

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00003341

AMENDED ORDINANCE NO. 04-081

AMENDING SNOHOMISH COUNTY CODE 30.23.210(7), RELATING TO LOT SIZE
AVERAGING CALCULATIONS; ALLOWING SURFACE DETENTION/RETENTION FACILITIES
TO BE GIVEN CREDIT IN CERTAIN CIRCUMSTANCES AS AREAS DESIGNATED
AS OPEN SPACE OR RECREATIONAL USES

WHEREAS, SCC 30.23.210, provides in subsection (1) thereof:

30.23.210 Lot size averaging.

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus critical areas and their buffers and areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning; and

WHEREAS, SCC 30.23.210(7) provides that roadways and surface detention/retention facilities shall not count toward the calculations for lot size averaging; and

WHEREAS, the inclusion of open space and recreational areas in the lot size averaging provisions provide flexibility during subdivision design and promote affordable housing; and

WHEREAS, it is the desire of council to promote the use of "surface detention/retention facilities" that have appropriate safety, aesthetic, open space, and recreational features; and

WHEREAS, certain detention and retention facilities designed in accordance with the Engineering Design and Development Standards (EDDS) provide open space and recreational features within subdivisions; and

WHEREAS, it is appropriate in such circumstances stated above to allow surface detention/retention facilities to be included in areas designated as open space or recreational uses for the purpose of determining lot size averaging calculations in SCC 30.23.210(1); and

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and the county council. The Snohomish County Council makes the following findings of fact and conclusions:

- A. The Snohomish County Council adopts and incorporates the foregoing recitals as if fully set forth herein.

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AVERAGING CALCULATIONS, AND AMENDING
CHAPTER 30.23 SCC

- B. The provisions of this ordinance are consistent with the Growth Management Act, chapter 36.70A RCW, Countywide Planning Goals and Objectives LU 10, HO.2.B, HO.3.A, Snohomish County Comprehensive Plan, and the intent of the Snohomish County Code.
- C. A Determination of Nonsignificance was issued for the proposed action on March 21, 2004, pursuant to the State Environmental Policy Act (SEPA), chapter 43.21C RCW and chapter 197-11 WAC, and Chapter 30.23 SCC, and satisfies the requirements of SEPA.
- D. Continuous public participation was conducted in the process of adopting this ordinance. Public participation included public hearings before the Snohomish County Planning Commission on April 27 2004, and Snohomish County Council on September 1, 2004, and opportunity for written comments.
- E. The proposed amendment is in the best interest of Snohomish County and promotes the general public health, safety, and general welfare.

Section 2. Based on the foregoing findings and conclusions, Snohomish County Code Section 30.23.210, last amended by Ordinance No. 03-075 on September 24, 2003 is amended to read:

30.23.210 Lot size averaging.

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus critical areas and their buffers and areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning.

(2) This section shall only apply within zones having a minimum lot area requirement of 12,500 square feet or less.

(3) Each single lot shall be at least 3,000 square feet in area.

(4) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;

(5) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and right-of-way setbacks of 15 feet except that garages must be setback 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce one right-of-way setback to no less than 10 feet;

(6) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

(7) Roadways and surface detention/retention facilities shall not count toward the calculations for lot size averaging. However, surface detention/retention facilities shall count toward calculations for lot size averaging if the detention/retention facility: (1) is designed to not require security fencing under the EDDS standards and (2) the facility is either (a) designed so as to appear as a natural wetland system, or (b) provides active or passive recreational benefits in a natural landscaped setting.

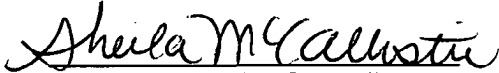
Section 3. It is the intent of the council that PDS, when making a determination of whether a detention/retention facility proposed for lot size averaging credit under (7) above "appears as a natural wetland system" or "provides active or passive recreational benefits in a natural landscaped setting" the department will use the principles and concepts included in "The Integrated Pond, Enhancing the Design and Value of Stormwater Ponds", dated September 1998, and published by the King County Department of Natural Resources.


Section 4. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

PASSED this 1st day of September, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

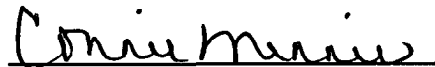

Asst. Clerk of the Council

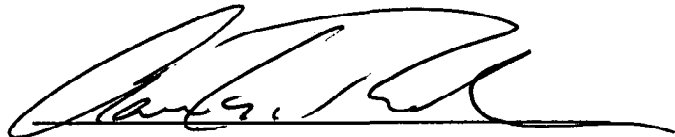

Chair

- APPROVED
- EMERGENCY
- VETOED

Date: 9/14/04

ATTEST:





County Executive

Approved as the form only:

Deputy Prosecuting Attorney

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