



CO00005076

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 01-052
AN ORDINANCE AMENDING SNOHOMISH COUNTY CODE TITLE 18
AND ESTABLISHING AN
URBAN CENTERS DEMONSTRATION PROGRAM

WHEREAS, The Snohomish County GMA Comprehensive Plan - General Policy Plan contains goals, objectives and policies that provide direction for planning and implementing urban centers; and

WHEREAS, Snohomish County is undertaking a two-year project to identify the exact locations and develop master plans, appropriate zoning, and development regulations for these centers; and

WHEREAS, the county council desires to encourage center development consistent with the intent and policies of the GMA comprehensive plan while centers planning is in progress; and

WHEREAS, the department of planning and development services drafted a new chapter to the Snohomish County Zoning Code (Title 18) that would establish an urban centers demonstration program permitting innovative, pedestrian- and transit-oriented development consistent with the GMA comprehensive plan; and

WHEREAS, the planning commission held a hearing on the urban centers demonstration program on May 22, 2001, and forwarded a recommendation to the county council; and

WHEREAS, the county council held a public hearing on August 8, 2001, to consider the entire record and hear public testimony on Ordinance No. 01-052.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

A. The State of Washington Growth Management Act discourages sprawl and encourages growth in urban areas served by a multimodal transportation system.

B. The multi-county planning policies focus growth in compact communities and centers that are connected with an efficient, transit-oriented, multimodal transportation system.

C. The Countywide Planning Policies for Snohomish County support urban centers and mixed-use development with pedestrian, bicycle and transit compatible design to encourage higher densities and employment concentrations.

D. The Snohomish County GMA Comprehensive Plan - General Policy Plan contains urban center goals, objectives and policies and designates the general locations of planned urban centers.

E. The General Policy Plan encourages the use of innovative urban design techniques and development guidelines for meeting the goals and objectives of the plan.

F. Snohomish County is undertaking a two-year project to identify the exact locations of designated centers and develop master plans, appropriate zoning, and development regulations for these centers.

G. The county has experienced growth rates during the last few years that require the immediate implementation of center goals and policies to allow for concentrated development in transit-oriented urban centers with an emphasis on pedestrian mobility to meet the housing and employment needs of a growing population.

H. There is a demonstrated need to better coordinate future center development to support the large public investment in public transit to increase ridership and reduce traffic volumes.

I. The State of Washington Growth Management Act requires that local governments planning under the GMA adopt development regulations that carry out and are consistent with the comprehensive plan.

J. Flexibility in the application of the land use development code and administrative procedures should provide opportunities for the development of urban centers before the urban centers planning, zoning, and development regulations are completed to prevent the loss of opportunities for appropriate urban center development.

K. The creation of an urban centers demonstration program in the Southwest Urban Growth Area will assist the county in developing mixed-use developments in those areas in or near designated urban centers before the final comprehensive plan amendments and implementing regulations for urban centers have been completed.

L. The urban centers demonstration program provides for opportunities to evaluate the potential for substantive changes in land use development codes, alternative land use development review techniques, and administrative procedures before those codes, techniques and procedures are finalized.

M. The Snohomish County Council and the Snohomish County Executive wish to use the urban centers demonstration program to demonstrate that the urban center development and design objectives of the General Policy Plan can result in density with quality design and mixed-use development and promote successful innovative center development as models for future development.

N. The urban centers demonstration program will help retain and provide employment opportunities in Snohomish County and reduce the number of persons commuting south to King County.

O. The amendments to Title 18 SCC are consistent with the county-wide planning policies and the county's GMA comprehensive plan.

P. There has been early and continuous participation in the review of the proposed amendments. The public participation requirements of the GMA and Chapter 32.05 SCC have been met in the review and adoption of this amendment.

Q. Addendum No. 23 to the Final Environmental Impact Statement (FEIS) for the Snohomish County GMA Comprehensive Plan was issued on May 10, 2001, for this non-project action. The purpose of this addendum was to add information and analysis of previously identified significant impacts and alternatives to the county's GMA Comprehensive Plan - General Plan EIS dated April 11, 1994 (Draft EIS) and June 21, 1995 (Final EIS). The information in the addendum expanded on previous descriptions of the plan actions, but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's existing adopted environmental documents. No additional significant impacts beyond those identified in the original EIS are expected to occur.

R. The amendments to Title 18 SCC are within the scope of analysis contained in the FSEIS and associated adopted environmental documents. The addendum performs the function of keeping the public apprised of the refinement of the original GMA comprehensive plan by adding new information, but does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.

S. The SEPA requirements with respect to this action have been satisfied by Addendum No. 23.

T. The county council held a public hearing on August 8, 2001, to consider the planning commission's recommendations.

Section 2. A new chapter is added to Title 18 of the Snohomish County Code to read:

Chapter 18.68

Urban Centers Demonstration Program

Sections:

- 18.68.010 Purpose.
- 18.68.020 Eligibility for demonstration program.
- 18.68.030 Definitions.
- 18.68.040 Submittal requirements.
- 18.68.050 Centers review committee.
- 18.68.060 Public meeting and notice.
- 18.68.070 Public open house and notice.
- 18.68.080 Procedures - director's decision.
- 18.68.090 Decision criteria.
- 18.68.100 Permitted and prohibited uses.
- 18.68.110 Modifications to the Snohomish County Code and standards.
- 18.68.120 Appeals.
- 18.68.130 Program evaluation.
- 18.68.140 Rulemaking authority.
- 18.68.150 Sunset.
- 18.68.160 Severability.

18.68.010 Purpose.

The purpose of the urban centers demonstration program is to allow for mixed-use development in residential, commercial, or industrial zones within or next to designated urban centers and to allow for flexibility and modification of the established site requirements and development standards. The urban centers demonstration program is hereby created to:

- (1) Encourage innovative design and development techniques within and next to urban center locations;
- (2) Implement the urban center goals, objectives, and policies of the county's GMA comprehensive plan;
- (3) Be consistent with the multi-county planning policies by encouraging more compact, mixed-use development within and near designated urban centers and on sites easily served by major transit corridors rather than auto-oriented, strip commercial development that is isolated from the surrounding land uses;
- (4) Be consistent with the countywide planning policies and the comprehensive plan by ensuring that proposed land uses and developments are compatible in use, character and size with the county's stated goals and objectives for future urban centers;
- (5) Foster broad community acceptance of higher density, mixed-use development by ensuring well-designed, well-sited and transit-accessible development;
- (6) Achieve development design, public open spaces, and pedestrian circulation and facilities that are superior to that allowed by the current county zoning code;
- (7) Ensure that buildings and other site features are arranged, designed, and oriented to facilitate pedestrian access, achieve a sense of place, and limit conflicts between pedestrians and vehicles;

(8) Allow some flexibility within the development standards of the current county zoning code by means of a demonstration program to allow higher density development in order to protect options for future, permanent center designations and zoning; and

(9) Provide the opportunity to identify and evaluate the potential for permanent, substantive changes to the county's land use development codes and administrative procedures.

18.68.020 Eligibility for demonstration program.

(1) Any applicant for a project permit as defined in SCC 32.50.030 may request inclusion in the program. The director shall make a finding determining eligibility based on the following criteria as demonstrated by the applicant:

(a) The project must be located in the Southwest Urban Growth Area;

(b) At least one acre of the project area must be within one of the circular urban center designations of the GMA comprehensive plan or within one-half mile of such a designation;

(c) The project must front on or take access off a major transit corridor or be located within one-quarter mile of a transit agency's park-and-ride facility;

(d) The developable area of a project shall consist of at least 10 acres, unless any part of the project is located within 120 feet of a transit agency's park-and-ride facility in which case the developable area must be at least five acres; and

(e) The ownership requirements for single or multiple parcels of SCC 18.60.020(3) are met.

(2) A finding of eligibility for inclusion in the program does not guarantee approval of any project permit under the provisions of this chapter.

18.68.030 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) "Applicant" means the legal owner of land, or their authorized representative, who holds entitlement for the use, improvement or construction on that land. The applicant may be an individual property owner, a partnership of individuals, a company, or a corporation.

(2) "Committee" means the centers review committee.

(3) "Department" means the Snohomish County department of planning and development services.

(4) "Developable area" means the area available for development outside identified critical areas and their buffers.

(5) "Director" means the director of the department of planning and development services.

(6) "DPW" means the department of public works.

(7) "EDDS" means the latest edition of the Engineering Design and Development Standards adopted by DPW pursuant to Chapter 13.05 SCC.

(8) "Major transit corridor" means an arterial street with existing bus stops and sidewalks served by more than one bi-directional bus

route with high frequency local service of at least 25 trips per day and all-day regional bus service.

(9) "Program" means the urban centers demonstration program.

18.68.040 Submittal requirements.

(1) The department shall establish and may revise written submittal requirements. The requirements shall be made available to the public in a checklist or other form that clearly explains the submittal materials required for an application to be determined complete.

(2) At a minimum, a site plan shall be prepared pursuant to the regulations for preliminary site plans for planned community business and business park zones in SCC 18.60.040.

(3) Other submittal materials shall include textual and visual materials that address the decision criteria in SCC 18.68.090.

(4) Submittal materials shall include, but not be limited to, building elevations, perspective drawings, building setback lines for all lots, minimum and maximum building heights for buildings, and a landscaping plan that includes a tree survey and demonstrates how significant trees and other natural features will be retained or enhanced.

(5) The department may waive in writing a submittal requirement that is determined not to be applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed action and is not necessary to demonstrate compliance with applicable criteria or requirements.

(6) The department may require additional materials as it determines necessary for review of an application.

18.68.050 Centers review committee.

(1) The committee is hereby created and shall be comprised of nine persons appointed by the Snohomish County Council upon the recommendation of the Snohomish County Executive.

(2) The committee shall consist of one representative each from the department, DPW, the Snohomish County Economic Development Council, and a transit agency serving Southwest Snohomish County; two representatives from the development industry; a representative of the nearest adjacent city; and two representatives of local citizen groups that have a presence within the Southwest urban growth area.

(3) The committee shall select no more than two members to participate in the site plan review meetings of the department.

(4) The committee shall select a committee chair and secretary.

(5) Duties and authority.

(a) The committee is authorized to meet with eligible program applicants to discuss proposed site plans and recommend modifications.

(b) The committee shall provide recommendations regarding the project including recommendations on the scale, density, design, building mass and proposed uses to the applicant following the initial meeting and to the director following the public open house, but prior to a final decision by the director.

(c) The committee shall evaluate and make recommendations to the director and the county engineer regarding modifications to the county zoning code and deviations from the EDDS, respectively.

(d) The committee shall conduct program evaluations and make project reports to the county council in accordance with SCC 18.68.130.

18.68.060 Public meeting and notice.

(1) Prior to application submittal, eligible project applicants shall meet with neighbors, project stakeholders, and the committee. The purpose of the meeting is to allow early comment and input on the proposal.

(2) The applicant shall give notice of the public meeting to the committee and to property owners within 500 feet of the site.

(3) The department shall establish timing and content requirements for the notice.

(4) Within 14 calendar days of the meeting, the committee shall provide the applicant with written comments on the proposal.

18.68.070 Public open house and notice.

(1) Following submittal of the application, the department shall schedule and conduct a public open house.

(2) At the public open house, the applicant shall present the complete application to the public, describe how it responds to input provided at the public meeting, and respond to comments.

(3) The public open house shall be co-sponsored by the Snohomish County Economic Development Council with optional sponsorship by other groups.

(4) Notice of the public open house shall be provided by the department in accordance with SCC 32.50.060(4) through (8) and may be combined with the notice of application.

18.68.080 Procedures - director's decision.

(1) Following project review and consideration of the committee's recommendation, the director shall either approve, approve with conditions or disapprove the proposed project.

(a) The decision shall specify all conditions of approval, including but not limited to the site plan and specific design elements.

(b) If the application is not approved, the decision shall state the reasons for disapproval.

(2) In the evaluation of and decision on a project, the director shall consider recommendations of the committee and may impose reasonable conditions and requirements recommended by the committee.

(3) A decision to approve shall supersede any preliminary site plans or final plans previously approved for a project on the same site. The requirements in Chapter 18.60 SCC for modifications or amendments to previously approved site plans shall not apply if the proposed project is approved pursuant to this chapter.

(4) As a condition of approval by the director and prior to approval of any development activity or site disturbance, the applicant shall sign a concomitant agreement in a form approved by the county. The concomitant agreement shall reference the required conditions of approval, including the site plan, design elements and all other conditions of project approval. The concomitant agreement shall be re-

corded, run with the land, and shall be binding on the owners, heirs, assigns, or successors of the property.

(5) Subsequent development shall be consistent with the approved site plan and comply with all other applicable requirements of the county code.

(6) Minor changes to a site plan or design elements previously approved under this chapter may be approved by the director. Changes that increase floor area by more than ten percent, change access points, increase trip generation, or substantially change the land use are major and shall be subject to the requirements of this chapter or must comply with plans or regulations as may be adopted in the future to implement the center goals, objectives, and policies of the comprehensive plan.

(7) Applications that include public or nonprofit housing shall be given priority for expedited site plan review as authorized in Title 14 SCC.

18.68.090 Decision criteria.

(1) To approve a proposed project pursuant to this chapter, the director must make the following findings:

(a) The project meets all of the following land use criteria:

(i) the project shall provide for opportunities for two or more different, but compatible, land use categories such as residential, retail commercial, public, or office uses that may be located in the same building or on the same site;

(ii) the project shall include open space in the form of one or more plazas that are accessible to the public or in the form of natural open space that is integrated with adjacent open spaces and connected by pedestrian paths to the center;

(iii) the project shall provide residential units at a gross density of 15 to 50 units per acre; or more with the approval of the review committee and department; and

(iv) when the residential density is proposed at the upper end of the range prescribed in SCC 18.68.090(1)(a)(iii), one or more of the following features shall be provided:

(A) parking located under the building or in a parking structure;

(B) buildings constructed with pitched roofs or stepped-back upper floors; or

(C) mechanical equipment screened from view;

(b) The project is designed in a compact form and incorporates design features that are consistent with the recommendations of the following design reports that are available at the department's office:

(i) Residential Development Handbook for Snohomish County Communities, March 1992, Site Planning and Building Design, pp. G-79 - G-124;

(ii) Transit Oriented Development Guidelines, July 1999; and

(iii) SW Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Site Design and Building Design, pp. 14-25;

(c) The vehicular and pedestrian circulation system is designed to be consistent with the purpose of this chapter, with Title 26B SCC, with the EDDS, with policies of the department of public works, and with the recommendations of the following design reports that are available at the department's office:

(i) Residential Development Handbook for Snohomish County Communities, March 1992, Streetscape, pp. G-63 - G-78; and

(ii) SW Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Street Design, pp. 9-13;

(d) Surface off-street parking is located to the rear or the side of principal buildings and meets the following:

(i) where feasible, pervious materials will be used; and

(ii) parking stalls will be provided according to the following minimum and maximum standards:

(A) 1 to 1.5 stalls per dwelling unit;

(B) 2.5 to 3 stalls per 1,000 square feet of office space; or

(C) 3.5 to 4 stalls per 1,000 square feet of retail space;

(e) The project is in compliance with applicable requirements of the Snohomish County Code and any modifications to the code permitted under this chapter;

(f) The project is consistent with the purpose of this chapter; and

(g) The project bears a substantial relationship to the public, health, safety, and welfare.

(2) The director may approve a request for modification of the requirements of SCC 18.68.080(1)(a)(iii), (1)(a)(iv), and (1)(d)(ii) if:

(a) The proposed plan represents an equal or better result than would be achieved by strictly following the requirements of the code; and

(b) The proposed plan fulfills the purpose of this chapter.

18.68.100 Permitted and prohibited uses.

The following uses shall apply to projects approved under this chapter regardless of the zoning of the proposed site:

(1) The uses listed as permitted uses in SCC 18.32.040 in the planned community business (PCB) and business park (BP) zones shall be permitted.

(2) The conditional uses listed in SCC 18.32.040 for the PCB and BP zones shall be prohibited.

(3) The uses prohibited in the PCB and BP zones by SCC 18.32.040 shall be prohibited.

(4) In addition to the uses prohibited by SCC 18.68.100(2) and (3), the following uses shall be prohibited:

(a) Agriculture;

(b) Airport;

(c) Auto repair;

(d) Cemetery, columbarium, crematorium, mausoleum, mortuary;

(e) Commercial vehicle storage facility;

(f) Dwelling, single family detached;

- (g) Golf courses and driving ranges;
- (h) Greenhouse, lathhouse, nurseries;
- (i) Grocery store larger than 40,000 square feet;
- (j) Hazardous waste storage and treatment facilities;
- (k) Mini self-storage;
- (l) Kennel;
- (m) Lumber yard;
- (n) Race track;
- (o) Retail store larger than 40,000 square feet;
- (p) Saw mill;
- (q) Service station;
- (r) Small animal husbandry;
- (s) Stables;
- (t) Storage structure;
- (u) Tire store;
- (v) Ultralight airpark;
- (w) Utility facilities: Freestanding electromagnetic transmission and receiving facilities;
- (x) Wholesale establishment; and
- (y) All other uses not otherwise mentioned in the BP zone.

18.68.110 Modifications to the Snohomish County Code and standards.

(1) To accomplish the purpose of the program, an applicant may request modifications to the following provisions of the county code to the extent that they are consistent with this chapter:

- (a) Chapter 18.42 SCC Bulk Regulations;
- (b) Chapter 18.43 SCC Landscaping;
- (c) Chapter 18.44 SCC Signs;
- (d) Chapter 18.45 SCC Off-Street Parking; and
- (e) Chapter 18.60 SCC BP, PCB and IP Zones Procedures and Standards.

(2) The director may approve modifications to the chapters listed in SCC 18.68.110(1) after considering the committee's recommendations and finding in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.

(3) The county engineer may approve deviations from the EDDS consistent with the provisions for deviations in the EDDS after considering the committee's recommendations and finding that the deviations are consistent with the purpose and requirements of this chapter and will not be detrimental to the public health, safety and welfare.

18.68.120 Appeals.

The decision of the director to approve with conditions or deny an application may be appealed to the Snohomish County hearing examiner pursuant to the provisions of Chapter 2.02 SCC. The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by filing a land use petition in Snohomish County superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC, and 23.40 SCC.

18.68.130 Program evaluation

(1) The committee and the department shall document project process, innovations, modifications from the Snohomish County Code and deviations from the EDDS and evaluate to what degree they achieve the purpose of this chapter.

(2) The committee shall review the process of design and development review conducted by the county and document real and perceived successes and problems.

(3) An annual report shall be published and submitted to the county executive and county council documenting, describing and evaluating the results of each project and, if appropriate, making recommendations regarding substantive changes to the Snohomish County Code that can be supported by evidence gathered from the program experience.

(4) Relevant materials gathered in the course of project selection, permit review and development shall be collated and made available by the department for the use of the professional development community as well as the general public.

18.68.140 Rulemaking authority.

(1) The director may adopt rules for the purpose of implementing, administering, and enforcing the provisions of this chapter related to modifications to the requirements of the zoning code.

(2) The director of DPW may adopt rules for the purpose of implementing, administering, and enforcing the provisions of this chapter related to deviations from the EDDS.

18.68.150 Sunset.

This chapter shall expire upon adoption of master plans for all centers designated on the Future Land Use map of the county's GMA comprehensive plan or after four years of the effective date of this ordinance, whichever occurs earlier.

18.68.160 Severability.

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

PASSED this 8th day of August, 2001.

ATTEST

Sheila McCauley
Clerk of the Council, *asst.*

- () APPROVED
- () EMERGENCY
- () VETOED

ATTEST: Conni Merritt

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Sam
Chair

DATE AUGUST 09, 2001

[Signature]
Robert J. Drewel
County Executive

STEPHEN L. HOLT
Executive Director

Approved as to form only:

Deputy Prosecuting Attorney

D-7