WHEREAS, counties and cities that are required to plan under the Growth Management Act (GMA), chapter 36.70A RCW, must ensure that their comprehensive plans and development regulations encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; and

WHEREAS, the GMA established planning goals to guide development and adoption of comprehensive plans and development regulations for those counties and cities planning under the GMA, including a goal to encourage the availability of affordable housing and promote a variety of residential densities and housing types; and

WHEREAS, the central Puget Sound region’s Multicounty Planning Policies (MPPs), adopted by the Puget Sound Regional Council, encourage the provision of a range of housing types and choices to meet the needs of all income levels and demographic groups within the region; and

WHEREAS, the Countywide Planning Policies (CPPs) for Snohomish County encourage the County and cities to adopt comprehensive plan policies and implementing development regulations to provide incentives to achieve higher residential densities within urban growth areas; and

WHEREAS, Snohomish County (“County”) is required to plan for growth under the GMA; and

WHEREAS, as part of this planning requirement, the County has adopted a comprehensive plan containing all elements required by the GMA; and

WHEREAS, a component of the County’s comprehensive plan is the General Policy Plan (GPP) which, among other goals, encourages increasing residential densities within urban growth areas by concentrating residential densities in appropriate locations to support public transit; and

WHEREAS, the Land Use Chapter of the GPP calls for the County to “encourage mixed-use and/or higher density residential development in appropriate locations along transit emphasis corridors” (GPP LU Policy 3.H.1); and

WHEREAS, several designated transit emphasis corridors traverse the area addressed by this ordinance; and

WHEREAS, the Housing Chapter of the GPP calls for the County to “encourage expeditious and efficient infill development in urban growth areas” (HO Policy 1.D.3); and
WHEREAS, the proposed amendments to the County’s development regulations are intended to implement GPP LU Policy 3.H.1 and HO Policy 1.D.3, consistent with other goals, objectives, and policies as described in Section 1 of this ordinance; and

WHEREAS, the GPP encourages increasing residential densities within urban growth areas by concentrating residential densities in appropriate locations to support public transit; and

WHEREAS, the Snohomish County Council (“County Council”) adopted Amended Ordinance No. 13-064 on September 4, 2013, that established development regulations to implement a countywide and regional Transfer of Development Rights (TDR) program, including the designation of TDR receiving areas where legislative code and policy changes increase the maximum allowable number of residential dwelling units; and

WHEREAS, to realize increases in the maximum allowable number of residential dwelling units in TDR receiving areas a developer is required to use TDR credits; and

WHEREAS, adopting amendments to the multifamily residential development regulations that would increase the maximum allowable number of dwelling units is a legislative code change which establishes TDR receiving areas and implements the countywide TDR program; and

WHEREAS, the County Council recognizes the importance of providing lower-cost housing for the aging, disabled, homeless, and very low-income households, and intends to facilitate construction of housing for those populations through a TDR exemption; and

WHEREAS, the County Council recognizes the need to stimulate a healthy TDR program, and accordingly will defer the TDR exemption for two years after the effective date of this ordinance allowing time for the market for TDR credits to become better established; and

WHEREAS, the area addressed by the code amendments in this ordinance are located within the Municipal Urban Growth Areas, also known as future annexation areas, of the cities of Everett and Mukilteo, as well as a gap area that is not currently affiliated with any city; and

WHEREAS, the cities of Everett and Mukilteo were notified and consulted in the development of this ordinance; and

WHEREAS, the Snohomish County Planning Commission (“Planning Commission”) held a briefing on October 28, 2014, and a public hearing on November 18, 2014, on code amendments similar to those proposed in this ordinance, and voted to recommend approval of the code amendments that were subsequently submitted to the County Council as Ordinance No. 15-016; and

WHEREAS, on April 15, July 15, August 12, September 30, October 21, and December 16, 2015, the County Council held public hearings, deliberated, and considered public comment and the record to the code amendments recommended by the Planning Commission via proposed Ordinance No. 15-016; and

WHEREAS, on December 16, 2015, following the public hearing, the County Council deliberated on and declined to adopt Ordinance No. 15-016, and requested further study of aspects of the Planning Commission recommendation as well as amendments proposed during County Council deliberations; and
WHEREAS, in 2016, a subset of the code amendments that had been recommended by the Planning Commission and addressed by Ordinance No. 15-016 was introduced for the County Council’s consideration via Ordinance No. 16-014, and

WHEREAS, proposed Ordinance No. 16-014 affected a more limited geographic area and incorporated certain amendments that had been proposed during the County Council’s deliberation of Ordinance No. 15-016; and

WHEREAS, having not been passed, defeated, or reintroduced by the County Council during the calendar year of 2016, proposed Ordinance No. 16-014 lapsed in February 2017; and

WHEREAS, the Planning Commission was provided a briefing on November 28, 2017, on the code amendments proposed in this ordinance; and

WHEREAS, the Planning Commission held a public hearing on December 19, 2017, and received public testimony on the proposed code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission deliberated and voted to recommend approval, as set forth in its recommendation letter dated January 19, 2018; and

WHEREAS, on May 9, 2018, and continued to May 23, 2018, the County Council held a public hearing, after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings:

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

B. The proposed amendments to Title 30 SCC include:

1. Increasing the minimum net density for new residential development in the MR, NB, PCB, CB, and GC zones from four housing units per acre to fifteen housing units per acre located in the SWUGA and within 2,000 feet of the SR 99 right-of-way, east of SR-525, and within 2,000 feet west of the SR 99 right-of-way and within 800 feet east of the SR 99 right-of-way, with exceptions for certain sites.

2. Increasing the maximum multi-family residential development density to one dwelling unit per 750 square feet of land for properties zoned Multiple Residential (MR), Neighborhood Business (NB), Planned Community Business (PCB), Community Business (CB), or General Commercial (GC) zones located in the Southwest Urban Growth Area (SWUGA), east of SR-525, and within 2,000 feet west of the SR 99 right-of-way and within 800 feet east of the SR 99 right-of-way.

3. Removing the minimum lot area, minimum lot width and maximum lot coverage requirements and modifying the setback requirements for new development in the MR, NB, PCB, CB, and GC zones located in the SWUGA and within 2,000 feet of the SR 99 right-of-way, east of SR-525, and within 2,000 feet west of the SR 99 right-of-way and within 800 feet east of the SR 99 right-of-way.
4. Increasing the maximum building height for multi-family structures to 75 feet on properties zoned MR, NB, PCB, CB, or GC located in the SWUGA and within 2,000 feet of the SR 99 right-of-way, east of SR-525, and within 2,000 feet west of the SR 99 right-of-way and within 800 feet east of the SR 99 right-of-way.

5. Encouraging mixed-use development by allowing non-residential uses on the first floor of multi-family structures on properties zoned MR, NB, PCB, CB, or GC located in the SWUGA and within 2,000 feet of the SR 99 right-of-way, east of SR-525, and within 2,000 feet west of the SR 99 right-of-way and within 800 feet east of the SR 99 right-of-way.

6. The affected area is reduced on the east side of SR 99 compared to the west side of SR 99 to address concerns about impacts of increased development on water quality in Lake Stickney and associated wetlands.

7. Requiring a stepback for those portions of a multi-family building that are above 45 feet in height and are adjacent to a minimum side or rear yard setback from single-family zoned property.

8. Reducing the required setback from the PCB zone to residential, multi-family, and rural zones from 25 feet to 10 feet.

9. Reducing the required setbacks from structures to road network elements in the MR zone throughout the County and making setback requirements in the MR zone consistent for buildings both more and less than 20 feet tall.

10. Requiring one or more TDR credits to achieve a density of residential development that is greater than one dwelling unit per 2,000 square feet of land.

11. Beginning two years after the effective date of this ordinance, exempting from the requirement to purchase TDR credits for the development of nonprofit housing for the aging, disabled, homeless, or very low-income households that qualify for certain state tax exemptions.

C. The code amendments are consistent with the requirements of the GMA and are guided by and supportive of the GMA planning goals found in RCW 36.70A.020 including:

1. The code amendments are supportive of goals of encouraging development in urban areas with adequate public facilities and services and reducing sprawl (RCW 36.70A.020(1) and (2)) - the areas addressed by these code amendments are located within the region’s urban core and are already serviced by the full suite of urban facilities and services with sufficient existing and planned capacity to accommodate additional growth at adopted level of service standards.

2. The code amendments are supportive of the goal of encouraging efficient multimodal transportation systems (RCW 36.70A.020(3)) - the areas addressed by these code amendments connect directly into the region’s highway and high occupancy vehicle networks via SR 99 and SR 525 are served by existing local and regional transit service including the region’s first bus rapid transit line, are located at the intersection of two core transit emphasis corridors and adjacent to a planned and funded extension of the region’s light rail spine, and are located in mixed-use areas with many destinations accessible by foot and bicycle.
3. The code amendments are supportive of the goal of encouraging the availability of affordable housing to all economic segments of the population and promoting a variety of residential densities and housing types (RCW 36.70A.020(4))—the code amendments will facilitate the addition of housing supply for multiple economic segments, including apartments and condominiums that can be built and maintained at a lower cost through economies of scale and more efficient use of land, utilities, maintenance, and transportation. The code amendments may encourage redevelopment that replaces existing housing stock with new buildings, but the overall effect on housing availability and affordability is expected to be positive.

4. The code amendments are supportive of the goal of encouraging economic development and promoting economic opportunity for all citizens (RCW 36.70A.020(5))—the code amendments will encourage land development, redevelopment, and housing construction, which are drivers of employment and economic activity, and will facilitate the addition of affordable housing supply in areas with broad access to employment opportunities, including jobs at the nearby Paine Field Manufacturing/Industrial Center, the Lynnwood Regional Growth Center, several other nearby urban centers, and along the SR 99 commercial corridor.

5. The code amendments are supportive of the goals of protecting the environment, retaining open space, and conserving fish and wildlife habitat (RCW 36.70A.020(9) and (10))—the code amendments facilitate the efficient use of land and reduce the need to convert open space, rural areas, and fish and wildlife habitat to housing and related infrastructure, will encourage the construction of housing types that use less energy for heating and cooling, and will provide transportation-efficient housing opportunities that reduce air and water pollution including greenhouse gas emissions.

D. The code amendments are consistent with and supportive of the region’s MPPs. Specific goals and policies relevant to and supported by this ordinance include the following:

1. “The region will promote the efficient use of land, prevent urbanization of rural and resource lands, and provide for the efficient delivery of services within the designated urban growth area.” (Development Patterns goal-Urban Lands)

2. “Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.” (MPP-DP-2)

3. “Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.” (MPP-H-1)

4. “Reduce the rate of energy use per capita, both in building use and in transportation activities.” (MPP-En-21)

5. “Support joint planning between cities and counties to work cooperatively in planning for urban unincorporated areas to ensure an orderly transition to city governance, including efforts such as: (a) establishing urban development standards, (b) addressing service and infrastructure financing, and (c) transferring permitting authority.” (MPP-DP-19)

6. “Provide a wide range of building and community types to serve the needs of a diverse population.” (MPP-DP-36)
7. “Streamline development standards and regulations for residential and commercial development, especially in centers, to provide flexibility and to accommodate a broader range of project types consistent with the regional vision.” (MPP-DP-50)

8. “Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.” (MPP-H-2)

9. “Develop and provide a range of housing choices for workers at all income levels throughout the region in a manner that promotes accessibility to jobs and provides opportunities to live in proximity to work.” (MPP-H-4)

10. “Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing.” (MPP-H-7)

11. “Provide an adequate supply of housing with good access to employment centers to support job creation and economic growth.” (MPP-Ec-20)

E. The code amendments are consistent with and supportive of the CPPs. Specific goals and policies relevant to and supported by this ordinance include the following:

1. “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.” (DP-11)

2. “Urban Growth Areas should provide for sufficient levels of development and developable or redevelopable land so that adequate sources of public revenue and public facilities are available to support the projected population and employment growth in Snohomish County consistent with GF-5 and the growth targets in Appendix B. In addition, the allowed density should support transit services and the efficient utilization of infrastructure.” (DP-12)

3. “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.” (DP-15)

F. The code amendments are consistent with, supportive of, and implement the GPP. Specific GPP goals and policies relevant to and supported by this ordinance include the following:

1. “Establish development patterns that use urban land more efficiently.” (Goal LU 2)

2. “Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations, particularly within designated centers and along identified transit emphasis corridors.” (Objective LU 2.A)

3. “The county shall encourage, and may require, higher minimum densities within designated urban centers, urban villages, and along connecting transit emphasis corridors to support planned transit service.” (LU Policy 2.B.2)
4. “Encourage transit-supportive land uses that are compatible with adjacent
neighborhoods to locate and intensify within designated centers and along transit
emphasis corridors.” (Objective LU 3.H)

5. “The county shall encourage mixed-use and/or higher density residential development in
appropriate locations along transit emphasis corridors. Corridor planning can help
identify those locations where higher densities and mixed uses can best support transit
and non-motorized access.” (LU Policy 3.H.1)

6. “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 power-lines, 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.” (LU Policy 4.A.2)

7. “Ensure that all county residents have the opportunity to obtain safe, sanitary, and
affordable housing.” (Goal HO 1)

8. “Ensure that a broad range of housing types and affordability levels is available in urban
and rural areas.” (Objective HO 1.B)

9. “Make adequate provisions for the existing and projected housing needs of all economic
segments of the population.” (Objective HO 1.C)

10. “The county shall encourage for-profit and non-profit sector production of new housing
units that are affordable to and occupied by low income households.
   a. Explore and evaluate various fiscal and regulatory tools and funding resources and
   strategies to encourage housing providers to increase the supply of affordable
   housing units generally, and particularly within mixed-income developments and
   communities.
   b. Provide incentives that encourage for-profit and non-profit residential developers to
   address low- and moderate-income housing needs, such as priority permit
   processing and exemptions or reductions in impact fee mitigation payments for
   low-income projects with long-term affordability commitments.
   c. Evaluate the feasibility of reducing minimum permitted lot sizes in non-PRD
   developments.
d. Encourage through incentives and other techniques a balance of affordable and market-rate housing within urban centers and along transit emphasis corridors.” (HO Policy 1.C.3)

11. “The county shall investigate methods of ensuring that redevelopment will not result in a net loss of affordable housing; i.e. every unit of affordable housing lost to redevelopment is replaced with like, affordable housing, suitable for and in a location beneficial to the same demographics as those displaced by redevelopment. To this end, the county shall consider requirements for the inclusion of low-income housing or fees in lieu of providing low-income housing.” (HO Policy 1.C.9)


13. “Transit-compatible and transit-oriented land uses and densities within transit emphasis corridors shall be implemented that recognize and reflect appropriate zones and walking distances, generally within ¼ to ½ mile of the transit emphasis corridor.” (TR Policy 2.C.1)

G. Pursuant to GPP HO Policy 3.B.2, the County Council considered reducing minimum off-street parking requirements but found that at this time the benefits did not outweigh concerns about spillover effects during peak periods of parking occupancy, competition for on-street parking, inconvenience to drivers, and difficulty enforcing parking regulations.

H. State law provides property tax exemptions as incentives for qualifying nonprofit housing projects for the aging (RCW 84.36.041), housing for persons with developmental disabilities (RCW 84.36.042), housing for low-income homeless persons or victims of domestic violence (RCW 84.36.043), and housing for very low-income households (RCW 84.36.560). Allowing, beginning two years after the effective date of this ordinance, projects that qualify for these tax-exemptions to build at a higher density than previously allowed without using TDR credits provides a further incentive to support state and county policies for housing low-income and special needs populations.

I. Procedural requirements.

1. 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 February 15, 2018.

2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010(3).

3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on December 20, 2017.

4. The public participation process used in the adoption of this ordinance has complied with all applicable requirements, including but not limited to, RCW 36.70A.035 and .140, chapter 30.73 SCC, and the Snohomish County Charter. This process provided for early and continuous public participation in the development of the code amendments proposed by this ordinance.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December 2015, entitled “Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by Snohomish County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

A. The proposal complies with all requirements of Washington State law and the County Code.

B. The proposal is consistent with the MPPs.

C. The proposal is consistent with the CPPs.

D. The proposal is consistent with the goals, objectives, and policies of the GPP.

E. The County complied with all SEPA requirements in respect to this non-project action.

F. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for public purposes.

G. The County complied with state and local public participation requirements under the GMA and chapter 30.73 SCC.

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

Section 4. Snohomish County Code Section 30.23.020, last amended by Ordinance No. 17-062 on October 18, 2017, is amended to read:

30.23.020 Minimum net density for residential development in UGAs.

(1) Except as provided in (2) below, (A) 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) A minimum net density of fifteen dwelling units per acre shall be required for new residential development in the MR, NB, PCB, CB and GC zones in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route 525. For sites that are one acre or less in size, the director may administratively approve a reduction in the minimum net density, provided that the applicant demonstrates one or more of the following:
(a) The site is constrained due to its unusual shape, topography, easements, or critical areas and the minimum net density cannot be achieved;

(b) The required setbacks do not allow the minimum net density to be achieved; or

(c) The project contains both residential and non-residential uses.

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.

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.

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.

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.

Section 5. Snohomish County Code Section 30.23.030, last amended by Amended Ordinance No. 15-025 on May 6, 2015, is amended to read:

30.23.030 Rural, Resource, Urban (Non-Residential) and other zone categories – Bulk Matrix
Table 30.23.030
RURAL, RESOURCE, URBAN (NON-RESIDENTIAL) AND OTHER ZONE CATEGORIES BULK MATRIX

<table>
<thead>
<tr>
<th>Category</th>
<th>Zone</th>
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AMENDED ORDINANCE NO. 18-026
RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.23 OF THE SNOHOMISH COUNTY CODE TO REVISE URBAN RESIDENTIAL DEVELOPMENT REGULATIONS
# Table 30.23.030
RURAL, RESOURCE, URBAN (NON-RESIDENTIAL) AND OTHER ZONE CATEGORIES BULK MATRIX

<table>
<thead>
<tr>
<th>Category</th>
<th>Zone</th>
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<th>Min. Lot Area(^{22})</th>
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<th>Residential, Multifamily, and Rural Zones(^{33})</th>
<th>Resource Lands(^{23})</th>
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<tbody>
<tr>
<td>Urban (Non-Residential)</td>
<td>NB(^1)</td>
<td>40(^{14})</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>10</td>
<td>none</td>
<td>100</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>PCB(^1)</td>
<td>40(^{14})</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>((26)) 10</td>
<td>none</td>
<td>100</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>CB(^1)</td>
<td>35(^{14})</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>10</td>
<td>none</td>
<td>100</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>GC(^1)</td>
<td>45(^{14})</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>10</td>
<td>none</td>
<td>100</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>IP(^1)</td>
<td>65</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none(^17)</td>
<td>25(^{17})</td>
<td>none</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>BP(^1)</td>
<td>50</td>
<td>none(^19)</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>25</td>
<td>none</td>
<td>100</td>
<td>none</td>
</tr>
<tr>
<td></td>
<td>LI(^1)</td>
<td>50</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>50</td>
<td>none</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>HI(^1)</td>
<td>65</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>50</td>
<td>none</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>UC(^{35})</td>
<td>90</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>See SCC 30.34A.040(2)</td>
<td>none</td>
<td>100</td>
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</tr>
</tbody>
</table>

Notes:

1. See SCC 30.23.040 for reference notes listed in Table 30.23.030
Section 6. Snohomish County Code Section 30.23.032, last amended by Ordinance No. 17-062 on October 18, 2017, is amended to read:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Lot Dimension (feet)</th>
<th>Minimum Setback Requirements From (feet)</th>
<th>Resource Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Lot Area (square feet)</td>
<td>Minimum Lot Width</td>
<td>Maximum Building Height feet</td>
</tr>
<tr>
<td>R-9,600</td>
<td>9,600&lt;sup&gt;23&lt;/sup&gt;</td>
<td>70</td>
<td>30</td>
</tr>
<tr>
<td>R-8,400</td>
<td>8,400&lt;sup&gt;23&lt;/sup&gt;</td>
<td>85</td>
<td>30</td>
</tr>
<tr>
<td>R-7,200</td>
<td>7,200&lt;sup&gt;23, 65&lt;/sup&gt;</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>T (buildings ≤ 20 feet high)&lt;sup&gt;25&lt;/sup&gt;</td>
<td>See SCC 30.31E.050</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>T (buildings &gt; 20 feet high)&lt;sup&gt;25&lt;/sup&gt;</td>
<td>See SCC 30.31E.050</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>LDMR (buildings ≤ 20 feet high)&lt;sup&gt;25, 59, 61, 62&lt;/sup&gt;</td>
<td>7,200&lt;sup&gt;23, 65&lt;/sup&gt;</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>LDMR (buildings 20 - 30 feet high)&lt;sup&gt;25, 59, 61, 62&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LDMR (buildings &gt; 30 feet high)&lt;sup&gt;25, 59, 61, 62&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR (buildings ≤ 20 feet high)&lt;sup&gt;23, 15, 59, 61, 62&lt;/sup&gt;</td>
<td>7,200&lt;sup&gt;23, 9, 65&lt;/sup&gt;</td>
<td>60&lt;sup&gt;2&lt;/sup&gt;</td>
<td>45&lt;sup&gt;68&lt;/sup&gt;</td>
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<tr>
<td>MR (buildings 20 - 30 feet high)&lt;sup&gt;23, 15, 59, 61, 62&lt;/sup&gt;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>MR (buildings &gt; 30 feet high)&lt;sup&gt;23, 15, 59, 61, 62&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MHP</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 7. Snohomish County Code Section 30.23.040, last amended by Ordinance No. 17-062 on Oct. 18, 2017, is amended to read:

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in the NB, PCB, CB, GC and BP zones.
(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.
(5) Except as provided below, in the MR zone, except as provided below, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit. For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, the maximum density shall be calculated based on 750 square feet of land per dwelling unit. One or more transfer of development rights (TDR) credits must be used to realize the additional density according to the requirements of chapter 30.35A SCC. After two years after the effective date of this Ordinance, developments for which the applicant provides documentation to the director showing that the entire project has been granted a property tax exemption by the Washington State Department of Revenue under RCW 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC and development may be permitted up to a maximum density of 750 square feet of land per dwelling unit without using TDR credits.
(6) Commercial forestry structures shall not exceed 65 feet in height.
(7) Non-residential structures shall not exceed 45 feet in height.
(8) Lot coverage includes all buildings on the given lot.
(9) (RESERVED for future use) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, are exempt from minimum lot area, minimum lot width, and maximum lot coverage requirements.
(10) RESERVED for future use.
(11) These setbacks shall be measured from the property line.
(12) Greater setbacks than those listed may apply to areas subject to Shoreline Management Master 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.) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525. Subject to the requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99 and the site is east of State Route 525.
(15) See SCC 30.32.300.
(16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.
In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

RESERVED for future use.

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

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

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.

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

Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.32.020.

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.

RESERVED for future use.

RESERVED for future use.

See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit requirements within shoreline jurisdiction.

RESERVED for future use.

See SCC 30.32.200 et seq. for additional lot area requirements and exceptions.

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.

Setback requirements for mineral excavation and processing are in SCC 30.32.110(27). Performance standards and permit requirements are in chapter 30.31D SCC.

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).

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

RESERVED for future use.

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

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

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

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.

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 cannot be met.

RESERVED for future use.
lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.
(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.
(41) Minimum lot area in the Rural Use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.
(42) RESERVED for future use.
(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.
(44) The 50 percent maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County’s FLUM and zoning map.
(45) The 30 percent maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County’s Future Land Use Map (FLUM) and zoning map.
(46) Additional setbacks may apply to development within a rural cluster subdivision.
Refer to chapter SCC 30.41C. Residential subdivision is restricted pursuant to 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.
(47) RESERVED for future use.
(48) RESERVED for future use.
(49) RESERVED for future use.
(50) RESERVED for future use.
(51) RESERVED for future use.
(52) 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(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).
(55) See SCC 30.42E.100(9)(c).
(56) RESERVED for future use.
(57) RESERVED for future use.
(58) RESERVED for future use.
(59) Relationship of setback to building height:
The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:
(a) Set the entire building back the minimum setback distance; or
(b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).
(60) **(RESERVED for future use.)** Step back those portions of the building exceeding 45 feet in height from the minimum side and rear yard setbacks by one additional foot for each additional two feet of building height.

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

(62) Fencing between single-family detached, single-family attached and duplex structures shall be:
   (a) Prohibited in the area that is within five feet of a third story ingress/egress window so ladder access to the third floor window is not impeded; or (b) Limited to either vegetative, wood, block, concrete or metal that does not exceed 42 inches in height.

(63) Additional building height up to a maximum of 125 feet may be allowed under certain circumstances as provided for in SCC30.34A.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 use townhouse development may achieve the following density:
   (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200 square feet of land per dwelling unit, but the maximum density may be increased up to 20 percent.
   (b) For the LDMR and MR zones, the maximum density established under SCC 30.23.040(4) and 30.23.050(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 is 40 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525 are exempt from maximum lot coverage requirements consistent with SCC 30.23.040(9).

Section 8. Snohomish County Code Section 30.23.041, added by Ordinance No. 17-062 on Oct. 18, 2017, is amended to read:
Table 30.23.041
Setbacks from Road Network Elements in Urban Zones

<table>
<thead>
<tr>
<th>Category</th>
<th>Zone</th>
<th>Minimum Setback For Structure</th>
<th>Minimum Setback to the Entrance of a Covered Parking Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Public Road</td>
<td>Private\textsuperscript{1, 2}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Under 60 Feet\textsuperscript{5}</td>
<td>Driveway, Asile, Shared Court and Shared Driveway</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private Road</td>
<td>Alley</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Under 60 Feet\textsuperscript{5}</td>
<td>Alley</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Road</td>
<td>Private\textsuperscript{1, 2}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Drive Asile, Shared Court and Shared Driveway</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alley</td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>R-9.600</td>
<td>15</td>
<td>45</td>
</tr>
<tr>
<td>Urban</td>
<td>R-8.400</td>
<td>15</td>
<td>45</td>
</tr>
<tr>
<td>Urban</td>
<td>R-7.200</td>
<td>15\textsuperscript{12}</td>
<td>45\textsuperscript{13}</td>
</tr>
<tr>
<td></td>
<td>T (buildings ≤ 20 feet high)\textsuperscript{12}</td>
<td>15\textsuperscript{13}</td>
<td>45\textsuperscript{13}</td>
</tr>
<tr>
<td></td>
<td>T (buildings &gt; 20 feet high)\textsuperscript{12}</td>
<td>20\textsuperscript{13}</td>
<td>50\textsuperscript{17}</td>
</tr>
<tr>
<td></td>
<td>LDMR (buildings ≤ 20 feet high)\textsuperscript{6, 7, 12}</td>
<td>15\textsuperscript{10}</td>
<td>45\textsuperscript{13}</td>
</tr>
<tr>
<td></td>
<td>LDMR (buildings &gt; 20 feet high)\textsuperscript{6, 7, 12}</td>
<td>20\textsuperscript{12}</td>
<td>50\textsuperscript{13}</td>
</tr>
<tr>
<td></td>
<td>MR (buildings ≤ 20 feet high)\textsuperscript{6, 7, 12}</td>
<td>((45))</td>
<td>10\textsuperscript{13}</td>
</tr>
<tr>
<td></td>
<td>MR (buildings &gt; 20 feet high)\textsuperscript{6, 7, 12}</td>
<td>((20\textsuperscript{13}))</td>
<td>((60\textsuperscript{14}))</td>
</tr>
<tr>
<td>Urban</td>
<td>MHP</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>Urban</td>
<td>FS</td>
<td>25</td>
<td>55</td>
</tr>
<tr>
<td>Urban</td>
<td>NB</td>
<td>10\textsuperscript{13}</td>
<td>40\textsuperscript{13}</td>
</tr>
<tr>
<td>Urban</td>
<td>PCB</td>
<td>25\textsuperscript{12}</td>
<td>85\textsuperscript{13}</td>
</tr>
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<tr>
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<td>UC</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: All minimum setbacks are measured in feet.
Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid by the Growth Management Hearings Board ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 23rd day of May, 2018

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Vice-Chair

APPROVED

EMERGENCY

VETOED

DATE: 6/1/18

County Executive

ATTEST:

Clerk of the Council

Approved as to form only:

Deputy Prosecuting Attorney

D-6