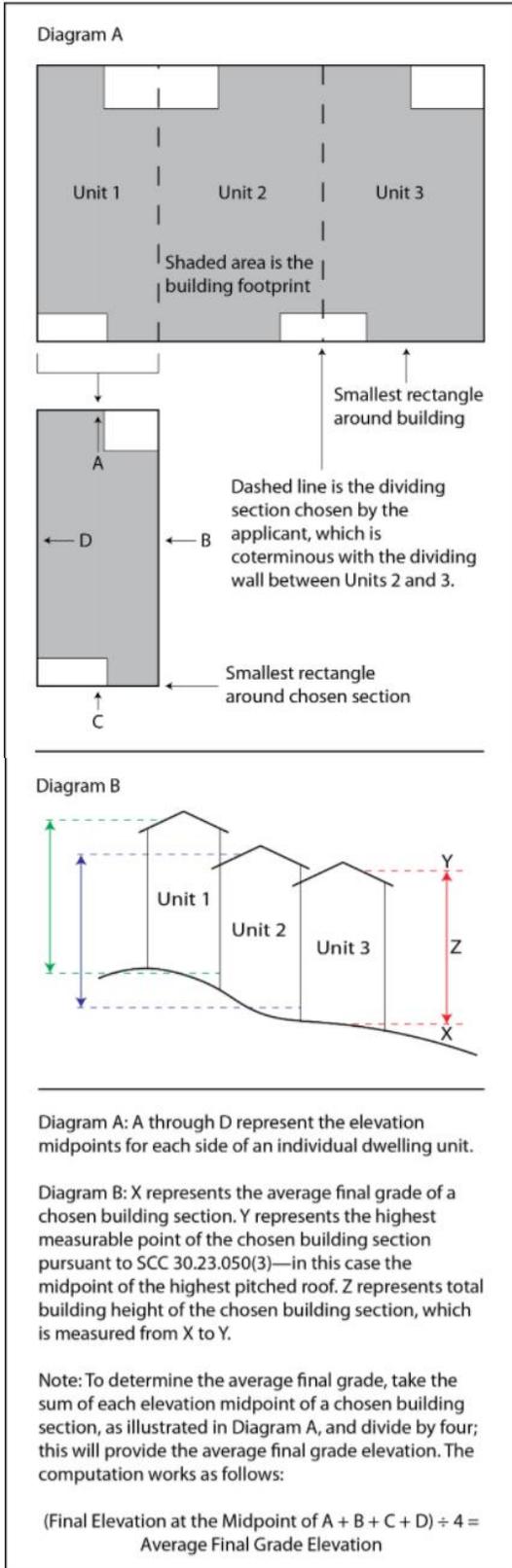
- 1 bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and
2 cement tanks and bunkers, and drive-in theater projection screens, provided they are
3 set back at least 50 feet from any adjoining lot line;
- 4 (b) Towers and masts used to support private antennas, provided they meet the minimum
5 setback of the zoning district in which they are located, and the horizontal array of the
6 antennas does not intersect the vertical plane of the property line;
- 7 (c) Towers, masts or poles supporting electric utility, telephone or other communication
8 lines;
- 9 (d) Schools and educational institutions; provided, that:
- 10 (i) The use was approved as part of a conditional use permit;
- 11 (ii) A maximum building height of ~~((45))~~ 55 feet is not exceeded; and
- 12 (iii) Any portion of any building exceeding the underlying zoning maximum
13 height standard is set back at least 50 feet from all of the site's perimeter lot
14 lines; and
- 15 (e) Aircraft hangars located within any industrial zone; provided, that the hangar is set
16 back at least 100 feet from any non-industrial zone.
- 17 (3) Building height shall be measured as the vertical distance from the average final grade to the
18 highest point of a flat roof, or to the deck line of a mansard roof, or to the average height of the
19 highest gable of a pitch or hip roof.
- 20 (4) Calculation of the average final grade shall be made by drawing the smallest rectangle
21 possible that encompasses the entire building area as shown in SCC Figure 30.23.050(1) and
22 averaging the elevations at the midpoint of each side of the rectangle. When a structure that is to
23 be fully partitioned with internal dividing walls separating individual dwelling units from each
24 other from ground to sky, the applicant may request a modification of the measurement by
25 evaluating maximum height based upon individual sections to respond to topography of the site
26 as follows:
- 27 (a) Drawing the smallest rectangle possible that encompasses the entire building area;
- 28 (b) Dividing one side of the rectangle, as chosen by the applicant, into sections equal to
29 the internal dividing walls that fully separate individual dwelling units from each
30 other using lines that are perpendicular to the chosen side of the rectangle;
- 31 (c) The sections delineated in subsection (4)(b) of this section must extend vertically
32 from ground to sky; and
- 33 (d) The maximum height for each section of the structure is measured from the average
34 final grade for that section of the structure, which is calculated as the average
35 elevation at the midpoints of each side of the rectangle for each section of the
36 structure, as illustrated in SCC Figure 30.23.050(2).
- 37 (5) Fill shall not be used to raise the average final grade more than five feet above the existing
38 grade of any dwelling located within 50 feet on adjoining properties, as illustrated in SCC Figure
39 30.25.050(3); provided, that the provisions of this subsection (5) shall not apply to residential
40 development subject to chapters 30.23A and 30.41G SCC.

41
42 **Figure 30.23.050(1). Calculating Average Final Grade and Determining Height**



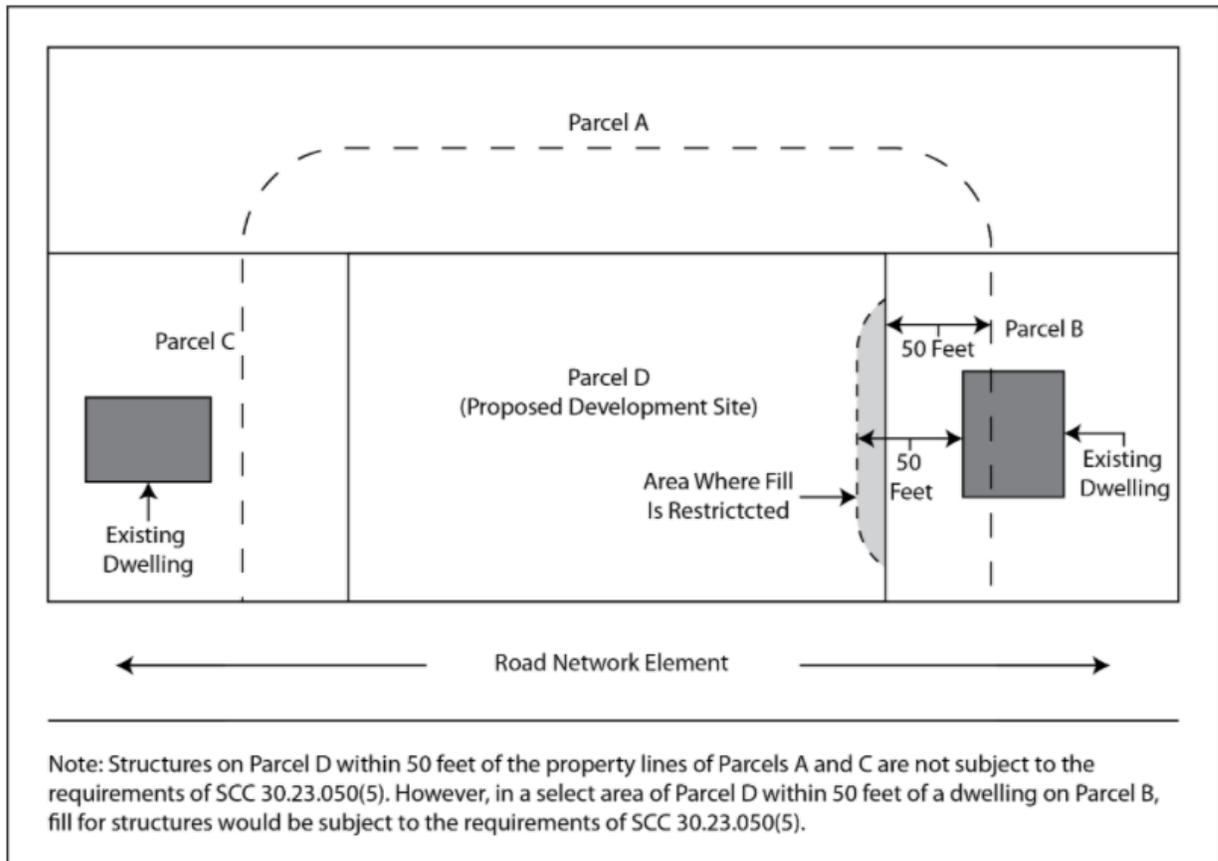
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Figure 30.23.050(2). Calculating Average Final Grade and Determining Height for Portions of a Fully Partitioned Attached Single-Family Structure



1

Figure 30.23.050(3) Restrictions on Using Fill to Alter Average Final Grade



2

3

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

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

12

13 Section 5. Snohomish County Code Section 30.70.210, last amended by Amended
14 Ordinance No. 17-062 on October 18, 2017, is amended to read:

15

16 **30.70.210 Minor revisions to approved development applications.**

17

18 The purpose and intent of this section is to provide an administrative process for minor revisions
19 to approved development applications. For the purposes of this section, approved development

1 applications shall include preliminary approval for subdivisions and short subdivisions and final
2 approval prior to construction for all other development applications.

3 (1) The minor revision process is applicable to any approved Type 1 and Type 2 development
4 application where an applicant requests a minor revision of the approved plans, except site plans
5 submitted under SCC 30.28.086 and 30.28.105.

6 (2) Revisions to mixed-use and urban center development applications shall be considered
7 nonresidential development applications for the purposes of this section.

8 (3) A minor revision to an approved residential development application is limited to the
9 following when compared to the original development application, provided that there shall be
10 no change in the proposed type of development or use:

11 (a) Short subdivisions shall be limited to no more than one additional lot.

12 (b) Subdivisions, single-family detached unit developments, cottage housing, mixed
13 townhouse, townhouse, and multiple family developments shall be limited to the
14 lesser of:

15 (i) A 10 percent increase in the number of lots or units; or

16 (ii) An additional 10 lots or units.

17 (c) A reduction in the number of lots or units.

18 (d) A change in access points may be allowed when combined with subsection (3)(a) or
19 (b) of this section or as a standalone minor revision provided that it does not change
20 the trip distribution. No change in access points that changes the trip distribution can
21 be approved as a minor revision.

22 (e) A change to the project boundaries required to address surveying errors or other
23 issues with the boundaries of the approved development application, provided that the
24 number of lots or units cannot be increased above the number that could be approved
25 as a minor revision to the original approved development application on the original
26 project site before any boundary changes.

27 (f) A change to the internal lot lines that does not increase lot or unit count beyond the
28 amount allowed for a minor revision.

29 (g) A change in the aggregate area of designated open space that does not decrease the
30 amount of designated open space by more than:

31 (i) Ten percent for developments located within an urban growth area; or

32 (ii) Twenty percent for developments located outside of an urban growth area.

33 Under no circumstances shall the amount of designated open space be decreased
34 to an amount that is less than that required by code.

35 (h) A change not addressed by the criteria in subsections (3)(a) through (g) of this section
36 which does not substantially alter the character of the approved development
37 application or site plan and prior approval.

38 (4) A minor revision to an approved nonresidential development application is limited to the
39 following when compared to the original development application, provided that there is no
40 change in the proposed type of development or use ~~((and))~~ and no more than a 10 percent increase
41 in trip generation, except a 20 percent increase in trip generation is allowed for K-12 public,
42 private, and parochial schools:

- 1 (a) A utility structure shall be limited to no more than a 400-square-foot increase in the
2 gross floor area.
- 3 (b) All other structures shall be limited to no more than a ~~(-10 percent increase in the~~
4 ~~gross floor area)~~);
- 5 (i) 20 percent increase in the gross floor area for K-12 public, private, and
6 parochial schools; or
- 7 (ii) 10 percent increase in the gross floor area for all other nonresidential uses.
- 8 (c) A change in access points when combined with subsection (4)(a) or (b) of this section
9 or as a standalone minor revision.
- 10 (d) A change which does not substantially alter the character of the approved
11 development application or site plan and prior approval.
- 12 (5) A minor revision may be approved subject to the following:
- 13 (a) An application for a minor revision shall be submitted on forms approved by the
14 department. An application for a minor revision shall not be accepted if a variance is
15 required to accomplish the change to the approved development.
- 16 (b) An application for a minor revision shall be accompanied by any fees specified in
17 chapter 30.86 SCC.
- 18 (c) An application for a minor revision shall require notification of the relevant county
19 departments and agencies.
- 20 (d) An application for a minor revision shall be subject to the development regulations in
21 effect as of the date the original development application was determined to be
22 complete.
- 23 (e) The director shall grant approval of the request for a minor revision if it is determined
24 that the minor revision does not substantially alter:
- 25 (i) The previous approval of the development application;
- 26 (ii) The final conditions of approval; or
- 27 (iii) The public health, safety and welfare.
- 28 (f) A minor revision shall be properly documented as a part of the records for the
29 approved development application.
- 30 (g) A minor revision does not extend the life or term of the development application
31 approval and concurrency determination, which shall run from the original date of:
- 32 (i) Preliminary approval for subdivisions or short subdivisions; or
- 33 (ii) Approval for all other development applications.
- 34 (6) The final determination of what constitutes a minor revision shall be made by the director.
35

36 Section 6. Severability and Savings. If any section, sentence, clause or phrase of this
37 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
38 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
39 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
40 ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is
41 held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
42 clause or phrase in effect prior to the effective date of this ordinance shall be in full force and

1 effect for that individual section, sentence, clause or phrase as if this ordinance had never been
2 adopted.

3
4 PASSED this 7th day of April, 2021.

6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington

9
10 
11 Megan Dunn
12 Council Acting Chair

13 ATTEST:

14 
15 _____
16 Debbie Eco, CMC
17 Clerk of the Council

- 18
19 (X) APPROVED
20 () EMERGENCY
21 () VETOED

22 DATE: 4/12/2021

23 
24 _____
25 County Executive

26 ATTEST:

27 
28 _____

29 Approved as to form only:

30
31 **Christina** Digitally signed by
32 **Richmond** Christina Richmond
33 Date: 2021.01.28
34 Deputy Prosecuting Attorney 11:29:59 -08'00'

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