

Index of Records					
Building Height Ordinance 23-033 (2023-0325)					
Hearing Date: Wednesday, May 17, 2023 @ 10:30 a.m.					
Council Staff: Ryan Countryman		PDS Staff: Michael Saponaro		DPA: Jessica Kraft-Klehm	
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	11/21/22	Michael Saponaro, PDS Staff	Briefing to Planning Commission: Proposed Amendments to SCC 30.23.050 and 30.23.032	6
2.0011	Letter	02/10/23	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
3.1.001	ECAF	03/28/23	Executive/PDS	Transmitting Executive initiated Ordinance	2
3.1.002	Ordinance	1/5/2022	Executive/PDS	Introduced Ordinance	5
3.1.003	Analysis	01/29/23	Michael Saporano, PDS Staff	Analysis of Building and Land Use Regulation Effects on Housing and Jobs	1
3.1.004	Analysis	01/29/23	Michael Saporano, PDS Staff	Capital Facility Development Cost Analysis Summary	1
3.1.005	Analysis	01/29/23	Michael Saporano, PDS Staff	Analysis of Building and Land Use Regulation Effects on Low Impact Development	2
3.1.006	Introduction	03/29/23	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	04/18/23	Ryan Countryman, Council Staff	Council Staff Report	3
3.2.002	Minutes	04/18/23	Council Staff	Link to Minutes and Video of Planning and Community Development Committee Meeting 04/18/23	1

3.3 Correspondence, Comments, Testimony					
3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.5.001	Notice	05/19/23	Council Staff	Notice of Introduction and Public Hearing	2
3.5.002	Affidavit	05/25/23	Herald	Affidavit of Publication - Notice of Introduction and Public Hearing	3
3.5.003	Notice	06/14/23	Council Staff	Notice of Enactment	2
3.5.004	Notice	06/14/23	Council Staff	Notice of GMA Action	1
3.5.005	Transmittal	06/14/23	Council Staff	Transmitting copy of adopted ordinance	21
3.5.006	Letter	06/27/23	Dept. of Commerce	Acknowledging receipt of transmittal	1
3.5.007	Affidavit	06/26/23	Herald	Affidavit of Publication - Notice of Enactment	2
3.5.008	Affidavit	06/26/23	Herald	Affidavit of Publication - Notice of GMA Action	2
3.6 Council Deliberations					
3.6.001	Amendment	03/28/23	Executive	Proposed Amendment Sheet Allows existing development application to opt-in	2



Snohomish County

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MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Michael Saponaro, Senior Planner

SUBJECT: Proposed Amendments to SCC 30.23.050 and SCC 30.23.032

DATE: November 21, 2022

Dave Somers
County Executive

INTRODUCTION

The purpose of this staff report is to outline a proposed code amendment in the General Development Standards, specifically SCC 30.23.050 (Height requirements, exceptions, and measuring height) and SCC 30.23.032 (Urban Residential Zone Categories Bulk Matrix).

The proposed amendments' objectives are to:

1. Address building height exemptions.
2. Clarify roof types used in building height measurements.
3. Encourage construction along various topographies without significant regrading by allowing daylight basements with a height bonus.

These objectives will be achieved with the following changes:

1. Add elevator hoist ways and rooftop equipment screening to the list of building height exemptions.
2. Include a diagram of roof types and add shed, gable, gambrel, and vaulted roof as potential designs.
3. Increase the maximum building height of urban residential zones by 5 feet with daylight basements.

BACKGROUND

SCC 30.23.050 (2) requires additions to the list of height exemptions. SCC 30.23.050 (3) requires a more complete list of roof types and a diagram to determine where height should be measured from. SCC 30.23.050 (5) contains the methodology for calculating average final grade and requires some verbiage to ensure pragmatic code enforcement and grade verification, including the possibility of a survey prior to fill placement. Additionally, developers have requested an increase of 5 feet to the maximum building height of SCC 30.23.032 (Urban Residential Zone Categories Bulk Matrix) when including a daylight basement, so that they may build one along various topography without having to sacrifice another floor to do so.

PROPOSED CODE AMENDMENTS

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

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES

Proposed Language	Finding
<p>30.23.050 (2) The following shall be exempt from the maximum height standards, except structures and uses located in an airport compatibility area are subject to the height review requirements of SCC 30.32E.060:</p> <p>(a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers, and masts used to support commercial radio and television antennas, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel, and cement tanks and bunkers, and drive-in theater projection screens, provided they are set back at least 50 feet from any adjoining lot line;</p> <p>(b) Towers and masts used to support private antennas, provided they meet the minimum setback of the zoning district in which they are located, and the horizontal array of the antennas does not intersect the vertical plane of the property line;</p> <p>(c) Towers, masts, or poles supporting electric utility, telephone, or other communication lines;</p> <p>(d) Schools and educational institutions; provided, that:</p> <p>(i) The use was approved as part of a conditional use permit;</p> <p>(ii) A maximum building height of 55 feet is not exceeded; and</p> <p>(iii) Any portion of any building exceeding the underlying zoning maximum height standard is set back at least 50 feet from all of the site’s perimeter lot lines; and</p> <p>(e) Aircraft hangars located within any industrial zone; provided, that the hangar is set back at least 100 feet from any non-industrial zone.</p> <p><u>(f) Elevator hoistways; and</u></p> <p><u>(g) Rooftop mechanical equipment screening, including extended parapet walls, mansards, or other roof forms that are integrated with the architecture of the building.</u></p>	<p>Parapets (and mansards) are often used to screen mechanical equipment; which many jurisdictions prefer overseeing the equipment. Additional exceptions are needed for elevator hoist ways for higher-density residential buildings; their roofs tend to come up higher and are often considered in the same vein as mechanical equipment.</p>
<p>30.23.050 (3) Building height shall be measured as the vertical distance from the average final grade to the highest point of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip</p>	<p>The current list of roof types is incomplete and ambiguous regarding shed, gable, gambrel, and vaulted roof designs. A diagram depicting roof</p>

<p><u>roof the building's roof surface, based on the following roof types:</u></p> <ul style="list-style-type: none"> a. <u>For a flat or minimally pitched (less than 1:12) roof use the distance to the top of the roof;</u> b. <u>For a mansard roof, use the distance to the deck line; or</u> c. <u>For an A-Frame, gable, gambrel, pitch, or hip roof, shed, or vaulted roof, use the distance to the midpoint of the pitch of the roof, measured from the peak of the roof to that point vertically above the highest exterior wall, including dormer walls, as illustrated in SCC Figure 30.23.050(4).</u> <p><u>If a building has more than one type of roof, the highest roof shall be used to determine the height of the building.</u></p>	<p>measurement will be added for further clarity.</p>
<p><u>30.23.040 Reference notes for SCC Tables 30.23.030 (16) The maximum building height within Urban Residential zones is increased an additional five feet for with a "daylight basement," except under conditions that would violate the height limit requirements of the Shoreline Management Program (See SCC 30.67.460), the airport compatibility area (See SCC 30.32E.060) or cause any other violations with the Snohomish County Code, including Urban County Residential Design Standards (See SCC 30.23A).</u></p>	<p>The five-foot building height bonus for a daylight basement requires some stipulations that it doesn't interfere with Shoreline height caps, FAA height caps, design standards, etc. Daylight basement has potential positive impacts that should be incentivized, i.e., encouraging development on the side of slopes which reduces unnecessary grading and impervious surfaces.</p>
<p><u>30.91B.036 Basement, Daylight.</u> <u>Basement, Daylight: "Daylight Basement" means a floor level that has a minimum of 1/3 of its perimeter wholly underground while the rest of the perimeter is either at grade or only partially underground grade, with one or more full-sized above-ground windows placed on one or more of the walls.</u></p>	<p>Daylight basement definition added to list of definitions for reference.</p>

Figure 30.23.050(4). Calculating Building Height Based on Roof Type

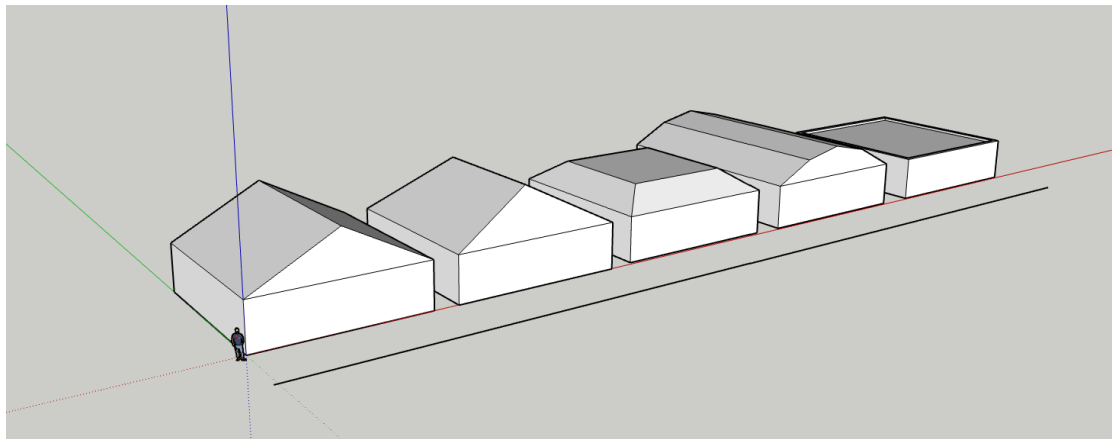
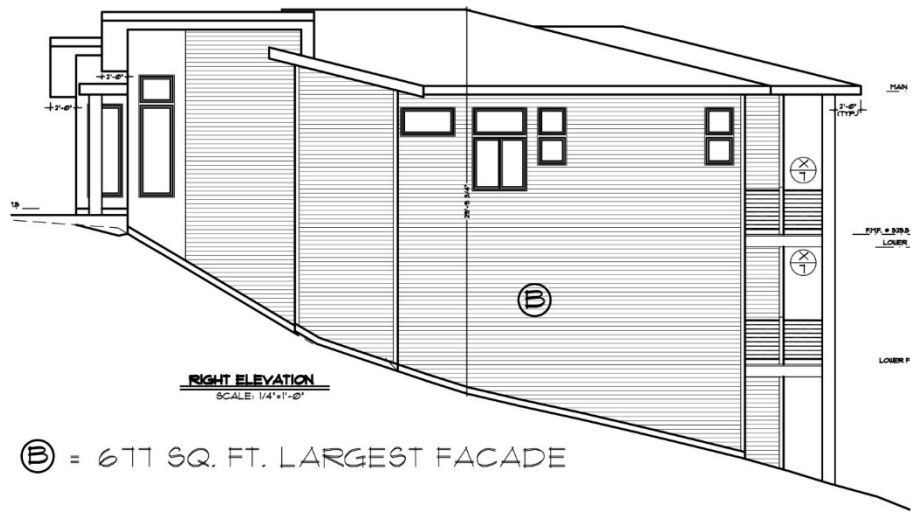


Figure 30.23.050(5). Daylight Basement Diagram



Note: Table 30.23.0032 will include an additional column that increases maximum building height by five feet in all urban residential Zones with a daylight basement.

Table 30.23.032 Urban Residential Zones Bulk Matrix

Category	Zone	Lot Dimension (feet) ⁵⁴				Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{27, 64}	Maximum Building Height with a Daylight Basement (feet) ^{16,27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
						Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
Urban Residential	R-9,600	9,600 ²³ 2	70	30	35	10	5	5	5	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A and 30.62B SCC	35%
	R-8,400	,400 ²³	65	30	35	10	5	5	5				35%
	R-7,200 (buildings ≤ 30 feet high)	7,200 ²³ , 65	60	35	40	10	5	5	5				35%
	R-7,200 (buildings > 30 feet high) ⁶⁷						10	10	10				
	T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050		35	40	10	10	5	25	See SCC 30.31E.050			
	T (buildings > 20 feet high) ⁵⁹					15	20	10					

LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ^{4, 65}	60	45	50	10	10	5	25				50% ⁶⁶
LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62}					10	20	10					
LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}					15	25	15					
MR (buildings ≤ 20 feet high) ^{5, 15, 59, 61, 62}	7,200 ^{5, 9, 65}	60 ⁹	45 ¹⁴	50 ¹⁴	10	10	5	25				50% ^{9, 66}
MR (buildings 20 - 30 feet high) ^{5, 15, 59, 61, 62}					10	20	10					
MR (buildings > 30 feet high) ^{5, 15, 59, 61, 62}					15	2560	15					
MHP	⁵⁵	None	25	30	See SCC 30.42E.100(5)(a)			50%				

ANALYSIS

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

Compliance with State Law

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

GMA Goal 7- "Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability."

Analysis: The proposed amendments would add clarity to the permitting process by outlining clearer expectations for building heights and building height measurements.

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-H-10 - Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing.

Analysis: The proposed changes would allow flexibility for houses to develop along natural elevations and varied topography with daylight basements and would add clarity to the permitting process.

Compliance with the Countywide Planning Policies

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

DP-7 The County and cities shall coordinate their comprehensive plans (RCW 36.70A.100).

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

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

Analysis: The proposed code changes encourage urban environments by allowing for more density and more urban features under appropriate situations.

Compliance with the Snohomish County Comprehensive Plan

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

ED 2.A.1 Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user-friendly document.

Analysis: The proposed code amendments would make SCC more understandable for both developers and permitting staff.

Environmental Review

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

Notification of State Agencies

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

Staff Recommendation:

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

Action Requested

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

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



SNOHOMISH COUNTY PLANNING COMMISSION

February 10, 2023

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

SUBJECT: Planning Commission recommendation on proposed code amendments to
Building height requirements in SCC 30.23.032 and 30.23.050

Dear Snohomish County Council:

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

The proposed code amendments would clarify building height limits, height limit exceptions, height measurement methodologies, and allow a building height bonus of 5 feet in residential zones for buildings with a daylight basement.

There was 1 (one) written comment received by the Planning Commission from the public prior to the January 24th hearing. Mike Pattison, Snohomish County Manager, voiced support for code amendment. No public comments were received prior to the December 13th briefing.

PLANNING COMMISSION RECOMMENDATION

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

VOTE (Motion):

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

0 opposed


1 abstention Pedersen

Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of the information presented and is based on the findings and conclusions presented in the November 21, 2022 staff report, with which the Commission concurred.

During the deliberations, the topic of daylight basement was discussed in length. The commissioners feel strongly that the county should pursue changes to the code that will cover daylight basements.

Respectfully submitted,


Robert Larsen (Feb 12, 2023 12:01 PST)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larson, Chairman

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

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 23-033, relating to Growth Management; concerning building height requirements; amending Chapters 30.23 and 30.91b of the Snohomish County Code

..body

DEPARTMENT: PLANNING AND DEVELOPMENT SERVICES

ORIGINATOR: MICHAEL SAPONARO

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

PURPOSE: BUILDING HEIGHT CODE AMENDMENT

BACKGROUND: PDS LONG RANGE PLANNING IS UPDATING SCC 30.23 AND 30.91B TO UPDATE BUILDING HEIGHT CALCULATION METHODOLOGY, ROOF TYPE DIAGRAMS, BUILDING HEIGHT EXEMPTIONS, AND BUILDING HEIGHT MAXIMUMS IF THERE IS A DAYLIGHT BASEMENT INCLUDED

FISCAL IMPLICATIONS:

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

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

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

CONTRACT INFORMATION:

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

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Risk – Shelia Barker 3/28/23 and Finance – Nathan Kennedy 3/28/23. Approved as to form by DPA Kraft-Klehm

1 Adopted:

2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 23-033

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

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

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

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

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

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

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

36
37 NOW, THEREFORE, BE IT ORDAINED:

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

40
41 A. The foregoing recitals are adopted as findings as if set forth in full herein.

42
43 B. This ordinance amends title 30 SCC to clarify the building height requirements. In particular,
44 the purposes of these amendments are to:
45

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

C. This ordinance is consistent with the record.

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

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

- 3
4 1. GMA Planning Goal 1 (RCW 36.70A.020(1)): "Urban growth. Encourage
5 development in urban areas where adequate public facilities and services exist or
6 can be provided in an efficient manner." The proposed building height amendments
7 are supportive of this goal by ensuring building permits are provided in a more
8 efficient manner.
9
- 10 2. GMA Planning Goal 2 (RCW 36.70A.020(2)): "Reduce sprawl. Reduce the
11 inappropriate conversion of undeveloped land into sprawling, low-density
12 development." The proposed building height amendments are supportive of this goal
13 by ensuring that a higher density development can be achieved in a more efficient
14 manner.
15
- 16 3. GMA Planning Goal 4 (RCW 36.70A.020(4)): "Housing. Plan for and accommodate
17 housing affordable to all economic segments of the population of this state, promote
18 a variety of residential densities and housing types, and encourage preservation of
19 existing housing stock." The proposed building height amendments are supportive of
20 this goal by ensuring that a greater variety of housing types are provided, including
21 daylight basement units beneath both single-family homes and multi-family
22 developments.
23
- 24 4. GMA Planning Goal 7 (RCW 36.70A.020(7)): "Permits. Applications for both state
25 and local government permits should be processed in a timely and fair manner to
26 ensure predictability." The proposed amendments are supportive of this goal by
27 ensuring more cohesive and clear building height requirements for development
28 applications that will be interpreted in a consistent manner.
29

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

- 32
33 1. With the following goals, objectives, and policies within the Economic Development
34 (ED) chapter, by encouraging predictable and consistent development regulations:
35
 - 36 a. Goal ED 2: "Provide a planning and regulatory environment which facilitates
37 growth of the local economy."
38
 - 39 b. Objective ED 2.A: "Develop and maintain a regulatory system that is fair,
40 understandable, coordinated and timely."
41
 - 42 c. ED Policy 2.A.1: "Snohomish County shall work to ensure that the Snohomish
43 County Code is an understandable, accessible, and user friendly document."
44

1 d. ED Policy 2.A.2: "Snohomish County should stress predictability but maintain
2 enough flexibility in the Comprehensive Plan and development codes to allow
3 for timely response to unanticipated and desirable developments."
4

5 2. With the following goals, objectives, and policies within the Housing (HO) chapter, by
6 encouraging a wider variety of housing types including affordable housing units:
7

8 a. HO Policy 1.B.1: The county shall facilitate affordable home ownership and
9 rental opportunities by promoting an increased supply of safe and healthy
10 lower-cost housing types, such as housing on small lots, townhouses,
11 multiplexes, manufactured housing, mobile homes, and mixed-use housing.
12

13 b. HO Policy 1.B.4. The county shall encourage and support the development of
14 innovative housing types that make efficient use of the county land supply
15 such as residential units in mixed-use developments, accessory dwelling
16 units, cottage housing, co-housing, and live/work units.
17

18 F. Procedural requirements.
19

20 1. This proposal is a Type 3 legislative action under SCC 30.73.010.
21

22 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code
23 amendments was transmitted to the Washington State Department of Commerce for
24 distribution to state agencies on December 6, 2022.
25

26 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
27 respect to this non-project action have been satisfied through the completion of an
28 environmental checklist and the issuance of a determination of non-significance on
29 December 5, 2022.
30

31 4. The public participation process used in the adoption of this ordinance complies with
32 all applicable requirements of the GMA and the SCC.
33

34 5. The Washington State Attorney General last issued an advisory memorandum, as
35 required by RCW 36.70A.370, in September of 2018 entitled Advisory Memorandum
36 and Recommended Process for Evaluating Proposed Regulatory and Administrative
37 Actions to Avoid the Unconstitutional Takings of Private Property to help local
38 governments avoid the unconstitutional taking of private property. The process
39 outlined in the State Attorney General's 2018 advisory memorandum was used by
40 the County in objectively evaluating the regulatory changes proposed by this
41 ordinance.
42

43 Section 2. The County Council makes the following conclusions:
44

45 A. The amendments proposed by this ordinance are consistent with the GMA.
46

- B. The amendments proposed by this ordinance are consistent with the GMACP.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and title 30 SCC.
- E. The amendments proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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

Section 4. Snohomish County Code Section 30.23.032, last amended by Amended Ordinance No. 22-016 on May 4, 2022, is amended to read:

SCC 30.23.032 Urban Residential Zone categories – bulk matrix.

Table 30.23.032 Urban Residential Zones Bulk Matrix

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

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{16, 27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
feet high)												
	R-7,200 (buildings > 30 feet high) ⁶⁷					10	10	10				
	T (buildings ≤ 20 feet high) ⁵⁹	See SCC 30.31E.050	35	10	10	5	25	See SCC 30.31E.050				
	T (buildings > 20 feet high) ⁵⁹			15	20	10						
	LDMR (buildings ≤ 20 feet high) ^{15, 59, 61, 62}	7,200 ^{4, 65}	60	45	10	10	5	25				
LDMR (buildings 20 - 30 feet high) ^{15, 59, 61, 62}	10				20	10						

Category	Zone	Lot Dimension (feet) ⁵⁴			Minimum Setback Requirements From (feet) ^{11, 33}							Maximum Lot Coverage ⁸
		Minimum Lot Area ²⁹ (square feet)	Minimum Lot Width	Maximum Building Height (feet) ^{16, 27, 64}	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
					Commercial and Industrial Zones	R-9,600, R-8,400, and R-7,200 Zones	Other Urban Residential Zones	Rural Zones	Agriculture	Forest		
	LDMR (buildings > 30 feet high) ^{15, 59, 61, 62}				15	25	15					
	MR (buildings ≤ 20 feet high) ^{5, 15, 59, 61, 62}	7,200 ^{5, 9, 65}	60 ⁹	45 ¹⁴	10	10	5					
	MR (buildings 20 - 30 feet high) ^{5, 15, 59, 61, 62}				10	20	10	25				
	MR (buildings > 30 feet high) ^{5, 15, 59, 61, 62}				15	25 ⁶⁰	15					
	MHP	⁵⁵	None	25	See SCC 30.42E.100(5)(a)				50%			

1 See SCC 30.23.040 for reference notes listed in Table 30.23.032.

Section 5. Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 22-016 on May 4, 2022, is amended to read:

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB, CB, GC and BP zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit, except that existing dwelling units may be retained as part of new development in the LDMR zone without counting towards the maximum density.

(5) In the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit, except that:

(a) Existing dwelling units may be retained as part of new development in the MR zone without counting towards the maximum density.

(b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, the maximum density shall be calculated based on 750 square feet of land per dwelling unit, provided that either:

(i) One or more transfer of development rights (TDR) credits must be used to realize the additional density under subsection (5)(b) of this section according to the requirements of chapter 30.35A SCC; or

(ii) After June 11, 2020, developments for which the applicant provides documentation to the director showing that the entire project has been granted a property tax exemption by the Washington State Department of Revenue under RCW 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC and development may be permitted up to a maximum density of 750 square feet of land per dwelling unit without using TDR credits.

(6) Commercial forestry structures shall not exceed 65 feet in height.

(7) Non-residential structures shall not exceed 45 feet in height.

(8) Lot coverage includes all buildings on the given lot.

(9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route 525, are exempt from minimum lot area, minimum lot width, and maximum lot coverage requirements.

(10) RESERVED for future use.

(11) These setbacks shall be measured from the property line.

(12) Greater setbacks than those listed may apply to areas subject to Shoreline Management Program jurisdiction or critical areas regulations in chapters 30.62A, 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC 30.23.110.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential

1 structures on 10 acres or less which were legally created prior to being zoned to F shall be the
2 same as in the R-8,400 zone.

3 (14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB,
4 PCB, CB and GC that are in the Southwest UGA where any portion of the site within 2,000 feet
5 of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge
6 of the right-of-way of State Route 99, and the site is east of State Route 525. Subject to the
7 requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily
8 structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any
9 portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99 and the
10 site is east of State Route 525.

11 (15) See SCC 30.23.300.

12 (16) ~~((RESERVED for future use.))~~ The maximum building height is increased an additional five
13 feet when the building includes a daylight basement, except under conditions that would violate
14 any other applicable requirements of title 30 SCC, including the height limit requirements of the
15 Shoreline Management Program (SCC 30.67.460), airport compatibility regulations (SCC
16 30.32E.060), and urban residential design standards (chapter 30.23A SCC).

17 (17) In the IP zone there shall be an additional one foot setback for every one foot of building
18 height over 45 feet.

19 (18) RESERVED for future use.

20 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
21 necessary for PCB or BP zoning.

22 (20) See additional setback provisions for dwellings located along the boundaries of
23 designated farmland contained in SCC 30.32B.130.

24 (21) See additional setback provisions for structures located adjacent to forest lands, and/or on
25 lands designated local forest or commercial forest contained in SCC 30.32A.110.

26 (22) The minimum lot size for properties designated Rural Residential (RR)--10 (Resource
27 Transition) on the comprehensive plan shall be 10 acres.

28 (23) Minimum lot area requirements may be modified within UGAs in accordance with SCC
29 30.23.020.

30 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C
31 SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall
32 be 20,000 square feet or less when located in rural/urban transition areas.

33 (25) RESERVED for future use.

34 (26) RESERVED for future use.

35 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit
36 requirements within shoreline jurisdiction.

37 (28) RESERVED for future use.

38 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

39 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires an
40 application for a new structure on parcels designated commercial forest, but not within a
41 designated commercial forest--forest transition area, to provide a minimum 500-foot setback,
42 which shall be a resource protection area, from the property boundaries of adjacent commercial
43 forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot
44 do not allow a setback of 500 feet, the new structure shall maintain the maximum setback
45 possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(27). Performance standards and permit requirements are in chapter 30.32C SCC.

(32) For mineral excavation and processing: The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.32C.020(1).

(33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home occupation.

(34) RESERVED for future use.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094, effective September 29, 2005).

(37) Agriculture. All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines.

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

- (a) The facility cannot suitably be located on undesignated land;
- (b) The installation cannot be accomplished without subdivision;
- (c) The facility is to be located on the lowest feasible grade of forest land; and
- (d) The facility removes as little land as possible from timber production.

(39) On parcels designated commercial forest, but not within a designated commercial forest--forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) RESERVED for future use.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50 percent maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the county's FLUM and zoning map.

(45) The 30 percent maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the county's Future Land Use Map (FLUM) and zoning map.

(46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC 30.32C.050. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.

(47) RESERVED for future use.

(48) RESERVED for future use.

(49) RESERVED for future use.

(50) RESERVED for future use.

(51) RESERVED for future use.

(52) RESERVED for future use.

(53) RESERVED for future use.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(55) See SCC 30.42E.100(9)(c).

(56) RESERVED for future use.

(57) RESERVED for future use.

(58) RESERVED for future use.

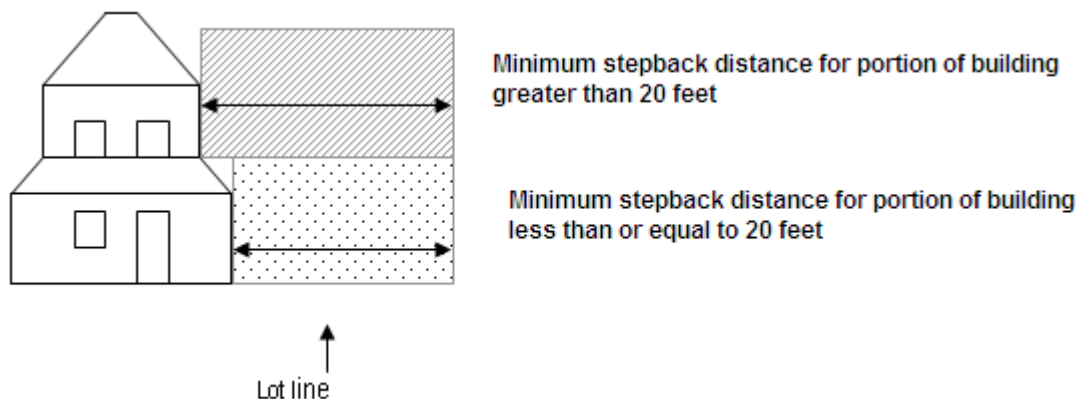
(59) Relationship of setback to building height:

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

(a) Set the entire building back the minimum setback distance; or

(b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59). Example of relationship of building height to setback



(60) Stepback those portions of the building exceeding 45 feet in height from the minimum side and rear yard setbacks by one additional foot for each additional two feet of building height.

(61) Single-family detached, single-family attached and duplex structures shall comply with the minimum setbacks required in the R-8,400 zone.

- (62) Fencing between single-family detached, single-family attached and duplex structures shall be:
- (a) Prohibited in the area that is within five feet of a third story ingress/egress window so ladder access to the third floor window is not impeded; or
 - (b) Limited to either vegetative, wood, block, concrete or metal that does not exceed 42 inches in height.
- (63) Additional building height up to a maximum of 125 feet may be allowed under certain circumstances as provided for in SCC 30.34A.040(1).
- (64) If located within an airport compatibility area, building height is subject to the requirements of SCC 30.32E.060.
- (65) Townhouse and mixed townhouse development may achieve the following density:
- (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200 square feet of land per dwelling unit, but the maximum density may be increased up to 50 percent. Existing dwelling units may be retained as part of new development without counting towards the maximum density.
 - (b) For the LDMR and MR zones, the maximum density established under subsections (4) and (5) of this section may be increased up to 50 percent.
 - (c) Maximum density shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.
- (66) The maximum lot coverage in townhouse and mixed townhouse developments is 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525 are exempt from maximum lot coverage requirements consistent with SCC 30.23.040(9).
- (67) See SCC 30.23.310.

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

30.23.050 Height requirements, exceptions and measuring height.

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

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

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

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

ORDINANCE NO. 23-033

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

PAGE 12 OF 19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (5) Fill shall not be used to raise the average final grade more than five feet above the existing
46 grade of any dwelling located within 50 feet on adjoining properties, as illustrated in SCC Figure

30.23.050(3); provided, that the provisions of this subsection (5) shall not apply to residential development subject to chapters 30.23A and 30.41G SCC.

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

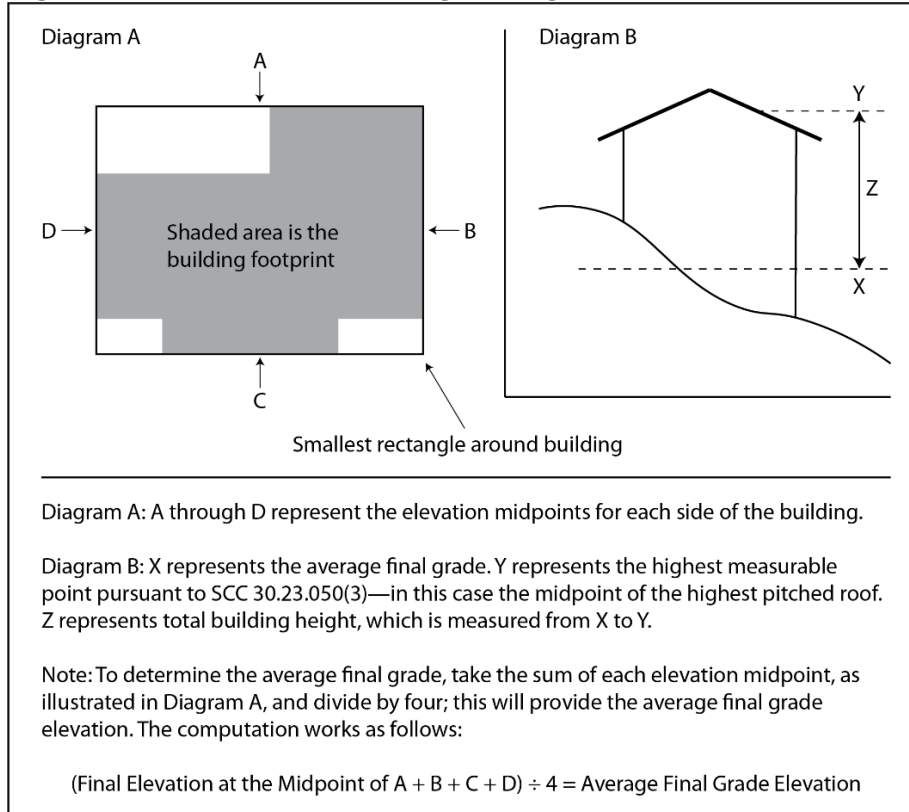
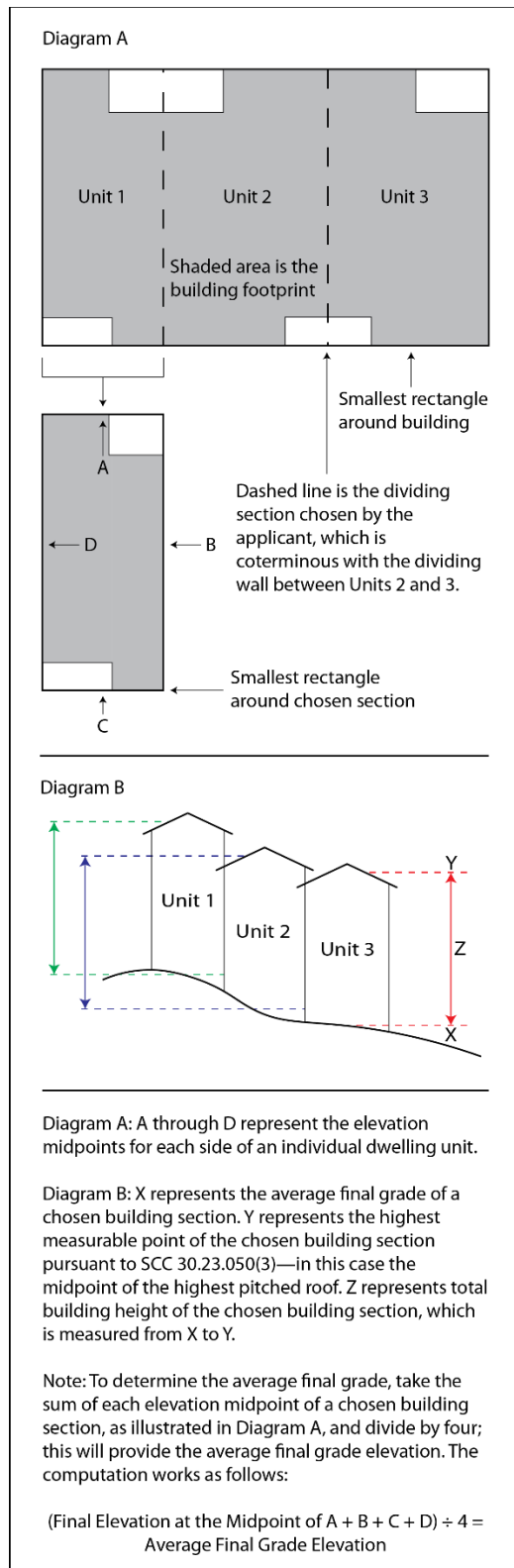


Figure 30.23.050(2). Calculating Average Final Grade and Determining Height for Portions of a Fully Partitioned Attached Single-Family Structure



2

3

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

ORDINANCE NO. 23-033

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

PAGE 15 OF 19

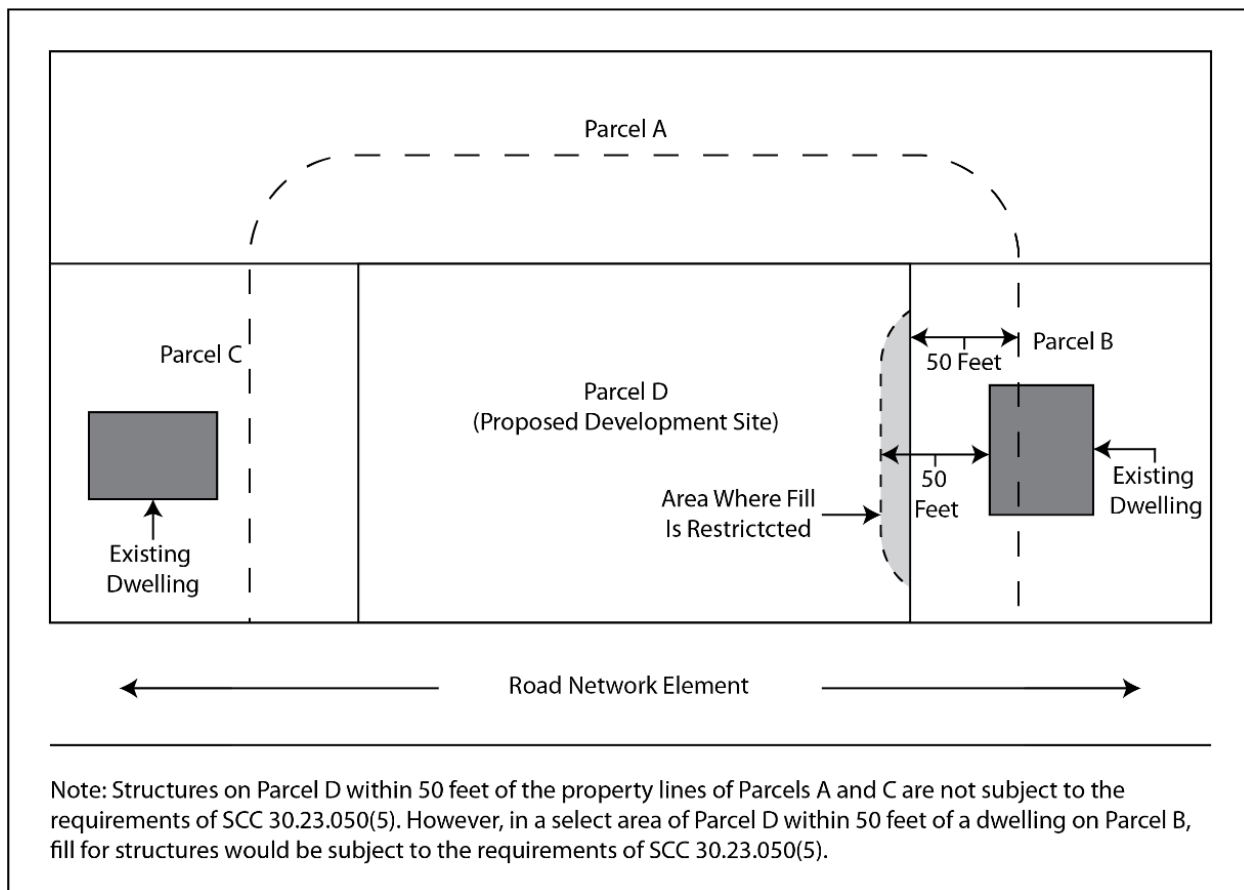


Figure 30.23.050(4). Finding the Midpoint of Different Roof Types

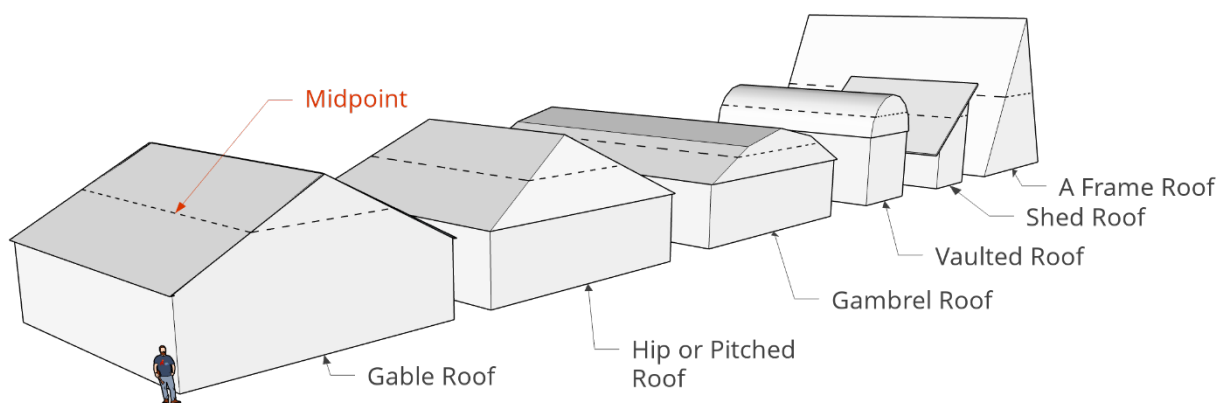
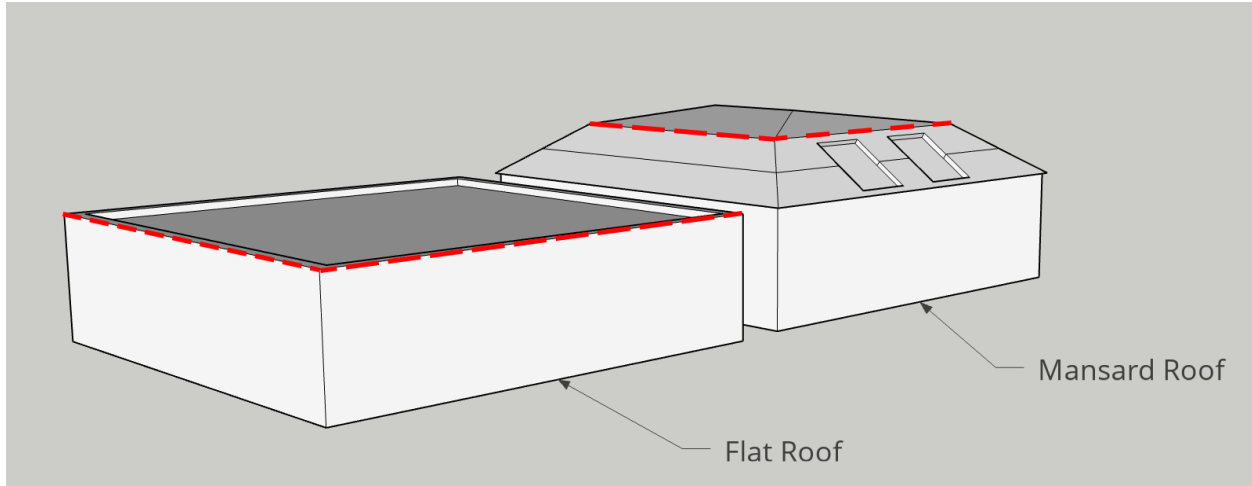


Figure 30.23.050(5). Calculating Building Height for Flat and Mansard Roofs



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

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

Section 7. A new section is added to Chapter 30.91B of the Snohomish County Code to read:

SCC 30.91B.036 Basement, daylight.

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

Figure SCC 30.91B.036. Daylight Basement



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

PASSED this _____, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Deputy Clerk of the Council


1 () APPROVED
2 () EMERGENCY
3 () VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:



Deputy Prosecuting Attorney

03/27/2023

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

Title Ordinance No. __-____,

Description This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building height requirements, height exceptions, height measurement methodologies, and daylight basement requirements in SCC 30.23.032 and 30.23.050.

Date: January 29, 2023

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

	Place an “X” in the appropriate box				Comments
	Increase	Decrease	Neutral	Uncertain	
Housing					
Capacity/Targets			x		The proposed amendment is to clarify height requirements in Chapter 30.23.032 and 30.23.050 SCC. As such, there should be very little impact to housing.
Cost of Housing Development:			x		
• Infrastructure			x		
• Site	x				
• Building const.			x		
• Fees			x		
• Yield			x		
Timing			x		
Jobs					
Capacity/Targets			x		The proposed amendment will not affect jobs.
Cost of Commercial or Industrial Development:			x		
• Infrastructure			x		
• Site			x		
• Building const.			x		
• Fees			x		
• Yield			x		
Time to Create Jobs			x		
# Family Wage Jobs			x		

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

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES**Title** Ordinance No. __-__,**Description** This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building height requirements, height exceptions, height measurement methodologies, and daylight basement requirements in SCC 30.23.032 and 30.23.050.**Date:** January 29, 2023**Staff Contact:** Michael Saponaro, Senior Planner, michael.saponaro@snoco.org

	Place an “X” in the appropriate box			Comments
	Increase	Decrease	Neutral	
County Provided				
• Airport			x	The proposed amendment is to clarify building height specifications in Chapter 30.23.032 and 30.23.050 SCC. As such, there should be no impact on the Airport, General Government, Law and Justice, or Parks, Roads, Solid Waste, or Surface Water.
• General Government			x	
• Law and Justice			x	
• Parks			x	
• Roads			x	
• Solid Waste			x	
• Surface Water			x	
Non-County Provided				
• Electric Power			x	There could be a slight decrease in the demand for Fire Suppression, as this code amendment increases livable floors per sq acre. Other public facilities would not be affected.
• Fire Suppression			x	
• Public Water Supply			x	
• Sanitary Sewer			x	
• Telecommunications			x	

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

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

Title Ordinance No. __-____,

Description This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to clarify building height requirements, height exceptions, height measurement methodologies, and daylight basement requirements in SCC 30.23.032 and 30.23.050.

Date: January 29, 2023

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

LID Evaluation:

The proposed amendment is to clarify building height requirements in Chapter 30.23.032 and 30.23.050 SCC. There may be a slight increase in housing density for multi-family housing units that add a daylight basement.

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

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

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

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

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

Does the new policy or regulation support Low Impact Development	Place an "X" in the appropriate box			If "yes" or "no", explain...
	Increase	Decrease	Neutral	
Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	
Minimization of impervious surface area	X			There may be a slight increase in housing density, specifically sq feet per acreage, due to multi-family housing units that add a daylight basement.
Use of LID facilities			X	
Better site design – using LID principles			X	
Adherence to SWPPP and drainage plan requirements			X	
Provisions for long term maintenance			X	
Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.006

FILE ORD 23-033

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N Neh
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 Neh
Committee Chair

**Snohomish County Council**

Committee: Planning & Community Development **Analyst:** Ryan Countryman

ECAF: 2023-0325

Proposal: Ordinance 23-033

Date: April 18, 2023

Consideration

Proposed Ordinance 23-033 would amend Snohomish County Code (SCC) Chapters 30.23 and 30.91B to make amendments related to building height requirements.

Executive Proposed Amendment Sheet would allow applicants with vested permits six months to opt-in to the new regulations.

Background and Analysis

Current code standards work well for development on level sites and for buildings with basic roof forms, but not all development fits that description. The proposed ordinance makes three types of changes related to building height addressing: (1) building height exemptions, (2) roof types, and (3) daylight basements.

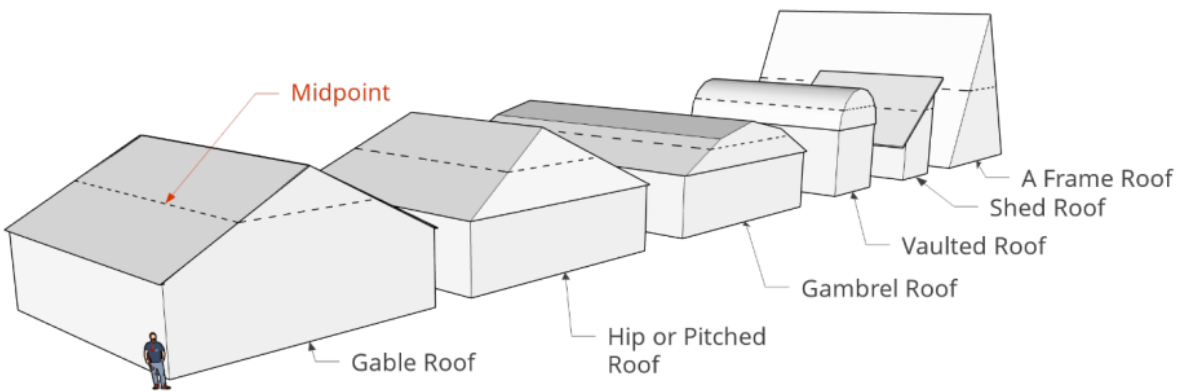
Building Height Exemptions. SCC 30.23.050(2) provides several existing exemptions to maximum building height, such as for church spires, utility towers, and schools. Ordinance 23-033 would add exemptions for elevator and other rooftop mechanical equipment.

Roof Types. SCC 30.23.053(3) describes how to measure building height for several common roof forms. However, the current list is incomplete and ambiguous. Ordinance 23-033 would expand on the list and add two diagrams to provide clarity. These diagrams appear on the next page.

Proposed Figure 30.23.050(4) illustrates the midpoint of six types of steep roof. For these roof forms, the midpoint is the maximum building height.

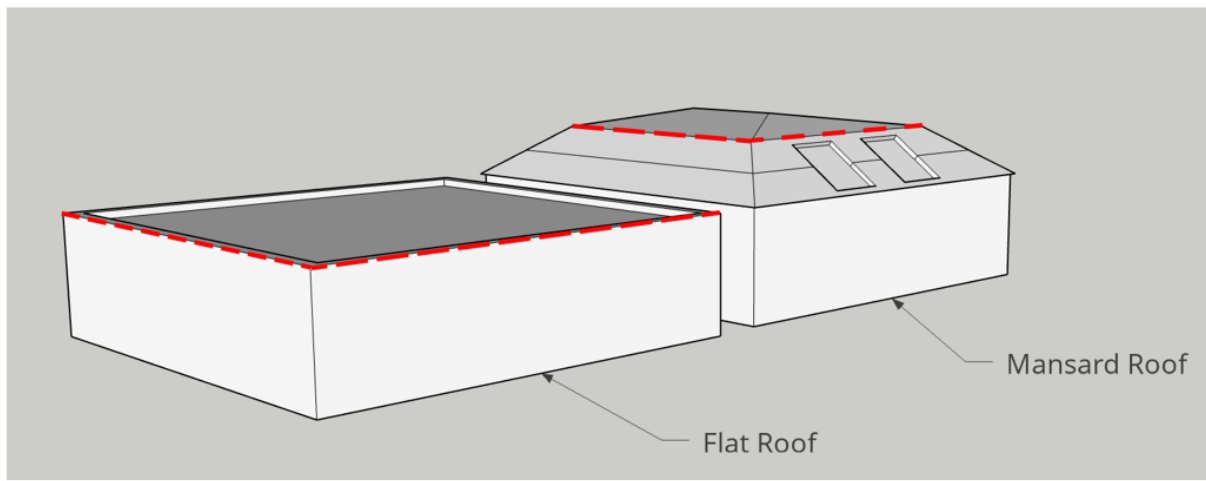
Proposed Figure 30.23.050(5) shows the building height for flat and mansard roofs.

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



Proposed Figure 30.23.050(4)

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



Proposed Figure 30.23.050(5)

Daylight Basements. The proposed changes in SCC 30.23.032 and 30.23.040 would give more flexibility to include daylight basements on sloping sites in urban residential zones. This would happen by giving an additional five feet in building height when including daylight basements. A new reference note in SCC 30.23.032 would point to provisions describing the additional height in SCC 30.23.040(16). The effect of these changes would be to reduce the amount of grading in locations with topography because of how Chapter 30.23 already measures building height from the average final grade around a building.

The proposed new definition of “basement, daylight” at SCC 30.91B.036 would provide an objective measure and illustration (next page) for when the proposed five-foot height increase in SCC 30.23.032 would apply. The practical effect of these changes would be a reduction of

grading on sloping sites simply to comply with present-day provisions for measuring building height.¹

Figure SCC 30.91B.036. Daylight Basement



Proposed Figure SCC 30.91B.036

Current Proposal

Scope and Summary: Ordinance 23-033 would amend Title 30 SCC to address building heights as described above.

Executive Amendment Sheet: Would allow applicants with vested projects to opt-in to the new provisions.

Fiscal Implications: None

Handling: Normal

Planning Commission: Approve

Risk Management: Approve

Finance: Approve

Approved-as-to-form: Yes

Executive Recommendation: Approve

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

¹ As proposed, daylight basement would have “a minimum of 1/3 of its perimeter wholly underground while the rest of the perimeter is either at grade or only partially underground grade, with one or more full-sized above-ground windows placed on one or more of the walls.”

EXHIBIT 3.2.002

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

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

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on June 7, 2023, at the hour of 10:30 a.m., and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 23-033, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING BUILDING HEIGHT REQUIREMENTS; AMENDING CHAPTERS 30.23 AND 30.91B OF THE SNOHOMISH COUNTY CODE.

Zoom Webinar Information:

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

Background: This ordinance is intended to address building height exemptions, clarify roof types used in building height measurements, and encourage construction along various topographies without significant regrading by granting a five-foot height bonus to buildings with a daylight basement.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 23-033

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

Section 4. Amends SCC 30.23.032 to add a footnote to the Urban Residential Zones Bulk Matrix for maximum building height related to buildings constructed with a daylight basement.

Section 5. Amends SCC 30.23.040 reference notes to include a new note (16) regarding daylight basement height bonuses.

Section 6. Amends SCC 30.23.050 to add elevator hoistways and rooftop equipment screening to the list of building height exemptions, clarify how to measure building height based on different roof types, and include diagrams of roof types.

Section 7. Adds SCC 30.91B.036 definition of daylight basements with diagram.

Section 8. Provides a standard severability and savings clause.

The County Council may also consider an amendment to allow vested development applications the ability to opt-in to the building height requirements of this ordinance, including the allowance for a five-foot height bonus for buildings constructed with a daylight basement.

=====

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

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing 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. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

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

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

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

DATED this 19th day of May 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/ Jared Mead
Council Chair

ATTEST:

/s/Lisa Campfield
Asst. Clerk of the Council

PUBLISH: Wednesday, May 24, 2023

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

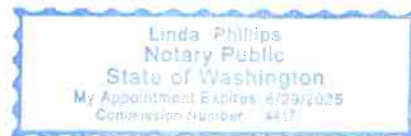
Everett Daily Herald**Affidavit of Publication**

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH977478 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/24/2023 and ending on 05/24/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$150.80.



Subscribed and sworn before me on this

25th day of May,
2023.

Linda Phillips

Notary Public in and for the State of Washington.

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

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Zoom Webinar Information

Join online at <https://zoom.us/j/94846850772>

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

Background: This ordinance is intended to address building height exemptions, clarify roof types used in building height measurements, and encourage construction along various topographies without significant regrading by granting a five-foot height bonus to buildings with a daylight basement.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 23-033

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

Section 4 Amends SCC 30.23.032 to add a footnote to the Urban Residential Zones Bulk Matrix for maximum building height related to buildings constructed with a daylight basement.

Section 5 Amends SCC 30.23.040 reference notes to include a new note (16) regarding daylight basement height bonuses.

Section 6 Amends SCC 30.23.050 to add elevator hoistways and rooftop equipment screening to the list of building height exemptions, clarify how to measure building height based on different roof types, and include diagrams of roof types.

Section 7 Adds SCC 30.91B.036 definition of daylight basements with diagram.

Section 8 Provides a standard severability and savings clause. The County Council may also consider an amendment to allow vested development applications the ability to opt-in to the building height requirements of this ordinance, including the allowance for a five-foot height bonus for buildings constructed with a daylight basement.

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

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing 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. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

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

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

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

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

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

EDH977478

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 7, 2023, the Snohomish County Council adopted Amended Ordinance No. 23-033, which shall be effective June 23, 2023.

A summary of the amended ordinance is as follows:

AMENDED ORDINANCE NO. 23-033

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

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

Section 4. Amends SCC 30.23.032 to add a footnote to the Urban Residential Zones Bulk Matrix for maximum building height related to buildings constructed with a daylight basement.

Section 5. Amends SCC 30.23.040 reference notes to include a new note (16) regarding daylight basement height bonuses.

Section 6. Amends SCC 30.23.050 to add elevator hoistways and rooftop equipment screening to the list of building height exemptions, clarify how to measure building height based on different roof types, and include diagrams of roof types.

Section 7. Adds SCC 30.23.055 allowing a complete development application to opt-in to the requirements of Ordinance No. 23-033.

Section 8. Adds SCC 30.91B.036 definition of daylight basements with diagram.

Section 9. Provides a standard severability and savings clause.

=====

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

Where to Get Copies of the Amended 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.

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

DATED this 14th day of June 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Lisa Campfield
Asst. Clerk of the Council

PUBLISH: Wednesday, June 21, 2023

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

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

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

1. Description of agency action: Approval of Amended Ordinance No. 23-033.
2. Description of proposal: RELATING TO GRWTH MANAGEMENT;
CONCERNING BUILDING EIGHT REQUIREMENTS; AMENDING CHAPTERS
30.23 AND 30.91B OF THE SNOHOMISH COUNTY CODE
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Lisa Campfield
Asst. Clerk of the Council

Date: June 14, 2023

PUBLISH: June 21, 2023

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



Department of Commerce

Innovation is in our nature.

Notice of Adopted Amendment

Indicate one (or both, if applicable):

- ☐ Comprehensive Plan Amendment
☒ Development Regulation Amendment

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

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

Jurisdiction:	Snohomish County
Mailing Address:	3000 Rockefeller Avenue, MS 609, Everett, WA 98201
Date:	June 14, 2023
Contact Name:	Lisa Campfield
Title/Position:	Asst. Clerk of the Council
Phone Number:	425-388-3901
E-mail Address:	lisa.campfield@snoco.org
Brief Description of the Adopted Amendment: <i>(40 words or less)</i>	AMENDED ORDINANCE 23-033 RELATING TO GROWTH MANAGEMENT; CONCERNING BUILDING HEIGHT REQUIREMENTS; AMENDING CHAPTERS 30.23 AND 30.91B OF THE SNOHOMISH COUNTY CODE
Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)?	Yes. Material ID# 2022-S-4588
Public Hearing Date:	Planning Commission: January 24, 2023 Council/County Commission: June 7, 2023
Date Adopted:	June 7, 2023

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

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

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 AMENDED ORDINANCE NO. 23-033
7

8 RELATING TO GROWTH MANAGEMENT; CONCERNING BUILDING HEIGHT
9 REQUIREMENTS; AMENDING CHAPTERS 30.23 AND 30.91B OF THE SNOHOMISH
10 COUNTY CODE
11

12 WHEREAS, Revised Code of Washington (RCW) 36.70A.130 directs counties planning
13 under the Growth Management Act (GMA) to consider amendments and revisions to the GMA
14 Comprehensive Plan (GMACP) or development regulations on a regular basis; and
15

16 WHEREAS, the Snohomish County Council ("County Council") has determined that the
17 consideration of the proposed amendments and revisions to the development regulations in title
18 30 of the Snohomish County Code (SCC) related to building height would be consistent with the
19 GMA planning goals in RCW 36.70A.020 and the County GMACP; and
20

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

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

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

34 WHEREAS, following the public hearing, the County Council deliberated on the code
35 amendments contained in this ordinance.
36

37 NOW, THEREFORE, BE IT ORDAINED:
38

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

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

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

C. This ordinance is consistent with the record.

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

- 1 8. Allowing vested development applications to opt-in to the proposed building
2 height amendments will help the County better achieve the objective of denser
3 development and affordable housing goals in the comprehensive plan and
4 incentivize more developments to avoid regrading existing topography where
5 appropriate.
6
 - 7 9. Under the current code, existing vested projects on sloping lots can achieve a
8 maximum building height design only by significantly regrading sites to create a
9 finished grade that removes existing slopes. Allowing vested development
10 applications to opt-in to the new regulations will ensure projects on sloping lots
11 can achieve the same maximum building height by constructing buildings with
12 daylight basements without significant regrading of existing slopes.
13
 - 14 10. Allowing vested development applications to opt-in to the new regulations will
15 lessen the impacts to existing topography and ensure that developers use a
16 consistent set of standards to achieve maximum building height design without
17 excessive grading.
18
- 19 D. The proposed amendments are consistent with and supportive of the following GMA
20 provisions:
21
- 22 1. GMA Planning Goal 1 (RCW 36.70A.020(1)): "Urban growth. Encourage
23 development in urban areas where adequate public facilities and services exist or
24 can be provided in an efficient manner." The proposed building height amendments
25 are supportive of this goal by ensuring building permits are provided in a more
26 efficient manner.
27
 - 28 2. GMA Planning Goal 2 (RCW 36.70A.020(2)): "Reduce sprawl. Reduce the
29 inappropriate conversion of undeveloped land into sprawling, low-density
30 development." The proposed building height amendments are supportive of this goal
31 by ensuring that a higher density development can be achieved in a more efficient
32 manner.
33
 - 34 3. GMA Planning Goal 4 (RCW 36.70A.020(4)): "Housing. Plan for and accommodate
35 housing affordable to all economic segments of the population of this state, promote
36 a variety of residential densities and housing types, and encourage preservation of
37 existing housing stock." The proposed building height amendments are supportive of
38 this goal by ensuring that a greater variety of housing types are provided, including
39 daylight basement units beneath both single-family homes and multi-family
40 developments.
41
 - 42 4. GMA Planning Goal 7 (RCW 36.70A.020(7)): "Permits. Applications for both state
43 and local government permits should be processed in a timely and fair manner to
44 ensure predictability." The proposed amendments are supportive of this goal by
45 ensuring more cohesive and clear building height requirements for development
46 applications that will be interpreted in a consistent manner.
47

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

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

33 F. Procedural requirements.

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

1 4. The public participation process used in the adoption of this ordinance complies with
2 all applicable requirements of the GMA and the SCC.

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

12
13 Section 2. The County Council makes the following conclusions:

- 14
15 A. The amendments proposed by this ordinance are consistent with the GMA.
16
17 B. The amendments proposed by this ordinance are consistent with the GMACP.
18
19 C. The County has complied with all SEPA requirements with respect to this non-project
20 action.
21
22 D. The public participation process used in the adoption of this ordinance complies with all
23 applicable requirements of the GMA and title 30 SCC.
24
25 E. The amendments proposed by this ordinance do not result in an unconstitutional taking
26 of private property for a public purpose.
27

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

33 Section 4. Snohomish County Code Section 30.23.032, last amended by Amended
34 Ordinance No. 22-016 on May 4, 2022, is amended to read:

35
36 **SCC 30.23.032 Urban Residential Zone categories – bulk matrix.**
37

1
2

Table 30.23.032 Urban Residential Zones Bulk Matrix

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

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

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

See SCC 30.23.040 for reference notes listed in Table 30.23.032.

Section 5. Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 22-016 on May 4, 2022, is amended to read:

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB, CB, GC and BP zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit, except that existing dwelling units may be retained as part of new development in the LDMR zone without counting towards the maximum density.

(5) In the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit, except that:

(a) Existing dwelling units may be retained as part of new development in the MR zone without counting towards the maximum density.

(b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, the maximum density shall be calculated based on 750 square feet of land per dwelling unit, provided that either:

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

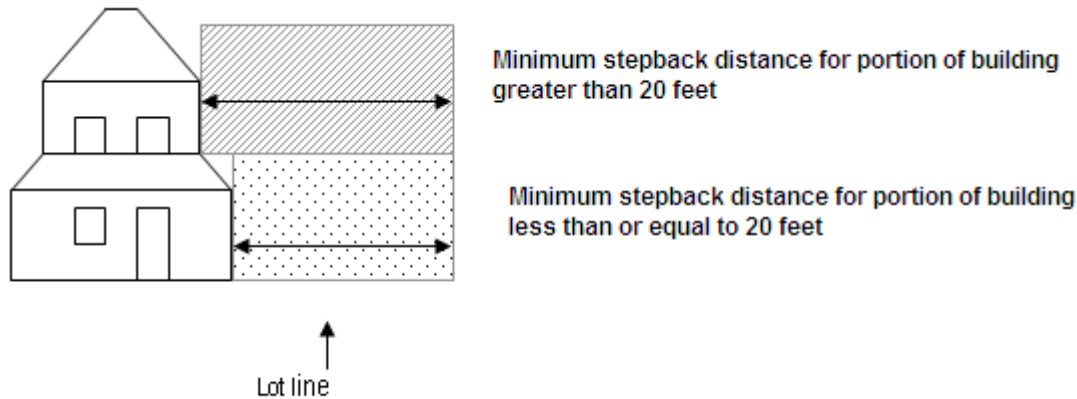
- (20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.
- (21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC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

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

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

- Set the entire building back the minimum setback distance; or
- Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59). Example of relationship of building height to stepback



(60) Stepback those portions of the building exceeding 45 feet in height from the minimum side and rear yard setbacks by one additional foot for each additional two feet of building height.

(61) Single-family detached, single-family attached and duplex structures shall comply with the minimum setbacks required in the R-8,400 zone.

(62) Fencing between single-family detached, single-family attached and duplex structures shall be:

- Prohibited in the area that is within five feet of a third story ingress/egress window so ladder access to the third floor window is not impeded; or

- Limited to either vegetative, wood, block, concrete or metal that does not exceed 42 inches in height.

(63) Additional building height up to a maximum of 125 feet may be allowed under certain circumstances as provided for in SCC 30.34A.040(1).

(64) If located within an airport compatibility area, building height is subject to the requirements of SCC 30.32E.060.

(65) Townhouse and mixed townhouse development may achieve the following density:

- For the R-7,200 zone, the maximum density shall be calculated based on 7,200 square feet of land per dwelling unit, but the maximum density may be increased up to 50 percent. Existing dwelling units may be retained as part of new development without counting towards the maximum density.

- For the LDMR and MR zones, the maximum density established under subsections (4) and (5) of this section may be increased up to 50 percent.

- Maximum density shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.

(66) The maximum lot coverage in townhouse and mixed townhouse developments is 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east

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

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

30.23.050 Height requirements, exceptions and measuring height.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

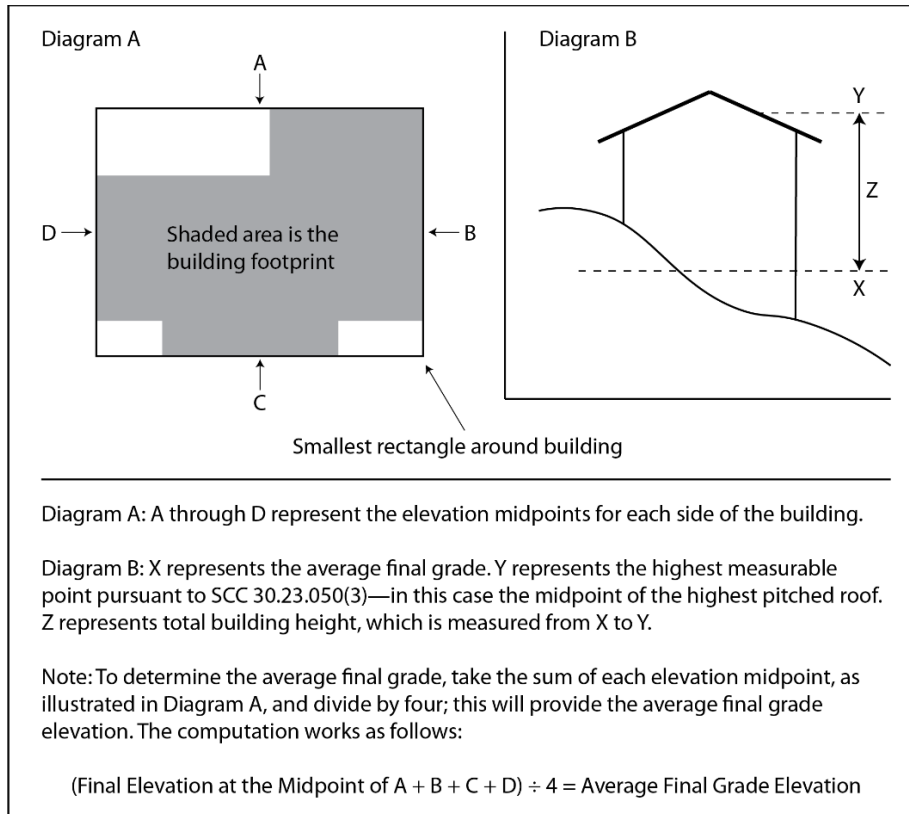


Figure 30.23.050(2). Calculating Average Final Grade and Determining Height for Portions of a Fully Partitioned Attached Single-Family Structure

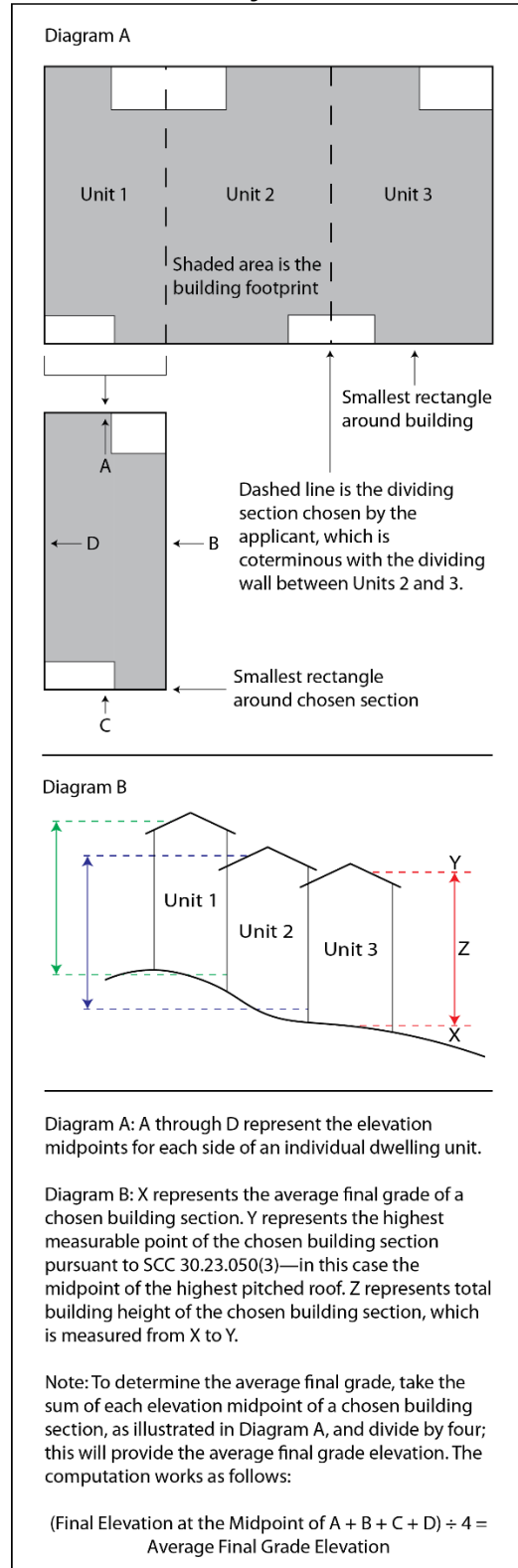


Figure 30.23.050(3). Restrictions on Using Fill to Alter Average Final Grade

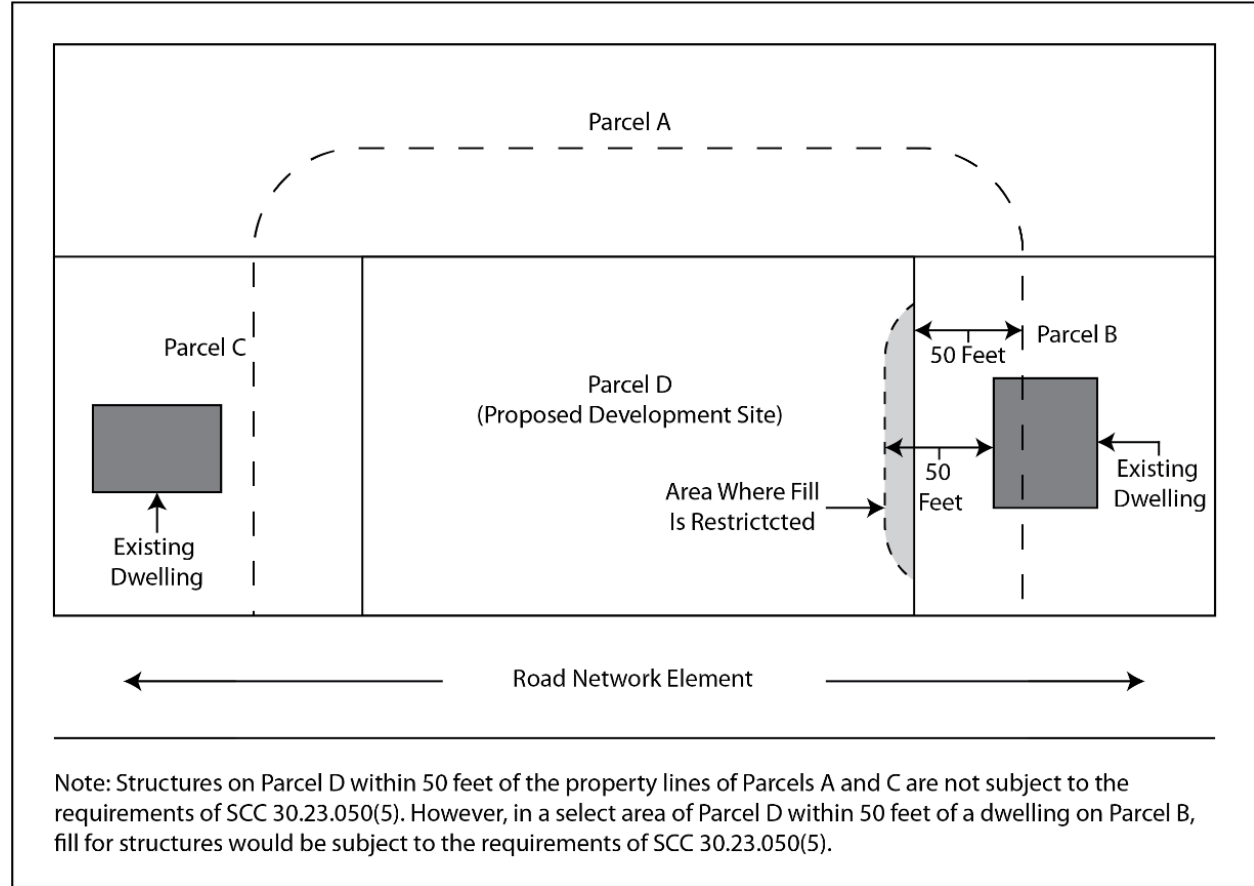


Figure 30.23.050(4). Finding the Midpoint of Different Roof Types

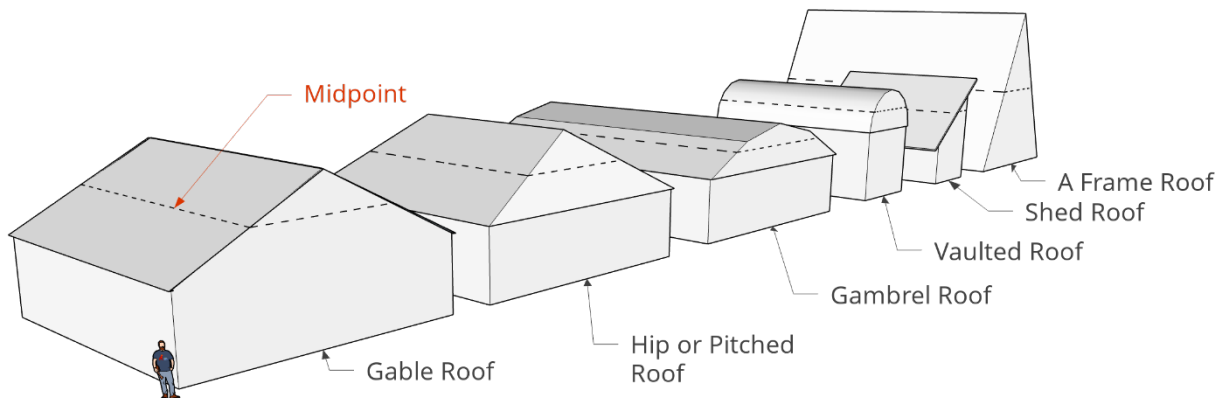
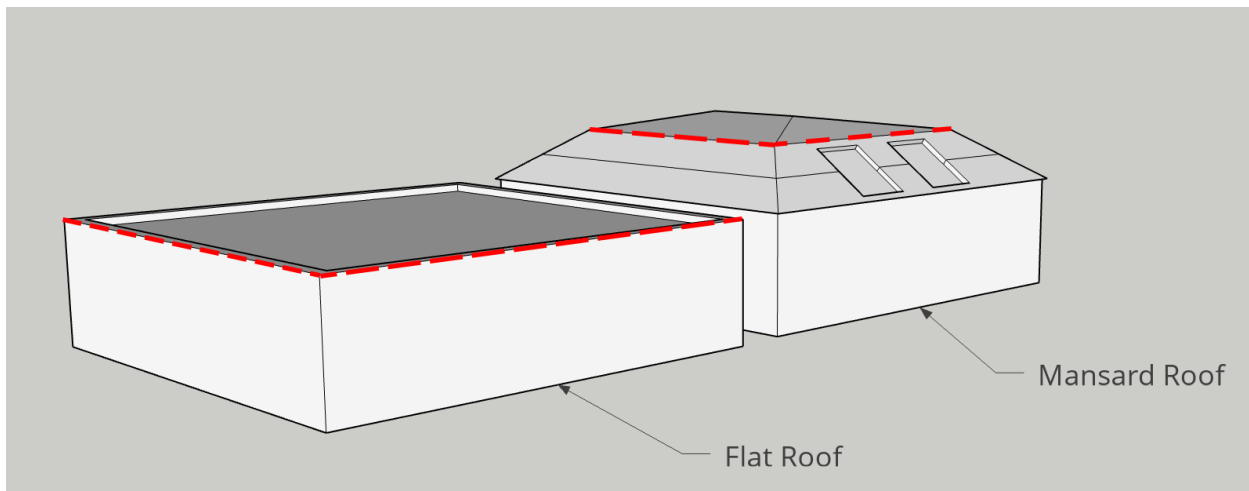


Figure 30.23.050(5). Calculating Building Height for Flat and Mansard Roofs



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

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

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

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

(1) An applicant with an existing residential development application determined to be complete by the department prior to the effective date of Ordinance 23-033, may voluntarily submit a signed waiver to the department requesting the development application be reviewed under the provisions in Amended Ordinance No. 23-033. All other development regulations in effect as of the date the original development application was determined to be complete shall apply.

(2) Applicants submitting a signed waiver shall have 6 months from the effective date of Amended Ordinance 23-033 to submit a revised site plan and building elevation plan.

(3) Applicants shall be responsible for demonstrating any proposed changes to building height consistent with the requirements of Ordinance No. 23-033 remain in compliance with the setback requirements of chapter 30.23 SCC, the compatibility standards of chapter 30.23A SCC, and any other applicable development regulations in effect as of the date the original development application was determined to be complete.

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

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

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

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

SCC 30.91B.036 Basement, daylight.

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

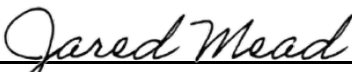
Figure SCC 30.91B.036. Daylight Basement



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

10
11 PASSED this 7th day of June 2023.
12
13

14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington
16

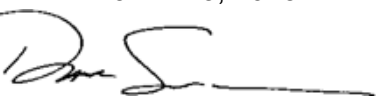
17 
18 _____
19 Council Chair
20
21

22
23 ATTEST:
24

25 
26 _____
27 Asst. Clerk of the Council
28

29 (X) APPROVED
30 () EMERGENCY
31 () VETOED
32

DATE: June 13, 2023

33 
34 _____
35 County Executive
36

37 ATTEST:
38

39 
40 _____
41

42 Approved as to form only:
43

44 _____
Deputy Prosecuting Attorney



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

06/27/2023

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

Sent Via Electronic Mail

Re: Snohomish County--2023-S-6206--Notice of Final Adoption

Dear Ms. Campfield:

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

Adopted Ordinance 23-033 concerning building height requirements; amending Chapters 30.23 and 30.19B of the county code.

We received your submittal on 06/27/2023 and processed it with the Submittal ID 2023-S-6206. Please keep this letter as documentation that you have met this procedural requirement.

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

Sincerely,

Review Team
Growth Management Services

Everett Daily Herald

Affidavit of Publication

State of Washington }

County of Snohomish } ss

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 EDH979125 AMENDED ORD. 23-033 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/21/2023 and ending on 06/21/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$72.50.

Subscribed and sworn before me on this

26th day of June,
2023.

Linda Phillips

Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
LISA CAMPFIELD

SNOHOMISH COUNTY COUNCIL

ELECTRONIC COPY RECEIVED

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

Linda Phillips
Notary Public
State of Washington
My Appointment Expires 8/29/2025
Commission Number 4417

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 7, 2023, the Snohomish County Council adopted Amended Ordinance No. 23-033, which shall be effective June 23, 2023.

A summary of the amended ordinance is as follows:

AMENDED ORDINANCE NO. 23-033

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

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

Section 4. Amends SCC 30.23.032 to add a footnote to the Urban Residential Zones Bulk Matrix for maximum building height related to buildings constructed with a daylight basement.

Section 5. Amends SCC 30.23.040 reference notes to include a new note (16) regarding daylight basement height bonuses.

Section 6. Amends SCC 30.23.050 to add elevator hoistways and rooftop equipment screening to the list of building height exemptions, clarify how to measure building height based on different roof types, and include diagrams of roof types.

Section 7. Adds SCC 30.23.055 allowing a complete development application to opt-in to the requirements of Ordinance No. 23-033.

Section 8. Adds SCC 30.91B.036 definition of daylight basements with diagram.

Section 9. Provides a standard severability and savings clause.

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

Where to Get Copies of the Amended 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.

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

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

DATED this 14th day of June 2023.

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

107010

Published: June 21, 2023.

EDH979125

Everett Daily Herald

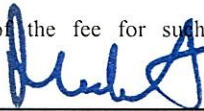
Affidavit of Publication

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 EDH979123 AMENDED ORD. 23-033 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/21/2023 and ending on 06/21/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

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




Subscribed and sworn before me on this

26th

day of

June2023


Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
LISA CAMPFIELD

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF ACTION

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

1. Description of agency action: Approval of Amended Ordinance No. 23-033.
2. Description of proposal: RELATING TO GRWTH MANAGEMENT; CONCERNING BUILDING EIGHT REQUIREMENTS; AMENDING CHAPTERS 30.23 AND 30.91B OF THE SNOHOMISH COUNTY CODE
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Lisa Campfield
Asst. Clerk of the Council

Date: June 14, 2023
107010
Published: June 21, 2023.

EDH979123

**EXECUTIVE RECOMMENDED
AMENDMENT SHEET
ORDINANCE NO. 23-033**

Amendment Name: Allowing A Complete Development Application to Opt-in to the Requirements of Ordinance No. 23-033

Brief Description: This amendment adds section SCC 30.23.055, which allows an applicant with existing development application under review to opt-in to Ordinance No. 23-033, including the allowance for a five-foot building height bonus to developments with a daylight basement.

Affected Code Sections: SCC 30.23.055

New Recitals, Findings, or Conclusions to Support the Amendment

Page 3, line 1, insert new findings following Finding C.7:

8. Allowing vested development applications to opt-in to the proposed building height amendments will help the County better achieve the objective of denser development and affordable housing goals in the comprehensive plan and incentivize more developments to avoid regrading existing topography where appropriate.
9. Under the current code, existing vested projects on sloping lots can achieve a maximum building height design only by significantly regrading sites to create a finished grade that removes existing slopes. Allowing vested development applications to opt-in to the new regulations will ensure projects on sloping lots can achieve the same maximum building height by constructing buildings with daylight basements without significant regrading of existing slopes.
10. Allowing vested development applications to opt-in to the new regulations will lessen the impacts to existing topography and ensure that developers use a consistent set of standards to achieve maximum building height design without excessive grading.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

None

New Ordinance Section to Insert:

Page 17, After line 11 insert a new section 7 and re-number remaining sections of the ordinance:

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

1 **30.23.055 Allowing a Complete Development Application to Opt-in to the Requirements of**
2 **Ordinance No. 23-033.**
3

4 (1) An applicant with an existing residential development application determined to be complete
5 by the department prior to the effective date of Ordinance 23-033, may voluntarily submit a
6 signed waiver to the department requesting the development application be reviewed under the
7 provisions in Amended Ordinance No. 23-033. All other development regulations in effect as of
8 the date the original development application was determined to be complete shall apply.

9 (2) Applicants submitting a signed waiver shall have 6 months from the effective date of
10 Amended Ordinance 23-033 to submit a revised site plan and building elevation plan.

11 (3) Applicants shall be responsible for demonstrating any proposed changes to building height
12 consistent with the requirements of Ordinance No. 23-033 remain in compliance with the
13 setback requirements of chapter 30.23 SCC, the compatibility standards of chapter 30.23A
14 SCC, and any other applicable development regulations in effect as of the date the original
15 development application was determined to be complete.

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

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

22 (6) This section SCC 30.23.055 is repealed effective 6 months from the date of adoption of
23 Amended Ordinance No. 23-033.
24

25 **Council Disposition:** _____ **Date:** _____