



CO00037196

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-087

RELATING TO RURAL CLUSTER SUBDIVISIONS;
REPEALING, AMENDING AND ADDING SECTIONS IN TITLE 30 SCC

WHEREAS, RCW 36.70A.040(4) requires the county to adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, RCW 36.70A.070(5) mandates a rural element in the comprehensive plan for counties planning under the Growth Management Act (GMA), chapter 36.70A RCW; and

WHEREAS, RCW 36.70A.070(5)(b) requires that the rural element provide for a variety of rural densities and uses, and that clustering and design guidelines are two of the innovative techniques that can be used to accommodate appropriate rural densities and uses that are consistent with rural character; and

WHEREAS, RCW 36.70A.070(5)(c) requires that the rural element include measures that apply to rural development and protect the rural character of the area by: (i) containing or otherwise controlling rural development; (ii) assuring visual compatibility of rural development with the surrounding rural area; (iii) reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area; (iv) protecting critical areas, and surface water and ground water resources; and (v) protecting against conflicts with the use of agricultural, forest and mineral resource lands designated under RCW 36.70A.170; and

WHEREAS, RCW 36.70A.090 suggests that counties make provisions for innovative land use management techniques, including density bonuses and cluster housing in the provisions of the comprehensive plan; and

WHEREAS, RCW 36.70A.030(15) defines rural character as follows: "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan: (a) In which open space, the natural landscape, and vegetation predominate over the built environment; (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas; (c) That provide visual landscapes that are traditionally found in rural areas and communities; (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat; (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; (f) That generally do not require the extension of urban governmental services; and (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas; and

1 WHEREAS, the Snohomish County Council adopted a GMA comprehensive plan
2 in 1995; and
3

4 WHEREAS, the Countywide Planning Policy RU-4 permits rural clustering as a
5 tool for the preservation of rural open space; and
6

7 WHEREAS, the county council adopted Amended Ordinance No. 93-021 on May
8 3, 1993, enacting a new chapter 32.30 SCC creating a rural cluster subdivision process
9 and design standards; and
10

11 WHEREAS, the county council adopted Amended Ordinance No. 94-099 on
12 November 23, 1994, to make minor technical corrections to clarify and better implement
13 the rural cluster subdivision regulations; and
14

15 WHEREAS, the Central Puget Sound Growth Management Hearings Board, in
16 its Final Decision and Order in *Sky Valley v. Snohomish County* (No. 95-3-0068c),
17 encouraged the county to retain the concept of rural clustering to and directed it to
18 'provide sufficient policy direction and parameters to assure that future residential
19 clustered development in the rural area constitutes compact rural development rather
20 than urban growth'; and
21

22 WHEREAS, on November 27, 1996, the county council adopted Ordinance No.
23 96-074, amending Comprehensive Plan Policy LU 6.B.1 to provide more specific policy
24 direction to the application of the county's rural cluster subdivision regulations to ensure
25 that the use of clustering results in compact rural development; and
26

27 WHEREAS, on November 27, 1996, the county council adopted Ordinance No.
28 96-076, amending the county's rural cluster subdivision regulations consistent with
29 Comprehensive Plan Policy LU 6.B.1; and
30

31 WHEREAS, the Snohomish County Department of Planning and Development
32 Services (PDS) has monitored rural cluster subdivision activities since 1996; and
33

34 WHEREAS, on December 9, 2002, the Snohomish County Council adopted Title
35 30 Unified Development Code (UDC) of the Snohomish County Code containing
36 regulations that guide development within the unincorporated areas of Snohomish
37 County; and
38

39 WHEREAS, the Snohomish County UDC Update Project was initially designed
40 as a two-phase project with the first phase focusing on the organizational structure and
41 the second phase focusing on the substantive content of the UDC; and
42

43 WHEREAS, the second phase of the Snohomish County UDC Update Project
44 will bring development regulations into alignment with state and federal mandates and
45 with currently adopted policies in the Snohomish County Comprehensive Plan and
46 update outdated regulations not addressed in the initial update phase; and

1 WHEREAS, the county has conducted early and continuous public participation
2 in considering potential changes to rural cluster subdivision regulations. PDS provided
3 notice through its website and by mailings to interested parties, and held public forums
4 and stakeholder meetings to receive public input before formulating the code
5 amendments. Public participation included the following meetings:

- 6
7 1. PDS held interactive public forums on rural cluster subdivisions on June 7,
8 September 6, and November 1, 2007;
- 9
10 2. PDS presented a briefing to the Agricultural Advisory Board on July 10, 2007;
- 11
12 3. PDS held public workshops with south county residents on July 17, 2007, and
13 north county residents on July 18, 2007;
- 14
15 4. PDS held a workshop with Professional Consultants of Snohomish County on
16 July 11, 2007;
- 17
18 5. PDS held a workshop with members of the development community on July
19 13 and August 20, 2007;
- 20
21 6. PDS held a workshop with members from local cities, utilities and tribes on
22 July 19, 2007; and
- 23
24 7. PDS briefed the Snohomish County Tomorrow Planning Advisory Committee
25 at its public meeting on July 19, 2007; and

26
27 WHEREAS, the planning commission held an open community discussion on
28 rural cluster subdivisions on July 24, 2007; and

29
30 WHEREAS, the public and stakeholder comments emphasized several issues,
31 among them rural character, water supply and related issues, rural roads, future urban
32 growth in the Rural Urban Transition Area (RUTA), affordable housing, the permit
33 review process, and rural population growth and density; and

34
35 WHEREAS, Land Use Policy 6.B.8 calls for monitoring the rate and pattern of
36 development created by rural cluster subdivisions and reporting to the county council
37 annually to ensure that a pattern of urban development is not established in rural areas;
38 and

39
40 WHEREAS, Land Use Policy 6.B.9 allows rural cluster subdivisions to obtain an
41 increased lot yield in Rural Residential designation areas; and

42
43 WHEREAS, the county has committed to review and revision of the rural element
44 of the General Policy Plan in 2008, including the policy bases for key rural cluster
45 subdivision provisions; and

1 WHEREAS, Land Use Policy 6.B.1 promotes the use of modest density
2 incentives to encourage clustering and to maximize the preservation of open space and
3 maintenance of rural character; and
4

5 WHEREAS, making decisions on requests for modifications through the same
6 process as the underlying subdivision or short subdivision application gives the public
7 the same opportunity to comment on the modification request as they have for other
8 aspects of the subdivision or short subdivision application; and
9

10 WHEREAS, the county has received comments asking to change the exception
11 that calculates lot yield for rural cluster subdivisions differently on land designated Rural
12 Residential (Basic), using 100,000 square foot (2.3 acre) lots rather than the 200,000
13 square foot lots required for R-5 zoning in other land use designations; and
14

15 WHEREAS, the current code provisions of SCC 30.41C.230 and 30.41C.240 are
16 confusing to the public because they determine the density allowed in rural clusters
17 using different methods depending on whether the land is designated Rural Residential-
18 5 or Rural Residential (Basic); and
19

20 WHEREAS, making the requirements on Rural Residential (Basic) lands the
21 same as on Rural Residential-5 lands at this time is a reasonable and prudent step to
22 protect rural character during the longer-term review of the rural element of the
23 comprehensive plan, even though that review may lead to additional changes; and
24

25 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt this code
26 amendment was transmitted to Washington State Department of Community, Trade and
27 Economic development on January 16, 2008; and
28

29 WHEREAS, a SEPA threshold Determination of Nonsignificance (DNS) for the
30 proposed code amendment was issued on February 21, 2008 and an Addendum to that
31 DNS was issued on January 26, 2009; and
32

33 WHEREAS, the proposed code amendments have been broadly disseminated
34 and opportunities have been provided for written comments and public hearing after
35 effective notice was provided; and
36

37 WHEREAS, the planning commission held a public hearing on February 26,
38 2008, to receive public testimony concerning the proposed code amendments to
39 chapter 30.41C SCC; and
40

41 WHEREAS, on February 26, March 11 and March 26, 2008, the planning
42 commission considered the proposed code amendments and voted to recommend all of
43 the amendments and new sections with some changes; and
44
45

1 WHEREAS, the county council held a public hearing on October 1, 2008
2 continued to January 7 and February 4, 2009 to consider the entire record, including the
3 planning commission's recommendation on the code amendments, and to receive
4 public testimony on Ordinance No. 08-087 ; and
5

6 WHEREAS, the county council considered the planning commission's
7 recommendation and public testimony on October 1, 2008 and January 7 and February
8 4, 2009;
9

10 NOW, THEREFORE, BE IT ORDAINED:
11

12 Section 1. The county council adopts and incorporates the foregoing recitals as
13 findings and conclusions as if set forth fully herein.
14

15 Section 2. The county council makes the following additional findings of fact
16 based on the entire record before the planning commission and the county council,
17 including all testimony and exhibits:
18

19 A. The GMA requires the county to adopt development regulations that are consistent
20 with the county's adopted GMA Comprehensive Plan.
21

22 B. The GPP contains objectives and policies for rural cluster subdivisions that serve
23 as the background for the proposed code revisions, including the following:
24

- 25 • Objective LU 6.B: Encourage land use activities and development intensities
26 that protect the character of rural areas, avoid interference with resource land
27 uses, minimize impacts upon critical areas, and allow for future expansion of
28 UGAs.
29
- 30 • LU Policy 6.B.1: Use of a clustering subdivision technique should be
31 encouraged by the County in rural residential areas to: 1) preserve the rural
32 character of Snohomish County; 2) avoid interference with resource land
33 uses; 3) minimize impacts to critical areas; 4) allow for future expansion of the
34 UGAs, where appropriate; and 5) support the provision of more affordable
35 housing in rural areas. The primary benefit of clustering is the preservation of
36 open space. Modest density incentives should be provided in a manner which
37 encourages use of the technique and maximum preservation of open space
38 and maintenance of rural character. The open space tracts in rural cluster
39 subdivisions shall be preserved in perpetuity, except for those located now or
40 in the future within the Rural/Urban Transition Area. In the Rural/Urban
41 Transition area, open space tracts shall be preserved until such time as the
42 subdivision is included within a UGA, so that it may be used for future urban
43 development.
44
45
46

- 1 • LU Policy 6.B.1.1: Rural cluster subdivision regulations implementing LU
2 Policy 6.B.1 shall include performance standards to ensure that the number,
3 location, and configuration of lots will constitute compact rural development
4 rather than urban growth. Performance standards shall include the following:
5 a. Preservation of a substantial percentage of total site area in open space
6 to be held in single ownership and in a separate tract or tracts;
7 b. Provision of a density incentive which is tied to the preservation of open
8 space;
9 c. Connection of open space tracts with open space tracts on adjacent
10 properties;
11 d. Density at no greater than the underlying zoning density together with a
12 modest density bonus as an incentive for use of the clustering
13 technique;
14 e. Allowance of open space uses consistent with the character of the rural
15 area;
16 f. Division of the development into physically separated cluster with a
17 limitation on the maximum number of lots per cluster;
18 g. Physical separation between clusters consisting of a buffer of wind
19 resistant vegetation;
20 h. Design that configures residential lots to the greatest extent possible to
21 maintain rural character by:
22 i. Maximizing visibility of open space tract and minimizing visibility
23 of clusters from adjoining collector roads, arterial roads, or state
24 and federal highways through the placement of lots in the interior
25 of the site and through vegetative buffers; and
26 ii. Placing buildings and lots in a manner which does not intrude on
27 the visual character of the rural landscape, in particular, avoiding
28 placement of houses or buildings on forested ridgelines or other
29 prominent physical features;
30 i. Submittal of a planting and clearing plan to ensure that any planting or
31 clearing proposed will not interfere with the rural character of the site;
32 j. Submittal of a site plan to ensure that siting of lots and built areas will
33 not interfere with the rural character of the site and is consistent with
34 the performance standards of the ordinance. The site plan must
35 include:
36 i. Location of clusters, roads and open space;
37 ii. Within clusters, location and placement of buildings, useable
38 building areas, driveways and drainage systems; and
39 iii. Location of critical areas and all buffers.
40
41 • LU Policy 6.B.1.2: Rural cluster subdivision regulations implementing LU
42 Policy 6.B.1 shall include performance standards to ensure that the
43 development minimizes adverse impacts to large-scale natural resource
44 lands, such as forest lands, agricultural lands and critical areas. Performance
45 standards shall include the following:

- a. Minimization of alterations to topography, critical areas and drainage systems; and
 - b. Adequate separation between rural buildings and clusters and designated natural resource lands.
- LU Policy 6.B.1.3: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the development does not thwart the long-term flexibility to expand the UGA. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that the tract may be reserved for future urban development. When an open space tract is added to a UGA and adequate services can be provided, the County may allow redevelopment of the open space tract into additional lots to provide appropriate urban level density.
- LU Policy 6.B.1.4: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the development has made adequate provision for impacts to transportation systems. Performance standards shall include:
 - a. Controls for access to the rural cluster subdivision from public roads;
 - b. Requirements to meet rural concurrency standards; and
 - c. Requirement that the development be located within a rural fire district.
- LU Policy 6.B.2: The retention of small forest, farming, horse farm and other livestock based farm operations and hobby farms shall be encouraged in rural areas.
- LU Policy 6.B.6: Development standards in rural areas shall be consistent with the cultural resources policies in the plan so as to preserve them.
- LU Policy 6.B.8: Monitor the rate and pattern of development created by rural cluster subdivisions and report to the county council annually to ensure that a pattern of urban development is not established in rural areas.
- LU Policy 6.B.9: Within the Rural Residential designation, and within that portion of the Rural Residential-Rural Diversification designation that has a Rural/Urban Transition Area overlay, subdivisions may exceed the basic density of 1 lot per 5 acres if the rural cluster subdivision technique is used, all of its criteria and requirements for the maintenance and enhancement of the rural character are met, and the maximum lot yield does not exceed 1 lot per 2.3 acres.
- LU Policy 11.B.5: On projects under its authority, the county shall consistently seek to mitigate unavoidable negative impacts to historic and archaeological resources and to discourage demolition of culturally significant structures and sites.

- 1
2 C. The county's annual monitoring of rural cluster subdivisions has shown an increase
3 in the number of applications and lots developed under the rural cluster subdivision
4 regulations from 332 lots in 2004, to 886 lots in 2005, and to 1,805 lots in 2006.
5 The 2007 Buildable Lands Report adopted by the County Council on October 31,
6 2007, determined that the amount of growth in rural areas over the 5-year
7 monitoring period was consistent with the adopted policies and growth targets in the
8 comprehensive plan and the countywide planning policies. The 2007 Buildable
9 Lands Report also shows a greater proportion of open space preservation from the
10 county's implementation of policies regarding rural cluster subdivisions.
- 11 • Recorded subdivisions (applications filed between 1997 and 2005) show
12 1728.8 acres preserved in open space, comprising or 59.2% of the total
13 acreage in rural cluster subdivisions.
 - 14 • Subdivisions granted preliminary approval (applications filed between 2001
15 and 2006) show 2080.7 acres preserved in open space, comprising 66.2% of
16 the total acreage in rural cluster subdivisions.
- 17
18 D. The site design, number of homes and lots within individual clusters in a single
19 development, and the distance separating individual clusters are basic design
20 features in protecting the visual aspect of rural character.
21
22 E. Tree retention and landscaping are significant factors in protecting the visual
23 aspects of rural character.
24
25 F. Open space and habitat preservation, along with management plans for open
26 space and critical area protection, are significant factors in protecting rural
27 character.
28
29 G. Amendments to chapter 30.41C SCC are necessary to improve protection of the
30 rural character of Snohomish County. Protection of rural character can be furthered
31 by protection of elements of rural character by:
- 32 1) variety in site configuration and scale, which can be addressed through
33 standards affecting cluster size, with the maximum cluster size decreased from
34 30 lots to 13 lots; cluster separation, increased from 50 feet to 200 feet; and
35 external buffer widths on roads serving the area increased from 35 to 100 or 200
36 feet, depending on existing vegetation;
 - 37 2) open space preservation and management assigned to the developer to
38 establish along with a homeowners association; and
 - 39 3) preservation of existing vegetation including 50% of the overall tree canopy, in
40 the interest of protecting critical areas and wildlife habitat.
- 41
42 H. Additions to chapter 30.25 SCC are necessary to create landscaping criteria that
43 are suited to rural cluster subdivisions to protect the rural character of Snohomish
44 County.
45

1 Section 3. The county council makes the following conclusions based on the
2 entire record before the planning commission and the county council, including all
3 testimony and exhibits:
4

- 5 A. The code amendments and revisions adopted by this ordinance are consistent with
6 the goals and requirements of the GMA, including innovative land use techniques
7 and protecting rural character codified in RCW 36.70A.070(5)(b) and (c) and
8 36.70A.090.
9
- 10 B. The amendments to chapter 30.25 SCC, SCC 30.32B.130, SCC 30.32C.150,
11 revisions to chapter 30.41C SCC, and amendments to SCC 30.53A.514 adopted by
12 this ordinance are consistent with the countywide planning policies for Snohomish
13 County and with the multi-county policies adopted by the Puget Sound Regional
14 Council.
15
- 16 C. The code amendments adopted by this ordinance satisfy the procedural and
17 substantive requirements of and are consistent with the GMA and chapter 30.73
18 SCC.
19
- 20 D. The public meetings with stakeholders and the general public, and the public
21 hearings and related public notices before the planning commission and the county
22 council satisfy the public participation requirements of GMA, including RCW
23 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140, as well as the
24 requirements of chapter 30.73 SCC.
25
- 26 E. The SEPA process conducted for this ordinance satisfies the requirements of the
27 State Environmental Policy Act codified in chapter 43.21C RCW, as implemented by
28 chapter 197-11 WAC and chapter 30.61 SCC.
29
- 30 F. The code amendments adopted by this ordinance are in the best interests of the
31 county by enhancing rural character design that protects the public health, safety
32 and welfare of the rural area.
33
- 34 G. This ordinance does not include changes to either the lot yield or restricted open
35 space (amount of open space required) provisions for rural cluster subdivisions and
36 rural cluster short subdivisions. Significant public interest has been expressed in
37 addressing these two rural cluster components now, and together with the
38 amendments contained in this ordinance. Moving forward with the rural cluster
39 subdivision amendments contained in this ordinance, and delaying consideration of
40 the lot yield and restricted open space components is necessary because additional
41 evaluation of rural growth rates and possible GPP rural element policy changes is
42 needed. However, the current level of public interest requires a prompt review of the
43 rural cluster subdivision lot yield and open space components during that evaluation,
44 and an expeditious preparation of appropriate GPP policy and regulatory
45 amendments within the 2008 calendar year. This task is necessary to complete a
46 comprehensive set of rural cluster subdivision regulations.

Section 4. Snohomish County Code Section 30.23.040, last amended by Amended Ord. 06-061, Aug. 1, 2007, is amended to read

30.23.040 Reference notes for bulk matrix:

(1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.

(5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.

(6) Commercial forestry structures shall not exceed 65 feet in height.

(7) Non-residential structures shall not exceed 45 feet in height.

(8) Lot coverage includes all buildings on the given lot.

(9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.

(10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.

(11) These setbacks shall be measured from the property line.

(12) These setbacks shall be measured from the ordinary highwater mark and shall apply only to the rear setback. In the LDMR and MR zones this setback applies to single family dwellings only. Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction or critical areas regulations in chapters 30.62A, 30.62B, and 30.62C SCC. Some uses have special setbacks identified in SCC 30.23.110.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.

(14) The listed setbacks apply to single family detached structures. For a townhouse, see chapter 30.31E SCC.

(15) MR and LDMR setbacks.

(a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet. For single family detached structures over two stories that have a third-story side yard ingress/egress window, the building structure shall be increased to 15 feet; provided, however, that (i) the building separation shall not be increased if the three-story units with side-yard ingress/egress windows are equipped with approved NFPA 13D automatic sprinkler systems, or (ii) where it is shown that due to topography of the particular site a building separation of less than 15 feet (but not less than the minimum 10 feet) can provide the

1 necessary geometric prism for fire fighters to set a ladder reaching the third-story yard
2 ingress/egress window at no greater than a 75 degree angle.

3 (b) Other structures shall have minimum side and rear setbacks of five feet (10
4 feet where abutting residential, rural, or resource zones). Building separation between
5 primary structures in the MR and LDMR zones shall be a minimum of 15 feet. Building
6 separation between primary structures and secondary/accessory structures, including
7 but not limited to carports and garages, and separation between secondary structures
8 themselves, shall be determined by the applicable sections of the construction codes..

9 (c) Multi-story structures other than single family detached structures shall
10 increase all setbacks by three feet and building separations by five feet for each
11 additional story over two stories.

12 (d) In order to provide fire access to a side yard ingress/egress window on the
13 third floor of a single family detached structure, either (i) unit boundaries should be
14 drawn with a "zero lot line" on one side of the unit, (ii) fencing between units shall be
15 prohibited (at least in the area that is within five feet of the third story ingress/egress
16 window) so as not to impede ladder access to the third floor window, or (iii) fencing
17 between units shall be limited to either vegetative fencing or hard fences (e.g. wood or
18 metal) not exceeding three feet, six inches (3'6") in height.

19 (16) In the FS zone, the setback from non-residential property shall be five feet for
20 side setbacks and 15 feet for rear setbacks.

21 (17) In the IP zone there shall be an additional one foot setback for every one foot of
22 building height over 45 feet.

23 (18) In the PCB zone the setback from private roads and easements is 25 feet.

24 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
25 necessary for PCB or BP zoning.

26 (20) See additional setback provisions for dwellings located along the boundaries of
27 designated farmland contained in SCC 30.32B.130.

28 (21) See additional setback provisions for structures located adjacent to forest lands,
29 and/or on lands designated local forest or commercial forest contained in SCC
30 30.32A.110.

31 (22) The minimum lot size for properties designated Rural Residential (RR) - 10
32 (Resource Transition) on the comprehensive plan shall be 10 acres. For properties
33 designated Rural Residential - 10 (Resource Transition) and located outside the Tulalip
34 Reservation the lot/unit yield for rural cluster subdivisions or housing demonstration
35 program projects using PRD provisions shall be based on a minimum lot size of
36 200,000 square feet.

37 (23) Minimum lot area requirements may be modified within UGAs in accordance with
38 SCC 30.23.020.

39 (24) In rural cluster subdivisions approved in accordance with the provisions of
40 chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The
41 maximum lot area shall be 20,000 square feet or less when located in rural/urban
42 transition areas.

43 (25) These setbacks shall be measured from the edge of the right-of-way as
44 determined by the director of the department of public works.

45 (26) Except where specifically prohibited by the hearing examiner, the director of the
46 department may waive or modify building setback requirements abutting private roads

1 and/or private access easements serving lots within commercial and industrial zones
2 only if such waiver or modification will not have a likely impact upon future right-of-way
3 needs and/or right-of-way improvements.

4 (27) See SCC 30.23.050 for height limit exceptions.

5 (28) See SCC 30.23.100 et seq. for additional setback requirements and exceptions.

6 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

7 (30) SCC 30.32A.120 (Siting of new structures: commercial forest land) requires an
8 application for a new structure on parcels designated commercial forest, but not within a
9 designated commercial forest-forest transition area, to provide a minimum 500-foot
10 setback, which shall be a resource protection area, from the property boundaries of
11 adjacent commercial forest lands except that if the size, shape, and/or physical site
12 constraints of an existing legal lot do not allow a setback of 500 feet, the new structure
13 shall maintain the maximum setback possible, as determined by the department.

14 (31) Setback requirements for mineral excavation and processing are in SCC
15 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D
16 SCC.

17 (32) The site shall be a contiguous geographic area and have a size of not less than
18 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is
19 required, pursuant to SCC 30.31D.020(1)(a).

20 (33) See SCC Table 30.28.050(3)(i) for setback requirements for structures containing
21 a home occupation.

22 (34) See SCC 30.23.120 for other setback exceptions.

23 (35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone
24 height, setback, and lot coverage requirements.

25 (36) RESERVED for future use (MR and LDMR setbacks - DELETED by Ord. 05-094
26 effective September 29, 2005.

27 (37) Agriculture: All structures used for housing or feeding animals, not including
28 household pets, shall be located at least 30 feet from all property lines, as provided in
29 SCC 32.23.110(1).

30 (38) There shall be no subdivision of land designated commercial forest in the
31 comprehensive plan except to allow installation of communication and utility facilities if
32 all the following requirements are met:

33 (a) The facility cannot suitably be located on undesignated land;

34 (b) The installation cannot be accomplished without subdivision;

35 (c) The facility is to be located on the lowest feasible grade of forest land; and

36 (d) The facility removes as little land as possible from timber production.

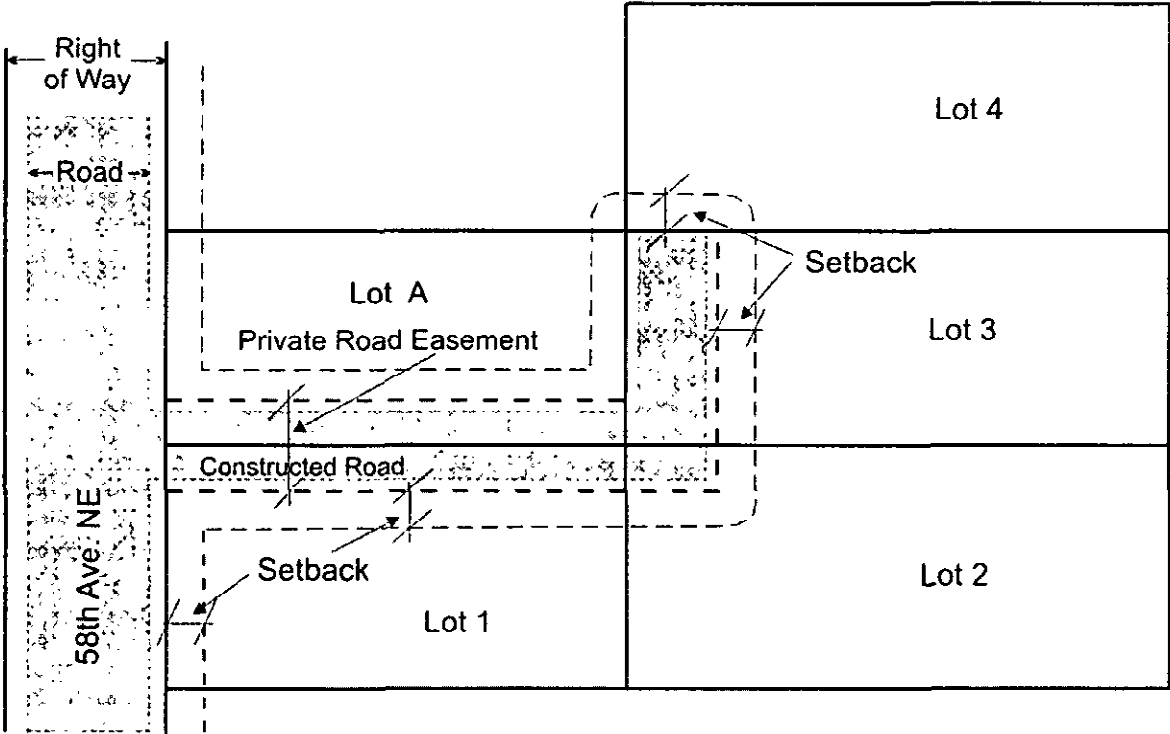
37 (39) On parcels designated commercial forest, but not within a designated commercial
38 forest – forest transition area, establish and maintain a minimum 500-foot setback,
39 which shall be a resource protection area, from the property boundaries of adjacent
40 commercial forest lands except when the size, shape, and/or physical site constraints of
41 an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain
42 the maximum setback possible as provided in SCC 30.32A.120.

43 (40) Land designated local commercial farmland shall not be divided into lots of less
44 than 10 acres unless a properly executed deed restriction which runs with the land and
45 which provides that the land divided is to be used exclusively for agricultural purposes
46 and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) Figure 30.23.040(42).

Figure 30.23.040(42)
EASEMENT SETBACKS PER BULK MATRIX



Setbacks are measured from edge of easement or road right-of-way, not from edge of constructed road.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.

(45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.

(46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to ~~((Table 30.41C.210(1)))~~ SCC 30.41C. Residential subdivision is restricted pursuant to 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.

(47) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum building height of 45 feet if using surface parking or 90 feet if using structured parking.

(48) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a minimum lot size of 5 acres unless within 120 feet of a park-and-ride facility where minimum lot area is 3 acres per SCC 30.31A.020 (2) and (3).

(49) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback of 5 feet minimum and 10 feet maximum.

(50) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback from residential, multiple family and rural zones of 10 feet minimum and 25 feet maximum.

(51) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum lot coverage of 90 percent of net acreage.

(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(53) This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3) (55) See SCC 30.42E.100(9)(c).

(56) Measured from centerline of right of way.

(57) See SCC 30.42E.100(5)(a)(iv).

(58) Minimum setback for dwellings constructed pursuant to chapter 30.41F SCC is five feet from the pavement edge of a drive aisle, fire lane, or sidewalk, whichever is closer.

Section 5. Snohomish County Code Section 30.23.220, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.23.220 ~~((Rural cluster minimum lot area))~~ Minimum lot area for rural clusters in RUTAs.

(1) A rural cluster subdivision or short subdivision in a RUTA will meet the minimum lot area of the zone in which it is located if the average lot size of all

lots is at least 7,200 square feet and each lot contains sufficient area to comply with the Snohomish Health District's rules and regulations for on-site sewage disposal.

(2) Lots with less than the prescribed minimum lot area for the zone in which they are located shall conform to the minimum lot width, setbacks, and other bulk regulations of this chapter for lots located in the R- 7,200 zone.

Section 6. A new section is added to chapter 30.25 of the Snohomish County Code to read:

30.25.033 Additional landscaping requirements for rural cluster subdivisions and short subdivisions.

To protect and enhance rural character, landscaping for rural cluster subdivision development under chapter 30.41C SCC shall provide screening to minimize the visibility of rural cluster subdivisions from adjoining roadways and from adjacent residential property. While 100 percent screening is not necessary, the view of new development should be softened and minimized to the greatest extent possible.

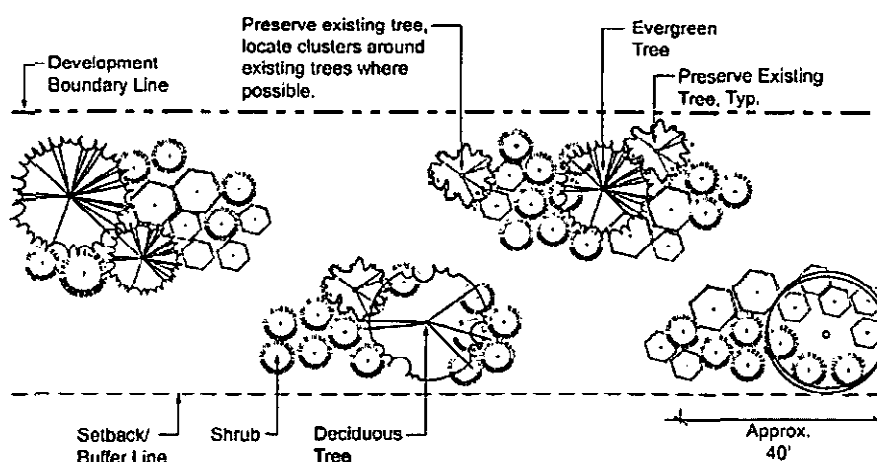
(1) Retention of 50 percent of the overall tree canopy on the pre-development site is recommended to minimize change to the visual character of the site.

(2) Visual screening shall be provided through retention of native vegetation, new landscape planting, or a combination of the two, in the following locations:

- (a) In the required setback buffer from the road rights-of-way;
 - (b) In the perimeter buffer of the site where it abuts adjacent residential property;
- and
- (c) In the open space buffers between clusters.

(3) When retention of existing vegetation is not adequate to screen development from road rights-of-way or from adjacent residential property, landscape installation shall be required for additional visual screening. Landscape installation shall be in clustered plantings pursuant to SCC 30.25.033(4) that are each approximately 40 feet long, aligned parallel to the development boundary lines and extending the length of the property line, and 25 feet in depth measured perpendicular to the development property line. Planting clusters shall be alternated in parallel rows as illustrated in Figure 30.25.033 (3), to achieve an informal appearance.

Figure 30.25.033(3) Clustered planting pattern for visual screening



1 (4) Placement requirements may be redistributed or reduced by 20 percent when the
2 landscape plan defines the local variations in topography, views, and character-defining
3 elements, both natural and manmade, and accordingly sites a variety of landscape
4 groupings to provide visual buffers at strategic points to diminish the visual impact of the
5 housing clusters on the public traveling along adjoining roads and on houses located on
6 adjacent properties. The modified planting plan also shall preserve landscape features
7 and viewsheds for the visual benefit of the public and adjacent properties whenever
8 possible.

9 (5) Rural cluster subdivision landscaping shall meet the following standards:

10 (a) Plant combinations of trees and shrubs located in planted clusters that:

11 (i) Preserve existing vegetation wherever feasible;

12 (ii) Use native plants for new planting installations or a mix of native plants and
13 20 to 30 percent non-native plants if they are naturalized vegetation typical of
14 established rural uses, such as orchards, hedgerows or windbreaks; and

15 (iii) Incorporate both evergreen and deciduous species of trees and shrubs that
16 are in varying degrees of maturity at planting and can establish a natural succession of
17 growth.

18 (b) For standard landscape groupings:

19 (i) Trees and shrubs must be two-thirds evergreen species;

20 (ii) Each plant grouping shall contain trees planted approximately 15' on center
21 in a triangular or offset pattern;

22 (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet
23 on center;

24 (iv) Evergreen trees shall have a minimum height of 8 feet at the time of
25 planting; and

26 (v) Deciduous trees shall have a minimum 1 ½ -inch caliper (DBH) for balled
27 stock at the time of planting.

28 (c) The director shall provide and maintain a list of trees and shrubs that are
29 native species or naturalized vegetation typical of established rural uses, such as
30 orchards, hedgerows or windbreaks for landscaping in the rural districts.

31 (d) Preference shall be given to Snohomish County-grown tree and vegetation
32 stock, to help promote a viable agricultural industry and opportunity in the county.

33 (6) Existing trees shall be retained in the setback, perimeter and cluster separation
34 buffers where wind-throw loss can be minimized, as determined by a qualified
35 landscape designer. When enhancement is necessary using the provisions of
36 subsections (2), (3), (4) and (5) of this section to prevent significant wind-throw loss or
37 to support a remnant forest environment, the extent of the enhancement shall be
38 determined by a qualified landscape designer using the screening provisions of this
39 section. The tree retention requirements of this provision do not apply to any forest
40 practice occurring on forest land as those terms are defined by RCW 76.09.020 of the
41 Forest Practices Act, chapter 76.09 RCW.

42 (7) Non-native vegetation that has become part of the rural landscape and character
43 such as orchards, hedgerows and windbreaks shall be retained.

44 (8) Landscaping of stormwater detention facilities is required in accordance with SCC
45 30.25.023.

1 (9) A maintenance bond or other form of security approved by the department in
2 accordance with SCC 30.25.043 and 30.25.045 and a plan review and inspection fee in
3 accordance with 30.86.145 shall be provided to the county for landscaping.
4

5 Section 7. Snohomish County Code Section 30.32B.130, last amended by
6 Amended Ordinance No. 05-089 on December 21, 2005, is amended to read:
7

8 **30.32B.130 Setbacks for new dwellings.**
9

10 An application for a new dwelling shall require a setback from the boundary lines of
11 abutting designated farmland as follows:

12 ~~((a))~~(1) Dwellings within designated farmland shall be setback 50 feet.
13 ~~((b))~~(2) Dwellings on parcels adjacent to designated farmland shall be setback
14 ~~((50))~~ 100 feet.

15 ~~((c))~~(3) If the size, shape, and/or physical site constraints of an existing legal lot
16 do not allow for the required setback, the new dwelling shall maintain the maximum
17 setback practical within the physical constraints of the lot as determined by the
18 department; or

19 ~~((d))~~(4) If the owner of the land on which the new dwelling is proposed and the
20 owner of the adjacent designated farmland each sign and record with the county
21 auditor, in the manner required by law for covenants running with the land, a document
22 which establishes an alternative setback for one or both of the adjacent properties, an
23 alternative setback may be maintained.
24

25 Section 8. Snohomish County Code Section 30.32C.150, last amended by
26 Amended Ordinance No. 07-090 on September 5, 2007, is amended to read:
27

28 **30.32C.150 Provisions for subdivision of designated mineral resource lands and**
29 **lands adjacent to mineral resource lands.**
30

31 (1) Where the MRO coincides with the R-5 zone, residential subdivision is prohibited
32 on any parcel, or portion of a parcel, located within the MRO. Where the MRO covers
33 only a portion of a parcel zoned R-5, that portion of the parcel not covered by the MRO
34 may be subdivided subject to the requirements of SCC 30.32C.150(2).

35 (2) Residential subdivision of land partially designated with the MRO, as well as land
36 adjacent to the MRO, shall be allowed on that portion of the land located outside of the
37 MRO provided the owner:

38 (a) ~~((uses))~~Uses rural cluster subdivision methods consistent with ~~((Chapter))~~
39 chapter 30.41C SCC;

40 (b) ~~((protects))~~Protects the mineral resource deposit for future resource use by
41 adequate setbacks pursuant to SCC 30.23.110(26); and

42 (c) ~~((includes))~~Includes open space configured to maximize preservation of the
43 mineral resources and provide buffers between the MRO designation and residential
44 uses. The option to utilize such open space for mineral operations shall be preserved as
45 provided in SCC ~~((30.41C.210))~~ 30.41C.100.
46

1 Section 9. Snohomish County Code Section 30.41C.010, last amended by
2 Ordinance No. 06-061 on August 1, 2007, is amended to read:

3
4 **30.41C.010 Purpose.**

5
6 ~~((The purpose of this chapter is to provide an alternative method for developing rural
7 residential property which provides incentives to landowners and developers to cluster
8 lots on the most buildable and least environmentally sensitive portions of sites while
9 retaining a substantial portion of each site, including most resource lands and
10 environmentally sensitive areas, in restricted open space tracts.))~~

11 The purpose of this chapter is to provide regulations and standards for lot clustering in
12 rural areas consistent with rural character. It does this by an alternative subdivision
13 method for developing rural residential property, whereby landowners and developers
14 are given incentives to cluster lots on the most buildable and least environmentally
15 sensitive portions of sites, while retaining a substantial portion of each site, including
16 most resource lands and environmentally sensitive areas, in restricted open space
17 tracts. In order to take advantage of these incentives, landowners and developers are
18 required to meet specific requirements called forth in this chapter, in the County's rural
19 land use policies, and in requirements that may be elsewhere referenced in the SCC.
20 Specifically this chapter is designed:

21 (1) To preserve areas of land which are suitable for agriculture, forestry, open space
22 or, when applied in the rural urban transition area, possible future development;

23 (2) To preserve rural open space with the purpose of assuring continued viable
24 undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds,
25 and preservation of wetlands and rural character;

26 ~~((4))~~ (3) To produce a development pattern in rural areas ((that is)) consistent with
27 rural character in accordance with rural land use policies and ((to produce a rural
28 development pattern which will be better than traditional lot-by-lot development on either
29 consolidated lots or unsubdivided property in that it allows for)) manifesting variety in
30 design rather than uniformity of appearance in siting of clusters, placement of buildings,
31 use of open space, more efficient use of the most buildable portion of sites, and
32 retention of the environmentally sensitive and scenic portions of sites as permanent
33 open space;

34 ~~((2))~~ (4) To permit flexibility that will encourage a more creative approach in the
35 development of land in rural areas and will result in a more efficient, aesthetic and
36 environmentally sound use of land, while harmonizing with adjoining development and
37 preserving the county's attractive rural character;

38 ~~((3))~~ (5) To encourage the development of cluster housing which provides greater
39 compatibility with surrounding development and land uses in rural areas by providing
40 larger buffer areas;

41 ~~((4))~~ (6) To encourage the retention of more permanently undisturbed open space
42 with its natural vegetative cover which protects continued groundwater recharge and
43 reduces potential water pollution, flooding, erosion and other drainage-related problems
44 often associated with rural development;

45 ~~((5))~~ (7) To minimize adverse impacts on the county's productive agricultural,
46 forestry, mineral and other important resource lands;

1 ~~((6))~~ (8) To minimize adverse impacts on the county's environmentally sensitive
 2 areas such as wetlands, fish and wildlife habitat conservation areas, areas of unique
 3 vegetation or wildlife species, steep slopes, geographically hazardous areas, and other
 4 critical areas;
 5 ~~((7))~~ (9) To minimize the risk of danger to human life and property by restricting rural
 6 development on geologically unstable lands and in flood prone areas;
 7 ~~((8))~~ (10) To minimize the cost of installing essential public and private capital
 8 facilities necessary for a rural infrastructure;
 9 ~~((9))~~ (11) To support the provision of more affordable housing in rural areas;
 10 ~~((10))~~ (12) To provide reasonable opportunity for rural property owners to derive
 11 economic use of land characterized by features which substantially limit its development
 12 potential;
 13 ~~((11))~~ (13) To protect rural natural features and landscape by minimizing tree,
 14 vegetation, and soil removal; and
 15 ~~((12))~~ (14) To provide a subdivision or short subdivision alternative for use in the
 16 rural/urban transition areas that will maintain and enhance rural character while
 17 preserving large tracts for future development upon inclusion into a UGA.
 18

19 Section 10. Snohomish County Code Section 30.41C.020, last amended by
 20 Ordinance No. 06-061 on August 1, 2007, is amended to read:
 21

22 **30.41C.020 Applicability.** 23

24 (1) ~~((This chapter may be used for development of single family and/or duplex~~
 25 ~~dwelling in the following zones subject to the limitations in SCC 30.41C.020(2):))~~ An
 26 application for a rural cluster subdivision or short subdivision shall be combined with the
 27 application for a subdivision or short subdivision, and shall be processed as a single
 28 application.

29 (2) Clustering is permitted in the following zones:

- 30 (a) Forestry (F);
- 31 (b) Forestry and ~~((recreation))~~ Recreation (F&R);
- 32 (c) Rural ~~((resource transition-10-Acre))~~ Resource Transition - 10 Acre (RRT-10);
- 33 (d) Rural ~~((five-acre))~~ Five-Acre (R-5);
- 34 (e) Rural ~~((conservation))~~ Conservation (RC);
- 35 (f) Rural ~~((diversification))~~ Diversification (RD); and
- 36 (g) Mineral ~~((conservation))~~ Conservation (MC).

37 ~~((2))~~ (3) The provisions of this chapter shall not be used in the zones listed in SCC
 38 30.41C.020~~((1))~~(2) if the properties are designated on the Future Land Use Map
 39 (FLUM) as follows:

40 ~~((commercial forest, commercial forest forest transition area, upland commercial~~
 41 ~~farmland, local commercial farmland, riverway commercial farmland, rural residential-~~
 42 ~~RD outside a rural/urban transition area overlay, or are located))~~

- 43 (a) Commercial Forest (CF);
- 44 (b) Commercial Forest-Forest Transition Area (CF-FTA);
- 45 (c) Upland Commercial Farmland (UCF);
- 46 (d) Local Commercial Farmland (LCF); or

1 (e) Riverway Commercial Farmland (RCF);

2 (f) Rural Residential-Rural Diversification (RR-RD) outside a RUTA overlay; or

3 (g) Located within an urban growth area.

4 (4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5,
5 the provisions of this chapter may be used on that portion of the parcel located outside
6 the MRO, if the provisions of SCC 30.32C.150 are met.((-))

7
8 Section 11. Snohomish County Code Section 30.41C.030, last amended by
9 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

10
11 **30.41C.030 Approval procedure and decision criteria.**

12
13 (1) Rural cluster subdivisions and short subdivisions are subject to the
14 same((approval process and requirements)) procedures, requirements, and approval
15 criteria as any standard subdivision or short subdivision as set forth in chapters 30.41A
16 and 30.41B SCC, except when the procedures, requirements, and approval criteria are
17 specifically modified or added to by the provisions of chapter 30.41C SCC. ((The
18 requirements for approval are the same, except as specifically provided in SCC
19 30.41C.200 through 30.41C.240.))

20 (2) Rural cluster subdivisions and short subdivisions are subject to the landscaping
21 provisions of chapter 30.25 SCC.

22 (3) Rural cluster subdivisions and short subdivisions shall meet applicable rural
23 concurrency standards and traffic impact mitigation requirements in accordance with
24 chapter 30.66B SCC.

25 (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire
26 district and are required to provide adequate fire flow in accordance with SCC
27 30.53A.514 through SCC 30.53A.520 or to provide other means of fire protection as
28 approved by the Snohomish County Fire Marshal, unless exempt pursuant to SCC
29 30.53A.514.

30 (5) At the time of application, the site shall not be subject to any pending county
31 enforcement action or in violation of federal, state, or county regulations.

32
33 Section 12. The following ordinances or parts of ordinances are each repealed:

34
35 (1) Snohomish County Code Section 30.41C.040, last amended by Amended
36 Ordinance No. 06-061 on August 1, 2007;

37 (2) Snohomish County Code Section 30.41C.100, adopted by Amended Ordinance
38 No. 02-064 on December 9, 2002;

39 (3) Snohomish County Code Section 30.41C.200, last amended by Amended
40 Ordinance No. 06-061 on August 1, 2007;

41 (4) Snohomish County Code Section 30.41C.210, last amended by Ordinance No.
42 07-090 on September 5, 2007;

43 (5) Snohomish County Code Section 30.41C.220, adopted by Amended Ordinance
44 No. 02-064 on December 9, 2002;

45 (6) Snohomish County Code Section 30.41C.300, last amended by Ordinance No.
46 07-090 on September 5, 2007; and

(7) Snohomish County Code Section 30.41C.310, adopted by Amended Ordinance 02-064 on December 9, 2002.

Section 13. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.040 Submittal requirements.

In addition to the documents required by the department's submittal checklist for a preliminary subdivision or short subdivision, an application for a rural cluster must include the following:

(1) A narrative description of how the proposal is consistent with SCC 30.41C.010 and 30.41C.050. The narrative document shall also describe how the proposal makes appropriate provisions for the public health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection; and other public facilities, if any.

(2) A site plan showing the existing character of the site, including:

(a) Natural features that distinguish the site or are characteristic of the area;

(b) The location of existing vegetation and open space;

(c) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards and agricultural fields;

(d) Uses on adjacent properties, including location of houses; and

(e) The location and the approximate size of designated natural resource lands on the project site and on properties adjacent to it.

(3) A site plan depicting how existing character-defining features identified pursuant to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed development, including:

(a) Undisturbed restricted open space tracts under SCC 30.41C.090(2)(d);

(b) Areas where structures and landscapes identified pursuant to SCC 30.41C.040(2)(c) will be retained;

(c) Location of all proposed open space tracts and their intended use; and

(d) A landscape plan showing areas where existing vegetation will be retained and demonstrating compliance with SCC 30.25.033.

(e) A sketch site plan for pre-submittal review of open space tract placement, retention of existing structures and landscape features is strongly encouraged to expedite design review of the subdivision site plan required in accordance with chapters 30.41A and 30.41B,

(4) The approximate location of the building footprint on each lot.

(5) An open space management plan in accordance with SCC 30.41C.120.

(6) A description and proposed schedule for phasing of the project, if any.

(7) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.

(8) A street lighting plan, if street lights are proposed.

1 Section 14. A new section is added to Chapter 30.41C of the Snohomish
2 County Code to read:

3
4 **30.41C.050 Site planning principles.**

5
6 All rural cluster subdivisions and short subdivisions must comply with the following site
7 planning principles to the greatest extent feasible:

8 (1) The post-development view of the site from the roads should be as similar to the
9 pre-development view as is practical.

10 (2) Avoid placing lots on ridgelines and other prominent topographic features to blend
11 new development into the existing rural landscape.

12 (3) Landscaping, using both retention of existing vegetation and new plantings, shall
13 soften and minimize the view of new development and preserve scenic views.

14 (4) Retain 50 percent of the overall tree canopy on the predevelopment site whenever
15 feasible.

16 (5) Incorporate existing landscape features and structures into the site design to
17 maintain rural character and the familiar landscape.

18 (6) Configure the clusters and lots to maintain the natural features of the site and
19 minimize topographic alteration and clearing of existing vegetation.

20 (7) Avoid uniformity of cluster siting and building sites to provide visual diversity and
21 maintain the dominance of natural features and open space in the rural area.

22 (8) Provide connectivity between open space tracts and natural habitat and wildlife
23 corridors with adjacent properties whenever practical.

24 (9) Use low impact development techniques when they are appropriate to the site
25 conditions.

26 (10) Phase clearing and grading plans in accordance with any construction phasing.

27
28 Section 15. A new section is added to Chapter 30.41C of the Snohomish
29 County Code to read:

30
31 **30.41C.070 Site design and development standards - general.**

32
33 The following standards shall apply to all rural cluster subdivisions and short
34 subdivisions:

35 (1) Site design shall be subject to the following standards for clustering and protection
36 of natural resource lands and critical areas:

37 (a) A subdivision may contain more than one cluster of housing lots;

38 (b) The minimum number of residential lots in a cluster shall be 2, except a
39 residential lot may stand alone when an existing residence is maintained;

40 (c) The maximum number of residential lots in a cluster shall be 13;

41 (d) In addition to the minimum front yard setback defined in Table SCC
42 30.41C.130, the building areas on the plat shall represent residential dwellings and
43 accessory buildings located at varying front yard setback distances to provide a visually
44 diversified streetscape. The minimum variation between setbacks for buildings on
45 adjacent lots shall be 10 feet;

1 (e) Individual clusters shall be located a minimum of 100 feet from adjacent
2 natural resource lands designated in accordance with chapters 30.32A, 30.32B and
3 30.32C SCC; and

4 (f) Designate and protect critical areas and their buffers pursuant to chapter
5 30.62A SCC.

6 (2) Tree retention is encouraged on building sites with the approved fire mitigation
7 review in accordance with SCC 30.53A.514.

8 (3) Services and optional development features shall conform to the following
9 standards:

10 (a) Electric, telephone, and other utility lines and support infrastructure shall be
11 located underground;

12 (b) Rural cluster subdivisions or short subdivisions are prohibited from connecting
13 to public sanitary sewers, except when required by the Snohomish County Health
14 District or a state agency to protect public health;

15 (c) When a proposal includes street lights, lighting should be low intensity and
16 shall be projected downward, with full cut-off illumination that shields light from being
17 emitted upwards toward the night sky or surrounding natural areas;

18 (d) Entrance signs shall incorporate materials typical of the rural character of the
19 area and shall comply with all applicable provisions of SCC 30.27.060; and

20 (e) Rural cluster subdivisions shall draw water supply from a public water utility
21 when one is available within 1/4 mile of the project site as measured along the existing
22 right-of-way and the water utility is willing and able to provide service to the subdivision
23 at the time of preliminary subdivision approval.

24 (4) Rural cluster subdivisions shall, when site conditions allow, use low impact
25 development techniques to meet stormwater management standards instead of
26 conventional methods identified in chapter 30.63A SCC. When site conditions prevent
27 exclusive use of approved LID techniques, conventional stormwater management
28 techniques contained within chapter 30.63A SCC may be used in conjunction with
29 feasible LID techniques. LID techniques submitted for approval under this section shall
30 be consistent with the Puget Sound Action Team's Low Impact Development Technical
31 Guidance Manual for Puget Sound.

32
33 Section 16. A new section is added to Chapter 30.41C of the Snohomish
34 County Code to read:

35
36 **30.41C.075 Site design and development standards – buffers and open space.**

37
38 The following standards shall apply to all rural cluster subdivisions and short
39 subdivisions:

40 (1) Setback buffers to separate existing or perimeter road rights-of-way that border
41 the development project from the nearest cluster residential lot lines in the development
42 shall be established in open space tracts that are a minimum of 100 feet in width. When
43 the existing site character is meadow or pasture, the setback buffer tract(s) shall be a
44 minimum of 200 feet in width. Setback buffer tracts may be reduced to a minimum of 60
45 feet in width when a sight-obscuring topographic variation or physical condition, such as
46 forest, will serve as a visual buffer. Setbacks for a meadow or pasture site may be

1 reduced to a minimum of 120 feet in width if natural characteristics such as topography
2 or geologic outcrops, or if existing buildings retained on site, obscure the view of new
3 rural cluster development.

4 (a) Maintenance of existing vegetation or additional landscaping in setback buffer
5 tracts shall be required in accordance with SCC 30.25.033.

6 (b) An exception to the vegetation retention requirements in SCC 30.25.033(5)
7 may be made for utility easements and designated road rights-of-way or walkways, if no
8 other options are available.

9 (2) Perimeter buffers shall be established in open space tracts on all boundaries of
10 the project site abutting residential property. Perimeter buffers shall be a minimum of
11 50 feet in width unless larger buffers are required under SCC 30.41C.075(1).
12 Maintenance of existing vegetation or additional landscaping in perimeter buffers shall
13 be required in accordance with SCC 30.25.033.

14 (3) Open space tracts to separate clusters shall be a minimum of 200 feet in width,
15 and may be reduced to a minimum of 120 feet when a sight-obscuring topographic
16 variation or physical condition, such as forest, will serve as a visual buffer between the
17 clusters.

18 (a) Landscaping in buffers between clusters shall be required in accordance with
19 SCC 30.25.033.

20 (b) Open space tracts retained for forestry resource uses shall be separated from
21 residential lots by a buffer 100 feet in width.

22 (4) Open space shall include a minimum of 45 percent of the gross site area except in
23 forestry and forestry and recreation zones and designated natural resource lands,
24 where 60 percent is required, and in the rural urban transition area, where 65 percent is
25 required.

26 (a) Open space required for separation from roadways and adjacent properties
27 and for separation of clusters may be counted toward the open space calculation in lot
28 yield.

29 (b) Where practicable, open space tracts within a rural cluster subdivision or short
30 subdivision shall be located contiguous to designated open space tracts on adjacent
31 properties.

32 (c) Open space shall be configured so that it is adjacent to or directly across the
33 street from as many of the clustered lots as practical.

34
35 Section 17. A new section is added to Chapter 30.41C of the Snohomish
36 County Code to read:

37
38 **30.41C.080 Site design standards – roads, gates and pedestrian pathways.**

39
40 The following standards shall apply to the design of roads in a rural cluster subdivision
41 or short subdivision.

42 (1) All roads, whether public or private, shall be designed and constructed in
43 accordance with county engineering design and development standards (EDDS).

44 (2) Access to the internal roads of a rural cluster subdivision by a private road may be
45 permitted pursuant to SCC 30.41A.210.

(3) Access to the existing public roadway system shall be limited to no more than 2 points per cluster unless specifically approved or required by the county engineer.

(4) Internal roads shall be provided in accordance with the EDDS and with SCC 30.41A.210.

(5) Connect clusters with pedestrian trails or pathways when feasible.

(6) Pedestrian facilities shall be physically separate from vehicular roadways. Use of pervious materials for pedestrian facilities is encouraged where conditions allow.

(7) If entrance gates are used, they shall be constructed to accommodate emergency vehicle access in accordance with SCC 30.53A.512. Gate locations and width shall be approved by the fire marshal and the county engineer. Gates serving 2 or fewer dwelling units may be exempt from these requirements if approved by the local fire district.

Section 18. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.090 Restricted open space – general requirements.

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

(2) To qualify as restricted open space, an area must meet the following standards:

(a) It must be used for buffering, critical area protection, resource production, conservation, recreation, community utility purposes, or general preservation;

(b) At least 25 percent of the open space tract shall be accessible by all residents of the rural cluster subdivision or short subdivision for passive recreation, except when the restricted open space is fenced off as a critical area protection area. Access points to open space shall be shown on the face of the plat;

(c) The following uses are permitted in restricted open space tracts unless prohibited by chapters 30.62, 30.62A, 30.62B or 30.62C SCC:

(i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, equestrian centers or structures related to animal husbandry or farming, playgrounds, or any non-motorized passive recreational facilities and other similar uses as authorized by the director;

(ii) Community wells, well houses, water lines, and community drain fields;

(iii) Stormwater detention and retention ponds, subject to landscaping requirements pursuant to SCC 30.25.023, water recharge and infiltration facilities, water system appurtenances and biofiltration swales. Such facilities shall meet design standards for low impact development when site conditions allow; and

(iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(d) At least 30 percent of the total area of restricted open space shall be left undisturbed. Undisturbed open space may contain critical areas and their buffers. Such undisturbed restricted open space shall be identified on the site plan and marked clearly on grading plans.

1 (3) SCC Table 30.41C.090 establishes the minimum percentage of the original gross
2 development area that shall be retained as restricted open space tracts, except when
3 the land is also designated as rural urban transition area (RUTA), which is governed by
4 SCC 30.41C.140.

5
6
7 **Table 30.41C.090**
8 **RESTRICTED OPEN SPACE AREA REQUIREMENTS**
9

Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone (3) Mineral Conservation zone (MC) with or without MRO	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO
Minimum restricted open space	60 percent	45 percent	45 percent
Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent
Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC 30.32C.150.			

10
11 (4) No more than 65 percent of the total restricted open space area may consist of
12 unbuildable land as defined in SCC 30.91U.060.

13 (5) To retain rural character, the restricted open space shall contain on-site forested
14 areas, active agriculture, meadows, pastures or prominent hillsides or ridges.

15 (6) The following notice shall be filed on the title of the properties within the plat and
16 shall be placed on the face of the final plat and short plat:

17
18 "Tract ____ is a restricted open space tract with limited uses pursuant to
19 chapter 30.41C SCC. The open space tract is intended to be preserved in
20 perpetuity."
21
22
23
24
25

1 Section 19. A new section is added to Chapter 30.41C of the Snohomish
2 County Code to read:

3
4 **30.41C.100 Restricted open space – natural resource lands.**

5
6 If the open space required in SCC 30.41C.090 contains natural resource lands as
7 defined in SCC 30.91N.030, the following shall be required:

8 (1) A minimum 100-foot open space buffer shall be provided between the boundary of
9 the designated natural resource land and the property lines of any residential lots or any
10 structure within an open space; and

11 (2) A disclosure statement regarding the use rights associated with natural resource
12 lands, as required by SCC 30.32A.210, SCC 30.32B.210 or SCC 30.32C.200, shall be
13 recorded on the final plat or final short plat. The disclosure statement shall contain text
14 stating the protections and potential hazards of proximity to agricultural, forestry, or
15 mineral uses as required in SCC 30.32A.220, SCC 30.32B.220 or SCC 30.32C.210.
16

17 Section 20. A new section is added to Chapter 30.41C of the Snohomish
18 County Code to read:

19
20 **30.41C.110 Ownership and preservation of restricted open space.**

21
22 The following provisions shall apply to the ownership and preservation of restricted
23 open space as required in SCC 30.41C.090:

24 (1) Open space requirements must be met with restricted open space tract(s) held in
25 separate ownership from residential lots and marked on the face of the plat with limited
26 uses referenced.

27 (2) Restricted open space tracts shall be owned by a single property owner, a
28 homeowners association, a public agency or a not for profit organization.

29 (3) When ownership of restricted open space is by a single property owner, the
30 property owner shall:

31 (a) Record a restricted covenant against the open space tract that runs with the land
32 and restricts the use of the open space tract to those uses allowed in SCC
33 30.41C.090(2); and

34 (b) Provide an open space management plan pursuant to SCC 30.41C.120.

35 (4) Common ownership shall be by the property owners of the subdivision as a whole,
36 in the form of a homeowners association.

37 (a) The applicant shall provide the county with a description of the association, proof
38 of incorporation of the association, a copy of its bylaws, a copy of the conditions,
39 covenants and restrictions regulating the use of the property and setting forth methods
40 for maintaining the open space.

41 (b) Membership in the homeowners association, and dues or other assessment for
42 maintenance purposes, shall be a requirement of lot ownership within the development.

43 (5) All lands classified as natural resource lands, including lands designated mineral
44 resource overlay, that are included in restricted open space areas shall be:

1 (a) Placed under a unified system of property management for the purpose of
2 maximizing their continued or future management for beneficial resource
3 production/conservation purposes; and

4 (b) If the land is designated mineral resource overlay it shall be subject to the
5 requirements of SCC 30.32C.150.

6 (6) Forest practices within restricted open space shall be permitted, provided that:

7 (a) The activity is consistent with an applicable approved forest practice permit; and

8 (b) The activity is included in the open space management plan.
9

10 Section 21. A new section is added to Chapter 30.41C of the Snohomish
11 County Code to read:
12

13 **30.41C.120 Open space management plan.**
14

15 The applicant shall provide a plan for the long term management of designated open
16 space, including maintenance and management of any water supply, stormwater
17 management, wastewater disposal, or any other common facilities which may be
18 located within areas of designated open space.

19 (1) An open space management plan shall include the following information:

20 (a) Current ownership information and a plan or provisions to update the project file
21 number when ownership contact information changes;

22 (b) Parties responsible for maintenance of designated open space, and their contact
23 information;

24 (c) Description of any uses allowed in designated open space, consistent with SCC
25 30.41C.090(2);

26 (d) Any proposed development activities;

27 (e) Fire breaks provided in accordance with fire district requirements;

28 (f) Any covenants, conditions and restrictions to be recorded related to open space
29 management; and

30 (g) Other information that the director determines necessary to ensure proper
31 management of the open space.

32 (2) The open space management plan must be approved by the director and shall be
33 recorded as a separate document from the subdivision or short subdivision. The
34 recording number shall be referenced on all property deeds arising from the rural cluster
35 subdivision or short subdivision and copies of the management plan shall be provided to
36 property owners with ownership documents.

37 (3) In approving the open space management plan, the director shall make a written
38 finding that the parties designated as responsible for maintenance of designated open
39 space are capable of performing this function, that provisions are included in the plan for
40 succession to other qualified and capable parties should that become necessary, and
41 that the county is indemnified should the responsible parties not fulfill their management
42 obligations.
43
44
45

Section 22. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.130 Rural cluster—bulk regulations.

(1) SCC Table 30.41C.130 establishes the bulk regulations for rural cluster subdivisions or short subdivisions located outside of the RUTA and replaces SCC Table 30.23.030(1) for rural cluster subdivisions. Bulk regulations for rural clusters located inside the RUTA are governed by SCC 30.41C.140.

**Table 30.41C.130
BULK REGULATION REQUIREMENTS**

Zones and comprehensive plan designations	(1) Forestry zone (F) with or without MRO (2) Forestry & Recreation zone (F&R) with or without MRO (3) Mineral Conservation zone (MC) (4) Rural 5-Acre zone in RR-5 & RR-10(RT) designation without MRO designation (5) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with MRO
Maximum lot coverage	35 percent
Minimum lot width at building site	125 feet
Minimum lot size	20,000 square feet
Minimum front yard setback ^{1, 2}	20 feet, plus at least a 10 foot variation in setbacks on lots adjacent to one another
Minimum rear yard setback	5 feet
Minimum side yard setback ¹	25 feet
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet

¹ In accordance with 30.91L.170, corner lots have two front yard setbacks.
² Pursuant SCC 30.41C.070(1)(d), the variations in front yard setbacks shall be at least 10 feet on lots adjacent to each other. Variety in lot size and configuration is also encouraged to avoid creating uniformity, which is characteristic of urban development.

Section 23. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.140 Bulk regulations and interim open space for rural clusters in the RUTA.

Rural cluster subdivisions and short subdivisions located inside of a Rural/Urban Transition Area (RUTA) as designated on the future land use map (FLUM) shall be subject to the open space and bulk regulation requirements set forth in this section.

(1) The open space required in this section shall be designed as interim open space to be reserved for future use as urban development.

(2) SCC Table 30.41C.140 establishes the interim open space requirements and bulk regulations for rural cluster subdivisions or short subdivisions inside a RUTA:

**SCC Table 30.41C.140
RUTA BULK REGULATIONS AND INTERIM OPEN SPACE REQUIREMENTS**

	Applies to all zoning classifications and parcels underlying a RUTA as designated on Snohomish County GMA Comprehensive Plan Future Land Use Map (FLUM)
Minimum interim open space	65 percent
Maximum lot coverage	35 percent
Minimum lot frontage on a public or private street	80 feet
Minimum lot size	See SCC 30.23.220
Maximum lot size	20,000 square feet
Minimum front yard setback ¹	20 feet
Minimum rear yard setback	5 feet
Minimum side yard setback ¹	10 feet
Minimum setback for single family residential/duplex lots from adjacent agriculture, forest and mineral lands	100 feet

¹ In accordance with 30.91L.170, corner lots have two front yard setbacks.

(3) To maintain rural character of the site and facilitate future re-division of the interim open space, the following provisions apply:

(a) The percentage of interim open space shall be based on the gross area of the original parcel(s) existing at the time the property is subdivided; and

(b) The interim open space tract shall be configured to such shape and dimensions as to allow for future land division based on the following design criteria:

(i) The interim open space tract shall not be fragmented by private road easements;

(ii) The location of the interim open space tract in the subdivision or short subdivision shall accommodate future public roadway access upon re-division and

1 facilitate the clustering of the rural cluster subdivision or short subdivision lots near
2 the periphery of the subdivision or short subdivision boundary rather than a central
3 location; and

4 (iii) The proposed interim open space on a preliminary plat/short plat drawing
5 shall show a non-binding conceptual shadow plat of 4 dwelling units per acre to
6 reflect the potential for the interim open space to be subdivided in the future, but
7 such shadow plat shall not be depicted on the final plat or short plat.

8 (4) When more than 40 percent of the gross area of the site is constrained by critical
9 areas, the minimum interim open space requirements may be reduced by up to 40
10 percent.

11 (5) The interim open space tract may be used for any use otherwise permitted in
12 restricted open space as specified in SCC 30.41C.090(2), except that no new
13 permanent structures shall be allowed.

14 (6) The interim open space tract shall be established and maintained in accordance
15 with SCC 30.41C.110 and 30.41C.120.

16 (7) The interim open space tract shall not be eligible for further division until it is
17 removed from the RUTA as designated on the FLUM and becomes part of an urban
18 growth area and can be served with adequate utilities. A note on the final plat or short
19 plat shall be included indicating such restriction.

20 (8) The following notice shall be filed on the title of the properties within the plat and
21 shall be placed on the face of the final plat and short plat:

22
23 "Tract ____ is an open space tract reserved for future development when
24 the Urban Growth Area is expanded to include the open space parcel.
25 Future development of this tract may include residential, commercial and
26 industrial uses commonly found in an urban area. The open space tract is
27 **not** intended to be preserved in perpetuity."
28

29 (9) Applicants for rural cluster subdivisions or short subdivision proposed in a RUTA
30 as designated on the FLUM shall notify the adjacent city of plans for proposed
31 infrastructure improvements. When a master annexation inter-local agreement has
32 been adopted by the county council, infrastructure improvements for the rural cluster
33 subdivision or short subdivision shall be subject to approval from the city.
34

35 Section 24. A new section is added to Chapter 30.41C of the Snohomish
36 County Code to read:

37
38 **30.41C.150 Modifications.**
39

40 Rural sites may exhibit diverse characteristics reflecting unique rural character and, in
41 the event that the applicant promotes innovative and creative design in the rural area
42 while meeting the intent of preserving rural character, modifications to some standards
43 required in this chapter may be approved.

44 (1) An applicant may request a modification to the following standards:

45 (a) The location of open space, except when adjacent to resource lands;

(b) The amount of existing vegetation that must be preserved pursuant to SCC 30.25.033(5);

(c) Landscaping requirements described in SCC 30.25.033 with modifications pursuant to SCC 30.25.040; and

(d) Width of the open space tract between property lines and roads pursuant to SCC 30.41C.070(2).

(2) A request for modification:

(a) Shall be submitted to the department and processed concurrently with the application for a rural cluster short subdivision or rural cluster subdivision; and

(b) Shall include a narrative description and any documents necessary to demonstrate that the modification meets the approval criteria in SCC 30.41C.030(2) and the performance standards in SCC 30.41C.050.

(3) The department, in the case of a rural cluster short subdivision, or the Hearing Examiner, in the case of a rural cluster subdivision may approve a request for modification when:

(a) The modification furthers the purpose of protecting rural character in accordance with SCC 30.41C.010 and 30.41C.050;

(b) The modification does not conflict with other applicable provisions of the Snohomish County Code;

(c) The modification fulfills the intended purpose of this chapter and represents an equal or better result than would be achieved by strictly following the requirements of the code; and

(d) The modification provides one or more of the following:

(i) Reduction of visual impact of primary and accessory structures on nearby properties;

(ii) Enhanced use of low impact development methods for the retention and treatment of storm water on-site;

(iii) Improvement to on-site water quality control beyond the requirements prescribed in the Snohomish County Code; or

(iv) Increased retention of original natural habitat conditions by 20 percent or more than is required by chapters 30.62, 30.62A, 30.62B or 30.62C SCC.

Section 25. Snohomish County Code Section 30.41C.230, last amended by Amended Ord. 05-083 on December 21, 2005, is amended to read:

30.41C.230 Design standards - lot yield.

(1) Basic lot yield shall be obtained by dividing the gross site area by the larger of 200,000 square feet or the minimum required lot area of the zone in which the rural cluster subdivision or short subdivision is to be located (with both numbers expressed in the same units); except that for ~~((lots designated RR and for))~~ lots designated RR-10 (RT) on the comprehensive plan which are located outside of the Tulalip subarea and not subject to the mineral resource overlay (MRO), basic lot yield shall be calculated using a minimum lot size of ~~((100,000 square feet and))~~ 200,000 square feet ~~((respectively))~~.

(2) The maximum lot yield shall be obtained by multiplying the basic lot yield by one plus the density bonus, expressed as a fraction, as specified in SCC 30.41C.240 ((;

1 except the maximum lot yield for lots designated RRRD within a RUTA overlay and for
2 lots designated RR shall be the basic lot yield calculated in SCC 30.41C.230(1), and the
3 residential density bonus provisions of SCC 30.41C.240 shall not apply)).

4 (3) In determining the lot yield, a designated duplex lot shall be considered as two lots.

5 (4) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the
6 yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be
7 rounded down.

8
9 Section 26. Snohomish County Code Section 30.41C.240, last amended by
10 Amended Ord. 05-083, December 21, 2005, is amended to read:

11
12 **30.41C.240 Design standards - bonus residential density.**

13 (1) For all lands, except those ((designated local forest, RR or subject to the mineral
14 resource lands overlay)) specified in subsections 2 and 3 of this section, a rural cluster
15 subdivision or short subdivision shall be awarded a residential density bonus of 15
16 percent of the maximum density allowed by the underlying zone if the amount of
17 restricted open space equals the amount required in ((SCC 30.41C.210(4))) SCC
18 30.41C.075 and 30. 41C.090. ((2)) If additional restricted open space is proposed
19 beyond the minimum amount required, a rural cluster subdivision or short subdivision
20 shall be awarded an additional one percent density bonus for every additional one
21 percent of restricted open space designated up to a maximum total density bonus of 35
22 percent.

23 ((2((3))) A rural cluster subdivision or short subdivision on lands designated local forest
24 or subject to the mineral resource overlay shall be awarded a residential density bonus
25 of 10 percent if the amount of restricted open space meets or exceeds the amount
26 required in ((SCC 30.41C.210(4))) SCC 30.41C.075 and 30.41C.090.

27 (3) On lands designated RR-RD within a RUTA overlay, no density bonus is allowed.

28
29 Section 27. Snohomish County Code Section 30.62.015, last amended by
30 Amended Ord. 06-061, Aug. 1, 2007, is amended to read:

31
32 **30.62.015 Definitions.**

33 The definitions in this section apply to chapter 30.62 SCC only. Where conflicting
34 definitions exist in chapter 30.91 SCC, the definitions in this section shall govern.

35 (1) "Agricultural activities" means agricultural uses and practices currently existing or
36 legally allowed on rural land or agricultural land designated under RCW 36.70A.170
37 including, but not limited to: Producing, breeding, or increasing agricultural products;
38 rotating and changing agricultural crops; allowing land used for agricultural activities to
39 lie fallow in which it is plowed and tilled but left unseeded; allowing land used for
40 agricultural activities to lie dormant as a result of adverse agricultural market conditions;
41 allowing land used for agricultural activities to lie dormant because the land is enrolled
42 in a local, state, or federal conservation program, or the land is subject to a
43 conservation easement; conducting agricultural operations; maintaining, repairing, and
44 replacing agricultural equipment; maintaining, repairing, and replacing agricultural
45 facilities, when the replacement facility is no closer to a critical area than the original

1 facility; and maintaining agricultural lands under production or cultivation.[Chapter 353,
2 Section 2, Laws of 2007.]

3 (2) "Best management practices" means management measures that are reasonable
4 and available that mitigate adverse impacts to surface and groundwater, and to the
5 functions and values of critical areas. See also chapter 30.62 SCC.

6 (3) "Bog/fen system" means a wetland which accumulates organic soil, has little or no
7 inflow and is characterized by acidophilic (acid loving/producing) vegetation such as
8 sphagnum moss, Labrador tea and bog laurel.

9 (4) "Buffer" means an area adjacent to a critical area consisting of naturally occurring
10 or re-established vegetation and having a width adequate to protect the critical area.

11 (5) "Critical area" means the following areas:

12 (a) Wetlands;

13 (b) fish and wildlife habitat conservation areas; and (c) geologically hazardous
14 areas.

15 (6) "Critical area study" means an investigation, report, map, study and/or evaluation
16 which may be required to demonstrate that a proposed development activity is in
17 compliance with this chapter. As applicable, a critical area study may be a habitat
18 management plan or a geotechnical report.

19 (7) "Critical species" means all species listed by the state or federal government as
20 endangered or threatened.

21 (8) "Easement" is a right granted by a property owner to specifically named parties or
22 to the public for the use of certain land for specified purposes. Where appropriate to the
23 context, "easement" may also refer to the land covered by the grant. This may include
24 access, pedestrian paths, bicycle paths, utility easements, drainage,

25 (9) "Erosion hazard areas" means those areas with naturally occurring slopes,
26 containing soils which are at high risk from water erosion according to the mapped
27 description units of the United States Department of Agriculture Soil Conservation
28 Service Soil Classification System.

29 (10) "Estuarine wetland" means wetlands where salt tolerant plant species are
30 dominant and the hydrology is influenced by tidal action. The wetlands are usually
31 partially enclosed by land with open, or partially obstructed access to open saline water.
32 In areas where freshwater wetlands grade into estuarine areas, the boundary of the
33 latter extends to an area where the salinity is less than 0.5 ppt (parts per thousand)
34 during the period of average annual low flow.

35 (11) "Fish and wildlife habitat conservation areas" means:

36 (a) Streams and wetlands regulated under SCC 30.62.300 through SCC
37 30.62.360;

38 (b) Areas with which critical species listed as endangered or threatened under
39 federal law have a primary association; and

40 (c) Saltwater-related habitat including kelp and eelgrass beds, shellfish areas,
41 and herring and smelt spawning areas.

42 (12) "Functions and values" means those functions and values of a critical area or
43 buffer which are highly beneficial to the maintenance of the aquatic system and
44 surrounding environment. As used in this chapter, "functions and values" for wetlands,
45 streams and buffers are limited to the following elements:

1 (a) Streams. Fish and wildlife habitat, water quality maintenance, water supply
2 and water conveyance.

3 (b) Wetlands. Fish and wildlife habitat, water quality maintenance, pollution
4 assimilation, shore stabilization, sediment retention, runoff and floodwater storage and
5 conveyance, runoff control, stream baseflow maintenance, and groundwater
6 discharge/recharge

7 (c) Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation,
8 streambank stabilization, sediment entrapment, water quality maintenance, noise and
9 visual screening, upland flood protection, recreation, and provision of nutrients and
10 woody debris for streams.

11 (13) "Habitat enhancement" means improvement or restoration of habitat areas by
12 adding, replacing or restoring important habitat components, or by removing detrimental
13 elements.

14 (14) "Hydrologically connected" means those wetlands which have surface water
15 connection to another wetland, stream, river, or lake.

16 (15) "Lake" means a naturally existing or artificially created body of standing water
17 that:

18 (a) is present on a year-round basis;

19 (b) occurs in a depression of land or expanded part of a stream, including
20 reservoirs;

21 (c) is greater than 6.6 feet (2 meters) in depth at the deepest point; and

22 (d) has less than 30% coverage by trees, shrubs, or persistent emergent
23 vegetation.

24 A lake is bounded by the ordinary high water mark, or, where a stream enters the lake,
25 the extension of the elevation of the lake's ordinary high water mark within the stream.
26 For purposes of this title, "lake" does not include storm water retention or detention
27 ponds, ornamental ponds, artificially created private fishing or recreational ponds less
28 than 30,000 square feet in size, or farm ponds.

29 (16) "Landslide hazard areas" means areas potentially subject to mass earth
30 movement based on a combination of geologic, topographic, and hydrologic factors,
31 with a vertical height of 10 feet or more. These include the following:

32 (a) Areas of historic landslides as evidenced by landslide deposits, avalanche
33 tracks, and areas susceptible to basal undercutting by streams, rivers or waves;

34 (b) Areas with slopes steeper than 15 percent which intersect geologic contacts
35 with a relatively permeable sediment overlying a relatively impermeable sediment or
36 bedrock, and which contain springs or ground water seeps;

37 (c) Areas located in a canyon or an active alluvial fan, susceptible to inundation
38 by debris flows or catastrophic flooding.

39 (17) "Mature forested wetland" means wetlands which are dominated by woody
40 vegetation (such as alder, cedar, hemlock, cottonwood, and some willow species, etc.)
41 that is over 20 feet tall, and at least 50 years old for deciduous trees and 80 years old
42 for evergreens. (See also "wetland class.")

43 (18) "Native growth protection area (NGPA)" means an area which is to be left
44 permanently undisturbed in a substantially natural state and in which no clearing,
45 grading, filling, building construction or placement, or road construction of any kind is
46 allowed except the following:

1 (a) Crossings for underground utility lines and drainage discharge swales which
2 utilize the shortest alignment possible and for which no alignment that would avoid such
3 a crossing is feasible;

4 (b) Removal of hazardous trees by the property owner;

5 (c) Fences, only if the critical area and its buffer are not detrimentally affected;
6 and

7 (d) Other uses and development activity as allowed by chapter 30.62 SCC; and

8 (e) In rural cluster subdivisions approved pursuant to chapter 30.41C SCC, buffer
9 plantings as required by ~~((SCC 30.41C.200))~~ SCC 30.41C and passive recreational
10 uses limited to nonmotorized trails, exercise pathways, and wildlife viewing areas.

11 (19) "Ordinary high-water mark" on all lakes, streams and tidal waters is the mark that
12 will be found by examining the beds and banks and ascertaining where the presence
13 and action of waters are so common and usual, and so long continued in all ordinary
14 years, as to mark upon the soil a character distinct from that of the abutting upland, with
15 respect to vegetation. The following criteria clarify this mark on tidal waters, lakes, and
16 streams:

17 (a) Tidal waters.

18 (i) in high energy environments where the action of waves or currents is
19 sufficient to prevent vegetation establishment below mean higher high tide, the ordinary
20 high water mark is coincident with the line of vegetation. Where there is no vegetative
21 cover for less than one hundred feet parallel to the shoreline, the ordinary high water
22 mark is the average tidal elevation of the adjacent lines of vegetation. Where the
23 ordinary high water mark cannot be found, it is the elevation of mean higher high tide.

24 (ii) in low energy environments where the action of waves and currents is
25 not sufficient to prevent vegetation establishment below mean higher high tide, the
26 ordinary high water mark is coincident with the landward limit of salt tolerant vegetation.
27 "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities
28 greater than or equal to 0.5 parts per thousand (ppt);

29 (b) Lakes. Where the ordinary high water mark cannot be found, it shall be the
30 line of mean high water;

31 (c) Streams. Where the ordinary high water mark cannot be found, it shall be the
32 line of mean high water. For braided streams, the ordinary high water mark is found on
33 the banks forming the outer limits of the depression within which the braiding occurs.

34 (20) "Ordinary residential improvements" means those structures and facilities which
35 are commonly found with, and are incidental to the development and use of a single-
36 family residence and are located landward of the ordinary high water mark including, but
37 not limited to, garages, decks, driveways and serving utility systems.

38 (21) "Primary association" means use of a habitat area by a critical species for rearing
39 young, roosting, feeding, or foraging on a regular basis during the appropriate season.

40 (22) "Riparian wetlands" means those wetlands that are fully or partially contained
41 within 100 feet of Type 1, 2 or 3 streams, within 25 feet of Type 4 streams, or within 10
42 feet of Type 5 streams according to the stream classification system in SCC 30.62. 300.

43 (23) "Seismic hazard areas" means areas that have been determined by the building
44 official to have known or inferred faults, ground rupture potential, liquefaction potential,
45 or seismically induced slope instability, where such information is provided to
46 Snohomish County through any of the following means: geotechnical studies and

1 reports prepared by licensed professionals pursuant to chapter 19.27 RCW or SCC
2 30.62.240; geotechnical studies and reports prepared by federal, state or local
3 agencies; and geotechnical studies, reports or environmental impact statements
4 prepared through the requirements of the State Environmental Policy Act (SEPA)
5 chapter 43.21C RCW.

6 (24) "Site" means that portion of the subject property within 200 feet of the
7 development activity provided, however, that for subdivisions, short subdivisions,
8 planned residential developments, and projects with binding site plans, the "site" shall
9 include the entire subject property.

10 (25) "Site review" means county inspection of a site where development activity has
11 been proposed, including, but not limited to, examination and comparison of site
12 conditions and erosion control with proposed plans and applicable county codes,
13 standards and administrative policies and procedures. A site review may include a
14 critical area site plan review pursuant to chapter 30.62 SCC.

15 (26) "Stream" means those areas where naturally occurring surface waters flow
16 sufficiently to produce a defined channel or bed which demonstrates clear evidence of
17 the passage of water including, but not limited to, bedrock channels, gravel beds, sand
18 and silt beds and defined-channel swales. The channel or bed need not contain water
19 during the entire year. This definition does not include water courses which were
20 created entirely by artificial means, such as irrigation ditches, canals, roadside ditches
21 or storm or surface water run-off features, unless the artificially created water course
22 contains salmonids or conveys a stream that was naturally occurring prior to the
23 construction of the artificially created water course.

24 (27) "Subject property" means the entire lot or parcel, or contiguous combination
25 thereof, on which a development activity is proposed.

26 (28) "Utility corridor" means areas identified for utility facility development, public right-
27 of-way and other dedicated utility right-of-way.

28 (29) "Wetland class" means any of the wetland class designations described in
29 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et
30 al. 1979). Cowardin's deep water and wetland classes include: rock bottom,
31 unconsolidated bottom, aquatic bed, reef, rocky shore, unconsolidated shore, emergent
32 wetland, scrub-shrub wetland, forested wetland, stream-bed and moss-lichen wetland.

33 (30) "Wetlands" means those areas that are inundated or saturated by surface or
34 ground water at a frequency and duration sufficient to support, and that under normal
35 circumstances do support, a prevalence of vegetation typically adapted for life in
36 saturated soil conditions. Wetlands include, but are not limited to swamps, marshes,
37 bogs, and similar areas, as well as artificial wetlands intentionally created from non-
38 wetland areas to mitigate for conversion of wetlands, as permitted by the county.
39 Wetlands do not include those artificial wetlands intentionally created from non-wetland
40 sites, including, but not limited to irrigation and drainage ditches, grasslined or
41 biofiltering swales, canals, detention facilities, wastewater treatment facilities, farm
42 ponds and landscaping amenities.
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1 Section 28. Snohomish County Code Section 30.91N.010, last amended by
2 Amended Ord. 06-061, Aug. 1, 2007, is amended to read:

3
4 **30.91N.010 "Native growth protection area (NGPA)"** means an area which is to be
5 left permanently undisturbed in a substantially natural state and in which no clearing,
6 grading, filling, building construction or placement, or road construction of any kind is
7 allowed except the following:

8 (1) Crossings for underground utility lines and drainage discharge swales which utilize
9 the shortest alignment possible and for which no alignment that would avoid such a
10 crossing is feasible;

11 (2) Removal of hazardous trees by the property owner;

12 (3) Fences, only if the critical area and its buffer are not detrimentally affected;

13 (4) Other uses and development activity as allowed; and

14 (5) In rural cluster subdivisions approved pursuant to chapter 30.41C SCC, buffer
15 plantings as required by ((~~SCC 30.41C.200~~)) SCC 30.41C.075 and passive recreational
16 uses limited to nonmotorized trails, exercise pathways, and wildlife viewing areas.

17 For critical areas, this definition applies only to critical areas designated under
18 the critical area regulations before adoption of the 2007 Critical Areas
19 Regulations Update in chapters 30.62A, 30.62B and 30.62C. See "Critical area
20 protection areas."

21 Section 29. Effective date, implementation.

22 This ordinance shall take effect 60 days after the date of adoption. PDS is
23 authorized to take such actions as may be necessary to implement this ordinance on its
24 effective date.

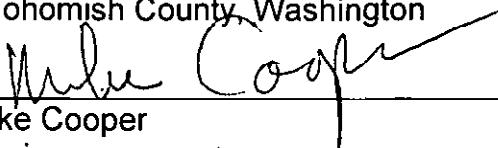
25 Section 30. Severability and Savings.

26
27 If any section, sentence, clause or phrase of this ordinance is held invalid or
28 unconstitutional by the Growth Management Hearings Board (Board), or a court of
29 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
30 constitutionality of any other section, sentence, clause or phrase of this ordinance.

31 Provided, however, that if any section, sentence, clause or phrase of this ordinance is
32 held to be invalid or unconstitutional by the Board or a court of competent jurisdiction,
33 then the section, sentence, clause or phrase in effect prior to the effective date of this
34 ordinance shall be in full force and effect for that individual section, sentence, clause or
35 phrase as if this ordinance had never been adopted.

1
2 PASSED this 4th day of February, 2009.
3

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

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8 Mike Cooper
9 Chairperson

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11 ATTEST:

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15 Sheila McCallister
16 Asst. Clerk of the Council
17

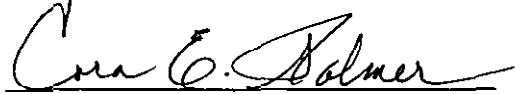
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21 (✓) APPROVED
22 () EMERGENCY
23 () VETOED

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DATE: 2/26/09


Aaron G. Reardon
County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-12