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| Building Separation 23-032 (2023-0319) | | | | | |
| Hearing Date: Wednesday, May 17, 2023 @ 10:30 a.m. | | | | | |
| Council Staff: Ryan Countryman | | PDS Staff: Michael Saponaro | | DPA: Jessica Kraft-Klehm | |
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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: 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.

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.

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>(1)(2) Single-family detached, single-family attached and duplex structures in the LDMR and MR zones with a third-story side yard ingress/egress window ((in the MR and LDMR zones)) shall have a minimum of 15 feet building separation ((-)), provided that building separation may be reduced to 10 feet when:</p> <p>((2) Building separation may be reduced to 10 feet when:))</p> <p>(a) The dwelling units are equipped with approved NFPA 13D automatic sprinkler systems; <u>or</u></p> <p>(b) ((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))</p> <p>((c))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> |
|---|---|

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



SNOHOMISH COUNTY PLANNING COMMISSION

February 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 building separation requirements in SCC 30.23.300

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations for building separation. The Planning Commission had a briefing on this topic on December 13, 2022, and conducted a public hearing on January 24, 2023.

The proposed code amendments would amend code relating to building separation for single-family detached, single-family attached, and duplex structures constructed in the LDMR and MR zone. There were no public comments received prior to the December 13th briefing or January 24th public hearing.

PLANNING COMMISSION RECOMMENDATION

At the January 24 Planning Commission hearing, Commissioner Campbell made a motion, seconded by Commissioner Sheldon, recommending APPROVAL of code amendments to building separation as submitted by staff.

VOTE (Motion):

7 in favor (Ash, Brown, Busteed, Campbell, Eck, Larsen, Sheldon)

0 opposed

1 abstention Pedersen

Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of the information presented and is based on the findings and conclusions presented in the October 7, 2022 staff report, with which the Commission concurred.

During the deliberations, the topics of safety, technology, and ladders were discussed at length. The commissioners feel strongly that the county should pursue changes to the code that will cover building separation.

Respectfully submitted,



[Robert Larsen \(Feb 12, 2023 12:03 PST\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larson, Chairman

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






Planning Commission Recommendation Letter Building Separation

Final Audit Report

2023-02-12

| | |
|-----------------|--|
| Created: | 2023-02-11 |
| By: | Taylor Twiford (taylor.twiford@co.snohomish.wa.us) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA0LbLtljIBgGWVLU5MOF53mxX1-jOaV2gr |

"Planning Commission Recommendation Letter Building Separation" History

-  Document created by Taylor Twiford (taylor.twiford@co.snohomish.wa.us)
2023-02-11 - 0:02:39 AM GMT
-  Document emailed to Robert Larsen (larsjandb@gmail.com) for signature
2023-02-11 - 0:03:01 AM GMT
-  Email viewed by Robert Larsen (larsjandb@gmail.com)
2023-02-12 - 8:02:15 PM GMT
-  Document e-signed by Robert Larsen (larsjandb@gmail.com)
Signature Date: 2023-02-12 - 8:03:51 PM GMT - Time Source: server
-  Agreement completed.
2023-02-12 - 8:03:51 PM GMT

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 23-032, relating to the Growth Management Act; concerning building separation, amending Section 30.23.300 of the Snohomish County Code

..body

DEPARTMENT: PLANNING AND DEVELOPMENT SERVICES

ORIGINATOR: MICHAEL SAPONARO

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 3/29/23

PURPOSE: BULIDING SEPARATION CODE AMENDMENT

BACKGROUND: CODE AMENDMENT TO SEPARATE ONE-STORY AND TWO-STORY LDMR AND MR ZONE SINGLE FAMILY HOMES DUE TO FIRE SAFETY AND LADDER ANGLE CONCERNS

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 Risk – Shelia Barker 3/28/23 and Finance – Nathan Kennedy 3/28/23. Approved as to form by DPA Kraft-Klehm.

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 23-032

7
8 RELATING TO THE GROWTH MANAGEMENT ACT; CONCERNING BUILDING
9 SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE

10
11 WHEREAS, Revised Code of Washington (RCW) 36.70A.130 directs counties planning
12 under the Growth Management Act (GMA) to consider amendments and revisions to the GMA
13 Comprehensive Plan (GMACP) or development regulations on a regular basis; and

14
15 WHEREAS, the Snohomish County Council ("County Council") has determined that the
16 consideration of the proposed amendments and revisions to the development regulations in title
17 30 of the Snohomish County Code (SCC) related to building separation would be consistent
18 with the GMA planning goals in RCW 36.70A.020 and the County GMACP.

19
20 WHEREAS, amendments to SCC 30.23.300 to clarify the building separation
21 requirements for one-, two- and three-story single-family and duplex structures in the Multiple
22 Residential (MR) and Low Density Multiple Residential (LDMR) zones will improve fire safety
23 and emergency response to those homes; and

24
25 WHEREAS, on December 13, 2022, the Snohomish County Planning Commission
26 ("Planning Commission") was briefed by Snohomish County Planning and Development
27 Services (PDS) staff about the proposed code amendments contained in this ordinance; and

28
29 WHEREAS, the Planning Commission held a public hearing on January 24, 2023, to
30 receive public testimony concerning the proposed code amendments and recommend adoption
31 of the amendments contained in this ordinance, as shown in its approval letter dated February
32 10, 2023; and

33
34 WHEREAS, on _____, 2023, the County Council held a public hearing after
35 proper notice to receive public testimony and consider the entire record related to the code
36 amendments contained in this ordinance; and

37
38 WHEREAS, following the public hearing, the County Council deliberated on the code
39 amendments contained in this ordinance.

40
41 NOW, THEREFORE, BE IT ORDAINED:

42
43 Section 1. The County Council adopts the following findings in support of this ordinance:

44
45 A. The foregoing recitals are adopted as findings as if set forth in full herein.

1 B. This ordinance amends SCC 30.23.300 to clarify the building separation requirements in the
2 LDMR and MR zones. In particular, the amendments will:

- 3
- 4 1. Clarify that a minimum building separation of 10 feet is required for one-story and
5 two-story single-family detached, single-family attached, and duplex structures in the
6 LDMR and MR zones through the creation of a new subsection that is inclusive of
7 those structures.
8
- 9 2. Describe when a reduction in the 15-foot building separation requirement for three-
10 story single-family detached, single-family attached, and duplex structures in the
11 LDMR and MR zones with side yard ingress/egress is allowed by rearranging the
12 section and repealing one subsection.
13
- 14 3. Include an oxford comma separating the list of residential structures in the title and
15 code section to improve readability.
16

17 C. This ordinance is consistent with the record.

- 18
- 19 1. Prior to 2012, there was a minimum building separation for developments of all
20 stories. Amended Ordinance No. 12-049 added SCC 30.23.300 to include the
21 building separation requirements for single-family detached, single-family attached,
22 and duplex structures in the LDMR and MR zones, but only for three-story buildings
23 with side yard ingress/egress, which has resulted in unclear building separation
24 requirements for one-story and two-story homes.
25
- 26 2. The amendments to SCC 30.23.300 create two sections to clarify that all single-
27 family detached, single-family attached, and duplex structures in the LDMR and MR
28 zones, regardless of story size, will require a minimum building separation of 10 feet
29 except that certain three-story structures require separation of 15 feet under SCC
30 30.23.300(2).
31
- 32 3. SCC 30.23.300(2) currently includes an allowance to reduce building separation for
33 three-story buildings if the topography allows firefighters to reach ladders at a safe
34 angle that has proven to be impractical because fences allowed on such lots up to
35 eight feet high without a permit can hinder the safe placement of a fire ladder
36 regardless of site topography.
37
- 38 4. The amendment to SCC 30.23.300(2)(b) repeals the reduced building separation
39 allowance for three-story buildings when the site topography can provide the
40 necessary geometric prism for firefighters to set a ladder reaching the third-story side
41 yard window at no greater than a 75-degree angle.
42
- 43 5. Clarification on the building height separation requirements for three-story structures
44 in the LDMR and MR zones will increase the ease and safety of window access by
45 firefighters in emergency response and slow the spread of fire during a fire event.
46

1 D. The proposed amendments are consistent with and supportive of the following GMA
2 provisions:

- 3
4 1. GMA Planning Goal 1 (RCW 36.70A.020(1)): “Urban growth. Encourage
5 development in urban areas where adequate public facilities and services exist or
6 can be provided in an efficient manner.” The proposed building separation
7 amendments are supportive of this goal by ensuring better fire safety standards.
8
- 9 2. GMA Planning Goal 7 (RCW 36.70A.020(7)): “Permits. Applications for both state
10 and local government permits should be processed in a timely and fair manner to
11 ensure predictability.” The proposed building separation amendments are supportive
12 of this goal by ensuring more cohesive and clear building separation requirements
13 for development applications.
14

15 E. The proposed amendments maintain consistency with the Snohomish County Growth
16 Management Act Comprehensive Plan (GMACP) General Policy Plan (GPP), specifically
17 with the following goals, objectives, and policies within the Economic Development (ED)
18 chapter by encouraging predictable and consistent development regulations:

- 19 1. GPP Goal ED 1 “Maintain and enhance a healthy economy.”
20
- 21 2. GPP Goal ED 2 “Provide a planning and regulatory environment which facilitates
22 growth of the local economy.”
23
- 24 3. GPP Objective ED 2.A “develop and maintain a regulatory system that is fair,
25 understandable, coordinated and timely.”
26
- 27 4. GPP ED Policy 2.A.1 “Snohomish County shall work to ensure that the Snohomish
28 County Code is an understandable, accessible, and user friendly document.”
29
- 30 5. GPP ED Policy 2.A.2 “Snohomish County should stress predictability but maintain
31 enough flexibility in the Comprehensive Plan and development codes to allow for
32 timely response to unanticipated and desirable developments.”
33

34
35 F. Procedural requirements.

- 36 1. This proposal is a Type 3 legislative action under SCC 30.73.010.
37
- 38 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code
39 amendments was transmitted to the Washington State Department of Commerce for
40 distribution to state agencies on December 6, 2022.
41
- 42 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
43 respect to this non-project action have been satisfied through the completion of an
44 environmental checklist and the issuance of a determination of non-significance on
45 December 5, 2022.
46

- 1
2 4. The public participation process used in the adoption of this ordinance complies with
3 all applicable requirements of the GMA and the SCC.
4
5 5. The Washington State Attorney General last issued an advisory memorandum, as
6 required by RCW 36.70A.370, in September of 2018 entitled Advisory Memorandum
7 and Recommended Process for Evaluating Proposed Regulatory and Administrative
8 Actions to Avoid the Unconstitutional Takings of Private Property to help local
9 governments avoid the unconstitutional taking of private property. The process
10 outlined in the State Attorney General's 2018 advisory memorandum was used by
11 the County in objectively evaluating the regulatory changes proposed by this
12 ordinance.

13
14 Section 2. The County Council makes the following conclusions:

- 15
16 A. The amendments proposed by this ordinance comply with the GMA.
17
18 B. The amendments proposed by this ordinance comply with the GMACP.
19
20 C. The County has complied with all SEPA requirements with respect to this non-project action.
21
22 D. The public participation process used in the adoption of this ordinance complies with all
23 applicable requirements of the GMA and title 30 SCC.
24
25 E. The amendments proposed by this ordinance do not result in an unconstitutional taking of
26 private property for a public purpose.
27

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

33 Section 4. Snohomish County Code Section 30.23.300, added by Amended Ordinance
34 No. 12-049 on October 3, 2012, is amended to read:

35
36 **30.23.300 Building separation for single-family detached, single-family attached, and**
37 **duplex structures constructed in the LDMR and MR zones.**
38

39 (1) Single-family detached, single-family attached, and duplex structures in the LDMR and MR
40 zones shall have a minimum building separation of 10 feet except as otherwise required by SCC
41 30.23.300(2).

42
43 ~~((4))~~ (2) Single-family detached, single-family attached, and duplex structures in the LDMR
44 and MR zones with a third-story side yard ingress/egress window ((in the MR and LDMR
45 zones)) shall have a minimum of 15 feet building separation ((-)), provided that building
46 separation may be reduced to 10 feet when:
47

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

2
3 (a) The dwelling units are equipped with approved NFPA 13D automatic sprinkler
4 systems; or

5
6 (b) ~~((The topography of the particular site can provide the necessary geometric prism for
7 firefighters to set a ladder reaching the third-story side yard ingress/egress window at no greater
8 than a 75-degree angle; or))~~

9
10 ~~((e))~~ The dwelling unit boundaries are drawn with a "zero lot line" on one side of the
11 unit.

12
13 Section 5. Severability and Savings. If any section, sentence, clause, or phrase of this
14 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
15 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
16 not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this
17 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
18 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
19 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
20 effect for that individual section, sentence, clause, or phrase as if this ordinance had never been
21 adopted.

22
23 PASSED this _____ day of _____, 2023.

24
25 SNOHOMISH COUNTY COUNCIL
26 Snohomish County, Washington

27
28 _____
29 Council Chair

30 ATTEST:

31
32 _____
33 Deputy Clerk of the Council

- 34
35 () APPROVED
36 () EMERGENCY
37 () VETOED

DATE:

38 _____
39 County Executive

40 ATTEST:

41
42 _____
43
44 Approved as to form only:

45 
46 _____ 03/23/2023
47 Deputy Prosecuting Attorney

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON HOUSING AND JOBS

Title Ordinance No. __-____,

Description This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building separation requirements in 30.23.300 SCC for the purposes of fire safety and rescue.

Date: January 26, 2023

Staff Contact: Michael Saponaro, Senior Planner, michael.saponaro@snoco.org

| | Place an "X" in the appropriate box | | | | Comments |
|---|-------------------------------------|----------|---------|-----------|--|
| | Increase | Decrease | Neutral | Uncertain | |
| Housing | | | | | |
| Capacity/Targets | | | x | | The proposed amendment is to clarify building separation in Chapter 30.23.300 SCC. As such, there should very little impact to housing, excluding a slightly higher site costs given the new 10' building separation in MR and LDMR zones for buildings of all story size. |
| Cost of Housing Development: | | | x | | |
| • Infrastructure | | | x | | |
| • Site | x | | | | |
| • Building const. | | | x | | |
| • Fees | | | x | | |
| • Yield | | | x | | |
| Timing | | | x | | |
| Jobs | | | | | |
| Capacity/Targets | | | x | | The proposed amendment will not affect jobs. |
| Cost of Commercial or Industrial Development: | | | x | | |
| • Infrastructure | | | x | | |
| • Site | | | x | | |
| • Building const. | | | x | | |
| • Fees | | | x | | |
| • Yield | | | x | | |
| Time to Create Jobs | | | x | | |
| # Family Wage Jobs | | | x | | |

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES

Title Ordinance No. __ - ____,

Description This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building separation requirements in 30.23.300 SCC for the purposes of fire safety and rescue.

Date: January 26, 2023

Staff Contact: Michael Saponaro, Senior Planner, michael.saponaro@snoco.org

| | Place an "X" in the appropriate box | | | Comments |
|----------------------------|-------------------------------------|----------|---------|---|
| | Increase | Decrease | Neutral | |
| County Provided | | | | |
| • Airport | | | x | The proposed amendment is to clarify building separation in Chapter 30.23.300 SCC. As such, there should be no impact on the Airport, General Government, Law and Justice, or Parks, Roads, Solid Waste, or Surface Water. |
| • General Government | | | x | |
| • Law and Justice | | | x | |
| • Parks | | | x | |
| • Roads | | | x | |
| • Solid Waste | | | x | |
| • Surface Water | | | x | |
| Non-County Provided | | | | |
| • Electric Power | | | x | There could be a slight decrease in the demand for Fire Suppression, as the flames between homes would spread slower given a separation, although the focus of this code amendment is primarily on ladder placement between buildings. Other public facilities would not be affected. |
| • Fire Suppression | | | x | |
| • Public Water Supply | | | x | |
| • Sanitary Sewer | | | x | |
| • Telecommunications | | | x | |

This form is intended to provide a summary analysis of the impact changes to development regulation may have on county and non-county provided capital facilities and utilities.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON LOW IMPACT DEVELOPMENT

| | |
|-----------------------|---|
| Title | Ordinance No. __-____, |
| Description | This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building separation requirements in 30.23.300 SCC for the purposes of fire safety and rescue. |
| Date: | January 26, 2023 |
| Staff Contact: | Michael Saponaro, Senior Planner, michael.saponaro@snoco.org |

LID Evaluation:

The proposed amendment is to clarify building separation in Chapter 30.23.300 SCC. As such, there will be no impact on LID because these amendments will not likely increase or decrease the creation housing projects in a substantive way.

Directions: In the following table, describe how the new policies or regulations support LID principles and facilities and prevent creation of barriers to LID implementation.

Low impact development (LID) principles and facilities are required to be the preferred and commonly used approach for stormwater management. **New policies and regulations must not directly or indirectly create barriers to use of LID.**

LID principles include: minimize disruption and removal of native vegetation and soils; utilize natural drainage channels and undisturbed soils to conduct and infiltrate stormwater; minimize impervious surfaces; and utilize LID facilities to replicate natural processes for stormwater management.

LID facilities include: flow dispersion and infiltration systems; rain gardens; soil amendments; bioretention; permeable pavement; tree retention and planting; vegetated roofs and walls; reverse slope sidewalks; minimum excavation foundations; rainwater harvesting; and preservation of native vegetation.

Use of LID principles and facilities requires consideration during site design and construction phases (stormwater pollution prevention plans, aka SWPPP), and special provisions for long term maintenance and inspections.

| Does the new policy or regulation support Low Impact Development | Place an "X" in the appropriate box | | | If "yes" or "no", explain... |
|--|-------------------------------------|----------|---------|------------------------------|
| | Increase | Decrease | Neutral | |
| Retention of native vegetation | | | X | |
| Minimal disruption of native soils | | | X | |
| Preservation of natural drainage | | | X | |
| Minimization of impervious surface area | | | X | |
| Use of LID facilities | | | X | |
| Better site design – using LID principles | | | X | |
| Adherence to SWPPP and drainage plan requirements | | | X | |
| Provisions for long term maintenance | | | X | |
| Retention of native vegetation | | | X | |
| Minimal disruption of native soils | | | X | |
| Preservation of natural drainage | | | X | |
| Minimization of impervious surface area | | | X | |

ECAF:
RECEIVED:

SNOHOMISH COUNTY COUNCIL

ORDINANCE INTRODUCTION SLIP

EXHIBIT # 3.1.006

TO: Clerk of the Council

FILE ORD 23-032

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



Snohomish County Council

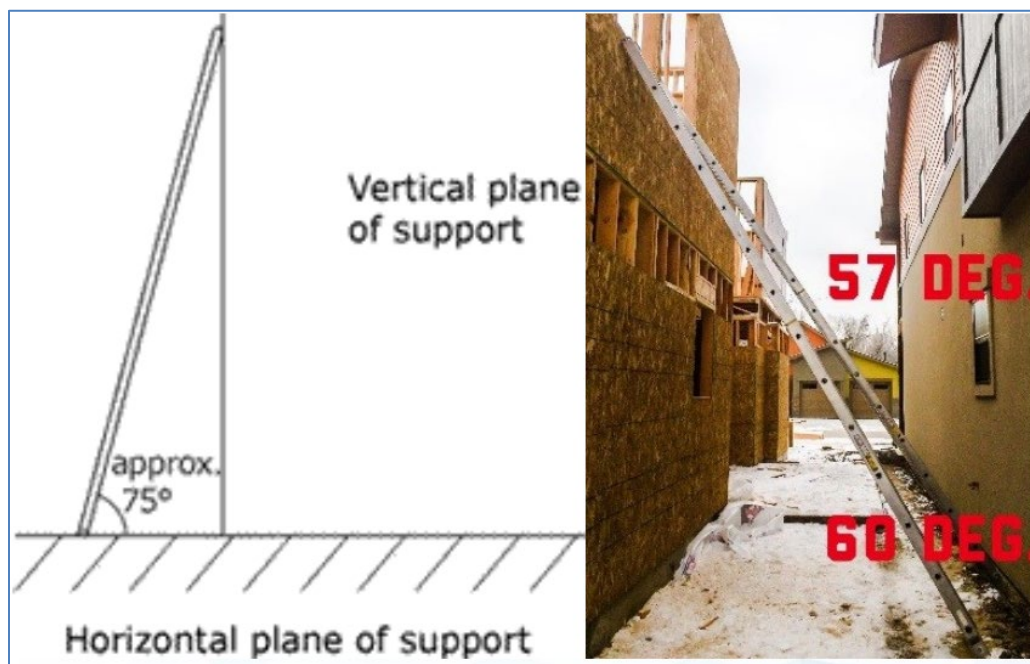
Committee: Planning & Community Development **Analyst:** Ryan Countryman
ECAF: 2023-0319
Proposal: Ordinance 23-032 **Date:** April 18, 2023

Consideration

Proposed Ordinance 23-032 would amend Snohomish County Code (SCC) 30.23.300 relating to building separation requirements.

Background and Analysis

Ordinance 23-032 seeks to improve fire safety and emergency response to three-story homes. To meet fire code requirements, one- and two-story single family and duplex structures must be at least 10 feet apart. Firefighters can safely place ladders to a second story window even if there is a fence in the middle (or five feet from buildings separated by 10 feet) because the maximum safe angle is 75 degrees. See Illustration below.



Angle Illustration by Planning and Development Services

(December 13, 2022 Presentation Materials to the Snohomish County Planning Commission)

For three-story buildings that are 10 feet apart, a fence or other obstruction such as a rockery wall can hinder placement of ladders at a safe angle to third story windows. Dwelling units equipped with approved NFPA 13D automatic sprinkler systems can still meet fire code requirements without guaranteed ladder access to third story windows.

Most fences do not require buildings permits. If three story dwelling units receive approval without sprinkler systems and the buildings are only 10 feet apart, the addition of a fence between buildings may mean that they no longer meet fire safety standards. There would be no permit to notify the Fire Marshal of the potential issue.

SCC 30.23.300 currently says that three story buildings should normally have 15 feet of separation (which is enough to safely place a ladder even if there is a fence). It allows reduction to 10 feet of separation if the buildings have either approved automatic sprinkler systems (subsection (2)(a)) or topography that allows ladders to reach the third story (subsection (2)(b)). The topography subsection is confusing and meaningless if residents build a fence. Ordinance 23-032 would strike the topography section (and make other non-substantive stylistic changes). This would leave as standard a 15-foot separation for three story buildings without sprinklers and continue to allow for a 10-foot separation if the buildings have automatic sprinkler systems. Striking the topography subsection eliminates the scenario where homes can only maintain safe third story window access by not building any fences.

Current Proposal

Scope and Summary: Ordinance 23-032 would amend SCC 30.23.300 as described above to improve fire safety and emergency response to three-story homes.

Fiscal Implications: None

Handling: Normal

Planning Commission: Approve

Risk Management: Approve

Finance: Approve

Approved-as-to-form: Yes

Executive Recommendation: Approve

Request: Move to General Legislative Session on April 26th to set time and date for a public hearing. (Suggested hearing date is May 17 at 10:30 am.)

EXHIBIT 3.2.002

Planning & Community Development Committee Meeting – 04/18/23

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

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on June 7, 2023, 2023, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 23-032, titled: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215 8782 or 1-301-715 8592

Background: This ordinance is intended to improve fire safety and emergency response by clarifying building separation requirements for homes in the LDMR and MR zones. The ordinance amends section 30.23.300 of the Snohomish County Code.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 23-032

Sections 1 – 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.23.300 to add a ten-foot building separation requirement for one-story and two-story single-family detached, single-family attached, and duplex structures in the Low Density Multiple Residential (LDMR) and Multiple Residential (MR) zones. Amendment also clarifies when the required 15-foot separation can be reduced to ten-feet in certain three-story buildings.

Section 5. Provides a standard severability and savings clause.

=====

State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on December 5, 2022.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by emailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the County Council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or emailing contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by emailing lisa.campfield@snoco.org.

QUESTIONS: For additional information or specific questions on the proposed ordinance please call Michael Saponaro in the Department of Planning and Development Services at 425-262-2779.

DATED this 19th day of May 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/ Jared Mead
Council Chair

ATTEST:

/s/Lisa Campfield
Asst. Clerk of the Council

PUBLISH: Wednesday, May 24, 2023

Send Affidavit to: County Council
Send Invoice to: Planning #107010

Everett Daily Herald

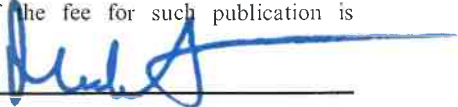
Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH977476 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/24/2023 and ending on 05/24/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$139.20.




Subscribed and sworn before me on this

25th day of May,
2023.



Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF INTRODUCTION OF ORDINANCE
AND

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on June 7, 2023, 2023, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 23-032, titled: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE

Zoom Webinar Information:

Join online at <https://zoom.us/j/94848850772>

or by telephone call 1-253-215-8762 or 1-301-715-8592

Background: This ordinance is intended to improve fire safety and emergency response by clarifying building separation requirements for homes in the LDMR and MR zones. The ordinance amends section 30.23.300 of the Snohomish County Code.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 23-032

Sections 1 – 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.23.300 to add a ten-foot building separation requirement for one-story and two-story single-family detached, single-family attached, and duplex structures in the Low Density Multiple Residential (LDMR) and Multiple Residential (MR) zones. Amendment also clarifies when the required 15-foot separation can be reduced to ten-feet in certain three-story buildings.

Section 5. Provides a standard severability and savings clause. State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on December 5, 2022.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 962-4367x3494, TDD (425) 388-3700 or by emailing contact.council@snoco.org.

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Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201, faxed to (425) 388-3496 or emailing contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Classified Proof

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by emailing lisa.campfield@snoco.org.

QUESTIONS: For additional information or specific questions on the proposed ordinance please call Michael Saponaro in the Department of Planning and Development Services at 425-262-2779.

DATED this 19th day of May 2023.
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Jared Mead

Council Chair
ATTEST:
/s/Lisa Campfield
Asst. Clerk of the Council
107010
Published: May 24, 2023

EDH977476

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 7, 2023, the Snohomish County Council adopted Ordinance No. 23-032, which shall be effective June 23, 2023.

A summary of the ordinance is as follows:

ORDINANCE NO. 23-032

RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE

Sections 1 – 3. Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.23.300 to add a ten-foot building separation requirement for one-story and two-story single-family detached, single-family attached, and duplex structures in the Low Density Multiple Residential (LDMR) and Multiple Residential (MR) zones. Amendment also clarifies when the required 15-foot separation can be reduced to ten-feet in certain three-story buildings.

Section 5. Provides a standard severability and savings clause.

=====
State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on December 5, 2022.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by emailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 14th day of June 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Lisa Campfield
Asst. Clerk of the Council

PUBLISH: Wednesday, June 21, 2023

Send Affidavit to: County Council
Send Invoice to: Planning #107010

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**NOTICE OF ACTION**

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 7, 2023

1. Description of agency action: Approval of Ordinance No. 23-032.
2. Description of proposal: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Lisa Campfield
Asst. Clerk of the Council

Date: June 14, 2023

PUBLISH: June 21, 2023

Send Affidavit to: County Council
Send Invoice to: Planning #107010



Department of Commerce

Innovation is in our nature.

Notice of Adopted Amendment

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment
 Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

| | |
|---|--|
| Jurisdiction: | Snohomish County |
| Mailing Address: | 3000 Rockefeller Avenue, MS 609, Everett, WA 98201 |
| Date: | June 14, 2023 |
| Contact Name: | Lisa Campfield |
| Title/Position: | Asst. Clerk of the Council |
| Phone Number: | 425-388-3901 |
| E-mail Address: | lisa.campfield@snoco.org |
| Brief Description of the Adopted Amendment: <i>(40 words or less)</i> | ORDINANCE 23-032 RELATING TO THE GROWTH MANAGEMENT ACT; CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE |
| Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)? | Yes. Material ID# 2022-S-4589 |
| Public Hearing Date: | Planning Commission: January 24, 2023 Council/County Commission: June 7, 2023 |
| Date Adopted: | June 7, 2023 |

REQUIRED: Attach or include a copy the adopted ordinance (signed and dated) and the final amendment text.

1 Adopted: June 7, 2023
2 Effective: June 23, 2023

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 23-032

7
8 RELATING TO THE GROWTH MANAGEMENT ACT; CONCERNING BUILDING
9 SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE

10
11 WHEREAS, Revised Code of Washington (RCW) 36.70A.130 directs counties planning
12 under the Growth Management Act (GMA) to consider amendments and revisions to the GMA
13 Comprehensive Plan (GMACP) or development regulations on a regular basis; and

14
15 WHEREAS, the Snohomish County Council (“County Council”) has determined that the
16 consideration of the proposed amendments and revisions to the development regulations in title
17 30 of the Snohomish County Code (SCC) related to building separation would be consistent
18 with the GMA planning goals in RCW 36.70A.020 and the County GMACP.

19
20 WHEREAS, amendments to SCC 30.23.300 to clarify the building separation
21 requirements for one-, two- and three-story single-family and duplex structures in the Multiple
22 Residential (MR) and Low Density Multiple Residential (LDMR) zones will improve fire safety
23 and emergency response to those homes; and

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

28
29 WHEREAS, the Planning Commission held a public hearing on January 24, 2023, to
30 receive public testimony concerning the proposed code amendments and recommend adoption
31 of the amendments contained in this ordinance, as shown in its approval letter dated February
32 10, 2023; and

33
34 WHEREAS, on June 7, 2023, the County Council held a public hearing after
35 proper notice to receive public testimony and consider the entire record related to the code
36 amendments contained in this ordinance; and

37
38 WHEREAS, following the public hearing, the County Council deliberated on the code
39 amendments contained in this ordinance;

40
41 NOW, THEREFORE, BE IT ORDAINED:

42
43 Section 1. The County Council adopts the following findings in support of this ordinance:

44
45 A. The foregoing recitals are adopted as findings as if set forth in full herein.

1 B. This ordinance amends SCC 30.23.300 to clarify the building separation requirements in the
2 LDMR and MR zones. In particular, the amendments will:

- 3
- 4 1. Clarify that a minimum building separation of 10 feet is required for one-story and
5 two-story single-family detached, single-family attached, and duplex structures in the
6 LDMR and MR zones through the creation of a new subsection that is inclusive of
7 those structures.
- 8
- 9 2. Describe when a reduction in the 15-foot building separation requirement for three-
10 story single-family detached, single-family attached, and duplex structures in the
11 LDMR and MR zones with side yard ingress/egress is allowed by rearranging the
12 section and repealing one subsection.
- 13
- 14 3. Include an oxford comma separating the list of residential structures in the title and
15 code section to improve readability.
- 16

17 C. This ordinance is consistent with the record.

- 18
- 19 1. Prior to 2012, there was a minimum building separation for developments of all
20 stories. Amended Ordinance No. 12-049 added SCC 30.23.300 to include the
21 building separation requirements for single-family detached, single-family attached,
22 and duplex structures in the LDMR and MR zones, but only for three-story buildings
23 with side yard ingress/egress, which has resulted in unclear building separation
24 requirements for one-story and two-story homes.
- 25
- 26 2. The amendments to SCC 30.23.300 create two sections to clarify that all single-
27 family detached, single-family attached, and duplex structures in the LDMR and MR
28 zones, regardless of story size, will require a minimum building separation of 10 feet
29 except that certain three-story structures require separation of 15 feet under SCC
30 30.23.300(2).
- 31
- 32 3. SCC 30.23.300(2) currently includes an allowance to reduce building separation for
33 three-story buildings if the topography allows firefighters to reach ladders at a safe
34 angle that has proven to be impractical because fences allowed on such lots up to
35 eight feet high without a permit can hinder the safe placement of a fire ladder
36 regardless of site topography.
- 37
- 38 4. The amendment to SCC 30.23.300(2)(b) repeals the reduced building separation
39 allowance for three-story buildings when the site topography can provide the
40 necessary geometric prism for firefighters to set a ladder reaching the third-story side
41 yard window at no greater than a 75-degree angle.
- 42
- 43 5. Clarification on the building height separation requirements for three-story structures
44 in the LDMR and MR zones will increase the ease and safety of window access by
45 firefighters in emergency response and slow the spread of fire during a fire event.
- 46

1 D. The proposed amendments are consistent with and supportive of the following GMA
2 provisions:

- 3
4 1. GMA Planning Goal 1 (RCW 36.70A.020(1)): “Urban growth. Encourage
5 development in urban areas where adequate public facilities and services exist or
6 can be provided in an efficient manner.” The proposed building separation
7 amendments are supportive of this goal by ensuring better fire safety standards.
8
- 9 2. GMA Planning Goal 7 (RCW 36.70A.020(7)): “Permits. Applications for both state
10 and local government permits should be processed in a timely and fair manner to
11 ensure predictability.” The proposed building separation amendments are supportive
12 of this goal by ensuring more cohesive and clear building separation requirements
13 for development applications.
14

15 E. The proposed amendments maintain consistency with the Snohomish County Growth
16 Management Act Comprehensive Plan (GMACP) General Policy Plan (GPP), specifically
17 with the following goals, objectives, and policies within the Economic Development (ED)
18 chapter by encouraging predictable and consistent development regulations:

- 19 1. GPP Goal ED 1 “Maintain and enhance a healthy economy.”
20
- 21 2. GPP Goal ED 2 “Provide a planning and regulatory environment which facilitates
22 growth of the local economy.”
23
- 24 3. GPP Objective ED 2.A “develop and maintain a regulatory system that is fair,
25 understandable, coordinated and timely.”
26
- 27 4. GPP ED Policy 2.A.1 “Snohomish County shall work to ensure that the Snohomish
28 County Code is an understandable, accessible, and user friendly document.”
29
- 30 5. GPP ED Policy 2.A.2 “Snohomish County should stress predictability but maintain
31 enough flexibility in the Comprehensive Plan and development codes to allow for
32 timely response to unanticipated and desirable developments.”
33

34
35 F. Procedural requirements.

- 36 1. This proposal is a Type 3 legislative action under SCC 30.73.010.
37
- 38 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code
39 amendments was transmitted to the Washington State Department of Commerce for
40 distribution to state agencies on December 6, 2022.
41
- 42 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
43 respect to this non-project action have been satisfied through the completion of an
44 environmental checklist and the issuance of a determination of non-significance on
45 December 5, 2022.
46

- 1
2 4. The public participation process used in the adoption of this ordinance complies with
3 all applicable requirements of the GMA and the SCC.
4
5 5. The Washington State Attorney General last issued an advisory memorandum, as
6 required by RCW 36.70A.370, in September of 2018 entitled Advisory Memorandum
7 and Recommended Process for Evaluating Proposed Regulatory and Administrative
8 Actions to Avoid the Unconstitutional Takings of Private Property to help local
9 governments avoid the unconstitutional taking of private property. The process
10 outlined in the State Attorney General's 2018 advisory memorandum was used by
11 the County in objectively evaluating the regulatory changes proposed by this
12 ordinance.

13
14 Section 2. The County Council makes the following conclusions:

- 15
16 A. The amendments proposed by this ordinance comply with the GMA.
17
18 B. The amendments proposed by this ordinance comply with the GMACP.
19
20 C. The County has complied with all SEPA requirements with respect to this non-project action.
21
22 D. The public participation process used in the adoption of this ordinance complies with all
23 applicable requirements of the GMA and title 30 SCC.
24
25 E. The amendments proposed by this ordinance do not result in an unconstitutional taking of
26 private property for a public purpose.
27

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

33 Section 4. Snohomish County Code Section 30.23.300, added by Amended Ordinance
34 No. 12-049 on October 3, 2012, is amended to read:

35
36 **30.23.300 Building separation for single-family detached, single-family attached, and**
37 **duplex structures constructed in the LDMR and MR zones.**
38

39 (1) Single-family detached, single-family attached, and duplex structures in the LDMR and MR
40 zones shall have a minimum building separation of 10 feet except as otherwise required by SCC
41 30.23.300(2).
42

43 ~~((4))~~ (2) Single-family detached, single-family attached, and duplex structures in the LDMR
44 and MR zones with a third-story side yard ingress/egress window ((in the MR and LDMR
45 zones)) shall have a minimum of 15 feet building separation ((-)), provided that building
46 separation may be reduced to 10 feet when:
47

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

2
3 (a) The dwelling units are equipped with approved NFPA 13D automatic sprinkler
4 systems; or

5
6 (b) ~~((The topography of the particular site can provide the necessary geometric prism for
7 firefighters to set a ladder reaching the third-story side yard ingress/egress window at no greater
8 than a 75-degree angle; or))~~

9
10 ~~((c))~~ The dwelling unit boundaries are drawn with a "zero lot line" on one side of the
11 unit.

12
13 Section 5. Severability and Savings. If any section, sentence, clause, or phrase of this
14 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
15 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
16 not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this
17 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
18 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
19 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
20 effect for that individual section, sentence, clause, or phrase as if this ordinance had never been
21 adopted.

22
23 PASSED this 7th day of June, 2023.

24
25 SNOHOMISH COUNTY COUNCIL
26 Snohomish County, Washington

27
28 Jared Mead
29 Council Chair

30 ATTEST:

31
32 Lisa Campfield
33 Asst. Clerk of the Council

34
35 APPROVED
36 EMERGENCY
37 VETOED

DATE: June 13, 2023

38
39 D. S.
40 County Executive

41 ATTEST:

42
43 Melissa Geraghty

44 Approved as to form only:

45
46 [Signature] 03/23/2023
47 Deputy Prosecuting Attorney



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

06/27/2023

Ms. Lisa Campfield
Assistant Clerk of the Council
Snohomish County
3000 Rockefeller Ave.
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2023-S-6205--Notice of Final Adoption

Dear Ms. Campfield:

Thank you for sending the Washington State Department of Commerce the Notice of Final Adoption as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Adopted Ordinance 23-032 concerning building separation, amending Section 30.23.300 of the county code.

We received your submittal on 06/27/2023 and processed it with the Submittal ID 2023-S-6205. Please keep this letter as documentation that you have met this procedural requirement.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Ted Vanegas, (360) 725-2778.

Sincerely,

Review Team
Growth Management Services

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL
ELECTRONIC COPY RECEIVED

DATE: 06/30/23 Time 11:30 a.m.

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH979122 ORDINANCE 23-032 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/21/2023 and ending on 06/21/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$62.35. [Signature]



Subscribed and sworn before me on this 26th day of June, 2023.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 7, 2023, the Snohomish County Council adopted Ordinance No. 23-032, which shall be effective June 23, 2023.

A summary of the ordinance is as follows:

ORDINANCE NO. 23-032

RELATING TO THE GROWTH MANAGEMENT ACT,
CONCERNING BUILDING SEPARATION, AMENDING SECTION
30.23.300 OF THE SNOHOMISH COUNTY CODE

Sections 1 - 3, Adopt recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4, Amends SCC 30.23.300 to add a ten-foot building separation requirement for one-story and two-story single-family detached, single-family attached, and duplex structures in the Low Density Multiple Residential (LDMR) and Multiple Residential (MR) zones. Amendment also clarifies when the required 15-foot separation can be reduced to ten-feet in certain three-story buildings.

Section 5, Provides a standard severability and savings clause.

State Environmental Policy Act: State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on December 5, 2022.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by emailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at:

<https://snohomish.legistar.com/Calendar.aspx> or
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 14th day of June 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/Lisa Campfield
Asst. Clerk of the Council

107010
Published: June 21, 2023.

EDH979122

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL
ELECTRONIC COPY RECEIVED

DATE: 06/30/23 Time 11:30 a.m.

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH979117 ORDINANCE 23-032 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/21/2023 and ending on 06/21/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$31.90.

[Handwritten signature]



Subscribed and sworn before me on this 26th day of June, 2023.

[Handwritten signature of Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF ACTION
NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 7, 2023

1. Description of agency action: Approval of Ordinance No. 23-032.
2. Description of proposal: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BUILDING SEPARATION, AMENDING SECTION 30.23.300 OF THE SNOHOMISH COUNTY CODE
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Lisa Campfield
Asst. Clerk of the Council

Date: June 14, 2023

107010

Published: June 21, 2023.

EDH979117