



**MEMORANDUM**

TO: Snohomish County Planning Commission  
FROM: Michael Saponaro, Senior Planner  
SUBJECT: Proposed Amendments to SCC 30.23.300  
DATE: October 7, 2022

**Dave Somers**  
County Executive

**INTRODUCTION**

The purpose of this staff report is to outline a proposed code amendment in the General Development Standards, chapter 30.23.300 of the Snohomish County Code (SCC), related to building separation.

The proposed amendments' objective is to:

- Address building separation for one-story or two-story buildings in the LDMR and MR Zones.
- Clarify building separation for three-story buildings in the LDMR and MR Zones.

These objectives will be achieved with the following changes to the General Development Standards:

- Require 10' of building separation for one-story or two-story buildings in the LDMR and MR Zones.
- Qualify 10' of building separation for three-story buildings in the LDMR and MR Zones.

**BACKGROUND**

The applicability of SCC 30.23.300 is unclear. It appears to be intended to apply only to three-story buildings with side yard ingress/egress windows. It does not specifically address one- or two-story buildings. Prior to the adoption of Ord. 12-049, minimum building separation was clear, regardless of the number of stories.

**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
30.23.300 Building separation for single-family detached, single-family attached, and duplex structures constructed in the LDMR and MR zones.	Title needs an Oxford comma
<u>(1) Single-family detached, single-family attached, and duplex structures in the LDMR and MR zones shall have a minimum building separation of 10 feet except as otherwise required by SCC 30.23.300(2).</u>	Code needs to address non-three-story LDMR and MR zone buildings and require 10' of building separation

<p><del>(1)(2)</del> Single-family detached, single-family attached and duplex structures in the LDMR and MR zones with a third-story side yard ingress/egress window <del>((in the MR and LDMR zones))</del> shall have a minimum of 15 feet building separation <del>((-)), provided that building separation may be reduced to 10 feet when:</del></p> <p><del>((2) Building separation may be reduced to 10 feet when:))</del></p> <p>(a) The dwelling units are equipped with approved NFPA 13D automatic sprinkler systems; <u>or</u></p> <p>(b) <del>((The topography of the particular site can provide the necessary geometric prism for firefighters to set a ladder reaching the third-story side yard ingress/egress window at no greater than a 75-degree angle; or))</del></p> <p><del>((c))</del>The dwelling unit boundaries are drawn with a "zero lot line" on one side of the unit. (Added by Amended Ord. 12-049, Oct. 3, 2012, Eff date Jan. 1, 2013).</p>	<p>The original code regulations for three-story buildings have some redundancy and strange sentence organization. Also, subsection b is impractical to enforce. It's physically impossible to put a firefighter ladder at a 75° angle in a 5 ft. setback, which would be the case if a homeowner were to install a fence between the structures/dwelling units. Since a permit is not required for a fence, this condition puts the 10' exception in a tenuous position.</p>
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**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 7- "Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability."*

Analysis: The proposed amendments would support the permitting goal by providing clarity to the permitting process by outlining expectations for all MR and LDMR houses by story size category.

**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:

*Housing Goal: The region preserves, improves, and expands its housing stock to provide a range of affordable, accessible, healthy, and safe housing choices to every resident. The region continues to promote fair and equal access to housing for all people.*

Analysis: The proposed changes would ensure housing remains safe and amenable to fire ladders for residents in MR and LDRM zones.

**Compliance with the Countywide Planning Policies**

The proposed amendments are consistent with the following countywide planning policies:  
*DP-7 The County and cities shall coordinate their comprehensive plans (RCW 36.70A.100).*

*Coordination in unincorporated territory planned by both the County and a city means that each plan should provide for the orderly transition of unincorporated to incorporated areas, including appropriate urban design provisions, by:*

- a. Creating a safe and attractive urban environment that enhances livability; and*
- b. Balancing actions necessary to meet the requirement of achieving urban uses and densities with the goal of respecting already established neighborhoods.*

Analysis: The proposed code changes encourage safe urban environments with accessible emergency response.

### **Compliance with the Snohomish County Comprehensive Plan**

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

*GOAL HO 1 Ensure that all county residents have the opportunity to obtain safe, healthy, and affordable housing.*

Analysis: The proposed code amendments would encourage safe homes in the MR and LDMR zones.

### **Environmental Review**

Staff is in the process of completing a State Environmental Policy Act (SEPA) checklist for this proposed code amendment and will issue a Determination of Nonsignificance in prior to a public hearing. The fourteen-day public comment period will conclude prior to the Planning Commission public hearing.

### **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 in 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