

Index of Records					
Density Fringe <a href="#">Ordinance 24-056</a> (2024-1355)					
Hearing Date: Wednesday, August 14, 2024 @10:30 a.m.					
Council Staff: Ryan Countryman		PDS Staff: Hilary McGowan		DPA: Christina Richmond	
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
<b>2.0 Planning Commission</b>					
<a href="#">2.0003</a>	Staff Report	11/28/23	Hilary McGowan, PDS Staff	Briefing to Planning Commission: Proposed Code Amendments realting to Density Fringe Exemptions	8
<a href="#">2.0014</a>	Letter	03/10/23	Planning Commission	Planning Commission Recommendation	3
<b>3.1 ECAF and Materials</b>					
<a href="#">3.1.001</a>	ECAF	06/26/24	Executive/PDS	Transmitting Executive initiated Ordinance	2
<a href="#">3.1.002</a>	Ordinance	06/26/24	Executive/PDS	Introduced Ordinance	11
<a href="#">3.1.003</a>	Introduction	06/26/24	Councilmember Nate Nehring	Introduction Slip	1
<b>3.2 Council Planning Committee Materials</b>					
<a href="#">3.2.001</a>	Staff Report	07/16/24	Ryan Countryman, Council Staff	Council Staff Report	3
<a href="#">3.2.002</a>	Presentation	07/16/24	Hilary McGowan, PDS Staff	PowerPoint Council Breifing Presentation	19 slides
<a href="#">3.2.003</a>	Minutes	07/16/24	Council Staff	Link to Minutes and Video of Planning and Community Development Committee Meeting 07/16/24	1
<b>3.3 Correspondence, Comments, Testimony</b>					

<b>3.4 Staff Reports and Submissions</b>					
<b>3.5 Public Participation</b>					
3.5.001	Notice	07/24/24	Council Staff	Notice of Introduction and Public Hearing	3
3.5.002	Affidavit	08/01/24	Herald	Affidavit of Publication - Notice of Introduction and Public Hearing	3
3.5.003	Notice	08/19/24	Council Staff	Notice of Enactment	2
3.5.004	Affidavit	08/23/24	Herald	Affidavit of Publication - Notice of Enactment	2
3.5.005	Notice	10/15/24	Council Staff	Notice of GMA Action	1
3.5.006	Affidavit	10/18/24	Herald	Affidavit of Publication - Notice of GMA Action	2
3.5.007	Letter	10/29/24	Dept. of Commerce	Acknowledging receipt of transmittal	2
<b>3.6 Council Deliberations</b>					



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604

Everett, WA 98201-4046

(425) 388-3311

[www.snoco.org](http://www.snoco.org)**MEMORANDUM**

TO: Snohomish County Planning Commission

FROM: Hilary McGowan, Planner

SUBJECT: Proposed Code Amendments Relating to Density Fringe Exemptions

DATE: November 28, 2022

**Dave Somers**  
County Executive

**INTRODUCTION**

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

**BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

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

**PROPOSED CODE AMENDMENTS**

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

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

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

## ANALYSIS

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

### Compliance with State Law

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

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

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

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

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

### Compliance with the Multi-County Planning Policies

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

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

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

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

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

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

#### **Compliance with the Countywide Planning Policies**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Environmental Review**

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

### **Notification of State Agencies**

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

### **Staff Recommendation:**

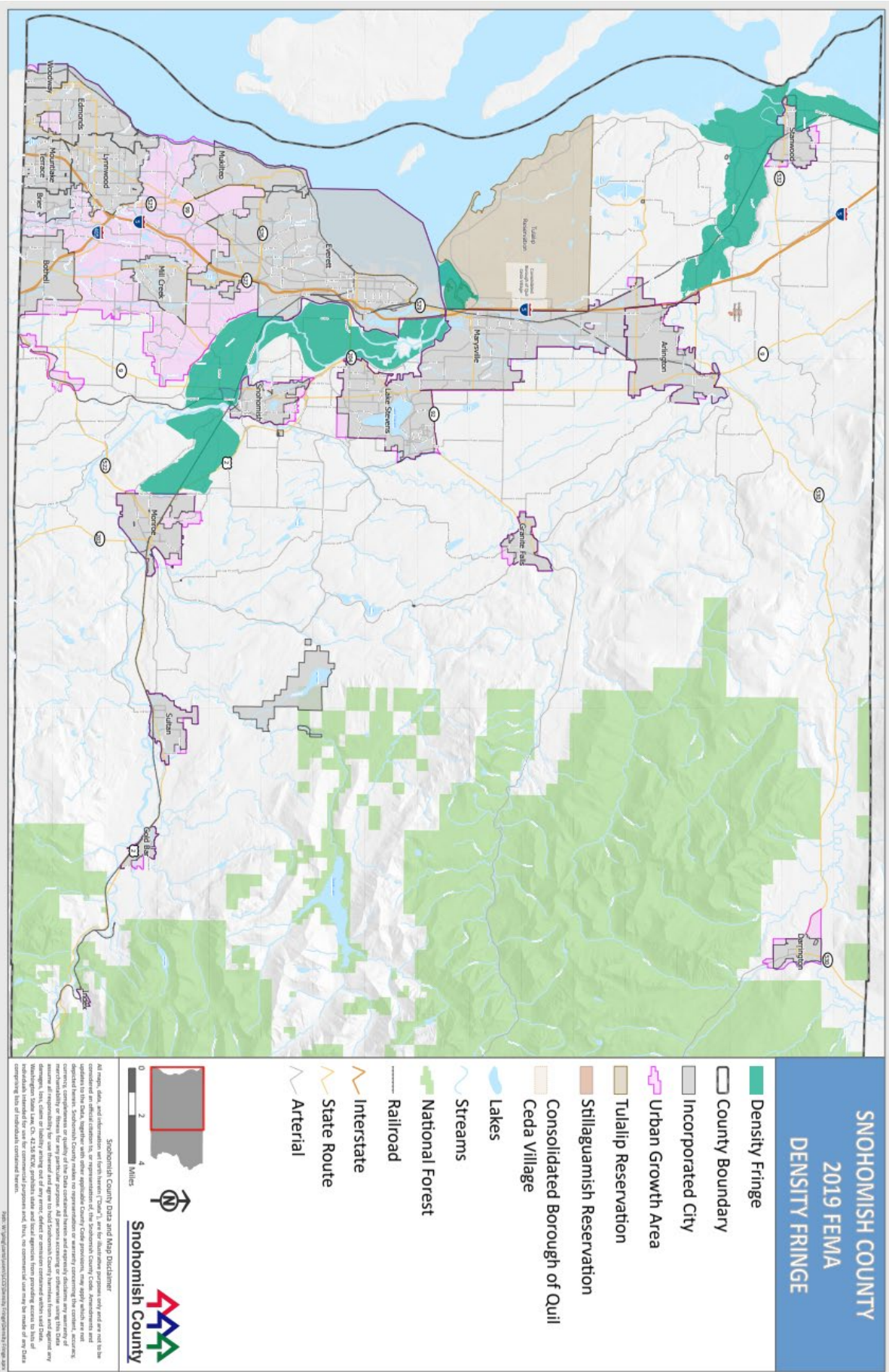


Staff recommends approval of the proposed code amendments and findings contained in this staff report.

**Action Requested**

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

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





**Snohomish County**

**SNOHOMISH COUNTY PLANNING COMMISSION**

March 10, 2023

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

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

Dear Snohomish County Council:

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

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

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

**PLANNING COMMISSION RECOMMENDATION**

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

**VOTE (Motion):**

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

0 opposed

0 abstention


**Motion PASSED**

Density Fringe

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

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

Respectfully submitted,

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

SNOHOMISH COUNTY PLANNING COMMISSION  
Robert Larsen, Chairman

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







# Planning Commission Recommendation Letter - Density Fringe

Final Audit Report

2023-03-17

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

## "Planning Commission Recommendation Letter - Density Fringe" History

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

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

**Executive/Council Action Form (ECAF)**

**ITEM TITLE:**

**..Title**

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

**..body**

**DEPARTMENT:** Planning and Development Services

**ORIGINATOR:** Hilary McGowan

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

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

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

**FISCAL IMPLICATIONS:**

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

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

<b>TOTAL</b>			

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

**CONTRACT INFORMATION:**

ORIGINAL \_\_\_\_\_ CONTRACT# \_\_\_\_\_ AMOUNT \_\_\_\_\_  
 AMENDMENT \_\_\_\_\_ CONTRACT# \_\_\_\_\_ AMOUNT \_\_\_\_\_

**Contract Period**

ORIGINAL START \_\_\_\_\_ END \_\_\_\_\_  
 AMENDMENT START \_\_\_\_\_ END \_\_\_\_\_

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

Adopted:

Effective:

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

ORDINANCE NO. 24-056

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 NOW, THEREFORE, BE IT ORDAINED:  
39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3  
4 J. Procedural requirements.

- 5  
6 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC  
7 30.73.010.  
8  
9 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments  
10 was transmitted to the Washington State Department of Commerce for distribution to state  
11 agencies on November 30, 2022.  
12  
13 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this  
14 non-project action have been satisfied through the completion of an environmental checklist  
15 and the issuance of a determination of non-significance on November 30, 2022.  
16  
17 4. The public participation process used in the adoption of this ordinance complies with all  
18 applicable requirements of the GMA and the SCC, including but not limited to, RCW 36.70A.035,  
19 RCW 36.70A.140, and chapter 30.73 SCC.  
20  
21 5. The Planning Commission was briefed on the proposed amendments at its December 13, 2022,  
22 meeting and conducted a public hearing on the proposed amendments at its January 24, 2023,  
23 and February 28, 2023, meetings, resulting in its letter of March 10, 2023, recommending  
24 approval of the code amendments contained in this ordinance.  
25  
26 6. The Washington State Attorney General last issued an advisory memorandum, as required by  
27 RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum: Avoiding  
28 Unconstitutional Takings of Private Property" to help local governments avoid the  
29 unconstitutional taking of private property. The process outlined in the State Attorney  
30 General's 2018 advisory memorandum was used by Snohomish County in objectively evaluating  
31 the regulatory changes proposed by this ordinance.  
32

33 K. This ordinance is consistent with the record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

26  
 27 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

28  
 29 SNOHOMISH COUNTY COUNCIL  
 30 Snohomish County, Washington

31  
 32  
 33  
 34 \_\_\_\_\_  
 Council Chair

1 ATTEST:

2

3

4

5 \_\_\_\_\_  
Asst. Clerk of the Council

6

7 ( ) APPROVED

8 ( ) EMERGENCY

9 ( ) VETOED

DATE:

10

11

12

13

\_\_\_\_\_  
County Executive

14 ATTEST:

15

16

17

18 Approved as to form only:

19 Richmond,

20 Christina

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

21 \_\_\_\_\_  
Deputy Prosecuting Attorney

ECAF:  
RECEIVED:

# ORDINANCE INTRODUCTION SLIP

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 3.1.003

**FILE** ORD 24-056

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N. Nehring  
Councilmember Date

Clerk's Action:

Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

## STANDING COMMITTEE RECOMMENDATION FORM

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

\_\_\_\_\_ Move to Council to schedule public hearing on: \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

**Regular Agenda** \_\_\_\_\_ **Administrative Matters** \_\_\_\_\_

**Public Hearing Date** \_\_\_\_\_ **at** \_\_\_\_\_

N. Nehring  
Committee Chair



# Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

**SNOHOMISH COUNTY COUNCIL**

**ECAF:** 2024-1355

**Ordinance:** 24-056

**Type:**

Contract

Board Appt.

**Code Amendment**

Budget Action

Other

**Requested Handling:**

**Normal**

Expedite

Urgent

**Fund Source:**

General Fund

Other

**N/A**

**Executive Rec:**

**Approve**

Do Not Approve

N/A

**Approved as to**

**Form:**

**Yes**

No

N/A

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

**EXHIBIT #** 3.2.001

**FILE** ORD 24-056

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

**Duration:** N/A

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

**Authority Granted:**

None

**Background:**

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

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

**Request:**

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

# Proposed Code Amendments Relating Density Fringe Exemptions

Snohomish County Council: Briefing

July 16, 2024

Hilary McGowan, Senior Planner



---

# Presentation Overview

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



# Summary of Proposed Code Amendment

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

SCC 30.65.260

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

# Density Fringe Background

## SCC 30.91D.100

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

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



# Density Fringe Background



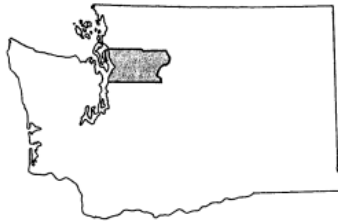
- The National Flood Insurance Program (NFIP) is a federal program administered by FEMA that allows certain property owners to purchase insurance protection against losses from flooding
- This is contingent on communities adopting floodplain management regulations to reduce future flood risks

# Density Fringe Background

## FLOOD INSURANCE STUDY



SNOHOMISH COUNTY,  
WASHINGTON  
UNINCORPORATED AREAS



SEPTEMBER 15, 1983



Federal Emergency Management Agency

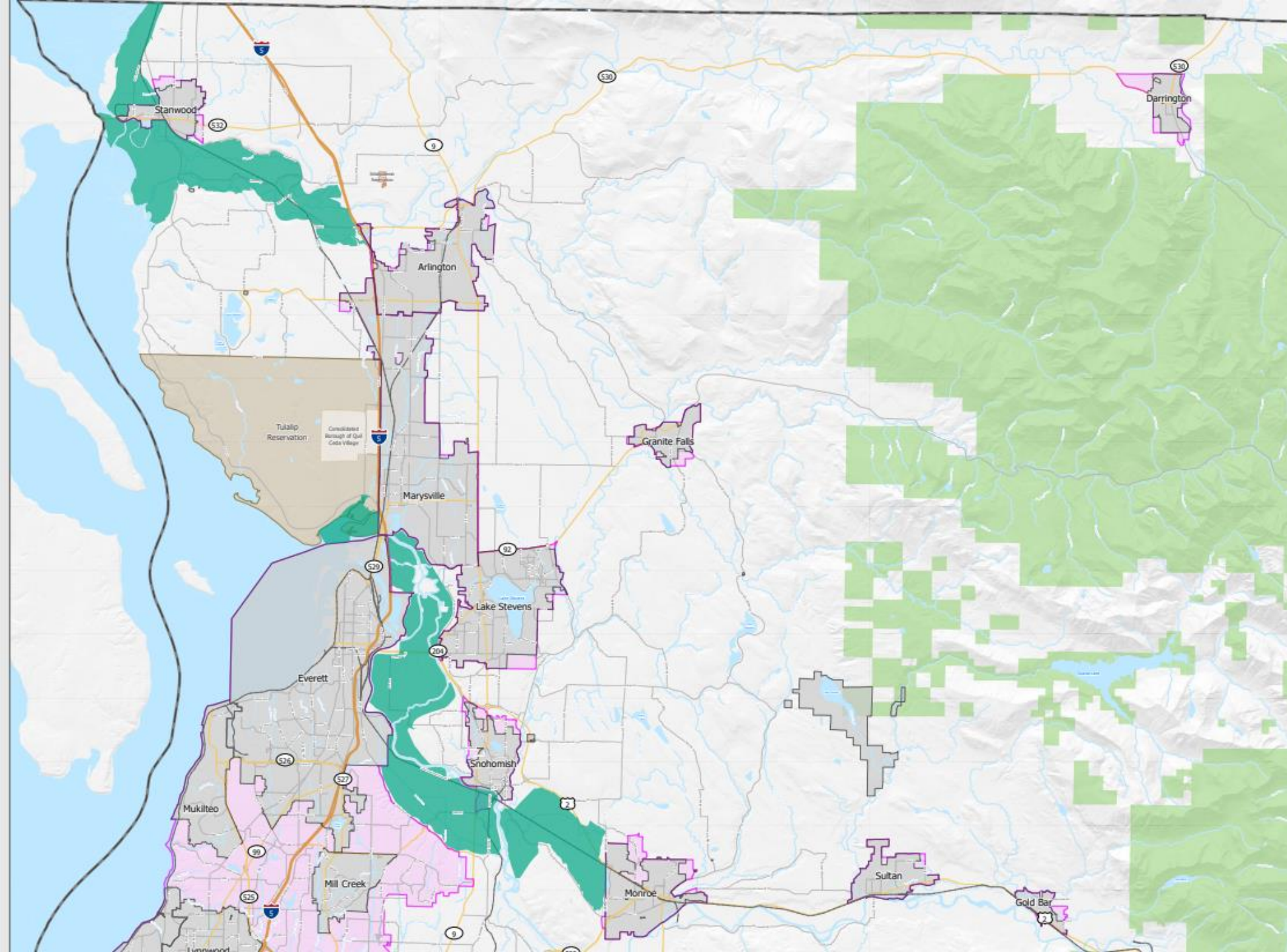
COMMUNITY NUMBER - 535534

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

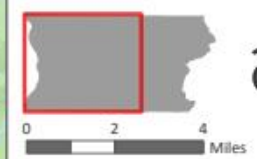


Snohomish County

# SNOHOMISH COUNTY 2019 FEMA DENSITY FRINGE



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



Snohomish County

# Density Fringe Background - Timeline

September 1983	Flood Insurance Study for Unincorporated Snohomish County was published
-------------------	---

# Density Fringe Background - Timeline

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

# Density Fringe Background - Timeline

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

# Density Fringe Development Regulations

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



# Density Fringe Development Regulations

## ‘Two and Fifteen’ Regulations

SCC 30.65.250	Maximum allowable density
SCC 30.65.255	Maximum allowable obstruction

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



# Density Fringe Development Regulations

**SCC 30.65.260**

**Exceptions to maximum allowable density and obstruction limitations**

Summary:

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



Snohomish County

# Density Fringe Development Regulations

## SCC 30.65.280 Permitted uses

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

# Proposed Code Amendments

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



# Proposed Code Amendment

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

# Proposed Code Amendment

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

# Public Participation

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





Questions?

EXHIBIT 3.2.003

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

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



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 August 14, 2024, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8<sup>th</sup> 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. 24-056, titled: RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.65 SCC AND CHAPTER 30.86 SCC; CONCERNING DENSITY FRINGE EXCEPTIONS.

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

**A summary of the proposed ordinance is as follows:**

PROPOSED ORDINANCE NO. 24-056

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council and that any finding that should be a conclusion and any conclusion that should be a finding is adopted as such.

Section 4. Amends SCC 30.65.250 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 5. Amends SCC 30.65.255 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 6. Adopts amendments to SCC 30.65.260 to add an exception to the maximum allowable density and obstruction limitations in SCC 30.65.250 and 30.65.255 for development within the density fringe area. The exception allows the square footage and width of development that was accounted for in the 1983 Flood Insurance Study to be utilized as a one-time credit. The applicant must demonstrate that its uses or development were accounted for in the 1983 Flood Insurance Study and must record use of the one-time credit with the Auditor's office. The exception may only be used one time and on one site regardless of the number of structures present, and any remaining credit that is not used with the application is forfeited. Fill cannot be included in the one-time credit calculations and the one-time credit cannot be transferred between non-contiguous properties.

Section 7. Adopts amended table 30.86.300 Special Flood Hazard Area Permit Fees to include a new Density Fringe Exception Application fee for \$500.

Section 8. Provides a standard severability and savings clause.

=====

**State Environmental Policy Act:** 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 November 30, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

**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 e-mailing [contact.council@snoco.org](mailto: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 e-mailing [contact.council@snoco.org](mailto: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 Hickey at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by e-mailing [lisa.hickey@snoco.org](mailto:lisa.hickey@snoco.org).

QUESTIONS: For additional information or specific questions on the proposed ordinance please call Hilary McGowan in the Department of Planning and Development Services at 425-388-5377.

DATED this 24<sup>th</sup> day of July 2024.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

/s/Jared Mead  
Council Chair

ATTEST:

/s/Lisa Hickey  
Asst. Clerk of the Council

PUBLISH: July 31, 2024

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 EDH1000060 ORD 24-056 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 07/31/2024 and ending on 07/31/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$184.45.

[Signature]

Subscribed and sworn before me on this 1st day of August, 2024.

[Signature]



Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010  
LISA HICKEY

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 August 14, 2024, 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. 24-056, titled: **RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.65 SCC AND CHAPTER 30.86 SCC; CONCERNING DENSITY FRINGE EXCEPTIONS.**

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

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 24-056

Section 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council and that any finding that should be a conclusion and any conclusion that should be a finding is adopted as such.

Section 4. Amends SCC 30.65.250 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 5. Amends SCC 30.65.255 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 6. Adopts amendments to SCC 30.65.260 to add an exception to the maximum allowable density and obstruction limitations in SCC 30.65.250 and 30.65.255 for development within the density fringe area. The exception allows the square footage and width of development that was accounted for in the 1983 Flood Insurance Study to be utilized as a one-time credit. The applicant must demonstrate that its uses or development were accounted for in the 1983 Flood Insurance Study and must record use of the one-time credit with the Auditor's office. The exception may only be used one time and on one site regardless of the number of structures present, and any remaining credit that is not used with the application is forfeited. Fill cannot be included in the one-time credit calculations and the one-time credit cannot be transferred between non-contiguous properties.

Section 7. Adopts amended table 30.86.300 Special Flood Hazard Area Permit Fees to include a new Density Fringe Exception Application fee for \$500.

Section 8. Provides a standard severability and savings clause.  
State Environmental Policy Act. 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 November 30, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.  
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 e-mailing [contact.council@snoco.org](mailto: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 e-mailing [contact.council@snoco.org](mailto: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 Hickey at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by e-mailing [lisa.hickey@snoco.org](mailto:lisa.hickey@snoco.org).

**QUESTIONS:** For additional information or specific questions on the proposed ordinance please call Hilary McGowan in the Department of Planning and Development Services at 425-388-5377.

DATED this 24th day of July 2024.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
*/s/Jared Mead*  
Council Chair

ATTEST:  
*/s/Lisa Hickey*  
Asst. Clerk of the Council  
107010  
Published: July 31, 2024

EDH1000060

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 14, 2024, the Snohomish County Council adopted Ordinance No. 24-056, which shall be effective August 26, 2024 A summary of the ordinance is as follows:

ORDINANCE NO. 24-056

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

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council and that any finding that should be a conclusion and any conclusion that should be a finding is adopted as such.

Section 4. Amends SCC 30.65.250 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 5. Amends SCC 30.65.255 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 6. Adopts amendments to SCC 30.65.260 to add an exception to the maximum allowable density and obstruction limitations in SCC 30.65.250 and 30.65.255 for development within the density fringe area. The exception allows the square footage and width of development that was accounted for in the 1983 Flood Insurance Study to be utilized as a one-time credit. The applicant must demonstrate that its uses or development were accounted for in the 1983 Flood Insurance Study and must record use of the one-time credit with the Auditor’s office. The exception may only be used one time and on one site regardless of the number of structures present, and any remaining credit that is not used with the application is forfeited. Fill cannot be included in the one-time credit calculations and the one-time credit cannot be transferred between non-contiguous properties.

Section 7. Adopts amended table 30.86.300 Special Flood Hazard Area Permit Fees to include a new Density Fringe Exception Application fee for \$500.

Section 8. Provides a standard severability and savings clause.

=====

**State Environmental Policy Act:** 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 November 30, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

**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 e-mailing [contact.council@snoco.org](mailto: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 19<sup>th</sup> day of August 2024.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

/s/Lisa Hickey  
Asst. Clerk of the Council

PUBLISH: August 23, 2024

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 EDH1001277 ORDINANCE 24-056 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 08/23/2024 and ending on 08/23/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$93.00.

[Signature]

Subscribed and sworn before me on this

23rd day of August

2024

[Signature]



Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 14, 2024, the Snohomish County Council adopted Ordinance No. 24-056, which shall be effective August 26, 2024. A summary of the ordinance is as follows:

ORDINANCE NO. 24-056  
RELATING TO GROWTH MANAGEMENT; AMENDING  
CHAPTER 30.65 SCC AND CHAPTER 30.86 SCC;  
CONCERNING DENSITY FRINGE EXCEPTIONS

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council and that any finding that should be a conclusion and any conclusion that should be a finding is adopted as such.

Section 4. Amends SCC 30.65.250 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 5. Amends SCC 30.65.255 to clarify the reference to the exceptions and exemptions listed in SCC 30.65.260.

Section 6. Adopts amendments to SCC 30.65.260 to add an exception to the maximum allowable density and obstruction limitations in SCC 30.65.250 and 30.65.255 for development within the density fringe area. The exception allows the square footage and width of development that was accounted for in the 1983 Flood Insurance Study to be utilized as a one-time credit. The applicant must demonstrate that its uses or development were accounted for in the 1983 Flood Insurance Study and must record use of the one-time credit with the Auditor's office. The exception may only be used one time and on one site regardless of the number of structures present, and any remaining credit that is not used with the application is forfeited. Fill cannot be included in the one-time credit calculations and the one-time credit cannot be transferred between non-contiguous properties.

Section 7. Adopts amended table 30.86.300 Special Flood Hazard Area Permit Fees to include a new Density Fringe Exception Application fee for \$500.

Section 8. Provides a standard severability and savings clause.  
State Environmental Policy Act: 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 November 30, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.  
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) 388-3484, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing [contact.council@snoco.org](mailto: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/134/County-Hearings-Calendar>.

DATED this 19th day of August 2024.

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

107010  
Published: August 23, 2024.

EDH1001277

**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 August 14, 2024

1. Description of agency action: Approval of Ordinance No. 24-056.
  
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.65 SCC AND CHAPTER 30.86 SCC; CONCERNING DENSITY FRINGE EXCEPTIONS
  
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](mailto:Contact.Council@snoco.org).
  
4. Name of agency giving notice: Snohomish County Council
  
5. This notice is filed by: Lisa Hickey  
Asst. Clerk of the Council

Date: October 15, 2024

PUBLISH: October 18, 2024

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 EDH1003971 NOA ORD NO 24-056 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 10/18/2024 and ending on 10/18/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$34.10.

[Signature]

Subscribed and sworn before me on this 18th day of October, 2024.

[Signature: Randie Pospical]

Notary Public in and for the State of Washington.

Snohomish County Planning and Development | 14107010  
LISA HICKEY



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 August 14, 2024.

1. Description of agency action: Approval of Ordinance No. 24-056.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.65 SCC AND CHAPTER 30.86 SCC; CONCERNING DENSITY FRINGE EXCEPTIONS
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 Hickey  
Asst. Clerk of the Council

Date: October 15, 2024  
107010  
Published: October 18, 2024.

EDH1003971



# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2024-S-7682

Submittal Date Time: 10/29/2024

### Submittal Information

Jurisdiction	Snohomish County	
Submittal Type	Notice of Final Adoption	Draft Submittal ID: 2022-S-4650
Amendment Type	Comprehensive Plan Amendment	

### Amendment Information

#### Brief Description

Adopted Ordinance 24-056 concerning density fringe exceptions

- Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.
- Yes, this is action includes changes to Urban Growth Boundaries.

Anticipated/Proposed Date of Adoption 08/14/2024

### Categories

#### Submittal Category

Land Use

### Attachments

Attachment Type	File Name	Upload Date
Comprehensive Plan Amendment - Adopted	DOC Notice 24-056.pdf	10/29/2024 03:20 PM

### Contact Information

Prefix	Ms.
First Name	Lisa

**Last Name** Hickey  
**Title** Assistant Clerk of the Council  
**Work** (425) 388-3901  
**Cell**  
**Email** Lisa.Hickey@co.snohomish.wa.us

**Yes, I would like to be contacted for Technical Assistance.**

## **Certification**

---

**I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.**

**Full Name** Lisa Hickey  
**Email** lisa.hickey@snoco.org