

Index of Records					
Density Fringe Ordinance 24-056 (2024-1355)					
Hearing Date: Wednesday, August 14, 2024 @10:30 a.m.					
Council Staff: Ryan Countryman		PDS Staff: Hilary McGowan		DPA: Christina Richmond	
Click on exhibit number to view document					
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	11/28/23	Hilary McGowan, PDS Staff	Briefing to Planning Commission: Proposed Code Amendments realting to Density Fringe Exemptions	8
2.0014	Letter	03/10/23	Planning Commission	Planning Commission Recommendation	3
3.1 ECAF and Materials					
3.1.001	ECAF	06/26/24	Executive/PDS	Transmitting Executive initiated Ordinance	2
3.1.002	Ordinance	06/26/24	Executive/PDS	Introduced Ordinance	11
3.1.003	Introduction	06/26/24	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	07/16/24	Ryan Countryman, Council Staff	Council Staff Report	3
3.2.002	Presentation	07/16/24	Hilary McGowan, PDS Staff	PowerPoint Council Breifing Presentation	19 slides
3.2.003	Minutes	07/16/24	Council Staff	Link to Minutes and Video of Planning and Community Development Committee Meeting 07/16/24	1

3.3 Correspondence, Comments, Testimony					
3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.6 Council Deliberations					

Index of Records					
Project Name		Density Fringe			
Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0001	Project Administration	7/20/2022	PDS Staff	Request for Code Amendment	1
1.0002	Project Administration	8/30/2022	PDS Staff	Request for PA Assistance	1
1.0003	Public Comment	2/28/2023	Harvey, Kandance	Public Testimony	3
1.0004	Public Comment	2/27/2023	Reiersgard, Gary	Public Testimony	7
1.0005	Public Comment	2/27/2023	Reiersgard, Gary	Public Testimony	2
1.0006	Public Comment	12/6/2022	Brandstetter, Gary	Public Inquiries	1
1.0007	Public Comment	2/28/2023	Eidem, Brooke	Public Testimony	1
1.0008	Public Outreach	5/3/2022	PDS Staff	Public Participation Plan	2
1.0009	SEPA Documents	11/28/2022	PDS Staff	Signed Determination of Nonsignificance	2
1.0010	SEPA Documents	11/28/2022	PDS Staff	Determination of Nonsignificance	2
1.0011	SEPA Documents	11/28/2022	PDS Staff	Confirmation of DNS Postcard Order	1
1.0012	SEPA Documents	11/28/2022	PDS Staff	Environmental Checklist	20
1.0013	SEPA Documents	11/28/2022	PDS Staff	Determination of Nonsignificance Herald Notice	2
1.0014	SEPA Documents	11/28/2022	PDS Staff	Determination of Nonsignificance and Checklist	22
1.0015	SEPA Documents	11/28/2022	PDS Staff	Postcard SEPA Notification	1
1.0016	SEPA Documents	11/28/2022	PDS Staff	SEPA Notification Postcard Proof	6
1.0017	Staff Research	11/5/2013	PDS Staff	FEMA Flood Insurance Study	166
1.0018	Staff Research	11/8/2022	PDS Staff	Flood Hazard Management Issues	7
1.0019	Staff Research	11/8/2022	PDS Staff	Flood Hazard Areas	5
1.0020	Staff Research	11/9/2022	PDS Staff	2019 FEMA Density Fringe & Flood Hazard Zones Map	1
1.0021	Staff Research	10/31/2013	PDS Staff	Title 18 Zoning Code 1983-19627	483
1.0022	Staff Research	11/1/2013	PDS Staff	Title 18 Zoning Code 19849	310
1.0023	Staff Research	11/9/2022	PDS Staff	Ordinance No. 20-076	47
1.0024	Staff Research	11/9/2022	PDS Staff	2019 FEMA Density Fringe Map	1
*Contact the Clerk of the Council for copies of part 1 Exhibits - 425-388-3494 or contact.council@snoco.org					

Index of Records					
Project Name		Density Fringe			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	12/12/2023	Planning Commission	Planning Commission Agenda (Briefing)	3
2.0002	Public Outreach	12/13/2023	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	3
2.0003	Legislative Documents	11/28/2022	PDS Staff	Staff Report (Briefing)	8
2.0004	Public Outreach	12/6/2022	PDS Staff	Presentation (Briefing)	19
2.0005	Public Outreach	1/25/2023	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	4
2.0006	Public Outreach	12/14/2022	Planning Commission	Planning Commission Recording of Meeting (Briefing)	N/A
2.0007	Public Outreach	1/10/2023	Planning Commission	Planning Commission Agenda (Hearing)	3
2.0008	Public Outreach	1/24/2023	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	3
2.0009	Legislative Documents	1/10/2023	PDS Staff	Staff Report (Hearing)	3
2.0010	Public Outreach	1/19/2023	PDS Staff	Presentation (Hearing)	10
2.0011	Public Outreach	3/1/2023	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	3
2.0012	Public Outreach	1/25/2023	Planning Commission	Planning Commission Meeting Recording (Hearing)	N/A
2.0014	Public Outreach	3/17/2023	Planning Commission	Recommendation Letter to Council	3
2.0015	Public Testimony	1/12/2023	Reiersgard, Gary	Letter of Public Testimony	7
2.0016	Public Testimony	1/20/2023	Reiersgard, Gary	Letter of Public Testimony	2
2.0017	Public Outreach	2/23/2023	Planning Commission	Planning Commission Agenda(Hearing Continued)	3
2.0018	Public Outreach	2/28/2023	Planning Commission	Affidavit of Agenda publication in the Herald (Hearing Continued)	3
2.0019	Legislative Documents	2/14/2023	PDS Staff	Staff Report (Hearing Continued)	4
2.0020	Public Outreach	2/22/2023	PDS Staff	Presentation (Hearing Continued)	13
2.0021	Public Outreach	3/29/2023	Planning Commission	Planning Commission Written Meeting Minutes (Hearing Continued)	6
2.0022	Public Outreach	3/1/2023	Planning Commission	Planning Commission Recording of Meeting (Hearing Continued)	N/A
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Adopted:

Effective:

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

ORDINANCE NO. 24-056

RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.65 SCC AND CHAPTER 30.86
SCC; CONCERNING DENSITY FRINGE EXCEPTIONS

WHEREAS, counties and cities that are required to plan under the Growth Management Act (GMA), chapter 36.70A RCW, must encourage economic development that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, promote the retention and expansion of existing businesses and recruitment of new businesses, all within the capacities of the state’s natural resources, public services, and public facilities; and

WHEREAS, the Snohomish County (“County”) GMA Comprehensive Plan (GMACP) - General Policy Plan (GPP) includes policies that encourage land use activities and development intensities that minimize impacts upon critical areas; and

WHEREAS, the County became a member of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) in 1984 and adopted flood hazard regulations and Flood Insurance Rate Maps (FIRMs) that determine how much more development can occur in the floodplain without increasing the base flood level elevation by more than one foot; and

WHEREAS, the FIRMs were initially produced by FEMA in a Flood Insurance Study for unincorporated Snohomish County published on September 15, 1983 (“1983 Flood Insurance Study”), which investigated the existence and severity of flood hazards, analyzing data from existing conditions of development within the identified floodplains; and

WHEREAS, data for the 1983 Flood Insurance Study was initially solicited from Snohomish County jurisdictions in 1975, and the study results were reviewed by FEMA in 1981; and

WHEREAS, the County revised the Title 18 Snohomish County Zoning Code in 1984 to establish floodplain development regulations and a special flood hazard area; and

WHEREAS, the density fringe area was included as a classification within the special flood hazard area, and identified areas of high flood damage potential where conventional floodway areas could not be established; and

1 WHEREAS, the “density fringe area” is defined in Snohomish County Code (SCC) 30.91D.100 as
2 “that portion of special flood hazard area of the lower Snohomish and Stillaguamish rivers in which
3 floodway areas cannot reasonably be established and in which development is regulated by maximum
4 development density criteria”; and
5

6 WHEREAS, under the Snohomish County Zoning Code Chapter 27.36 in effect in 1984, the
7 density fringe area development regulations specified maximum allowable density (SCC 27.36.030) and
8 maximum allowable obstruction of development (SCC 27.36.040) in a parcel; and
9

10 WHEREAS, maximum allowable density and obstruction limitations for the density fringe are
11 now found in SCC 30.65.250 and 30.65.255 and are colloquially referred to as the “two and fifteen”
12 development regulations because the maximum allowable density is limited to two percent of the land
13 area of the portion of the lot in the density fringe area and the maximum allowable obstruction is
14 limited to 15 percent of the length of a line perpendicular to floodwater flow direction at the point
15 where the development is located; and
16

17 WHEREAS, the density fringe area regulations in chapter 30.65 SCC (Special Flood Hazard Areas)
18 have been updated several times as new FEMA Flood Insurance Studies have been published, the most
19 recent of which was published on June 19, 2020; and
20

21 WHEREAS, Ordinance No. 20-076 adopted the 2020 FEMA Flood Insurance Study and updated
22 the County’s special flood hazard regulations, amending chapters 30.43C and 30.65 and subtitle 30.9 of
23 the SCC; and
24

25 WHEREAS, Ordinance No. 20-076 revised density fringe area permitted uses in SCC 30.65.280 to
26 expand the permitted and conditionally permitted uses in portions of the density fringe area that
27 coincide with an urban growth area to allow certain uses that would be allowed in the underlying zone;
28 and
29

30 WHEREAS, these additional permitted uses are specified in SCC 30.65.280(14) and include
31 permitted or conditionally permitted uses in the underlying zones under SCC 30.22.100 as long as the
32 “two and fifteen” development regulations in SCC 30.65.250 and 30.65.255 are met; and
33

34 WHEREAS, the changes to chapter 30.65 SCC made in Ordinance No. 20-076 prompted a request
35 from the community to have the flexibility to redevelop and modify certain properties within the density
36 fringe area; and
37

38 WHEREAS, SCC 30.65.260 provides a list of exceptions from the maximum allowable density and
39 obstruction limitations; and
40

41 WHEREAS, this ordinance amends SCC 30.65.260 to add an exception from the maximum
42 allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255 for proposed
43 development in special flood hazard areas when the square footage and width of the proposed

1 development is offset by the square footage and width of the uses or development on the site that were
2 accounted for in the 1983 Flood Insurance Study but no longer exist or will not exist prior to
3 commencing construction of the proposed development; and
4

5 WHEREAS, under the amendments in this ordinance any further development beyond what was
6 accounted for in the 1983 Flood Insurance Study will continue to be subject to density fringe area
7 regulations, and all development, including development relying on the square footage and width credit,
8 is subject to density fringe development regulations in SCC 30.65.270; and
9

10 WHEREAS, the square footage and width credit may only be used one time per site regardless of
11 the number of uses or development that may be eligible; and
12

13 WHEREAS, the square footage and width credit allows property owners greater flexibility while
14 sustaining the allowance in the original 1983 Flood Insurance Study and subsequent Flood Insurance
15 Studies for a one-foot rise from the base flood level elevation; and
16

17 WHEREAS, utilizing the square footage and width credit to redevelop or replace existing
18 structures promotes the replacement of older structures with redeveloped structures that are subject to
19 all current building standards, which provide for additional flood protection measures and more
20 stringent restrictions on environmental impacts from building materials; and
21

22 WHEREAS, on December 13, 2022, the Snohomish County Planning Commission (the “Planning
23 Commission”) was briefed by PDS staff about the proposed code amendments contained in this
24 ordinance; and
25

26 WHEREAS, the Planning Commission held a public hearing on January 24, 2023, and on February
27 28, 2023, to receive public testimony concerning the proposed code amendments contained in this
28 ordinance; and
29

30 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
31 Commission deliberated on the proposed ordinance and voted to recommend approval of code
32 amendments relating to density fringe as shown in its approval letter dated March 10, 2023; and
33

34 WHEREAS, on _____, 2024, the Snohomish County Council (“County Council”) held a
35 public hearing after proper notice, and considered public comment and the entire record related to the
36 code amendments contained in this ordinance; and
37

38 NOW, THEREFORE, BE IT ORDAINED:
39

40 Section 1. The County Council adopts the following findings in support of this ordinance:
41

42 A. The foregoing recitals are adopted as findings as if set forth in full herein.
43

- 1 B. This ordinance amends SCC 30.65.250 to amend the reference to the exceptions list in SCC
2 30.65.260 for consistency with the amendments in SCC 30.65.260.
3
- 4 C. This ordinance amends SCC 30.65.255 to amend the reference to the exceptions list in SCC
5 30.65.260.
6
- 7 D. This ordinance amends SCC 30.65.260 to add an exception to the maximum allowable density and
8 obstruction limitations of SCC 30.65.250 and 30.65.255 that would allow for greater flexibility for
9 development within the density fringe area while sustaining flood mitigation requirements. The
10 code amendment allows the square footage and width of the development that was accounted for
11 in the 1983 Flood Insurance Study to be utilized as a one-time credit for future development. The
12 square footage and width credit is to benefit and provide an exception for proposed future
13 development from the maximum allowable density and obstruction limitations (the “two and
14 fifteen” development regulations in SCC 30.65.250 and 30.65.255), not existing or former structures.
15 This code amendment requires that the applicant demonstrate that their uses or development were
16 accounted for in the 1983 Flood Insurance Study and, if the proposed development is authorized,
17 that the applicant record this one-time credit utilization with the Snohomish County Auditor’s
18 Office. This one-time credit utilization allows property owners greater flexibility while sustaining the
19 allowance in the original 1983 Flood Insurance Study and subsequent Flood Insurance Studies for a
20 one-foot rise from the base flood level elevation. Utilizing the one-time credit to redevelop existing
21 buildings promotes the replacement of existing structures with redeveloped structures that are
22 subject to all current building standards, which provide for additional flood protection measures and
23 more stringent restrictions on environmental impacts from building materials. The code amendment
24 only allows for the credit to be used one time and on one site regardless of the number of uses or
25 development accounted for in the 1983 Flood Insurance Study, and any remaining credit not used
26 with the application is forfeited. Fill is not to be included in the one-time credit calculations and the
27 one-time credit cannot be transferred to another site.
28
- 29 E. This ordinance amends SCC 30.86.300 to add a fee for processing the density fringe exception
30 applications. Applications will be subject to a new “Density Fringe Exception Application” fee of
31 \$500. This fee offsets the costs associated with processing these complex applications. This fee
32 amount was calculated utilizing the same methodology as used for Ordinance No. 21-048 in 2021
33 that updated development permit fees. Staff hourly rates for establishing this Density Fringe
34 Exception Application fee are from 2024, instead of the 2020 fee rates used in Ordinance No. 21-
35 048. The \$500 fee was based off an estimated 3.2 hours of staff time necessary to intake and
36 process each Density Fringe Exception Application.
37
- 38 F. In developing the proposed amendments, the County considered the following GMA goals:
39
- 40 GMA Goal 5 - Economic development. Encourage economic development throughout the state
41 that is consistent with adopted comprehensive plans, promote economic opportunity for all
42 citizens of this state, especially for unemployed and for disadvantaged persons, promote the
43 retention and expansion of existing businesses and recruitment of new businesses, recognize

1 regional differences impacting economic development opportunities, and encourage growth in
2 areas experiencing insufficient economic growth, all within the capacities of the state’s natural
3 resources, public services, and public facilities.
4

5 The proposed amendments support the economic development goal by allowing the redevelopment
6 of certain uses within the density fringe area which were recently expanded through Ordinance No.
7 20-076. Allowing for redevelopment promotes the retention and expansion of businesses while
8 continuing to protect and preserve the natural environment.
9

10 GMA Goal 10 – Environment. Protect the environment and enhance the state’s high quality of
11 life, including air and water quality, and the availability of water.
12

13 The proposed amendments ensure that redevelopment of certain permitted uses would be subject
14 to existing development standards as well as the rigorous environmental protections within chapter
15 30.65 SCC.
16

- 17 G. The proposed amendments are consistent with the following multicounty planning policies (MPPs)
18 from Puget Sound Regional Council VISION 2050:
19

20 MPP-En-5 – Locate development in a manner that minimizes impacts to natural features.
21 Promote the use of innovative environmentally sensitive development practices, including
22 design, materials, construction, and on-going maintenance.
23

24 The proposed changes encourage redevelopment of permitted uses within the density fringe area,
25 allowing for new construction to be held to the current development standards that minimize
26 impacts to natural features and floodways.
27

28 MPP-DP-46 - Support and provide incentives to increase the percentage of new development
29 and redevelopment—both public and private—to be built at higher-performing energy and
30 environmental standards.
31

32 The proposed amendments promote the redevelopment of structures that existed prior to 1984,
33 which would encourage redevelopment in existing building footprints. The proposed changes also
34 encourage certain older buildings to be redeveloped and meet existing permitting and development
35 standards.
36

- 37 H. The proposed amendments are consistent with the following Snohomish County Countywide
38 Planning Policies (CPPs):
39

40 CPP-DP-33 - Jurisdictions should minimize the adverse impacts on resource lands and critical
41 areas from new developments through the use of environmentally sensitive development and
42 land use practices.
43

1 The proposed changes better allow for the redevelopment of buildings that are subject to existing
2 permitting and development standards. These development standards require construction to use
3 more environmentally sensitive materials in addition to standards that better protect the floodways.
4

5 CPP-ED-9 - As appropriate, the County and cities should adopt plans, policies, and regulations
6 that preserve designated industrial, commercial, agricultural, and resource land base for long-
7 term regional economic benefit.
8

9 The proposed amendments support the preservation of existing development of permitted uses,
10 which include businesses that create a regional economic benefit, through encouraging
11 redevelopment of permitted commercial and agricultural structures within the density fringe area.
12

- 13 I. The proposed amendments are consistent with and help implement a number of policies contained
14 within the County’s GMACP GPP. The code amendments in this ordinance are consistent with the
15 following objectives and policies:
16

17 Objective LU 6.B - Encourage land use activities and development intensities that protect the
18 character of rural areas, avoid interference with resource land uses, minimize impacts upon
19 critical areas, and allow for future expansion of UGAs. (See the resource sections of the land use
20 element for protection of resource lands and the natural environment element for protection of
21 critical areas.)
22

23 The proposed code changes better serve the density fringe area by minimizing impacts on the
24 floodway and other critical areas. Redevelopment would also reduce pressure for future UGA
25 expansion.
26

27 Objective NE 1.A - Balance the protection of the natural environment with economic growth,
28 housing needs, and the protection of property rights.
29

30 The proposed amendments allow for redevelopment that enhances economic growth while
31 ensuring the protection and maintenance of the floodway within the density fringe area.
32

33 Objective NE 3.A.1 – The county shall designate and protect critical areas including fish and
34 wildlife habitat conservation areas, wetlands, critical aquifer recharge areas, frequently flooded
35 areas, and geologically hazardous areas and include best available science in the development of
36 programs, policies, and regulations relating to critical areas.
37

38 Policy NE 3.D.2 - The county shall allow only those developments and land uses in floodplains
39 that are compatible with floodplain processes.
40

41 The proposed changes promote redevelopment within the floodplains, which would update
42 buildings to reflect existing development regulations that are more environmentally rigorous and

1 protect critical areas. The building footprints were accounted for in the 1983 Flood Insurance Study
2 that measured the 100-year floodplain and would not additionally impact floodplain processes.

3
4 J. Procedural requirements.

- 5
6 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC
7 30.73.010.
8
9 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments
10 was transmitted to the Washington State Department of Commerce for distribution to state
11 agencies on November 30, 2022.
12
13 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
14 non-project action have been satisfied through the completion of an environmental checklist
15 and the issuance of a determination of non-significance on November 30, 2022.
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 36.70A.035,
19 RCW 36.70A.140, and chapter 30.73 SCC.
20
21 5. The Planning Commission was briefed on the proposed amendments at its December 13, 2022,
22 meeting and conducted a public hearing on the proposed amendments at its January 24, 2023,
23 and February 28, 2023, meetings, resulting in its letter of March 10, 2023, recommending
24 approval of the code amendments contained in this ordinance.
25
26 6. The Washington State Attorney General last issued an advisory memorandum, as required by
27 RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum: Avoiding
28 Unconstitutional Takings of Private Property" to help local governments avoid the
29 unconstitutional taking of private property. The process outlined in the State Attorney
30 General's 2018 advisory memorandum was used by Snohomish County in objectively evaluating
31 the regulatory changes proposed by this ordinance.
32

33 K. This ordinance is consistent with the record.

- 34
35 1. FEMA produced a Flood Insurance Study (FIS) for Snohomish County, Washington
36 Unincorporated Areas, dated September 15, 1983. The 1983 Flood Insurance Study investigated
37 the existence and severity of flood hazards, analyzing data from the existing conditions of
38 development within the identified floodplains, and established the base flood elevation.
39 Floodplain development regulations were created to prevent a cumulative increase in the base
40 flood elevation of more than one foot. The density fringe area was created as a component of
41 the Special Flood Hazard Areas when Snohomish County became a member of the National
42 Flood Insurance Program (NFIP) administered by FEMA and adopted flood hazard regulations
43 and mapping in 1984.
44

- 1 2. Snohomish County made changes in code that allow certain businesses within the density fringe
2 area to have additional uses that are non-agricultural. Ordinance No. 20-076 adopted the most
3 recent Flood Insurance Rate Maps (FIRMs) and revised the density fringe area permitted uses
4 (SCC 30.65.280) to expand the list of permitted and conditionally permitted uses in the portions
5 of the density fringe area that coincide with an urban growth area to allow certain uses that
6 would be allowed in the underlying zone. These changes then led to a request from the
7 community to have the flexibility to redevelop and modify certain properties within the density
8 fringe area.
9
- 10 3. The code amendments proposed by this ordinance allow an exception from the maximum
11 allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255 for development
12 square footage and width that was accounted for in the 1983 Flood Insurance Study.
13
- 14 4. The code amendments proposed by this ordinance create a new “Density Fringe Exception
15 Application” fee of \$500 to be located in Table SCC 30.86.300.
16

17 Section 2. The County Council makes the following conclusions:
18

- 19 A. The proposal complies and is consistent with the GMA, Washington State law, and the SCC.
20
- 21 B. The proposal complies and is consistent with the GMACP.
22
- 23 C. The County has complied with all SEPA requirements with respect to this non-project action.
24
- 25 D. The public participation process used in the adoption of this ordinance complies with all applicable
26 requirements of the GMA and title 30 SCC.
27
- 28 E. The amendments proposed by this ordinance do not result in an unconstitutional taking of private
29 property for a public purpose.
30

31 Section 3. The Snohomish County Council bases its findings and conclusions on the entire record
32 of the County Council, including all testimony and exhibits. Any finding, which should be deemed a
33 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
34

35 Section 4. Snohomish County Code Section 30.65.250, last amended by Amended Ordinance No.
36 02-064 on December 9, 2002, is amended to read:
37

38 **30.65.250 Density fringe area: maximum allowable density.**
39

40 The land area occupied by any use or development permitted by this chapter that will displace
41 floodwaters shall not exceed two percent of the land area of that portion of the lot located in the
42 density fringe area. The limitations of this section shall not apply to (~~those uses~~) the exceptions and
43 exemptions listed in SCC 30.65.260.
44

1 Section 5. Snohomish County Code Section 30.65.255, last amended by Amended Ordinance No.
2 02-064 on December 9, 2002, is amended to read:

3
4 **30.65.255 Density fringe area: maximum allowable obstruction.**

5
6 The maximum width (sum of widths) of all new construction, substantial improvements or other
7 development shall not exceed 15 percent of the length of a line drawn perpendicular to the known
8 floodwater flow direction at the point where the development(s) is located. The length of said line shall
9 not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The
10 limitations of this section shall not apply to ~~((those uses))~~ the exceptions and exemptions listed in SCC
11 30.65.260.

12
13 Section 6. Snohomish County Code Section 30.65.260, last amended by Amended Ordinance No.
14 02-064 on December 9, 2002, is amended to read:

15
16 **30.65.260 Density fringe area: exceptions to maximum allowable density and obstruction limitations.**

17
18 (1) The following uses shall be exempt from the maximum allowable density and obstruction
19 limitations of SCC 30.65.250 and 30.65.255:

20 ~~((1))~~ (a) Water-dependent utilities;

21 ~~((2))~~ (b) Dikes;

22 ~~((3))~~ (c) Utility facilities; and

23 ~~((4))~~ (d) Public works, when the project proponent demonstrates that the floodwater displacement
24 effects of the proposal when considered together with the maximum potential floodwater displacement
25 allowed by SCC 30.65.250 and 30.65.255 shall not cause a cumulative increase in the base flood
26 elevation of more than one foot. Floodwater displacement information shall be obtained and certified
27 by a professional engineer.

28 (2) There shall be an exception for proposed "development in special flood hazard areas" from the
29 maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255 if the square
30 footage and width of proposed development is offset by the square footage and width of the uses or
31 development on the site that were accounted for in the "Flood Insurance Study (FIS) for Snohomish
32 County, Washington Unincorporated Areas" dated September 15, 1983, and such uses or development
33 no longer exists or will not exist prior to commencing construction of the proposed "development in
34 special flood hazard areas." The following apply to any application for the exception under SCC
35 30.65.260(2):

36 ~~—(a) The applicant shall submit an application for the exception under SCC 30.65.260(2) and pay the~~
37 ~~fee for a Density Fringe Exception Application as provided for in SCC 30.86.300;~~

38 ~~—(b) The applicant has the burden to demonstrate in its application that the square footage and width~~
39 ~~of the proposed "development in special flood hazard areas" were accounted for in the "Flood~~
40 ~~Insurance Study (FIS) for Snohomish County, Washington Unincorporated Areas" dated September 15,~~
41 ~~1983;~~

42 ~~—(c) The total "development in special flood hazard area" on a site may equal but never exceed the~~
43 ~~density and obstruction of the uses or development accounted for in the "Flood Insurance Study (FIS) for~~
44 ~~Snohomish County, Washington Unincorporated Areas" dated September 15, 1983;~~

- 1 (d) A site may only use the square footage and width credit one time regardless of the number of
- 2 uses or development that may be eligible;
- 3 (e) If only a portion of the square footage and width credit is used by an applicant any remaining
- 4 credit is forfeited for the site and shall not be utilized at a later date;
- 5 (f) Fill shall not be included in the square footage and width credit;
- 6 (g) The square footage and width credit cannot be transferred to another site; and
- 7 (h) After final approval by the County, the applicant shall record with the Auditor's office a notice in a
- 8 form approved by Planning and Development Services describing the utilization of the square footage
- 9 and width credit.

10
 11 Section 7. Snohomish County Code Section 30.86.300, last amended by Amended Ordinance No.
 12 22-073 on January 11, 2023, is amended to read:

13
 14 **30.86.300 Special flood hazard area permit fees.**

15
 16 **Table 30.86.300 Special Flood Hazard Area Permit Fees**

FLOOD HAZARD AREA PERMIT	\$1,050
FLOOD HAZARD AREA VARIANCE	See Table 30.86.230
PRE-APPLICATION CONFERENCE FEE	\$480
FLOOD HAZARD AREA DETERMINATION	\$300
FLOOD HAZARD PERMIT & FLOOD HAZARD VARIANCE APPLICATION EXTENSION⁽¹⁾	\$500
DENSITY FRINGE EXCEPTION APPLICATION	\$500
(1) This fee applies to Flood Hazard Permit and Flood Hazard Variance application extensions pursuant to SCC Table 30.70.140(1).	

17
 18 Section 8. Severability and Savings. If any section, sentence, clause or phrase of this ordinance
 19 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
 20 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
 21 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however,
 22 that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or
 23 court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the
 24 effective date of this ordinance shall be in full force and effect for that individual section, sentence,
 25 clause or phrase as if this ordinance had never been adopted.

26
 27 PASSED this _____ day of _____, 20__.

28
 29 SNOHOMISH COUNTY COUNCIL
 30 Snohomish County, Washington

31
 32
 33
 34 _____
 Council Chair

1 ATTEST:

2

3

4

5 _____
Asst. Clerk of the Council

6

7 () APPROVED

8 () EMERGENCY

9 () VETOED

DATE:

10

11

12

13

County Executive

14 ATTEST:

15

16

17

18 Approved as to form only:

19 Richmond,
20 Christina

Digitally signed by Richmond,
Christina
Date: 2024.06.07 08:14:00 -07'00'

21 _____
Deputy Prosecuting Attorney



Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

ECAF: 2024-1355

Ordinance: 24-056

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

Subject: Code Amendment – [Flood Hazard] Density Fringe.

EXHIBIT # 3.2.001

FILE ORD 24-056

Scope: Ordinance 24-056 would amend Chapters 30.65 and 30.86 SCC concerning density fringe exceptions.

Duration: N/A

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted:

None

Background:

The density fringe applies to portions of flood hazard areas in the Snohomish and Stillaguamish basins. Properties in the density fringe have tight restrictions on size of new building footprints – which are “density” in this context – and other obstructions that may contribute to increased flooding. Snohomish County developed its density fringe regulations in the early 1980s in cooperation with the Federal Emergency Management Administration (FEMA) as part of Snohomish County’s participation in the National Flood Insurance Program.

Ordinance 24-056 would allow a new once-time exception and add a fee for applying to use it to the density fringe requirements. This exception would allow credit for existing buildings or former buildings accounted for in a 1983 Flood Insurance Study that was relied on while developing the density fringe regulations. The effect of this exception would be to allow property owners to replace existing buildings or buildings that had existed in 1983 with new structures of like size in the density fringe areas. Details are in a Planning and Development Services (PDS) memo dated November 28, 2022, which is part of the agenda package. PDS will also be presenting on the ordinance during Planning and Community Development Committee on July 16, 2024.

Request:

Move Ord 24-056 to General Legislative Session on July 24 to set date and time for a hearing. Suggested: August 14, 2024, at 10:30 am.



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Hilary McGowan, Planner

SUBJECT: Proposed Code Amendments Relating to Density Fringe Exemptions

DATE: November 28, 2022

Dave Somers
County Executive

INTRODUCTION

The purpose of this staff report is to outline and provide information regarding a proposal to amend certain development restrictions for pre-1984 buildings within the density fringe, an area within the Special flood hazard area as shown on the Digital Flood Insurance Rate Maps. Flood Hazard Areas were originally assessed in 1983 for a Flood Insurance Study to be in compliance with the National Flood Insurance Program, and development regulations for flood hazard areas were codified in 1984. This proposed code amendment would allow pre-1984 building footprints' square footage to be exempt from density fringe regulations, as their building footprints' square footage was previously accounted for in the 1984 flood modelling study. Any additional development from the original pre-1984 building footprint square footage would still be subject to all density fringe area regulations. The proposed code would better allow for redevelopment of structures within the density fringe area that sustain flood mitigation requirements.

BACKGROUND

Snohomish County Planning and Development Services (PDS) staff have identified the need for greater flexibility in redeveloping and modifying buildings within the density fringe area that accounts for vested development.

The density fringe area is a part of the Digital Flood Insurance Rate Maps (DFIRMS) that allow for some development that is regulated by maximum density restrictions. The density fringe area defines how development was regulated within the Flood Hazard Areas (FHAs). The current definition of density fringe area comes from SCC 30.91D.100, which states: "'Density fringe area' means that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers in which floodway areas cannot reasonably be established and in which development is regulated by maximum development density criteria."

The National Flood Insurance Program (NFIP) is a federal program administered by the Federal Emergency Management Agency (FEMA) that was established to allow property owners in participating communities to purchase insurance protection against losses from flooding. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community adopts and enforces a floodplain management ordinance to reduce future flood risks to new

construction and substantial improvements in Special Flood Hazard Areas, the Federal Government will make flood insurance available within the community at a low cost.

On March 15, 1984, Snohomish County became a member of the NFIP and adopted flood hazard regulations and mapping. The NFIP required that the county create a mapping that determined how much more development could occur in the floodplain and will not increase the water surface elevation of the base flood by more than one foot. This mapping was included in the FEMA produced Flood Insurance Study for Unincorporated Snohomish County published on September 15, 1983. The Flood Insurance Study investigated the existence and severity of flood hazards, analysing data from existing conditions of development within the identified floodplains. Floodplain development regulations were created to prevent a cumulative increase in the base flood elevation of more than one foot.

These floodplain development regulations revised the 1982 Title 18 Snohomish County Zoning Code on February 27, 1984, via Ordinance No. 84-014. The Special flood hazard area was defined as being within the 100-year flood plain. The density fringe area was included as a classification within the special flood hazard area, that was identified by the NFIP Flood Insurance Study. Density fringe areas were identified as areas of high flood damage potential where conventional floodway areas could not be established. Development regulation criteria within the density fringe areas were created to foster the continued agricultural use of prime farmlands in density fringe areas and maintain an acceptable level of flood hazard protection.

Under the 1984 Title 27 Snohomish County Zoning Code Chapter 27.36, the density fringe area development regulations specified maximum allowable density (SCC 27.36.030) and maximum allowable obstruction of development (SCC 27.36.040) in a parcel. Chapter 27.36 SCC also discussed general provisions, permitted uses, prohibited uses, and exemptions. Maximum allowable density was defined as: "The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two (2) percent of the land area of that portion of the lot located in the density fringe area." Maximum allowable obstruction was defined as: "The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed fifteen (15) percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less." These two development regulations are colloquially identified as the 'two and fifteen' regulations.

The density fringe area regulations now reside within SCC Chapter 30.65 Special Flood Hazard Areas. The density fringe area has been updated several times in the past as new FEMA Insurance Studies have been made available. The most recent Flood Insurance Study that updated Chapter 30.65 SCC was dated June 19, 2020. The Flood Insurance Rate Maps delineates areas of special flood hazards and provides updates to Snohomish County special flood hazard area maps. Development criteria for the density fringe areas are contained in maximum allowable density (SCC 30.65.250) and maximum allowable obstruction (SCC 30.65.255), which are unchanged from the original 'two and fifteen' development regulations of 1984.

Exemptions to maximum allowable density and obstruction limitations within the density fringe area (SCC 30.65.260) are as follows: "(1) Water-dependent utilities, (2) Dikes, (3) Utility facilities; and (4) Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by SCC 30.65.250 and 30.65.255 shall not cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer."

Snohomish County has made changes in code that allow certain businesses within the density fringe to have additional uses that are non-agricultural. Ordinance No. 20-076 revised density fringe area: permitted uses (SCC 30.65.280) to expand the permitted and conditionally permitted uses in the portions of the density fringe area that coincide with an urban growth area to allow certain uses that would be allowed in the underlying zone. These additional permitted uses are specified in SCC 30.65.280(14) and include permitted or conditionally permitted uses in the underlying zones under SCC 30.22.100 as long as the ‘two and fifteen’ development standards are met. These changes have prompted a need from the community to have the flexibility to redevelop and modify certain properties within the density fringe area.

The proposed code would allow for an additional exemption for existing buildings or former building footprint square footage that existed during the 1983 Flood Insurance Study to be credited when redeveloping lots within the density fringe area. Any further development beyond the 1983 footprint would continue to be subject to density fringe area regulations. All development, including the one-time exemption, is still subject to density fringe development regulations in SCC 30.65.270. This building footprint credit would allow property owners greater flexibility while sustaining the original and subsequent Flood Insurance Studies allowance for a one-foot rise from the base flood level elevation. This code would allow for the redevelopment of buildings, utilizing the same pre-1984 building footprint to ensure equilibrium with current flood hazard area regulations.

Allowing redevelopment of pre-existing buildings within the density fringe area would also ensure that redeveloped structures are subject to all current building standards. These updated structural components account for additional flood protection measures and more stringent restrictions on environmental impacts from building materials. This proposed code would allow property owners to use a one-time credit for redevelopment that does not negatively impact the flood hazard area. Building footprints can be assessed either through standing buildings or building footprints that were developed in 1983 or earlier found from Assessor records.

PROPOSED CODE AMENDMENTS

The following table provides an overview of the proposed changes to Snohomish County Code.

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES	
Proposed Language	Finding
<p>SCC 30.65.260 Density fringe area: exceptions to maximum allowable density and obstruction limitations</p> <p>The following uses shall be exempt from the maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255:</p> <ul style="list-style-type: none"> (1) Water-dependent utilities; (2) Dikes; (3) Utility facilities; and (4) Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by SCC 30.65.250 and 30.65.255 shall not 	<p>This amendment would add a density fringe area exemption to allow for greater flexibility for redevelopment within the density fringe area that sustains flood mitigation requirements.</p> <p>The proposed code amendment would allow pre-1984 building footprint square footage to be exempt from density fringe regulations SCC 30.65.250 and 30.65.255, as their building footprints were previously accounted for in the 1984 flood modelling study. Exemption credit</p>

<p>cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer.</p> <p><u>(5) Existing and former buildings that were established in 1983 or earlier will have a one-time credit exemption to redevelop overall existing and former building square footage. All development, with credits applied, will be subject to maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255.</u></p>	<p>redevelopment of square footage would still be subject to SCC 30.65.270 density fringe area general provisions that regulate development in the density fringe. Any additional development beyond the original pre-1984 building footprint would still be subject to all density fringe area regulations.</p>
--	--

ANALYSIS

The following analysis provides a summary of the proposed code amendments' compliance with state law, regional, and countywide planning policies, and county comprehensive plan policies.

Compliance with State Law

The Growth Management Act (GMA) contains planning goals, contained in Revised Code of Washington (RCW) 36.70A.020, which guide the development of local comprehensive plans and development regulations. The following planning goals apply to these proposed code changes:

GMA Goal 5- Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

Analysis: The proposed amendments would support the economic development goal through promoting redevelopment of certain businesses within the density fringe that was recently expanded through Ordinance No. 20-076. The redevelopments would promote the retention and expansion of businesses while continuing to protect and preserve the natural environment.

GMA Goal 10 – Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Analysis: The proposed amendments would better allow for redevelopment for certain permitted uses that would be subject to existing development standards. These standards contain more rigorous environmental protections for development.

Compliance with the Multi-County Planning Policies

The proposed amendments are consistent with the following multicounty planning policies (MPPs) from the Puget Sound Regional Council VISION 2050:

MPP-En-5 – Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.

Analysis: The proposed changes would encourage redevelopment of permitted uses within the density fringe, allowing for new construction to be held to the current development standards that minimize impacts to natural features and floodways.

MPP-DP-36 – Use existing and new tools and strategies to address vested development to ensure that future growth meets existing permitting and development standards and prevents further fragmentation of rural lands.

MPP-DP-46 - Support and provide incentives to increase the percentage of new development and redevelopment— both public and private—to be built at higher-performing energy and environmental standards.

Analysis: The proposed amendments would promote redevelopment of structures that existed prior to 1984, which would encourage development in existing permitted areas. The proposed changes would also encourage certain older buildings to be redeveloped and would meet existing permitting and development standards.

Compliance with the Countywide Planning Policies

The proposed amendments are consistent with the following countywide planning policies:

CPP-DP-33 - Jurisdictions should minimize the adverse impacts on resource lands and critical areas from new developments through the use of environmentally sensitive development and land use practices.

Analysis: The proposed changes would better allow for redevelopment of buildings that are subject to existing permitting and development standards. These development standards require construction to use more environmentally sensitive materials in addition to standards that better protect the floodways.

CPP-ED-9 - As appropriate, the County and cities should adopt plans, policies, and regulations that preserve designated industrial, commercial, agricultural, and resource land base for long-term regional economic benefit.

Analysis: The proposed amendments would support the preservation of vested development of permitted uses, which include businesses that create a regional economic benefit, through encouraging redevelopment of permitted commercial and agricultural structures within the density fringe.

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments would be consistent with and help implement a number of policies contained within the Snohomish County Growth Management Act Comprehensive Plan (GMACP) – General Policy Plan (GPP). The following policies apply to the code amendments as proposed in this report.

LU 1.A.12 - Urban growth areas which are located within the floodplain, as identified in chapter 30.65 SCC (Special Flood Hazard Areas), shall comply with all provisions of that chapter. Annexation agreements shall ensure the continued implementation of this policy except that the annexing city or town may revise the list of allowed uses in the density fringe area once the area is annexed, provided that the city or town complies with the two percent maximum allowable density and the fifteen percent maximum allowable obstruction regulations in chapter 30.65 SCC and the purpose and intent of chapter 30.65 SCC are upheld.

Objective LU 6.B - Encourage land use activities and development intensities that protect the character of rural areas, avoid interference with resource land uses, minimize impacts upon critical areas, and allow for future expansion of UGAs. (See the resource sections of the land use element for protection of resource lands and the natural environment element for protection of critical areas.)

Analysis: The proposed code change would better serve the density fringe area's permitted development that would minimize impacts on the floodway and other critical areas. Redevelopment would also reduce pressure for future UGA expansion.

Objective NE 1.A - Balance the protection of the natural environment with economic growth, housing needs, and the protection of property rights.

Analysis: The proposed amendment would allow for redevelopment that enhances economic growth while ensuring the protection and maintenance of the floodway within the density fringe.

Objective NE 3.A.1 – The county shall designate and protect critical areas including fish and wildlife habitat conservation areas, wetlands, critical aquifer recharge areas, frequently flooded areas, and geologically hazardous areas and include the best available science in the development of programs, policies and regulations relating to critical areas.

NE 3.D.2 - The county shall allow only those developments and land uses in floodplains that are compatible with floodplain processes.

Analysis: The proposed changes would promote redevelopment within the floodplains, which would update buildings to reflect existing development regulations that are more environmentally rigorous and protects critical areas. The building credits were accounted for in the 1983 Flood Insurance Study that measured the 100-year floodplain and would not additionally impact floodplain processes.

Environmental Review

Staff has completed a SEPA checklist for this proposed code amendment and will be issuing a Determination of Nonsignificance on **November XX, 2022**. The fourteen-day public comment period will conclude prior to the briefing at Planning Commission on **December XX, 2022**.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce on **November XX, 2022**.

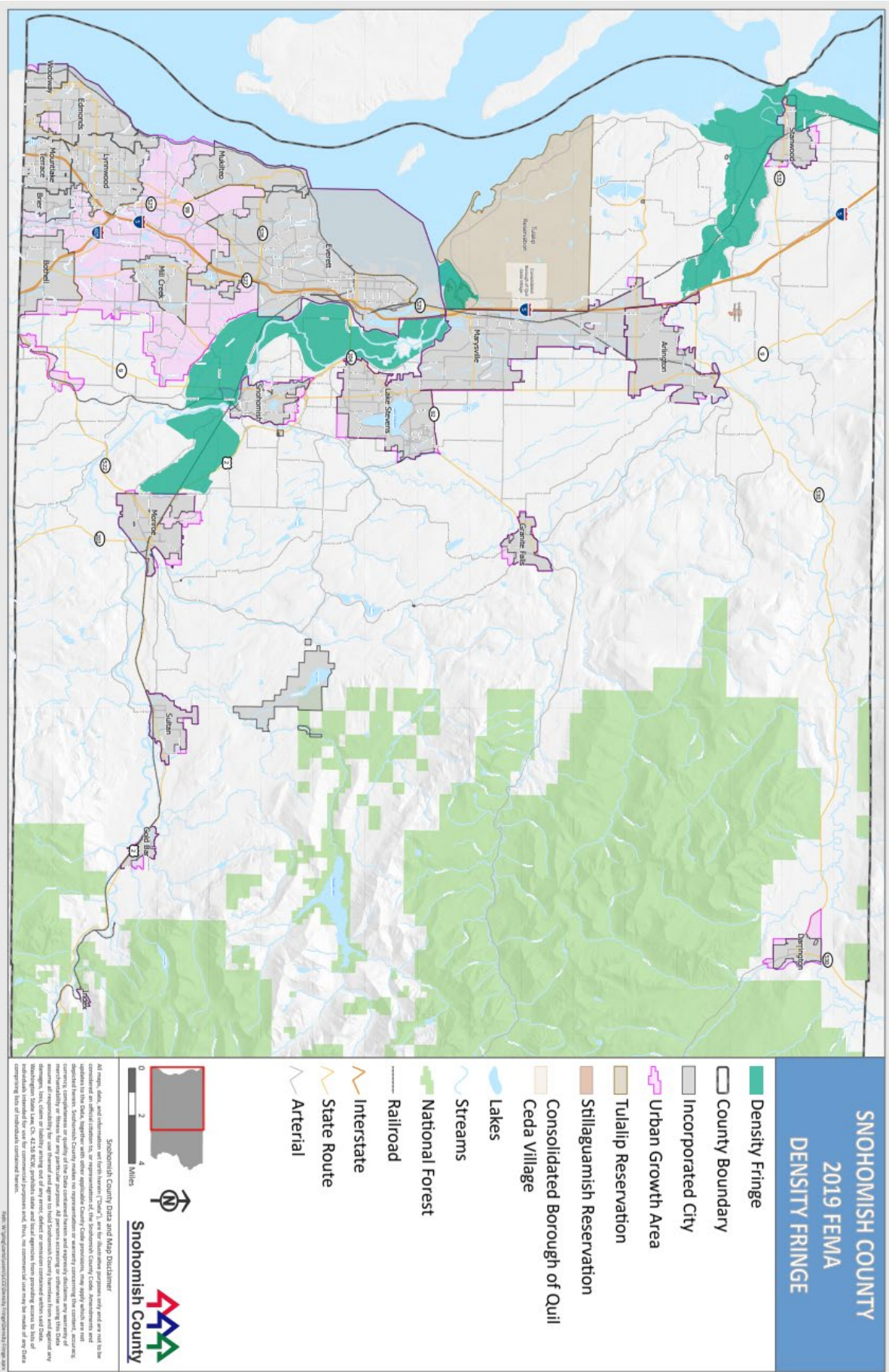
Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: David Killingstad, PDS Manager
Michael Dobesh, PDS Manager





Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

March 10, 2023

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to
Density Fringe Exemptions

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations for Density Fringe Exemptions. The Planning Commission had a briefing on this topic on December 13, 2022, a public hearing on January 24, 2023 that prompted additional time needed for amendments and review of the proposal, and a final public hearing on February 28, 2023.

The proposed code amendments would allow for certain development to be exempt from the maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255 if the square footage and width of the development are offset by development on the site that was accounted for in the 'Flood Insurance Study (FIS) for Snohomish County, Washington Unincorporated Areas' dated September 15, 1983.

There were four (4) written comments received by the Planning Commission from the public prior to the February 28th hearing, and four (4) members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the February 28, 2023, Planning Commission meeting, Commissioner Ash made a motion, seconded by Commissioner James, recommending **APPROVAL** of the proposed Density Fringe Exemption amendments contained in the staff report.

VOTE (Motion):

8 in favor (*Ash, Brown, Busted, Campbell, Eck, Larsen, James, Pedersen*)

0 opposed

0 abstention


Motion PASSED

Density Fringe

Index # - File Name: 2.0014.pdf
Planning Commission Recommendation Letter
Code Amendments to Density Fringe

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the February 28, 2023 staff report, with which the Commission concurred.

Respectfully submitted,


[Robert Larsen \(Mar 17, 2023 08:25 PDT\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services







Planning Commission Recommendation Letter - Density Fringe

Final Audit Report

2023-03-17

Created:	2023-03-13
By:	Taylor Twiford (taylor.twiford@co.snohomish.wa.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQnP2r4CON_JdZeYR_FqsLoiV_05j-Kp7

"Planning Commission Recommendation Letter - Density Fringe" History

-  Document created by Taylor Twiford (taylor.twiford@co.snohomish.wa.us)
2023-03-13 - 5:36:28 PM GMT
-  Document emailed to Robert Larsen (larsjandb@gmail.com) for signature
2023-03-13 - 5:36:49 PM GMT
-  Email viewed by Robert Larsen (larsjandb@gmail.com)
2023-03-13 - 6:36:05 PM GMT
-  Email viewed by Robert Larsen (larsjandb@gmail.com)
2023-03-17 - 3:24:51 PM GMT
-  Document e-signed by Robert Larsen (larsjandb@gmail.com)
Signature Date: 2023-03-17 - 3:25:13 PM GMT - Time Source: server
-  Agreement completed.
2023-03-17 - 3:25:13 PM GMT

Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 24-056, relating to Growth Management, amending chapter 30.65 SCC and chapter 30.86 SCC; concerning density fringe exceptions

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Hilary McGowan

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 6/26/24

PURPOSE: The proposed code amendments contained in this ordinance will add an exception to the maximum allowable density and obstruction limitations in SCC 30.65.250 and 30.65.255 for development within the density fringe area. The exception allows the square footage and width of development that was accounted for in the 1983 Flood Insurance Study to be utilized as a one-time credit. The applicant must demonstrate that its uses or development were accounted for in the 1983 Flood Insurance Study and must record use of the one-time credit with the Auditor’s office. The exception may only be used one time and on one site regardless of the number of structures present, and any remaining credit that is not used with the application is forfeited. Fill cannot be included in the one-time credit calculations and the one-time credit cannot be transferred between non-contiguous properties. This ordinance will also amend table 30.86.300 Special Flood Hazard Area Permit Fees to include a new Density Fringe Exception Application fee for \$500.

BACKGROUND: This ordinance amends Chapter 30.65 SCC and Chapter 30.86 SCC to create an exception from certain development restrictions within the density fringe, an area within the special flood hazard area as shown on the Federal Emergency Management Agency’s Flood Insurance Rate Maps. Special flood hazard areas were originally assessed in a 1983 Flood Insurance Study as part of the National Flood Insurance Program. The County’s development regulations for special flood hazard areas were codified in 1984. This code amendment allows an exception from the maximum allowable density and obstruction limitations in the density fringe area if the square footage and width of proposed development was previously accounted for in the 1983 Flood Insurance Study.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS

TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance – Nathan Kennedy 6/25/24

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.003

FILE ORD 24-056

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N. Nehring
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

_____ Move to Council to schedule public hearing on: _____

_____ Other _____

Regular Agenda _____ **Administrative Matters** _____

Public Hearing Date _____ **at** _____

N. Nehring
Committee Chair

Proposed Code Amendments Relating Density Fringe Exemptions

Snohomish County Council: Briefing

July 16, 2024

Hilary McGowan, Senior Planner



Presentation Overview

- Summary
- Density Fringe Background
- Density Fringe Development Regulations
- Proposed Amendment
- Public Participation



Summary of Proposed Code Amendment

- Add an exception to density fringe development limitations
- Allow for greater flexibility for redevelopment within the density fringe area that sustains flood mitigation requirements

SCC 30.65.260

Density fringe area:
exceptions to maximum
allowable density and
obstruction limitations

Density Fringe Background

SCC 30.91D.100

‘Density fringe area’ means that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers in which floodway areas cannot reasonably be established and in which development is regulated by maximum development density criteria

- The density fringe area is a part of the Digital Flood Insurance Rate Maps (DFIRMS)
- It defines how development is regulated within the Flood Hazard Areas



Density Fringe Background



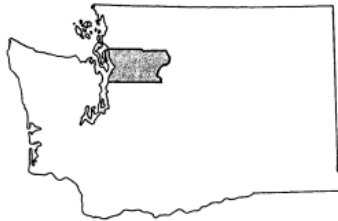
- The National Flood Insurance Program (NFIP) is a federal program administered by FEMA that allows certain property owners to purchase insurance protection against losses from flooding
- This is contingent on communities adopting floodplain management regulations to reduce future flood risks

Density Fringe Background

FLOOD INSURANCE STUDY



SNOHOMISH COUNTY,
WASHINGTON
UNINCORPORATED AREAS



SEPTEMBER 15, 1983



Federal Emergency Management Agency

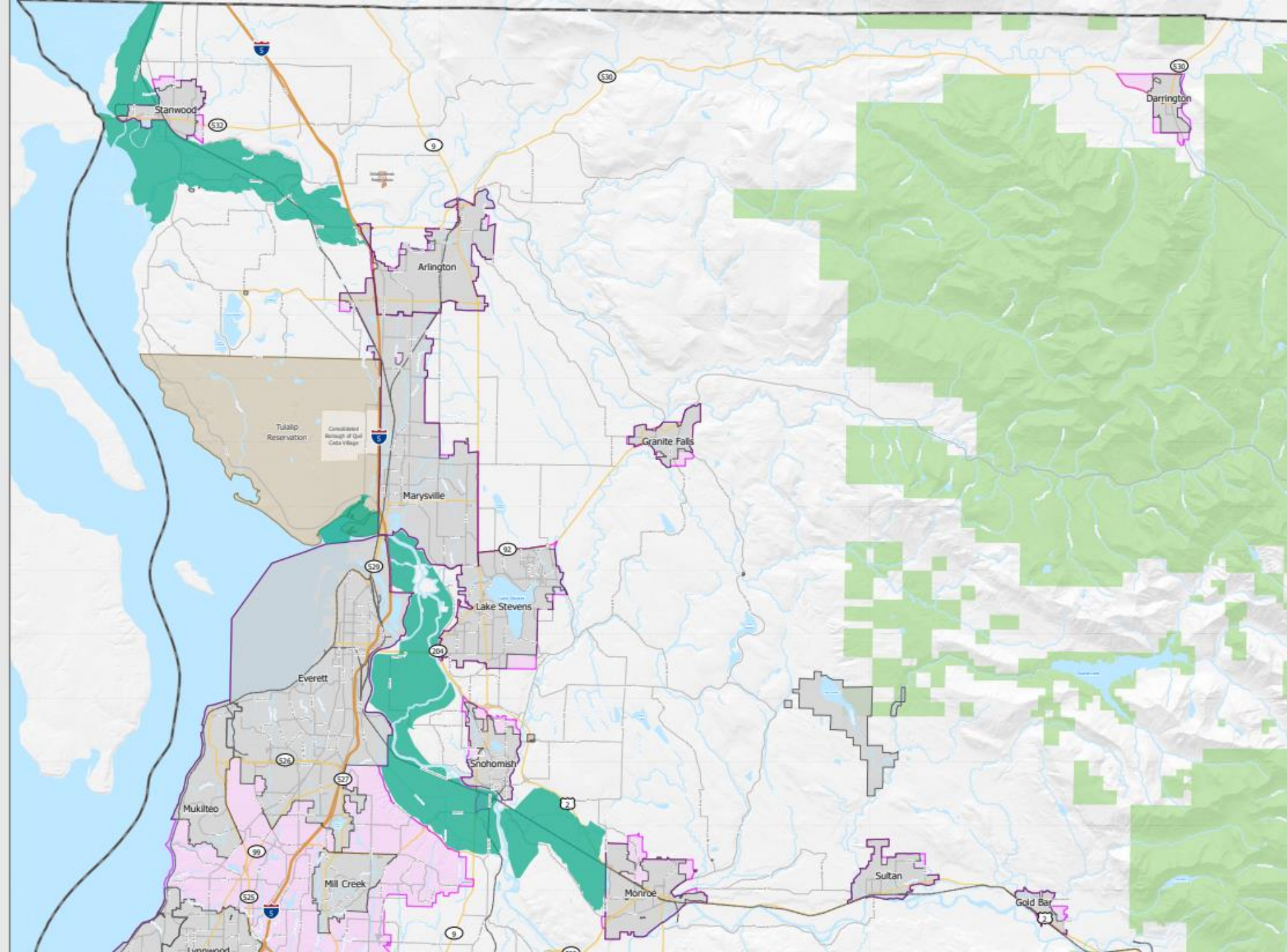
COMMUNITY NUMBER - 535534

- The Snohomish County Flood Insurance Study for the NFIP:
 - Investigated the existence and severity of flood hazards
 - Analyzed data from existing conditions of development within the identified floodplains
 - Provided information for the county to create mapping that determined how much more development could occur in the floodplain and not increase water surface elevation of the base flood by more than one foot

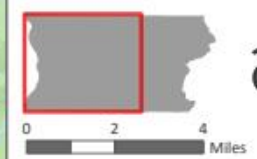


Snohomish County

SNOHOMISH COUNTY 2019 FEMA DENSITY FRINGE



- Density Fringe
- County Boundary
- Incorporated City
- Urban Growth Area
- Tulalip Reservation
- Stillaguamish Reservation
- Consolidated Borough of Quil Ceda Village
- Lakes
- Streams
- National Forest
- Railroad
- Interstate
- State Route
- Arterial



Snohomish County

Density Fringe Background - Timeline

September 1983	Flood Insurance Study for Unincorporated Snohomish County was published
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Density Fringe Background - Timeline

September 1983	Flood Insurance Study for Unincorporated Snohomish County was published
February 1984	Snohomish County adopted Special Flood Hazard area development regulations. Created the density fringe area under Title 27 Snohomish County Code.

Density Fringe Background - Timeline

September 1983	Flood Insurance Study for Unincorporated Snohomish County was published
February 1984	Snohomish County adopted Special Flood Hazard area development regulations. Created the density fringe area under Title 27 Snohomish County Code.
March 1984	Snohomish County became a member of the NFIP and adopted flood mapping

Density Fringe Development Regulations

SCC 30.65.240	Density fringe area definition
SCC 30.65.250	Maximum allowable density
SCC 30.65.255	Maximum allowable obstruction
SCC 30.65.260	Exceptions to maximum allowable density and obstruction limitations
SCC 30.65.265	Recording required when the density and obstruction allowances are increased
SCC 30.65.270	General provisions
SCC 30.65.280	Permitted uses



Density Fringe Development Regulations

‘Two and Fifteen’ Regulations

SCC 30.65.250	Maximum allowable density
SCC 30.65.255	Maximum allowable obstruction

- Maximum allowable density: Development shall not exceed two percent of the lot within the density fringe area
- Maximum allowable obstruction: Maximum width of all development shall not exceed fifteen percent of the length of a line drawn perpendicular to the known floodwater flow direction

Density Fringe Development Regulations

SCC 30.65.260

Exceptions to maximum allowable density and obstruction limitations

Summary:

- (1) Water-dependent utilities
- (2) Dikes
- (3) Utility facilities
- (4) Public works, when the project proponent demonstrates that the floodwater displacement shall not a cumulative increase in the base flood elevation of more than one foot



Snohomish County

Density Fringe Development Regulations

SCC 30.65.280 Permitted uses

- In 2020, Ordinance No. 20-076 updated the Flood Insurance Rate Map and density fringe code
- Expanded permitted and conditionally permitted uses in the portions of the density fringe area that coincide with a UGA to allow certain uses that would be allowed in the underlying zone
- These changes have prompted a need from the community to have the flexibility to redevelop and modify certain properties within the density fringe area

Proposed Code Amendments

- The proposed code would allow for an additional exception to maximum allowable density and obstruction limitations
- A one-time credit of exception for existing buildings or former buildings that were accounted for in the 1983 Flood Insurance Study (FIS)
- Any further development beyond the accounted for building footprint would continue to be subject to density fringe regulations
- Density Fringe Exception Application Fee - \$500



Proposed Code Amendment

- This code would allow for the redevelopment of buildings that were accounted for on the original 1983 Flood Insurance Study
- Study results were reviewed by FEMA in 1981
 - Study results were prepared with consideration to all proposed and forecasted construction and development through 1986

Proposed Code Amendment

- This credit would allow property owners greater flexibility while sustaining the original and subsequent FIS restriction for a one-foot rise from the base flood level elevation
- This redevelopment would still be subject to SCC 30.65.70 density fringe area general provisions that regulate development
- Utilizing one-time credit to redevelop existing buildings that are subject to all current building standards, providing additional flood protection measures

Public Participation

- Outreach to FEMA and Agricultural Advisory Board
- SEPA determination of non-significance issued November 30, 2022





Questions?

EXHIBIT 3.2.003

Planning & Community Development Committee Meeting – 07/16/24

[Minutes](#) and [Video](#)