

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



AMENDED ORDINANCE NO. 05-101

RELATING TO PROVISIONS FOR FULLY CONTAINED COMMUNITIES, AMENDING SNOHOMISH COUNTY CODE TITLE 30, CHAPTERS 30.21 AND 30.86, AMENDING SUBTITLE 30.9 TO ADD NEW DEFINITIONS, ADDING CHAPTER 30.33A DEVELOPMENT REGULATIONS FOR SITING AND PROCESSING APPLICATIONS FOR FULLY CONTAINED COMMUNITIES CONSISTENT WITH THE ADOPTED SNOHOMISH COUNTY COMPREHENSIVE PLAN

WHEREAS, RCW 36.70A.350 allows for fully contained communities (FCC) to be located in a county; and

WHEREAS, state law sets forth criteria for approving a fully contained community; and

WHEREAS, on December 21, 2005 Snohomish County (County) adopted Comprehensive Plan policies for siting and developing fully contained communities in accordance with state law and county specified criteria; and

WHEREAS, the County allocated a population of 15,000 to fully contained communities pursuant to WAC 365-195-335(3)(l)(i); and

WHEREAS, the County recognizes the growth management and economic benefits of an FCC development; and

WHEREAS, the County created the code to implement the Comprehensive Plan policies in the General Policy Plan (GPP); and

WHEREAS, the County conducted stakeholder outreach and public participation programs to receive public comment on the code; and

WHEREAS, the Planning Commission held a public hearing on August 23, 2005, and forwarded a recommendation to the County Council recommending approval of the ordinance with certain revisions.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council adopts and incorporates the foregoing recitals as if set forth fully herein.

Section 2. The county council makes the following additional findings and conclusions.

A. The Ordinance is consistent with the Growth Management Act (GMA) and the County's Growth Management Act Comprehensive Plan (GMACP).

B. Pursuant to chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and chapter 30.61 SCC, the Snohomish County Environmental Review Ordinance, the County met the SEPA requirements as follows:

1. Following an extended scoping period that included a public scoping meeting held on July 22, 2003, a draft environmental impact statement (DEIS) was prepared and issued in May, 2004. The DEIS analyzed the environmental impacts of three alternative growth and land use scenarios to address the state forecasts of population and employment growth to the year 2025. The DEIS included the policy basis analysis for fully contained communities.
2. On October 12, 2004, PDS publicly released its "preferred alternative" land use plan at a public meeting with the planning commission. This plan would accommodate a population and employment growth target within the range forecasted by the state Office of Financial management (OFM) and is within the range of land use scenarios analyzed in the DEIS including a population reserve for fully contained communities.
3. In April 2005 PDS transmitted to county council and planning commission the complete package of plan and code amendments, except the development regulations for fully contained communities, for the mandatory updates. In preparing this package, PDS considered the public input received through stakeholder interviews conducted in 2002, public meetings, open houses, hearings and workshops conducted in 2002, 2003 and 2004, and written letters and comments on the DEIS and the preferred alternative and other public input received through February 1, 2005. PDS also considered the results of various environmental and technical analyses involving the main policy and code issues and identified the development regulations as a necessary mitigation measure and implementation requirement. The proposed development regulations are consistent with the proposed GPP policies under Objective LU 1.E for fully contained communities. The final proposed development regulations, as required, were completed subsequent to the DEIS and prior to the FEIS.
4. A final environmental impact statement (FEIS) was prepared and issued on December 13, 2005 that provided responses to 382 comments on the DEIS received during the 45-day comment period

and which provided supplemental analysis and information relating to the preferred alternative land use plan.

5. The planning commission and county council considered the analysis and information contained in the DEIS and the FEIS in taking their actions on the fully contained communities development regulations.
- C. The requirements of SEPA and chapter 30.61 SCC have been satisfied with respect to this proposed action.
- D. The County published legal notices in The (Everett) Herald, local newspapers and letters to interested parties on August 10, 2005, October 19, 2005 and November 25, 2005, 2005, notifying the public of public hearings held by the planning commission and county council.
- E. A public hearing was held before the county council on November 2, 2005 and December 7, 2005, which meets state and local public participation requirements for the adoption of an ordinance under the GMA.
- F. The county council considered the entire hearing record, including the planning commission's recommendation, written testimony during the public comment period, and oral testimony given during public hearings before the planning commission and county council.
- G. The County's regulations are consistent with the procedural and substantive requirements of the GMA as set forth in RCW 36.70A.350. Some commenters have claimed that (a) the GMA requires that FCC areas be mapped on the Future Land Use Map prior to a permit being issued, and (b) an FCC project permit cannot be approved without first having obtained a comprehensive plan amendment allowing the FCC. The commenters base these claims on language in the Board decisions in Vashon-Maury et al. v. King County, CPSGMHB No. 95-3-0008c, Order on Supreme Court Remand, June 15, 2000, and Friends of the Law v. King County, CPSGMHB No. 01-3-0010, Final Decision and Order, October 29, 2001. However, these decisions must be read within the context of the facts of those cases, where the proposed Bear Creek FCC (a) was mapped on the Comprehensive Plan map, and (b) did involve a formal comprehensive plan amendment process prior to and separate from the FCC permit process. The language of the GMA contains no such requirements to map FCCs on the comprehensive plan map prior to a permit being approved, or that a comprehensive plan amendment must be approved before or simultaneously with consideration of an FCC permit.
- H. The recent case of *Quadrant Corp. v. CPSGMHB*, 154 Wn.2d 224 (2005), clarifies that deference must be given to a local government's planning choice under the GMA as long as that choice is in compliance with the

goals and requirements of the GMA. The *Quadrant* case also clarifies that where a county complies with the specific requirements of RCW 36.70A.350 in establishing a regulatory framework for FCCs, such regulations will not be overturned based on a claim that the county's process is not consistent with GMA's goals. Here, there is no language in the GMA, specifically in RCW 36.70A.350, that bars the County's regulatory framework for FCCs.

- I. Requiring an applicant for an FCC permit to go through a formal comprehensive plan amendment process in addition to the FCC permit process outlined in RCW 36.70A.350 would be redundant, since .350 provides that approval of an FCC permit automatically results in a comprehensive plan amendment of the FCC property to an urban growth area designation as a matter of law. It would also lengthen the approval process unnecessarily. Further, requiring a formal comprehensive plan amendment in addition to a project permit approval would potentially lead to inconsistent results. First, a comprehensive plan amendment goes to the planning commission, the council and then to the Growth Management Hearings Board. Meanwhile, a permit for an FCC would proceed on a separate track to the hearing examiner, then the Council, and then to court under a Land Use Petition Act appeal. The potential for inconsistent results which would thwart the FCC provisions of the GMA is obvious, and cannot be what the legislature intended.
- J. Commenters also claim that there has been inadequate SEPA analysis to approve FCC regulations for an FCC at Lake Roesiger. However, the FCC regulations are not designed with any specific site in mind. In the event an applicant comes in for an FCC application, full SEPA review for the site proposed in such an application will be undertaken at that time.

Section 3. Snohomish County Code Section 30.21.025, last amended by amended Ordinance 04-074, July 28, 2004, is amended to read:

**30.21.025 Intent of zones.**

This section describes the intent of each use zone. Snohomish County's use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) - (4).

(1) Urban Zones. The urban zones category consists of residential, commercial, and industrial zoning classifications in Urban Growth Areas (UGAs) located outside of cities in unincorporated Snohomish County. These areas are either already characterized by, or are planned for, urban growth consistent with the comprehensive plan.

(a) Single Family Residential. The intent and function of single family residential zones is to provide for predominantly single family residential development that achieves a minimum net density of four dwelling units per net

acre. These zones may be used as holding zones for properties that are designated urban medium-density residential, urban high-density residential, urban commercial, urban industrial, public/institutional use (P/IU), or other land uses in the comprehensive plan. The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU designation (e.g., R-7,200-P/IU). Single family residential zones consist of the following:

- (i) Residential 7,200 sq. ft. (R-7,200);
- (ii) Residential 8,400 sq. ft. (R-8,400); and
- (iii) Residential 9,600 sq. ft. (R-9,600).

(b) Multiple Family Residential. Multiple family residential zones provide for predominantly apartment and townhouse development in designated medium- and high-density residential locations. Multiple family residential zones consist of the following:

(i) Townhouse (T). The intent and function of the townhouse zone is to:

(A) provide for single family dwellings, both attached and detached, or different styles, sizes, and prices at urban densities greater than those for strictly single family detached development, but less than multifamily development;

(B) provide a flexible tool for development of physically suitable, skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and

(C) provide design standards and review which recognize the special characteristics of townhouses, to ensure the development of well-planned communities, and to ensure the compatibility of such housing developments with adjacent, existing, and planned uses. Townhouses are intended to serve the housing needs of a variety of housing consumers and producers. Therefore, townhouses may be built for renter occupancy of units on a site under single ownership, owner agreements pursuant to chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to chapter 58.17 RCW;

(ii) Low-Density Multiple Residential (LDMR). The intent and function of the low-density multiple residential zone is to provide a variety of low-density, multifamily housing including townhouses, multifamily structures, and attached or detached homes on small lots; and

(iii) Multiple Residential (MR). The intent and function of the multiple residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses.

(c) Commercial. The commercial zones provide for neighborhood, community and urban center commercial, and mixed use developments that offer a range of retail, office, personal service and wholesale uses. Commercial zones consist of the following:

(i) Neighborhood Business (NB). The intent and function of the neighborhood business zone is to provide for local facilities that serve the everyday needs of the surrounding neighborhood, rather than the larger surrounding community;

(ii) Planned Community Business (PCB). The intent and function of the planned community business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control;

(iii) Community Business (CB). The intent and function of the community business zone is to provide for businesses and services designed to serve the needs of several neighborhoods;

(iv) General Commercial (GC). The intent and function of the general commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian- or neighborhood- oriented;

(v) Freeway Service (FS). The intent and function of the freeway service zone is to provide for needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to hearing examiner review, are contained in chapter 30.31B SCC to protect freeway design;

(vi) Business Park (BP). The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale and manufacturing nature which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses. The BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties;

(vii) Light Industrial (LI). The intent and function of the light industrial zone is to promote, protect, and provide for light industrial uses while also maintaining compatibility with adjacent nonindustrial areas;

(viii) Heavy Industrial (HI). The intent and function of the heavy industrial zone is to promote, protect, and provide for heavy industrial uses while also maintaining compatibility with adjacent nonindustrial areas; and

(ix) Industrial Park (IP/PIP). The intent and function of the industrial park and planned industrial park zones is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP and remaining Planned Industrial Park (PIP) zones are designed to ensure compatibility between industrial uses in industrial

centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community. Vacant/undeveloped land which is currently zoned PIP shall be developed pursuant to industrial park zone regulations (chapter 30.31A SCC).

(d) Industrial Zones. The industrial zones provide for a range of industrial and manufacturing uses and limited commercial and other nonindustrial uses necessary for the convenience of industrial activities. Industrial zones consist of the following:

(i) Business Park (BP). See description under SCC  
30.21.025(1)(c)(vi);

(ii) Light Industrial (LI). See description under SCC  
30.21.025(1)(c)(vii);

(iii) Heavy Industrial (HI). See description under SCC  
30.21.025(1)(c)(viii); and

(iv) Industrial Park (IP). See description under SCC  
30.21.025(1)(c)(ix).

(e) Mixed use zone. The mixed use (MU) zone shall only be applied to properties approved for an fully contained communities (FCC) in accordance with Chapter 30.33A SCC. Allowed and/or prohibited uses for the MU zone shall be administered through the FCC permit Master Plan pursuant to SCC 30.33A.100(9).

(i) Purposes. The MU zone is established to achieve the following purposes:

(A) To enable FCC development, pursuant to this chapter, with imaginative site and building design in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;

(B) To ensure sensitivity in land use and design to adjacent land uses in the MU district, and avoid the creation of incompatible land uses;

(C) To ensure that all development in the FCC gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and storm water systems are designed to adequately serve the FCC; and

(D) To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protection of the water quality of the county's rivers, contribution to the long-term solution of flooding problems, protection of wetlands and critical areas and protection of views of the county's foothills, mountains, open space areas, or other scenic resources within the county.

(ii) Objectives. Each proposal for development within the MU zone shall be in conformity with the FCC permit master plan and advance the achievement of the foregoing purposes of the MU zone and the following objectives:

(A) The preservation or creation of open space for the enjoyment of the residents of the FCC, employees of business located within the FCC and the general public;

(B) The creation of attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;

(C) The provision of employment opportunities and goods and services in close proximity to, interspersed with, or attached to residential uses;

(D) The provision of a balanced mix and range of land uses within and adjacent to the development that minimize the necessity for the use of automobiles on a daily basis;

(E) The use of highest quality architectural design and a harmonious use of materials;

(F) The provision of a range of street sizes and designs, including narrow streets designed principally for the convenience of pedestrians as well as streets of greater width designed primarily for vehicular traffic;

(G) The provision of commons, greens, parks or civic buildings or spaces as places for social activity and assembly for the community; and

(H) The provision of clustered development to preserve open space within the FCC while still achieving an overall desired density for the FCC.

(2) Rural Zones. The rural zones category consists of zoning classifications applied to lands located outside UGAs that are not designated as agricultural or forest lands of long-term commercial significance. These lands have existing or planned rural services and facilities, and rural fire and police protection services. Rural zones may be used as holding zones for properties that are primarily a transition area within UGAs on steep slopes adjacent to non-UGA lands designated rural or agriculture by the comprehensive plan. Rural zones consist of the following:

(a) Rural Diversification (RD). The intent and function of the rural diversification zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions, which discourage intense development, and a resident population, which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is intended to protect, maintain, and encourage traditional and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land. The following guidelines apply:

(i) a minimum of restrictions shall be placed on traditional and appropriate rural land uses;

(ii) the rural character of these outlying areas will be protected by carefully regulating the size, location, design, and timing of large-scale, intensive land use development; and

(iii) large residential lots shall be required with the intent of preserving a desirable rural lifestyle as well as preventing intensive urban- and suburban-density development, while also protecting the quality of ground and surface water supplies and other natural resources;

(b) Rural Resource Transition - 10 Acre (RRT-10). The intent and function of the rural resource transition - 10 acre zone is to implement the rural residential-10 (resource transition) designation and policies in the comprehensive



plan, which identify and designate rural lands with forestry resource values as a transition between designated forest lands and rural lands;

(c) Rural-5 Acre (R-5). The intent and function of the rural-5 acre zone is to maintain rural character in areas that lack urban services;

(d) Rural Business (RB). The intent and function of the rural business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The rural business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and for a new rural business, are located two and one-half miles from an existing rural business, rural freeway service zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

(e) Clearview Rural Commercial (CRC). The intent and function of the CRC zone is to permit the location of commercial businesses and services that primarily serve the rural population within the defined boundary established by the CRC land use designation. Uses and development are limited to those compatible with existing rural uses that do not require urban utilities and services.

(f) Rural Freeway Service (RFS). The intent and function of the rural freeway service zone is to permit the location of small-scale, freeway-oriented commercial services in the vicinity of on/off ramp frontages and access roads of interstate highways in areas outside a designated UGA boundary and within rural areas of the county. Permitted uses are limited to commercial establishments dependent upon highway users; and

(g) Rural Industrial (RI). The intent and function of the rural industrial zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.

(3) Resource Zones. The resource zones category consists of zoning classifications that conserve and protect lands useful for agriculture, forestry, or mineral extraction or lands which have long-term commercial significance for these uses. Resource zones consist of the following:

(a) Forestry (F). The intent and function of the forestry zone is to conserve and protect forest lands for long-term forestry and related uses. Forest lands are normally large tracts under one ownership and located in areas outside UGAs and away from residential and intense recreational use;

(b) Forestry and Recreation (F&R). The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation and to protect publicly-owned parks in UGAs;

(c) Agriculture-10 Acre (A-10). The intent and function of the agricultural-10 acre zone is:

(i) To implement the goals and objectives of the County General Policy Plan, which include the goals of protecting agricultural lands and promoting

agriculture as a component of the County economy;

(ii) To protect and promote the continuation of farming in areas where it is already established and in locations where farming has traditionally been a viable component of the local economy; and

(iii) To permit in agricultural lands, with limited exceptions, only agricultural land uses and activities and farm-related uses that provide a support infrastructure for farming, or that support, promote or sustain agricultural operations and production including compatible accessory commercial or retail uses on designated agricultural lands.

(iv) Allowed uses include, but are not limited to:

(A) Storage and refrigeration of regional agricultural products;

(B) Production, sales and marketing of value-added agricultural products derived from regional sources;

(C) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

(D) Support services that facilitate the production, marketing and distribution of agricultural products;

(E) Off farm and on-farm sales and marketing of predominately regional agricultural products from one or more producers, agriculturally related experiences, products derived from regional agricultural production, products including locally made arts and crafts, and ancillary sales or service activities.

(F) Accessory commercial or retail uses which shall be accessory to the growing of crops or raising of animals and which shall sell products predominately produced on-site, agricultural experiences, or products, including arts and crafts, produced on-site. Accessory commercial or retail sales shall offer for sale a significant amount of products or services produced on-site.

(v) Allowed uses shall comply with all of the following standards:

(A) The uses shall be compatible with resource land service standards.

(B) The allowed uses shall be located, designed and operated so as not to interfere with normal agricultural practices.

(C) The uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of agricultural buildings but shall not otherwise convert agricultural land to non-agricultural uses.

(d) Mineral Conservation (MC). The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

(ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit;

(iii) permit the necessary processing and conversion of such material

and minerals to marketable products;

(iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

(v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

(4) Other Zones: The other zones category consists of existing zoning classifications that are no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas. Other zones consist of the following:

- (a) Suburban Agriculture-1 Acre (SA-1);
- (b) Rural Conservation (RC);
- (c) Rural Use (RU);
- (d) Residential 20,000 sq. ft. (R-20,000);
- (e) Residential 12, 500 sq. ft. (R-12,500); and
- (f) Waterfront beach (WFB).

Section 4. A new chapter is added to Snohomish County Code Title 30 to read:

#### **Chapter 30.33A**

#### **DEVELOPMENT STANDARDS AND SITING PROCESS FOR FULLY CONTAINED COMMUNITIES**

- 30.33A.010 Purpose, community elements, and applicability
- 30.33A.020 Decision criteria – Decision criteria for fully contained communities permit
- 30.33A.030 FCC permit approval
- 30.33A.035 Mixed use zone
- 30.33A.040 FCC permit review process
- 30.33A.050 FCC permit requirements
- 30.33A.060 Sector plan approvals
- 30.33A.070 Development agreement
- 30.33A.080 Financial agreements, latecomer agreements, and fair share
- 30.33A.090 Environmental review requirements
- 30.33A.100 Design criteria and requirements – Land uses
- 30.33A.110 Design criteria and requirements – Housing
- 30.33A.120 Design criteria and requirements – Transportation, road, fire service, and school adequacy
- 30.33A.130 Design criteria and requirements – Water and sewer service
- 30.33A.140 Design criteria and requirements – Road design, access, circulation, and pedestrian facilities
- 30.33A.150 Design criteria and requirements – Drainage design
- 30.33A.160 Design criteria and requirements – Open space and buffer requirements

### 30.33A.170 Development, design, and construction standards

#### **30.33A.010 Purpose, community elements, and applicability**

(1) Purpose. The purpose of the fully contained communities (FCC) regulations is to provide a permitting process and standards allowing creation of an innovative, compact, and all encompassing community through master planning. The regulations shall provide for an efficient review of land use applications using comprehensive and consistently applied development standards and mitigation measures. The community shall contain well-sited and well-designed mixed uses, including commercial, residential, and public places. Surrounding rural land shall be protected by the FCC from the urban development of an FCC. An FCC shall be designed to create a strong sense of place and unique community identity and character.

(2) Community elements. The development proposal shall include elements that:

(a) Implement the Growth Management Act (GMA); County-wide Planning Policies, and General Policy Plan (GPP) FCC goals, objectives, and policies;

(b) Provide for efficient use of land;

(c) Provide for a mix of uses in a compact area designed to reduce off-site traffic impacts;

(d) Apply a coordinated approach to land use, open space, infrastructure and critical areas planning by allowing flexibility within and modification from existing codes and standards when appropriate;

(e) Create a pedestrian-oriented community;

(f) Integrate natural features throughout the community;

(g) Provide for a diversity of housing types and ownership options;

(h) Establish a range and intensity of uses;

(i) Provide a high degree of certainty about the nature of future development;

(j) Provide for economic development and employment opportunities within the FCC;

(k) Provide for a high level of environmental integrity.

(3) Applicability. Fully contained communities may only be applied to sites that:

(a) Contain at least 2,000 contiguous acres;

(b) Are in single ownership or control by a legal entity with strong financial capacity to facilitate site planning and to assure ultimate development consistent with any approved FCC master plan developed in accordance with SCC

30.33A.050;

(c) Are located at least one mile from any Snohomish County city, and at least one mile from any Urban Growth Area (UGA) boundary associated with a Snohomish County city;

(d) Are located on land that is not resource land or:

(i) On designated forest lands that no longer meet the applicability criteria set forth in the Land Use Policies 8.A.2 of the County's GPP; or

(ii) On designated mineral lands that no longer meet the applicability criteria set forth in Land Use Policies 9.A of the County's GPP; and

(e) Are located on land entirely abutting rural or resource zoned properties; and

(f) Are located on land where environmental impacts to critical areas can be avoided, minimized, or mitigated;

(g) Are located where adequate road systems are in place or will be put in place to provide access from at least two directions on a state highway or county arterial; and

(h) Are capable of incorporating as a separate city in the future.

### **30.33A.020 Decision criteria – Decision criteria for fully contained communities permit**

Decision criteria. An applicant must submit documents with an FCC permit application demonstrating that the FCC proposal meets the criteria in RCW 36.70A.350 and the following requirements :

(1) New on- and off-site infrastructure is provided for and requirements for impact fees, if applicable, are established consistent with RCW 82.02.050 prior to development. The proposal shall comply, at a minimum, with the following infrastructure elements:

(a) The site shall be capable of connecting to an existing public water supply system with the capacity to serve the needs of the proposed project. If an existing public water supply system is not available, the applicant must demonstrate and ensure that the project has access to identified water rights necessary to establish an adequate system, as determined by the governing agency, without unmitigated negative impacts on existing water users and water resources;

(b) The site shall be capable of connecting to an existing public wastewater treatment system that has the capacity to serve the needs of the proposed project. If an existing public wastewater treatment system is not available, the applicant must demonstrate and ensure that a new wastewater treatment facility can be developed to meet the needs of the proposed project without adversely impacting any watersheds after mitigation; and

(c) The site shall be located where an arterial road network is in place or will be put in place to address transportation needs and impacts. An evaluation shall include a determination that a proposed FCC can be made consistent with the requirements of SCC 30.33A.120 and chapter 30.66B SCC. An evaluation shall also be made of the long-term adequacy of the county to make the capacity improvements needed to maintain level of service provisions.

(2) Transit-oriented site planning and traffic demand management programs will be developed and implemented, in accordance with SCC 30.33A.120 and chapter 30.66B SCC.

(3) Pedestrian, bicycle and high occupancy vehicle facilities are designated and incorporated into the design and management of the FCC, in accordance with SCC 30.33A.140.

(4) Adequate buffers are provided between the FCC and adjacent development, in accordance with SCC 30.33A.160.

(5) An adequate mix of uses is planned which provides for a broad range of jobs, housing and services to the residents of the new community addressing the provisions set forth in SCC 30.33A.100. A sufficient amount of land is allocated with appropriate infrastructure to accommodate the projected number of

employment opportunities as determined by an analysis of the relevant factors affecting the proposed FCC pursuant to SCC 30.33A.100.

(6) Affordable housing is provided within the new community for a broad range of age and income levels. The percentage of housing for low- and moderate-income households shall be in accordance with the standards set forth in SCC 30.33A.110.

(7) Environmental protection and mitigation are addressed. Measures equivalent to or better than those required in the environmental protection provisions of chapter 30.61 SCC are provided.

(8) Impacts on designated agricultural lands, forest lands, and mineral resource lands are mitigated. The site shall be on land that minimally impacts any designated resource lands.

(9) Low impact development and other techniques designed to assure resource conservation and reduction of environmental impacts, both during construction and over the life of the project, are incorporated into the planning, design, construction, and operation of the project.

(10) A financial and fiscal analysis is provided demonstrating the adequacy of existing capital facilities and general governmental services necessary to support the FCC. A financial plan is proposed to address identified needs demonstrating the applicant and the county have the financial resources available to complete the project as set forth in SCC 30.33A.070(3)(c). Revenue strategies may include proportionate share mitigation payments by development components and/or phases in the FCC to help pay for improvements to the arterials providing the connections between the FCC and county's arterial network.

(11) A coordinated and cooperative effort with nearby cities and nearby property owners is conducted in accordance with SCC 30.33A.040.

(12) The overall design of the FCC contains elements that provide community cohesiveness and identity.

### **30.33A.030 FCC permit approval**

(1) Development and development planning for an FCC shall require phased reviews and approvals. The first level of review requires approval of an FCC permit processed in accordance with this section. This consists of a master plan pursuant to SCC 30.33A.050 and a development agreement in accordance with SCC 30.33A.070. Sector plan applications as defined in SCC 30.91S.085 shall be submitted subsequent to approval of the FCC permit and shall provide a more detailed analysis of portions of the FCC site in accordance with SCC 30.33A.060. Development within each sector shall require approval of individual project permits.

(2) A permit for an FCC is the primary site plan and conceptual approval and shall include the provisions set forth in SCC 30.33A.040 and 30.33A.050. The permit shall be processed following the procedures established in chapters 30.70 and 30.72 SCC as a Type 2 permit, except as follows:

(a) The hearing examiner, as set forth in SCC 30.72.060, shall make a recommendation to the county council instead of a decision, except that any decision on a Type 1 appeal of a SEPA threshold determination made by the hearing examiner shall be a final decision.

(b) The hearing examiner shall make a recommendation of approval, approval with conditions, or denial based on whether the proposal complies with the applicability provisions in SCC 30.33A.010(3) and the decision criteria for an FCC permit forth in SCC 30.33A.020.

(c) Each hearing examiner recommendation shall include a proposed ordinance for council consideration that would adopt the hearing examiner's recommendation as a final decision.

(d) A party of record may request review of the hearing examiner's recommendation by the county council using the same process as required for appeal of a Type 2 decision; and

(e) If no party of record requests review of the hearing examiner's recommendation, the department shall forward the recommendation to the county council for a closed record hearing, allowing for a presentation to the council by the applicant and the department regarding the recommendation and the proposed ordinance.

(3) Approval of an FCC permit is required prior to issuance of any project permits within the FCC. The FCC permit shall constitute approval of the following land use actions:

(a) A UGA (urban growth area) delineation on the Future Land Use Map of the County shall be drawn around the perimeter of the site.

(b) A Mixed Use zoning district, as set forth in SCC 30.21.025 and 30.33A.035, shall be drawn around the perimeter of the site on the Official Snohomish County zoning map. The allowed land uses and applicable development standards shall be administered through the FCC permit Master Plan developed in accordance with SCC 30.33A.050. A separate rezone process as set forth in chapter 30.42A SCC is not required.

(c) A master plan approval serving as the planning document guiding future land use development, including housing, transportation, capital facilities, utilities, economic development, and natural environment elements within the FCC UGA.

(d) Designation of the FCC as a TDR receiving site on the Future Land Use Map pursuant to chapter 30.35A SCC when applicable.

(4) Resource lands may be eligible for an FCC development proposal if the applicant demonstrates that an FCC meets the applicability requirement set forth in SCC 30.33A.010(3)(d). The site shall no longer be considered resource lands upon approval of an FCC permit.

(5) A development agreement processed in accordance with SCC 30.33A.070 and chapter 30.75 SCC shall be approved simultaneously with or subsequent to approval of an FCC permit by the county council.

#### **30.33A.035 Mixed use zone**

The mixed use zone (MU), in accordance with the purpose and objectives set forth in SCC 30.21.025(1)(e) and this chapter, shall only be used for sites approved for an FCC. Subject to the provisions of chapter 30.33A SCC for fully contained communities, no land shall be used, subdivided, cleared, graded or filled and no building or structure shall be constructed, altered or enlarged within the MU zone except under the authority of an approved master plan and subsequent sector plan and associated development permits pursuant to SCC 30.33A.050 and 30.33A.060 issued through the established process.

#### **30.33A.040 FCC permit review processes**

(1) An FCC permit approval shall follow the process as set forth in SCC 30.33A.030. The review process for development of an FCC shall include the following:

(a) The FCC permit application shall include a master site plan, proposed land uses and development standards, a plan for developing the community over the projected length of time for the project and regulatory and financial assurance that the plan will be carried out as approved. The FCC permit process shall follow the additional provisions and procedures set forth in SCC section 30.33A.030.

(b) Sector plans shall be processed as a Type 2 decision pursuant to chapter 30.72 SCC and SCC 30.33A.060. Sector plans shall be consistent with the original intent of the FCC permit Master Plan and applicable provisions of Snohomish County codes.

(c) Subsequent planning and project permits shall be determined to be in compliance with the FCC permit and sector plan conditions of approval by the director prior to issuance. Project permits within each approved sector shall be processed as either a Type 1 or Type 2 decision as provided for in chapters 30.71 and 30.72 SCC respectively.

(2) At least one pre-application meeting is required for FCC permit submittals and shall be conducted in accordance with SCC 30.70.020. Representatives from nearby cities and any local, state, or federal governmental agency with a potential interest in the proposal may be invited by the county to attend. The following provisions shall apply to an FCC pre-application meeting:

(a) The applicant shall submit preliminary plans and documents identified by the department in a submittal checklist developed in accordance with SCC 30.70.030. The submittal information shall include, at a minimum, elements demonstrating that the proposal meets the requirements set forth in SCC 30.33A.020 and 050.

(b) Within 60 days, the department shall determine if the site meets the applicability standards set forth in SCC 30.33A.010(3) or if not, shall advise the applicant that further information is required to make a determination of applicability. The department may defer making a determination of applicability of subsections (d),(e), (f), (g) and/or (h) of SCC 30.33A.010(3) to the FCC permit final decision.

(3) The FCC applicant is required to conduct a pre-application open house as follows:

(a) After the pre-application meeting and prior to application submittal, the FCC applicant shall conduct an open house to inform neighbors and stakeholders of the project and allow early comment and input.

(b) The applicant shall give notice of the open house to the department, to property owners within one mile of the boundaries of the proposed site, and to any local, state, or federal governmental agency and community groups identified by the department as having a potential interest in the proposal.



(c) The department will publish notice of the open house public meeting in accordance with SCC 30.70.045. The applicant shall pay the county the costs incurred for the published notices.

(d) At the meeting, the applicant shall describe the proposed FCC features including a general description of the type and intensity of land uses, the approximate areas for development and for open space, and the infrastructure improvements required to accommodate development of the FCC. The applicant shall invite comments on the proposal and provide information on how to submit additional comments in writing after the meeting.

(e) All comments received as a result of the meeting shall be documented by the applicant. The applicant shall address and respond to comments relating to the specifics of the FCC development proposal and include this information with the FCC permit application.

(4) The director of the department shall appoint a technical review team to coordinate the county's review of the FCC permit application.

(a) The technical review team must include representatives from the department, the department of public works for traffic, road design and surface water issues, the prosecuting attorney's office, and the parks department as appropriate. The team should be comprised of staff with the necessary expertise such as urban design planning, long range planning, and permit processing. Representatives from other county departments, local and state public agencies and tribes affected by the proposed FCC may be appointed as deemed necessary by the director.

(b) The director may authorize the team to engage outside technical consultants to advise the team. The selection of such consultants will be done by agreement with the applicant. The consultants will be hired by the county and costs incurred by the county for such services will be reimbursed by the applicant. The county may require the applicant to provide security for payment of such fees in a manner acceptable to the county before engaging the services of such consultants.

(c) The team shall review and make written recommendations on all FCC permit submittals regarding compliance with applicable provisions of Snohomish County Code, Comprehensive Plan, and the purpose of this Chapter.

(5) Following submittal of the application, the department shall schedule and conduct a public meeting with attendance by the technical review team. This meeting may be combined with the scoping process in WAC 197-11-408 for an environmental impact statement on the proposal. At the public meeting, the applicant shall:

- (a) Present the complete application to the public and committee;
- (b) Respond to comments generated before and during the meeting; and
- (c) Provide information on how to submit additional comments following the meeting and the method for providing responses to these comments.

Notice of the public meeting shall be provided by the department in accordance with SCC 30.70.045 and may be combined with the notice of threshold determination if applicable. The department shall schedule and conduct a second public meeting in accordance with chapter 30.61 SCC, in the same manner as set forth above, after issuance of a draft environmental impact statement and prior to the end of the comment period for the draft EIS.

(6) Modifications to approved plans shall be made as follows:

(a) An approved FCC permit or subsequent sector plans, including site plan elements or conditions of approval, except for the development agreement, may be modified at the request of the applicant or the applicant's successor in interest. Modifications may be required in response to changes in housing and employment needs, neighboring land uses and county development codes normally occurring over the long timeframe required to fully develop an FCC.

(b) The director shall determine if proposed modifications are major or minor. Modifications to the approved FCC Master Plan or sector plans may be administratively approved by the director as minor modifications unless specifically identified in the conditions of approval or development agreement as a major modification, if they do not to a substantial degree, as determined by the director:

(i) Increase the intensity of development, e.g. trips generated or number of residential units;

(ii) Alter the character of the development or balance of mixed uses;

(iii) Change the location of major access points;

(iv) Change the trip distribution;

(v) Change internal pedestrian or vehicle circulation;

(vi) Reduce the acreage identified as dedicated public areas, open space or buffering areas; or

(vii) Diminish the effectiveness of perimeter buffers;

Modifications that do not qualify as minor shall be deemed major modifications and be reviewed in the same manner as set forth for new FCC permit or sector plan applications.

(7) An appeal of an FCC permit shall be processed in accordance with the appeal process set forth in chapter 30.72 SCC Type 2 process or the applicable Permit Type as specified in this chapter.

### **30.33A.050 FCC permit requirements**

(1) An FCC permit application shall include Master Plan elements described in subsection (3) below and Development Agreement elements in SCC 30.33A.070. The Master Plan, in conjunction with the FCC permit approved documents as set forth in SCC 30.33A.030, shall be the plan that conceptually identifies the land use, financial, and public service elements of an FCC.

(2) The department will establish checklists prepared in accordance with SCC 30.70.030 for an FCC permit submittal. Checklists shall, at a minimum, include information required to determine that the application meets decision criteria in SCC 30.33A.020, all elements needed for FCC permit approval in this section, elements required for a development agreement in SCC 30.33A.070 and level of service provisions and concurrency requirements in chapter 30.66B SCC.

(3) Submittal information required for the FCC permit Master Plan approval shall, at a minimum, include:

(a) A written analysis, documentation, and other necessary material demonstrating that the proposal meets the applicability requirements of SCC 30.33A.010(3) and the decision criteria set forth in SCC 30.33A.020;

(b) A written analysis demonstrating the extent to which the proposed project complies with the goals and policies of the county's GPP, and purpose of an FCC in SCC 30.33A.010(1);

(c) Site plans prepared at a scale acceptable to the department showing:

(i) Location and relationship of site to surrounding areas, including current land uses and zoning;

(ii) Existing site conditions, including contours, the general location of environmentally sensitive areas, water bodies, vegetative cover, and other natural features and site improvements such as existing roads and structures;

(iii) Sector boundaries and the general location of all proposed land uses by sector including areas for residential, commercial, industrial, and public uses including schools, specifying approximate acreage for each type of use and residential uses by density;

(iv) General location and approximate acreage of areas to be reserved for open space, perimeter buffers, parks, trails, environmental mitigation, recreation, and commons;

(v) Proposed arterial circulation network showing the general location of arterials;

(vi) General location and routing of proposed major utility systems and facilities; and

(vii) Location of proposed public transportation services and facilities.

(d) The following additional information shall be incorporated in an FCC permit Master Plan:

(i) A legal description of the subject property;

(ii) Overall goals, policies, and objectives specific to the site and the FCC design;

(iii) An affordable housing element that demonstrates compliance with requirements in SCC 30.33A.110(3) and justification for all deviations from standards set forth in Title 30 SCC;

(iv) Development, design, and construction standards for all uses, improvements, and facilities within the FCC in accordance with SCC 30.33A.170;

(v) A program for development providing the estimated time to complete each sector and a phasing plan, in accordance with SCC 30.33A.100(3), identifying the public facilities, job opportunities and commercial retail and services uses to be available as needed to serve the residents from the community and nearby areas;

(vi) An analysis demonstrating that the FCC, when completed, would contain a sufficient range and mix of uses necessary for the FCC to incorporate as a separate city in the future;

(vii) Proposed provisions ensuring the permanence and maintenance of common open spaces and recreational facilities;

(viii) Landscape plans in accordance with SCC 30.33A.110(7), 30.33A.150(3), and 30.33A.160(6);

(ix) A SEPA checklist or a written request for a determination of significance, acknowledging that an environmental impact statement will be required, in lieu of such checklist;

(x) A proposal evaluating and analyzing economic development potential for employment opportunities targeted for the residents of the FCC;

(xi) Provisions for the applicant's surrender of an approved FCC permit before commencement of construction or cessation of FCC development based upon causes beyond the applicant's control or other circumstances, with the property to develop thereafter under the base zoning in effect prior to the FCC permit approval;

(xii) Provisions for using Transfer of Development Rights to gain more efficient density to serve the FCC shall be specified;

(xiii) A parks and recreation plan in accordance with SCC 30.33A.100(6).

(e) Traffic analysis as required by the Department of Public Works for the purpose of demonstrating consistency with the Transportation Element of the County's GPP.

(4) The elements required for FCC permit approval are not limited to those identified above. The County may impose whatever additional requirements it deems necessary to achieve the goals and purposes of the development of an FCC as set forth in policies under Objective LU 1.E of the GPP.

(5) Unless otherwise provided for through the FCC permit approval, and subject to any appropriate credits for fees paid or facilities provided by the FCC, applicable impact fee payment requirements shall be those which are in effect when applications for project permits implementing the FCC such as approvals for subdivisions, binding site plans, or building permits are deemed complete.

(6) A fee for an FCC permit, subsequent sector plans, and modifications to any approvals shall be paid to the department at the time of application submittal in accordance with SCC 30.86.615. The fee for an FCC pre-application meeting shall also be in accordance with SCC 30.86.615 and new fees shall apply for any successive meeting. Fees for project permit applications shall be those in effect when these permits are submitted.

### **30.33A.060 Sector plan approvals**

(1) Sector plans require detailed documentation to be submitted showing site conditions and locations of proposed uses and supporting infrastructure. A checklist of submittal requirements for a sector plan application shall be completed by the department in accordance with SCC 30.70.030 and shall, at a minimum, include the following:

(a) Maps and textual information describing existing site conditions, including contours at five foot intervals, the approximate location of environmentally sensitive areas, water bodies, vegetative cover, and other natural features and improvements such as existing roads and structures;

(b) A legal description of sector boundaries;

(c) A land use plan showing the approximate locations of all uses, number, density and types of dwelling units, industrial and commercial areas, areas reserved for municipal uses and demonstration that all such uses conform to development standards required by the master plan;

(d) Location and acreage of areas to be reserved for open space, perimeter buffers, parks, trails, environmental mitigation, recreation, and commons;

(e) Background studies as appropriate to show proposed phasing of the development and the estimated time to complete all development;

(f) Circulation system including the specific location of existing and proposed primary, minor and collector arterials;

(g) Traffic analysis as required by the Department of Public Works for purpose of demonstrating consistency with the FCC Master Plan and that subsequent project permits can comply with the provisions set forth in chapter 30.66B SCC;

(h) Location and routing of proposed major utility systems and facilities;

(i) Description of proposed public transportation services and facilities;

(j) Design controls and standards;

(k) Reserve areas set aside for further development within the sector;

(l) Master plan perimeter buffers located within the sector;

(m) A SEPA checklist or a written request for a determination of significance, acknowledging that an environmental impact statement or supplemental environmental impact statement will be required, in lieu of such checklist; and

(n) Analysis identifying how development of the sector plan would be in compliance with the FCC permit master plan and any deviations from the approved master plan.

(2) The final locations and acreage dedicated for all proposed uses may vary slightly on the subsequent project and/or development permit reviews from the locations shown on the sector plan, provided that such changes do not:

(a) Reduce buffers or open space internal to the project;

(b) Alter the dedication of land for public uses;

(c) Change the mix, general location, densities or scale of uses; or

(d) Alter any internal circulation patterns.

(3) Land uses identified in the Master Plan may be transferred among sectors providing that the overall mix of uses and integrity of the approved Master Plan design are maintained. Modifications to the approved Master Plan and approved sector plans shall be in accordance with SCC 30.33A.040(6).

(4) Nothing in this code shall prohibit the applicant or his successors from submitting an application for the review and approval of more than one sector plan at the same time.

(5) Applications for Type 2 project permits, such as preliminary plats and binding site plans located within all or a portion of a sector, may be reviewed and approved concurrently with review and approval of the underlying sector plan.

### **30.33A.070 Development agreement**

(1) The conditions of FCC permit approval shall be incorporated into a development agreement, as authorized by RCW 36.70B.170 through .210. The procedures and criteria for review and approval of a development agreement for an FCC shall be processed in accordance with chapter 30.75 SCC. The development agreement process shall be coordinated such that the recommendation from the Hearing Examiner pursuant to SCC 30.75.020(1) is brought forward to the County Council for consideration with the FCC permit.

(2) In addition to the provisions set forth in chapter 30.75 SCC, the development agreement must be:

(a) Signed by all property owners within the FCC in a form acceptable to Snohomish County;

(b) Binding on all property owners and their successors; and

(c) Recorded with the Snohomish County auditor pursuant to SCC 30.75.200 prior to the issuance of any land use permit or approval authorizing the start of construction activities for development authorized by the FCC permit.

(3) A development agreement for an FCC shall include, at a minimum, the following components related to the FCC permit and Master Plan:

(a) Comprehensive planning and zoning

(i) Mechanism as set forth in SCC 30.33A.100, for assuring a mixture of uses and housing types in the development of the FCC in accordance with the applicable goals, objectives, policies and development standards;

(ii) Procedures for changing approved land uses within the FCC;

(iii) Permitted land uses, densities, and constraints for the development as a whole and for subareas or sectors of the FCC;

(iv) Provisions for effecting zoning changes, if applicable, within the FCC; and

(v) Provisions for employment opportunities through home occupational business.

(b) Vesting, time limits, and processing

(i) Duration and expiration of the FCC permit;

(ii) Conditions for phasing all aspects of the project;

(iii) Vesting of development standards; and

(iv) Permit processes and review procedures.

(c) Finance planning

(i) Financial plans for on and off-site infrastructure;

(A) Identification of off-site improvements necessary to provide access and to maintain level of service on and off-site;

(B) Estimated costs of off-site improvements;

(C) Portion of the costs of off-site improvements to be provided by the County, proportional share mitigation payments, developer contributions, and other means;

(D) Phasing of off-site improvements related to the approval of sector plans; and

(E) Binding financial commitments to infrastructure which may include commitments to, rates for, and timing of proportional share mitigation payments, use of escrow accounts, and performance bonds.

(ii) Financial plans for providing services including shortfall agreements;

(iii) Project amount and proportionate share mitigation payments; and  
(iv) Future incorporation plan and timing. A financial plan shall specify the steps and timing for an FCC to begin considering the incorporation. Potential issues of incorporation should be identified in the financial plan.

(d) Public services

(i) Roles and responsibilities in providing services and facilities in the FCC;

(ii) Agreement for implementing water and sewer service to FCC;

(iii) Plan for schools, police and fire programs for the FCC; and

(iv) Public Works agreement for services if applicable.

(e) Development standards and improvements for on and off site infrastructure

(i) Detailed development standards for retention of natural vegetation, landscaping, parking, signage, trails, utility corridors, storm water management and groundwater protection, pedestrian/vehicular traffic separation, and clearing and grading incorporated from the FCC Master Plan;

(ii) Conditions for development and mitigation;

(iii) Platting standards;

(iv) Low impact development standards;

(v) Provisions for the critical areas development standards;

(vi) Any needed quarry development standards;

(vii) Road design standards and spacing;

(viii) Unified sign plan;

(ix) Joint transportation improvements;

(x) Preservation of open spaces;

(xi) Park and recreation improvements including plan for trails; and

(xii) Adequacy and sufficiency of public facilities.

(f) Covenants, conditions, and restriction agreements to ensure continuity of approved compatible uses, compliance with community character, environment, and high quality development and architecture for areas within the FCC.

(g) Include other terms, provisions, and conditions the county deems necessary or appropriate to ensure that the development of the FCC is accomplished in compliance with the provisions and policies of Snohomish County and state and federal regulations that govern such development.

(4) Appeal of a development agreement shall follow the procedures set forth in SCC 30.75.300.

(5) Modifications to the development agreement shall be processed in accordance with SCC 30.75.210.

### **30.33A.080 Financial agreements, latecomer agreements, and fair share**

If the applicant provides more than its fair share contribution to infrastructure improvements or public services including but not limited to roads, sewers, water, fire, police, schools or park and recreation facilities, then the applicant shall receive latecomer fees, offsets, credits, reductions, or other adjustments to

reflect the applicant's fair share obligations to the extent provided for by law. These financial agreements shall be included in the development agreement.

#### **30.33A.090 Environmental review requirements**

An FCC development proposal shall meet the requirements for environmental review pursuant to chapter 30.61 SCC and SCC 30.33A.040(5).

#### **30.33A.100 Design criteria and requirements – Land uses**

(1) An FCC shall provide a compatible mixture of land uses including residential, employment, retail, commercial, government facilities, schools, parks and recreation, public places, and open space.

(2) The FCC design shall provide for a pedestrian-oriented town center.

(3) The FCC permit shall designate the location of and shall specify the acreage to be committed to each of the major land uses within the FCC. In order to ensure that the full range of approved uses is developed within the FCC, the FCC permit shall include a schedule for the development of the service, retail, public facility, and other commercial uses required to support the residents in the FCC. To ensure that the land needed to accommodate those uses is available at the time provided for in the schedule, the conditions of approval shall require recoding of final plat on land designated for service, retail, public, and other commercial uses according to the FCC permit schedule. The land shall include all utilities and other infrastructure needed to accommodate the land uses for which the land is designated and available to potential users.

The schedule shall specify the maximum number of residential units that may be built in the FCC before a reasonable amount of other uses including employment, retail, services, schools, parks and government facilities, needed to support residents in each phase of development of the FCC, are completed as determined in the FCC permit approval. The schedule may include consideration of the flexibility needed by the developer to address uncertainties in real estate markets.

(4) Business/industrial uses of a professional office, wholesale and manufacturing nature shall be clustered and designed to be compatible with nearby less intensive uses. Development standards in the FCC permit for such uses shall meet or exceed Business Park (BP) standards in chapter 30.31A SCC, except for the minimum acreage requirements in SCC 30.31A.020.

(5) Heavy and light industrial uses, approved for development in an FCC, shall be clustered and designed to be compatible with nearby less intensive uses. Development standards in the FCC permit shall meet or exceed Industrial Park (IP) standards in chapter 30.31A SCC, except for the minimum acreage requirements in SCC 30.31A.020.

(6) The FCC shall include parks and recreation uses and, at a minimum, comply with the following requirements:

(a) The FCC permit shall include a parks and recreation plan identifying the location, proposed uses and acreage of each park throughout the FCC site. The plan shall provide a variety of both active and passive recreation opportunities.



(b) If the projected population of the FCC is expected to approach or someday exceed 15,000, the plan shall make provisions for a community park in accordance with the Snohomish County Comprehensive Parks Plan and chapter 30.66A SCC.

(c) The FCC shall provide parks of sufficient size for ball fields, playgrounds and community gathering places (approximately five acres or larger).

(d) Neighborhood parks, trails and other recreational facilities shall be located where conveniently accessible from all residential areas within the FCC.

(7) The FCC shall provide sufficient land to serve the needs of residents in the vicinity of the FCC for retail and commercial uses and for community and municipal service uses and facilities.

(8) In order to provide for a balance of jobs and housing within an FCC, the approved FCC shall designate an amount of land for commercial, business, and other employment uses sufficient to support a number of jobs equal to the number of dwelling units approved in the FCC. The county may reduce this employment land base requirement, as it deems appropriate, to the extent that dwelling units within the FCC are designated for uses such as senior housing, assisted or special needs housing, and other similar non-typical housing types or uses.

(9) All permitted and prohibited uses within the FCC shall be established through the FCC permit Master Plan approval. The development agreement shall state the process for amending the permitted or prohibited uses.

### **30.33A.110 Design criteria and requirements – Housing**

(1) An FCC proposal shall provide a broad range of housing types and ownership options at a range of densities permitted in other urban areas of the County.

(2) The maximum number of dwelling units shall be established by the FCC permit and shall reflect higher than normal urban densities expected to offset higher infrastructure costs of parks and other amenities serving the FCC.

(3) The FCC shall provide for a proportionate share of affordable housing to households at levels specified in the adopted Snohomish County Tomorrow Fair Share Housing Allocation. Provisions for maintaining the affordability element of dwelling units shall be set forth in the FCC permit development agreement.

(4) The FCC shall provide for affordable housing. At least 30% of the total housing within the FCC shall be divided into three classes:

- (a) affordable to those with incomes at 80% of the median income;
- (b) affordable to those with incomes at 100% of the median income;
- (c) affordable to those with incomes at 120% of the median income;

The exact mix between these three classes shall be determined by the director.

(5) Residential developments shall be clustered and designed to maximize open space and preserve the natural features of the FCC site.

(6) Residential developments shall be pedestrian-oriented with neighborhood parks and trails within walking distance for the residents.

(7) Completion of parks, trails and other recreational facilities shall be phased with construction of residential units in order for these amenities to be available on a proportionate basis to the number of residents living in the FCC.

(8) The FCC permit shall include landscaping design criteria for all residential areas and associated detention facilities. The design criteria in the FCC for these purposes shall meet or exceed the criteria in SCC 30.42B.125 and chapter 30.25 SCC.

(9) Low impact development strategies shall be incorporated into the drainage design system.

**30.33A.120 Design criteria and requirements – Transportation, road, fire service, and school adequacy**

(1) Required facility construction, dedication, and other mitigation measures may be phased in conjunction with the phasing for completion of the FCC established in the FCC permit.

(2) All provisions of chapter 30.66B SCC shall apply to all subsequent individual applications for subdivisions, commercial building permits, or official site plans submitted

(3) Site planning shall be transit oriented and provide sites and opportunities for efficient transit service and design features that facilitate transit use. Traffic demand management programs shall be provided for and implemented in the FCC. Pedestrian, bicycle and high occupancy vehicle facilities must be given high priority in design and management of the FCC.

(4) The FCC may provide future sites for schools in lieu of or to partially offset school mitigation fees required by chapter 30.66C SCC, providing that the school district agrees to the proposed mitigation. The terms shall be specified in a legal agreement between the FCC applicant and the applicable school district.

(5) Level of service standards for all arterials connecting to the FCC shall be Level "C" or better unless the criteria of Department of Public Works Rule 4227 dealing with transit compatibility are met. If the criteria of rule 4227 are met the level of service may be "D" or better.

**30.33A.130 Design criteria and requirements – Water and sewer service**

(1) An FCC shall be served with water and sewer systems that comply with applicable comprehensive utility plans, and that are in place at the time said service is needed for the FCC or any completed phase thereof.

(2) The FCC shall provide all on-site and off-site improvements and additions to water and sewer facilities required to support the FCC.

(3) The FCC proposal shall include appropriate agreements with service providers prohibiting connection by property owners in the adjacent rural area to the FCC sewer and water mains or lines, except as allowed under GMA.

**30.33A.140 Design criteria and requirements – Road design, access, circulation, and pedestrian facilities**

(1) The FCC permit may use alternative street layout and design standards to those in Engineering Design Development Standards (EDDS), providing that such standards promote development of a strong sense of place and specific community identity and meet or exceed the general purposes of EDDS. The Residential Development Handbook for Snohomish County Communities shall be used as a guide in developing alternative standards.

(2) If no alternative road standards are adopted for the FCC, the road design standards applied to subsequent land use approvals implementing the FCC shall be the EDDS in effect at the time of project permit approval issued for developing each phase of the FCC site.

**30.33A.150 Design criteria and requirements – Drainage design**

(1) Stormwater detention facilities shall be designed based on a flow duration control standard in accordance with the standards set forth in chapter 30.63A SCC.

(2) Regional detention facilities shall be incorporated into the design of the FCC unless the applicant adequately demonstrates that the use of regional detention facilities would be infeasible.

(3) Stormwater facilities shall be multi-purpose and shall be landscaped to complement the overall architectural plan for the FCC. This may include a combination of stormwater detention and active or passive recreation, or other combination.

(4) Underground detention vaults shall not be used within an FCC, unless no feasible alternative exists.

(5) All other stormwater design standards and requirements implementing the FCC shall be those in effect at the time of project permit approval issued for development of each phase of the FCC site unless otherwise specified in the FCC permit approval or development agreement.

(6) Drainage plans approved for an FCC shall incorporate low impact development (LID) strategies in the design, construction and operation of the drainage facilities for an FCC.

**30.33A.160 Design criteria and requirements - Open space and buffer requirements**

(1) The FCC shall provide a minimum of 50% of the total acreage of the site in open space.

(2) Open space shall include all areas not designated for construction of structures, roads, and sidewalks. Non-motorized trail corridors, areas within designated rights-of-way, either landscaped or left in their natural condition, shall be counted as open space. Stormwater detention and treatment facilities may be counted as open space if such facilities are designed and developed in a manner to provide aesthetically pleasing and compatible view corridors.

(3) At least 25% of the total acreage of the FCC site shall be commonly owned and be designated for uses such as active and passive recreation and public plazas or assembly areas.

(4) In reviewing the site plan for the proposed FCC, the county and the applicant shall look for opportunities to enhance the functions of the open space by providing connections between open space parcels for residents and for wildlife and by providing open space areas of sufficient size and with appropriate characteristics to support native wildlife.

(5) An open space buffer shall be preserved inside and along the perimeter of the FCC site sufficient in size to include berms and landscaping, as approved by

the department, to provide a visual screen and noise barrier. The buffers shall serve to separate the FCC from adjoining properties.

(6) The FCC permit shall include landscape standards for open spaces, including detention facilities, trails and required buffers along the perimeter of the development, including materials and techniques to be used, such as types of vegetation, screens, fences and walls. Landscape plans submitted during the development phase of the FCC shall include provisions to ensure permanent maintenance and ownership of these areas.

### **30.33A.170 Development, design, and construction standards**

(1) An FCC Permit must incorporate detailed development, design, and construction standards for all uses, facilities, and improvements to be built within the FCC. These standards will be developed jointly by the permit applicant and Snohomish County during the review of the FCC permit application. These standards may allow development different from development otherwise permitted under the Snohomish County Code, in order to provide flexibility to achieve public benefits, to respond to changing community needs, and to encourage innovative development; provided the development within the FCC adequately achieves the purposes of county standards or will be functionally equivalent to or exceed county standards.

(2) Except as identified in (3) below, the development standards as approved through the FCC permit shall apply to and govern the development and implementation of each FCC site in lieu of any conflicting or different standards or requirements elsewhere in the Snohomish County Code and shall not require any further zoning reclassification, variance from Snohomish County standards or other county approval apart from the FCC permit approval. Determination of the appropriate standards for future phases which are not fully defined during the initial approval process may be postponed.

(3) Exceptions to the vesting provisions in (2) shall be identified in the FCC permit and shall include, at a minimum:

- (a) Procedural matters not substantive regarding standards;
- (b) Requirements of Building Construction in chapter 30.52 SCC and in Fire Codes and Building Maintenance in chapter 30.53 SCC;
- (c) Subsequently adopted standards where the Snohomish County Council has determined that these standards are necessary to address public health and safety concerns;
- (d) Where the FCC permit specifies a time period or phase after which certain identified standards may be modified and that time period has expired;
- (e) Standards affected by mitigation measures identified in subsequent SEPA reviews;
- (f) Standards which must be changed to comply with requirements of state or federal law in order to preserve eligibility for shared revenues, grants or funding programs; and
- (g) Standards where vesting is determined by state law, such as for subdivisions, short subdivisions and conditional use permits.

Section 5. A new section is added to Snohomish County Code Chapter 30.86 to read:

**30.86.615 Fully contained communities permit fees.**

**Table 30.86.615 - FULLY CONTAINED COMMUNITIES PERMIT FEES**

PRE-APPLICATION MEETING FEE <sup>(1)</sup>	\$1,200
APPLICATION FEE	\$48,450 plus \$50 per acre
MODIFICATIONS	
Minor revision request (administrative)	\$975
Major revision request (public hearing)	\$3,120
<b>Reference notes:</b> (1) The pre-application conference fee shall be credited toward the application fee upon submittal of said application if received within 12 months from the date of the pre-application conference.	

Section 6. A new section is added to Snohomish County Code Chapter 30.86 to read:

**30.86.616 Sector plan permit fees.**

**Table 30.86.616 – SECTOR PLAN FEES**

PRE-APPLICATION MEETING FEE <sup>(1)</sup>	\$400
APPLICATION FEE	\$18,000
MODIFICATIONS	
Minor revision request (administrative)	\$650
Major revision request (public hearing)	\$1,040
<b>Reference notes:</b> (1) The pre-application conference fee shall be credited toward the application fee upon submittal of said application if received within 12 months from the date of the pre-application conference.	

Section 7. A new section is added to Snohomish County Code Chapter 30.91F to read:

**30.91F.525 "Fully contained communities"**

A fully contained community (FCC) is an urban community created outside of existing urban growth areas as provided for in RCW 36.70A.350, innovatively designed to have a comprehensive mix of land uses providing a balance of employment, retail, commercial services, schools, public facilities and a variety of residential opportunities sufficient to support the needs of residents living within the FCC and the FCC is capable of someday incorporating into a new city.

Section 8. A new section is added to Snohomish County Code Chapter 30.91L to read:

**30.91L.215 "Low impact development"**

Low impact development (LID) is a stormwater management strategy that emphasizes conservation and use of existing natural features integrated with distributed, small-scale storm water controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings.

Section 9. A new section is added to Snohomish County Code Chapter 30.91S to read:

**30.91S.085 "Sector plan"**

A sector plan is a plan for development of a portion of a fully contained community (FCC) master plan site in accordance with the FCC permit. The sector plan provides the locations of all land uses and supporting infrastructure at a level of detail sufficient for developing the sector in phases through individual project permits while ensuring the integrity of the sector plan design.

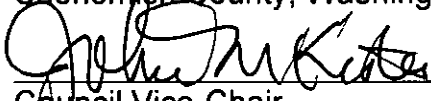
Section 10. Severability and savings. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held 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.

Section 11. The provisions of this ordinance shall take effect on February 1, 2006.

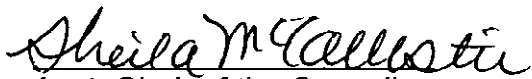
Section 12. Testimony received by council during public hearing has reflected concern that a fully contained community might fail to provide the living wage jobs anticipated by the development regulations. To address this concern council directs the Department of Planning and Development Services to undertake a study of the experience of FCCs in providing living wage jobs and provide recommendations for implementation strategies based on that review.

PASSED this 21<sup>st</sup> day of Dec, 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Vice-Chair

ATTEST:

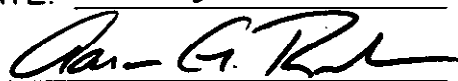
  
\_\_\_\_\_  
Asst. Clerk of the Council

☒ APPROVED

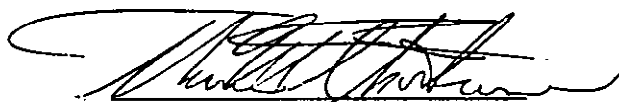
☐ EMERGENCY

☐ VETOED

DATE: 12/30/05

  
\_\_\_\_\_  
County Executive

ATTEST:

  
\_\_\_\_\_  
Approved as to form only:

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

D. 21