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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 01-005  
AMENDING SNOHOMISH COUNTY CODE CHAPTER 18.51, RELATING TO  
REGULATIONS GOVERNING PLANNED RESIDENTIAL DEVELOPMENTS

WHEREAS, the county has been experiencing high volumes of development in urban areas in the form of planned residential developments (PRDs) approved pursuant to Chapter 18.51 Snohomish County code (SCC), which allows an urban residential development density greater than that otherwise allowed by the underlying zoning classification; and

WHEREAS, the purposes of the county's PRD regulations include the following: 1) providing design flexibility in order to protect critical areas through the provision of open space; 2) providing for a variety of housing types and architectural styles; 3) promoting efficient use of land and housing affordability; 4) preserving the value, character and integrity of surrounding areas developed under traditional zoning regulations; 5) preserving existing natural site amenities such as trees, topography and geologic features; and 6) creating permanent, usable and commonly-owned open space for both active and passive recreation; and

WHEREAS, the County Executive, in cooperation with the County Council created a committee of stakeholders to review the current PRD code, and make recommendations on amendments to the PRD standards; and

WHEREAS, the stakeholder committee met six times, identified certain PRD amendments pertaining to drainage detention ponds, usable open space, perimeter landscaping, street trees, and minimum lot size, and recommended to the County Council that certain emergency amendments were necessary while a comprehensive review of the PRD code was undertaken by the committee; and

WHEREAS, the County Council concurred with the committee's recommendations, and adopted amendments that improved PRD standards on May 5, 1999; and

WHEREAS, the County Council further directed the stakeholder committee to continue its comprehensive review of the PRD code and provide additional recommendations; and

WHEREAS, the stakeholder committee met again seven times, and recommended additional revisions to the PRD code; and

WHEREAS, the Planning Commission held five work sessions on PRD issues while stakeholder recommendations were being formulated; and

WHEREAS, the stakeholder committee transmitted a Final Stakeholder Committee Report and recommended amendments to the PRD code to the Planning Commission on November 11, 1999, for Planning Commission consideration at public hearing;

WHEREAS, the Planning Commission conducted public hearings to consider the proposed amendments on December 8, 1999 and December 14, 1999, wherein public testimony was taken; and

WHEREAS, the Planning Commission held additional public hearings on the proposed amendments on January 25, 2000, February 28, 2000, March 23, 2000, April 6, 2000, and May 8, 2000; wherein the Planning Commission deliberated on the proposed amendments; and

WHEREAS, the Planning Commission has recommended adoption of the proposed amendments as revised in their deliberations; and

WHEREAS, the Planning Commission has also recommended that the County Council consider the establishment of neighborhood PRD design review process that would include county staff; and

WHEREAS, the proposed amendments to the PRD development standards provide significant improvements to the PRD ordinance.

**THEREFORE, BE IT ORDAINED:**

**Section 1.** The County Council adopts the following finding and conclusions:

1. Snohomish County is required to plan under the Growth Management Act (GMA) pursuant to RCW 36.70A.040.
2. The County adopted Title 18 SCC, the county zoning code, as a GMA regulation pursuant to Amended Ordinance 96-076 effective December 12, 1996. Chapter 18.51 SCC, the PRD code, is a part of the zoning code and is therefore a GMA development regulation.
3. When regulated to effect the purposes of the PRD chapter, PRD developments can be an effective tool to further a variety of growth management goals and policies.

4. High volumes of PRD development applications were received and approved by the county in 1997 and 1998. The resulting new PRD developments are of a higher density than developments in the area at the underlying zoning classification. The County Council and Executive grew concerned over the high number of administrative and judicial appeals of these approvals, in which appellants raised significant issues with respect to the quality of the PRD standards contained within the code.

5. In 1999, the County Executive, in cooperation with the County Council, created a committee of stakeholders to review the current PRD code, and make recommendations on amendments to the PRD code. The stakeholder committee was created to represent a diverse membership background. Membership was represented by real estate, environment, building industry, land use consultant, general public, and community/neighborhood group interests.

6. By spring of 1999, the PRD stakeholder committee identified certain amendments pertaining to drainage detention ponds, usable open space, perimeter landscaping, street trees, and minimum lot size that it determined would significantly improve the quality of PRD development in the county. The committee recommended to the County Council that these amendments be enacted by emergency, to improve the quality of PRD development.

7. On May 5, 1999, the County Council approved Amended Emergency Ordinance No. 99-035, which immediately enhanced certain PRD standards pertaining to drainage detention ponds, usable open space, perimeter landscaping, street trees, and minimum lot size.

8. The proposed amendments to the PRD code are in response to the County Council's direction contained in Amended Emergency Ordinance No. 99-035. The County Council directed the PRD stakeholder committee to conduct a comprehensive review of the entire PRD code.

9. This ordinance contains the product of the PRD stakeholder committee, as modified by the Planning Commission and County Executive. Amendments to the PRD chapter are proposed in the following subject areas: purpose, submittal requirements, review and approval procedures, unit yield and bonus, open space, landscaping, drainage facility design, roadway/circulation standards, bulk standards, housing design standards, and official site plan revisions. The amendments also include the addition of tree retention standards and decision-making criteria.

10. The Planning Commission has also recommended the establishment of a neighborhood PRD design review process that would include county staff with the objective of improving PRD project design.

11. The County Council does not concur with the Planning Commission's recommendation regarding the establishment of a neighborhood PRD design review process.

12. The proposed amendments to the PRD are necessary to improve existing PRD development standards to increase compatibility of new PRD projects with the neighborhoods in which they are to be located.

13. The proposed amendments to the PRD code contained in this ordinance do not apply to non-PRD development such as short subdivisions, subdivisions, and single family and multi-family projects. The PRD Stakeholders Committee, in its final report of November 17, 1999, identified development issues of concern that extend beyond the scope of the PRD regulations.

14. The proposed amendments are in the best interest of the county and will promote the general public health, safety and welfare.

15. The County Council directs the Department of Planning and Development Services to prepare amendments to land use codes consistent with the amendments contained in this ordinance.

16. A determination of nonsignificance was issued for the proposed action on November 9, 1999, pursuant to the provisions of the State Environmental Policy Act (WAC 97-11) and Title 23 SCC, and satisfies the requirements of SEPA.

17. There has been early and continuous public participation in the review of the proposed amendments. The public notice requirements established by the state and county law have been met.

18. The proposed amendments are consistent with and implement the following policies of the County's GMA comprehensive plan: objective and policies of LU5.A, implementing zone provisions for the Urban Residential Designation of the Future Land Use Map section, and policy LU 6.A.7.

19 The County Council held public hearings on March 7, 14, 28, April 16 and May 2, 2001 to consider the Planning Commission's recommendation.

**Section 2.** Snohomish county code Section 18.51.010, last amended by Ordinance 96-076, on November 27, 1996 is amended to read:

18.51.010 Purpose.

The purposes of this chapter are to:

(1) Provide an alternative form of development within urban growth areas (UGAs) to traditional ~~((lot-by-lot))~~ subdivision ~~((by-allowing))~~ which allows flexibility

and creativity in site layout and design and ~~((which will))~~ protects critical areas through the use of open space;

(2) Provide for small and large scale developments incorporating ~~((a single housing type or))~~ a variety of housing types and related uses, that are planned and developed as ~~((a))~~ an integral unit;

(3) Promote the efficient use of land by allowing a flexible arrangement of buildings and lots, circulation systems, land uses, and utilities;

(4) Promote the combination and coordination of architectural styles, building forms, and building relationships within a development;

(5) Preserve the value, character, and integrity of surrounding areas which have been, or, are being developed under traditional zoning regulations;

(6) Provide for the integration of new development into the existing community while protecting and preserving the value of the surrounding neighborhood;

~~((6))~~7) Provide the opportunity for affordable housing to meet the needs of a wide range of income and age groups;

~~((7))~~8) Encourage the preservation of existing natural site ~~((amenities))~~ features such as trees, topography, and geologic features;~~((and))~~

~~((8))~~9) Create permanent, useable and commonly owned open space for both active and passive recreation to serve the development; and

(10) Implement the policies of the comprehensive plan.

**Section 3.** Snohomish county code Section 18.51.020, last amended by Ordinance 96-076, on November 27, 1996 is amended to read:

18.51.020 ~~((Permissible))~~ Permitted zones.

~~((The))~~(1) A planned residential development (PRD) ((designation shall be utilized as an overlay on residential zones)) is permitted only within UGAs ((PRDs shall be denoted as follows: PRD (9600), PRD (MR), etc. The PRD overlay may be applied only to the MR, LDMR, R-7200, R-8400, and R-9600 zones. The retirement apartment or retirement housing PRD overlay may be applied only to the MR, LDMR, NB, PCB, CB and GC zones located within UGAs))in the R-9600, R-8400, R-7200, LDMR, and MR zones. A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB and GC zones.

(2) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.7 of the Snohomish County General Policy Plan.

(3) Except for retirement apartment and retirement housing PRDs, the density ((proposed for)) of ((the)) a PRD ((designation)) shall be consistent with the ((adopted)) land use designation identified in the Snohomish County Growth Management Act Comprehensive Plan. ((This section shall not be construed to negate SCC 18.51.047.))

**Section 4.** A new section 18.51.025 is added to Snohomish county code to read:

18.51.025. PRD not a rezone action.

A PRD is not a rezone action, and shall be processed as an official site plan approval pursuant to SCC 18.51.030.

**Section 5.** Snohomish county code Section 18.51.030, added by Ordinance 86-037, on May 7, 1986 is amended to read:

18.51.030 Procedures — Original applications.

~~((PRD requests shall be processed in accordance with all requirements of chapter 18.73 SCC, including fees, regarding rezones.))~~ (1) Applications for PRD shall be processed in accordance with the provisions of this chapter, Title 23 SCC, chapter 32.50 SCC and all applicable local codes and regulations.

(2) The hearing examiner will hold an open record predecision hearing pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements of SCC 32.50.060(4). At a minimum notice shall contain the information specified in SCC 32.50.060(3)(b) through (e) and (h). Applications for PRD official site plan will be approved, denied or denied without prejudice by the hearing examiner. A PRD official site plan may only be approved when it is found to meet applicable minimum standards of this chapter, and the decision criteria of SCC 18.51.150.

(3) The decision of the hearing examiner is final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the County Council pursuant to SCC 2.02.175.

**Section 6.** A new section 18.51.035 is added to Snohomish county code to read:

18.51.035 Fees.

(1) PRD application fees are those established in SCC 18.73.120.

(2) Additional PRD fees are as follows:

(a) A fee in the amount of \$400.00 for landscape and tree retention plan review shall be paid to the department of planning and development services at the time of application submittal.

(b) A fee in the amount of \$150.00 for landscape site inspection shall be paid to the department of planning and development services at the time of application submittal. An additional fee of \$50.00 shall be required for each re-inspection of site landscaping and shall be paid prior to the re-inspection.

**Section 7.** Snohomish county code Section 18.51.040, last amended by Amended Emergency Ordinance 99-035, on May 5, 1999 is amended to read:

18.51.040 Submittal requirements.

(1) The department of planning and development services shall establish, and may revise, submittal requirements for an application for a PRD official site plan approval. The list of submittal requirements shall be made available to the public in a form, such as a checklist, that clearly explains what material must be submitted for an application to be considered complete. The submittal requirements of this chapter, and other applicable code sections (e.g., SCC 23.16.180 and SCC 32.10.230) shall be used to determine whether an application for a PRD is complete pursuant to SCC 32.50.040.

(2) Submittal requirements established by the department shall include at least the following:

- (a) Format details and number of site plan copies;
- (b) Applicant's name and address;
- (c) Legal description, zoning map, vicinity map, title documentation;
- (d) Site characteristics including but not limited to existing and proposed structures ;
- (e) Map and information depicting the existing use, zoning and general vegetation on adjacent properties within 100 feet of the perimeter of the PRD site.
- (f) Utility information;
- (g) Targeted drainage plan pursuant to Title 24 SCC, if applicable;
- (h) An environmental checklist, if applicable;
- (i) Traffic study in conformance with Title 26B, if applicable;
- (j) Applicable filing fees;

~~(((1) The applicant shall present plans, reports, and related information in sufficient detail to enable the department of planning and development services to evaluate the proposed development in accordance with the provisions of this chapter and make a recommendation to the hearing examiner.~~

~~(2) These plans shall be drawn to a standard engineering scale and shall include at least the following:))~~

- ~~(((a))) Site plan, including the following elements:~~
  - ~~(i) Internal vehicular and pedestrian circulation, and off-road parking areas,~~
  - ~~(ii) Schematic drainage/utility concept illustrating detention facilities,~~
  - ~~(iii) Location of all open space tracts and general landscape treatment for the overall project, identifying:
    - ~~(A) Required perimeter landscaping,~~
    - ~~(B) Critical areas and their buffers,~~
    - ~~(C) Native growth protection areas, and~~
    - ~~(D) Total and usable open space,~~~~
  - ~~(iv) Proposed community recreation facilities,~~

(v) Distribution and type of housing units, showing generalized building footprints and streetscape elevations, and

(vi) For a multi-family, townhouse, ~~((or))~~ zero lot line, single family lots less than 4,500 square feet in size, and single family condominium development under this chapter:

(A) Location of driveways, proposed on-street parking and/or grouped off-street parking,

(B) Typical building floor plans and front, side, and rear elevations, and

(C) Location of privacy features such as walls and fences;

((b)m) Landscape plan prepared by a Washington state licensed landscape architect or ~~((certified horticulturist/arborist))~~ qualified landscape designer and indicating detailed treatment including the location of, and type of plant materials for:

(i) Required perimeter landscaping,

(ii) Critical areas and their buffers,

(iii) Native growth protection areas,

(iv) Usable open space,

(v) Active and passive recreation areas,

(vi) Roads and off-road parking areas, ~~((and))~~

(vii) Any other landscape areas required by this chapter, and

(viii) Tree survey and retention plan required pursuant to

SCC 18.51.100;

((e)n) Targeted or full drainage plan per SCC 24.20.040 or 24.20.045;

(o) Description of all proposed active and passive recreation uses proposed to satisfy usable open space requirements of SCC 18.51.080(2);

(p) Completeness requirements of any other applicable SCC sections; and

(q) Applicable filing fees.

(3) The applicant shall submit one set of the plan noted in (2)~~((a))~~ above to the Snohomish health district, along with soil analysis data, if on-site septic systems are proposed in accordance with Chapter 32.08 SCC.

(4) ~~((In addition to the above submittal requirements, the following submittals are necessary for a multi-family, townhouse, or zero lot line development under this chapter:~~

~~(a) Location of driveways, proposed on-street parking and/or grouped off-street parking,~~

~~(b) Typical building floor plans and front, side, and rear elevations, and~~

~~(c) Location of privacy features such as walls and fences.))~~ The applicant shall submit all required plans, reports, and related information in sufficient detail to enable the department of planning and development services



to evaluate the proposed development in accordance with the provisions of this chapter and make a recommendation to the hearing examiner.

~~(5) ((Upon evaluation by the Department of Planning and Development Services, the plans shall be submitted to the hearing examiner for approval.))~~ Plans shall be drawn to a standard engineering scale.

(6) For purposes of this chapter "qualified landscape designer" means a person who possesses a degree from an accredited institute of higher learning in one of the following fields or who has completed apprenticeship requirements in one of the following fields: landscape architecture, horticulture, floriculture, arboriculture, botany, wetland science, urban forestry or a similar field. A qualified landscape designer is also a person determined by the department to be qualified based upon that person's education, professional referrals, related experience, work history, and examples of comparable landscape design projects.

**Section 8.** Snohomish county code Section 18.51.047, last amended by Ordinance 95-061, on August 16, 1995 is repealed.

**Section 9.** Snohomish county code Section 18.51.048, last amended by Ordinance 96-076, on November 27, 1996 is repealed.

**Section 10.** Snohomish county code Section 18.51.049, added by Amended Emergency Ordinance 99-035, on May 5, 1999 is amended to read:

18.51.0~~((49))~~80 Design criteria - Open space.~~((standards))~~

(1) Total open space shall be provided in every PRD consistent with the following standards:

~~((1))a~~ Within a ~~((planned residential development))~~PRD, a minimum of ~~((15))~~25 percent of the gross site area shall be established as total open space.

~~((2))b~~ Total open space shall be used for:

~~((a))i~~ Usable open space;

~~((b))ii~~ Critical areas and their required buffers;

~~((c))iii~~ Site perimeter landscaping and other required landscaped areas outside of right-of-ways;

~~((d))iv~~ Landscaped unfenced drainage detention facilities that are designed to be used as active or passive open space; and

~~((e))v~~ All other open space areas owned in common by all residents or owners in the PRD, but not including items listed in SCC

18.51.0~~((49(3)))~~80(1)(c).

~~((3))c~~ Total open space shall not include any of the following:

~~(((a)))i~~ Lots, dwellings and associated private yards, outdoor storage areas, and building setback areas;

~~(((b)))ii~~ Public or private street right-of-way including sidewalks and planter strips;

~~(((c)))iii~~ Parking lots, driveways and other areas of motorized vehicle access;

~~(((d)))iv~~ Stormwater detention or retention ponds which are fenced ~~((, except for any associated landscaping outside of the pond fencing))~~; ~~((and))~~ or

~~(((e)))v~~ Submerged lands when not defined as critical areas pursuant to Chapter 32.10 SCC.

~~(((4)))d~~ Where ~~((practicable, consideration shall be given to))~~ possible, open space tracts shall be located adjacent to permanently designated ~~((connecting))~~ open space ~~((with))~~ areas on adjacent properties.

~~(((5)))~~ Total open space shall be clearly identified according to the proposed use of the open space.

~~(((6)))e~~ Total open space shall be permanently established in clearly designated, ~~((commonly owned))~~ separate tracts ~~((, when part of a subdivision or, when part of a condominium, in clearly designated common areas))~~. Tracts shall be owned by:

(i) The landowner, when no individual building lots are created and the property is held under single ownership;

(ii) All lot owners and condominium owners jointly, with an equal and undivided interest; or

(iii) A homeowners association, when consistent with SCC 18.51.160(6).

~~(((7)))f~~ Total open space shall be protected in perpetuity by a recorded covenant ~~((s))~~, in a form approved by the ~~((county))~~ director. ~~((, which))~~ The recorded covenant must restrict ~~((their))~~ uses of the total open space to those ~~((uses))~~ specified and shown in the approved PRD site plan and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose.

(g) The applicant shall propose a method for separating private use areas from adjacent open space tracts within the PRD that is acceptable to the department. The type of permanent marking of the open space tracts proposed shall provide a clear and distinctive separation of properties at the open space boundary.

~~(((8)))2~~ Usable open space shall be provided as ~~((follows))~~ a component of total open space and shall be consistent with the following standards:

(a) ((Total)) Usable open space shall ~~((contain usable open space to))~~ be developed for active and/or passive recreation purposes that serve the needs of the PRD residents. Usable open space ~~((is))~~ shall consist of buildable land ~~((s))~~ areas that do not ~~((consist of))~~ contain:

(i) ((e)) Critical areas and their buffers ~~((and may consist of, but not be limited to, any of the following:)); and~~

(ii) Utility easements that exist on the project site at the time of application submittal;

(b) The following are examples of active and passive recreation activities that may be allowed in usable open space:

- (i) Open play areas;
- (ii) Pedestrian or bicycle paths;
- (iii) Picnic areas with tables and benches;
- (iv) Gazebos, benches and other resident gathering areas;
- (v) Community gardens;
- (vi) Any active recreation use listed in subsection ~~((9))~~3

below;

- (vii) Nature interpretive areas;
- (viii) Flower gardens when in conjunction with pedestrian

paths; and

(ix) Unfenced detention ponds consistent with the provisions of SCC 18.51.090(1)(b)(ii); ~~((and))~~

~~((b))c~~ The total site requirement for ~~((minimum amount of))~~ usable open space shall be no less than:

(i. ~~((8))~~700 square feet per dwelling unit for sites 10 acres or less, and

(ii. 600 square feet per dwelling unit for sites greater than 10 acres,

except that usable open space for retirement apartments and retirement housing on sites of any size shall be 200 square feet per dwelling unit;

~~((c))d~~ For sites 10 acres or less, at least 66 percent and for sites greater than 10 acres, ~~((A))~~at least 50 percent of the required usable open space shall be located in ~~((one contiguous tract or common area))~~a single open space tract and located in a central internal location. The centrally located tract shall provide a minimum of 25 percent of the tract's perimeter adjacent to internal streets for access and visibility. The director may waive the single tract requirement when no more than three open space tracts are created that provide a comparable open space use to that otherwise required. The director may also waive the central location requirement if an alternative location provides reasonable access for all project residents. Remaining usable open space shall be adequate in design and size for the intended passive and/or active recreation ~~((activity subject to the approval of the director))~~. No usable open space shall have any dimension less than 20 feet (except for ~~((trail))~~segments containing trails, which shall not be less than 12 feet in width), unless the applicant can demonstrate and the director concurs, that a lesser dimension will not inhibit the use of the open space for its designated purpose.

~~((d))e~~ Usable open space shall be accessed by all-weather pedestrian pathways and/or sidewalks from all lots and dwellings within the PRD~~((:))~~i;

~~((e))f~~ Usable open space designed for children shall not be located adjacent to any street designated as a collector/arterial unless properly

designed with fencing, located away from street edges and other provisions to ensure adequate child safety. ~~((In all cases -))~~ Usable open space designed for children shall be open, accessible and visible from adjacent dwellings in order to enhance security~~((-))~~;

~~((f))~~g) Usable open space shall have the appropriate location, slope, soils and drainage to be considered for recreational development~~((-))~~;

~~((g))~~h) Usable open space shall be landscaped pursuant to the provisions of SCC 18.51.090(1), and in accordance with the required landscape plan in a manner that enhances the design of the open space while not conflicting with the function of the proposed recreation use~~((-))~~; and

~~((h))~~i) Any buildings, structures and improvements to be permitted in the usable open space shall be those appropriate to the proposed uses.

~~((9))~~3) Active recreation uses shall be provided as follows:

(a) A minimum of 30 percent of all required usable open space within PRDs with 10 or more lots or dwelling units shall be developed for active recreation uses. The type(s) of active recreation uses provided shall, to the extent possible, correspond to anticipated needs of the potential residents of the PRD.

(b) Active recreation uses shall consist of one or more of the following:

- (i) Sport court;
- (ii) Tot lot with play equipment (soft surface);
- (iii) Open play area or sports field (grass or other pervious surface);
- (iv) Indoor recreation center for youth, adult and/or seniors containing exercise and game rooms, sport courts and other community activities;
- (v) Swimming pool;
- (vi) Similar uses; and
- (vii) Any other active recreation use approved by the director.

(c) The active recreation requirement may be reduced by up to ~~((5))~~30 percent, subject to approval by the director, for projects of ~~((3))~~20 or fewer dwelling units, if pedestrian access is constructed to an adjacent off-site public recreation area that contains an active recreation use that meets the needs of residents within the PRD and is approved by the off-site recreation provider.

(d) The active recreation facility shall be located on a reasonably level site with slopes no greater than six percent unless the applicant can demonstrate that the recreation facility can function adequately on greater slopes.

(e) Tot lot areas shall ~~((be at least 800 square feet in size and shall))~~meet ~~((Consumer Product Safety Standards for equipment, soft surfacing and spacing))~~all safety recommendations and construction specifications of the manufacturer of the equipment used.

**Section 11.** Snohomish county code Section 18.51.050, last amended by Amended Emergency Ordinance 99-035, on May 5, 1999 is amended to read:

18.51.~~((05))~~140 ~~((PRD standards--Dimensional requirements))~~Design criteria - Specific housing types.

~~(((1) Underlying Zone Requirements. Unless specifically modified by this chapter, all requirements of the underlying residential zone shall apply within the PRD;~~

~~\_\_\_\_\_ (2) Table 1 establishes the bulk requirements for all proposed RRDs as follows:~~

TABLE 1  
PRD BULK STANDARDS

| Development Type                      | Maximum Density Bonus | Minimum Lot Width          | Minimum Lot Area   | Minimum Building Setbacks <sup>(1)(2)</sup>                              | Maximum Lot Coverage |
|---------------------------------------|-----------------------|----------------------------|--------------------|--|----------------------|
| Single Family Dwellings and Duplexes  | 20%                   | 40' interior<br>45' corner | 4500 sq ft         | 10' front<br>5' rear<br>5' one side with<br>10' total side               | 55%                  |
| Single Family Dwellings Zero Lot Line | None                  | none                       | 4500 sq ft         | 10' front<br>0' rear<br>0' one side with<br>10' total side               | 55%                  |
| Townhouse Dwellings                   | None                  | none                       | 2000 sq ft average | 10' front<br>5' rear<br>5' one side with<br>10' total side               | 55%                  |
| Multi-Family Dwelling                 | None                  | 60'                        | none               | 25' front<br>25' rear<br>5' one side w/<br>10' total side <sup>(3)</sup> | 40%                  |
| Development Type                      | Minimum Site Size     | Minimum Lot Width          | Minimum Lot Area   | Minimum Building Setbacks <sup>(1)(2)</sup>                              | Maximum Lot Coverage |
| Retirement Housing                    | None                  | 60'                        | 20,000 sq ft       | 25' front<br>25' rear<br>15' side <sup>(3)</sup>                         | 40%                  |
| Retirement Apartments                 | None                  | 60'                        | 20,000 sq ft       | 25' front<br>25' rear<br>15' side <sup>(3)</sup>                         | 40%                  |

(1) See 18.51.050(4) for special setback requirements.

(2) The minimum front building setback shall be one-half the width of the planned right-of-way or easement as measured from the center line of the right-of-way plus the minimum required setback, PROVIDED, that the length of driveway for front yard entry garages or carports between the face of the building and the right-of-way or easement shall be at least 15 feet.

~~(3) Multiple family, retirement apartments and retirement housing building heights greater than 25 feet shall have a side setback of 20 feet from adjacent properties.)~~

~~(((3) Special Requirements.))~~

~~(((a))1) Single family dwellings, zero lot line development, detached condominiums and duplexes shall meet the following requirements:~~

~~(a) ((Single family dwellings and duplexes.~~

~~(i) Variation in front setbacks and building envelopes is required for lots less than 5,000 square feet in order to provide visually diversified street frontage.~~

~~(ii) If the side or rear setback adjoins an open space ((, these setback requirements)) tract which is no less than 10 feet in width, the required setback may be reduced by an amount equal to the distance from the lot line to the centerline of the open space, but in no case shall the setback be less than 5 feet. A modified setback shall be ((endorsed)) depicted upon the official site plan. This modified setback provision shall not apply when adjoining open space tracts are required pursuant to the perimeter landscaping provisions of SCC 18.51.090(3);~~

~~(b) No portion of any building or appurtenance shall ((be constructed as to)) project into any open space;~~

~~(c) Variations in front setbacks and building envelope shall be required to provide visually diversified streetscapes;~~

~~(d) Floor plans and street elevations shall reduce the visual impact of garage doors and emphasize a pedestrian-oriented streetscape; and~~

~~(e) The building design guidelines of the Residential Development Handbook for Snohomish County Communities may be used as a guide to meet the requirements of SCC 18.51.140(1)(a) through (d).~~

~~(((b))2) Townhouse dwellings shall meet the following requirements:~~

~~(((i))a) Variations in front setbacks and building envelope shall be required to provide visually diversified street frontage when two or more townhouse dwelling units are being developed on adjacent lots. Minimum front setbacks may be reduced by not more than five feet in order to give individual identity and privacy to the units, as long as the average of all front setbacks is not less than 10 feet, and each lot has a combined total of 25 feet of front and rear setbacks;~~

~~(((ii))b) If the side or rear setback adjoins an open space ((, this setback requirement)) tract which is no less than 10 feet in width, the required setback may be reduced by an amount equal to the distance from the lot line to the centerline of the open space, but in no case shall the setback be less than 5 feet. ((Such)) A modified setback shall be ((endorsed)) depicted upon the official site plan. This modified setback provision shall not apply when adjoining open space tracts are required pursuant to the perimeter landscaping provisions of SCC 18.51.090(3);~~

~~(c) No portion of any building or appurtenance shall ((be constructed as to)) project into any open space;~~

~~(((iii)))~~d) Each townhouse structure shall have horizontal or vertical variation either within each dwelling unit's front building face and/or between the front building faces of all adjoining units to provide visual diversity to the townhouse structure and individual identity to townhouse units. Upon building permit application, a plot plan of the entire structure in which each unit is located shall be provided by the ~~((builder))~~ applicant to show compliance with this requirement. The department of planning and development services shall review and approve or deny the building design which may incorporate variations in roof lines, common wall "fin" extensions, setbacks and other structural variations. Disagreements between the applicant and the department ~~((of planning and development services))~~ may be appealed to the hearing examiner pursuant to SCC 18.72.100~~((-))~~;

(e) Townhouse structures shall not exceed 35 feet in height within single family zones and shall not contain more than 6 units per building; and

(f) The building design guidelines of the Residential Development Handbook for Snohomish County Communities may be used as a guide to meet the requirements of subsections 18.51.140(2)(a) through (e).

~~(((e)))~~3) Multiple family dwellings shall meet the following requirements:

~~(((ii)))~~a) If the side or rear setback adjoins an open space ~~((, then each applicable minimum setback requirement))~~ tract which is no less than 10 feet in width, the required setback may be reduced by an amount equal to the distance from the lot line to the centerline of the open space, but in no case shall the setback be less than five feet. A modified setback shall be depicted upon the official site plan. This modified setback provision shall not apply when adjoining open space tracts are required pursuant to the perimeter landscaping provisions of SCC 18.51.090(3);

~~(((ii)))~~ ~~The resultant requirement shall then be endorsed upon the official site plan as a base setback requirement,)~~

~~(((iii)))~~b) In the case of multistory structures, the base setback requirements shall be increased for each additional story or fraction thereof by an amount equal to two feet for each of the following minimum setbacks: front, side and rear~~((-))~~;

~~(((iv)))~~c) No portion of any building or appurtenance shall ~~((be constructed as to))~~ project into any open space~~((-))~~;

~~(((v)))~~ ~~There is no maximum building height.)~~

(d) Building facades visible from public rights-of-way shall be articulated with architectural elements such as windows, entries, porches, balconies, bays, visible trim, changes in color and/or materials to break up long blank walls and add visual interest and enhance the character of the neighborhood;

(e) Roofline variation methods, such as stepping back the building on upper floors, use of dormers, gables, chimneys or other architectural features shall be provided to break up the appearance of lengthy or monotonous roof forms;



(f) When one or more adjacent lots are developed with residential structures, design elements should be used that complement or enhance the character of existing neighborhoods; and

(g) The building design guidelines of the Residential Development Handbook for Snohomish County Communities may be used as a guide to meet the requirements of subsections 18.51.140(3)(a) through (g).

~~((d))4~~ Mobile homes, single or multi-sectioned, shall be allowed on individual single-family platted lots in a PRD, subject to the same requirements for detached, single-family units. Mobile home parks are allowed only in accordance with chapters 18.32 and 18.55 SCC.

~~((e)) Zero lot line single family development.~~

~~(i) The minimum setback on one side and/or rear yard in a zero lot line development may be reduced to no more than one inch if appropriate provisions are made for maintenance easements in the PRD official site plan, in the plat and in the declaration of covenants, conditions, and restrictions.~~

~~(ii) Variation in front setbacks and building envelopes is required in order to provide visually diversified street frontage.~~

~~(iii) For zero lot line developments, a five-foot minimum maintenance easement shall be shown on the official site plan or plat. Said easement shall be established in the covenants, conditions and restrictions of the adjoining lot to assure access to the lot line wall at reasonable periods during the day for normal maintenance. A two-foot maximum eave easement shall be established within the maintenance easement if roof overhangs are proposed, and~~

~~(iv) To assure privacy within zero lot line development, no openings of any kind (excluding ventilation ducts) shall be permitted on the zero lot line side of a structure, the wall of which shall be of fire wall construction as required by Title 17 SCC. Air conditioners, heat pumps or other appurtenances (excluding roof overhangs) shall be prohibited on the exterior side of the zero lot line wall. If there is an offset of the wall from the zero lot line, such offset shall be at least six feet.)~~

(5) Except as specifically noted, every proposed retirement housing or retirement apartment PRD shall meet ~~((all of))~~ the following ~~((special conditions))~~ in addition to ~~((the))~~ all other applicable requirements of ~~((SCC 18.51.050))~~ this chapter.

~~((1))a~~ A public transit stop shall be located within one-quarter mile of the site and shall be accessible from the site by a direct sidewalk or walkway route. The public transit stop shall include a covered shelter and provide frequent off-peak hour and weekend service;

~~((2))b~~ A special transportation program, such as a public or private van pool, shall be available to the residents of the site for transportation to activities including, but not limited to, churches, cultural events, libraries, medical facilities, parks, post offices, personal services, retail shopping and senior centers;

~~(((3))~~c) Off-street parking requirements are subject to reduction pursuant to SCC 18.45.055. Parking stall width shall be increased to a minimum of nine feet. The parking lot area shall have a maximum grade of five percent. Angled parking at 30, 45 or 60 degrees is recommended in lieu of parallel parking. Installation of the deferred parking space and landscaping will be required at such time the development is no longer used as retirement housing or retirement apartments;

~~(((4))~~d) ~~((For))~~ Retirement housing ~~((only,))~~ must comply with all of the laws, rules, regulations and standards for boarding homes pursuant to chapter 18.20 RCW;

~~(((5))~~e) All buildings and structures shall be designed to project a residential, rather than an institutional appearance through the use of architecture, landscaping and building materials;

~~(((6))~~f) The on-site circulation system shall not account for more than 20 percent of the gross development area; ~~((and))~~

~~(((7))~~g) All residential structures shall be serviced by sanitary sewers~~((,))~~;

(h) Building facades visible from public rights-of-way shall be articulated with architectural elements such as windows, entries, porches, balconies, bays, visible trim, changes in color and/or materials to break up long blank walls and add visual interest and enhance the character of the neighborhood;

(i) Roofline variation methods, such as stepping back the building on upper floors, use of dormers, gables, chimneys or other architectural features shall be provided to break up the appearance of lengthy or monotonous roof forms;

(j) When one or more adjacent lots are developed with residential structures, consideration should be given to using design elements to promote compatibility and complement or enhance the character of existing neighborhoods; ~~((and))~~

(k) Building entries shall be well lit, connected to sidewalks, transit stops and parking areas, and visible from streets and sidewalks;

(l) If the side or rear setback adjoins an open space tract which is no less than 10 feet in width, the required setback may be reduced by an amount equal to the distance from the lot line to the centerline of the open space, but in no case shall the setback be less than 5 feet. A modified setback shall be depicted upon the official site plan. This modified setback provision shall not apply when adjoining open space tracts are required pursuant to the perimeter landscaping provisions of SCC 18.51.090(3);

(m) No portion of any building or appurtenance shall project into any open space; and

(n) The building design guidelines of the Residential Development Handbook for Snohomish County Communities may be used as a guide to meet the requirements of subsections 18.51.140(5)(e) through (k).

**Section 12.** Snohomish county code Section 18.51.053, added by Amended Emergency Ordinance 99-035, on May 5, 1999 is amended to read:

18.51.~~((053))~~090 Design criteria – Landscaping.~~((standards))~~

All PRD proposals shall provide the following site landscaping in addition to landscaping required in chapter 18.43 SCC.

(1) Usable open space shall be landscaped in a manner appropriate for the proposed recreation uses.

(2) ~~((Landscaping for drainage))~~Drainage detention facilities shall meet the following landscaping ~~((standards))~~criteria:

(a) Where fencing of a detention facility is required, a Type II buffer (densely planted sight-obscuring screen) at least six feet in height, or living fence at least three feet in height which will grow to at least eight feet in height within three years shall be installed in an area with a minimum width of six feet along the outside edge of the fence. Where fenced facilities abut public rights-of-way, setbacks and height restrictions per SCC 18.42.090(3) shall apply. The director shall provide a listing of acceptable plant species to be used for ~~((the))~~a "living fence" ~~((option))~~.

(b) Where fencing is not required and the detention pond is not completely screened as described in (a) above, surface detention facilities shall be landscaped in one or more of the methods provided in (i) through (iii) of this subsection. When landscaping is provided pursuant to this subsection, the detention ponds shall count toward the total open space requirements of SCC 18.51.~~((049))~~080(1).

(i) If the detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be landscaped to replicate natural or near-natural conditions. ~~((Landscaping shall be sufficiently wide to provide necessary hydrological separation between detention ponds and natural drainage, and to maintain a variety of plants over time))~~.

(ii) If the open detention pond is sized and designed to be dry on the average of at least six months a year, it may be planted in grass or paved to provide useable open space. No more than 50 percent of the area of such a pond may be counted toward the usable open space requirements of SCC 18.51.~~((049))~~080, if the pond is an open detention pond. Such ponds may be used to satisfy up to 30 percent of the ~~((total))~~ required usable open space ~~((requirement))~~. In such cases, finished contours and access must allow the intended use and function.

(iii) The detention pond may feature terraces or steps to provide a safe pond edge and accommodate changes in water levels. In this case, landscaping must complement the terraced edge condition.

(iv) Ponds may incorporate two or more of the methods from (i), (ii) and (iii) above. Trails or walkways may be incorporated into the landscaping. Project applicants may submit other methods for the department's consideration.

(c) All detention areas shall be landscaped in a manner which is both aesthetic and able to successfully endure the expected inundation. All proposed landscaping screens around detention ponds are subject to department approval.

~~((2))3) Site perimeter landscaping ((A landscape area)) shall be established along any ((perimeter)) property boundary of a PRD where adjacent property is currently zoned or designated for single family residential use according to the following standards.~~

~~((a) The landscape area shall be no less than 10 feet in width.~~

~~(b) Plant materials shall consist of evergreen shrubs, together with other plant species suitable as understory and ground cover vegetation.~~

~~(c) Trees shall be interspersed throughout the landscape area at a rate of one per 25 lineal feet of lot line in groupings or rows. Trees shall have a minimum caliper of one and one-half inches and minimum height of eight feet at time of planting. Trees shall have a minimum mature height of 20 feet, and be of sufficient size to reach maturity in 10 years. The director shall provide a list of acceptable tree species to be used in the landscape area.~~

~~(d) No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the landscape area and the perimeter lot line.~~

~~(e) Critical areas and their buffers or other native growth protection areas may be substituted for the landscape area along the PRD perimeter boundary when such area is no less than 10 feet in width. These areas shall be located along the PRD perimeter boundary, but may be located either on the project site, on adjacent property or on both the project site and adjacent property.~~

~~(f) All planting materials required by this subsection shall be installed prior to occupancy of any dwelling unit in the project.)~~

(a) Except for any portion developed as usable open space pursuant to SCC 18.51.080, the perimeter landscaping shall consist of a vegetative screen located along the perimeter of the PRD site with a minimum planting bed width of no less than 20 feet when adjacent property is developed as a PRD, or a width no less than 30 feet when adjacent property is not developed as a PRD.

(b) The landscape area shall consist of overlapping clusters or solid rows of plant materials and comply with the following:

(i) Plant materials shall consist of evergreen shrubs that will attain a minimum mature height of six feet, individually spaced no greater than five feet on center, and spaced no more than seven feet on center between clusters; or evergreen trees spaced no greater than eight feet on center and no more than 10 feet on center between clusters. Such trees shall have a minimum caliper of one and one-half inches and a minimum height of eight feet at time of planting;

(ii) Evergreen and deciduous trees shall be interspersed throughout the landscape area at a rate of one per 25 lineal feet of lot line in

groupings or rows. Trees shall have a minimum caliper of one and one-half inches and a minimum height of eight feet at time of planting. Trees shall have a minimum mature height of 20 feet, and be of sufficient size to reach maturity in 10 years. The director shall provide a list of acceptable tree species to be used in the landscape area;

(iii) In PRDs where parking for multiple family structures is located adjacent to the perimeter landscape area, a solid fence shall be installed along the perimeter property boundary, or a landscaped earthen berm at least four feet high with side slopes not exceeding a slope of two horizontal feet to one vertical feet (2:1) shall be incorporated into the perimeter landscape area;

(iv) All planting materials required by this subsection shall be included in the PRD landscape plan and shall be installed prior to occupancy of any dwelling unit in the project; and

(v) The perimeter landscape area shall be described and recorded as a separate open space tract, and may be developed for usable open space when the provisions of SCC 18.51.080 are met.

(c) Critical areas and their buffers or other permanent native growth protection areas may be used to satisfy the vegetative screen or landscape berm requirements of this section when such areas are no less than 20 feet in width and where vegetation contained in these areas can be demonstrated to provide a permanent vegetative screen. These areas shall be located along the PRD perimeter boundary, but may be located either on the project site, on adjacent property or on both the project site and adjacent property. Where the substituted area is less than the total required width, a supplemental planting area shall be installed on the PRD site to satisfy the landscaping requirement.

(d) No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen and the lot line.

((3)4) Streetscape (ROW and easement) landscaping shall be provided as follows((-):

(a) All public and private roads within and abutting a PRD shall provide planter strips adjacent to the curb, unless a private road serves four or less lots.

(b) The applicant shall provide landscape treatment along both sides of all roads as follows: plant or retain sufficient trees so that within the planter strip there is for every 25 feet of road frontage at least an average of one deciduous tree of two inches DBH at the time of planting and with a canopy that starts at least ((eight))(six) feet above finished grade and has or will have when fully mature, ((a-12))an eight-inch DBH.

(c) The director may allow a lesser DBH than required in SCC 18.51.((053))090((3)4)(b) for fully mature trees when it can be demonstrated that an alternative tree species can approximate the same size canopy as ((a-12))an eight inch DBH tree.

(d) The director shall provide a listing of acceptable tree species to be used in the planter strips.

~~(((4)))~~5) Installation and maintenance of landscape improvements shall be subject to the following.

(a) All development within an approved PRD shall conform to the approved landscape plan, and associated conditions.

(b) To assure compliance with the provisions of this section, a bond or other guarantee of performance shall be required by the hearing examiner and approved by the director.

(c) The applicant shall provide a maintenance bond for required landscape improvements, in an amount and form satisfactory to the director, prior to occupancy of any unit in the PRD project.

(d) To ensure permanent, ongoing maintenance of all landscape areas required by this section, landscape maintenance covenants shall be prepared by the applicant and submitted together with documents otherwise required for maintenance of site improvements pursuant to SCC 18.51.200.

(6) To promote stabilization and continued healthy growth of the landscape areas required by this section, the project qualified landscape designer shall determine the need for irrigation. Upon determining the need for irrigation, an irrigation plan shall be submitted for project application with the required landscape plan per SCC 18.51.040(2)(b).

(7) Off-street parking area landscaping shall be provided per SCC 18.43.060.

(8) Outdoor storage areas consisting of bulk storage, service areas and parking areas for storage of recreation and similar-type vehicles shall be screened from abutting public or private rights-of-way, adjacent structures, and/or abutting property owners by a minimum 10-foot wide, type II buffer consisting of evergreen trees and shrubs.

(9) All landscape plantings shall consist of native species or, if not available or feasible, other species well adapted to the Pacific Northwest. Other species may be used when necessary to meet site-specific micro-climatic conditions. Drought tolerant species are encouraged. The director shall prepare a list of acceptable species and provide additional guidance for the use of specific species.

~~(((5)))~~(10) For purposes of this chapter, the following terms are defined:

(a) "DBH" means the tree diameter at breast height (four and one-half feet) above the average original ground;

(b) "Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas of land, not to include retaining walls; and

(c) "Screen" means a fence, wall, berm, or densely planted vegetation that provided a permanent site obscuring shield between structures, adjacent properties, or land uses.

**Section 13.** Snohomish county code Section 18.51.055, added by Amended Emergency Ordinance 99-035, on May 5, 1999 is amended to read:

18.51.((055))110. Design Criteria - Drainage detention ((facility standards))facilities.

(1) All on-site drainage detention structures shall be constructed as surface or underground vault facilities. Such construction shall conform to the provisions of Title 24 SCC, including the Snohomish county drainage manual and Snohomish county EDDS.

(2) Subject to provisions of Title 24 SCC, PRDs may be incorporated into the service area of established regional drainage facilities. No PRD building permits shall be issued until the regional facility is inspected and in operation.

(3) Underground detention vaults, including oversized pipe facilities, are allowed for satisfying on-site drainage requirements. The site area immediately above a detention vault may be applied toward satisfaction of required total and usable open space per SCC 18.51.0((49))80. Vault facilities may also be located under private roads, and ~~((with approval of the director of the department of public works,))~~ under public road rights-of-way ~~((also))~~ if approved by the director of the department of public works.

(4) ~~((Recognizing the special provisions and intent of PRD project, t))~~ The design of detention ponds will focus on both functional requirements and aesthetics. The design ~~((is to))~~ will provide a "natural look" with landscaping features that integrate ponds with the surrounding area. Detention pond construction and use shall be subject to the following design parameters and measures, in addition to Title 24 SCC regulations:

(a) Unless fenced and screened, detention pond side slopes shall not exceed 33 percent unless slopes are existing, natural and covered with vegetation;

(b) Detention pond design shall include accessible forebay(s) for pond maintenance;

(c) Where detention facility fencing is not required, a detention pond may be graded and blended with the topography of the site;

(d) Ponds without fencing are required to have a safety bench or shelf surrounding the permanent pool of the wet pond;

(e) If the detention facilities are located adjacent to or near a natural, year-round stream, wetland or buffer, these systems shall be left in natural or near natural conditions; and

(f) Detention areas shall be landscaped in a manner consistent with SCC 18.51.0((53(4)))90(2) and which is both aesthetic and able to successfully endure the expected inundation.

~~((5))~~ Signage shall be placed around detention pond boundaries to identify facility purposes, and maintenance and operational responsibilities. Provisions pertaining to appropriate sign size, location and sign text shall be established by the director pursuant to administrative rule.

~~(6) Maintenance of drainage facilities shall be pursuant to chapter 24.40 SCC-Maintenance of drainage facilities and chapter 24.50 SCC-Security and insurance.)~~

**Section 14.** Snohomish county code Section 18.51.057, last amended by Amended Ordinance 95-061, on August 16, 1995 is repealed.

**Section 15.** Snohomish county code Section 18.51.060, last amended by Ordinance 88-013, on March 30, 1988 is amended to read:

~~((18.51.060 - Submittal requirement postponement. In order to provide planning flexibility, PRD submittal requirements may be postponed at the time of rezone consideration by the hearing examiner; PROVIDED, That an alternative submittal process is contractually established. This postponement provision shall only be utilized for large scale PRD projects.))~~

18.51.060 Unit yield and bonus.

(1) For all PRDs, except retirement apartment and retirement housing PRDs, the maximum number of dwelling units permissible shall be 120 percent of the maximum number of units permitted by the underlying zone as determined in SCC 18.51.060(2), unless adjusted per the provisions of SCC 18.51.060(3).

(2). The maximum number of dwelling units permitted in a PRD shall be computed as follows:

(a) Determine the net development area on the project site. Net development area is the gross site area (in square feet) less critical areas and their buffers, lakes and ponds.

(b) Divide the net development area by the minimum lot area permitted by the underlying zone, or where LDMR and MR standards apply, by 4000 square feet and 2000 square feet respectively. For retirement apartment PRDs and retirement housing PRDs in the LDMR zone divide by 4000 square feet and in the MR zone and commercial zones divide by 2000 square feet.

(c) Multiply the resulting number of units by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs and 1.2 for all other PRDs.

(3) In the R7200, R8400, and R9600 zones, the maximum number of dwelling units allowed pursuant to SCC 18.51.060(2)(d) shall be reduced so that the maximum net density (number of dwelling units per acre in the net development area) does not exceed 7 dwelling units per net acre.

(4) Whenever the calculated number of dwelling units results in a fractional equivalent of 0.5 or more, the fraction shall be rounded up to the next whole number, fractions of less than 0.5 shall be rounded down.



**Section 16.** Snohomish county code Section 18.51.070, last amended by Amended Ordinance 95-061, on August 16, 1995 is amended to read:

18.51.~~((07))~~160 Official site plan – effect and recording procedure.

(1) The site plan as approved by the hearing examiner shall become the official site plan of the PRD and any changes thereto shall require review under the provisions of SCC 18.51.170~~((;))~~.

(2) The official site plan ~~((and its associated conditions))~~ shall be ~~((considered extensions of the regulations of this title, and their existence shall be))~~ noted on the official zoning maps~~((;))~~.

~~((2))~~3) All development within an approved PRD shall conform to the official site plan and associated conditions. In order to assure compliance, a bond or other guarantee of performance may be required by the hearing examiner. Satisfactory performance of ~~((required open space, landscaping))~~ all conditions and ~~((other))~~ required improvements ~~((may be required))~~ must occur prior to recording required by SCC 18.51.160(5), and occupancy of units in the PRD project~~((;))~~.

~~((3))~~4) A final plat, final short plat or binding site plan/record of survey application filed concurrently with a PRD application shall be approved by the county decision making body and filed for recording with the county auditor ~~((P))~~ prior to the issuance of a building permit for any structure in a PRD ~~((zone a final plat, final short plat, binding site plan or dedication shall have been approved by appropriate county authority and filed for record by county recording authority, PROVIDED, That this requirement shall not apply where sale or lease of any portion of the PRD land area is not contemplated))~~ development, except that building permits for model home units may be approved pursuant to the requirements of chapter 19.40 SCC.

(5) All PRD applications must be accompanied by an application which will establish all required open space areas as separate tracts. Any applicant for PRD official site plan approval who does not concurrently apply for subdivision or short subdivision approval pursuant to Titles 19 or 20 SCC respectively, must apply for binding site plan and record of survey approval pursuant to Title 19A SCC. This requirement applies even if the applicant intends the PRD site to be held under single ownership or to be subject to a declaration of condominium pursuant to Chapters 64.32 and/or 64.34 RCW. The following shall apply to all PRDs accompanied by a concurrent application under Title 19A SCC:

(a) An approved PRD official site plan shall constitute a previously approved site plan pursuant to SCC 19A.30.030 for purposes of Title 19A SCC compliance;

(b) Open space tracts shall be depicted on a record of survey and properly recorded pursuant to the applicable provisions of Title 19A SCC;

(c) The record of survey shall depict an accurate location of open space tracts, and shall include necessary dedications, covenants and restrictions, and maintenance provisions as may be prescribed by the director. Projects subject to a declaration of condominium may include the information

required pursuant to this section on the record of survey otherwise required pursuant to Chapter 64.32 and/or 64.34 RCW; and

(d) The record of survey for PRDs located in the R-7200, R-8400 and R-9600 zones shall also include the location of all proposed structures, access roadways and parking areas.

(6) A homeowners association used for purposes of tract ownership and maintenance responsibility for tracts established pursuant to this section shall remain in effect until alternative ownership and maintenance responsibility is authorized by the department of planning and development services. The homeowners association shall have by-laws and other documents, including covenants, approved by the county and recorded with the county auditor, guaranteeing maintenance of commonly owned tracts and restricting use of the tracts to that specified in the approved PRD official site plan. Membership in the homeowners association and payment of dues or other assessments for maintenance purposes shall be a requirement of home ownership.

**Section 17.** A new section 18.51.070 is added to Snohomish county code to read:

18.51.070 Design Criteria – General.

(1) The design criteria contained in SCC 18.51.070 through 18.51.140 are applicable to all PRDs.

(2) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within the PRD.

(3) PRDs located in the R7-200, R-8400, and R-9600 zones and that are not accompanied by a concurrent subdivision or short subdivision approval, wherein each dwelling unit is to be placed on a single lot, shall be subject to a declaration of condominium pursuant to Chapters 64.32 and/or 64.34 RCW. The applicant shall commit to use of the condominium provisions at the time of PRD application.

(4) All housing types listed in the bulk requirements table of SCC 18.51.140(2) shall be allowed in any PRD in the zones specified in SCC 18.51.025, except as follows:

(a) Single family dwellings shall not be permitted in the Multiple Residential (MR) zone;

(b) Multiple family dwellings shall not be permitted in the R-7200, R-8400 and R-9600 zones; and

(c) Single family dwellings, duplexes, and townhouses shall not be permitted in the R-7200, R-8400, or R-9600 zones without concurrent subdivision or short subdivision approval, or condominium approval for each dwelling unit.

(5) Townhouse development in a PRD shall not be subject to the requirements of SCC 18.32.040, or the standards specified in chapter 18.53 SCC (Townhouse zone).

**Section 18.** Snohomish county code Section 18.51.075, last amended by Amended Ordinance 95-063, on August 9, 1995 is amended to read:

18.51.~~((075))~~180 Binding site plan.

(1) If an applicant chooses to divide land by subjecting a portion of a lot, parcel, or tract to either chapter 64.32 or 64.34 RCW, the applicant shall obtain approval of a PRD official site plan and approval of a binding site plan pursuant to Title 19A SCC.

**Section 19.** Snohomish county code Section 18.51.080, last amended by Amended Ordinance 95-063, on August 9, 1995 is amended to read:

18.51.~~((08))~~170 Revision of the official site plan.

~~((Revisions of an official site plan shall be permitted as set forth below))~~

(1) ~~((Minor Revisions.))~~ Minor revisions or changes in the official site plan may be permitted by administrative action of the director ~~((of the department of planning and development services division))~~ and shall be properly recorded within the PRD file and as a part of the records for the approved building permits~~((;))~~. A "minor" revision means any proposed change in an official site plan that does not involve a substantial alteration of the character of the PRD.

(2) ~~((Major Revisions.))~~ Major revisions of an official site plan shall be processed in the same manner as an original application~~((; and~~

~~—————(3) Determining Major, Minor Revisions))~~. A "major" revision means any proposed change ~~((in the basic use in a PRD, or any proposed change in the plans and specification for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree))~~ in conditions that substantially alter the character of the approved development, including, but not limited to a decrease in open space or an increase in density. ~~((A "minor" revision means any proposed change in an official site plan, which does not involve a substantial alteration of the character of the PRD.))~~

(3) The determination of whether a proposed change is a "major" or "minor" revision shall be made by the director ~~((of the department of planning and development services in accordance with the foregoing principles))~~.

(4) Any minor revisions or changes shall be noted on the official site plan filed with the department ~~((of planning and development services))~~. A major revision requires a new PRD official site plan.

**Section 20.** Snohomish county code Section 18.51.090, last amended by Amended Ordinance 95-061, on August 16, 1995 is repealed.

**Section 21.** Snohomish county code Section 18.51.100, last amended by Amended Ordinance 95-061, on August 16, 1995 is amended to read:

18.51.1((0))90 Other uses permitted.

One acre of land for every 300 dwelling units may be used for neighborhood business purposes. ~~((Such other uses as are permitted in the underlying zone are permitted herein upon the same criteria, terms and conditions))~~ A zone change to establish the neighborhood business zone shall be obtained as a separate action pursuant to the provisions of chapter 18.73 SCC.

**Section 22.** A new section 18.51.100 is added to Snohomish county code to read:

18.51.100 Design Criteria - Tree retention.

(1) Individual significant trees, and clusters/stands of significant trees located within any open space area required by this chapter shall be retained in accordance with the provisions of this section. Such areas include all designated native growth protection areas, critical areas and their buffers, and open space, except where active recreation is proposed.

(2) The project proponent shall identify all significant trees on the project site located outside critical areas and their required buffers, and specify such tree location and size (DBH) on a tree survey submitted with the project landscape plan.

(3) The proposed location of required open space areas other than critical areas and their buffers, to the greatest extent practical, shall correspond to the location of existing significant trees. It is not the intent of this section to require retention of all significant trees on a project site, but rather to maximize the retention of existing significant trees within required open space areas.

(4) The project proponent is encouraged to retain significant trees outside of designated open space, but only when such individual trees or clusters can withstand wind throw and have a substantial likelihood of survival.

(5) Single significant trees proposed for retention which are not part of a cluster/stand shall exhibit a full crown appearance.

(6) Damaged, diseased or standing dead significant trees need not be retained, but may be retained if the applicant demonstrates that such trees will provide important wildlife habitat and do not present a safety hazard.

(7) Understory shall be retained or restored within the drip line of significant trees designated for retention, unless such area is designated as useable open space and the applicant can demonstrate that the area within the drip line is necessary for recreational use or is an area to be landscaped, and in either case, tree preservation will not be negatively affected. Restored understory shall consist of shade-tolerant native trees, shrubs or fern species.

(8) The following restrictions apply to all PRD applications:

(a) No clearing shall be allowed until a significant tree retention plan is approved;

(b) No disturbance of the understory shall occur within the drip line of any significant tree designated for retention except as provided in SCC 18.51.100(7);

(c) The area corresponding to the drip line of a retained significant tree or the outermost drip lines of a cluster/stand of retained significant trees shall be identified during clearing and construction by clearly visible temporary fencing prior to any site clearing when such areas are required to be preserved. No impervious surfaces, fill, excavation or storage of construction materials shall be permitted within the temporary fencing area; and

(d) Any significant tree that is required to be retained and is damaged or destroyed as a result of clearing activity in violation of this chapter shall be replaced with minimum 2 1/2 inch caliper native species replacement trees at a ratio of 3:1. Such replacement trees shall be placed within open space areas; except that the director may approve placement on building lots or other areas outside designated open space. The developer shall provide adequate protection from damage during construction, or planting shall occur after construction, in which case a planting plan and bonding/security shall be provided to ensure their planting.

(9) For the purposes of this section, the following terms are defined as follows:

(a) "Drip line" means an imaginary ground line around a tree that defines the limits of the tree canopy.

(b) "Significant tree" means a conifer that is 10 inches minimum DBH or a deciduous tree that is 12 inches minimum DBH. The director may provide a listing of the tree species that are excepted from this definition.

**Section 23.** Snohomish county code Section 18.51.110, last amended by Amended Ordinance 95-061, on August 16, 1995 is amended to read:

18.51.~~((11))~~200 Maintenance of site improvements.

Prior to initiation of any site work and/or prior to issuance of any development/construction permits by the county, the applicant shall submit to the department of planning and development services covenants, deeds and homeowners' association by-laws and other documents guaranteeing maintenance of all commonly owned and operated property. These documents shall be submitted in a form acceptable to the director and accompanied by a certificate from an attorney that they comply with the requirements of this chapter. Such documents and conveyances shall be accomplished and be recorded with the county auditor as a condition precedent to the filing of any final plat, final short plat, or binding site plan/record of survey of the property or division thereof, except that the conveyance of land to a homeowners'

association may be recorded simultaneously with the filing of the final plat, final short plat, or binding site plan/record of survey.

**Section 24.** A new section 18.51.120 is added to Snohomish county code to read:

18.51.120 Design Criteria - Roads, access, circulation, pedestrian facilities and parking.

(1) The PRD shall be designed to provide adequate road access, connection and circulation to minimize traffic congestion, provide connection to adjoining neighborhoods, ensure adequate utility services, and provide emergency vehicle access. These design objectives will be accomplished by compliance with the requirements of this section.

(2) The configuration and design of all roads and access facilities within a PRD shall be in accordance with Title 26B SCC, Title 16 SCC, and the Department of Public Works Engineering Design and Development Standards (EDDS) adopted pursuant to chapter 13.05 SCC, unless otherwise expressly provided by this section.

(3) Access to all dwelling units within a PRD shall be by public road, except that access may be by private road when approved by the county engineer upon a finding that the following criteria are met:

(a) The PRD consists of no more than 40 dwelling units;

(b) Physical limitations of the site or adjacent property preclude the possibility of linkage with a public road either planned or projected in the foreseeable future;

(c) The proposed design of the private road, pedestrian access and layout meets the objectives of this chapter, is appropriate to the development proposed, and adequately provides for the public health, safety and welfare;

(d) The city engineer of the city in which annexation of the PRD is most likely to occur concurs with the use of a private road within the PRD; and

(e) The PRD is not otherwise required to provide a public road under county code.

(4) The provisions of SCC 18.51.120(3) shall not apply to PRDs in the LDMR and MR zones where all dwelling units are retirement housing, retirement apartments, multiple family dwellings or townhouse dwellings with three or more townhouse units per structure, and where the applicant chooses to provide access by use of the access provisions of chapter 18.45 SCC for multiple family dwellings. Use of this provision does not limit the potential requirement for the location of a public or private roadway on the PRD site as may be necessary to satisfy the connectivity requirements of SCC 18.51.120(5), and the requirements for adequate and safe pedestrian access specified in SCC 18.51.120(6).

(5) The PRD shall provide a connected network of roads rather than long, irregular loops with dead-ends and cul-de-sacs. Connection shall be provided to all public road, right-of-way or easement stubs existing at the boundaries of the

project and where such stubs are planned or projected in the foreseeable future, in addition to the minimum number of access points necessary to serve the project itself. The county engineer shall determine whether the proposed PRD provides adequate connection based on the following:

- (a) Traffic impacts as a result of the proposed PRD;
- (b) Pending and existing development activity within the affected road system;
- (c) Utility service needs for the proposed PRD;
- (d) Emergency vehicle access for the proposed PRD;
- (e) Any applicable criteria contained in county code, Title 26B SCC and the EDDS, including but not limited to SCC 26B.55.095; and
- (f) Whether the proposed road connections and access are adequate to carry anticipated traffic within and in the vicinity of the proposed PRD.

(6) The PRD shall be designed to provide adequate and safe pedestrian access to and circulation within the development. The PRD shall make appropriate provision for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and school bus stops. The county engineer shall review proposed pedestrian access to and circulation within the proposed PRD and make an individualized determination regarding whether the development makes adequate and appropriate provision for pedestrian access and circulation, based on the criteria of this section.

(7) The PRD shall provide for parking as required in chapter 18.45 SCC. In addition, guest parking shall be provided at the rate of one-half space per single family dwelling.

(8) The applicant may propose alternative design elements as modifications to and justifications for deviations from the EDDS, including but not limited to the following:

- (a) Alleys that serve as secondary and vehicular access to dwelling units;
- (b) Back-out bay parking, "eye-brow" cul-de-sacs, parking in the middle of cul-de-sac bulbs (where defined by curbs and landscaping), one-way lanes and loop lanes;
- (c) Modifications to right-of-way width, pavement widths, curbs, centerline radius and other road features;
- (d) Approved deviations pursuant to the Reduced Drainage Discharge Housing Demonstration Program, chapter 18.50 SCC; and
- (e) Other appropriate alternatives from recognized references such as the Residential Development Handbook for Snohomish County Communities (MAKERS, 1992), Residential Streets, 2<sup>nd</sup> Edition (ASCE, 1990) and Model Code Provisions- Urban Streets & Subdivisions (WSCTED, September 1998).

(9) As an alternative to the use of the EDDS, the applicant may propose the use of the engineering standards of the city in which the annexation of the PRD is most likely to occur. The use of applicable city standards shall be

considered as a modification to the EDDS and must be approved by the county engineer. When city standards are approved for use, the appropriate city engineer must sign the final plans documenting compliance with city standards.

(10) For purposes of this section, a public road "planned or projected in the foreseeable future" means that construction of the public road is included on the six-year transportation improvement program, is planned as a result of a proposed development application, or is necessary for local circulation, as documented in a report by the county engineer.

(11) For purposes of this section, the terms "street" and "road" are used interchangeably and are identical in meaning to the term "road" as defined in SCC 26B.51.098. The term "private road" is defined in SCC 18.90.910.

**Section 25** A new section 18.51.130 is added to Snohomish county code to read:

18.51.130 Design Criteria - Bulk requirements.

(1) Underlying Zone Requirements. Unless specifically modified by this chapter, all requirements of the underlying residential zone shall apply within the PRD;

(2) Table 1 establishes the bulk requirements for each housing type permitted in a PRD. The bulk requirements specified for each PRD housing type shall be applied to all PRDs, regardless of whether a concurrent subdivision or short subdivision is approved for the PRD site.



TABLE 1  
PRD BULK STANDARDS

| Development Type                                       | Minimum Site Size | Minimum Lot Width | Minimum Lot Area | Minimum Building Setbacks <sup>(1)(2)(4)</sup>                           | Maximum Lot Coverage <sup>(5)</sup> |
|--|-------------------|-------------------|------------------|--|-------------------------------------|
| Single Family Dwellings and Duplexes (Detached Condos) | 5 acres           | None              | None             | 5' front<br>15' rear<br>5' one side with<br>10' total side               | 55%                                 |
| Single Family Dwellings Zero Lot Line                  | 5 acres           | None              | None             | 5' front<br>15' rear<br>0' one side with<br>10' total side               | 55%                                 |
| Townhouse Dwellings                                    | 5 acres           | None              | None             | 10' front<br>15' rear<br>5' one side with<br>10' total side              | 55%                                 |
| Multiple-Family Dwelling                               | 5 acres           | 60'               | None             | 25' front<br>25' rear<br>5' one side w/<br>10' total side <sup>(3)</sup> | 40%                                 |
| Retirement Housing                                     | 5 acres           | 60'               | 20,000 sq ft     | 25' front<br>25' rear<br>15' side <sup>(3)</sup>                         | 40%                                 |
| Retirement Apartments                                  | 5 acres           | 60'               | 20,000 sq ft     | 25' front<br>25' rear<br>15' side <sup>(3)</sup>                         | 40%                                 |

Footnotes to Table 1

(1) See 18.51.140 for special setback requirements.

(2) The minimum length of driveway for front yard entry garages or carports between the face of the garage door and the right-of-way or easement shall be at least 18 feet.

(3) Multiple family, retirement apartments and retirement housing building heights greater than 25 feet shall have a side setback of 20 feet from adjacent properties.

(4) The specified front yard setback shall also be applied as the required setback from a public or private road for any building in a PRD where no individual lots are established by a concurrent subdivision or short subdivision.

(5) The specified maximum lot coverage for PRDs where no subdivision or short subdivision is proposed shall be met for the cumulative building footprint area for all structures in the buildable area of the PRD site. The buildable area of the site shall not include tracts, and public and private roadways.

(3) A minimum building separation of ten feet shall be maintained for single family detached dwellings, duplexes and townhouse structures in the R-7200, R-8400, and R-9600 zones when no subdivision or short subdivision is concurrently approved that would place each structure on an individual lot.

**Section 26.** A new section 18.51.150 is added to Snohomish county code to read:

18.51.150 Approval of PRD Official Site Plan – Decision Criteria.

(1) The hearing examiner may approve the PRD official site plan based on findings and conclusions demonstrating that all applicable standards and requirements of this chapter have been met.

(2) If the project is phased, each phase of the proposed development shall independently meet the requirements of this chapter.

(3) Any dedication of property or permit condition imposed pursuant to this chapter must be based on an individualized determination that the required dedication or permit condition is reasonably related in nature and extent to the impact of the proposed development.

**Section 27. Severability.** If any provision of this ordinance 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 is not affected. If any section, sentence, clause or phrase of this ordinance shall be held invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

**Section 28. Applicability.**

(1) The provisions of this ordinance will not apply to applications for which a complete application has filed on or before the effective date of this ordinance. For the purposes of this section, "a complete application" includes those

applications filed on or before the effective date of this ordinance that are later determined by the department to be complete as of the date of filing.

(2) As an alternative to subsection (1), pending complete applications may be revised to comply with the provisions of this ordinance. For purposes of such revisions:

(a) the five acre minimum site size restriction in Section 25 shall not apply; and,

(b) if the PRD project site is less than 210 feet in width, the perimeter buffer requirements of Section 12 shall not apply when no density bonus is given and when a minimum 15 foot wide perimeter buffer is provided. The PDS director may modify the buffer requirement when an alternative buffer is determined to result in an equal or better visual screen and provide adequate usable outdoor yard space on the PRD site.

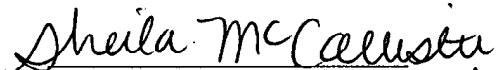
(3) Pending housing demonstration projects submitted pursuant to Ordinance No. 95-016 may continue to be processed pursuant to regulations in effect prior to the effective date of this ordinance, or may choose to comply with the provisions of this ordinance.

PASSED this 2<sup>nd</sup> day of May, 2001.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

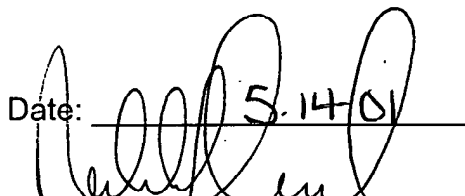
  
Chairperson

ATTEST:

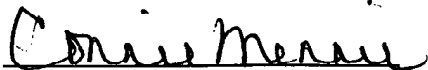
  
Clerk of the Council, *asst.*

- APPROVED  
 EMERGENCY  
 VETOED

Date:

  
County Executive

ATTEST:



Approved as to form only:

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

Amended Ordinance No. 01-005 - PRD  
As Adopted by the Council on May 2, 2001

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D-15