

1 ADOPTED: 09/25/19
2 EFFECTIVE: 10/05/19
3

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 ORDINANCE NO. 19-046
8

9 RELATING TO GROWTH MANAGEMENT; CONCERNING PLANNED RESIDENTIAL
10 DEVELOPMENT; AMENDING CHAPTER 30.42B OF THE SNOHOMISH COUNTY CODE
11

12 WHEREAS, counties and cities that are required to plan under the Growth Management
13 Act (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and development
14 regulations encourage development in urban areas where adequate public facilities and services
15 exist or can be provided in an efficient manner; and
16

17 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General
18 Policy Plan (GPP) directs the majority of new population into urban growth areas to reduce sprawl
19 and use land more efficiently; and
20

21 WHEREAS, chapter 30.42B of the Snohomish County Code (SCC) provides for planned
22 residential developments (PRDs), an alternative form of development within urban growth areas
23 (UGAs) to traditional subdivisions; and
24

25 WHEREAS, PRDs allow for flexibility, increased densities, and creativity in residential
26 development while protecting critical areas through the use of open space; and
27

28 WHEREAS, chapter 30.42B SCC last went through a significant update in 2004 with
29 Amended Ordinance No. 04-003, effective on May 17, 2004; and
30

31 WHEREAS, the GMACP, title 30 SCC, and Snohomish County population estimates have
32 been significantly updated since 2004; and
33

34 WHEREAS, chapter 30.42B SCC would benefit from amendments to improve consistency
35 with the GMACP and title 30 SCC; and
36

37 WHEREAS, the proposed code amendments contained in this ordinance will amend
38 chapter 30.42B SCC to encourage the use of planned residential development as well as infill
39 development within the urban areas of unincorporated Snohomish County; and
40

41 WHEREAS, on April 23, 2019, the Snohomish County Planning Commission (the
42 “Planning Commission”) was briefed by Snohomish County Planning and Development Services
43 (PDS) staff about the proposed code amendments contained in this ordinance; and
44

45 WHEREAS, the Planning Commission held a public hearing on May 28, 2019, to receive
46 public testimony concerning the proposed code amendments contained in this ordinance; and
47

48 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
49 Commission deliberated on the proposed ordinance and voted to recommend code amendments

1 to the Snohomish County Code (SCC) relating to planned residential development as shown in
2 its recommendation letter dated June 7, 2019; and
3

4 WHEREAS, on September 25, 2019, the Snohomish County Council (the "County
5 Council") held a public hearing after proper notice, and considered public comment and the
6 entire record related to the proposed code amendments contained in this ordinance; and
7

8 WHEREAS, following the public hearing, the County Council deliberated on the proposed
9 code amendments contained in this ordinance;
10

11 NOW, THEREFORE, BE IT ORDAINED:
12

13 **Section 1.** The County Council adopts the following findings in support of this ordinance:
14

- 15 A. The foregoing recitals are adopted as findings as if set forth in full herein.
16
- 17 B. This ordinance will amend title 30 SCC to revise regulations related to PRDs in chapter 30.42B
18 SCC. The code amendments will increase consistency with the GMACP and the rest of title
19 30 SCC, as well as within chapter 30.42B SCC itself, by: 1) removing inconsistent language
20 and aligning covenant review and recordation processes with other development types; 2)
21 removing the unit per net development acre maximum within the R-7,200, R-8,400, and R-
22 9,600 zones to allow planned residential development to continue to be utilized, and
23 encourage infill development; and 3) making housekeeping amendments to improve
24 implementation and readability.
25
- 26 C. In developing the code amendments, the County considered the goals of the GMA identified
27 in RCW 36.70A.020, specifically those goals related to urban growth, reducing sprawl,
28 housing, permitting, and open space and recreation. The proposed regulations are related to,
29 and necessary for, the advancement of these GMA planning goals.
30
- 31 D. The code amendments will allow chapter 30.42B SCC to better achieve, comply with, and
32 implement the below-listed goals, objectives, and policies contained in the County's GMACP
33 – GPP, by using land more efficiently, fostering compact development to minimize impacts to
34 the natural environment, adding variety to residential housing stock, increasing open space,
35 and providing regulations that are predictable.
36
- 37 1. Objective Population and Employment (PE) 1.A: "Direct future growth in unincorporated
38 Snohomish County primarily into urban areas."
39
- 40 2. Objective PE 1.A.3: "The allocations of unincorporated growth to urban areas shall be
41 located in areas having adequate existing or planned public facility or service capacities
42 to accommodate the growth."
43
- 44 3. Goal Land Use (LU) 2: "Establish development patterns that use urban land more
45 efficiently."
46

- 1 4. Objective LU 2.A: "Increase residential densities within UGAs by concentrating and
2 intensifying development in appropriate locations particularly within designated centers
3 and along identified transit emphasis corridors."
4
- 5 5. LU Policy 2.A.4: "UGAs shall provide opportunities for a mix of affordable housing types
6 (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit apartment and small group
7 housing units) within designated residential areas."
8
- 9 6. Goal HO 1: "Ensure that all county residents have the opportunity to obtain safe, healthy,
10 and affordable housing."
11
- 12 7. Objective Housing (HO) 1.B: "Ensure that a broad range of housing types and affordability
13 levels is available in urban and rural areas."
14
- 15 8. HO Policy 1.B.1: "The county shall facilitate affordable home ownership and rental
16 opportunities by promoting an increased supply of safe and healthy lower-cost housing
17 types, such as housing on small lots, townhouses, multiplexes, manufactured housing,
18 mobile homes, and mixed-use housing."
19
- 20 9. HO Policy 1.D.1: "The county shall establish a mix of densities in residentially zoned land
21 that is served with adequate infrastructure based on the public's housing preferences,
22 demonstrated need for low and moderate income households, preservation of critical
23 areas, and coordination with the transportation system."
24
- 25 10. HO Policy 1.D.3: "The county shall encourage expeditious and efficient infill development
26 in urban growth areas."
27
- 28 11. HO Policy 2.A.1: "The county should preserve the character of stable residential
29 neighborhoods through selective and innovative land use measures."
30
- 31 12. HO Policy 2.B.1: "The county shall encourage a variety of housing types and densities in
32 residential neighborhoods."
33
- 34 13. Economic Development (ED) Policy 2.A.3: "To ensure timeliness, responsiveness, and
35 increased efficiency, the county shall develop and maintain a program of periodic review
36 of the permitting process to eliminate unnecessary administrative procedures that do not
37 respond to legal requirements for public review and citizen input."
38

39 E. The proposed code amendments are consistent with the record:
40

- 41 1. SCC 30.42B.020(4) is amended by deleting the requirement that density of PRDs be
42 consistent with the land use designation in the GMACP. This provision was originally
43 added during the March 1981 revision of title 18 SCC. However, densities are no longer
44 associated with future land use designations in the GMACP. Therefore, deleting SCC
45 30.42B.020(4) will align chapter 30.42B SCC with the GMACP.
46
- 47 2. SCC 30.42B.040(2) is amended to remove superfluous text regarding the calculation of
48 the maximum number of dwelling units permissible in a PRD (also sometimes referred to
49 as "unit yield and bonus equation" because the maximum number of dwelling units allowed

1 in a PRD is 120 percent of the maximum number permitted by the underlying zone,
2 reflecting a "bonus"). SCC 30.42B.040(2) currently requires critical areas to be removed
3 from the gross site area, then added back in to determine the maximum unit yield for a
4 PRD project. The result of removing and adding the critical areas to the equation is the
5 same as if critical areas were included from the beginning. The amendments streamline
6 and simplify the calculation.
7

- 8 3. SCC 30.42B.040(2) is amended to replace references to "net development area" with "site
9 area" to avoid confusion. SCC 30.42B.040(2)(a) currently defines "net development area"
10 as "the gross site area...less critical areas and their buffers..." As critical areas and their
11 buffers are no longer required to be removed and added back into the unit yield and bonus
12 equation, reference to "net development area" is not necessary.
13
- 14 4. SCC 30.42B.040(3) is deleted to allow all properties to benefit from the unit yield bonus
15 allowed by PRDs, and to encourage the use of PRDs on properties with critical areas.
16 SCC 30.42B.040(3) currently limits properties with critical areas in the R-7,200, R-8,400,
17 and R-9,600 zones from achieving the same unit yield bonus that properties without critical
18 areas can achieve utilizing the provisions of chapter 30.42B SCC. Removing this
19 subsection will allow for infill development while also protecting critical areas and open
20 space.
21
 - 22 a. The GMACP requires that a majority of countywide growth in population,
23 housing, and employment be allocated into UGAs (PE-1.A, PE 1.B, and
24 PE-1.C). Allowing all PRD projects to enjoy the maximum allowed unit yield
25 bonus under chapter 30.42B SCC will help promote increased densities,
26 population, housing, and potentially employment within UGAs. As PRDs
27 are only permitted within the residential zones of R-9,600, R-8,400, R-
28 7,200, LDMR, and MR in the UGA, this amendment could increase
29 population and housing densities in the UGA. In addition, PRDs could
30 potentially allow for increased employment within urban areas as SCC
31 30.42B.240 allows for neighborhood business uses in PRDs.
32
 - 33 b. Increasing the development capacity of the UGA by allowing PRDs to
34 utilize their full unit yield bonuses when encumbered by critical areas will
35 help promote the overarching Land Use Element goals of the GMACP.
36 Allowing applicants to utilize the full capacity of the PRD unit yield bonus
37 will also create flexibility in development options.
38
 - 39 c. The Housing Element of the GMACP seeks to ensure that there is an
40 adequate supply of housing opportunities (HO-1) and choices (HO-1.B and
41 HO-1.B.1) for all economic segments of the population (HO-1.C) within the
42 UGA. To accomplish this, the Housing Element has prioritized housing infill
43 development within the UGA (HO-1.D.3). Striking the nine unit per net
44 development acre maximum density in chapter 30.42B SCC provides
45 flexibility for future development by allowing for greater development
46 capacity within the UGA. This creates the potential for additional infill
47 development within the UGA and serves a number of important housing
48 goals. First, it makes use of remaining sites within the UGA that have
49 abundant access to public facilities and services, as well as employment,

business opportunities, and private services (HO-1.D.1). Second, allowing a slightly higher level of residential density can provide additional housing types that meet the needs and desires of different economic segments of the housing market (HO-2.B.1 and HO-1.C). Third, much of the cost of housing is bundled in the value of land itself; allowing more efficient development types typically results in more housing and more affordable units within the local housing market (HO-1.B.1).

d. The Housing Element of the GMACP also seeks to promote quality residential neighborhoods for all, by balancing the preservation of local character with the need for new development. The policy to “preserve the character of stable residential neighborhoods through selective and innovative land use measures” (HO-2.A.1) is considered in the context of preserving the residential aspects of neighborhoods with adequate provision for essential public services, and with adequate provision for the public health, safety, and welfare through development regulations and specific conditions.

5. SCC 30.42B.115(1) is amended by deleting subsection (c)(v), which states that open space shall not include submerged lands that are not defined as critical areas. The urban residential design standards set forth in SCC 30.23A.080(4)(g) allow for certain drainage facilities – such as unfenced detention, retention, and wet ponds; stormwater treatment wetlands; stormwater infiltration trenches and bioswales; and vegetated areas above underground detention facilities – to be utilized as passive recreation space. Striking SCC 30.42B.115(1)(c)(v) will make chapter 30.42B SCC consistent with other chapters of title 30 SCC.
6. SCC 30.42B.115(2)(a) states that the on-site recreation space of a PRD shall be for the uses set forth in the urban residential design standards in SCC 30.23A.080(4). SCC 30.23A.080(4)(e) allows active recreation uses to include common use structures such as indoor sports courts, community clubhouses, and meeting facilities. To allow for such common use structures to be included within the active recreation square footage, SCC 30.42B.115(2)(c) is revised to allow for on-site recreation space to be located within an open space tract, permanent easement, or common use structure. This will allow for more flexibility in development design so that proposed common use structures for active recreation will not need to be located within an open space tract or easement to be counted towards the required active recreation square footage.
7. SCC 30.42B.115(2) is amended for internal consistency in its treatment of utilities and recreation space. Currently, SCC 30.42B.115(2)(a)(ii) notes that existing utility easements cannot be considered recreation space, and SCC 30.42B.115(2)(f) states that on-site recreation space cannot include above ground utility transmission lines and associated easements or right-of-way. However, SCC 30.42B.115(2)(c) states that power line, utility rights-of-way and other similar easements may be incorporated into on-site recreation space if they are developed for active uses. There is also no distinction between existing and proposed utility easements within chapter 30.23A SCC. To increase consistency within chapter 30.42B SCC, as well as with title 30 SCC, language is added to SCC 30.42B.115(2)(a)(ii) to allow existing utility easements to be incorporated into recreation

space when the applicant demonstrates that the space will be developed for active uses, and SCC 30.42B.115(2)(f) is deleted.

8. SCC 30.42B.145 is amended by deleting subsection (7) to eliminate inconsistencies regarding lot coverage requirements for PRD projects. Under the existing SCC 30.42B.145(7), PRD projects that are developed as "a condominium or single ownership" are limited to a 55 percent maximum lot coverage based on buildable area, which is defined as the site minus all tracts as well as public and private roadways. This is inconsistent with lot coverage requirements found in chapter 30.23 SCC for all other development types, as well as the definition of lot coverage within SCC 30.91L.150. Removing this subsection will eliminate the inconsistency.

9. This ordinance amends SCC 30.42B.210(2) to add language that clarifies the purpose of this subsection. Once the site plan is approved and becomes the official site plan, the information shall be transferred onto the official zoning maps of unincorporated Snohomish County.

10. SCC 30.42B.115 and SCC 30.42B.250 both discuss requirements for recorded covenants, although clarity is needed regarding when these documents must be recorded. The amendments to SCC 30.42B.115(1)(e) and SCC 30.42B.250 make it clear that such covenants, deeds, homeowners' association laws, and all other applicable documents guaranteeing maintenance and common fee ownership of commonly owned and operated property will be submitted and approved by the director prior to final plat approval. These approved covenants will then be recorded simultaneously with the recording of any final plat, final short plat, or binding site plan with record of survey. Consistent language added to both SCC 30.42B.115 and SCC 30.42B.250 will reduce confusion, help applicants and staff understand the required process, and allow chapter 30.42B SCC to be consistent with chapters 30.41A and 30.41B SCC, which address subdivisions and short subdivisions, respectively.

F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated April 8, 2019.

G. Procedural requirements:

1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on March 7, 2018. An updated notice was sent on April 4, 2019.
3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on April 10, 2019.
4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.

- 1 5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an
2 advisory memorandum in September 2018 entitled "Advisory Memorandum: Avoiding
3 Unconstitutional Takings of Private Property" to help local governments avoid
4 unconstitutional takings of private property. The County used the process outlined in the
5 State Attorney General's 2018 advisory memorandum to objectively evaluate the
6 regulatory changes in this ordinance.
7

8 **Section 2.** The County Council makes the following conclusions:
9

- 10 A. The proposal is consistent with Washington State law and Snohomish County Code.
11
12 B. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the
13 GPP.
14
15 C. The County has complied with all SEPA requirements with respect to this non-project action.
16
17 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of
18 private property for a public purpose.
19
20 E. The County complied with the state and local public participation requirements under the GMA
21 and chapter 30.73 SCC.
22

23 **Section 3.** The County Council bases its findings and conclusions on the entire record of
24 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
25 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
26

27 **Section 4.** Snohomish County Code Section 30.42B.020, last amended by Amended
28 Ordinance No. 14-073 on October 8, 2014, is amended to read:
29

30 **30.42B.020 Applicability.**

31 (1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR
32 zones.

33 (2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR,
34 NB, PCB, CB, and GC zones.

35 (3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy
36 LU 6.A.3 of the comprehensive plan.

37 ~~((4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD
38 shall be consistent with the land use designation identified in the comprehensive plan.))~~
39

40 **Section 5.** Snohomish County Code Section 30.42B.040, last amended by Amended
41 Ordinance No. 17-004 on May 10, 2017, is amended to read:
42

43 **30.42B.040 Unit yield and bonus.**

44 (1) For all PRDs, except retirement apartment and retirement housing PRDs, the maximum
45 number of dwelling units permissible shall be 120 percent of the maximum number of dwelling
46 units permitted by the underlying zone as determined in subsection (2) of this section ~~((, unless
47 adjusted per the provisions of subsection (3) of this section))~~.
48

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

1 (a) Determine the ~~((net development))~~ site area on the project site. ~~((Net development area is~~
2 ~~the gross site area (in square feet) less critical areas and their buffers subject to chapters 30.62A~~
3 ~~and 30.62B SCC.))~~

4 (b) Divide the ~~((net development))~~ site area by the minimum lot area permitted by the underlying
5 zone, or where LDMR and MR standards apply, by 4,000 square feet and 2,000 square feet
6 respectively. For retirement apartment PRDs and retirement housing PRDs in the LDMR zone
7 divide by 4,000 square feet and in the MR zone and commercial zones divide by 2,000 square
8 feet.

9 ~~((Divide the area comprised of critical areas and their buffers subject to chapters 30.62A~~
10 ~~and 30.62B SCC by the minimum lot area of the underlying zone used for the calculation in~~
11 ~~subsection (2)(b) of this section.~~

12 ~~((d) Add the numerical unit yield results of subsections (2)(b) and (2)(c) of this section and~~
13 ~~multiply))~~ Multiply the resulting number of dwelling units from subsection (2)(b) of this section by
14 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs, and 1.2 for all other PRDs.

15 ~~((3) In the R-7,200, R-8,400, and R-9,600 zones, the maximum number of dwelling units~~
16 ~~allowed pursuant to subsection (2) of this section shall be reduced so that the maximum net~~
17 ~~density (number of dwelling units per acre in the net development area) does not exceed nine~~
18 ~~dwelling units per net acre.))~~

19 (3) Whenever the calculated number of dwelling units results in a fractional equivalent of ((0.5))
20 five-tenths or greater ((more)), the fraction shall be rounded up to the next whole number
21 ((fractions)). Fractions of less than ((0.5)) five-tenths shall be rounded down.

22
23 **Section 6.** Snohomish County Code Section 30.42B.115, last amended by Amended
24 Ordinance No. 17-070 on November 1, 2017, is amended to read:

25
26 **30.42B.115 Design criteria - Open space.**

27 (1) Open space shall be provided in PRD developments consistent with the following
28 standards:

29 (a) Within a PRD, a minimum of 20 percent of the gross site area shall be established as open
30 space;

31 (b) Open space shall be used for:

32 (i) On-site recreation space;

33 (ii) Critical areas and their required buffers subject to chapters 30.62A and 30.62B SCC;

34 (iii) Perimeter landscaping areas outside of rights-of-way;

35 (iv) All other open space areas owned in common and shared by residents and/or owners in
36 the PRD, excluding those items listed in subsection (1)(c) of this section;

37 (v) LID BMPs that do not require fencing or consist of hard surfaces, such as infiltration
38 systems, bioretention, and flow dispersal systems. LID BMPs that consist of hard surfaces may
39 count as open space only when the hard surface is specifically for recreational use, such as a
40 pedestrian trail;

41 (c) Open space shall not include any of the following:

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

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

45 (iii) Parking lots, driveways and other areas of motorized vehicle access; or

46 (iv) Open drainage facilities such as detention and retention ponds, wetponds, and other
47 drainage facilities that require fencing pursuant to chapter 30.63A SCC, the Drainage Manual, or
48 the EDDS; ~~((or~~

1 ~~(v) Submerged lands when not defined as critical areas pursuant to chapter 30.62A, 30.62B or~~
2 ~~30.62C SCC;))~~

3 (d) Open space shall be permanently established in clearly designated, separate tracts. Tracts
4 shall be owned by:

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

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

8 (iii) A homeowners association, when consistent with SCC 30.42B.210(6);

9 (e) Open space shall be protected in perpetuity by a recorded covenant, in a form approved by
10 the director. The recorded covenant must restrict uses of the total open space to those specified
11 in the approved PRD site plan and must provide for the maintenance of the total open space in a
12 manner which assures its continuing use for the intended purpose. This covenant shall be located
13 on the face of the final short plat, final plat, or binding site plan/record of survey.

14 (2) On-site recreation space shall be provided as a component of total open space and shall
15 be consistent with the following standards:

16 (a) The on-site recreation space shall be for the uses set forth in SCC 30.23A.080(4), excluding
17 the following:

18 (i) Critical areas and their buffers subject to chapters 30.62A and 30.62B SCC; and

19 (ii) Utility easements that exist on the project site at the time of application submittal, unless
20 the applicant can demonstrate that an active recreation facility can function adequately on the
21 easement;

22 (b) The requirement for on-site recreation space shall be at least 600 square feet per dwelling
23 unit: except that retirement apartments and retirement housing shall be 200 square feet per
24 dwelling unit;

25 (c) Forty percent of the required on-site recreation space shall be located in a single open
26 space tract, ~~((or))~~ permanent easement, or commonly used and owned structure. Alternatively,
27 the applicant shall be permitted to satisfy this requirement when no more than three open space
28 tracts are created that provide a comparable open space use to that otherwise required. Power
29 line, utility rights-of-way and other similar easements may be incorporated into on-site recreation
30 space and counted towards the open space requirements of this section, provided they are
31 developed with active recreational improvements. Remaining on-site recreation space shall be
32 adequate in design and size for the intended passive and/or active recreation. No on-site
33 recreation space shall have any dimension less than 20 feet (except for segments containing
34 trails, which shall not be less than 10 feet in width), unless the applicant can demonstrate that a
35 lesser dimension will not inhibit the use of the open space for its designated purpose;

36 (d) On-site recreation space designed for children shall not be located adjacent to any street
37 designated as a collector/arterial unless properly designed with fencing, located away from street
38 edges and other provisions to ensure adequate child safety. On-site recreation space designed
39 for children shall be open, accessible, and visible from adjacent dwellings in order to enhance
40 security;

41 (e) On-site recreation space shall have the appropriate location, slope, soils, and drainage to
42 be considered for recreational development;

43 ~~((f) On-site recreation space shall not contain above ground utility transmission lines and~~
44 ~~associated easement or right-of-way;))~~

45 ~~((g))~~(f) On-site recreation space shall be landscaped pursuant to the provisions of SCC
46 30.42B.125, and in accordance with the required landscape plan in a manner that enhances the
47 design of the open space while not conflicting with the function of the proposed recreation use;
48 and

1 ~~((h))~~(g) Any buildings, structures, and improvements to be permitted in the on-site recreation
2 space shall be those appropriate to the proposed uses.

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

4 (a) A minimum of 30 percent of the required on-site recreation space within PRDs with 10 or
5 more lots or dwelling units shall be developed for active recreation uses;

6 (b) The active recreation requirement may be reduced by up to 30 percent for projects of 20 or
7 fewer dwelling units, if access for pedestrians is constructed to an adjacent off-site public
8 recreation area that contains an active recreation use that meets the needs of residents within
9 the PRD and is approved by the off-site recreation provider;

10 (c) The active recreation facility shall be located on a reasonably level site with slopes no
11 greater than six percent unless the applicant can demonstrate that the recreation facility can
12 function adequately on greater slopes; and

13 (d) Playgrounds with children's play equipment shall meet all safety recommendations and
14 construction specifications of the manufacturer of the equipment used.

15
16 **Section 7.** Snohomish County Code Section 30.42B.145, last amended by Amended
17 Ordinance No. 12-049 on October 3, 2012, is amended to read:

18
19 **30.42B.145 Design criteria – bulk regulations.**

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

22 (2) SCC Table 30.42B.145(1) and subsections (3) through (8) of this section establish bulk
23 requirements for PRDs.

24
25 Table 30.42B.145(1) PRD Bulk Requirements

Use	((Min.)) Minimum Lot Area	((Min.)) Minimum Lot Width	Minimum setbacks from			Maximum Lot Coverage
			Front Lot Line	Rear Lot Line	Side Lot Line	
Single-family dwellings and duplexes (detached)	None	None	10 feet	10 feet	5 feet	55%
Attached single- family dwellings and townhouses	None	None	10 feet	10 feet	5 feet	55%
Multifamily dwellings	None	60 feet	25 feet	25 feet	5 feet ¹	40%
1 The setback from the side lot line for multifamily dwellings shall be increased to 20 feet for those portions of a building higher than 25 feet.						

26
27 (3) Setbacks from front and rear lot lines may be reduced to five feet, provided the total
28 distance of the setbacks from the front and rear lot lines adds up to a minimum of 20 feet.

29 (4) If a lot has more than one front lot line, the front lot line may be reduced to five feet, provided
30 the total distance of the setbacks from all front lot lines adds up to a minimum of 20 feet if the lot
31 has two front lot lines, and 30 feet if the lot has three front lot lines.

32 (5) The minimum setback for automobile entry of garages or carports from the front lot line
33 shall be 18 feet.

34 (6) Setbacks from side lot lines may be modified as follows:

1 (a) Attached single-family dwellings and townhouses developed as zero-lot-line development
2 may have the setback reduced to zero, provided the setback from the outer walls of the building
3 meets the side lot line setback requirement in SCC Table 30.42B.145(1); and

4 (b) Setbacks may be reduced to zero, provided the total distance of the setbacks from the side
5 lot lines adds up to 10 feet, except for those portions of multifamily dwellings above 25 feet in
6 which case the total distance shall add up to 40 feet.

7 ~~((7)) When residential dwellings are developed as a condominium or single ownership, the~~
8 ~~maximum lot coverage shall be calculated based on the cumulative building footprint for all~~
9 ~~structures in the buildable area of the PRD site. The buildable area of the site shall not include~~
10 ~~tracts or public and private roadways.))~~

11 ~~((8))~~(7) Buildings shall not be required to be set back from alleys that provide vehicle access
12 to the rear of the property. When this provision is used, subsections (3) and (4) of this section
13 shall not apply.

14 ~~((9))~~(8) When a condominium of single ownership is utilized, buildings shall maintain a
15 minimum separation of at least 10 feet between the outer walls of the buildings.
16

17 **Section 8.** Snohomish County Code Section 30.42B.210, last amended by Amended
18 Ordinance No. 10-086 on October 20, 2010, is amended to read:
19

20 **30.42B.210 Official site plan – effect and recording procedure.**

21 (1) The site plan as approved by the hearing examiner shall become the official site plan of the
22 PRD and any changes thereto shall require review under the provisions of SCC 30.42B.220.

23 (2) The official site plan shall be noted on the official zoning maps.

24 (3) All development within an approved PRD shall conform to the official site plan and
25 associated conditions. In order to assure compliance, a performance security may be required by
26 the hearing examiner. Satisfactory performance of all conditions and required improvements must
27 occur prior to recording required by SCC 30.42B.210(5), and occupancy of units in the PRD
28 project.

29 (4) A final plat, final short plat, or binding site plan/record of survey application filed concurrently
30 with a PRD application shall be approved by the county decision making body and filed for
31 recording with the county auditor prior to the issuance of a building permit for any structure in a
32 PRD development, except that building permits for model home units may be approved pursuant
33 to the requirements of chapter 30.41A SCC.

34 (5) All PRD applications must be accompanied by an application which will establish all
35 required open space areas as separate tracts. Any applicant for PRD official site plan approval
36 who does not concurrently apply for subdivision or short subdivision approval pursuant to chapters
37 30.41A or 30.41B SCC respectively, must apply for binding site plan and record of survey approval
38 pursuant to chapter 30.41D SCC. This requirement applies even if the applicant intends the PRD
39 site to be held under single ownership or to be subject to a declaration of condominium pursuant
40 to chapters 64.32 and/or 64.34 RCW. The following shall apply to all PRDs accompanied by a
41 concurrent application under chapter 30.41D SCC:

42 (a) An approved PRD official site plan shall constitute a previously approved site plan pursuant
43 to SCC 30.41D.120 for purposes of chapter 30.41D SCC compliance;

44 (b) Open space tracts shall be depicted on a record of survey and properly recorded pursuant
45 to the applicable provisions of chapter 30.41D SCC;

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

1 information required pursuant to this section on the record of survey otherwise required pursuant
2 to chapters 64.32 and/or 64.34 RCW; and

3 (d) The record of survey for PRDs located in the R-7,200, R-8,400, and R-9,600 zones shall
4 also include the location of all proposed structures, access roadways, and parking areas.

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

13
14 **Section 9.** Snohomish County Code Section 30.42B.250, last amended by Amended
15 Ordinance No. 02-064 on December 9, 2002, is amended to read:

16
17 **30.42B.250 Maintenance of site improvements.**


18 Site improvements in final plats, short plats, and binding site plans shall be maintained as
19 follows:

20 ~~((Prior to initiation of any site work and/or prior to issuance of any development/construction~~
21 ~~permits by the county, the))~~ The applicant shall submit to the department, prior to final plat, final
22 short plat, or binding site plan approval, covenants, deeds, and homeowners' association bylaws,
23 and other documents guaranteeing maintenance and common fee ownership, if applicable, of
24 open space, community facilities, private roads and drives, and all other commonly-owned and
25 operated property. These documents shall be submitted in a form acceptable to the director and
26 accompanied by a certificate from an attorney that they comply with the requirements of this
27 chapter ~~((prior to approval by the department))~~. Such documents and conveyances shall be
28 accomplished and be recorded, as applicable, with the county auditor ~~((as a condition precedent))~~
29 simultaneously with the recording to the filing of any final plat, final short plat, or binding site
30 plan ~~((/))~~ with record of survey of the property or division thereof ~~((, except that the conveyance of~~
31 ~~land to a homeowners' association may be recorded simultaneously with the filing of the final plat,~~
32 ~~final short plat, or binding site plan/record of survey))~~.


33
34 **Section 10.** Severability and savings. If any section, sentence, clause, or phrase of this
35 ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings
36 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the
37 validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.
38 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be
39 invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or
40 phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that
41 individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

1 PASSED this 25th day of September, 2019.

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4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

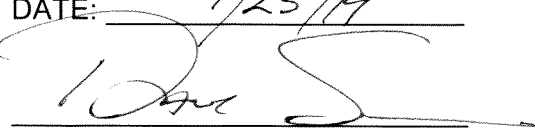
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9 Council Chair

10 ATTEST:

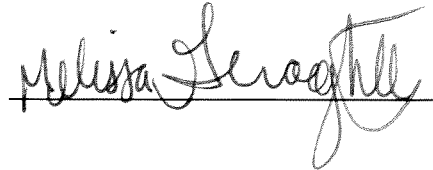
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14 Asst. Clerk of the Council

15
16 (✓) APPROVED
17 () EMERGENCY
18 () VETOED

19 DATE: 9/25/19

20
21 
22
23 County Executive

24 ATTEST:

25
26 
27
28
29

30 Approved as to form only:

31
32 
33 7/24/19
34 Deputy Prosecuting Attorney

D-20