



## Snohomish County

### Planning and Development Services

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#### MEMORANDUM

TO: Snohomish County Planning Commission

**Dave Somers**  
*County Executive*

FROM: Stephen Fesler, Senior Planner

DATE: June 14, 2017

SUBJECT: **Supplemental Staff Report: Update of Urban Residential Development Regulations**

#### Introduction

The Planning Commission was briefed on the proposed code amendments on May 23, 2017. The purpose of this staff report is to supplement the staff report prepared for the Planning Commission dated May 10, 2017, and provide changes to the proposed code amendments related to the Update of Urban Residential Development Regulations project prior to a public hearing on June 27, 2017.

Attachments 1A through 1C to this memorandum present the full set of new and updated proposed code amendments as compared to those contained in the staff report dated May 10, 2017. In addition to the base code amendment proposal contained in the May 10<sup>th</sup> staff report, Snohomish County Planning and Development Services (PDS) recommends these amendments to Title 30 of the Snohomish County Code (SCC). Likewise, Attachment 1D presents updated draft findings of fact and conclusions that correspond to proposed code amendments in Attachments 1A through 1C. Attachment 2 contains a “clean” version of the full set of proposed code amendments and supporting findings of fact and conclusions.

#### Background

This project proposes to update Snohomish County’s urban residential regulations. The project will primarily amend several related code sections for townhouse development as well as other types of urban residential development. The proposed amendments are designed to provide new development options, remove certain regulatory barriers, and improve the quality of townhouse development.

The bulk of the draft code amendments proposed for this project are focused in the following chapters:

- Bulk Regulations (Chapter 30.23 SCC);
- Urban Residential Design Standards (Chapter 30.23A SCC); and
- Subdivisions and Short Subdivisions (Chapters 30.41A and 30.41B SCC).

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Additionally, minor draft code amendments are proposed for:

- Select definitions (Subtitle 30.9 SCC);
- Specific sections related to allowed uses (Chapter 30.22 SCC);
- Perimeter landscaping (Chapter 30.25 SCC);
- Tandem parking (Chapter 30.26 SCC);
- Minor and major revisions (Chapter 30.70 SCC); and
- Corrective language related to roads and access (Chapter 30.24 SCC).

## **Discussion**

Before and after the May 23<sup>rd</sup> briefing, PDS received comments from members of the development community regarding the minimum townhouse mixture in mixed townhouse developments, proposed setback requirements for garages, and the scope of provisions related to variety of primary pedestrian entrances and primary pedestrian entrance areas (also known as dooryards in townhouse and mixed townhouse developments).

In terms of townhouse mixture, there was some concern expressed over feasibility for projects in lower density zones that would be required to provide at least 80% of the dwelling units as townhouse—a requirement originally proposed as part of the draft code language. The development community suggested that the minimum ratio should be at least 70% townhouses, which was already proposed to be allowed through a 10% reduction exception option. PDS is recommending that the definition of “mixed townhouse development” and the mixture provisions proposed for SCC Table 30.23A.050(1) be modified to address this issue.

A conflict between proposed setback requirements for garages in townhouse and mixed townhouse developments was identified. This conflict is the result of the variable garage setback requirement and the minimum setback requirement from public and private roads. As originally proposed, the minimum setback for all structures from public and private roads would be seven feet. At the same time, the variable garage setback requirement would restrict the placement of a garage entrance anywhere from six and 18 feet from an adjacent road network element. Any proposed garage entrance on any public or private road would automatically require an 18-foot setback under such regulations. PDS is recommending changes to address this issue.

Lastly, the variety standard for primary pedestrian entrances and dooryards in townhouse and mixed townhouse developments raised uncertainty as to how the provision might be applied by PDS. The purpose of the requirement is to ensure that primary pedestrian entrances and dooryards in townhouse and mixed townhouse developments are distinctive in design with modest requirements for variation. PDS is recommending a small clarification to address this issue.

The following section identifies further changes to the proposal since the May 23<sup>rd</sup> Planning Commission briefing, which include the above in addition to other minor technical issues that PDS has subsequently identified. The proposed changes are reflected in Attachments 1A through 1C.

## **Changes to the Proposal since the May 23<sup>rd</sup> Planning Commission Briefing**

Since the Planning Commission briefing, staff has continued to refine the proposed code amendments to resolve technical issues and address issues raised by stakeholders. A summary

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of changes to the proposed code amendments since the May 23<sup>rd</sup> briefing is presented in the following subsections. A total of seven sections are proposed for changes. These include the following: SCC 30.23.040, 30.23.041, 30.23.049, 30.23A.050, 30.91C.335, 30.91D.525, and 30.91M.137.

*Proposed Code Amendments to Chapter 30.23 SCC General Development Standards – Bulk Regulations (Attachment 1A)*

PDS recommends that four primary revisions be made to the proposed code amendments to Chapter 30.23 SCC.

- **Grammatical corrections to new reference note (65) under SCC 30.23.040.** Minor grammatical corrections for readability are proposed to new reference note (65) under SCC 30.23.040. (See Page 9.)
- **Additional reference notes to SCC Table 30.23.041.** Additional footnotes to setback requirements for certain road network elements in certain zones are proposed to be inserted into SCC Table 30.23.041, which correspond to new proposed reference notes (13) and (14) under SCC 30.23.049. These reference notes would allow reduced setbacks for structures from certain road network elements in townhouse and mixed townhouse development and restrict the location of entrances to coverage parking structures (i.e., garages) in relationship to abutting road network elements in order to reduce vehicular conflicts that can result from short driveways. (See Pages 12 and 13.)
- **Revisions to new reference note (13) under SCC 30.23.049.** Further revisions are proposed to reference note (13) under SCC 30.23.049, which would allow a minimum building setback of five feet from the edge of a public or private road and a zero-foot setback from a drive aisle, shared court, shared driveway, or alley in a townhouse or mixed townhouse development. The reference note would correspond to SCC Table 30.23.041 where the note would be added to certain road network elements in certain zones. (See Page 14.)
- **New reference note (14) under SCC 30.23.049.** An additional reference note (14) is proposed under SCC 30.23.049 to reduce setbacks for entrances to covered parking structures, restrict the location of entrances to covered parking structures, and provide a minor incentive for entrances to covered parking structures that are setback at least 19 feet from an abutting road network element in townhouse and mixed townhouse developments. (See Page 14.)

The reference note would correspond to SCC Table 30.23.041 where the note would be added to certain road network elements in certain zones. The provisions would replace and differ in some ways original language drafted for SCC Table 30.23A.050(1) that addresses potential vehicular conflicts related to covered parking structures and driveways; as noted in the next section, language in SCC Table 30.23A.050(1) is proposed for deletion since this reference note would supersede it.

In sum, proposed language for this reference note would:

- Allow the minimum setback for entrances to covered parking structures to be reduced to five feet from the edge of a public or private road and a zero-foot setback from a drive aisle, shared court, shared driveway, or alley in a townhouse or mixed townhouse development;

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- Simplify applicability of the variable garage setback restriction provision to prohibit entrances to covered parking structures from locating between six and 19 feet from an abutting road network;
- Correct an inadvertent error regarding the extent of the variable garage setback restriction zone. Originally the proposed restriction only applied up to 18 feet, but the standard for a single driveway parking space per SCC Table 30.26.030(1) is 19 feet deep and 8.5 feet wide, which should be the standard used to ensure adequate separation from abutting road network elements for larger vehicles.; and
- Provide an incentive for entrances to covered parking structures set back 19 feet from an abutting road network element by allowing an upper-story floor projection up to one foot into the 19-foot setback area and permitting the use of exceptions for minor architectural features codified under SCC 30.23.115.

*Proposed Code Amendments to Chapter 30.23A SCC Urban Residential Design Regulations (Attachment 1B)*

PDS recommends that eight revisions be made to the proposed code amendments to SCC 30.23A.050.

- **Grammatical error.** A minor grammatical correction is proposed to new subsection (6) in SCC 30.23A.050 that would pluralize the word “roofs.” (See *Page 16*.)
- **Revised mixture standard and exceptions.** The development community has provided information on the feasibility for mixed townhouse development and urged PDS to consider changes that would ensure that mixed townhouse development be more readily feasible. Specifically, the development community recommends that a minimum ratio of the townhouses to other single-family housing types should be no higher than 7:3. (See *Page 17*.)

A proposed amendment would revise the mixed townhouse development definition language to set the minimum share of townhouses at 70% under SCC 30.91M.137. To affirm this, a proposed change to SCC Table 30.23A.050 would also acknowledge 70% as the minimum share of townhouses required in a mixed townhouse development, except as allowed in the circumstance where a development site only has the potential for five dwelling units when the share of townhouse dwellings could be as low as 60%. Other exceptions originally proposed are recommended for deletion since they would be achievable by the proposed townhouse share reduction required pursuant to SCC 30.91M.137. A new citation to SCC 30.91M.137 is also proposed to establish a relationship between the single exception to the “70/30 rule” and definition.

- **Building transparency.** A minor terminology correction to the building transparency requirements is proposed in SCC Table 30.23A.050(1). This would strike the word “width” and replace it with “length” which more accurately describes the intent of the provision. (See *Pages 17 and 18*.)
- **Variable garage setback restriction.** Striking language related to a garage setback restriction from adjacent road network elements proposed in SCC Table 30.23A.050(1) since the language is proposed to be addressed by new reference note (14) under SCC 30.23.049. (See *Pages 19 and 20*.)

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- **Covered porches and uncovered decks.** Minor terminology corrections related to the terms “covered porch” and “uncovered deck” are proposed in SCC Table 30.23A.050(2). The original language in the primary pedestrian entrances subsection inadvertently described porches as “enclosed” instead of “covered” and decks as “unenclosed” instead of “uncovered.” The introductory paragraph to the subsection also inadvertently enumerated “unenclosed porches” instead of “uncovered decks.” The errors are proposed for correction. (See *Pages 20 and 21.*)
- **Primary Pedestrian Entrance Areas/Dooryards.** There are proposed revisions to SCC Table 30.23A.050(2), SCC Table 30.23A.050(3), and SCC Figure 30.23A.050(2) that would add the term “dooryard” as it relates to the phrase “primary pedestrian entrance area.” The term “dooryard” is a well-recognized planning and urban design descriptor for a space that serves as a yard or garden near the door of a house. The change is not substantive in nature, but clarifies the purpose of the primary pedestrian entrance area requirement and provides a short-hand distinction between the terms “primary pedestrian entrance” and “primary pedestrian entrance area.” (See *Pages 21, 22, and 24.*)
- **Clarifying variety in primary pedestrian entrances and dooryards.** The development community expressed uncertainty in the scope of the variety standard for primary pedestrian entrances and dooryards, and the applicability of the provision. PDS intends to develop a revised Snohomish County Urban Residential Design Manual after adoption of an ordinance related to this code amendment project which would provide further clarity in the provision. However, additional language to the subsection in SCC Table 30.23A.050(2) is proposed to provide a menu of some features that could qualify as visual distinctions satisfying the general requirement. (See *Page 22.*)
- **Formatting correction.** A minor technical correction to the formatting is proposed to a subsection related to requirements for dwelling units with a rear-loaded attached garage under SCC Table 30.23A.050(3). The purpose of the change is to simplify the applicability of the provision to the reader. (See *Page 22 through 23.*)

*Proposed Code Amendments to Subtitle 30.9 SCC General Provisions (Attachment 1C)*

PDS recommends that three revisions be made to the proposed code amendments to Subtitle 30.9 SCC.

- **Clarify “covered parking structure” definition.** SCC 30.91C.335, “covered parking structure,” is proposed to be added to the code amendments so that the scope of the definition is clarified as it relates to the application of proposed reference notes (13) and (14) under SCC 30.23.049 and SCC Table 30.23.041. (See *Page 27.*)
- **Simplify “townhouse dwelling” definition.** An additional change is proposed to SCC 30.91D.525, “townhouse dwelling,” to simplify the term. The proposed change seeks to strike unnecessary language from the definition. Originally, proposed amendments sought to clarify that the use included townhouses on a single site in addition to siting in zero lot line developments or on a single lot. (See *Page 27.*)
- **Further clarify “mixed townhouse development” definition.** The development community has provided information on the feasibility for mixed townhouse development and urged PDS to consider changes that would ensure that mixed townhouse development would be more readily feasible. Specifically, the development community recommends that a ratio of the townhouses to other single-family housing types should

be no higher than 7:3. A proposed amendment would revise definition language to set the minimum share of townhouses at 70%. A new citation to SCC 30.23A.050 is also proposed to establish a clear relationship between the definition and a single exception to the “70/30 rule” outlined in the section. (See Page 27.)

### Proposed Findings of Fact and Conclusions (Attachment 1D)

To support the changes contained in Attachments 1A through 1C, PDS recommends that the revised findings and conclusions in Attachment 1D amend those contained in the staff report dated May 10, 2017.

### **Proposed Findings of Fact and Conclusions**

Recommended findings of fact and conclusions proposed for this project are contained in Attachment 1D.

### **Procedural Requirements**

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A SEPA Determination of Non-Significance was issued by PDS on May 10, 2017. PDS did not receive any comments or appeals during the comment and appeal period.

Additionally, a notice of intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce on May 10, 2017 in accordance with Section 36.70A.106 of the Revised Code of Washington.

### **Staff Recommendation**

In addition to the original code amendments and findings of fact and conclusions contained in the staff report dated May 10, 2017, staff recommends adoption of the proposed amendments described in Attachments 1A through 1C as supported by recommended amendments to findings of fact and conclusions contained in Attachment 1D. Attachment 2 provides the full set of proposed code amendments and findings of fact and conclusions, which incorporates the amendments proposed in Attachments 1A through 1D. Staff recommends adoption of the proposal as outlined in Attachment 2.

### **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 code amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposal with appropriate findings.

### **Attachments**

There are five attachments to this supplemental staff report:

- Attachment 1A: Proposed Code Amendments to Chapter 30.23 SCC General Development Standards – Bulk Regulations (See Pages 8 through 14.)
- Attachment 1B: Proposed Code Amendments to Chapter 30.23A SCC Urban Residential Design Standards (See Pages 15 through 26.)
- Attachment 1C: Proposed Code Amendments to Subtitle 30.9 SCC General Provisions (See Page 27.)

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- Attachment 1D: Proposed Findings of Fact and Conclusions (*See Pages 28 through 39.*)
- Attachment 2: Clean Version of Proposed Urban Residential Development Code Amendments and Findings of Fact and Conclusions (*See Pages 40 through 103.*)

Since the staff report dated May 10, 2017, PDS has developed subsequent amendments to the select elements of the overall code amendment proposal. Attachments 1A through 1C contain specific sections of the code amendment proposal that are proposed for further modification. Attachment 1D contains companion changes proposed for the supporting findings of fact and conclusions. To clearly identify the changes since the May 10, 2017 staff report, PDS has noted the changes as follows:

- All changes since the staff report dated May 10, 2017 are noted in red text.
  - Where text is proposed for addition, the change is indicated by red underline.
  - Where text is proposed for deletion, the change is indicated with red strikethrough and deletion brackets.
  - For text entirely added as new to the overall proposal, the addition is noted only in red with no underline.
- For changes originally recommended for addition, they are noted in black underline.
- For changes originally recommended for deletion, they are in noted black strikethrough and deletion brackets.
- In some cases, text originally proposed to be added is now proposed for deletion which is noted with red underline as well as red strikethrough and deletion brackets.

A “clean” version of the proposed code amendments and findings of fact and conclusions have also been provided in Attachment 2. This version is simplified and generally appears as it would in an ordinance.

CC:

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## Attachment 1A

### **Proposed Code Amendments to Chapter 30.23 SCC General Development Standards – Bulk Regulations**

#### **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 urban commercial 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.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (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) RESERVED for future use.
- (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) RESERVED for future use.
- (15) See SCC 30.23.300.
- (16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.
- (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.

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(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 30.31D SCC.

(32) 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 30.31D.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.

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(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.150. Uses are restricted where the R5 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) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(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(7). 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.

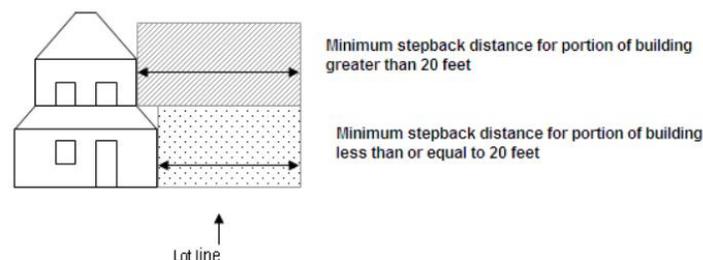
(59) Relationship of setback to building height:

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) RESERVED for future use.

(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 180 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 an applicant may request ~~that~~ the maximum density be increased by 20 percent.

(b) For the LDMR and MR zones, an applicant may request that the maximum density established under SCC 30.23.040(4) and 30.23.040(5) ~~((may))~~ be increased up to 20 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 may be increased to 40 percent in the LDMR zone and 50 percent in the MR zone at the request of an applicant.

**30.23.041 Setbacks from road network elements in Urban Zones.**

**Table 30.23.041  
Setbacks from Road Network Elements in Urban Zones<sup>10</sup>**

**((All minimum setbacks are measured in feet))**

Category	Zone	Minimum Setback For Structure					Minimum Setback to the Entrance of a Covered Parking Structure				
		Public Road		Private <sup>1,2</sup>		Alley	Public Road		Private <sup>1,2</sup>		Alley
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision, or Binding Site Plan <sup>3</sup>	Under 60 Feet <sup>4,5</sup>	Private Road	Drive Aisle, Shared Court, and Shared Driveway		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision, or Binding Site Plan <sup>3</sup>	Under 60 Feet <sup>4,5</sup>	Private Road	Drive Aisle, Shared Court, and Shared Driveway	
Urban	R-9,600	15	45	15	0	0	18	48	18	18	4
	R-8,400	15	45	15	0	0	18	48	18	18	4
	R-7,200	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	T (buildings ≤ ((20')) 20 feet high) <sup>12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	T (buildings > ((20')) 20 feet high) <sup>12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	LDMR (buildings ≤ ((20')) 20 feet high) <sup>6, 7, 12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	LDMR (buildings > ((20')) 20 feet high) <sup>6, 7, 12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	MR (buildings ≤ ((20')) 20 feet high) <sup>6, 7, 12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
	MR (buildings > ((20')) 20 feet high) <sup>6, 7, 12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>

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<b>MHP</b>	20	50	20	15	0	18	48	18	18	4
<b>FS</b>	25	55	25	0	0	25	55	18	18	4
<b>NB</b>	10 <sup>13</sup>	40 <sup>13</sup>	10 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>PCB</b>	25 <sup>13</sup>	85 <sup>13</sup>	25 <sup>13</sup>	0	0	55 <sup>14</sup>	58 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>CB</b>	25 <sup>13</sup>	55 <sup>13</sup>	25 <sup>13</sup>	0	0	25 <sup>14</sup>	55 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>GC</b>	25 <sup>13</sup>	55 <sup>13</sup>	25 <sup>13</sup>	0	0	25 <sup>14</sup>	55 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>IP<sup>8</sup></b>	25	60	25	0	0	30	60	18	18	4
<b>BP</b>	25	60	25	0	0	30	60	18	18	4
<b>LI</b>	25	55	25	0	0	25	55	18	18	4
<b>HI</b>	25	55	25	0	0	25	55	18	18	4
<b>UC</b>	0	0	0	0	0	20	50	18	18	4

**Note:** All minimum setbacks are measured in feet.

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**30.23.049 Reference notes for SCC Tables 30.23.041 through 30.23.047.**

(1) The setback shall be measured from the edge of the tract or easement. Where no tract or easement is established, the measurement shall be made from the edge of the road network element.

(2) The setback may be reduced to the setback required for a structure if a vehicle entering the covered parking structure can turn around inside the covered parking structure and exit without having to back out.

(3) These setbacks shall be measured from the edge of the right-of-way.

(4) Applies to public right-of-way under 60 feet that are not included in development subject to the recorded subdivision, short subdivision, or binding site plan. These setbacks shall be measured from the centerline of the right-of-way.

(5) The county engineer may require the front lot line setback from a public right-of-way be measured from a right-of-way reservation line established in accordance with SCC 30.24.140(1), when:

(a) The right-of-way width is less than 60 feet in width and determined inadequate by the county engineer based on:

(i) The comprehensive plan arterial circulation map; or

(ii) An adopted design report, roadway design or right-of-way plan; and

(b) The right-of-way is not located in a recorded subdivision, short subdivision or binding site plan.

(6) Single-family detached, single-family attached, and duplex structures constructed in the LDMR and MR zones shall use the minimum setbacks required in the R-8,400 zone.

(7) Structures over two stories, other than single-family detached structures, shall increase the setbacks by three feet; provided, that the additional setback shall only be required as an upper floor stepback for portions of residential structures above 20 feet in height pursuant to SCC 30.23.040(59).

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

(9) In the F zone, the setbacks for residential structures on lots 10 acres or less, where the lot was legally created prior to being zoned to F, shall be the same as in the R-5 zone.

(10) See SCC 30.23.120 for front setback exceptions from road network elements.

(11) See SCC 30.41C.130 and 30.41C.140 for additional front setback requirements for lots created through the rural cluster subdivision provisions of chapter 30.41C SCC.

(12) See SCC 30.23.040(59).

(13) In a townhouse or mixed townhouse development, setbacks ((Setbacks)) for residential structures ((in a townhouse or mixed townhouse development)) may be reduced to a minimum of ((seven)) five feet from a public or private road, ((the edge of an adjacent road network element,)) as determined by the county engineer.

(14) In a townhouse or mixed townhouse development, setbacks for entrances to covered parking structures may be reduced pursuant to subsections (a) and (b), except that such entrances to covered parking structures shall be restricted pursuant to subsection (c):

(a) A minimum of five feet from a public or private road, as determined by the county engineer.

(b) A minimum of zero feet from a drive aisle, shared court, shared driveway, or alley.

(c) A covered parking structure shall be prohibited from locating the entrance to the covered parking structure between six and 19 feet from an abutting road network element. An entrance to a covered parking structure that is located at least 19 feet from the abutting road network element may have upper story floors project up to one-foot horizontally into the area where an entrance to a covered parking structure is prohibited, and except as otherwise allowed under SCC 30.23.115 for minor architectural features.

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## Attachment 1B

### **Proposed Code Amendments to Chapter 30.23A SCC Urban Residential Design Standards**

#### **30.23A.050 (~~((Attached single-family))~~) Single-family attached dwelling, mixed townhouse, and townhouse development design standards.**

~~((Attached single-family))~~ Single-family attached and townhouse dwellings as well as dwellings in mixed townhouse developments (~~(and townhouses)~~) shall comply with the following requirements:

(1) (~~((Site Layout))~~) General site layout and (~~((Pedestrian Circulation))~~) pedestrian circulation requirements. Single-family attached dwelling, mixed townhouse, and townhouse developments shall meet the following general site layout and pedestrian circulation requirements:

(a) (~~((Attached single-family))~~) Single-family attached dwelling, mixed townhouse, and townhouse developments shall have an integrated pedestrian circulation system that connects buildings, common space, and parking areas pursuant to SCC 30.24.080.

(b) Surface parking spaces shall be located to the side or rear of buildings, except as modified in SCC Table 30.23A.050(1).

(c) Driveways shall be designed in accordance with the EDDS.

(2) Building orientation. Buildings shall be oriented pursuant to SCC 30.23A.070.

(3) Architectural (~~((Design Elements))~~) design elements. Each single-family attached dwelling structure, townhouse structure, and residential dwelling structure in a mixed townhouse development shall incorporate variation to any facade of a building that faces a road network element or other public realm-oriented space (such as a shared common space or internal pedestrian facility accessible to other dwelling units) by using at least three of the following elements:

~~((a) Townhouse structures shall have no more than six dwelling units per each building, except the maximum number of dwellings in a building may be increased to eight in the LDMR, MR, NB, PCB, CB, and GC zones.~~

~~((b) Each attached single-family dwelling and townhouse structure shall incorporate variation to any facade of a building that faces a public or private road or drive aisle by incorporating at least three of the following elements:))~~

~~((i))~~ (a) Changes in the roofline at intervals not greater than 40 (~~((continuous))~~) feet in continuous length, such as variations in roof pitch, overhangs, projections, and extended eaves;

~~((ii))~~ (b) Distinctive window patterns that are not repeated within groupings of up to four dwelling units;

~~((iii))~~ (c) Variations in the setback of the front facade of the building by at least five feet between adjoining dwelling units;

~~((iv))~~ (d) Stepbacks on the facade of at least two feet in depth and four feet in width at intervals of not more than 30 feet;

~~((v))~~ (e) Diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);

~~((vi))~~ (f) Balconies, bays, or changes in the wall plane of the front facade of the building;

~~((vii))~~ (g) Garage door entrance(s) for automobiles located at the side or rear of the building;

or

~~((viii))~~ (h) Other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

(4) The architectural design elements in (~~((SCC 30.23A.050(3)(b))~~) SCC 30.23A.050(3) shall be implemented pursuant to the Snohomish County Residential Design Manual.

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~~(5) ((Specific Development Requirements))~~ Reduced setbacks and required easements. Single-family attached dwelling, mixed townhouse, and townhouse developments may qualify for reduced setbacks and require special easements in accordance with the following:

~~(a) The director may reduce the underlying zoning side and rear lot line setbacks to zero for townhouse structures, dwellings in a mixed townhouse development, and ((attached)) single-family attached dwellings to allow for ((zero-lot-line)) zero lot line development; provided, that the remaining underlying zoning setbacks meet the requirements of the zone.~~

~~(b) ((Attached single-family))~~ Single-family attached dwellings, ((and)) townhouse structures, and residential dwelling structures in mixed townhouse developments built as ~~((a))~~ zero lot line development shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and restrictions or in a separate document approved by the director.

~~((c) Buildings in townhouse developments shall be separated by at least 10 feet as measured between the nearest outer walls of the buildings. This separation shall not apply between a primary residential dwelling and detached structures accessory to the primary residential dwelling.~~

~~(d) The standard for providing a minimum suitable construction area as set forth in SCC 30.41A.235 shall not apply to townhouse construction.)~~

(6) Restrictive covenants. The director may require execution and recordation of covenants, access easements, and joint use and maintenance agreements for a townhouse or mixed townhouse development. When required, covenants, access easements, and joint use and maintenance agreements shall be recorded with the county auditor's office prior to final inspection of the first unit and identify the rights and responsibilities of the property owner(s) and/or homeowners' association, including the use and maintenance of common garage, parking, and vehicle access areas; pedestrian facilities; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features.

~~((In addition to the landscaping requirements in chapter 30.25 SCC, townhouses shall provide landscaping in all front and side setbacks and common outdoor areas associated with the townhouse structure. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:~~

~~(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;~~

~~(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;~~

~~(c) Not more than 50 percent of the shrubs may be deciduous; and~~

~~(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.)~~

(7) Specific design standards for townhouse and mixed townhouse developments. Townhouse and mixed townhouse developments shall be subject to additional design standards contained in SCC Table 30.23A.050(1), SCC Table 30.23A.050(2), and SCC Table 30.23A.050(3).

#### **Table 30.23A.050(1)**

#### **Additional Design Standards for Townhouse and Mixed Townhouse Developments: General Design Requirements**

<u>Standard</u>	<u>Requirement</u>
<u>Maximum number of dwelling units per townhouse structure</u>	In the R-7,200 zone, the maximum number of dwelling units in a townhouse structure is six. In the T, LDMR, MR, NB, PCB, CB, and GC zones, the maximum number of dwelling units in a townhouse structure is eight.
<u>Mixture of dwelling types in mixed townhouse developments</u>	<p>(a) At least <del>((80))</del> <u>70</u> percent of the dwelling units in a mixed townhouse development shall be townhouse dwelling units pursuant to SCC 30.91M.137, except as may be authorized under subsection (b).</p> <p>(b) An applicant may request an exception from subsection (a) when(<del>l</del>:</p> <p style="padding-left: 40px;"><del>(i) The development site has unique characteristics such as size, shape, topography, or environmentally sensitive areas that would otherwise preclude a mixed townhouse development from achieving the townhouse dwelling unit ratio under subsection (a), in which case the director may grant a 10 percent reduction from the percentage requirement;</del></p> <p style="padding-left: 40px;"><del>(ii) The development site only has sufficient development capacity for four dwelling units, in which case the director may allow a mixed townhouse development consisting of a three-unit townhouse and a single-family detached dwelling unit; or</del></p> <p style="padding-left: 40px;"><del>(iii) The))</del> the development site only has sufficient development capacity for five dwelling units, in which case the director may allow a mixed townhouse development consisting of a three-unit townhouse and one of the following: two single-family detached dwelling units, two single-family attached dwelling units, or one duplex structure.</p> <p>(c) If an applicant elects to use <del>((one-of))</del> the <del>((exceptions))</del> <u>exception</u> under subsection (b), the applicant shall demonstrate in writing why the requirements of subsection (a) cannot otherwise be satisfied.</p>
<u>Building separation</u>	Building separation shall be determined under the requirements of subtitle 30.5 SCC.
<u>Building transparency</u>	(a) Dwelling units shall provide a minimum facade transparency of 20 percent for each primary facade and 10 percent for each

	<p><u>secondary facade facing a road network element or other public realm-oriented space (such as a shared common space or internal pedestrian facility accessible to other dwelling units) subject to the following:</u></p> <p><u>(i) Windows and doors may be employed to meet the minimum facade transparency requirements;</u></p> <p><u>(ii) Windows used to meet this standard must provide for transparent views from within the building to the public realm and vice versa, except that semi-frosted or semi-glazed windows that allow for internal light to pass through may be used for ground-floor doors only;</u></p> <p><u>(iii) Each window shall be accented with trim, sill, or other architectural exterior molding or use a technique to recess or project the window from the facade plane in order to create visual interest; and</u></p> <p><u>(iv) Blank walls greater than 20 feet in <del>(width)</del> length shall not be allowed.</u></p> <p><u>(b) For the purposes of this section, a primary facade is considered to be the building face with a primary pedestrian entrance and a secondary facade is considered to be any other qualifying building face.</u></p>
<p><u>Landscaping</u></p>	<p><u>In addition to the landscaping requirements in chapter 30.25 SCC, landscaping shall be provided in all front and side setbacks and common outdoor areas associated with a dwelling unit. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:</u></p> <p><u>(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;</u></p> <p><u>(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;</u></p> <p><u>(c) Not more than 50 percent of the shrubs may be deciduous; and</u></p> <p><u>(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.</u></p>

<p><u>Parking</u></p>	<p><u>(a) Parking shall meet the following parking standards in addition to those under chapter 30.26 SCC:</u></p> <p><u>(i) All parking stalls associated with an individual dwelling unit shall be provided in accordance with any of the following:</u></p> <p><u>(A) The parking stall(s) shall be located upon the dwelling unit's driveway;</u></p> <p><u>(B) The parking stall(s) shall be fully enclosed within an attached garage constructed as part of the dwelling unit.</u></p> <p><u>(C) The parking stall(s) shall be fully enclosed within an attached garage located within the footprint of another dwelling unit that is no more than 50 feet away. The garage space shall be physically partitioned and not accessible to the interior of the dwelling unit. The garage and stall(s) within shall be reserved for the sole use of the individual dwelling unit indicated in subsection (a)(i). Refer to SCC Figure 30.23A.050(1) for application of this requirement.</u></p> <p><u>(D) The parking stall(s) shall be fully enclosed within a consolidated parking structure which contains no more than eight parking stalls unless located below ground in which case there is no maximum.</u></p> <p><u>(E) The parking stall(s) shall be provided and reserved as on-street parking.</u></p> <p><u>(F) The parking stall(s) may be provided through any mixture of subsections (a)(i)(A) through (a)(i)(E).</u></p> <p><u>(ii) Guest parking shall be located in designated surface parking areas as on-street parking.</u></p> <p><u>(iii) When on-street parking is proposed pursuant to subsections (a)(i) or (a)(ii), on-street parking shall be incorporated into an approved road network element design and shall not be subject to the requirements of SCC 30.23A.050(1)(b).</u></p> <p><u>(b) Where parking requirements in subsection (a) are more specific or restrictive than those contained in chapter 30.26 SCC, the requirements of subsection (a) shall apply.</u></p>
<p><del>((Garage setback from adjacent road network elements))</del></p>	<p><del>((When a townhouse structure or residential structure in a townhouse or mixed townhouse</del></p>

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	<p><del>development contains an attached or detached garage, the attached or detached garage entrance shall be located:</del></p> <p><del>(a) Less than or equal to six feet from the edge of the adjacent road network element; or</del></p> <p><del>(b) At least 18 feet from the edge of the adjacent road network element.))</del></p>
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**Table 30.23A.050(2)**  
**Additional Design Standards for Townhouse and Mixed Townhouse Developments:**  
**Primary Pedestrian Entrance Design Requirements**

<u>Standard</u>	<u>Requirement</u>
<u>Primary pedestrian entrances</u>	<p><u>Each primary pedestrian entrance for a dwelling unit in a townhouse and mixed townhouse development shall be designed as visually prominent. Individual primary pedestrian entrances shall employ the use of covered porches, stoops, <del>((unenclosed porches))</del> uncovered decks, staircases, or other architecturally detailed and functional entryways that provide overhead weather protection, as approved by the director, and may apply use of the following exceptions in the design which modify the standards of SCC 30.23.115:</u></p> <p><u>(a) <del>((Unenclosed))</del> Uncovered decks up to 18 inches above the existing or finished grade, or the grade of the adjacent road, whichever is lower, may project into required setbacks to the adjacent road element;</u></p> <p><u>(b) <del>((Enclosed))</del> Covered porches, stoops, or staircases may project into required setbacks to the adjacent road network element if they are no higher than four feet above the existing or finished grade, or the grade of the adjacent road, whichever is lower, except that the projection into the required setback within four feet of the adjacent road network element may not exceed a height of 30 inches above the existing or finished grade, or the grade of the adjacent road, whichever is lower, for entry staircases or stoops;</u></p> <p><u>(c) For <del>((enclosed))</del> covered porches, stoops, or staircases allowed pursuant to subsection (b), the maximum height requirements described in the subsection</u></p>

	<p>shall not apply to guardrails and handrails that are attached to such structures; and</p> <p><u>(d) ((Enclosed)) Covered porches allowed pursuant to subsection (b) may be covered; provided, that no portion of the cover-structure, including pillars, supports, and eaves, are closer than four feet to an adjacent road network element.</u></p>
<p><u>Primary pedestrian entrance areas (dooryards)</u></p>	<p><u>(a) Each primary pedestrian entrance for a dwelling unit shall consist of a primary pedestrian entrance area (dooryard) that incorporates at least two of the following features:</u></p> <p><u>(i) Usable private open space for the enjoyment of the dwelling unit’s residents;</u></p> <p><u>(ii) Landscaping that covers more than 50 percent of the designated primary pedestrian entrance area (dooryard);</u></p> <p><u>(iii) A hedgerow, not to exceed three feet in height, that provides visual separation to create a sense of separate ownership from any adjacent dwelling units, common open space, and road network element;</u></p> <p><u>(iv) Fences, not to exceed four feet in height, that are designed to allow semi-transparency; provided, that architectural features such as arbors and trellises may be constructed on top of fences and obtain an additional two feet in height;</u></p> <p><u>(v) Decorative bulkheads and retaining walls with a height of no more than four feet above grade; provided, that:</u></p> <p><u>(A) If a fence is located on top such features, the maximum height shall be no more than five feet above grade and shall be calculated as an aggregate of both structural elements; and</u></p> <p><u>(B) Associated pillars may frame fences used pursuant to subsection (a)(v)(A) and shall not exceed a height of five-and-one-half feet above grade; or</u></p> <p><u>(vi) Other design features approved by the director.</u></p> <p><u>(b) Each primary pedestrian entrance shall have a primary pedestrian entrance area (dooryard) that:</u></p>

	<p>(i) <u>Has a minimum area of 50 square feet (which may include the primary pedestrian entrance itself); and</u></p> <p>(ii) <u>Has no dimension that is less than six feet in length.</u></p> <p>(c) <u>Primary pedestrian entrance areas (dooryards) shall be calculated as illustrated in SCC Figure 30.23A.050(2).</u></p>
<p><u>Variety of primary pedestrian entrances and primary pedestrian entrance areas (dooryards)</u></p>	<p><u>At least one-third of the primary entrances and primary entrance areas in a townhouse or mixed townhouse development shall be visually distinct (such as front door location, materials, and pattern) in design from the other primary pedestrian entrances and primary pedestrian entrance areas (dooryards) in ((a)) the development, and no more than 50 percent of the dwelling units in a townhouse structure may use the same design features.</u></p>

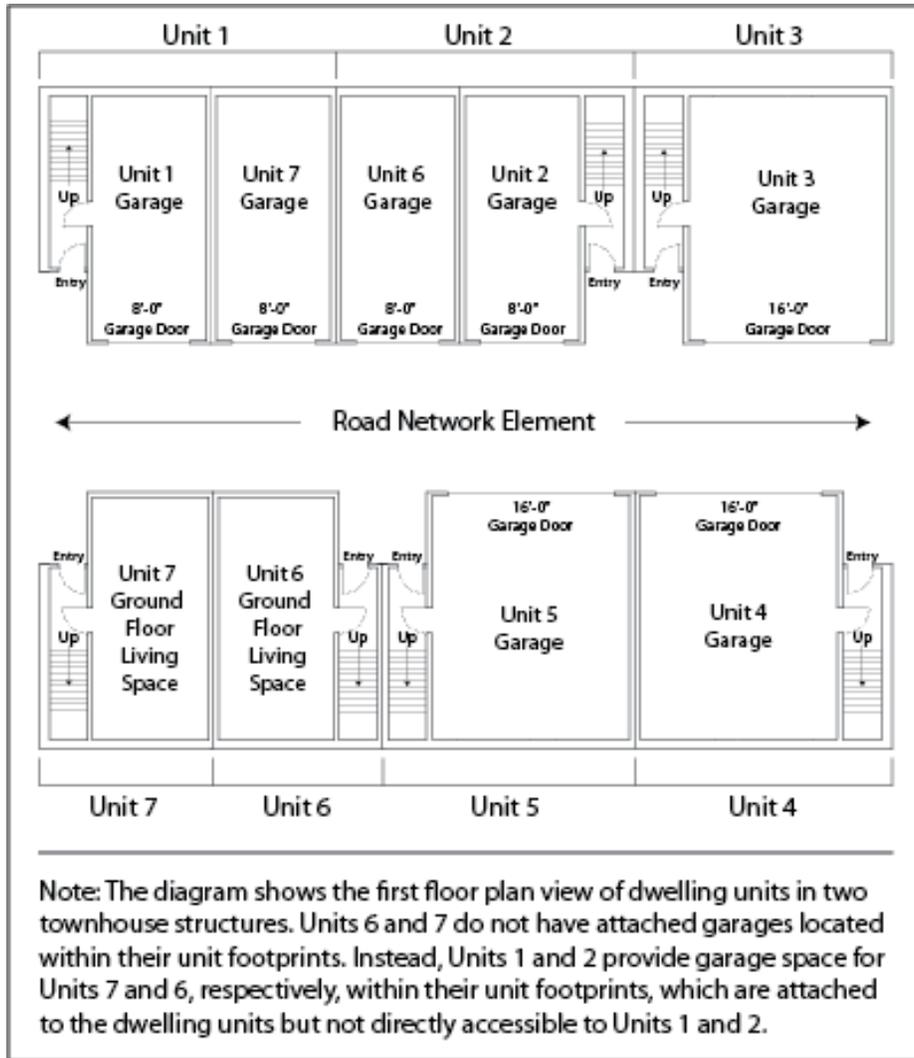
**Table 30.23A.050(3)**  
**Additional Design Standards for Townhouse and Mixed Townhouse Developments:**  
**Landscaping Requirements for Dwelling Units with an Attached Garage**

<u>Standard</u>	<u>Requirement</u>
<p><u>Requirements for dwelling units with front-loaded attached garages</u></p>	<p>(a) <u>A dwelling unit with an attached garage that faces a road network element and has its primary pedestrian entrance oriented toward the same road network element pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c).</u></p> <p>(b) <u>A landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on the opposite side of the driveway from the primary pedestrian entrance area (dooryard) and the space shall extend the full length from the residence to the adjacent road network element.</u></p> <p>(c) <u>At least 75 percent of ground coverage within the landscape buffer shall include an equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).</u></p>
<p><u>Requirements for dwelling units with rear-loaded attached garages</u></p>	<p>(a) <u>A dwelling unit with an attached garage that is provided with vehicular access at the rear of the structure by a road network element but has a primary pedestrian entrance oriented</u></p>

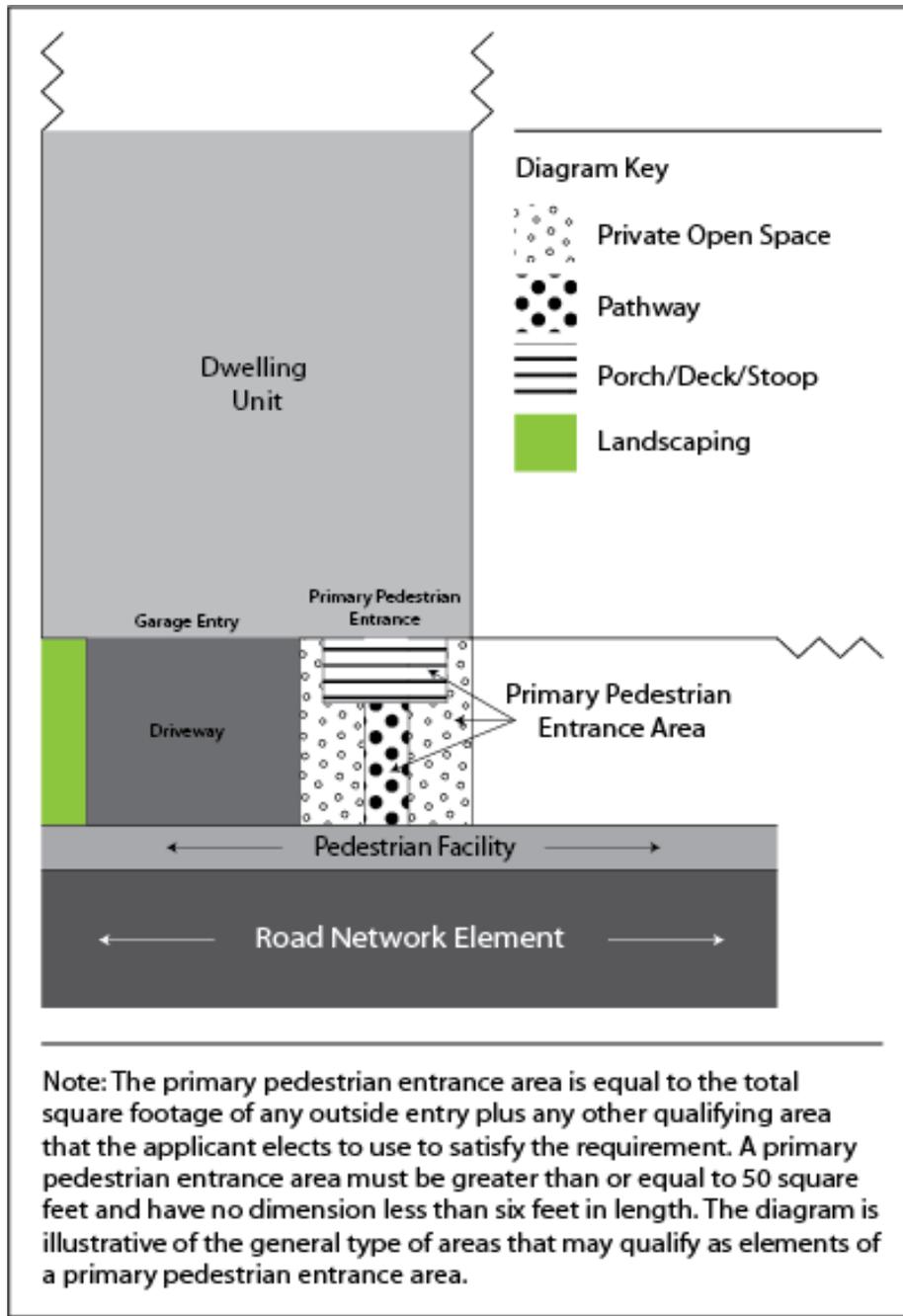
	<p><u>upon another building face pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c) if <del>((subsection (a)(i) is applicable:</del></u></p> <p><del>(i) The</del>) <u>the road network element from which the attached garage is intended to obtain access will have one or more primary pedestrian entrances from other dwelling units oriented toward it and a pedestrian facility is to be constructed within the road network element.</u></p> <p><u>(b) When an attached garage is separated from a connecting road network element by more than five feet, a landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on both sides. The landscape buffer spaces shall extend the full length from the dwelling unit to the adjacent road network element; provided, that only one landscape buffer shall be required achieving the aforementioned standards on the opposite side of the driveway of a secondary pedestrian entrance.</u></p> <p><u>(c) At least 75 percent of ground coverage within each landscape buffer shall include an equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).</u></p>
<p><u>Requirements for dwelling units with side-loaded attached garages</u></p>	<p><u>(a) A dwelling unit with an attached garage that is provided vehicular access at the side of the dwelling unit by a road network element but has a primary pedestrian entrance oriented upon another building face pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c).</u></p> <p><u>(b) When an attached garage is separated from the connecting road network element by more than five feet, a landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on both sides. The landscape buffer spaces shall extend the full length from the dwelling unit to the adjacent road network element; provided, that only one landscape buffer shall be required achieving the aforementioned standards on the opposite side of the driveway of a secondary pedestrian entrance.</u></p> <p><u>(c) At least 75 percent of ground coverage within each landscape buffer shall include an</u></p>

equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).

**Figure 30.23A.050(1)**  
**Alternative Parking Garage Options for Townhouse and Mixed Townhouse Developments**

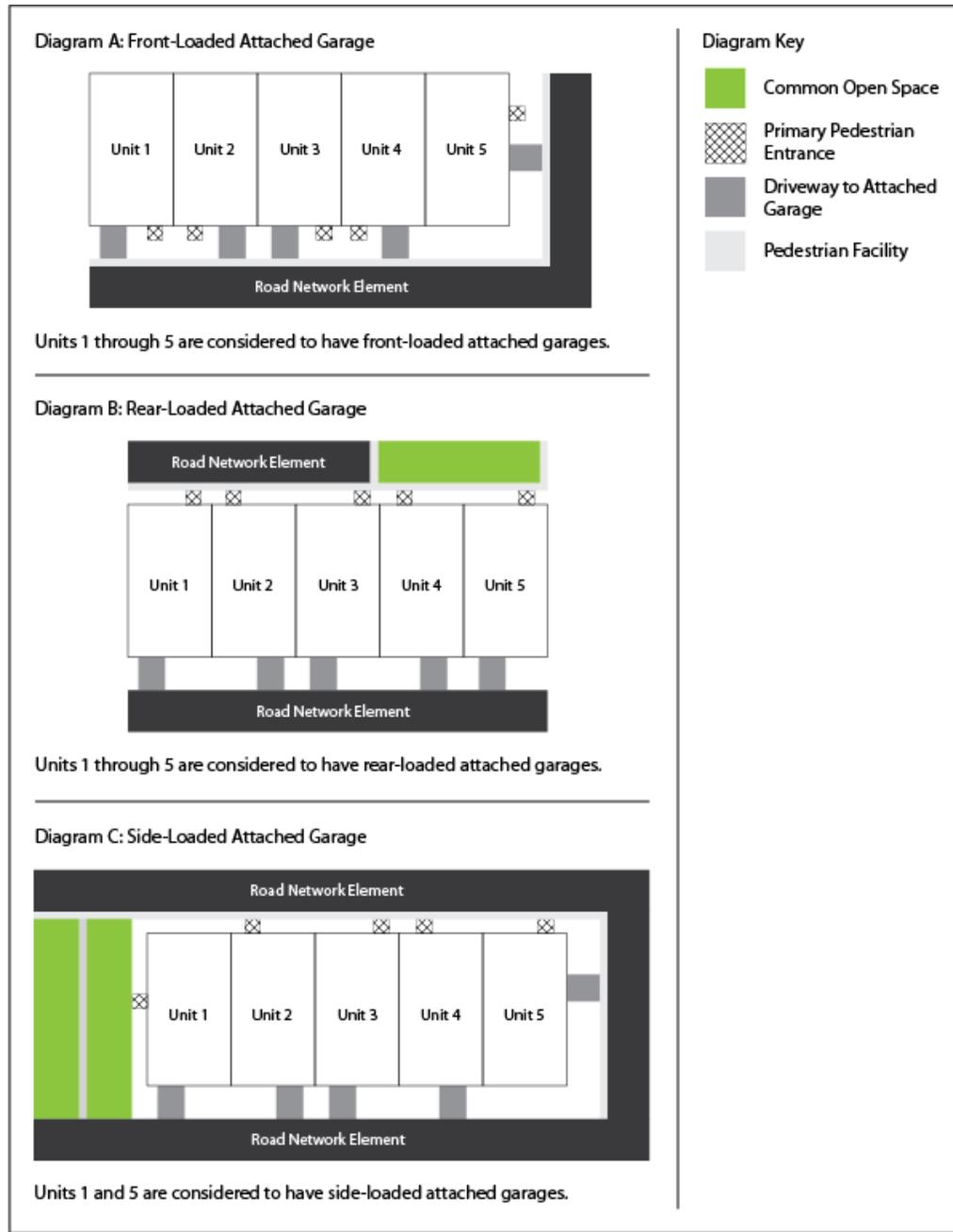


**Figure 30.23A.050(2)**  
**Calculating Required Primary Pedestrian Entrance Areas (Dooryards)**



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**Figure 30.23A.050(3)**  
**Defining Front-Loaded, Rear-Loaded, and Side-Loaded Attached Garages**



## Attachment 1C

### Proposed Code Amendments to Subtitle 30.9 SCC General Provisions

#### **30.91C.335 Covered Parking Structure.**

“Covered parking structure” means an attached or detached structure designed to accommodate vehicular parking spaces that are fully or partially enclosed. A covered parking structure ~~((and))~~ may have additional vehicular parking spaces located on the open top deck surface of the same structure. This definition includes, but is not limited to, carports, garages, parking garages, deck parking, and underground or under-building parking areas.

#### **30.91D.525 Dwelling, townhouse.**

“Dwelling, Townhouse” (“Townhouse dwelling” or “townhouse”) means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and has open space on at least two sides.

~~((The term includes a townhouse constructed as a zero lot line development and a townhouse on a single lot or site.))~~

*A new section is added to chapter 30.91M of the Snohomish County Code to read:*

#### **30.91M.137 Mixed townhouse development.**

“Mixed townhouse development” or “mixed townhouse” means a residential development that primarily contains townhouse dwelling units but accommodates a mix of other single-family housing types (i.e., single-family detached, single-family attached, and/or duplex dwelling units) and where at least ~~((80))~~ 70 percent of the dwelling units are townhouse units, except when otherwise authorized pursuant to SCC 30.23A.050.

## Attachment 1D

### Proposed Findings of Fact and Conclusions

**Section 1.** Snohomish County Planning Commission adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. The Snohomish County Planning Commission held a public hearing on June 27, 2017 to receive public testimony concerning the code amendments contained in this ordinance. At the conclusion of the public hearing, the Snohomish County Planning Commission voted to recommend \_\_\_\_\_ of the code amendments as set forth in its recommendation later dated July \_\_, 2017.
- C. This ordinance will amend Title 30 SCC to update and add regulations related to urban residential development standards. The proposed code amendments seek to: 1) expand the mixing of housing types permitted through the unit lot subdivision process; 2) incentivize increased output and density of single-family attached and detached housing types; and 3) improve the quality and health of urban residential development through enhanced landscaping, open space, bulk and scale, architectural, parking, access, transparency, and site design standards.
- D. In developing the proposed code amendments, the County considered the goals of the GMA, specifically those goals related to urban growth, reducing sprawl, housing, open space and recreation, and the environment. The proposed amendments are consistent with:
  - 1. GMA Goal 1: "Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner." The proposed code amendments allow to townhouse and mixed townhouse development only within UGAs.
  - 2. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development." The proposed code amendments are intended to encourage townhouse and mixed townhouse development, which are forms of infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing pressures to expand UGAs.
  - 3. GMA Goal 4: "Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." The proposed code amendments encourage townhouse and mixed townhouse development to promote a variety of residential densities and housing types.
  - 4. GMA Goal 9: "Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities." The proposed code amendments encourage townhouse and mixed townhouse development to contain a modest amount of private and semi-private open space for individual dwelling units.

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5. GMA Goal 10: “Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.” The proposed code amendments will protect the environment by encouraging residential development to use land more efficiently.
- E. The proposed code amendments will better achieve, comply with, and implement the Puget Sound Regional Council’s (PSRC) Multi-County Planning Policies (MPPs) which set forth the following policies related to the proposed regulations:
1. Urban Lands Policy MPP-DP-2 “Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.” The proposed code amendments encourage housing forms designed to use land more efficiently and achieves higher density within low, medium, and high density residential areas.
  2. Urban Lands Policy MPP-DP-4: “Accommodate the region’s growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision.” The proposed code amendments encourage townhouse and mixed townhouse development, which are forms of infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing pressures to expand UGAs.
  3. Urban Lands Policy MPP-DP-14: “Preserve and enhance existing neighborhoods and create vibrant, sustainable compact urban communities that provide diverse choices in housing types, a high degree of connectivity in the street network to accommodate walking, bicycling and transit use, and sufficient public spaces.” The proposed code amendments encourage a variety of denser single-family attached and detached housing types within UGAs while preserving and enhancing the integrity of established neighborhoods.
  4. Urban Lands Policy MPP-DP-15: “Support the transformation of key underutilized lands, such as brownfields and greyfields, to higher density, mixed-use areas to complement the development of centers and the enhancement of existing neighborhoods.” The proposed code amendments are intended to encourage townhouse and mixed townhouse development, which are forms of infill development that are well suited to smaller parcels that may not achieve desired densities through lower-density forms of single-family residential development.
  5. Urban Lands Policy MPP-DP-33: “Identify, protect and enhance those elements and characteristics that give the central Puget Sound region its identity, especially the natural visual resources and positive urban form elements.” The proposed amendments are intended to encourage a broader range of single-family attached and detached housing types, which employ higher quality urban design strategies and are forms of infill development that share complementary characteristics with existing residential development.
  6. Urban Lands Policy MPP-DP-43: “Design communities to provide an improved environment for walking and bicycling.” The proposed code amendments encourage enhanced pedestrian-oriented facilities and features within residential developments in

UGAs, particularly for townhouse and mixed townhouse developments, to foster increased walking rates by residents.

7. Urban Lands Policy MPP-DP-49: “Support and provide incentives to increase the percentage of new development and redevelopment—both public and private—to be built at higher performing energy and environmental standards.” The proposed code amendments incentivize development of smaller dwelling unit sizes to lower energy and maintenance costs borne by residents.
  8. Housing Policy MPP-H-1: “Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.” The proposed code amendments encourage the development of denser single-family attached and detached to provide a broader range of housing types for various income levels and demographic groups.
  9. Housing Policy MPP-H-8: “Encourage the use of innovative techniques to provide a broader range of housing types for all income levels and housing needs.” The proposed code amendments encourage a broader spectrum of housing types to meet the needs of diverse populations.
- F. The proposed code amendments will better achieve, comply with, and implement the Snohomish County Countywide Planning Policies (CPP) which set forth the following policies related to the proposed regulations:
1. Development Pattern Policy DP-11: “The County and cities should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas.” The proposed code amendments are intended to encourage additional townhouse, duplex, attached single-family, and single-family detached infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing the need to expand UGAs.
  2. Development Pattern Policy DP-15: “The County and cities should adopt policies, development regulations, and design guidelines that allow for infill and redevelopment of appropriate areas as identified in their comprehensive plans.” The proposed code amendments encourage housing forms which are designed to use land more efficiently and achieve a higher density within low, medium, and high density residential areas in addition to urban commercial areas.
  3. Development Pattern Policy DP-16: “Jurisdictions should encourage the use of innovative development standards, design guidelines, regulatory incentives, and applicable low impact development measures to provide compact, high quality communities.” The proposed code amendments encourage higher density single-family residential housing forms, which provide an alternative to standard forms of single-family residential development.
  4. Development Pattern Policy DP-33: “Jurisdictions should develop high quality, compact urban communities that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use.” The proposed amendments encourage higher density attached and detached

single-family residential housing forms, which impart a high quality design, preserved open space, and sense of community.

5. Development Pattern Policy DP-35: “The County and cities should address the safety, health, and well-being of residents and employee by: a. Adopting development standards encouraging design and construction of healthy buildings and facilities; and b. Providing infrastructure that promotes physical activity.” The proposed code amendments encourage increased safety, health, and well-being for residents through enhanced site design standards.
- G. The proposed code amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the County’s GMACP – GPP by using land more efficiently, fostering compact development to minimize impacts to the natural environment, encouraging a high quality design, adding variety to residential housing stock, improving compatibility of new residential development with existing residential development, increasing open space, and providing regulations that are predictable:
1. Land Use Objective 2.A: “Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations, particularly within designated centers and along identified transit emphasis corridors.”
  2. Land Use Policy 2.A.4: “UGAs shall provide opportunities for a mix of affordable housing types (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit apartment and small group housing units) within designated residential areas.”
  3. Land Use Policy 2.A.5: “Within UGAs, alternatives to standard single family designs such as zero lot line housing and cottages on small lots around a central courtyard, shall be considered in development regulations for residential areas.”
  4. Land Use Objective 2.E: “Provide for reasonable flexibility in land use regulation and planned mixing of uses, where appropriate, while maintaining adequate protection for existing neighborhoods.”
  5. Land Use Objective 4.A: “Improve the quality of residential, commercial, and industrial development through comprehensive design standards and a design review process.”
  6. Land Use Policy 4.A.2: “The county shall ensure that design standards for residential, commercial, and industrial development meet the following criteria: (a) Residential developments should support family households and children by providing adequate and accessible open space and recreation, and encouraging opportunities for day care, preschool and after school care services within close proximity. (b) Where increased density housing is proposed, the height, scale, design and architectural character should be compatible with the character of buildings in the surrounding area. (c) New buildings oriented onto the street, maintain or create streetscape and pedestrian qualities and reduce the visual impact of parking lots, garages and storage areas. (d) Where high rise buildings are developed, street level uses are limited to commercial activities, entertainment services, public services, and other related public-generating activities. (e) The appearance of existing areas should be improved by: 1. encouraging well maintained landscaping on streets and in parking areas; 2. reducing the visual clutter of utility poles, overhead powerlines, and suspended traffic signals; 3. encouraging

improvements to entrances, facades, and lighting; and 4. grouping together signs and ensuring they are scaled and designed in a manner appropriate to the street frontage. (f) Developments should provide adequate setbacks, buffers and visual screens to make them compatible with abutting residential and other land uses. (g) Urban design is sensitive to the preservation of existing cultural resources. (h) Consideration of design guidelines should include consideration of costs and impacts on affordable housing.”

7. Housing Policy 1.B.1: “The county shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of safe and healthy lower-cost housing types, such as housing on small lots, townhouses, multiplexes, manufactured housing, mobile homes, and mixed-use housing.”
8. Housing Policy 1.B.4: “The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units.”
9. Housing Policy 2.B.1: “The county shall encourage a variety of housing types and densities in residential neighborhoods.”
10. Housing Policy 2.B.4: “The county shall encourage the integration of a variety of dwelling types and intensities in residential neighborhoods.”
11. Economic Development Objective 2.A: “Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.”
12. Transportation Policy 4.D.7: “On-site traffic circulation shall be designed in a way that allows safe and efficient storage and movement of driveway traffic.”
13. Transportation Policy 4.D.8: “Driveway and traffic flow restrictions shall be used to allow safe and efficient access for emergency vehicles when needed.”
14. Transportation Policy 5.C.5: “Developers of new sites shall accommodate mobility of pedestrians.”

#### H. Procedural requirements:

1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
2. Pursuant to RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on May 10, 2017.
3. 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 May 10, 2017.
4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.

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5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an advisory memorandum in December 2015 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid unconstitutional takings of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes in this ordinance.
- I. The proposed amendments are consistent with the record:
1. This ordinance will amend SCC 30.22.030 to allow construction of single-family dwellings when developed in conjunction with townhouse dwellings on property zoned R-7,200.
  2. This ordinance will amend SCC 30.22.130 to:
    - a. Modify the section title.
    - b. Expand the applicability of SCC 30.22.130(5) to include specific design standards for mixed townhouse developments, which are codified under Chapter 30.23A SCC, and make non-substantive housekeeping changes.
  3. This ordinance will amend SCC 30.23.020 to clarify that the existing minimum net density requirements for residential development in urban growth areas in SCC 30.23.020(1)(a) applies to new townhouse and mixed townhouse developments.
  4. This ordinance will amend SCC 30.23.032 to add a new ~~((footnote))~~ reference note to certain zones in SCC Table 30.23.032 (the urban residential zones bulk matrix), which corresponds to a new reference note under SCC 30.23.040(65) that will increase allowed densities for townhouse and mixed townhouse development. The section is also modified to add a new footnote to certain zones in the urban residential bulk matrix, which corresponds to a new reference note under SC 30.23.040(66) that will increase maximum lot coverage allowances for townhouse and mixed townhouse development. The ~~((footnote))~~ reference note is consolidated into the table and additional non-substantive housekeeping changes are made throughout the section.
  5. This ordinance will amend SCC 30.23.040 to:
    - a. Add a new subsection under SCC 30.23.040(65) to increase allowed densities for townhouse and mixed townhouse development in the R-7,200, LDMR, MR, and certain urban commercial zones. The density bonus provides an incentive for townhouse and mixed townhouse development to implement GPP Policy LU 2.A.4. The new subsection will constitute a reference note for SCC Table 30.23.032.
    - b. Add a new subsection under SCC 30.23.040(66) to increase maximum lot coverage allowances for townhouse and mixed townhouse development in the LDMR and MR zones to use land more efficiently and provide greater design flexibility. The new subsection will constitute a reference note for SCC Table 30.23.032

6. This ordinance will amend SCC 30.23.041 to add ~~((a))~~ two new ~~((footnote))~~ reference notes to certain zones and road types in SCC Table 30.23.041, which correspond~~((s))~~ to ~~((a))~~ new references note under SCC 30.23.049 that will reduce required setbacks, regulate setback requirements for entrances to covered parking structures from adjacent road network elements, and provide limited upper-story floor incentives for entrances to covered parking structures that are set back at least 19 feet from an abutting road network element in ~~((for))~~ townhouse and mixed townhouse development. Other non-substantive housekeeping changes are made to the section.
  
7. This ordinance will amend SCC 30.23.049 to:
  - a. Modify SCC 30.23.049(7) to allow non-single-family detached residential structures over two stories in height to apply a required extra three-foot setback as an upper floor setback pursuant to SCC 30.23.040(59).
  - b. Add a new ~~((subsection under))~~ reference note, SCC 30.23.049(13), to reduce required setbacks from certain road network elements in certain zones for townhouse and mixed townhouse development to provide greater flexibility in design and use land more efficiently.
  - c. Add a new reference note, SCC 30.23.049(14), to regulate setback requirements for entrances to covered parking structures from adjacent road network elements and provide limited upper-story floor incentives for entrances to covered parking structures that are set back at least 19 feet from an abutting road network in townhouse and mixed townhouse development.
  - d. Make non-substantive housekeeping changes to SCC 30.23.049(4) and SCC 30.23.049(6).
  
8. This ordinance will amend SCC 30.23.050 to:
  - a. Modify the section title.
  - b. Add a new provision under SCC 30.23.050(4) to modify the maximum building height calculation that is specific to residential structures with individual dwelling units vertically partitioned by internal walls within a single structure. The addition of this language provides more design flexibility and allows townhouse and mixed townhouse development to maximize density.
  - c. Modify SCC 30.23.050(5) to exempt urban residential development subject to Chapters 30.23A and 30.41G SCC from the fill requirement and revise the reference to the applicable figure. This exemption resolves the problem of constructing residential development adjacent to existing residential development where other design requirements already provide adequate compatibility measures.
  - d. Modify SCC Figure 30.23.050(1) to replace the existing figure with a new figure that is easier to read and implement, delete certain text, and make non-substantive housekeeping changes.

- e. Modify SCC Figure 30.23.050(2) to insert a new title and figure to illustrate the alternative calculation method of SCC 30.23.050(4).
  - f. Modify SCC Figure 30.23.050(2) to delete the existing figure, revise the existing title, make housekeeping changes related to associated text of the figure, and insert a new SCC Figure 30.23.050(3) to improve readability and interpretation related to SCC 30.23.050(5).
  - g. Modify SCC 30.23.050(7) to make non-substantive housekeeping changes.
9. This ordinance will amend SCC 30.23A.030 to:
- a. Modify SCC Table 30.23A.030(2) in order to remove extraneous zones identified in the table replace the term “all other zones” with “non-urban zones,” move the term “proposed use” in the table, add a new footnote to the table exempting townhouse, mixed townhouse, and multifamily development from compatibility requirements when such developments are sites adjacent to properties in the R-7,200 zone that have townhouse or mixed townhouse development located on them, correct an inadvertent error for single-family attached at seven dwellings or more per gross acre in the table, and make non-substantive housekeeping changes.
  - b. Modify SCC 30.23A.030(2), 30.23A.030(3)(a), and 30.23A.030(3)(e) through (g) to make non-substantive housekeeping changes.
10. This ordinance will amend SCC 30.23A.050 to:
- a. Modify the section title and introductory provision to expand applicability to mixed townhouse development and make housekeeping changes.
  - b. Modify SCC 30.23A.050(1) to clarify the applicability of subsections (a) through (c), expand applicability of the subsection (a) to mixed townhouse development, add an exception to subsection (b), and make non-substantive housekeeping changes.
  - c. Modify SCC 30.23A.050(2) to make housekeeping changes.
  - d. Modify SCC 30.23A.050(3) to renumber subsections (a) and (b), clarify and expand the scope and applicability of the architectural design requirements, move subsection (a) to new SCC Table 30.23A.050(1), and make housekeeping changes.
  - e. Modify SCC 30.23A.050(4) to revise the citation contained within the subsection.
  - f. Modify SCC 30.23A.050(5) to revise the title and add details on the scope and applicability of the subsection, expand provisions to include mixed townhouse development, non-substantive housekeeping changes, delete subsection (c) which will appear in a modified form in SCC Table 30.23A.050(1), and move subsection (d) to SCC 30.41A.235.
  - g. Modify SCC 30.23A.050(6) to move existing provisions to SCC Table 30.23A.050(1) and the subsection is replaced by adding restrictive covenant requirements.

- h. Add SCC 30.23A.050(7) to reference specific design standards for townhouse and mixed townhouse development contained in SCC Table 30.23A.050(1), SCC Table 30.23A.050(2), and SCC Table 30.23A.050(3).
  - i. Add SCC Table 30.23A.050(1) to provide additional general design standards for townhouse and mixed townhouse development, which include: the maximum number of dwelling units per townhouse structure, mixture of dwelling types in mixed townhouse developments, building separation, building transparency, landscaping, and parking (~~(-and garage setback from adjacent road network elements)~~). Certain provisions in the table create more prescriptive requirements than contained in other chapters of Title 30 SCC.
  - j. Add SCC Table 30.23A.050(2) to provide additional primary pedestrian entrance design standards for townhouse and mixed townhouse development, which include: primary pedestrian entrance standards and setback exceptions, primary pedestrian entrance area requirements and standards, and set variation requirements for primary pedestrian entrance design.
  - k. Add SCC Table 30.23A.050(3) to provide additional landscaping design standards for townhouse and mixed townhouse development, which are applied differently if individual dwelling units contain a front-loaded, rear-loaded, or side-loaded attached garage.
  - l. Add SCC Figure 30.23A.050(1) to illustrate a specific alternative parking garage option available under SCC Table 30.23A.050(1).
  - m. Add SCC Figure 30.23A.050(2) to illustrate how to calculate primary pedestrian entrance areas under SCC Table 30.23A.050(2).
  - n. Add SCC Figure 30.23A.050(3) to illustrate how to determine whether an attached garage is front-loaded, rear-loaded, or side-loaded under SCC Table 30.23A.050(3).
11. This ordinance will amend SCC 30.23A.070 to:
- a. Modify SCC 30.23A.070(2) to clarify the term “primary entrance” inserting “pedestrian” between “primary” and “entrance,” clarify and expand the scope of the provision to allow individual dwelling units to face upon a pedestrian facility and common open space, clarify standards for common open space and pedestrian facilities when orienting primary pedestrian entrance upon them, and make housekeeping changes.
  - b. Modify SCC 30.23A.070(3) to clarify the term “primary entrance(s)” inserting “pedestrian” between “primary” and “entrance,” grant the Director authority in determining applicability of subsection (b) when a road network element is only providing rear vehicular access to dwelling units, and make housekeeping changes.
  - c. Modify SCC 30.23A.070(4) to expand applicability of the provision to mixed townhouse development and make housekeeping changes.

12. This ordinance will amend SCC 30.24.055 to add the phrase “unit lot short subdivisions” to SCC 30.24.055(1)(a) in order to expand applicability of the provision and delete the reference to SCC 30.41A.205(8), which is not applicable to the subject provision.
13. This ordinance will amend SCC 30.25.020 to:
  - a. Modify SCC Table 30.25.020(1) to move the term “proposed use” from one cell to another within the table, separate requirements for “multifamily/townhouse” into individual rows as “townhouse” and “multifamily” with recalibrated standards for townhouse development, consolidate footnotes into the table, renumber footnotes, add footnotes specific to townhouse and mixed townhouse development, add the UC zone to the table which is inadvertently omitted, and make non-substantive housekeeping changes.
  - b. Delete Footnotes 1 through 5 and consolidate them into the table, except Footnote 3 which is deleted in its entirety because the use will be clarified in the table making the footnote obsolete.
  - c. Make non-substantive housekeeping changes to SCC 30.25.020(2).
14. This ordinance will amend SCC 30.26.025 to add mixed townhouse development to the tandem parking exception contained in SCC 30.26.025(2).
15. This ordinance will amend SCC 30.41A.205 to:
  - a. Modify SCC 30.41A.205(1) to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments and make non-substantive housekeeping changes.
  - b. Modify SCC 30.41A.205(2) to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments.
  - c. Modify SCC 30.41A.205(5) to clarify restrictive covenant language, clarify easement requirements, and separate the provision into two subsections.
  - d. Renumber SCC 30.41A.205(6) to SCC 30.41A.205(7).
  - e. Renumber SCC 30.41A.205(7) to SCC 30.41A.205(8).
16. This ordinance will amend SCC 30.41A.235 to move an exemption from SCC 30.23A.050(5)(d) related to suitable area for townhouse construction in unit lot subdivisions to this section, expand the applicability of the exemption to all construction in unit lot subdivisions, and make non-substantive housekeeping changes.
17. This ordinance will amend SCC 30.41B.205 to:
  - a. Modify SCC 30.41B.205(1) in order to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments and make non-substantive housekeeping changes to the subsection.

- b. Modify SCC 30.41B.205(2) in order to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments.
  - c. Modify SCC 30.41B.205(5) to clarify restrictive covenant language, clarify easement requirements, and separate the provision into two subsections.
  - d. Renumber SCC 30.41B.205(6) to SCC 30.41B.205(7).
  - e. Renumber SCC 30.41B.205(7) to SCC 30.41B.205(8).
18. This ordinance will amend SCC 30.70.210 to modify SCC 30.70.210(3)(b) to expand the applicability of the minor revision provisions to mixed townhouse development and make non-substantive housekeeping changes.
19. This ordinance will amend SCC 30.70.220 to:
- a. Modify the introductory provision of SCC 30.70.220 to expand the applicability of the major revision provisions to mixed townhouse development and make non-substantive housekeeping changes.
  - b. Modify SCC 30.70.220(2)(a) in order to expand the applicability of the major revision provisions to mixed townhouse development.
20. This ordinance will amend SCC 30.91C.335, “covered parking structure,” to clarify the scope of the definition.
21. This ordinance will amend SCC 30.91D.525 to revise the definition of “townhouse dwelling” to include “townhouse” as a standalone term and ~~((clarify that townhouse development may occur on a single site))~~ remove unnecessary language.
- ~~((24-))~~ 22. This ordinance will add a new section SCC 30.91M.137 to define “mixed townhouse development” and “mixed townhouse,” a new development type. The definition defines the housing typologies that form the development type and general minimum ~~((ratio))~~ share of townhouse dwellings required.
- ~~((22-))~~ 23. This ordinance will add a new section SCC 30.91S.455 to define “Snohomish County Residential Design Manual,” a term used throughout title 30 SCC. The definition defines the process for manual adoption and applicability of the manual.
- J. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated May 10, 2017, and PDS Supplemental Staff Report dated June 6, 2017.

**Section 2.** The Snohomish County Planning Commission makes the following conclusions:

- A. The proposal is consistent with Washington State law and Snohomish County Code.
- B. The proposal is consistent with the MPP.
- C. The proposal is consistent with the CPP.

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- D. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the GPP.
- E. The County has complied with all SEPA requirements with respect to this non-project action.
- F. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- G. The County complied with the state and local public participation requirements under the GMA and Chapter 30.73 SCC.

**Section 3.** The Snohomish County Planning Commission bases its findings and conclusions on the entire record of the Snohomish County Planning Commission, 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, including all testimony and exhibits.

## Attachment 2

### **Clean Version of Proposed Urban Residential Development Code Amendments and Findings of Fact and Conclusions**

#### **30.22.030 Number of uses per lot.**

Uses shall be established upon legally created lots that conform to current zoning requirements or on legal nonconforming lots. A lot may have more than one use placed within its bounds, except that only one single family dwelling may be placed on a lot. This exception shall not apply to model homes as defined herein, to mixed townhouse developments proposed and approved pursuant to chapter 30.23A SCC, planned residential developments proposed and approved pursuant to chapter 30.42B SCC, projects proposed and approved pursuant to chapter 30.34A SCC, or to land zoned commercial or multiple family residential. Multifamily structures may be placed on lots at densities controlled by chapter 30.23 SCC.

#### **30.22.130 Reference notes for use ((~~matrix~~) matrices).**

(1) Airport, Stage 1 Utility:

(a) Not for commercial use and for use of small private planes;

(b) In the RU zone, they shall be primarily for the use of the resident property owner; and

(c) When the airport is included in an airpark, the disclosure requirements of

SCC 30.28.005 shall apply.

(2) Day Care Center:

(a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and

(b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

(3) Dock and Boathouse, Private, Non-commercial: The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.515 apply instead.

(a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline within 300 feet of either side of the parcel on which the structure is proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and

(f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) Dwelling, Single family: In the MHP zone, single family detached dwellings are limited to one per existing single legal lot of record.

(5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for design standards applicable to ((~~townhouse and attached~~) single-family attached dwelling, mixed townhouse, and townhouse development.

(6) Dwelling, Mobile Home:

(a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;

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- (b) Shall be constructed with a non-metallic type, pitched roof;
- (c) Except where the base of the mobile home is flush to ground level, shall be installed either with:
  - (i) skirting material which is compatible with the siding of the mobile home; or
  - (ii) a perimeter masonry foundation;
  - (d) Shall have the wheels and tongue removed; and
  - (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.
- (7) RESERVED for future use.
- (8) Family Day Care Home:
  - (a) No play yards or equipment shall be located in any required setback from a street; and
  - (b) Outdoor play areas shall be fenced or otherwise controlled.
- (9) Farm Stand:
  - (a) There shall be only one stand on each lot; and
  - (b) At least 50 percent by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75 percent by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.
- (10) Farm Worker Dwelling:
  - (a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;
  - (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;
  - (c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and
  - (d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.
- (11) Home Occupation: See SCC 30.28.050.
- (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.
- (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.
- (14) Parks, Publicly-owned and Operated:
  - (a) No bleachers are permitted if the site is less than five acres in size;
  - (b) All lighting shall be shielded to protect adjacent properties; and
  - (c) No amusement devices for hire are permitted.
- (15) Boarding House: There shall be accommodations for no more than two persons.
- (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:

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(a) No part of the pool shall project more than one foot above the adjoining ground level in a required setback; and

(b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.

(18) Temporary Dwelling for a Relative:

(a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling;

(b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity;

(c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;

(d) The temporary dwelling shall be occupied by not more than two persons;

(e) Use as a commercial rental unit shall be prohibited;

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling;

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County auditor and a copy of the recorded document submitted to the department for inclusion in the permit file;

(h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC 30.25.028 to protect surrounding property values and ensure compatibility with the immediate neighborhood;

(i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall be accomplished by the applicant through the department in the same month of each year in which the initial mobile home/building permit was issued;

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County auditor; and

(k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.

(19) Recreational Vehicle:

(a) There shall be no more than one per lot;

(b) Shall not be placed on a single site for more than 180 days in any 12-month period; and

(c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1st through March 30th) with the following exceptions:

(i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

(ii) Temporary overnight use by farm workers on the farm where they are employed subject to subsections (19)(a) and (b) of this section; and

(iii) Subject to subsections (19)(a) and (b) of this section, temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the department of emergency management and department of planning and development services.

(20) Ultralight Airpark:

(a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;

(b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and

(c) Approval shall be dependent upon a determination by the county decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site and neighboring land uses, particularly those involving residential uses or livestock

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or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:

- (i) create a hazard for other persons or property;
- (ii) occur between sunset and sunrise;
- (iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or
- (iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) RESERVED for future use.

(22) General Retail: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Vehicle, Vessel and Equipment Sales and Rental: In the CB and CRC zone, all display, storage, and sales activities shall be conducted within a structure enclosed by walls on at least two sides.

(24) Race Track: The track shall be operated in such a manner so as not to cause offense by reason of noise or vibration beyond the boundaries of the subject property.

(25) Rural Industry:

(a) The number of employees shall not exceed 10;

(b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents, or improvements in the vicinity;

(c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters; and

(d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(26) RESERVED for future use.

(27) Governmental and Utility Structures and Facilities:

Special lot area requirements for this use are contained in SCC 30.23.200.

(28) Excavation and Processing of Minerals:

(a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO), except for the MC zone where mineral lands designation is not required.

(b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC 30.31D.030.

(c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.

(29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).

(30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(31) Boat Launch Facilities, Commercial or Non-commercial:

(a) The hearing examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers;

(b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water;

(c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;

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(d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety;

(e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare, and health; and

(f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(32) Campground:

(a) The maximum overall density shall be seven camp or tent sites per acre in Forestry and Recreation (F&R) zoning and two camp or tent sites per acre in Forestry (F) zoning;

(b) The minimum site size shall be 10 acres; and

(c) Campgrounds in Forestry (F) zoning may not provide utility hookups (e.g. water, electric, sewage) to individual campsites; such hookups are allowed in campgrounds with Forestry and Recreation (F&R) zoning.

(33) Commercial Vehicle Home Basing:

(a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business;

(b) Two or more vehicles may be so based; and

(c) The vehicles shall be in operable conditions.

(34) Distillation of Alcohol:

(a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises;

(b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises; and

(c) By-products created in this process shall be used for fuel or fertilizer on the premises.

(35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(36) RESERVED for future use.

(37) Small Animal Husbandry: There shall be a five-acre minimum site size.

(38) Mobile Home Park: Such development must fulfill the requirements of chapter 30.42E SCC.

(39) Sludge Utilization: See SCC 30.28.085.

(40) Homestead Parcel: See SCC 30.28.055.

(41) Special Setback Requirements for this use are contained in SCC 30.23.110 or 30.67.515 if within shoreline jurisdiction.

(42) In the R-12,500 and WFB zones, the minimum lot size for duplexes shall be one and one-half times the minimum lot size for single family dwellings.

(43) Petroleum Products and Gas, Bulk Storage:

(a) All above ground storage tanks shall be set back from all property lines in accordance with requirements in the International Fire Code (IFC); and

(b) Storage tanks below ground shall be set back no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.

(44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained to the interior side of the required perimeter landscaping area in the LI and RI zones. For perimeter landscaping requirements for this use in all zones, see SCC 30.25.020.

(45) Antique Shops: When established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.

(46) Billboards: See SCC 30.27.080 for specific requirements.

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- (47) RESERVED for future use.
- (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.
- (49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.
- (50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.
- (51) RESERVED for future use.
- (52) RESERVED for future use.
- (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.
- (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (56) Sludge Utilization: Only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.28.085.
- (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.
- (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.
- (59) Detached Accessory or Non-Accessory Private Garages and Storage Structures: Subject to the following requirements:
- (a) Special setback requirements for these uses are contained in SCC 30.23.110(20);
  - (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;
  - (c) The following compatibility standards shall apply:
    - (i) proposals for development in existing neighborhoods with a well-defined character should be compatible with or complement the highest quality features, architectural character and siting pattern of neighboring buildings. Where there is no discernable pattern, the buildings shall complement the neighborhood. Development of detached private garages and storage structures shall not interrupt the streetscape or dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to the Residential Development Handbook for Snohomish County Communities to review techniques recommended to achieve neighborhood compatibility;
    - (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall document the use of building materials compatible and consistent with existing on-site residential development exterior finishes;
    - (iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached accessory private garage or storage structure shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with adjacent properties; and
    - (iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached non-accessory private garage or storage structure shall extend beyond the building front of existing single family dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the subject property line. When a detached non-accessory private garage or storage structure is proposed, the location of existing dwellings on adjacent properties located within 10 feet of the subject site property lines shall be shown on the site plan;

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(d) All detached accessory or non-accessory private garages and storage structures proposed with building footprints larger than 2,400 square feet shall provide screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC;

(e) On lots less than 10 acres in size having no established residential use, only one non-accessory private garage and one storage structure shall be allowed. On lots 10 acres or larger without a residence where the cumulative square footage of all existing and proposed non-accessory private garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be required.

(f) Where permitted, separation between multiple private garages or storage structures shall be regulated pursuant to subtitle 30.5 SCC.

(60) The cumulative square footage of all detached accessory and non-accessory private garages and storage structures shall not exceed 6,000 square feet on any lot less than five acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

(61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which were legally existing on October 31, 1991.

(62) Accessory Apartments: See SCC 30.28.010.

(63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.

(64) RESERVED for future use.

(65) On-Site Hazardous Waste Treatment and Storage Facilities: Allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(67) Adult Entertainment Uses: See SCC 30.28.015.

(68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).

(69) RESERVED for future use.

(70) Equestrian Centers: Allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(71) Mini-Equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(72) Equestrian Centers and Mini-equestrian Centers require the following:

(a) Five-acre minimum site size for a mini-equestrian center;

(b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;

(c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;

(d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;

(e) Riding lessons, rentals, or shows shall only occur between 8:00 a.m. and 9:00 p.m.;

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(f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and

(g) The facility shall comply with all applicable county building, health, and fire code requirements.

(73) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 30.54A SCC;

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;

(c) Vehicular access to the temporary residential sales coach shall be approved by the county or state; and

(d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:

(i) plat construction plans have been approved;

(ii) the fire marshal has approved the TRSC proposal;

(iii) proposed lot lines for the subject lot are marked on site; and

(iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that land disturbing activity, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

(74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(75) Model Hobby Park: SCC 30.28.060.

(76) Commercial Retail Uses: Not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition of conditions:

(a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to five for any lot less than 200,000 square feet in size;

(b) The hours of facility operation may be limited; and

(c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen consistent with Type A landscaping as defined in SCC 30.25.017.

(78) RESERVED for future use.

(79) The gross floor area of the use shall not exceed 2,000 square feet.

(80) The gross floor area of the use shall not exceed 4,000 square feet.

(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 30.25.024;

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(c) In addition to the provisions of subsection (81)(b) of this section, not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

(d) The on-site fueling of vehicles shall be prohibited; and

(e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.

(82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

(83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce, assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.

(84) RESERVED for future use.

(85) A single family dwelling may have only one guesthouse.

(86) Outdoor display or storage of goods and products is prohibited on site.

(87) Wedding Facility:

(a) Such use is permitted only:

(i) on vacant and undeveloped land;

(ii) on developed land, but entirely outside of any permanent structure;

(iii) partially outside of permanent structures and partially inside of one or more permanent structures which were legally existing on January 1, 2001; or

(iv) entirely inside of one or more permanent structures which were legally existing on January 1, 2001;

(b) The applicant shall demonstrate that the following criteria are met with respect to the activities related to the use:

(i) compliance with the noise control provisions of chapter 10.01 SCC;

(ii) adequate vehicular site distance and safe turning movements exist at the access to the site consistent with the EDDS as defined in Title 13 SCC; and

(iii) adequate sanitation facilities are provided on site pursuant to chapter 30.50 SCC and applicable Snohomish Health District provisions;

(c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035; and

(d) A certificate of occupancy shall be obtained pursuant to chapter 30.50 SCC for the use of any existing structure.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches, and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel Uses: Permitted in the Light Industrial zone when the following criteria are met:

(a) The Light Industrial zone is located within a municipal airport boundary;

(b) The municipal airport boundary includes no less than 1,000 acres of land zoned light industrial; and

(c) The hotel/motel use is served by both public water and sewer.

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(90) Health and Social Service Facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.

(91) Level II Health and Social Service Uses: Allowed outside the UGA only when the use is not served by public sewer.

(92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third of the gross floor area of the shooting range and shall be located within a building or structure.

(93) Farmers Market: See SCC 30.28.036.

(94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

(95) Farmland Enterprise: See SCC 30.28.037.

(96) Public Events/Assemblies on Farmland: Such event or assembly shall:

(a) Comply with the requirements of SCC 30.53A.800; and

(b) Not exceed two events per year. No event shall exceed two weeks in duration.

(97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

(98) Recreational Facility Not Otherwise Listed in Ag-10 zone, Forestry (F), or Forestry and Recreation (F&R) zones: See SCC 30.28.076.

(99) Farm Stand: See SCC 30.28.039.

(100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.

(103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.

(104) Personal Wireless Telecommunications Service Facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(105) Personal wireless telecommunications service facilities are subject to a building permit pursuant to SCC 30.28A.030 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

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(106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in chapter 30.28A SCC.

(107) Agricultural Composting Requirements:

(a) On-farm site agricultural composting operations that comply with the requirements established in this section are allowed in the A-10 zone. These composting facilities and operations shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any application for a land use permit or approval is submitted to the department for the development of an agricultural composting facility. Farm site agricultural composting operations shall also comply with the following criteria:

- (i) The composting operation shall be limited to 10 percent of the total farm site area;
- (ii) At least 50 percent of the composted materials shall be agricultural waste;
- (iii) At least 10 percent of the agricultural wastes must be generated on the farm site;
- (iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in the agricultural waste such as rock, asphalt, or concrete over three inches in size may be stored at the farm composting facility until its proper removal. All incidental materials must be removed from the site yearly; and
- (v) A minimum of 10 percent of the total volume of the finished compost produced annually shall be spread on the farm site annually.

(b) In all other zones except A-10 where agriculture is a permitted use, incidental agricultural composting of agricultural waste generated on a farm site is permitted. The agricultural composting facility shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any permit application is submitted to the department for the development of an agricultural composting facility.

(108) RESERVED for future use. (Urban Center Demonstration Program projects - DELETED by Ord. 09-079)

(109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080 and 30.28.086 and other applicable county codes.

(110) RESERVED for future use.

(111) RESERVED for future use.

(112) RESERVED for future use. (Transfer of Development Rights receiving area overlay - DELETED by Amended Ord. 13-064)

(113) Privately Operated Motocross Racetracks: Allowed by conditional use permit, and are regulated pursuant to SCC 30.28.100 and 30.28.105, and other applicable county codes. Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on commercial forest lands.

(114) New AM Radio Towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required for construction before October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does not increase the number of AM radio towers constructed on the parcel.

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(115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

(116) See cottage housing design standard requirements in chapter 30.41G SCC.

(117) RESERVED for future use.

(118) RESERVED for future use.

(119) Only building mounted personal wireless communications facilities shall be permitted.

(120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride Lot.

(121) Permitted as an incidental use with a permitted use, conditional use or administrative conditional use.

(122) Products or merchandise offered for sale or storage by a business may be located outdoors; provided, that:

(a) The area occupied by the display shall not exceed 500 square feet; and

(b) Public sidewalks shall not be enclosed as space for sales or storage by fencing or other means that effectively limits public use of the sidewalk.

(123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted only in structures which are legally existing on May 29, 2010. Such uses, except those as provided for in SCC 30.34A.010(4)(d), shall also comply with subsection (122) of this section.

(124) The minimum lot size for marijuana related facilities is 100,000 square feet. Marijuana production and marijuana processing are allowed indoors and outdoors, including in greenhouses and other structures pursuant to chapter 314-55 WAC. In the A-10 zone, marijuana uses shall be subject to the same regulations that apply to agricultural uses and not subject to any more restrictive regulations except as specifically provided in this title and in state law. Marijuana processing is only allowed when there is a marijuana production facility on site. Marijuana facilities are subject to special setbacks pursuant to SCC 30.23.110(28).

(125) Marijuana production and processing is permitted indoors only; no outdoor production or processing is allowed.

(126) RESERVED for future use.

(127) Campgrounds and Recreational Facilities Not Otherwise Listed are not allowed on land designated Local Forest in the comprehensive plan.

(128) Development applications for all non-tribally owned, fee-simple properties designated Reservation Commercial on the Snohomish County Future Land Use Map must include an archaeology site report pursuant to SCC 30.32D.200(3)(b) or relocate the project to avoid impacts to any archaeological resources.

(129) Development within an airport compatibility area is subject to the requirements of chapter 30.32E SCC.

(130) On land designated as riverway commercial farmland, upland commercial farmland or local commercial farmland or land zoned A-10 the following additional requirements apply:

(a) the applicant must demonstrate that the use is incidental to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production;

(b) the use must be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties;

(c) the use and all activities and structures related to the use must be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site;

(d) the use and all activities and structures related to the use must be located within the general area of the property that is already developed for buildings and residential uses;

(e) where the property is less than 10 acres in size, the use and all structures and activities related to the use shall not convert more than 10 percent of agricultural land to nonagricultural uses;

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(f) where the property is 10 acres in size or more, the use and all structures and activities related to the use shall not convert more than one acre of agricultural land to nonagricultural uses; and

(g) any land disturbing activity required to support the use shall be limited to preserve prime farmland.

The provisions of subsections (130)(a) through (f) of this section do not apply to any land under ownership or acquired before May 24, 2015, by any local, county, regional, or state agency for recreation, public park and/or trail purposes. Any new development, alterations or reconstruction on these properties shall meet subsection (130)(g) of this section and the requirements of the A-10 zone. All buildings and parking areas shall be set back a minimum of 50 feet from the property boundaries. If the park or trail use produces adverse conditions that will unduly affect an adjacent agricultural use, the director may impose a larger setback to alleviate the effects of such adverse conditions, which include but are not limited to noise, vibration, dust, and light.

(131) Marijuana-related facilities are prohibited within the exterior boundaries of the Tulalip Indian Reservation.

(132) Marijuana Retail: See SCC 30.28.120.

(133) Only the following uses are permitted in the CRC zone: clubhouses, grooming parlors, personal service shops, offices, tool sales and rental, locksmith, home improvement centers, retail bakeries, drug stores, grocery stores, hardware stores, general retail, second hand stores, specialty stores, and tire stores.

(134) Material Recover Facility: See SCC 30.28.110.

(135) Retail, general uses may be allowed with an administrative conditional use permit only when part of a new mixed-use development that includes residential dwellings or when occupying a former residential structure (or portion of a residential structure). The proposed retail use in the MR zone must meet the following criteria:

(a) The retail use has frontage on an arterial road as shown on the Countywide Arterial Circulation Map;

(b) The gross leasable area of retail space may not exceed 6,000 square feet; and

(c) Products or merchandise offered for sale or storage by a business may be located outdoors except that the area occupied by the display may not exceed 500 square feet and public sidewalks may not be enclosed as space for sales or storage by fencing or other means that effectively limits public use of the sidewalk.

(136) Within the NB zone, this use is only permitted when the Future Land Use Map in the comprehensive plan designates the site as Urban Village.

(137) Recycling Facility: See SCC 30.28.112.

(138) Licensed practitioners and medical clinics may be conditionally permitted as the sole use on a site. Cleaning establishments, grooming parlors, and personal service shops may only be conditionally permitted when part of a development that includes residential dwellings or when occupying a former residential structure (or portion of a residential structure).

### **30.23.020 Minimum net density for residential development in UGAs.**

(1) A minimum net density of four dwelling units per acre shall be required in all UGAs for:

(a) New subdivisions, short subdivisions, PRDs, townhouse and mixed townhouse developments, and mobile home parks; and

(b) New residential development in the LDMR, MR, and Townhouse zones.

(2) Minimum net density is the density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers pursuant to chapters 30.62A and 30.62B SCC.

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(3) Minimum net density is determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

(4) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone may be reduced as necessary to allow a lot yield that meets the minimum density requirement. Each lot shall be at least 6,000 square feet, except as otherwise allowed by this title.

(5) The minimum net density requirement of this section shall not apply:

- (a) In the Darrington, Index, and Gold Bar UGAs; and
- (b) Where regulations on development of steep slopes, SCC 30.41A.250, or sewerage regulations, SCC 30.29.100, require a lesser density.

30.23.032 Urban Residential Zone categories – ((Bulk)) bulk matrix.

**Table 30.23.032**  
**((URBAN RESIDENTIAL ZONES BULK MATRIX)) Urban Residential Zones Bulk Matrix**

Category	Zone	Lot Dimension (feet) <sup>54</sup>			Minimum Setback Requirements From (feet) <sup>11, 33</sup>							((Max.)) Maximum Lot Coverage <sup>8</sup>									
		((Min.)) Minimum Lot Area <sup>29</sup> ((sq -ft.)) square feet	((Min.)) Minimum Lot Width	((Max. Bldg.)) Maximum Building Height <sup>27, 64</sup>	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards										
					Commercial ((&)) and Industrial ((zones)) Zones	R-9,600, R8,400, and ((&)) R-7,200 Zones	Other Urban Residential ((zones)) Zones	Rural ((zones)) Zones	((Ag)) Agriculture	Forest											
Urban Residential	R-9,600	9,600 <sup>23</sup>	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 <sup>23</sup>	65	30	10	5	5	5				35%									
	R-7,200	7,200 <sup>23, 65</sup>	60	30	10	5	5	5				35%									
	T (buildings ≤ 20 feet high) <sup>59</sup>	See SCC 30.31E.050		35	10	10	5	25							See SCC 30.31E.050						
	T (buildings > 20 feet high) <sup>59</sup>				15	20	10														
	LDMR (buildings ≤ 20 feet high) <sup>15, 59, 61, 62</sup>	7,200 <sup>4, 65</sup>	60	45	10	10	5	25										30% <sup>66</sup>			
	LDMR (buildings 20 - 30 feet high) <sup>15, 59, 61, 62</sup>				10	20	10														
	LDMR (buildings > 30 feet high) <sup>15, 59, 61, 62</sup>				15	25	15														
	MR (buildings ≤ 20 feet high) <sup>15, 59, 61, 62</sup>	7,200 <sup>5, 65</sup>	60	45	10	10	5	25													40% <sup>66</sup>
	MR (buildings 20 - 30 feet high) <sup>15, 59, 61, 62</sup>				10	20	10														
	MR (buildings > 30 feet high) <sup>15, 59, 61, 62</sup>				15	25	15														

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	<b>MHP</b>	55	None	25	See SCC 30.42E.100(5)(a)				50%
<b>Note:</b> See SCC 30.23.040 for reference notes listed in SCC Table 30.23.032.									

((Notes:))

((~~See SCC 30.23.040 for reference notes listed in Table 30.23.032.~~))

**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 urban commercial 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.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (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) RESERVED for future use.
- (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) RESERVED for future use.
- (15) See SCC 30.23.300.
- (16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.
- (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.

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(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 30.31D SCC.

(32) 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 30.31D.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)

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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.150. Uses are restricted where the R5 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) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(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(7). 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.

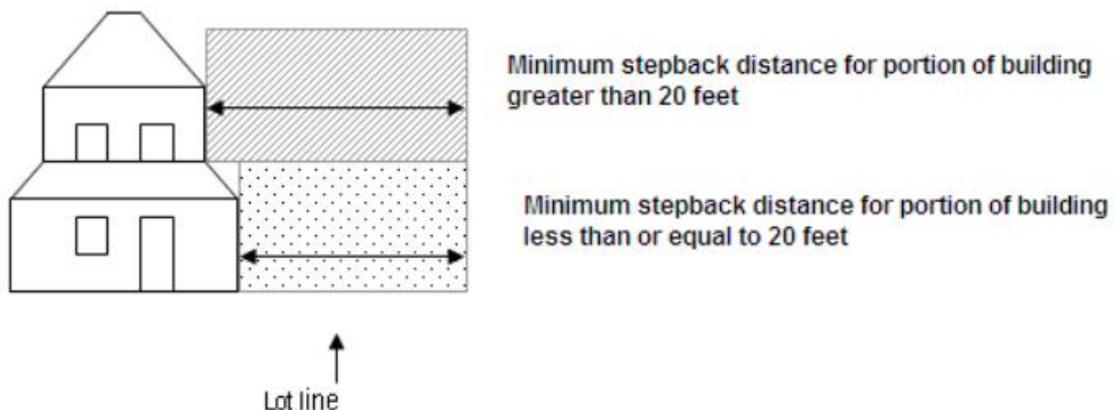
(59) Relationship of setback to building height:

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) RESERVED for future use.

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(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 180 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 an applicant may request that the maximum density be increased by 20 percent.

(b) For the LDMR and MR zones, an applicant may request that the maximum density established under SCC 30.23.040(4) and 30.23.040(5) be increased up to 20 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 may be increased to 40 percent in the LDMR zone and 50 percent in the MR zone at the request of an applicant.

30.23.041 Setbacks from road network elements in Urban Zones.

**Table 30.23.041  
Setbacks from Road Network Elements in Urban Zones<sup>10</sup>**

**((All minimum setbacks are measured in feet))**

Category	Zone	Minimum Setback For Structure					Minimum Setback to the Entrance of a Covered Parking Structure					
		Public Road		Private <sup>1,2</sup>			Alley	Public Road		Private <sup>1,2</sup>		
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision, or Binding Site Plan <sup>3</sup>	Under 60 Feet <sup>4,5</sup>	Private Road	Drive Aisle, Shared Court, and Shared Driveway	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision, or Binding Site Plan <sup>3</sup>		Under 60 Feet <sup>4,5</sup>	Private Road	Drive Aisle, Shared Court, and Shared Driveway	Alley	
Urban	R-9,600	15	45	15	0	0	18	48	18	18	4	
	R-8,400	15	45	15	0	0	18	48	18	18	4	
	R-7,200	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	T (buildings ≤ ((20')) 20 feet high) <sup>12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	T (buildings > ((20')) 20 feet high) <sup>12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	LDMR (buildings ≤ ((20')) 20 feet high) <sup>6, 7, 12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	LDMR (buildings > ((20')) 20 feet high) <sup>6, 7, 12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	MR (buildings ≤ ((20')) 20 feet high) <sup>6, 7, 12</sup>	15 <sup>13</sup>	45 <sup>13</sup>	15 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	
	MR (buildings > ((20')) 20 feet high) <sup>6, 7, 12</sup>	20 <sup>13</sup>	50 <sup>13</sup>	20 <sup>13</sup>	0	0	20 <sup>14</sup>	50 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>	

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<b>MHP</b>	20	50	20	15	0	18	48	18	18	4
<b>FS</b>	25	55	25	0	0	25	55	18	18	4
<b>NB</b>	10 <sup>13</sup>	40 <sup>13</sup>	10 <sup>13</sup>	0	0	18 <sup>14</sup>	48 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>PCB</b>	25 <sup>13</sup>	85 <sup>13</sup>	25 <sup>13</sup>	0	0	55 <sup>14</sup>	58 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>CB</b>	25 <sup>13</sup>	55 <sup>13</sup>	25 <sup>13</sup>	0	0	25 <sup>14</sup>	55 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>GC</b>	25 <sup>13</sup>	55 <sup>13</sup>	25 <sup>13</sup>	0	0	25 <sup>14</sup>	55 <sup>14</sup>	18 <sup>14</sup>	18 <sup>14</sup>	4 <sup>14</sup>
<b>IP<sup>8</sup></b>	25	60	25	0	0	30	60	18	18	4
<b>BP</b>	25	60	25	0	0	30	60	18	18	4
<b>LI</b>	25	55	25	0	0	25	55	18	18	4
<b>HI</b>	25	55	25	0	0	25	55	18	18	4
<b>UC</b>	0	0	0	0	0	20	50	18	18	4

**Note:** All minimum setbacks are measured in feet.

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**30.23.049 Reference notes for SCC Tables 30.23.041 through 30.23.047.**

(1) The setback shall be measured from the edge of the tract or easement. Where no tract or easement is established, the measurement shall be made from the edge of the road network element.

(2) The setback may be reduced to the setback required for a structure if a vehicle entering the covered parking structure can turn around inside the covered parking structure and exit without having to back out.

(3) These setbacks shall be measured from the edge of the right-of-way.

(4) Applies to public right-of-way under 60 feet that are not included in development subject to the recorded subdivision, short subdivision, or binding site plan. These setbacks shall be measured from the centerline of the right-of-way.

(5) The county engineer may require the front lot line setback from a public right-of-way be measured from a right-of-way reservation line established in accordance with SCC 30.24.140(1), when:

(a) The right-of-way width is less than 60 feet in width and determined inadequate by the county engineer based on:

(i) The comprehensive plan arterial circulation map; or

(ii) An adopted design report, roadway design or right-of-way plan; and

(b) The right-of-way is not located in a recorded subdivision, short subdivision or binding site plan.

(6) Single-family detached, single-family attached, and duplex structures constructed in the LDMR and MR zones shall use the minimum setbacks required in the R-8,400 zone.

(7) Structures over two stories, other than single-family detached structures, shall increase the setbacks by three feet; provided, that the additional setback shall only be required as an upper floor stepback for portions of residential structures above 20 feet in height pursuant to SCC 30.23.040(59).

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

(9) In the F zone, the setbacks for residential structures on lots 10 acres or less, where the lot was legally created prior to being zoned to F, shall be the same as in the R-5 zone.

(10) See SCC 30.23.120 for front setback exceptions from road network elements.

(11) See SCC 30.41C.130 and 30.41C.140 for additional front setback requirements for lots created through the rural cluster subdivision provisions of chapter 30.41C SCC.

(12) See SCC 30.23.040(59).

(13) In a townhouse or mixed townhouse development, setbacks for residential structures may be reduced to a minimum of five feet from a public or private road, as determined by the county engineer.

(14) In a townhouse or mixed townhouse development, setbacks for entrances to covered parking structures may be reduced pursuant to subsections (a) and (b), except that such entrances to covered parking structures shall be restricted pursuant to subsection (c):

(a) A minimum of five feet from a public or private road, as determined by the county engineer.

(b) A minimum of zero feet from a drive aisle, shared court, shared driveway, or alley.

(c) A covered parking structure shall be prohibited from locating the entrance to the covered parking structure between six and 19 feet from an abutting road network element. An entrance to a covered parking structure that is located at least 19 feet from the abutting road network element may have upper story floors project up to one-foot horizontally into the area where an entrance to a covered parking structure is prohibited, and except as otherwise allowed under SCC 30.23.115 for minor architectural features.

### **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 45 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.

(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.

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

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

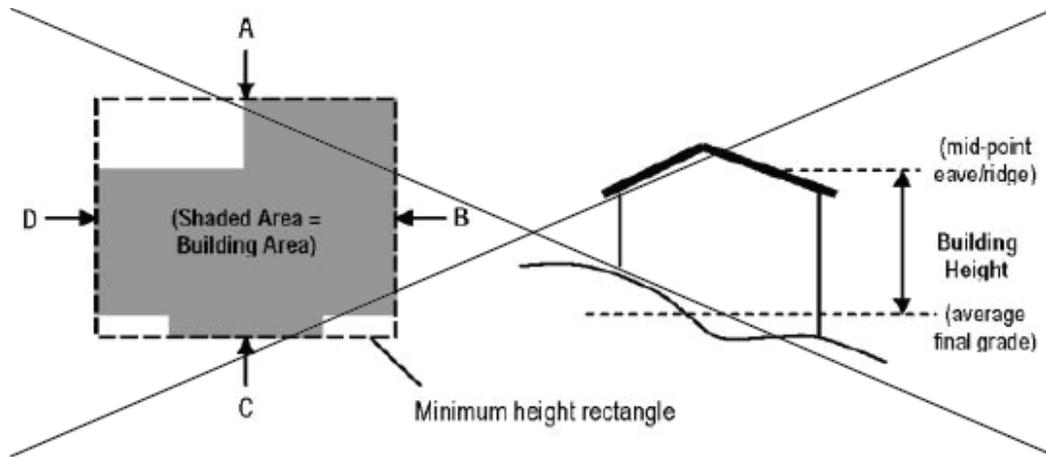
(b) Dividing one side of the rectangle, as chosen by the applicant, into sections equal to the internal dividing walls that fully separate individual dwelling units from each other using lines that are perpendicular to the chosen side of the rectangle;

(c) The sections delineated in SCC 30.23.050(4)(b) are considered to extend vertically from ground to sky; and

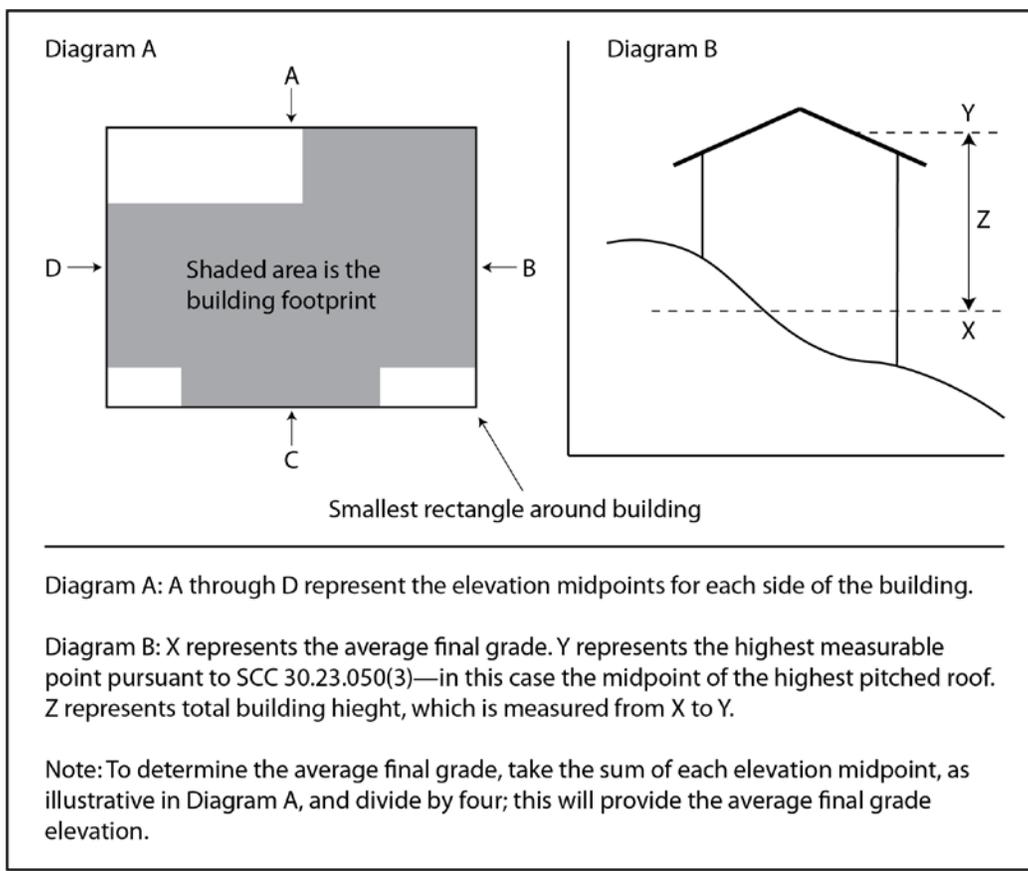
(d) The maximum height for each section of the structure is measured from the average final grade for that section of the structure, which is calculated as the average elevation at the midpoints of each side of the rectangle for each section of the structure, as illustrated in SCC Figure 30.23.050(2).

(5) Fill shall not be used to raise the average final grade more than five feet above the existing 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 SCC 30.23.050(5) shall not apply to residential development subject to chapters 30.23A and 30.41G SCC. ((Figure 30.23.050(2))

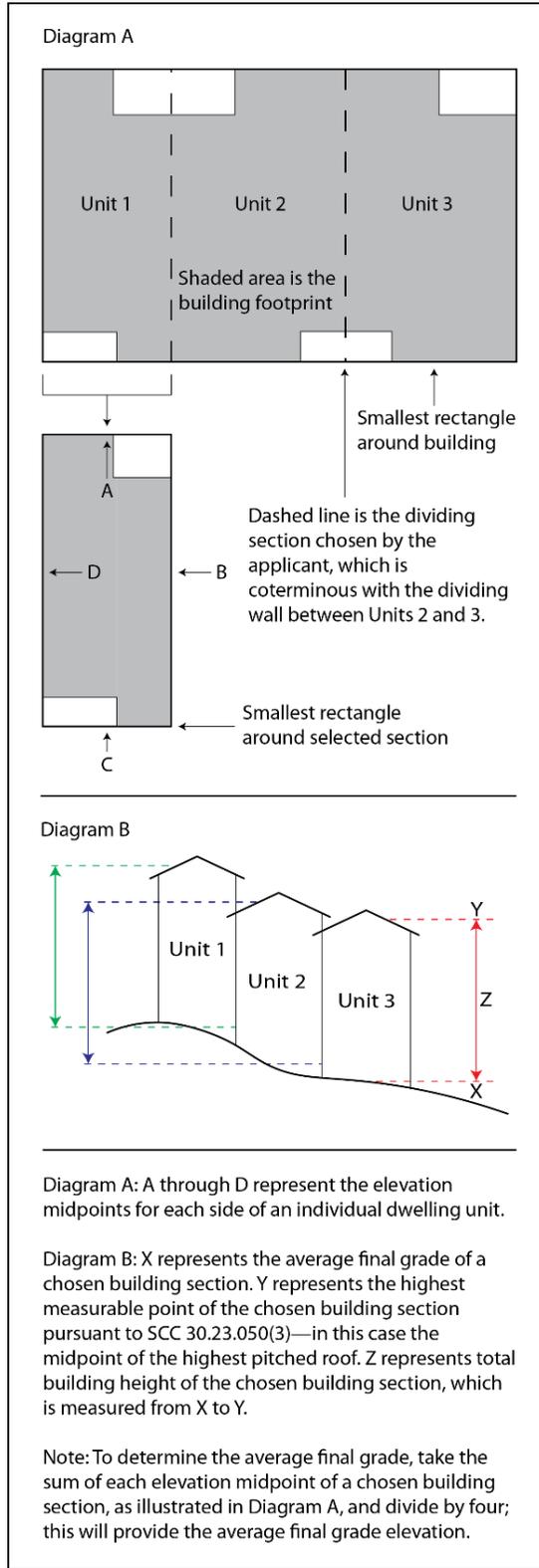
**Figure 30.23.050(1)**  
**Calculating Average Final Grade ((average final grade)) and Determining Height ((determining height:))**



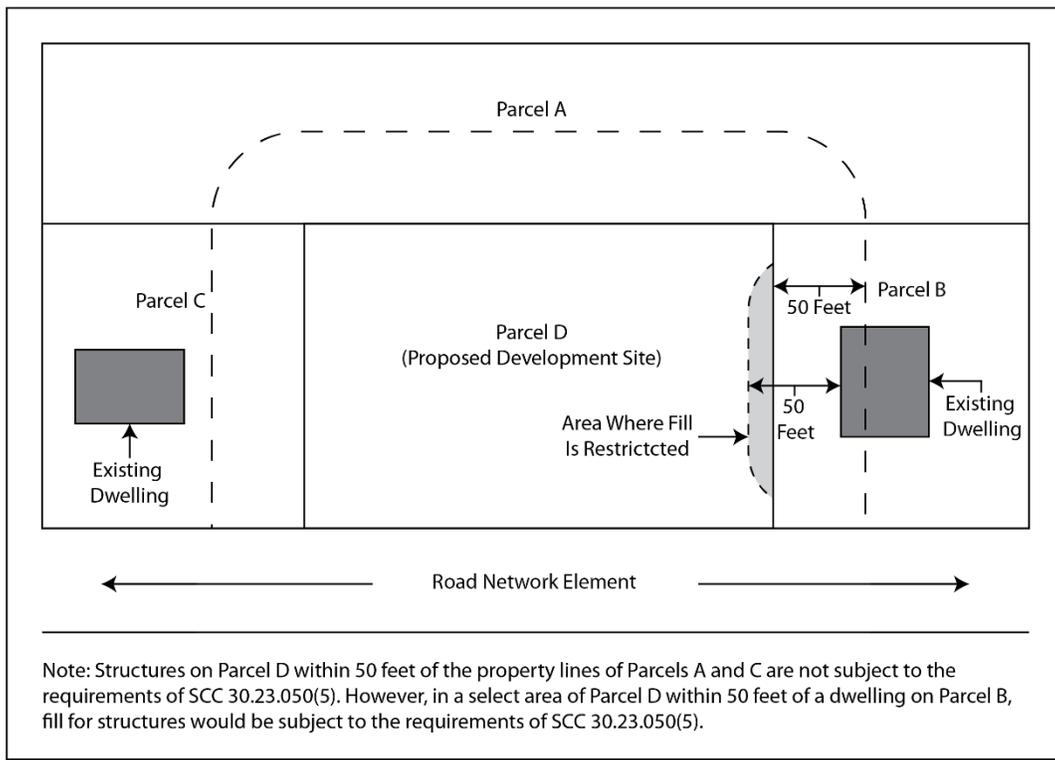
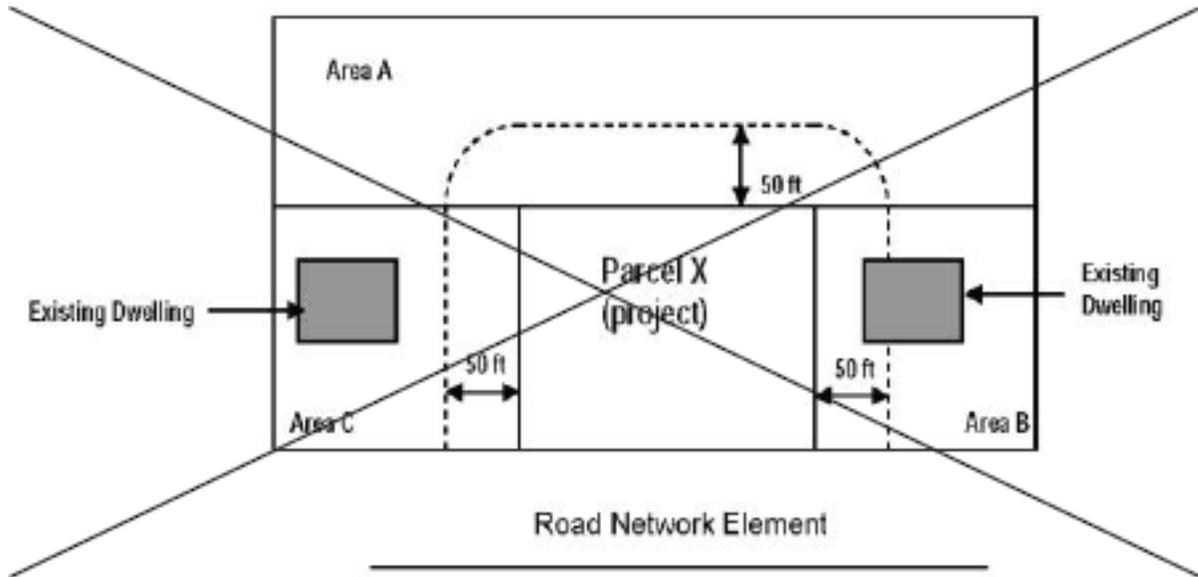
((Final Elevation at Mid-point of A + B + C + D) ÷ 4 = Average Final Grade Elevation))



**Figure 30.23.050(2)**  
**Calculating Average Final Grade and Determining Height for Portions of a Structure**



**Figure 30.23.050(3)**  
**Adjustments for Measuring Height Where Adjoining Dwelling(s) Exist(s) ((measuring height where an adjoining dwelling(s) exists:))**



Note: Structures on Parcel D within 50 feet of the property lines of Parcels A and C are not subject to the requirements of SCC 30.23.050(5). However, in a select area of Parcel D within 50 feet of a dwelling on Parcel B, fill for structures would be subject to the requirements of SCC 30.23.050(5).

((No adjustments required for structures on Parcel "X" adjoining Areas A or C;  
 Adjustment required for structures adjoining Area B.))

(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.

### **30.23A.030 Compatibility design standards.**

(1) The purpose of compatibility design standards is to require additional features to be incorporated into higher density residential development when located adjacent to properties zoned and developed or designated for lower density single-family use in order to enhance the compatibility between uses.

(2) Where residential development is subject to the provisions of this chapter, the provisions in SCC Table 30.23A.030(2) shall establish when the compatibility design standards in SCC 30.23A.030 apply. When the adjacent property is within the UGA, it must also have one of the following characteristics, in addition to a zoning classification indicated with a “yes” in SCC Table 30.23A.030(2), before the compatibility measures are required:

(a) A lower intensity designation than the project site on the Future Land Use map of the GMA Comprehensive Plan;

(b) Platted and developed residential lots averaging 10,000 square feet in area(;-) or less; or

(c) Homes located within 50 feet of the property line that have an average age of 15 years or less.

**Table 30.23A.030(2) (~~--Zoning test for compatibility design standards~~)  
Zoning Test for Compatibility Design Standards**

<b>Proposed Use</b>		<b>Zoning Classification of Adjacent Property</b>							
		R-9,600, R-8,400	R-7,200	((T, LDMR, MR))	((FS, NB, CB, PCB))	((GC))	((LI, HI))	((BP, IP))	<b>((ALL OTHER ZONES)) <u>Non-Urban Zones</u></b>
<b>((Proposed Use))</b>	<b>((Dwelling,)) <u>Single-family detached at less than ((7 dwelling)) <u>seven dwellings</u> per gross acre</u></b>								
	<b>((Dwelling,)) <u>Single-family detached at ((7)) <u>seven dwellings</u> or more per gross acre<sup>1</sup></u></b>	Yes							Yes
	<b>((Dwelling, mobile)) <u>Mobile home</u></b>								
	<b>((Dwelling, duplex)) <u>Duplex</u></b>								
	<b>((Dwelling,)) <u>Single-family attached at less than ((7)) <u>seven dwellings</u> per gross acre</u></b>								
	<b>((Dwelling,)) <u>Single-family attached at ((less than 7)) <u>seven dwellings</u> or more per gross acre</u></b>	Yes							Yes

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<b><u>((Dwelling, townhouse)) Townhouse</u></b>	Yes	Yes <sup>2</sup>							Yes
<b><u>((Dwelling, multifamily)) Multifamily</u></b>	Yes	Yes <sup>2</sup>							Yes

**Note:** Where “yes” is marked in the table, and at least one characteristic in SCC 30.23A.030(2) is present, SCC 30.23A.030(3) shall apply.

**Footnote 1:** This use shall also include any subdivision or short subdivision using the lot size averaging provisions of SCC 30.23.210, and shall apply only to that portion of the site where lots 6,000 square feet or less in size are proposed.

**Footnote 2:** The compatibility requirements for townhouse, mixed townhouse, and multifamily development shall not apply along property lines adjacent to property zoned R-7,200 and developed with townhouse or mixed townhouse development.

(3) When compatibility design standards are applicable, residential development shall incorporate at least two of the following design standards:

(a) Increase the minimum building setback to 20 feet from those lot lines abutting urban zones, and 40 feet for those lot lines abutting ~~((rural))~~ non-urban zones marked “yes” in SCC Table 30.23A.030(2);

(b) Limit maximum building height to 30 feet within 50 feet of those abutting property lines to zones marked “yes” in SCC Table 30.23A.030(2);

(c) Increase the perimeter landscaping vegetation by at least 50 percent over the amount required in SCC 30.25.017, or if no perimeter landscaping is required, provide a minimum 10-foot wide perimeter Type A landscaped buffer pursuant to the standards in SCC 30.25.017;

(d) Limit townhouse and multifamily buildings located within 50 feet of abutting property lines to zones marked “yes” in SCC Table 30.23A.030(2) to a maximum of three dwelling units per building with a minimum separation of 25 feet between buildings;

(e) Separate ~~((detached))~~ single-family detached and duplex dwelling structures by at least 20 feet between buildings located within 50 feet of abutting property lines to zones marked “yes” in SCC Table 30.23A.030(2);

(f) Incorporate two architectural features, such as those described in SCC 30.23A.040(2) or the Snohomish County Residential Design Manual, to break up blank walls greater than 500 square feet that face and abut zoned properties ~~((zoned where))~~ marked “yes” in SCC Table 30.23A.030(2); or

(g) Provide a decorative wall or solid and landscaped fence between buildings and adjacent properties located in zones marked “yes” in SCC Table 30.23A.030(2) that:

(i) Uses brick or stone;

(ii) Is a minimum height of five feet;

(iii) Incorporates architectural detailing, such as posts, ornamental iron grillwork, or other elements prescribed in the Snohomish County Residential Design Manual; and

(iv) Incorporates landscaping, openings, and other design elements that break up the continuity of a solid wall or fence at least every 10 feet unless otherwise approved by the director.

### **30.23A.050 ~~((Attached single family))~~ Single-family attached dwelling, mixed townhouse, and townhouse development design standards.**

~~((Attached single family))~~ Single-family attached and townhouse dwellings as well as dwellings in mixed townhouse developments ~~((and townhouses))~~ shall comply with the following requirements:

(1) ~~((Site Layout))~~ General site layout and ~~((Pedestrian Circulation))~~ pedestrian circulation requirements. Single-family attached dwelling, mixed townhouse, and townhouse developments shall meet the following general site layout and pedestrian circulation requirements:

(a) ~~((Attached single family))~~ Single-family attached dwelling, mixed townhouse, and townhouse developments shall have an integrated pedestrian circulation system that connects buildings, common space, and parking areas pursuant to SCC 30.24.080.

(b) Surface parking spaces shall be located to the side or rear of buildings, except as modified in SCC Table 30.23A.050(1).

(c) Driveways shall be designed in accordance with the EDDS.

(2) Building orientation. Buildings shall be oriented pursuant to SCC 30.23A.070.

(3) Architectural ~~((Design Elements))~~ design elements. Each single-family attached dwelling structure, townhouse structure, and residential dwelling structure in a mixed townhouse development shall incorporate variation to any facade of a building that faces a road network element or other public realm-oriented space (such as a shared common space or internal

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pedestrian facility accessible to other dwelling units) by using at least three of the following elements:

~~((a) Townhouse structures shall have no more than six dwelling units per each building, except the maximum number of dwellings in a building may be increased to eight in the LDMR, MR, NB, PCB, CB, and GC zones.~~

~~(b) Each attached single-family dwelling and townhouse structure shall incorporate variation to any facade of a building that faces a public or private road or drive aisle by incorporating at least three of the following elements:))~~

~~((i)) (a) Changes in the roofline at intervals not greater than 40 (~~continuous~~) feet in continuous length, such as variations in roof pitch, overhangs, projections, and extended eaves;~~

~~((ii)) (b) Distinctive window patterns that are not repeated within groupings of up to four dwelling units;~~

~~((iii)) (c) Variations in the setback of the front facade of the building by at least five feet between adjoining dwelling units;~~

~~((iv)) (d) Stepbacks on the facade of at least two feet in depth and four feet in width at intervals of not more than 30 feet;~~

~~((v)) (e) Diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);~~

~~((vi)) (f) Balconies, bays, or changes in the wall plane of the front facade of the building;~~

~~((vii)) (g) Garage door entrance(s) for automobiles located at the side or rear of the building;~~

or

~~((viii)) (h) Other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.~~

(4) The architectural design elements in ~~((SCG 30.23A.050(3)(b)))~~ SCC 30.23A.050(3) shall be implemented pursuant to the Snohomish County Residential Design Manual.

(5) ~~((Specific Development Requirements))~~ Reduced setbacks and required easements. Single-family attached dwelling, mixed townhouse, and townhouse developments may qualify for reduced setbacks and require special easements in accordance with the following:

(a) The director may reduce the underlying zoning side and rear lot line setbacks to zero for townhouse structures, dwellings in a mixed townhouse development, and ~~((attached))~~ single-family attached dwellings to allow for ~~((zero lot line))~~ zero lot line development; provided, that the remaining underlying zoning setbacks meet the requirements of the zone.

(b) ~~((Attached single-family))~~ Single-family attached dwellings, (and) townhouse structures, and residential dwelling structures in mixed townhouse developments built as ~~((a))~~ zero lot line development shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions and restrictions of the adjoining lots, and may be recorded with the covenants, conditions, and restrictions or in a separate document approved by the director.

~~((c) Buildings in townhouse developments shall be separated by at least 10 feet as measured between the nearest outer walls of the buildings. This separation shall not apply between a primary residential dwelling and detached structures accessory to the primary residential dwelling.~~

~~(d) The standard for providing a minimum suitable construction area as set forth in SCC 30.41A.235 shall not apply to townhouse construction.)~~

(6) Restrictive covenants. The director may require execution and recordation of covenants, access easements, and joint use and maintenance agreements for a townhouse or mixed townhouse development. When required, covenants, access easements, and joint use and maintenance agreements shall be recorded with the county auditor's office prior to final inspection of the first unit and identify the rights and responsibilities of the property owner(s)

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and/or homeowners' association, including the use and maintenance of common garage, parking, and vehicle access areas; pedestrian facilities; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features.

~~((In addition to the landscaping requirements in chapter 30.25 SCC, townhouses shall provide landscaping in all front and side setbacks and common outdoor areas associated with the townhouse structure. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:~~

~~(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;~~

~~(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;~~

~~(c) Not more than 50 percent of the shrubs may be deciduous; and~~

~~(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.))~~

(7) Specific design standards for townhouse and mixed townhouse developments.

Townhouse and mixed townhouse developments shall be subject to additional design standards contained in SCC Table 30.23A.050(1), SCC Table 30.23A.050(2), and SCC Table 30.23A.050(3).

**Table 30.23A.050(1)**

**Additional Design Standards for Townhouse and Mixed Townhouse Developments:  
General Design Requirements**

<u>Standard</u>	<u>Requirement</u>
<u>Maximum number of dwelling units per townhouse structure</u>	<u>In the R-7,200 zone, the maximum number of dwelling units in a townhouse structure is six. In the T, LDMR, MR, NB, PCB, CB, and GC zones, the maximum number of dwelling units in a townhouse structure is eight.</u>
<u>Mixture of dwelling types in mixed townhouse developments</u>	<p><u>(a) At least 70 percent of the dwelling units in a mixed townhouse development shall be townhouse dwelling units pursuant to SCC 30.91M.137, except as may be authorized under subsection (b).</u></p> <p><u>(b) An applicant may request an exception from subsection (a) when the development site only has sufficient development capacity for five dwelling units, in which case the director may allow a mixed townhouse development consisting of a three-unit townhouse and one of the following: two single-family detached dwelling units, two single-family attached dwelling units, or one duplex structure.</u></p> <p><u>(c) If an applicant elects to use the exception under subsection (b), the applicant shall demonstrate in writing why the requirements of subsection (a) cannot otherwise be satisfied.</u></p>

<u>Building separation</u>	<u>Building separation shall be determined under the requirements of subtitle 30.5 SCC.</u>
<u>Building transparency</u>	<p><u>(a) Dwelling units shall provide a minimum facade transparency of 20 percent for each primary facade and 10 percent for each secondary facade facing a road network element or other public realm-oriented space (such as a shared common space or internal pedestrian facility accessible to other dwelling units) subject to the following:</u></p> <p><u>(i) Windows and doors may be employed to meet the minimum facade transparency requirements;</u></p> <p><u>(ii) Windows used to meet this standard must provide for transparent views from within the building to the public realm and vice versa, except that semi-frosted or semi-glazed windows that allow for internal light to pass through may be used for ground-floor doors only;</u></p> <p><u>(iii) Each window shall be accented with trim, sill, or other architectural exterior molding or use a technique to recess or project the widow from the facade plane in order to create visual interest; and</u></p> <p><u>(iv) Blank walls greater than 20 feet in length shall not be allowed.</u></p> <p><u>(b) For the purposes of this section, a primary facade is considered to be the building face with a primary pedestrian entrance and a secondary facade is considered to be any other qualifying building face.</u></p>
<u>Landscaping</u>	<p><u>In addition to the landscaping requirements in chapter 30.25 SCC, landscaping shall be provided in all front and side setbacks and common outdoor areas associated with a dwelling unit. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:</u></p> <p><u>(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;</u></p> <p><u>(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;</u></p>

	<p><u>(c) Not more than 50 percent of the shrubs may be deciduous; and</u></p> <p><u>(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.</u></p>
<p><u>Parking</u></p>	<p><u>(a) Parking shall meet the following parking standards in addition to those under chapter 30.26 SCC:</u></p> <p><u>(i) All parking stalls associated with an individual dwelling unit shall be provided in accordance with any of the following:</u></p> <p><u>(A) The parking stall(s) shall be located upon the dwelling unit's driveway;</u></p> <p><u>(B) The parking stall(s) shall be fully enclosed within an attached garage constructed as part of the dwelling unit.</u></p> <p><u>(C) The parking stall(s) shall be fully enclosed within an attached garage located within the footprint of another dwelling unit that is no more than 50 feet away. The garage space shall be physically partitioned and not accessible to the interior of the dwelling unit. The garage and stall(s) within shall be reserved for the sole use of the individual dwelling unit indicated in subsection (a)(i). Refer to SCC Figure 30.23A.050(1) for application of this requirement.</u></p> <p><u>(D) The parking stall(s) shall be fully enclosed within a consolidated parking structure which contains no more than eight parking stalls unless located below ground in which case there is no maximum.</u></p> <p><u>(E) The parking stall(s) shall be provided and reserved as on-street parking.</u></p> <p><u>(F) The parking stall(s) may be provided through any mixture of subsections (a)(i)(A) through (a)(i)(E).</u></p> <p><u>(ii) Guest parking shall be located in designated surface parking areas as on-street parking.</u></p> <p><u>(iii) When on-street parking is proposed pursuant to subsections (a)(i) or (a)(ii), on-street parking shall be incorporated into an approved road network element design and shall not be subject to the requirements of SCC 30.23A.050(1)(b).</u></p>

	(b) Where parking requirements in subsection (a) are more specific or restrictive than those contained in chapter 30.26 SCC, the requirements of subsection (a) shall apply.
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**Table 30.23A.050(2)**  
**Additional Design Standards for Townhouse and Mixed Townhouse Developments:**  
**Primary Pedestrian Entrance Design Requirements**

<u>Standard</u>	<u>Requirement</u>
<u>Primary pedestrian entrances</u>	<p><u>Each primary pedestrian entrance for a dwelling unit in a townhouse and mixed townhouse development shall be designed as visually prominent. Individual primary pedestrian entrances shall employ the use of covered porches, stoops, uncovered decks, staircases, or other architecturally detailed and functional entryways that provide overhead weather protection, as approved by the director, and may apply use of the following exceptions in the design which modify the standards of SCC 30.23.115:</u></p> <p><u>(a) Uncovered decks up to 18 inches above the existing or finished grade, or the grade of the adjacent road, whichever is lower, may project into required setbacks to the adjacent road element;</u></p> <p><u>(b) Covered porches, stoops, or staircases may project into required setbacks to the adjacent road network element if they are no higher than four feet above the existing or finished grade, or the grade of the adjacent road, whichever is lower, except that the projection into the required setback within four feet of the adjacent road network element may not exceed a height of 30 inches above the existing or finished grade, or the grade of the adjacent road, whichever is lower, for entry staircases or stoops;</u></p> <p><u>(c) For covered porches, stoops, or staircases allowed pursuant to subsection (b), the maximum height requirements described in the subsection shall not apply to guardrails and handrails that are attached to such structures; and</u></p> <p><u>(d) Covered porches allowed pursuant to subsection (b) may be covered; provided, that no portion of the cover-structure,</u></p>

	<p><u>including pillars, supports, and eaves, are closer than four feet to an adjacent road network element.</u></p>
<p><u>Primary pedestrian entrance areas (dooryards)</u></p>	<p><u>(a) Each primary pedestrian entrance for a dwelling unit shall consist of a primary pedestrian entrance area (dooryard) that incorporates at least two of the following features:</u></p> <ul style="list-style-type: none"> <li><u>(i) Usable private open space for the enjoyment of the dwelling unit's residents;</u></li> <li><u>(ii) Landscaping that covers more than 50 percent of the designated primary pedestrian entrance area (dooryard);</u></li> <li><u>(iii) A hedgerow, not to exceed three feet in height, that provides visual separation to create a sense of separate ownership from any adjacent dwelling units, common open space, and road network element;</u></li> <li><u>(iv) Fences, not to exceed four feet in height, that are designed to allow semi-transparency; provided, that architectural features such as arbors and trellises may be constructed on top of fences and obtain an additional two feet in height;</u></li> <li><u>(v) Decorative bulkheads and retaining walls with a height of no more than four feet above grade; provided, that:</u> <ul style="list-style-type: none"> <li><u>(A) If a fence is located on top such features, the maximum height shall be no more than five feet above grade and shall be calculated as an aggregate of both structural elements; and</u></li> <li><u>(B) Associated pillars may frame fences used pursuant to subsection (a)(v)(A) and shall not exceed a height of five-and-one-half feet above grade; or</u></li> </ul> </li> <li><u>(vi) Other design features approved by the director.</u></li> </ul> <p><u>(b) Each primary pedestrian entrance shall have a primary pedestrian entrance area (dooryard) that:</u></p> <ul style="list-style-type: none"> <li><u>(i) Has a minimum area of 50 square feet (which may include the primary pedestrian entrance itself); and</u></li> <li><u>(ii) Has no dimension that is less than six feet in length.</u></li> </ul>

	<u>(c) Primary pedestrian entrance areas (dooryards) shall be calculated as illustrated in SCC Figure 30.23A.050(2).</u>
<u>Variety of primary pedestrian entrances and primary pedestrian entrance areas (dooryards)</u>	<u>At least one-third of the primary entrances and primary entrance areas in a townhouse or mixed townhouse development shall be visually distinct (such as front door location, materials, and pattern) in design from the other primary pedestrian entrances and primary pedestrian entrance areas (dooryards) in the development, and no more than 50 percent of the dwelling units in a townhouse structure may use the same design features.</u>

**Table 30.23A.050(3)**

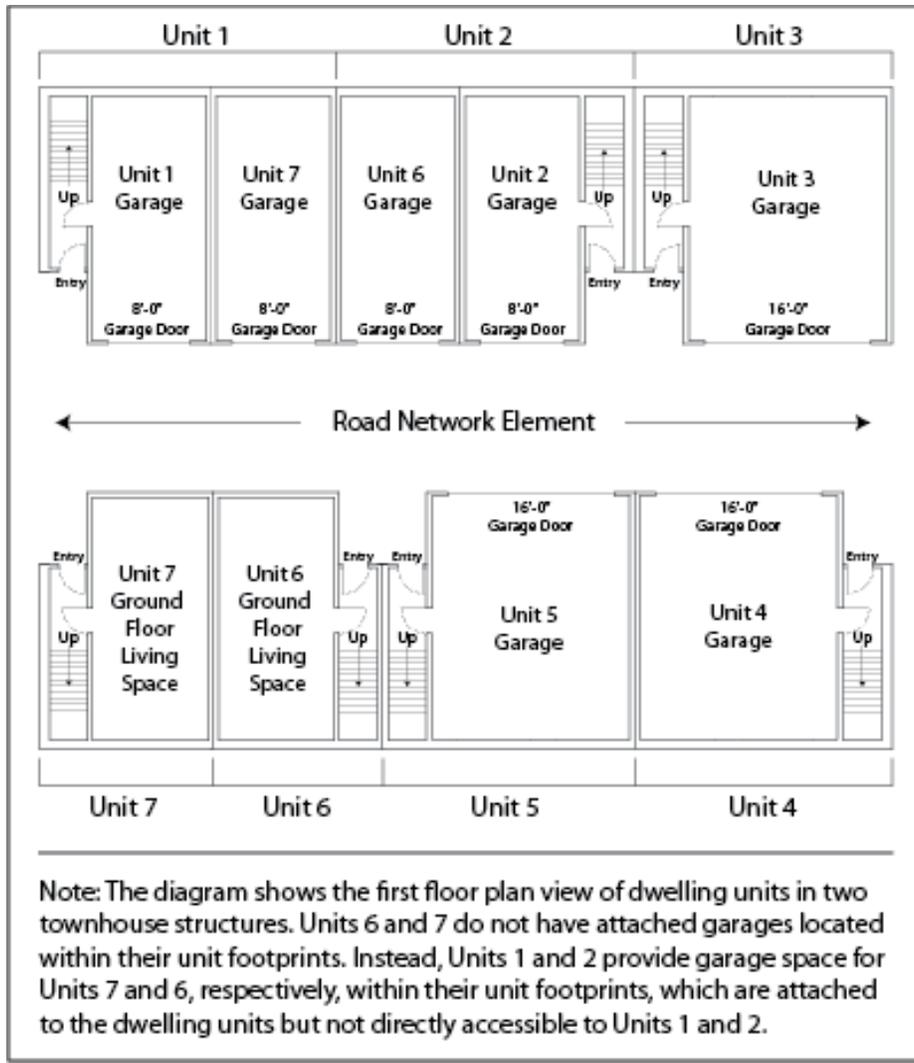
**Additional Design Standards for Townhouse and Mixed Townhouse Developments:  
Landscaping Requirements for Dwelling Units with an Attached Garage**

<b><u>Standard</u></b>	<b><u>Requirement</u></b>
<u>Requirements for dwelling units with front-loaded attached garages</u>	<p><u>(a) A dwelling unit with an attached garage that faces a road network element and has its primary pedestrian entrance oriented toward the same road network element pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c).</u></p> <p><u>(b) A landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on the opposite side of the driveway from the primary pedestrian entrance area (dooryard) and the space shall extend the full length from the residence to the adjacent road network element.</u></p> <p><u>(c) At least 75 percent of ground coverage within the landscape buffer shall include an equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).</u></p>
<u>Requirements for dwelling units with rear-loaded attached garages</u>	<u>(a) A dwelling unit with an attached garage that is provided with vehicular access at the rear of the structure by a road network element but has a primary pedestrian entrance oriented upon another building face pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c) if the road network element from which the attached garage is intended to obtain access</u>

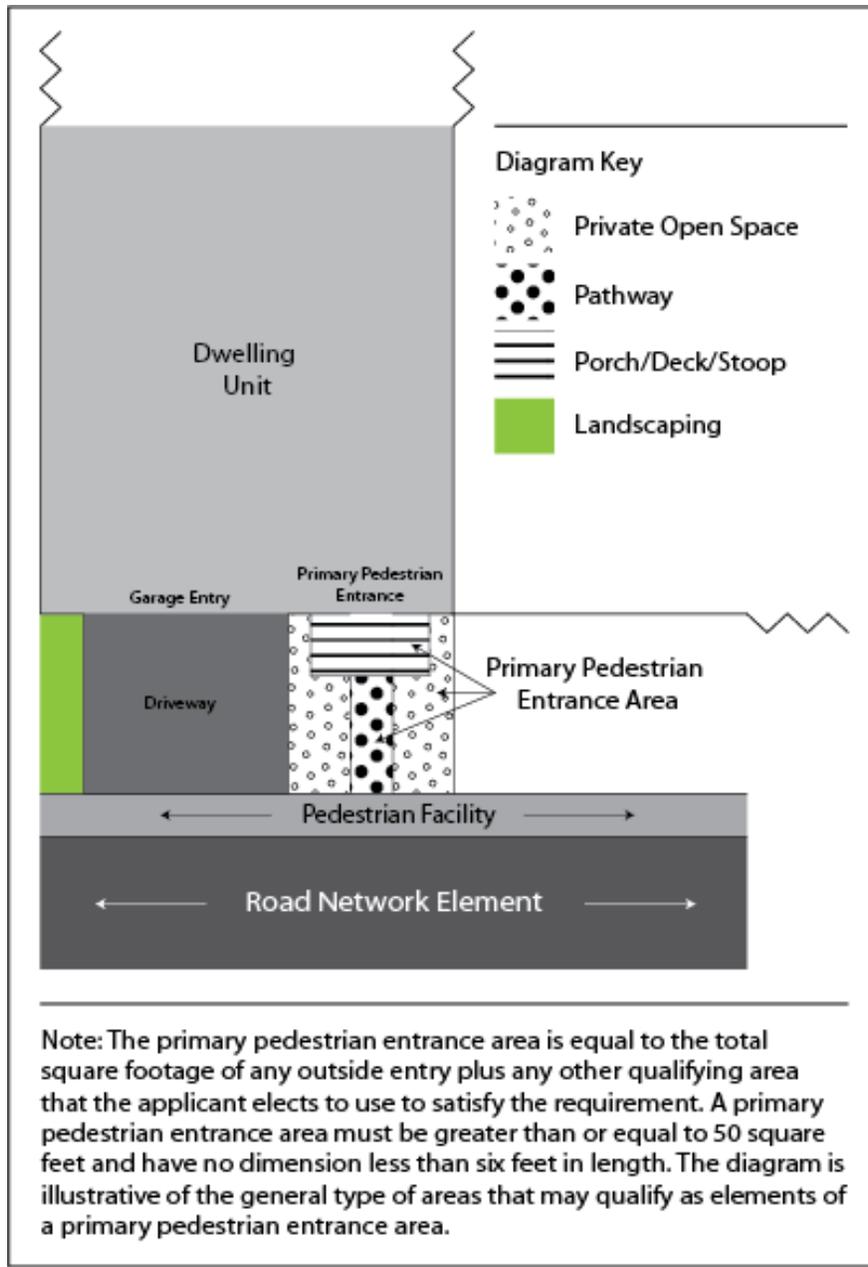
	<p><u>will have one or more primary pedestrian entrances from other dwelling units oriented toward it and a pedestrian facility is to be constructed within the road network element.</u></p> <p><u>(b) When an attached garage is separated from a connecting road network element by more than five feet, a landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on both sides. The landscape buffer spaces shall extend the full length from the dwelling unit to the adjacent road network element; provided, that only one landscape buffer shall be required achieving the aforementioned standards on the opposite side of the driveway of a secondary pedestrian entrance.</u></p> <p><u>(c) At least 75 percent of ground coverage within each landscape buffer shall include an equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).</u></p>
<p><u>Requirements for dwelling units with side-loaded attached garages</u></p>	<p><u>(a) A dwelling unit with an attached garage that is provided vehicular access at the side of the dwelling unit by a road network element but has a primary pedestrian entrance oriented upon another building face pursuant to SCC Figure 30.23A.050(3) shall meet the landscaping standards of subsections (b) and (c).</u></p> <p><u>(b) When an attached garage is separated from the connecting road network element by more than five feet, a landscape buffer with no dimension less than 18 inches in length shall be provided adjacent to the driveway on both sides. The landscape buffer spaces shall extend the full length from the dwelling unit to the adjacent road network element; provided, that only one landscape buffer shall be required achieving the aforementioned standards on the opposite side of the driveway of a secondary pedestrian entrance.</u></p> <p><u>(c) At least 75 percent of ground coverage within each landscape buffer shall include an equal mix of evergreen and deciduous shrubs that meets the standards of SCC 30.25.015(5).</u></p>

**Figure 30.23A.050(1)**

**Alternative Parking Garage Options for Townhouse and Mixed Townhouse Developments**

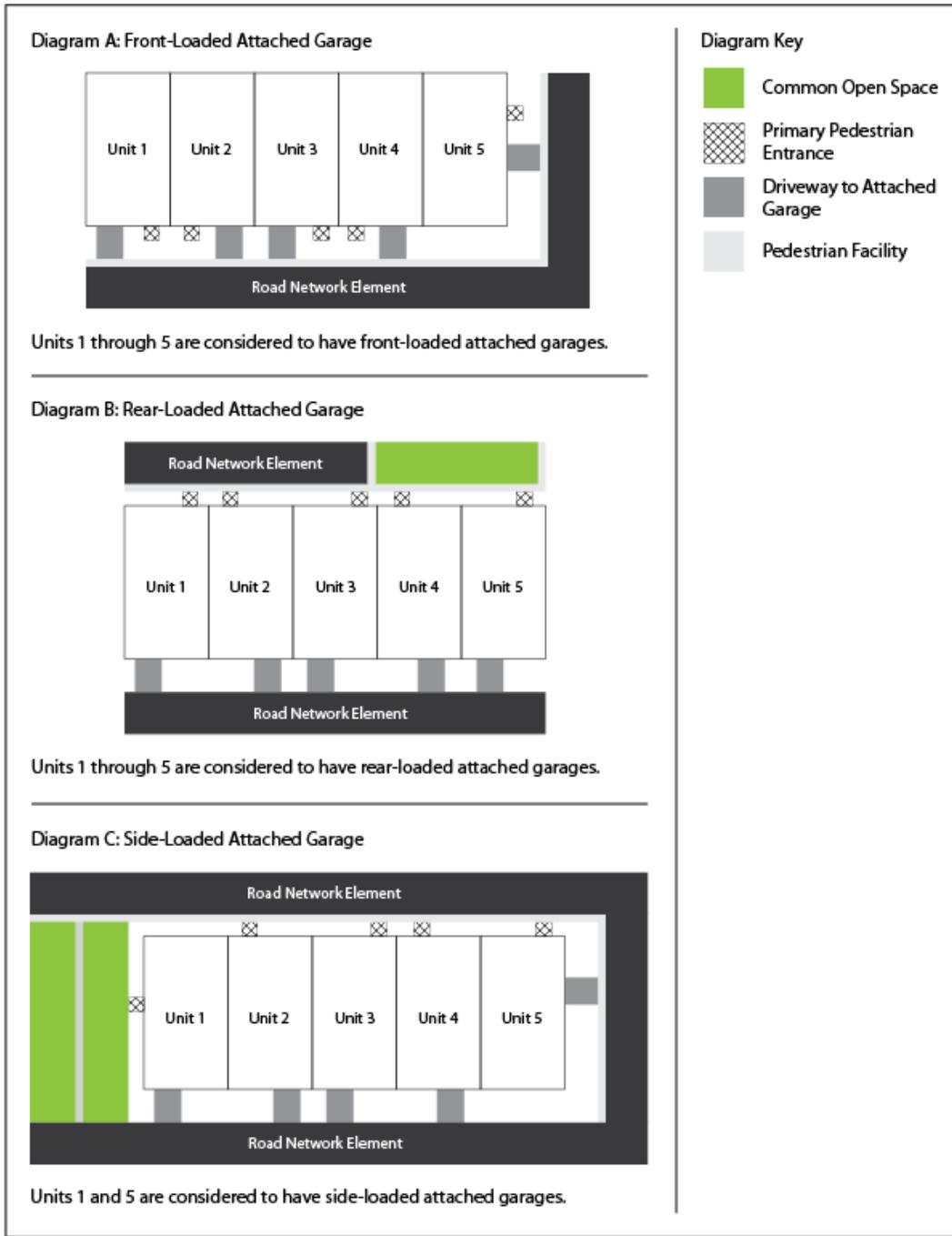


**Figure 30.23A.050(2)**  
**Calculating Required Primary Pedestrian Entrance Areas (Dooryards)**



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**Figure 30.23A.050(3)**  
**Defining Front-Loaded, Rear-Loaded, and Side-Loaded Attached Garages**



**30.23A.070 Building location and orientation.**

(1) This section is applicable where mandated in this chapter, or where chosen as an element for meeting design requirements. The intent of this section is to create active and safe pedestrian environments.

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(2) The primary pedestrian entrance of each dwelling unit shall face toward a road network element (~~(public or private road right-of-way or drive aisle)~~), except that building entries and entries to individual dwelling units may face onto a common open space (such as a courtyard) or pedestrian facility (that is not located in a road network element) if allowed by the director and in accordance with the following: (~~(,provided the courtyard opens up towards the right-of-way or drive aisle. The director may waive this requirement where buildings are required to be oriented towards an open space, or when a pedestrian walkway provides the primary access to the dwellings.)~~)

(a) A common open space must open toward a road network element; and

(b) A pedestrian facility may provide primary access to buildings or dwelling units; provided, that it serves as a direct and continuous connection to the internal and external pedestrian network and no structure or dwelling unit is closer than seven-and-one-half feet to the pedestrian facility, except primary pedestrian entrance features such porches, decks, stairs, and stoops.

(3) Buildings (~~(located on lots)~~) adjacent to two or more road network elements (~~(public or private road rights-of-way)~~) shall either:

(a) Have the primary pedestrian entrances face the road network element that the director determines has the primary pedestrian route; or

(b) Have at least one primary pedestrian entrance face towards each road network element (~~(road right-of-way)~~) when there are more than three (~~(dwellings)~~) dwelling units, except upon road network elements that are determined by the director as only providing rear vehicular access to dwelling units.

(4) In multifamily, (~~(and)~~) townhouse, and mixed townhouse (~~(complexes)~~) developments with more than five buildings, buildings may be oriented to a cohesive system of common space, open space, and pedestrian (~~(pathway)~~) facilities. A prominent pedestrian entry to the site and walkway connecting directly to a public sidewalk shall be provided.

### **30.24.055 Access and road network requirements to individual lots within a proposed subdivision, short subdivision or binding site plan development or to proposed SFDU units.**

Access to lots within a proposed subdivision, short subdivision or binding site plan development or to proposed SFDU units shall meet the requirements of this section.

(1) Access to individual lots, tracts or easements within a proposed subdivision or short subdivision in the urban area shall be by a public road, except a private road network element:

(a) May be allowed for unit lot subdivisions and unit lot short subdivisions (~~(pursuant to SCC 30.41A.205(8))~~), except when the county engineer, in accordance with chapter 30.66B SCC, determines that a public road is required to provide for the public health, safety and welfare or connectivity of the public road system;

(b) May be allowed if serving nine lots or fewer with traffic generation of 90 average daily trips or less, except when the county engineer, in accordance with chapter 30.66B SCC, determines that a public road is required to provide for the public health, safety and welfare or connectivity of the public road system; and

(c) May be requested as a variance pursuant to chapter 30.43B SCC if unique circumstances of the site, such as topography, the surrounding road network, soils, hydrology or maintenance requirements make the extension of the public road within the development impractical or infeasible.

(2) Access to individual lots, tracts or easements, within a proposed subdivision, short subdivision, or binding site plan development in the rural area may be provided by a private road network element as provided for in this chapter, except when the county engineer, in

accordance with chapter 30.66B SCC, determines that a public road is required to provide for the public health, safety and welfare or connectivity of the public road system.

(3) Access to individual dwelling units within a SFDU shall be provided by a drive aisle, unless the county engineer, in accordance with chapter 30.66B SCC, determines a public road is required to provide for the public health, safety and welfare or connectivity of the public road system.

(4) Where access by a private road network element is permitted, and the private road network element has the potential for serving more than nine lots or 90 average daily trips, the county engineer may require the private road to be designed to enable future conversion to a public road and the final subdivision, short plat or binding site plan shall contain a provision that the conversion to a public road may not be protested.

### **30.25.020 Perimeter landscaping requirements.**

(1) To reduce incompatible characteristics of abutting properties with different zoning classifications, the minimum designated landscape width and type shall be required as a buffer between uses pursuant to SCC Table 30.25.020(1) or as required in SCC 30.25.030(3), unless exempted pursuant to SCC 30.25.020(4). For properties within urban zones that are separated from properties in rural zones only by public or private roads or road right-of-way, the minimum landscape requirements of SCC Table 30.25.020(1) shall also be required unless exempted pursuant to SCC 30.25.020(4). When a development proposal has multiple uses or dwelling types, the most intensive use or dwelling type within 100 feet of the property line shall determine which perimeter landscaping requirements shall apply.

(2) Properties zoned RFS, CRC<sub>1</sub>, and RB shall provide a 50-foot Type A perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, (~~F and R~~) F&R, and (~~Mineral Conservation~~) MC. Properties zoned RI shall provide a 100-foot Type A perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, (~~F and R~~) F&R, and (~~Mineral Conservation~~) MC.

**Table 30.25.020(1)  
Perimeter Landscaping ((Requirement)) Requirements**

Proposed Use		Zoning Classification of Adjacent Property																					
		((R-9600-R-8400)) R-9,600, R-8,400		((R-7200)) R-7,200		T, LDMR, MR		FS, NB, CB, PCB		GC, UC		LI, HI		BP, IP		RB, RFS, RI		CRC		((ALL OTHER ZONES)) All Other Zones			
		Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type		
((Proposed Use))	Conditional Uses <sup>(4)3</sup>	20	A	20	A	20	A													20	A		
	((Retail/Office and other Commercial Uses)) Retail, Office, and Other Commercial Uses	15	A	15	A	15	B														25	A	
	Business Park	25	A	25	A	15	B	10	B													25	A
	Light Industrial <sup>1</sup>	25	A	25	A	15	B															25	A
	Heavy Industrial <sup>2</sup>	25	A	25	A	25	A															25	A
	((Single Family/Duplex/Single Family Attached <sup>3</sup> )) Single-Family Detached <sup>4</sup> , Single-Family Attached <sup>4</sup> , and Duplex <sup>4</sup>																					15	A
	Cottage Housing <sup>(5)4</sup>																					15	A
	Townhouse <sup>4, 5</sup>	10	B	5	B																	15	A
	((Multi-Family/Townhouse <sup>3</sup> )) Multifamily <sup>4</sup>	15	B	10	B																	25	A
	Parking Lot	10	A	10	A	10	A															25	A
((Cell Towers <sup>3</sup> )) Personal Wireless Telecommunicati	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	



~~((Footnote 1: As defined by the Light Industrial zone in SCC 30.22.100.~~

~~Footnote 2: As defined by the Heavy Industrial zone in SCC 30.22.100.~~

~~Footnote 3: Cell towers means personal wireless telecommunications services facilities.~~

~~Footnote 4: Conditional uses located in a residential zone according to SCC 30.22.100, SCC 30.22.110 and SCC 30.22.120.~~

~~Footnote 5: Where residential development locates adjacent to existing commercial or industrial development and where no existing perimeter landscaping or buffer is located on adjacent commercial or industrial properties, the residential development shall provide a 10 foot wide Type A perimeter landscape area adjacent to the commercial or industrial properties.))~~

(3) If a property abuts more than one zoning classification, the standards of that portion which abuts each zone of the property shall be utilized.

(4) Exceptions to SCC Table 30.25.020(1) shall be as follows:

(a) Where a development abuts a public road that is not on the boundary between a rural zone and an urban zone, the perimeter landscaping along the road frontage shall be 10 feet in width and contain Type B landscaping, except no perimeter landscaping is required in areas for required driveways, storm drainage facility maintenance roads, pedestrian trail connections, or where encumbered by utility crossings or other easements subject to permanent access and maintenance;

(b) When any portion of a project site is developed as usable open space or used as a permanently protected resource protection area, critical area protection area, or equivalent, the perimeter landscaping shall consist of Type B landscaping; and

(c) Where a perimeter lot abuts a utility or drainage easement greater than 15 feet in width that is not on the boundary between a rural zone and an urban zone, no perimeter landscaping will be required.

(5) All perimeter landscape areas shall be located within private easements to be maintained pursuant to SCC 30.25.045.

### **30.26.025 Tandem parking.**

Tandem or stacked parking spaces may be allowed for residential and commercial uses as follows:

(1) Each tandem space shall be at least eight and one-half feet wide and twice the depth required for a standard space;

(2) A maximum of 30 percent of the required parking may be provided through tandem spaces, except that for townhouse and mixed townhouse development a maximum of 100 percent of the required parking for those residing in the development may be provided through tandem spaces when located within individual unit garages;

(3) For residential uses, tandem parking may only be used when it can be documented that parking spaces will be assigned to specific units and tandem spaces will not be shared between units; and

(4) Commercial uses with no retail or customer service components may use tandem parking only when it can be documented that the proposed parking will be managed to accommodate employee access to vehicles and vehicle ingress and egress at all times.

### **30.41A.205 Design standards – unit lot subdivision.**

(1) Applicability\_ ~~((and purpose.))~~ The provisions of this section apply exclusively to the unit lot subdivision of land for townhouse, mixed townhouse, or cottage housing developments in zones where such uses are ~~((permitted))~~ allowed.

(2) Townhouse, mixed townhouse, and cottage housing developments may be subdivided into individual unit lots. The development as a whole shall meet the development standards applicable to the underlying site development plan. As a result of the subdivision, development

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on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit.

(3) Unit lot area and width per unit for purposes of subdivision may be as small as the coverage of the individual unit.

(4) Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site pursuant to SCC 30.41A.675.

(5) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, as deemed necessary by the director, ~~((and))~~ shall be recorded with the county auditor's office.

~~(6) ((Each))~~ (6) A unit lot subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each unit lot created by reserving such common areas or other easements over, under, and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan, and such easements shall be recorded with the county auditor's office.

~~((6))~~ (7) Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

(a) Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number);

(b) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;

(c) If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure(s) shall conform to the approved site development plan; and

(d) The individual unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

~~((7))~~ (8) Site development and building construction may commence upon approval of a site development plan but prior to final subdivision approval and recording when all applicable permits and approvals have been obtained by the applicant. No unit lot may be sold, transferred, or conveyed prior to final subdivision approval and recording. The model home provisions of SCC 30.41A.500 through 30.41A.550 shall not apply to unit lot subdivisions subject to this section.

### **30.41A.235 Design standards – construction area.**

Each new lot shall have an accessible area suitable for construction of at least ~~((4000))~~ 1,000 square feet and located outside any required building setback, unbuildable easement, required buffer, or critical area, except that for lots in a planned residential development, unit lot subdivision pursuant to SCC 30.41A.205, or unit lot short subdivision pursuant to SCC 30.41B.205, there is no minimum construction area.

### **30.41B.205 Design standards – unit lot short subdivision.**

(1) Applicability, ~~((and purpose.))~~ The provisions of this section apply exclusively to the unit lot subdivision of land for townhouse, mixed townhouse or cottage housing developments in zones where such uses are ~~((permitted))~~ allowed.

(2) Townhouse, mixed townhouse, and cottage housing developments may be subdivided into individual unit lots. The development as a whole shall meet the development standards applicable to the underlying site development plan. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit.

(3) Unit lot area and width per unit for purposes of subdivision may be as small as the coverage of the individual unit.

(4) Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site pursuant to SCC 30.41B.650.

(5) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, as deemed necessary by the director, ~~((and))~~ shall be recorded with the county auditor's office.

~~((6))~~ (7) A unit lot short subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each unit lot created by reserving such common areas or other easements over, under, and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan, and such easements shall be recorded with the county auditor's office.

~~((6))~~ (7) Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

(a) Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number);

(b) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;

(c) If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure(s) shall conform to the approved site development plan; and

(d) The individual unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

~~((7))~~ (8) Site development and building construction may commence upon approval of a site development plan but prior to final subdivision approval and recording when all applicable permits and approvals have been obtained by the applicant. No unit lot may be sold, transferred, or conveyed prior to final subdivision approval and recording.

### **30.70.210 Minor revisions to approved development applications.**

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

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(1) The minor revision process is applicable to any approved Type 1 and Type 2 development application where an applicant requests a minor revision of the approved plans, except site plans submitted under SCC 30.28.086 and 30.28.105.

(2) Revisions to mixed-use and urban center development applications shall be considered nonresidential development applications for the purposes of this section.

(3) A minor revision to an approved residential development application is limited to the following when compared to the original development application, provided that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot.

(b) Subdivisions, single-family detached unit developments, cottage housing, mixed townhouse, townhouse, ((townhomes)) and ((multiple-family)) multiple family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (3)(a) or (b) of this section or as a standalone minor revision provided that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than:

(i) Ten percent for developments located within an urban growth area; or

(ii) Twenty percent for developments located outside of an urban growth area.

Under no circumstances shall the amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (3)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(4) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application, provided that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (4)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(5) A minor revision may be approved subject to the following:

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(a) An application for a minor revision shall be submitted on forms approved by the department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in chapter 30.86 SCC.

(c) An application for a minor revision shall require notification of the relevant county departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A minor revision shall be properly documented as a part of the records for the approved development application.

(g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other development applications.

(6) The final determination of what constitutes a minor revision shall be made by the director.

### **30.70.220 Major revisions to approved residential development applications.**

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single family detached unit developments, cottage housing, mixed townhouse, townhouse, ((townhomes)) and multiple family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) The major revision process is applicable to any approved Type 1 and Type 2 residential development application where an applicant requests a major revision of the approved plans.

(2) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single family detached unit developments, cottage housing, mixed townhouse, townhouse, ((townhomes)) and multiple family developments shall be limited to the lesser of:

(i) A 20 percent increase in the number of lots or units; or

(ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (2)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (2) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

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(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision, provided that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (2)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in chapter 30.86 SCC.

(c) An application for a major revision shall require public notice pursuant to SCC 30.70.045 and 30.70.050.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director (for Type 1 decisions) or the hearing examiner (for Type 2 decisions) shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(4) The final determination of what constitutes a major revision shall be made by the director.

### **30.91C.335 Covered Parking Structure.**

“Covered parking structure” means an attached or detached structure designed to accommodate vehicular parking spaces that are fully or partially enclosed. A covered parking structure (~~and~~) may have additional vehicular parking spaces located on the open top deck surface of the same structure. This definition includes, but is not limited to, carports, garages, parking garages, deck parking, and underground or under-building parking areas.

### **30.91D.525 Dwelling, townhouse.**

“Dwelling, Townhouse” (“Townhouse dwelling” or “townhouse”) means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and has open space on at least two sides.

~~((The term includes a townhouse constructed as a zero lot line development and a townhouse on a single lot.))~~

*A new section is added to chapter 30.91M of the Snohomish County Code to read:*

### **30.91M.137 Mixed townhouse development.**

“Mixed townhouse development” or “mixed townhouse” means a residential development that primarily contains townhouse dwelling units but accommodates a mix of other single-family

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housing types (i.e., single-family detached, single-family attached, and/or duplex dwelling units) and where at least 70 percent of the dwelling units are townhouse units, except when otherwise authorized pursuant to SCC 30.23A.050.

*A new section is added to chapter 30.91S of the Snohomish County Code to read:*

**30.91S.455 Snohomish County Residential Design Manual.**

“Snohomish County Residential Design Manual” means the residential design manual adopted by the director by rule pursuant to chapter 30.82 SCC. The residential design manual shall provide detail and specificity regarding code requirements contained in title 30 SCC and the EDDS for all urban residential development.

**Proposed Findings of Fact and Conclusions**

**Section 1.** Snohomish County Planning Commission adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. The Snohomish County Planning Commission held a public hearing on June 27, 2017 to receive public testimony concerning the code amendments contained in this ordinance. At the conclusion of the public hearing, the Snohomish County Planning Commission voted to recommend \_\_\_\_\_ of the code amendments as set forth in its recommendation later dated July \_\_, 2017.
- C. This ordinance will amend Title 30 SCC to update and add regulations related to urban residential development standards. The proposed code amendments seek to: 1) expand the mixing of housing types permitted through the unit lot subdivision process; 2) incentivize increased output and density of single-family attached and detached housing types; and 3) improve the quality and health of urban residential development through enhanced landscaping, open space, bulk and scale, architectural, parking, access, transparency, and site design standards.
- D. In developing the proposed code amendments, the County considered the goals of the GMA, specifically those goals related to urban growth, reducing sprawl, housing, open space and recreation, and the environment. The proposed amendments are consistent with:
  - 1. GMA Goal 1: “Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” The proposed code amendments allow to townhouse and mixed townhouse development only within UGAs.
  - 2. GMA Goal 2: “Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.” The proposed code amendments are intended to encourage townhouse and mixed townhouse development, which are forms of infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing pressures to expand UGAs.
  - 3. GMA Goal 4: “Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and

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housing types, and encourage preservation of existing housing stock.” The proposed code amendments encourage townhouse and mixed townhouse development to promote a variety of residential densities and housing types.

4. GMA Goal 9: “Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.” The proposed code amendments encourage townhouse and mixed townhouse development to contain a modest amount of private and semi-private open space for individual dwelling units.
  5. GMA Goal 10: “Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.” The proposed code amendments will protect the environment by encouraging residential development to use land more efficiently.
- E. The proposed code amendments will better achieve, comply with, and implement the Puget Sound Regional Council’s (PSRC) Multi-County Planning Policies (MPPs) which set forth the following policies related to the proposed regulations:
1. Urban Lands Policy MPP-DP-2 “Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.” The proposed code amendments encourage housing forms designed to use land more efficiently and achieves higher density within low, medium, and high density residential areas.
  2. Urban Lands Policy MPP-DP-4: “Accommodate the region’s growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision.” The proposed code amendments encourage townhouse and mixed townhouse development, which are forms of infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing pressures to expand UGAs.
  3. Urban Lands Policy MPP-DP-14: “Preserve and enhance existing neighborhoods and create vibrant, sustainable compact urban communities that provide diverse choices in housing types, a high degree of connectivity in the street network to accommodate walking, bicycling and transit use, and sufficient public spaces.” The proposed code amendments encourage a variety of denser single-family attached and detached housing types within UGAs while preserving and enhancing the integrity of established neighborhoods.
  4. Urban Lands Policy MPP-DP-15: “Support the transformation of key underutilized lands, such as brownfields and greyfields, to higher density, mixed-use areas to complement the development of centers and the enhancement of existing neighborhoods.” The proposed code amendments are intended to encourage townhouse and mixed townhouse development, which are forms of infill development that are well suited to smaller parcels that may not achieve desired densities through lower-density forms of single-family residential development.
  5. Urban Lands Policy MPP-DP-33: “Identify, protect and enhance those elements and characteristics that give the central Puget Sound region its identity, especially the natural

visual resources and positive urban form elements.” The proposed amendments are intended to encourage a broader range of single-family attached and detached housing types, which employ higher quality urban design strategies and are forms of infill development that share complementary characteristics with existing residential development.

6. Urban Lands Policy MPP-DP-43: “Design communities to provide an improved environment for walking and bicycling.” The proposed code amendments encourage enhanced pedestrian-oriented facilities and features within residential developments in UGAs, particularly for townhouse and mixed townhouse developments, to foster increased walking rates by residents.
  7. Urban Lands Policy MPP-DP-49: “Support and provide incentives to increase the percentage of new development and redevelopment—both public and private—to be built at higher performing energy and environmental standards.” The proposed code amendments incentivize development of smaller dwelling unit sizes to lower energy and maintenance costs borne by residents.
  8. Housing Policy MPP-H-1: “Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.” The proposed code amendments encourage the development of denser single-family attached and detached to provide a broader range of housing types for various income levels and demographic groups.
  9. Housing Policy MPP-H-8: “Encourage the use of innovative techniques to provide a broader range of housing types for all income levels and housing needs.” The proposed code amendments encourage a broader spectrum of housing types to meet the needs of diverse populations.
- F. The proposed code amendments will better achieve, comply with, and implement the Snohomish County Countywide Planning Policies (CPP) which set forth the following policies related to the proposed regulations:
1. Development Pattern Policy DP-11: “The County and cities should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas.” The proposed code amendments are intended to encourage additional townhouse, duplex, attached single-family, and single-family detached infill development designed to use land more efficiently and provide additional capacity for future population growth within UGAs, thereby reducing the need to expand UGAs.
  2. Development Pattern Policy DP-15: “The County and cities should adopt policies, development regulations, and design guidelines that allow for infill and redevelopment of appropriate areas as identified in their comprehensive plans.” The proposed code amendments encourage housing forms which are designed to use land more efficiently and achieve a higher density within low, medium, and high density residential areas in addition to urban commercial areas.
  3. Development Pattern Policy DP-16: “Jurisdictions should encourage the use of innovative development standards, design guidelines, regulatory incentives, and

applicable low impact development measures to provide compact, high quality communities.” The proposed code amendments encourage higher density single-family residential housing forms, which provide an alternative to standard forms of single-family residential development.

4. Development Pattern Policy DP-33: “Jurisdictions should develop high quality, compact urban communities that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use.” The proposed amendments encourage higher density attached and detached single-family residential housing forms, which impart a high quality design, preserved open space, and sense of community.
  5. Development Pattern Policy DP-35: “The County and cities should address the safety, health, and well-being of residents and employee by: a. Adopting development standards encouraging design and construction of healthy buildings and facilities; and b. Providing infrastructure that promotes physical activity.” The proposed code amendments encourage increased safety, health, and well-being for residents through enhanced site design standards.
- G. The proposed code amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the County’s GMACP – GPP by using land more efficiently, fostering compact development to minimize impacts to the natural environment, encouraging a high quality design, adding variety to residential housing stock, improving compatibility of new residential development with existing residential development, increasing open space, and providing regulations that are predictable:
1. Land Use Objective 2.A: “Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations, particularly within designated centers and along identified transit emphasis corridors.”
  2. Land Use Policy 2.A.4: “UGAs shall provide opportunities for a mix of affordable housing types (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit apartment and small group housing units) within designated residential areas.”
  3. Land Use Policy 2.A.5: “Within UGAs, alternatives to standard single family designs such as zero lot line housing and cottages on small lots around a central courtyard, shall be considered in development regulations for residential areas.”
  4. Land Use Objective 2.E: “Provide for reasonable flexibility in land use regulation and planned mixing of uses, where appropriate, while maintaining adequate protection for existing neighborhoods.”
  5. Land Use Objective 4.A: “Improve the quality of residential, commercial, and industrial development through comprehensive design standards and a design review process.”
  6. Land Use Policy 4.A.2: “The county shall ensure that design standards for residential, commercial, and industrial development meet the following criteria: (a) Residential developments should support family households and children by providing adequate and accessible open space and recreation, and encouraging opportunities for day care, preschool and after school care services within close proximity. (b) Where increased

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density housing is proposed, the height, scale, design and architectural character should be compatible with the character of buildings in the surrounding area. (c) New buildings oriented onto the street, maintain or create streetscape and pedestrian qualities and reduce the visual impact of parking lots, garages and storage areas. (d) Where high rise buildings are developed, street level uses are limited to commercial activities, entertainment services, public services, and other related public-generating activities. (e) The appearance of existing areas should be improved by: 1. encouraging well maintained landscaping on streets and in parking areas; 2. reducing the visual clutter of utility poles, overhead powerlines, and suspended traffic signals; 3. encouraging improvements to entrances, facades, and lighting; and 4. grouping together signs and ensuring they are scaled and designed in a manner appropriate to the street frontage. (f) Developments should provide adequate setbacks, buffers and visual screens to make them compatible with abutting residential and other land uses. (g) Urban design is sensitive to the preservation of existing cultural resources. (h) Consideration of design guidelines should include consideration of costs and impacts on affordable housing.”

7. Housing Policy 1.B.1: “The county shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of safe and healthy lower-cost housing types, such as housing on small lots, townhouses, multiplexes, manufactured housing, mobile homes, and mixed-use housing.”
8. Housing Policy 1.B.4: “The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units.”
9. Housing Policy 2.B.1: “The county shall encourage a variety of housing types and densities in residential neighborhoods.”
10. Housing Policy 2.B.4: “The county shall encourage the integration of a variety of dwelling types and intensities in residential neighborhoods.”
11. Economic Development Objective 2.A: “Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.”
12. Transportation Policy 4.D.7: “On-site traffic circulation shall be designed in a way that allows safe and efficient storage and movement of driveway traffic.”
13. Transportation Policy 4.D.8: “Driveway and traffic flow restrictions shall be used to allow safe and efficient access for emergency vehicles when needed.”
14. Transportation Policy 5.C.5: “Developers of new sites shall accommodate mobility of pedestrians.”

#### H. Procedural requirements:

1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

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2. Pursuant to RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on May 10, 2017.
  3. 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 May 10, 2017.
  4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.
  5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an advisory memorandum in December 2015 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid unconstitutional takings of private property. The process outlined in the State Attorney General's 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes in this ordinance.
- I. The proposed amendments are consistent with the record:
1. This ordinance will amend SCC 30.22.030 to allow construction of single-family dwellings when developed in conjunction with townhouse dwellings on property zoned R-7,200.
  2. This ordinance will amend SCC 30.22.130 to:
    - a. Modify the section title.
    - b. Expand the applicability of SCC 30.22.130(5) to include specific design standards for mixed townhouse developments, which are codified under Chapter 30.23A SCC, and make non-substantive housekeeping changes.
  3. This ordinance will amend SCC 30.23.020 to clarify that the existing minimum net density requirements for residential development in urban growth areas in SCC 30.23.020(1)(a) applies to new townhouse and mixed townhouse developments.
  4. This ordinance will amend SCC 30.23.032 to add a new reference note to certain zones in SCC Table 30.23.032 (the urban residential zones bulk matrix), which corresponds to a new reference note under SCC 30.23.040(65) that will increase allowed densities for townhouse and mixed townhouse development. The section is also modified to add a new footnote to certain zones in the urban residential bulk matrix, which corresponds to a new reference note under SC 30.23.040(66) that will increase maximum lot coverage allowances for townhouse and mixed townhouse development. The reference note is consolidated into the table and additional non-substantive housekeeping changes are made throughout the section.
  5. This ordinance will amend SCC 30.23.040 to:

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- a. Add a new subsection under SCC 30.23.040(65) to increase allowed densities for townhouse and mixed townhouse development in the R-7,200, LDMR, MR, and certain urban commercial zones. The density bonus provides an incentive for townhouse and mixed townhouse development to implement GPP Policy LU 2.A.4. The new subsection will constitute a reference note for SCC Table 30.23.032.
  - b. Add a new subsection under SCC 30.23.040(66) to increase maximum lot coverage allowances for townhouse and mixed townhouse development in the LDMR and MR zones to use land more efficiently and provide greater design flexibility. The new subsection will constitute a reference note for SCC Table 30.23.032.
6. This ordinance will amend SCC 30.23.041 to add two new reference notes to certain zones and road types in SCC Table 30.23.041, which correspond to new reference notes under SCC 30.23.049 that will reduce required setbacks, regulate setback requirements for entrances to covered parking structures from adjacent road network elements, and provide limited upper-story floor incentives for entrances to covered parking structures that are set back at least 19 feet from an abutting road network element in townhouse and mixed townhouse development. Other non-substantive housekeeping changes are made to the section.
7. This ordinance will amend SCC 30.23.049 to:
  - a. Modify SCC 30.23.049(7) to allow non-single-family detached residential structures over two stories in height to apply a required extra three-foot setback as an upper floor setback pursuant to SCC 30.23.040(59).
  - b. Add a new reference note, SCC 30.23.049(13), to reduce required setbacks from certain road network elements in certain zones for townhouse and mixed townhouse development to provide greater flexibility in design and use land more efficiently.
  - c. Add a new reference note, SCC 30.23.049(14), to regulate setback requirements for entrances to covered parking structures from adjacent road network elements and provide limited upper-story floor incentives for entrances to covered parking structures that are set back at least 19 feet from an abutting road network in townhouse and mixed townhouse development.
  - d. Make non-substantive housekeeping changes to SCC 30.23.049(4) and SCC 30.23.049(6).
8. This ordinance will amend SCC 30.23.050 to:
  - a. Modify the section title.
  - b. Add a new provision under SCC 30.23.050(4) to modify the maximum building height calculation that is specific to residential structures with individual dwelling units vertically partitioned by internal walls within a single structure. The addition of this language provides more design flexibility and allows townhouse and mixed townhouse development to maximize density.

- c. Modify SCC 30.23.050(5) to exempt urban residential development subject to Chapters 30.23A and 30.41G SCC from the fill requirement and revise the reference to the applicable figure. This exemption resolves the problem of constructing residential development adjacent to existing residential development where other design requirements already provide adequate compatibility measures.
  - d. Modify SCC Figure 30.23.050(1) to replace the existing figure with a new figure that is easier to read and implement, delete certain text, and make non-substantive housekeeping changes.
  - e. Modify SCC Figure 30.23.050(2) to insert a new title and figure to illustrate the alternative calculation method of SCC 30.23.050(4).
  - f. Modify SCC Figure 30.23.050(2) to delete the existing figure, revise the existing title, make housekeeping changes related to associated text of the figure, and insert a new SCC Figure 30.23.050(3) to improve readability and interpretation related to SCC 30.23.050(5).
  - g. Modify SCC 30.23.050(7) to make non-substantive housekeeping changes.
9. This ordinance will amend SCC 30.23A.030 to:
- a. Modify SCC Table 30.23A.030(2) in order to remove extraneous zones identified in the table replace the term “all other zones” with “non-urban zones,” move the term “proposed use” in the table, add a new footnote to the table exempting townhouse, mixed townhouse, and multifamily development from compatibility requirements when such developments are sites adjacent to properties in the R-7,200 zone that have townhouse or mixed townhouse development located on them, correct an inadvertent error for single-family attached at seven dwellings or more per gross acre in the table, and make non-substantive housekeeping changes.
  - b. Modify SCC 30.23A.030(2), 30.23A.030(3)(a), and 30.23A.030(3)(e) through (g) to make non-substantive housekeeping changes.
10. This ordinance will amend SCC 30.23A.050 to:
- a. Modify the section title and introductory provision to expand applicability to mixed townhouse development and make housekeeping changes.
  - b. Modify SCC 30.23A.050(1) to clarify the applicability of subsections (a) through (c), expand applicability of the subsection (a) to mixed townhouse development, add an exception to subsection (b), and make non-substantive housekeeping changes.
  - c. Modify SCC 30.23A.050(2) to make housekeeping changes.
  - d. Modify SCC 30.23A.050(3) to renumber subsections (a) and (b), clarify and expand the scope and applicability of the architectural design requirements, move subsection (a) to new SCC Table 30.23A.050(1), and make housekeeping changes.
  - e. Modify SCC 30.23A.050(4) to revise the citation contained within the subsection.

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- f. Modify SCC 30.23A.050(5) to revise the title and add details on the scope and applicability of the subsection, expand provisions to include mixed townhouse development, non-substantive housekeeping changes, delete subsection (c) which will appear in a modified form in SCC Table 30.23A.050(1), and move subsection (d) to SCC 30.41A.235.
  - g. Modify SCC 30.23A.050(6) to move existing provisions to SCC Table 30.23A.050(1) and the subsection is replaced by adding restrictive covenant requirements.
  - h. Add SCC 30.23A.050(7) to reference specific design standards for townhouse and mixed townhouse development contained in SCC Table 30.23A.050(1), SCC Table 30.23A.050(2), and SCC Table 30.23A.050(3).
  - i. Add SCC Table 30.23A.050(1) to provide additional general design standards for townhouse and mixed townhouse development, which include: the maximum number of dwelling units per townhouse structure, mixture of dwelling types in mixed townhouse developments, building separation, building transparency, landscaping, and parking. Certain provisions in the table create more prescriptive requirements than contained in other chapters of Title 30 SCC.
  - j. Add SCC Table 30.23A.050(2) to provide additional primary pedestrian entrance design standards for townhouse and mixed townhouse development, which include: primary pedestrian entrance standards and setback exceptions, primary pedestrian entrance area requirements and standards, and set variation requirements for primary pedestrian entrance design.
  - k. Add SCC Table 30.23A.050(3) to provide additional landscaping design standards for townhouse and mixed townhouse development, which are applied differently if individual dwelling units contain a front-loaded, rear-loaded, or side-loaded attached garage.
  - l. Add SCC Figure 30.23A.050(1) to illustrate a specific alternative parking garage option available under SCC Table 30.23A.050(1).
  - m. Add SCC Figure 30.23A.050(2) to illustrate how to calculate primary pedestrian entrance areas under SCC Table 30.23A.050(2).
  - n. Add SCC Figure 30.23A.050(3) to illustrate how to determine whether an attached garage is front-loaded, rear-loaded, or side-loaded under SCC Table 30.23A.050(3).
11. This ordinance will amend SCC 30.23A.070 to:
- a. Modify SCC 30.23A.070(2) to clarify the term “primary entrance” inserting “pedestrian” between “primary” and “entrance,” clarify and expand the scope of the provision to allow individual dwelling units to face upon a pedestrian facility and common open space, clarify standards for common open space and pedestrian facilities when orienting primary pedestrian entrance upon them, and make housekeeping changes.

- b. Modify SCC 30.23A.070(3) to clarify the term “primary entrance(s)” inserting “pedestrian” between “primary” and “entrance,” grant the Director authority in determining applicability of subsection (b) when a road network element is only providing rear vehicular access to dwelling units, and make housekeeping changes.
  - c. Modify SCC 30.23A.070(4) to expand applicability of the provision to mixed townhouse development and make housekeeping changes.
12. This ordinance will amend SCC 30.24.055 to add the phrase “unit lot short subdivisions” to SCC 30.24.055(1)(a) in order to expand applicability of the provision and delete the reference to SCC 30.41A.205(8), which is not applicable to the subject provision.
13. This ordinance will amend SCC 30.25.020 to:
- a. Modify SCC Table 30.25.020(1) to move the term “proposed use” from one cell to another within the table, separate requirements for “multifamily/townhouse” into individual rows as “townhouse” and “multifamily” with recalibrated standards for townhouse development, consolidate footnotes into the table, renumber footnotes, add footnotes specific to townhouse and mixed townhouse development, add the UC zone to the table which is inadvertently omitted, and make non-substantive housekeeping changes.
  - b. Delete Footnotes 1 through 5 and consolidate them into the table, except Footnote 3 which is deleted in its entirety because the use will be clarified in the table making the footnote obsolete.
  - c. Make non-substantive housekeeping changes to SCC 30.25.020(2).
14. This ordinance will amend SCC 30.26.025 to add mixed townhouse development to the tandem parking exception contained in SCC 30.26.025(2).
15. This ordinance will amend SCC 30.41A.205 to:
- a. Modify SCC 30.41A.205(1) to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments and make non-substantive housekeeping changes.
  - b. Modify SCC 30.41A.205(2) to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments.
  - c. Modify SCC 30.41A.205(5) to clarify restrictive covenant language, clarify easement requirements, and separate the provision into two subsections.
  - d. Renumber SCC 30.41A.205(6) to SCC 30.41A.205(7).
  - e. Renumber SCC 30.41A.205(7) to SCC 30.41A.205(8).
16. This ordinance will amend SCC 30.41A.235 to move an exemption from SCC 30.23A.050(5)(d) related to suitable area for townhouse construction in unit lot

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subdivisions to this section, expand the applicability of the exemption to all construction in unit lot subdivisions, and make non-substantive housekeeping changes.

17. This ordinance will amend SCC 30.41B.205 to:

- a. Modify SCC 30.41B.205(1) in order to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments and make non-substantive housekeeping changes to the subsection.
- b. Modify SCC 30.41B.205(2) in order to expand the applicability of the unit lot subdivision provisions to include mixed townhouse developments.
- c. Modify SCC 30.41B.205(5) to clarify restrictive covenant language, clarify easement requirements, and separate the provision into two subsections.
- d. Renumber SCC 30.41B.205(6) to SCC 30.41B.205(7).
- e. Renumber SCC 30.41B.205(7) to SCC 30.41B.205(8).

18. This ordinance will amend SCC 30.70.210 to modify SCC 30.70.210(3)(b) to expand the applicability of the minor revision provisions to mixed townhouse development and make non-substantive housekeeping changes.

19. This ordinance will amend SCC 30.70.220 to:

- a. Modify the introductory provision of SCC 30.70.220 to expand the applicability of the major revision provisions to mixed townhouse development and make non-substantive housekeeping changes.
- b. Modify SCC 30.70.220(2)(a) in order to expand the applicability of the major revision provisions to mixed townhouse development.

20. This ordinance will amend SCC 30.91C.335, “covered parking structure,” to clarify the scope of the definition.

21. This ordinance will amend SCC 30.91D.525 to revise the definition of “townhouse dwelling” to include “townhouse” as a standalone term and remove unnecessary language.

22. This ordinance will add a new section SCC 30.91M.137 to define “mixed townhouse development” and “mixed townhouse,” a new development type. The definition defines the housing typologies that form the development type and general minimum share of townhouse dwellings required.

23. This ordinance will add a new section SCC 30.91S.455 to define “Snohomish County Residential Design Manual,” a term used throughout title 30 SCC. The definition defines the process for manual adoption and applicability of the manual.

J. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated May 10, 2017, and PDS Supplemental Staff Report dated June 6, 2017.

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**Section 2.** The Snohomish County Planning Commission makes the following conclusions:

- A. The proposal is consistent with Washington State law and Snohomish County Code.
- B. The proposal is consistent with the MPP.
- C. The proposal is consistent with the CPP.
- D. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the GPP.
- E. The County has complied with all SEPA requirements with respect to this non-project action.
- F. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- G. The County complied with the state and local public participation requirements under the GMA and Chapter 30.73 SCC.

**Section 3.** The Snohomish County Planning Commission bases its findings and conclusions on the entire record of the Snohomish County Planning Commission, 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, including all testimony and exhibits.