



CO00001861

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 00-004

ADDING A NEW CHAPTER TO TITLE 18 SNOHOMISH COUNTY CODE
ESTABLISHING A REDUCED DRAINAGE DISCHARGE
HOUSING DEMONSTRATION PROGRAM

WHEREAS, an increasing number of federal, state and local governmental actions are aimed at improving watershed conditions in order to increase water quality, improve hydrologic flows to reduce flooding and erosion and maintain streamflows to support healthy living conditions for human and animal life; and

WHEREAS, scientific research shows that the amount of impervious land cover in a watershed is related to stream and watershed health, and that the cumulative effects of traditional site, building and road design, which result in a high percentage of impervious surface covering a building site, result in degradation of the watershed over the long term; and

WHEREAS, site design is one aspect of the development cycle in which it is appropriate to examine opportunities to increase stream protection through development practices which result in narrower and shorter streets with more pervious surface, reduced impervious cover from less site clearing, clustered structures and "green" parking areas; and

WHEREAS numerous innovative site design and construction practices are currently available to significantly reduce impervious cover and to achieve zero drainage discharge from development, but these may not be permitted or are difficult to achieve under existing road, stormwater and development regulations; and

WHEREAS, existing reference texts such as "Site Planning for Urban Stream Protection" (Schueler, Metropolitan Washington Council of Governments, December 1995) discuss strategies for site design which reduce impervious cover and can guide the local amendment of development regulations to improve site design with the goal of improved watershed conditions; and

WHEREAS, the county wishes to foster innovative design and development techniques which will demonstrate that development that has an immeasurably small impact on stream habitat and aquatic life is possible, and to develop reasonable changes to existing development regulations and building practices that will produce greater benefits to our water resources;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The following chapter is added to Title 18 of the Snohomish County Code:

Chapter 18.50

Reduced Drainage Discharge Housing Demonstration Program

Sections:

- 18.50.010 Establishment and Applicability.
- 18.50.020 Definitions.
- 18.50.030 Purpose.
- 18.50.040 Project Selection Committee-Creation and Membership.
- 18.50.050 Project Selection Committee- Duties.
- 18.50.060 Accepted projects - compliance with applicable regulations.
- 18.50.070 Minimum performance standards applicable to accepted projects.
- 18.50.080 Development Review Process.
- 18.50.090 Deviations from Snohomish County Code.
- 18.50.100 Deviation from Engineering Design and Development Standards (EDDS)
- 18.50.110 Program Evaluation.
- 18.50.120 Rulemaking authority.
- 18.50.130 Sunset.
- 18.50.140 Severability.

18.50.010 Establishment and Applicability. A temporary housing demonstration program is hereby established, with a goal of encouraging innovative design and development techniques which will significantly reduce drainage discharge from a site after development. Projects will be selected in conformance with the program purpose, procedures and requirements established by this chapter. Land use applications on sites in urban or rural areas for residential subdivisions, short subdivisions, multi-family development, and Planned Residential Developments may apply to the county for selection to this program pursuant to this chapter and other applicable regulations.

18.50.020 Definitions. As used in this chapter, the words hereinafter defined will have the meaning set forth in this section, unless the context clearly requires otherwise.

(1) "EDDS" means the latest edition of the Engineering Design and Development Standards adopted by the Department of Public Works pursuant to chapter 13.05 SCC.

(2) "Effective impervious surface" means that fraction of impervious surface producing stormwater runoff that cannot be infiltrated.

(3) "Forested area" means a treed area which functions for natural stormwater infiltration purposes or which over a specified time will be restored to function for natural stormwater infiltration purposes, as a mature forest characterized by an undisturbed understory, as evaluated by the project selection committee for individual projects selected for this program.

(4) "Innovative site design" means development techniques for residential housing using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, changes in traditional site features such as roads and drainage structures in favor of natural habitat features which result in zero or near-zero drainage discharge from the site after development.

(5) "PDS" means the Department of Planning and Development Services.

(6) "DPW" means the Department of Public Works.

(7) "Reduced discharge development" means a development which naturally infiltrates more than 70% stormwater runoff rather than employing a traditional artificial drainage facility, and which results in a significant reduction in the amount of total impervious surface compared to that resulting from traditional development.

18.50.030 Purpose. The housing demonstration program is created:

(1) to provide housing developers the opportunity to demonstrate the environmental benefits of alternative forms of site development which significantly reduce offsite drainage discharge;

(2) to improve the conditions of habitat and ground and surface waters within a watershed with innovative urban residential design and development techniques;

(3) to foster broad community acceptance of the use of significantly less impervious surface and greater natural habitat conservation on housing sites;

(4) to allow some flexibility within the development standards in county code through a demonstration program to allow development which reduces drainage discharge while maintaining necessary safety features; and

(5) to provide the opportunity to identify and evaluate potential substantive changes to land use development regulations which support and improve natural functions of watersheds.

18.50.040 Project selection committee- creation and membership. The project selection committee is hereby created for the purpose of overseeing the reduced drainage discharge housing demonstration program, to select projects for the program and to make recommendations regarding deviations from county code and the county EDDS. The committee will be comprised of a group of no more than 10 persons appointed by the county executive including, but not limited to, representatives from:

(1) PDS;

(2) DPW roads and surface water management divisions;

(3) the county planning commission;

(4) an environmental organization; and a university or college; and

(5) the construction or development-related profession.

18.50.050 Project selection committee-duties and authority. (1)The project selection committee will meet as necessary to review and select applications for participation in the reduced drainage discharge housing demonstration program. The program will accept no more than five project applications. The committee will employ a project evaluation and scoring methodology to assess the merits of project applications relative to the purposes of this chapter. The director of PDS, after soliciting input from the committee, will adopt a project evaluation and scoring methodology by administrative rule designed to evaluate at least the following:

- (a) ability to perform proposed technical innovations;
- (b) project readiness to proceed, including access to financing, feasibility, and transferability of design techniques to other projects;
- (c) potential environmental benefits of innovative techniques proposed;
- (d) development experience of the proponent;
- (e) ability to meet the requirements and purposes of this chapter;
- (f) location of the project within a particular watershed; and
- (g) ability to demonstrate that basic public health and safety requirements will be met.

(2) The committee is authorized to make administrative determinations in the administration of this chapter, as authorized by and in accordance with the rules promulgated by the Director pursuant to SCC 18.50.120.

(3) Upon request by an applicant, the committee shall evaluate and make recommendations to the directors of PDS and DPW regarding deviations from the county code and the EDDS, respectively, on a particular project or revision to an official site plan in accordance with 18.50.080, .090 and .100.

(4) The project selection committee will conduct a program evaluation and make annual reports to the County Council in accordance with SCC 18.50.110.

18.50.060 Accepted projects - compliance with applicable requirements. Acceptance of a project into the reduced drainage discharge housing demonstration program in no way guarantees or implies approval of any development permit. An application for a project accepted in the reduced development discharge housing demonstration program will be required to meet all applicable requirements of the county code and the EDDS, unless a deviation is approved by the director of PDS or DPW, or the hearing examiner as specified in SCC 18.50.080, 18.50.090 or 18.50 .100.

18.50.070 Minimum performance standards applicable to developments accepted in the reduced development discharge housing demonstration program. (1) As a condition of participation in the reduced drainage discharge housing demonstration program, a participant will be required to demonstrate that the following conditions will be met:

(a) the development will not create new effective impervious surface, unless the applicant can demonstrate that infiltration is infeasible. In all cases the proposed development must result in a significant reduction in the amount of impervious surface that would typically result from a traditional development of the type proposed. Any necessary impervious surface will be placed in discontinuous increments such that runoff travel distance to a forested buffer is minimized and in no case exceeds 50 feet;

(b) the development will retain natural vegetative cover to the maximum extent possible. Any landscaped areas will be minimized and mitigated on the downslope side by a forested area at least 50 feet in width. Forested area must comprise at least 60% of the project site. Forested areas must be maintained in perpetuity on the site through designation as a native growth protection area easement on the site plan and recorded on the title of the subject property;

(c) as an alternative to the minimum performance standards cited above, the development may, subject to the approval of the land use development review team, utilize a combination of open space, landscaping, permeable soils, trees and other vegetative ground cover, and similar elements which achieve the goal of 100% infiltration of drainage on site, i.e., zero drainage discharge from the site;

(d) the site is characterized by predominance of a soil type which is capable of allowing infiltration;

(e) the proposed development will be located in one of the following zones: MR, LDMR, NB, PCB, CB, GC, R-7200, R-8,400, R-9,600, WFB, R-5 or RC; and

(f) the county will assist each applicant to create a means of data collection, measurement and recording that conforms with the county's requirements for creating an accurate, reliable database that will serve as a basis for future policy analysis; and

(g) an ongoing monitoring program acceptable to the county will be prepared and submitted by the project applicant and will be used by the county to determine whether the goals of this chapter are met by the constructed development.

(2) In the event of a conflict between the requirements of subsection (1) of this section and any other applicable section of this code, the requirements of subsection (1) will control, unless the director of PDS or DPW, whichever retains administrative authority over the section of the code in question, determines that imposition of the requirement would be detrimental to the public health, safety, or welfare.

18.50.080 Development review process. (1) Any project accepted in the reduced development discharge housing demonstration program will submit all necessary project applications and required documentation pursuant to county code. The land use development review team will coordinate county and outside agency review. Project applications will comply with applicable provisions of the county code and may deviate from certain code provisions pursuant to this chapter. At the time of application submittal, in addition to providing all underlying submittal documents which would

otherwise be required for the proposed development, the applicant will also submit documentation that the requested deviations meet the criteria specified in SCC 18.50.090(2) and (3).

(2) If a proponent fails to demonstrate progress on a selected project six (6) months following receipt of a letter from the development review team outlining the status of project compliance with the requirements of this chapter, the project selection committee may immediately thereafter terminate the project's participation in this program. In the event of termination, the proponent may submit the project subject to applicable land use development regulations of the county.

(3) Deviations from requirements of the county code and the EDDS authorized pursuant to SCC 18.50.090 and 18.50.100 may be recommended by the project selection committee and approved by the director of PDS or DPW, whichever retains administrative authority over the deviation request, or by the hearing examiner for permits under the jurisdiction of that office, if the approving entity determines that the deviation is consistent with this chapter. Projects granted deviations from the EDDS will be required to demonstrate adequate provision for fire safety and access.

(4) A site plan will be prepared for all demonstration projects in conformance with the regulations for official site plans in SCC 18.51.070.

(5) A concomitant agreement in a form approved by the county must be signed by the property owner for all projects accepted into the program. The agreement shall be recorded, and shall be binding on the owners, heirs and successors of the property. The concomitant agreement will reference the required conditions of approval, including the site plan, for the application.

(6) The county may require adoption of covenants and restrictions as a condition of approval. Development of land, site design, landscaping, natural drainage features, habitat protection, stormwater design, housing design, building placement and size, and other site features related to this program shall be consistent with the approved site plan. A specific land clearing and tree retention plan shall be submitted as part of the approved site plan.

(7) Changes to the site plan proposed or approved under this chapter will require approval under the appropriate revision process established by the county code. The project selection committee will make recommendations on any revision to the official site plan to the appropriate decision-making body. The project selection committee may immediately terminate the project's participation in this program if it determines that as a result of the revision, the project is no longer consistent with the purposes of this chapter. If the project is terminated from this program, all deviations from the code approved pursuant to this chapter shall be null and void, and the project will be required to comply with the county code.

18.50.090 Deviations from Snohomish County Code. (1) To accomplish the purposes of the housing demonstration program, an applicant may request deviations from the following provisions of the county code:

- (a) Chapter 18.42 SCC Bulk Regulations;
- (b) Chapter 18.51 SCC PRD Standards;
- (c) Chapter 17.05 SCC Grading Requirements;
- (d) Title 24 SCC Drainage; and/or
- (e) Chapter 32.30 SCC Rural Cluster Subdivision.

(2) Deviations from the county code listed in SCC 18.50.090(1) or .100 will be made based upon the following criteria:

(a) The change is consistent with and furthers the purposes of this chapter;

(b) The change does not result in significant adverse environmental impacts;

(c) The change furthers compliance with the county's NPDES permit responsibilities and deviates from particular provisions of Titles 17 or 24 of the county code only for the purpose of demonstrating higher levels of compliance than is achieved by applying those Titles' standards for off-site drainage for water quantity and quality purposes;

(d) The change complies with the substantive environmental requirements of Title 23 SCC;

(e) The change does not threaten public health, safety or welfare;

(f) The change is consistent with generally accepted engineering and design criteria, except as provided in this chapter;

(g) The change promotes one or more of the following: innovative site or housing design furthering the purposes of the program, increased on site stormwater retention using a variety of vegetation and landscape conditions, retention or redevelopment of original natural habitat conditions over a significant portion of the site, improved on-site water quality beyond that required by current applicable regulations, retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions;

(h) The change does not allow unit yield greater or lesser than what would otherwise be allowed under existing county regulations; and

(i) The change complies with chapter 32.10 SCC.

(3) As a part of an application for deviations from the county code or the EDDS, the applicant must quantify reductions in runoff and improvements to water quality and demonstrate which deviation, whether it results in a change to public infrastructure or to private development or building design, causes the reduction in runoff or improvement to water quality.

18.50.100 Deviation from engineering design and development standards (EDDS).

Deviations from the EDDS may be approved by the director of DPW to allow for the flexibility necessary to accomplish project innovations, to allow greater compatibility with natural site conditions and restraints, to reduce impervious surfaces and reduce drainage discharge offsite or to otherwise further the purposes of this program. Any approval will be based on a finding by the director that the deviation will not be detrimental to the public health, safety and welfare, and will meet criteria in SCC 18.50.090. Applicants will be required to list and document each deviation required from the EDDS and its justification.

18.50.110 Program Evaluation. The project selection committee and land use development review team will document project progress, itemize innovations and code deviations and their intended purpose, and record the process of design and development review by the county. Progress evaluations will be conducted quarterly by the land use development review team and proponent, with written summaries provided

to the Executive and County Council. An annual report on all selected projects will be prepared for the County Council as part of PDS budget submittal including a summary description and evaluation of each selected project, and recommendations regarding substantive changes to the county code supported by evidence gathered from the program experience. Relevant materials gathered in the course of project selection and development will be collated and made available by PDS for the use of the professional development community as well as the general public.

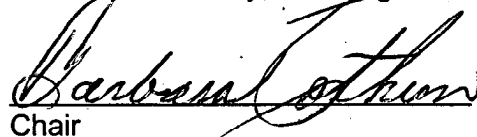
18.50.120 Rulemaking authority. The director of PDS may adopt rules for the purpose of implementing, administering, and enforcing the provisions of this chapter, except that the director of DPW may adopt such rules with respect to deviations from the EDDS.

18.50.130 Sunset. This chapter will expire three years from its effective date for purposes of project selection, and for selected projects whose applications are determined by PDS to be complete within three years from the effective date of this chapter, this chapter will expire at such time as final county administrative land use approval occurs for all selected projects.

18.50.140 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

PASSED this 29th day of March, 2000.

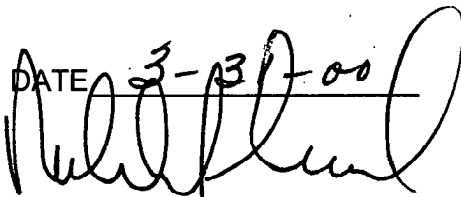
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chair

ATTEST:

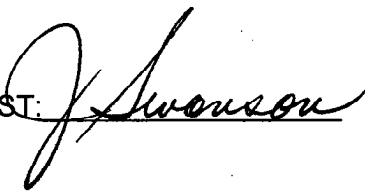

Clerk of the Council, asst.

- APPROVED
 EMERGENCY
 VETOED

DATE 3-30-00


Robert J. Drewel
County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney