

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

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 AMENDED ORDINANCE NO. 23-033

7
8 RELATING TO GROWTH MANAGEMENT; CONCERNING BUILDING HEIGHT
9 REQUIREMENTS; AMENDING CHAPTERS 30.23 AND 30.91B OF THE SNOHOMISH
10 COUNTY CODE

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

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

20
21 WHEREAS, on December 13, 2022, the Snohomish County Planning Commission
22 (“Planning Commission”) was briefed by Snohomish County Planning and Development
23 Services (PDS) staff about the proposed code amendments contained in this ordinance; and

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

29
30 WHEREAS, on June 7, 2023 the County Council held a public hearing after proper
31 notice to receive public testimony and consider the entire record related to the code
32 amendments contained in this ordinance; and

33
34 WHEREAS, following the public hearing, the County Council deliberated on the code
35 amendments contained in this ordinance.

36
37 NOW, THEREFORE, BE IT ORDAINED:

38
39 Section 1. The County Council adopts the following findings in support of this ordinance:

- 40
41 A. The foregoing recitals are adopted as findings as if set forth in full herein.
42
43 B. This ordinance amends title 30 SCC to clarify the building height requirements. In particular,
44 the purposes of these amendments are to:
45

- 1 1. Provide a maximum building height bonus in urban residential zones for buildings
2 constructed with daylight basements to incentivize building within existing
3 topography and minimize significant regrading.
4
- 5 2. Expand the list of elements that are excluded from the building height calculation to
6 reflect changes in architectural design and high-density building amenities. Elevator
7 hoist-ways and rooftop equipment screening are similar to other exempt features
8 such as turrets, towers and spires, and their inclusion in the building height
9 exemptions will allow buildings in urbanized areas to achieve their highest possible
10 density.
11
- 12 3. Clarify building height calculations based on the various roof types being built
13 throughout the County. County code currently does not provide a height
14 measurement methodology based on roof type, resulting in confusion and
15 inconsistent application of the building height requirements.
16
- 17 4. Add diagrams of roof types to assist with calculating building height.
18
- 19 5. Add a definition and diagram for daylight basement to assist in determining when a
20 building qualifies for a height bonus.
21

22 C. This ordinance is consistent with the record.

- 23
- 24 1. A new reference note (16) is added to Table 30.23.032 Urban Residential Zone Bulk
25 Matrix for the maximum building height requirements related to buildings constructed
26 with a daylight basement.
27
- 28 2. SCC 30.23.040 reference notes replaces reserved reference note (16) with a new
29 reference note allowing for a five-foot height bonus for buildings constructed with a
30 daylight basement.
31
- 32 3. Amendments to SCC 30.23.050(2) add elevator hoist-ways and rooftop equipment
33 screening to the list of building height exemptions, subject to limitations.
34
- 35 4. Amendments to SCC 30.23.050(3) clarify how to measure building height based on
36 different roof types, including shed, gable, gambrel, and vaulted roof design.
37
- 38 5. Amendments to Figure 30.23.050 related to calculating building height add two new
39 diagrams for finding the midpoint of different roof types and calculating building
40 height based on flat and mansard roofs.
41
- 42 6. A new SCC 30.91B.036 adds a definition and diagram for daylight basement.
43
- 44 7. The proposed amendments will help to meet the County's housing supply goals,
45 particularly with respect to affordable housing supply.
46

1 8. Allowing vested development applications to opt-in to the proposed building
2 height amendments will help the County better achieve the objective of denser
3 development and affordable housing goals in the comprehensive plan and
4 incentivize more developments to avoid regrading existing topography where
5 appropriate.
6

7 9. Under the current code, existing vested projects on sloping lots can achieve a
8 maximum building height design only by significantly regrading sites to create a
9 finished grade that removes existing slopes. Allowing vested development
10 applications to opt-in to the new regulations will ensure projects on sloping lots
11 can achieve the same maximum building height by constructing buildings with
12 daylight basements without significant regrading of existing slopes.
13

14 10. Allowing vested development applications to opt-in to the new regulations will
15 lessen the impacts to existing topography and ensure that developers use a
16 consistent set of standards to achieve maximum building height design without
17 excessive grading.
18

19 D. The proposed amendments are consistent with and supportive of the following GMA
20 provisions:
21

22 1. GMA Planning Goal 1 (RCW 36.70A.020(1)): "Urban growth. Encourage
23 development in urban areas where adequate public facilities and services exist or
24 can be provided in an efficient manner." The proposed building height amendments
25 are supportive of this goal by ensuring building permits are provided in a more
26 efficient manner.
27

28 2. GMA Planning Goal 2 (RCW 36.70A.020(2)): "Reduce sprawl. Reduce the
29 inappropriate conversion of undeveloped land into sprawling, low-density
30 development." The proposed building height amendments are supportive of this goal
31 by ensuring that a higher density development can be achieved in a more efficient
32 manner.
33

34 3. GMA Planning Goal 4 (RCW 36.70A.020(4)): "Housing. Plan for and accommodate
35 housing affordable to all economic segments of the population of this state, promote
36 a variety of residential densities and housing types, and encourage preservation of
37 existing housing stock." The proposed building height amendments are supportive of
38 this goal by ensuring that a greater variety of housing types are provided, including
39 daylight basement units beneath both single-family homes and multi-family
40 developments.
41

42 4. GMA Planning Goal 7 (RCW 36.70A.020(7)): "Permits. Applications for both state
43 and local government permits should be processed in a timely and fair manner to
44 ensure predictability." The proposed amendments are supportive of this goal by
45 ensuring more cohesive and clear building height requirements for development
46 applications that will be interpreted in a consistent manner.
47

1 E. The proposed amendments maintain consistency with the Snohomish County Growth
2 Management Act Comprehensive Plan (GMACP) General Policy Plan (GPP), specifically:

- 3
- 4 1. With the following goals, objectives, and policies within the Economic Development
5 (ED) chapter, by encouraging predictable and consistent development regulations:
6
- 7 a. Goal ED 2: “Provide a planning and regulatory environment which facilitates
8 growth of the local economy.”
9
 - 10 b. Objective ED 2.A: “Develop and maintain a regulatory system that is fair,
11 understandable, coordinated and timely.”
12
 - 13 c. ED Policy 2.A.1: “Snohomish County shall work to ensure that the Snohomish
14 County Code is an understandable, accessible, and user friendly document.”
15
 - 16 d. ED Policy 2.A.2: “Snohomish County should stress predictability but maintain
17 enough flexibility in the Comprehensive Plan and development codes to allow
18 for timely response to unanticipated and desirable developments.”
19
- 20 2. With the following goals, objectives, and policies within the Housing (HO) chapter, by
21 encouraging a wider variety of housing types including affordable housing units:
22
- 23 a. HO Policy 1.B.1: The county shall facilitate affordable home ownership and
24 rental opportunities by promoting an increased supply of safe and healthy
25 lower-cost housing types, such as housing on small lots, townhouses,
26 multiplexes, manufactured housing, mobile homes, and mixed-use housing.
27
 - 28 b. HO Policy 1.B.4. The county shall encourage and support the development of
29 innovative housing types that make efficient use of the county land supply
30 such as residential units in mixed-use developments, accessory dwelling
31 units, cottage housing, co-housing, and live/work units.
32

33 F. Procedural requirements.

- 34
- 35 1. This proposal is a Type 3 legislative action under SCC 30.73.010.
36
 - 37 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code
38 amendments was transmitted to the Washington State Department of Commerce for
39 distribution to state agencies on December 6, 2022.
40
 - 41 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
42 respect to this non-project action have been satisfied through the completion of an
43 environmental checklist and the issuance of a determination of non-significance on
44 December 5, 2022.
45

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

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

- 15 A. The amendments proposed by this ordinance are consistent with the GMA.
16
17 B. The amendments proposed by this ordinance are consistent with the GMACP.
18
19 C. The County has complied with all SEPA requirements with respect to this non-project
20 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
26 of 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 30.23.032, last amended by Amended
34 Ordinance No. 22-016 on May 4, 2022, is amended to read:
35

36 **SCC 30.23.032 Urban Residential Zone categories – bulk matrix.**
37

1
2

Table 30.23.032 Urban Residential Zones Bulk Matrix

| Category | Zone | Lot Dimension (feet) ⁵⁴ | | | Minimum Setback Requirements From (feet) ^{11, 33} | | | | | | | | Maximum Lot Coverage ⁸ |
|-------------------|--|--|-------------------|--|--|-------------------------------------|-------------------------------|-------------|--------------------|------------------------------------|------------------------------------|--------------------|-----------------------------------|
| | | Minimum Lot Area ²⁹ (square feet) | Minimum Lot Width | Maximum Building Height (feet) ^{16, 27, 64} | Side and Rear Lot Lines Adjacent to: | | | | Resource Lands | | Seismic Hazards | | |
| | | | | | Commercial and Industrial Zones | R-9,600, R-8,400, and R-7,200 Zones | Other Urban Residential Zones | Rural Zones | Agriculture | Forest | | | |
| Urban Residential | R-9,600 | 9,600 ²³ | 70 | 30 | 10 | 5 | 5 | 5 | See SCC 30.32B.130 | See SCC 30.32A.110 | See chapters 30.51A and 30.62B SCC | 35% | |
| | R-8,400 | 8,400 ²³ | 65 | 30 | 10 | 5 | 5 | 5 | | | | 35% | |
| | R-7,200 (buildings ≤ 30 feet high) | 7,200 ^{23, 65} | 60 | 35 | 10 | 5 | 5 | 5 | | | | See SCC 30.31E.050 | 25 |
| | R-7,200 (buildings > 30 feet high) ⁶⁷ | | | | | 10 | 10 | 10 | | | | | |
| | T (buildings ≤ 20 feet high) ⁵⁹ | See SCC 30.31E.050 | 60 | 35 | 10 | 10 | 5 | 25 | See SCC 30.31E.050 | See SCC 30.32A.110 | See chapters 30.51A and 30.62B SCC | 35% | |
| | T (buildings > 20 feet high) ⁵⁹ | | | | 15 | 20 | 10 | | | | | | |
| | LDMR (buildings ≤ 20 feet high) ⁶⁵ | 7,200 ^{4, 65} | 60 | 45 | 10 | 10 | 5 | 25 | See SCC 30.32A.110 | See chapters 30.51A and 30.62B SCC | 50% ⁶⁶ | | |
| | | | | | | | | | | | | | |

| Category | Zone | Lot Dimension (feet) ⁵⁴ | | | Minimum Setback Requirements From (feet) ^{11, 33} | | | | | | | Maximum Lot Coverage ⁸ |
|----------|---|--|-------------------|--|--|-------------------------------------|-------------------------------|-------------|----------------|--------|-----------------|-----------------------------------|
| | | Minimum Lot Area ²⁹ (square feet) | Minimum Lot Width | Maximum Building Height (feet) ^{16, 27, 64} | Side and Rear Lot Lines Adjacent to: | | | | Resource Lands | | Seismic Hazards | |
| | | | | | Commercial and Industrial Zones | R-9,600, R-8,400, and R-7,200 Zones | Other Urban Residential Zones | Rural Zones | Agriculture | Forest | | |
| | | | | | | | | | | | | |
| | gs ≤ 20 feet high) ^{15, 59, 61, 62} | | | | | | | | | | | |
| | LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62} | | | | 10 | 20 | 10 | | | | | |
| | LDMR (buildings > 30 feet high) ^{15, 59, 61, 62} | | | | 15 | 25 | 15 | | | | | |
| | MR (buildings ≤ 20 feet high) ^{5, 15, 59, 61, 62} | 7,200 ^{5, 9, 65} | 60 ⁹ | 45 ¹⁴ | 10 | 10 | 5 | | | | | 50% ^{9, 66} |
| | MR (buildings 20 - 30 feet high) ^{5, 15, 59, 61, 62} | | | | 10 | 20 | 10 | 25 | | | | |

| Category | Zone | Lot Dimension (feet) ⁵⁴ | | | Minimum Setback Requirements From (feet) ^{11, 33} | | | | | | | Maximum Lot Coverage ⁸ |
|--|---------------|--|-------------------|--|--|-------------------------------------|-------------------------------|-------------|----------------|--------|-----------------|-----------------------------------|
| | | Minimum Lot Area ²⁹ (square feet) | Minimum Lot Width | Maximum Building Height (feet) ^{16, 27, 64} | Side and Rear Lot Lines Adjacent to: | | | | Resource Lands | | Seismic Hazards | |
| | | | | | Commercial and Industrial Zones | R-9,600, R-8,400, and R-7,200 Zones | Other Urban Residential Zones | Rural Zones | Agriculture | Forest | | |
| MR (buildings > 30 feet high) ^{5, 15, 59, 61, 62} | | | | | 15 | 25 ⁶⁰ | 15 | | | | | |
| MHP | ⁵⁵ | None | 25 | See SCC 30.42E.100(5)(a) | | | | 50% | | | | |

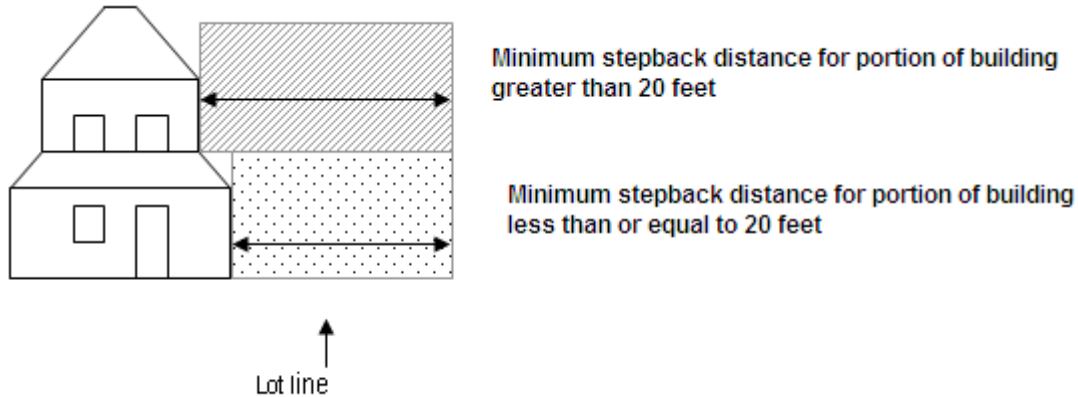
- 1 See SCC 30.23.040 for reference notes listed in Table 30.23.032.
2 Section 5. Snohomish County Code Section 30.23.040, last amended by Amended
3 Ordinance No. 22-016 on May 4, 2022, is amended to read:
4
5 **30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.**
6
7 (1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB,
8 CB, GC and BP zones.
9 (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
10 (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
11 (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of
12 land per dwelling unit, except that existing dwelling units may be retained as part of new
13 development in the LDMR zone without counting towards the maximum density.
14 (5) In the MR zone the maximum density shall be calculated based on 2,000 square feet of
15 land per dwelling unit, except that:
16 (a) Existing dwelling units may be retained as part of new development in the MR zone
17 without counting towards the maximum density.
18 (b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion
19 of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within
20 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State
21 Route 525, the maximum density shall be calculated based on 750 square feet of land per
22 dwelling unit, provided that either:

- 1 (i) One or more transfer of development rights (TDR) credits must be used to
2 realize the additional density under subsection (5)(b) of this section according to the
3 requirements of chapter 30.35A SCC; or
- 4 (ii) After June 11, 2020, developments for which the applicant provides
5 documentation to the director showing that the entire project has been granted a property tax
6 exemption by the Washington State Department of Revenue under RCW 84.36.041, 84.36.042,
7 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC and
8 development may be permitted up to a maximum density of 750 square feet of land per dwelling
9 unit without using TDR credits.
- 10 (6) Commercial forestry structures shall not exceed 65 feet in height.
- 11 (7) Non-residential structures shall not exceed 45 feet in height.
- 12 (8) Lot coverage includes all buildings on the given lot.
- 13 (9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site
14 is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet
15 of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route
16 525, are exempt from minimum lot area, minimum lot width, and maximum lot coverage
17 requirements.
- 18 (10) RESERVED for future use.
- 19 (11) These setbacks shall be measured from the property line.
- 20 (12) Greater setbacks than those listed may apply to areas subject to Shoreline Management
21 Program jurisdiction or critical areas regulations in chapters 30.62A, 30.62B, 30.62C and 30.67
22 SCC. Some uses have special setbacks identified in SCC 30.23.110.
- 23 (13) The listed setbacks apply where the adjacent property is zoned F. In all other cases,
24 setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential
25 structures on 10 acres or less which were legally created prior to being zoned to F shall be the
26 same as in the R-8,400 zone.
- 27 (14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB,
28 PCB, CB and GC that are in the Southwest UGA where any portion of the site within 2,000 feet
29 of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge
30 of the right-of-way of State Route 99, and the site is east of State Route 525. Subject to the
31 requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily
32 structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any
33 portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99 and the
34 site is east of State Route 525.
- 35 (15) See SCC 30.23.300.
- 36 (16) (~~RESERVED for future use.~~) The maximum building height is increased an additional five
37 feet when the building includes a daylight basement, except under conditions that would violate
38 any other applicable requirements of title 30 SCC, including the height limit requirements of the
39 Shoreline Management Program (SCC 30.67.460), airport compatibility regulations (SCC
40 30.32E.060), and urban residential design standards (chapter 30.23A SCC).
- 41 (17) In the IP zone there shall be an additional one foot setback for every one foot of building
42 height over 45 feet.
- 43 (18) RESERVED for future use.
- 44 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
45 necessary for PCB or BP zoning.

- 1 (20) See additional setback provisions for dwellings located along the boundaries of
2 designated farmland contained in SCC 30.32B.130.
- 3 (21) See additional setback provisions for structures located adjacent to forest lands, and/or on
4 lands designated local forest or commercial forest contained in SCC 30.32A.110.
- 5 (22) The minimum lot size for properties designated Rural Residential (RR)--10 (Resource
6 Transition) on the comprehensive plan shall be 10 acres.
- 7 (23) Minimum lot area requirements may be modified within UGAs in accordance with SCC
8 30.23.020.
- 9 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C
10 SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall
11 be 20,000 square feet or less when located in rural/urban transition areas.
- 12 (25) RESERVED for future use.
- 13 (26) RESERVED for future use.
- 14 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit
15 requirements within shoreline jurisdiction.
- 16 (28) RESERVED for future use.
- 17 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.
- 18 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires an
19 application for a new structure on parcels designated commercial forest, but not within a
20 designated commercial forest--forest transition area, to provide a minimum 500-foot setback,
21 which shall be a resource protection area, from the property boundaries of adjacent commercial
22 forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot
23 do not allow a setback of 500 feet, the new structure shall maintain the maximum setback
24 possible, as determined by the department.
- 25 (31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(27).
26 Performance standards and permit requirements are in chapter 30.32C SCC.
- 27 (32) For mineral excavation and processing: The site shall be a contiguous geographic area
28 and have a size of not less than 10 acres, except in the case of subsurface shaft excavations,
29 no minimum acreage is required, pursuant to SCC 30.32C.020(1).
- 30 (33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home
31 occupation.
- 32 (34) RESERVED for future use.
- 33 (35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height,
34 setback, and lot coverage requirements.
- 35 (36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094, effective
36 September 29, 2005).
- 37 (37) Agriculture. All structures used for housing or feeding animals, not including household
38 pets, shall be located at least 30 feet from all property lines.
- 39 (38) There shall be no subdivision of land designated commercial forest in the comprehensive
40 plan except to allow installation of communication and utility facilities if all the following
41 requirements are met:
- 42 (a) The facility cannot suitably be located on undesignated land;
- 43 (b) The installation cannot be accomplished without subdivision;
- 44 (c) The facility is to be located on the lowest feasible grade of forest land; and
- 45 (d) The facility removes as little land as possible from timber production.

- 1 (39) On parcels designated commercial forest, but not within a designated commercial forest--
2 forest transition area, establish and maintain a minimum 500-foot setback, which shall be a
3 resource protection area, from the property boundaries of adjacent commercial forest lands
4 except when the size, shape, and/or physical site constraints of an existing legal lot do not allow
5 a setback of 500 feet, the new structure shall maintain the maximum setback possible as
6 provided in SCC 30.32A.120.
- 7 (40) Land designated local commercial farmland shall not be divided into lots of less than 10
8 acres unless a properly executed deed restriction which runs with the land and which provides
9 that the land divided is to be used exclusively for agricultural purposes and specifically not for a
10 dwelling(s) is recorded with the Snohomish County auditor.
- 11 (41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone
12 identified as the implementing zone by the comprehensive plan for the plan designation applied
13 to the subject property. Where more than one implementing zone is identified for the same
14 designation, the minimum lot size shall be that of the zone allowing the smallest lot size.
- 15 (42) RESERVED for future use.
- 16 (43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.
- 17 (44) The 50 percent maximum lot coverage limitation applies solely to the portion of the area
18 within the CRC comprehensive plan designation and zone that is centered at 180th Street SE
19 and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of
20 184th Street/SR 9, as indicated on the county's FLUM and zoning map.
- 21 (45) The 30 percent maximum lot coverage limitation applies solely to the portion area located
22 within the CRC comprehensive plan designation and zone that is centered at State Route (SR)
23 9 and 164th Street SE, as indicated on the county's Future Land Use Map (FLUM) and zoning
24 map.
- 25 (46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to
26 chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC 30.32C.050. Uses
27 are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to
28 prevent development which would preclude future access to the mineral resources.
- 29 (47) RESERVED for future use.
- 30 (48) RESERVED for future use.
- 31 (49) RESERVED for future use.
- 32 (50) RESERVED for future use.
- 33 (51) RESERVED for future use.
- 34 (52) RESERVED for future use.
- 35 (53) RESERVED for future use.
- 36 (54) A split parcel may be subdivided along the UGA boundary line using one of three
37 methods. First, a split parcel may be subdivided along the UGA boundary line into two lots,
38 whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to
39 SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application,
40 pursuant to SCC 30.41B.010(8). Finally, a split parcel may be subdivided as part of a plat
41 application, pursuant to SCC 30.41A.010(3).
- 42 (55) See SCC 30.42E.100(9)(c).
- 43 (56) RESERVED for future use.
- 44 (57) RESERVED for future use.
- 45 (58) RESERVED for future use.
- 46 (59) Relationship of setback to building height:

1 The minimum setback requirements are dependent on the heights of the building as specified in
 2 this column. To meet the setback requirements, buildings over 20 feet in height must either:
 3 (a) Set the entire building back the minimum setback distance; or
 4 (b) Stepback those portions of the building exceeding 20 feet in height to the minimum
 5 setback distance, as illustrated in Figure 30.23.040(59).
 6 Figure 30.23.040(59). Example of relationship of building height to setback



- 8 (60) Stepback those portions of the building exceeding 45 feet in height from the minimum side
 9 and rear yard setbacks by one additional foot for each additional two feet of building height.
- 10 (61) Single-family detached, single-family attached and duplex structures shall comply with the
 11 minimum setbacks required in the R-8,400 zone.
- 12 (62) Fencing between single-family detached, single-family attached and duplex structures
 13 shall be:
 14 (a) Prohibited in the area that is within five feet of a third story ingress/egress window
 15 so ladder access to the third floor window is not impeded; or
 16 (b) Limited to either vegetative, wood, block, concrete or metal that does not exceed 42
 17 inches in height.
- 18 (63) Additional building height up to a maximum of 125 feet may be allowed under certain
 19 circumstances as provided for in SCC 30.34A.040(1).
- 20 (64) If located within an airport compatibility area, building height is subject to the requirements
 21 of SCC 30.32E.060.
- 22 (65) Townhouse and mixed townhouse development may achieve the following density:
 23 (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200
 24 square feet of land per dwelling unit, but the maximum density may be increased up to 50
 25 percent. Existing dwelling units may be retained as part of new development without counting
 26 towards the maximum density.
 27 (b) For the LDMR and MR zones, the maximum density established under subsections
 28 (4) and (5) of this section may be increased up to 50 percent.
 29 (c) Maximum density shall be determined by rounding up to the next whole unit when a
 30 fraction of a unit is equal to five-tenths or greater.
- 31 (66) The maximum lot coverage in townhouse and mixed townhouse developments is 50
 32 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR where any
 33 portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99
 34 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east

1 of State Route 525 are exempt from maximum lot coverage requirements consistent with SCC
2 30.23.040(9).
3 (67) See SCC 30.23.310.
4

5 Section 6 Snohomish County Code Section 30.23.050, last amended by Ordinance No.
6 21-011 on April 7, 2021, is amended to read:
7

8 **30.23.050 Height requirements, exceptions and measuring height.**
9

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

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

15 (a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys,
16 water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles,
17 towers and masts used to support commercial radio and television antennas, bulkheads, water
18 tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and
19 drive-in theater projection screens, provided they are set back at least 50 feet from any
20 adjoining lot line;

21 (b) Towers and masts used to support private antennas, provided they meet the
22 minimum setback of the zoning district in which they are located, and the horizontal array of the
23 antennas does not intersect the vertical plane of the property line;

24 (c) Towers, masts, or poles supporting electric utility, telephone or other communication
25 lines;

26 (d) Schools and educational institutions; provided, that:

27 (i) The use was approved as part of a conditional use permit;

28 (ii) A maximum building height of 55 feet is not exceeded; and

29 (iii) Any portion of any building exceeding the underlying zoning maximum height
30 standard is set back at least 50 feet from all of the site's perimeter lot lines; ~~((and))~~

31 (e) Aircraft hangars located within any industrial zone; provided, that the hangar is set
32 back at least 100 feet from any non-industrial zone~~((-))~~;

33 (f) Elevator hoistways, provided they do not exceed the maximum building height of the
34 underlying zone by more than 30 percent or 15 feet, whichever is less; and

35 (g) Rooftop mechanical equipment screening, including extended parapet walls,
36 mansards, or other roof forms that are integrated with the architecture of the building, provided it
37 does not exceed the maximum building height of the underlying zone by more than 30 percent
38 or 15 feet, whichever is less.

39 (3) Building height shall be measured as the vertical distance from the average final grade to the
40 highest point of ~~((a flat roof, or to the deck line of a mansard roof, or to the average height of the~~
41 ~~highest gable of a pitch or hip roof.)) the roof surface, based on the following roof types:~~

42 (a) For a flat or minimally pitched (less than 1:12) roof use the distance to the tallest
43 point of the roof;

44 (b) For a mansard roof, use the distance to the deck line; or

45 (c) For a gable, hip or pitched, gambrel, vaulted, shed, or A-frame roof, use the distance
46 to the midpoint of the pitch of the roof, measured from the peak of the roof to that point vertically
47 above the highest exterior wall, including dormer walls.

1 Different roof types and their midpoints are shown in Figure 30.23.050(4) and (5). If a building
2 has more than one roof type, the highest roof shall be used to determine the height of the
3 building.

4 (4) Calculation of the average final grade shall be made by drawing the smallest rectangle
5 possible that encompasses the entire building area as shown in SCC Figure 30.23.050(1) and
6 averaging the elevations at the midpoint of each side of the rectangle. When a structure that is
7 to be fully partitioned with internal dividing walls separating individual dwelling units from each
8 other from ground to sky, the applicant may request a modification of the measurement by
9 evaluating maximum height based upon individual sections to respond to topography of the site
10 as follows:

11 (a) Drawing the smallest rectangle possible that encompasses the entire building area;

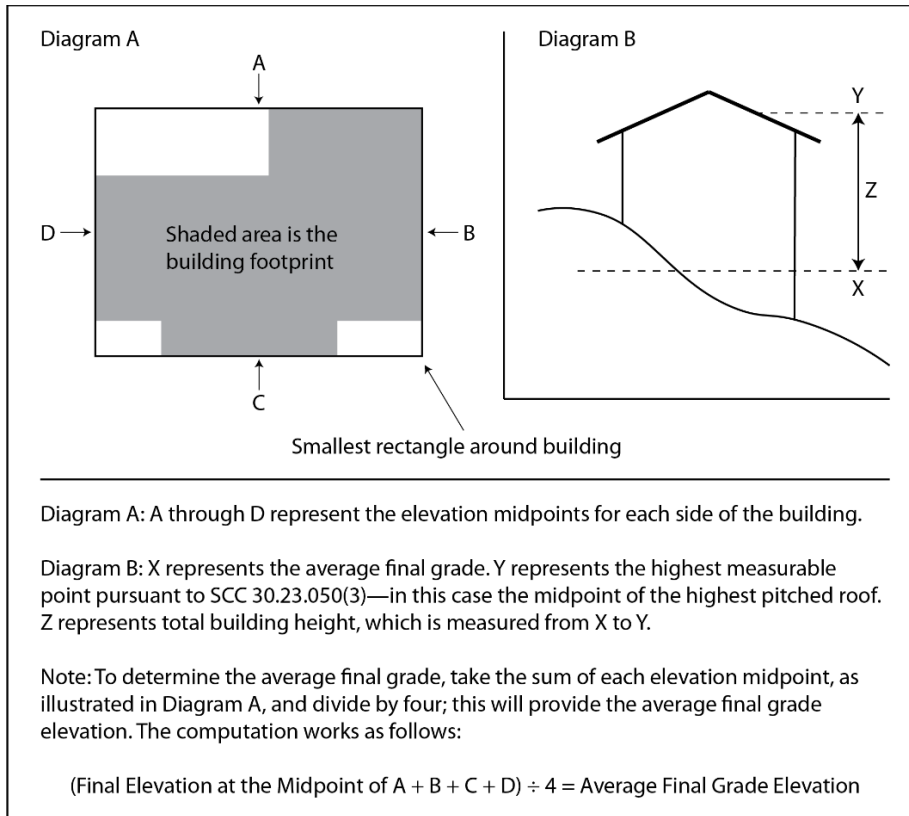
12 (b) Dividing one side of the rectangle, as chosen by the applicant, into sections equal to
13 the internal dividing walls that fully separate individual dwelling units from each other using lines
14 that are perpendicular to the chosen side of the rectangle;

15 (c) The sections delineated in subsection (4)(b) of this section must extend vertically
16 from ground to sky; and

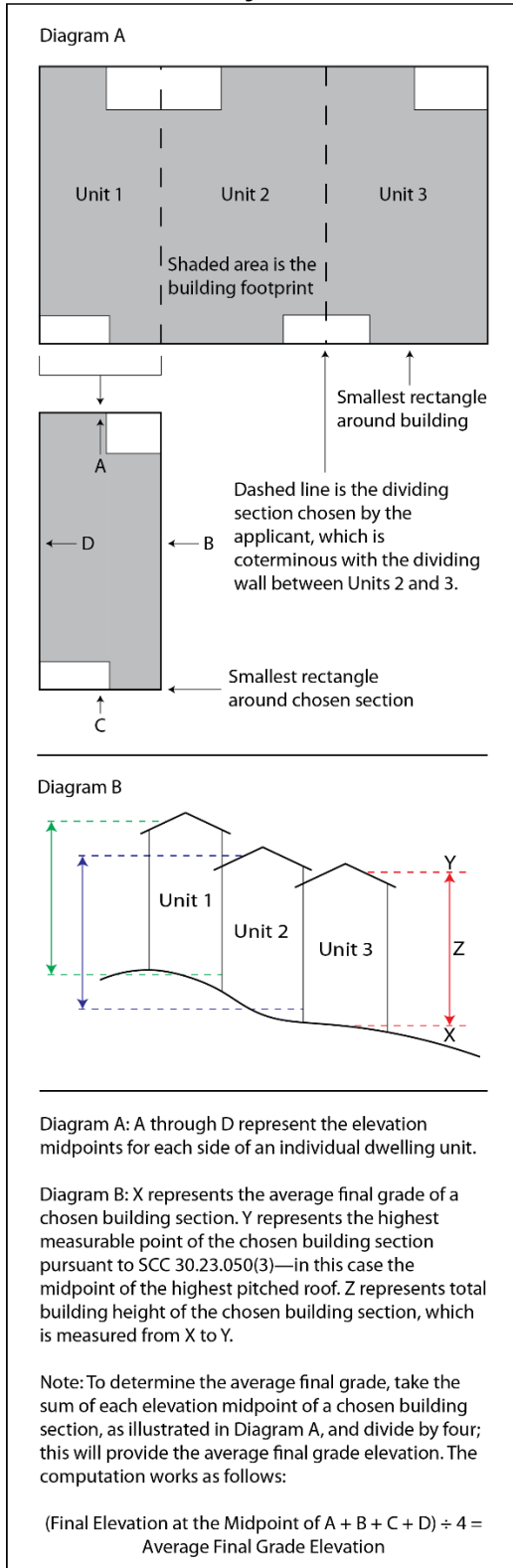
17 (d) The maximum height for each section of the structure is measured from the average
18 final grade for that section of the structure, which is calculated as the average elevation at the
19 midpoints of each side of the rectangle for each section of the structure, as illustrated in SCC
20 Figure 30.23.050(2).

21 (5) Fill shall not be used to raise the average final grade more than five feet above the existing
22 grade of any dwelling located within 50 feet on adjoining properties, as illustrated in SCC Figure
23 30.23.050(3); provided, that the provisions of this subsection (5) shall not apply to residential
24 development subject to chapters 30.23A and 30.41G SCC.

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

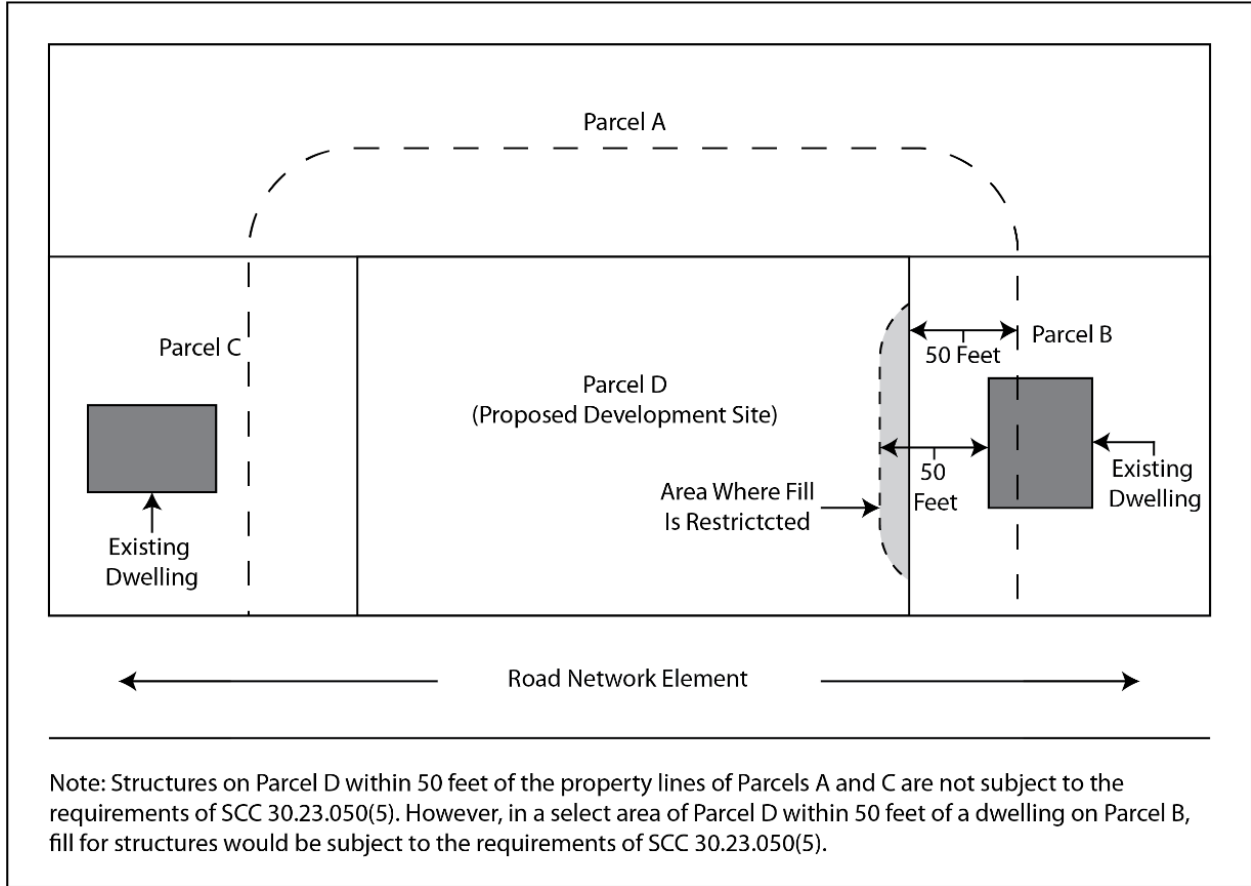


1
 2 **Figure 30.23.050(2). Calculating Average Final Grade and Determining Height for**
 3 **Portions of a Fully Partitioned Attached Single-Family Structure**



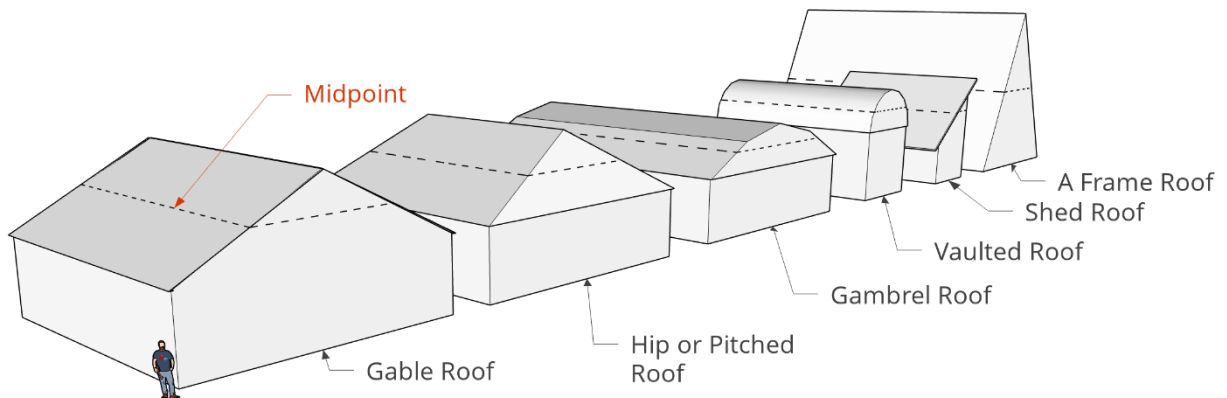
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Figure 30.23.050(3). Restrictions on Using Fill to Alter Average Final Grade



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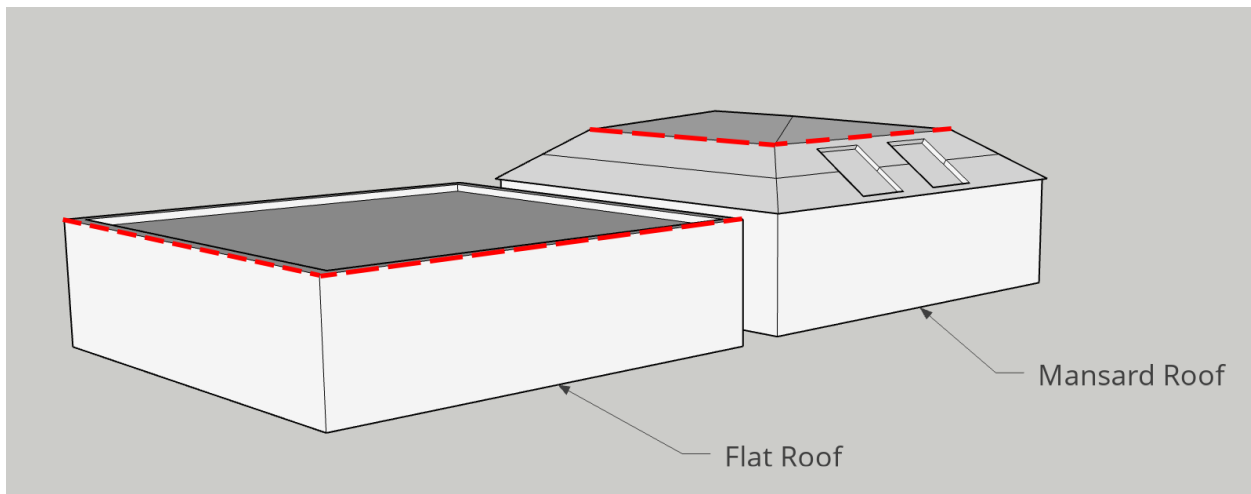
Figure 30.23.050(4). Finding the Midpoint of Different Roof Types



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Figure 30.23.050(5). Calculating Building Height for Flat and Mansard Roofs



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

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

Section 7. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.055 Allowing a Complete Development Application to Opt-in to the Requirements of Ordinance No. 23-033.

- (1) An applicant with an existing residential development application determined to be complete by the department prior to the effective date of Ordinance 23-033, may voluntarily submit a signed waiver to the department requesting the development application be reviewed under the provisions in Amended Ordinance No. 23-033. All other development regulations in effect as of the date the original development application was determined to be complete shall apply.
- (2) Applicants submitting a signed waiver shall have 6 months from the effective date of Amended Ordinance 23-033 to submit a revised site plan and building elevation plan.
- (3) Applicants shall be responsible for demonstrating any proposed changes to building height consistent with the requirements of Ordinance No. 23-033 remain in compliance with the setback requirements of chapter 30.23 SCC, the compatibility standards of chapter 30.23A SCC, and any other applicable development regulations in effect as of the date the original development application was determined to be complete.

1 (4) Any plans re-submitted under this section shall require notice of application pursuant to
2 chapter 30.70 SCC and be subject to any applicable fees. All parties of record for the complete
3 application will receive notice of the proposed change.

4 (5) The department shall include in its written decision for a Type 1 permit or staff
5 recommendation on a Type 2 permit a statement explaining which building height requirements
6 apply.

7 (6) This section SCC 30.23.055 is repealed effective 6 months from the date of adoption of
8 Amended Ordinance No. 23-033.

9

10 Section 8. A new section is added to Chapter 30.91B of the Snohomish County Code to
11 read:

12

13 **SCC 30.91B.036 Basement, daylight.**

14

15 "Basement, daylight" ("Daylight basement") means a basement that has a minimum of 1/3 of its
16 perimeter wholly underground while the rest of the perimeter is either at grade or only partially
17 underground grade, with one or more full-sized above-ground windows placed on one or more
18 of the walls.

19

20 **Figure SCC 30.91B.036. Daylight Basement**




22

1 Section 9. Severability and Savings. If any section, sentence, clause, or phrase of this
2 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
3 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
4 not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this
5 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
6 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
7 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
8 effect for that individual section, sentence, clause or phrase as if this ordinance had never been
9 adopted.

10
11 PASSED this 7th day of June 2023.

12
13
14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

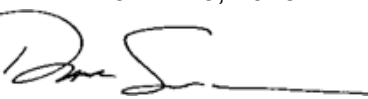
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17 
18 _____
19 Council Chair

20
21
22
23 ATTEST:

24
25
26 
27 _____
28 Asst. Clerk of the Council

29 (X) APPROVED
30 () EMERGENCY
31 () VETOED

32 DATE: June 13, 2023

33 
34 _____
35 County Executive

36 ATTEST:

37
38 
39 _____

40
41 Approved as to form only:

42
43 _____
44 Deputy Prosecuting Attorney