

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00021637

AMENDED
ORDINANCE NO. 94-099

AMENDING SNOHOMISH COUNTY CODE TITLE 32, CHAPTERS 32.30, RELATING TO RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS, DELETING CORRESPONDING SECTIONS IN TITLE 18, THE SNOHOMISH COUNTY ZONING CODE, AND AMENDING CORRESPONDING SECTIONS IN TITLE 19 and TITLE 20, THE SNOHOMISH COUNTY SUBDIVISION CODE

BE IT ORDAINED:

Section 1. The Snohomish County Council adopts the following findings:

1. It is in the general welfare to encourage clustered development in the County's rural areas where feasible.
2. Clustering can reduce environmental impacts and retain rural character.
3. The County's subdivision and short subdivision codes provide incentives for use of clustering in future development, and also encourage clustering for "pipeline development," i.e., development for which a pending, complete subdivision application is already on file or has been approved.
4. The present code gives an applicant the discretion to "convert" a pending, complete subdivision application or approval for review as a rural cluster subdivision or short subdivision. (SCC 19.60.010 and 20.45.010)
5. Due to some imprecise language regarding "completeness dates" in the current subdivision and short subdivision codes, minor technical corrections are needed to clarify and better implement the County's existing "conversion" policy.
6. These technical corrections will clarify that conversion of a pending, complete subdivision or short subdivision application on file or approval will not change the status of those applications as "complete applications."
7. These technical corrections are intended to clarify but not change the County's existing definition of a complete application under RCW 58.17.033.
8. The Council has considered its authority granted under RCW 58.17.033 to define a complete application. It is within the Council's authority granted by statute and under the County's Charter to clarify

the effect of subsequent ordinances on the status of an application already deemed complete under the County's definition of a complete application. In allowing the modification and review of a complete application under the cluster ordinance, the Council is not changing the definition of a complete application. The Council intends simply to clarify that the status of an already complete application remains unchanged.

Section 2. Snohomish County Code Title 32, section 32.30.010, adopted by Ord. 92-101 on Dec. 14, 1993, is amended to read:

32.30.010 Purpose. The purpose of this chapter is to provide an alternative method for developing rural residential property which provides incentives to landowners and developers to cluster newly created lots on the most buildable and least environmentally sensitive portions of sites while retaining a (~~majority~~) substantial portion of each site, including most resource lands and environmentally sensitive areas, in restricted open space tracts. Specifically, this chapter is designed:

(1) to produce a development pattern in rural areas which will be better than traditional lot-by-lot development on either consolidated lots or unsubdivided property in that it allows for variety in design, placement of buildings; use of open space, more efficient use of the most buildable portion of sites, and retention of the environmentally sensitive and scenic portions of sites as permanent open space;

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

(3) to encourage the development of cluster housing which provides greater compatibility with surrounding development and land uses in rural areas by providing larger buffer areas;

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

(5) to minimize the loss of, or other adverse impacts on, the county's productive agricultural, forestry, mineral and other important resource lands;

(6) to minimize the loss of, or other adverse impacts on, the environmentally sensitive streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas;

(7) to minimize the risk of danger to human life and property by restricting development on geologically unstable lands and in flood prone areas;

(8) to minimize the cost of installing essential public and private capital facilities;

(9) to support the provision of more affordable housing in rural areas;

(10) to provide reasonable opportunity for rural property owners to derive economic use of land characterized by features which substantially limit its development potential; and

(11) to protect natural features and landscape by minimizing tree, vegetation and soil removal.

Section 3. Snohomish County Code Title 32, section 32.30.015, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.01((5))4 Definition: Natural Resource Area. For the purposes of this chapter, natural resource areas are those lands designated Interim Commercial Forest or Interim Forest Reserve pursuant to the Interim Forest Land Conservation Plan adopted by County Council Motion No. 92-283 as amended.

Section 4. Snohomish County Code Title 32, section 32.30.016, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.01((6))5 Definition: Native Growth Protection Areas (NGPA). For the purposes of this chapter, native growth protection areas are those lands which are to be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur within these areas; PROVIDED, That underground utility lines and drainage discharge swales may cross such areas utilizing the shortest alignment possible if and only if no feasible alignment is available which would avoid such a crossing. Removal of vegetation by the property owner shall be limited to that which is hazardous; PROVIDED, FURTHER, That buffer treatment authorized by SCC 32.30.040((4))(2) shall be allowed in native growth protection areas, except those areas protected in SCC 32.30.040(1). No net reduction to the area of an NGPA shall occur without further environmental review by Snohomish county and adequate notice to all parties of record. Passive recreational uses limited to nonmotorized trails, exercise pathways and wildlife viewing areas shall be permitted.

NEW SECTION. Section 5. A new section is added to Title 32, section 32.30.016 Snohomish County Code as follows:

32.30.016 Definition: Open Space. For the purposes of this chapter, open space means all land within the rural cluster subdivision not included in lot area and public and/or private roadways.

Section 6. Snohomish County Code Title 32, section 32.30.017, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.017 Definition: Restricted Open Space. For the purposes of this chapter, restricted open space means all ((land)) open space within the rural cluster subdivision ((~~or rural cluster short subdivision~~)) which is required to meet the lot yield open space requirements of SCC 32.30.060 ((not included in lot area and public and/or private roadways)).

NEW SECTION. Section 7. A new section is added to Title 32, section 32.30.018 Snohomish County Code as follows:

32.30.018 Definition: Rural Cluster Subdivision. For the purposes of this chapter, the term Rural Cluster Subdivision shall mean a subdivision meeting the requirements of this chapter and processed as a subdivision under SCC Title 19 or as a short subdivision under SCC Title 20.

Section 8. Snohomish County Code Title 32, section 32.30.018, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.01((8))9 Definition: Unbuildable Land. For the purposes of this chapter, unbuildable land means steep slope areas exceeding forty percent; designated floodways as defined in Title 27 SCC; and land which is below the mean high water mark of lakes, rivers or year-round ponds and streams under the jurisdiction of chapter 90.58 RCW.

Section 9. Snohomish County Code Title 32, section 32.30.020, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.020 Applicability. This chapter may be used for development of single family and/or duplex residences in the forestry, forestry and recreation, rural five-acre, rural conservation or rural diversification zones, ~~((on property))~~ including properties which have been designated Interim Forest Reserve pursuant to the Interim Forest Land Conservation Plan adopted by County Council Motion No. 92-283, as amended by Motion No. 94-210 except properties which have been designated as Commercial Forest or Commercial Agriculture pursuant to the Interim Forest Land Conservation Plan adopted by County Council Motion No. 92-283 and as amended by County Council Motion No. 94-210; and the Interim Agricultural Conservation Plan adopted by County Council Motion No. 93-145.

Section 10. Snohomish County Code Title 32, section 32.30.025, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.025 Approval Procedure. Except as specifically provided in this chapter, rural cluster subdivisions ~~((and rural cluster short subdivisions))~~ shall be reviewed and approved in accordance with the requirements of Titles 19 and 20 SCC as appropriate.

Section 11. SCC Title 32, section 32.30.030, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.030 Application Submittal Requirements for Preliminary Approval. In addition to the basic submittal requirements specified in chapter 19.22 SCC for a complete subdivision application, and in chapter 20.24 SCC for a complete short subdivision application, as appropriate, each application for preliminary approval of a rural cluster subdivision ~~((or rural cluster short subdivision))~~ shall include, at a minimum, the following information:

(1) the approximate location, general dimensions, and approximate building footprints for all existing and proposed structures or other improvements;

(2) the approximate location of all existing and proposed pedestrian walks, landscaped areas and areas to permanently remain in a natural condition, and the location of existing and proposed on-site water sources and generalized designation of sewage disposal drainfields and reserve areas;

(3) the location and width of proposed roadways, driveway areas for turning and maneuvering of vehicles and the relationship of circulation to adjacent properties;

~~((4) minimum building setback lines)~~

~~((5))~~(4) the location, either on the property or adjacent thereto, of lands designated as natural resource areas and the approximate size (in square feet or acres) of any area on the property that is a designated natural resource area;

~~((6))~~(5) a general description of any major physiographic or other natural features, such as drainage ways, wetlands, fish and wildlife habitats, geologic hazard areas, steep slopes, and shorelines;

~~((7))~~(6) the approximate number of square feet (or acreage) proposed to be included in paved or other impervious surfaces, restricted open space tracts and recreation areas, and the total area of the site;

~~((8))~~(7) a description of, and proposed schedule for, any proposed phasing of the project;

~~((9))~~(8) a general landscape, clearing and buffering plan, drawn to scale and showing: community areas, pathways or other recreation areas, significant landscape features and vegetation on the site, natural vegetation and mature trees to be retained, and the location and conceptual design of landscaped areas and buffers. Detailed site analysis and design information shall not be required for those portions of the site proposed for retention in restricted open space tracts which do not contain proposed recreation facilities; and

~~((10))~~(9) a vicinity sketch to identify the effect of proposed development on surrounding properties and uses.

Section 12. SCC Title 32, section 32.30.040, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.040 Criteria for Preliminary Approval. In addition to all other requirements of state law and county code for approval of a subdivision or short subdivision, a rural cluster subdivision (~~or rural cluster short subdivision~~) shall meet all the following standards:

(1) When environmentally sensitive areas such as streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas are present (~~and are located outside of restricted open space~~), and when such areas are identified and protected pursuant to Title 23 SCC and/or other applicable county ordinances or policies, the areas shall be designated as native growth protection areas as defined in SCC 32.30.01(~~(6)~~)5.

~~((2) In the siting of new structures, consideration shall be given to protection of privacy of the new residence, as well as adjacent landowners and existing residences, and orientation to views and vistas, sunlight and prevailing winds in the placement of buildings.))~~

~~((3) The preferred location for building envelopes shall be in the transition area between open fields and heavily vegetated areas.))~~

~~((4)) (2) The transition from any proposed residences within the rural cluster subdivision to uses on adjoining property ((and)) or adjoining public roadways classified as an arterial (any type) or a non-arterial collector, according to the Snohomish County Arterial Plan and the Snohomish County Engineering Design and Development Standards, shall be provided ((by)) with a sight obscuring buffer of native vegetation, or landscape screening comprised of fast growing, low maintenance, native trees and shrubs in accordance with the requirements of Table 1 in SCC 32.30.050. Existing wind resistant vegetation providing such a screen shall be preserved. In order to preserve or enhance scenic views and vistas, a maximum of fifty percent of ((the)) any required vegetative buffer adjacent to ((each)) a lot may consist of dense, low growing, plants and shrubs. Between proposed residences and any adjoining natural resource area, ((the width and area of the vegetated buffer of existing and/or newly planted vegetation shall be consistent with the average and minimum width dimensions established by)) a setback shall be established consistent with the setback shown in Table 1 in SCC 32.30.050. All plants used for supplemental plantings in the restricted open space area shall be of a native type plant material;~~

~~((5)) (3) All roads, whether public or private, shall be provided in accordance with the Department of Public Works Engineering Design and Development Standards. Location of public or private roads and access points to the existing public roadway system shall be carefully controlled, with no more than two access points allowed per cluster unless specifically ((authorized)) requested by the county road engineer.))~~

~~((6)) (4) Electric, telephone and other utility lines shall be designed, located and screened so as to minimize their visibility from adjacent properties and the site or shall be located underground;~~

~~((7) Subject to the requirements of Title 18 SCC, the following recreational uses are permitted in restricted open space tracts: beaches, docks, swimming areas, picnic areas, trails, equestrian trails, playgrounds or any noncommercial and nonmotorized passive recreational facilities exclusively for the use of the residents of the rural cluster subdivision or short subdivision.))~~

~~((8) Each rural cluster development shall be divided into physically separated clusters with the maximum number of residential lots per cluster which meets the requirements of Table 1 in SCC 32.30.050.))~~

~~((9) The lots in each cluster shall be visually and physically separated from all other clusters by wind resistant buffers of native vegetation consistent with the average and minimum width dimensions established by Table 1 in SCC 32.30.050.))~~

~~((10) The maximum lot depth to width ratio shall not exceed four to one for at least seventy-five percent of the lots in each cluster.))~~

~~((11) The minimum area of each residential lot shall be twelve thousand five hundred (12,500) square feet.))~~

~~((12))~~ (5) All unbuildable land (~~(, and all required buffer areas,)~~) shall be designated as native growth protection areas unless they are designated as natural resource areas within restricted open space as defined in this chapter(~~(-)~~);

(6) When agricultural or forestry uses are proposed for the open space area(s), adequate buffers to minimize conflicts between resource and residential uses shall be provided;

(7) When agricultural or forestry uses are proposed within an open space tract within a rural cluster subdivision, a disclosure statement, as described in SCC 32.30.040(8), shall be placed on the final plat or final short plat in a location determined by the director. The disclosure statement shall apply to the real property which is subject to the final plat or final short plan as of the date of approval and may not be applicable thereafter if the agricultural or forestry uses are discontinued.

(8) The following disclosure statement shall constitute the Disclosure required by this section for notice of agricultural or forestry uses within required or optional open space:

"Lots within a rural cluster subdivision and adjacent to or within 1300 feet of agricultural or forestry uses located in a designated open space tract may be subject to inconvenience or discomforts arising from agricultural or forestry activities, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND, TIMBER HARVEST, BRUSH CONTROL, THE STORAGE AND DISPOSAL OF MANURE, THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL OR ORGANIC FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES, HOURS OF OPERATION, AND OTHER AGRICULTURAL OR FORESTRY ACTIVITIES."

(9) Where practicable open space tracts within a rural cluster subdivision shall be located contiguous to designated open space tracts on adjacent properties;

(10) A management plan which details the required maintenance and management tasks and responsibilities shall be provided for all restricted open space and other open space areas which require continuing maintenance or management.

(11) Each rural cluster development shall be divided into physically separated clusters with a maximum of 30 residential lots per cluster. The minimum physical separation shall consist of a buffer of wind resistant native vegetation with an average width of 75 feet and a minimum width of 50 feet (See Table 1 in SCC 32.30.050);

(12) At least 75% of the residential lots within a rural cluster subdivision development shall abut a required buffer or an open space tract;

(13) The rural cluster subdivision shall be designed, to the greatest extent possible, to configure the residential lots in accordance with the natural features of the site, to maintain rural character, and to maximize the visibility of the open space tracts from adjoining collector roads, arterials, or state and federal highways;

(14) Rural Cluster subdivisions shall not be served by public sanitary sewers unless the Snohomish Health District requires the development to connect to a public sewer system to protect public health.

Section 13. SCC Title 32, section 32.30.050, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.050 Requirements for Restricted Open Space Area and Bulk Regulations.

(1) Table 1 establishes the bulk regulations for all proposed rural cluster subdivisions (~~and rural cluster short subdivisions~~) including the minimum percentage of the original gross development area which shall be retained in restricted open space tracts, (~~which meet the requirements of this section. As established in Table 1, a specified percentage of these portions of the original gross development area that are designated as a natural resource area shall be retained in open space, forestry or agricultural tracts~~) No more than sixty-five percent of the total restricted open space area may consist of unbuildable land((τ));

TABLE 1 - Requirements for Restricted Open Area and Bulk Regulations

	FORESTRY F & R		R-5		RC		RD	
MINIMUM RESTRICTED OPEN SPACE	60%		60% 45%		60% 45%		60% 45%	
Natural Resource Areas	60%		60%		60%		60%	
(1) MINIMUM BONUS DENSITY	15% - 35%		15% - 35%		15% - 35%		15% - 35%	
Natural Resource Areas	1- 10%		1- 10%		1- 10%		1- 10%	
REQUIRED BUFFER - ADJACENT PUBLIC ROADS (1) (2) (3) AND ADJACENT PROPERTY	(5) (4)		(5) (4)		(5) (4)		(5) (4)	
Average Width:	75'	50'	75'	50'	50'	35'	50'	35'
Minimum Width:	50'	35'	50'	35'	35'	25'	35'	25'
REQUIRED SETBACK FOR SINGLE FAMILY RESIDENCE/DUPLEX FROM ADJACENT NATURAL RESOURCE AREAS (1) (2)								
Setback width: (1) (5)	200'		200'		200'		200'	
REQ'D BUFFERS-BETWEEN CLUSTERS (1)								
Average Width:	75'	50'	75'	50'	75'	50'	75'	50'
Minimum Width:	50'	35'	50'	35'	50'	35'	50'	35'
LOT DIMENSIONS, SETBACKS	R-7,200		----->		->-----		->-----	
MAXIMUM LOTS (1) PER CLUSTER	9	30	30	30	30	30	30	30
4	12							
5	20							
MINIMUM LOT SIZE (6) (7)	12,500 Sq. Ft		->-----		->-----		->-----	
MINIMUM USABLE LOT AREA	12,500 Sq. Ft		->-----		->-----		->-----	

- ~~(1) Required buffers shall not include any portion of the required minimum lot area or required minimum setbacks of any proposed lot.~~
- ~~(2) Provided that the sum of all required buffers shall not exceed forty percent (40%) of the average width of the parcel or tract proposed for rural cluster subdivision or rural cluster short subdivision.~~
- ~~(3) When twenty five percent (25%) or more of the proposed lots in the cluster are less than 20,000 square feet in size.~~
- ~~(4) When more than seventy five percent (75%) of all proposed lots in the cluster are at least 20,000 square feet but less than one acre in size.~~
- ~~(5) Minimum lot size for duplexes shall remain as provided in section 18.32.030 SCC.~~
- ~~(6) When more than seventy five percent (75%) of the proposed lots in the cluster are one acre or greater in size.~~
- ~~(7) Minimum lot size for duplexes shall remain as provided in section 18.32.030 SCC.~~
- ~~(8) R 12,500 lot dimension and setback standards shall apply for all rural cluster subdivision development.~~

- (1) Bonus density as provided in Section 32.30.060.
- (2) Buffers required adjacent to public roads as provided in 32.30.040(2).
- (3) Required buffers shall not include any portion of the required minimum lot area or required minimum setbacks of any proposed lot. Notwithstanding any other requirement in Table 1, the sum of all buffers and/or setbacks shall not exceed forty percent (40%) of the average width of the parcel or tract proposed for rural cluster subdivision or rural cluster short subdivision.
- (4) When more than seventy-five percent (75%) of the proposed lots in the cluster are one acre or greater in size.
- (5) For subdivision and short subdivision applications determined to be complete pursuant to Titles 19 or 20 SCC before December 14, 1992, and which are converted to a rural cluster subdivision under Chapter 19.60 SCC or Chapter 20.24 SCC, 19.60 SCC or Chapter 20.24 SCC, setback width shall be 75 feet.
- (6) Minimum lot size as provided in Section 18.42.075.
- (7) Minimum lot size for duplexes shall remain as provided in Section 18.32.030 SCC.

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

(a) It must be used for buffering, environmentally sensitive area protection, resource production and/or conservation, other recreational or community utility purposes, or general preservation;

(b) Subject to the requirements of Title 18 SCC, the following recreational and community utility uses are permitted in restricted open space tracts:

(i) beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, playgrounds, equestrian centers or any nonmotorized passive recreational facilities;

(ii) community wells, well houses, water lines, drainfields, retention and detention ponds, water recharge and infiltration facilities, water system appurtenances and biofiltration swales.

(c) At least twenty five (25) percent of the restricted open space tract shall be accessible by all residents of the rural cluster subdivision for passive recreation;

(d) At the time of application or consideration, the area shall not be subject to any pending enforcement actions for violations of state or county land development requirements or land use regulations.

(e) Vegetation removal within the restricted open space tract shall be in accordance with an approved open space management plan. Permanent vegetation removal within the restricted open space shall not exceed 5% of the total area of the restricted open space tract; PROVIDED, That the following activities are not considered permanent vegetation removal and shall be exempt from the 5% limitation:

(i) construction of pedestrian or equestrian trails;

(ii) construction and maintenance of equestrian centers or playfields;

(iii) maintenance of existing pastures;

(iv) forestry or agricultural activities;

(v) removal of dead, diseased or hazardous vegetation, consistent with best wildlife management practices;

(vi) selective thinning and enhancement of vegetation; and

(vii) fire breaks provided in accordance with fire district requirements.

(f) Forest practices within restricted open space shall occur as provided for in the applicable forest practices permit and/or in an approved open space management plan and shall consist of selective timber harvesting that retains trees representative of all size classes, of sufficient quality with good crown cover, deep root system, and in a healthy condition to survive once the timber harvest has been completed. Trees shall be retained in stands or clusters where feasible.

(3) In that portion of the open space of a rural cluster subdivision which is not restricted open space, all recreational uses as listed in SCC 18.32.040(A) are allowed when otherwise allowed by the applicable zone and when in compliance with applicable provisions of Title 18 SCC;

~~((2))~~(4) All restricted open space including any proposed recreation uses, in the rural cluster subdivision (~~or rural cluster short subdivision~~) shall be (~~designated restricted open space area and~~) shown as separate, commonly owned tracts or development restricted tracts under single ownership on the plat or short plat. (~~PROVIDED, That any proposed development restricted tract is consistent with the requirements of subsection (4)(b) of this section. Restricted open space areas which are to be left permanently undisturbed shall be shown as native growth protection areas.~~) The restricted open space areas must be protected in perpetuity by covenants, approved by the county, which restrict their use to those uses specified in the approved rural cluster subdivision (~~or rural cluster short subdivision~~) and provide for the maintenance of the area in a manner which assures its continuing use for the intended purpose;

~~((3) To be accepted as restricted open space under the provisions of this chapter, an area must meet the following standards:~~

~~(a) The restricted open space area must be used for buffering, environmentally sensitive area protection, resource production/conservation or recreational purposes;~~

~~(b) At least twenty five (25) percent of the required open space tract shall be accessible by all residents of the rural cluster subdivision or short subdivision for passive recreation purposes as allowed by SCC 32.30.040;~~

~~(c) At the time of application or consideration, the area shall be not subject to any pending enforcement actions for violations of state or county land development requirements or land use regulations.)~~

~~((4))~~(5) Land may be established as restricted open space through one of the following methods:

(a) The landowner may convey, without cost, the fee simple, or any lesser interest, development rights or easement that will protect and preserve the restricted open space area for its designated purpose(s), to a public agency or county approved non-profit, private organization which agrees in writing to accept the conveyance and maintain and manage the restricted open space area, including resource lands, critical areas, and any buildings, structures, or improvements thereon, for its designated purpose(s) and in accordance with the requirements of all applicable state laws and county codes. The property may thereafter be conveyed or leased back to the original owner or other person(s) under such covenants or contractual arrangements as will limit the future use of the property and assure its maintenance for its designated purpose(s);

(b) The landowner may retain the property in a single tract and record conditions, covenants and restrictions, as required by the county approving body, which run with the land and benefit the county, and which limit the future use of the property to those allowed in (2) and (3) of this section and provide for the maintenance of the property for its designated purpose(s) and the owner provides documentation acceptable to the county to demonstrate the feasibility of managing the tract for beneficial resource production purposes;

(c) When no maintenance of the restricted open space area is required, the owner may convey the property to all lot owners in a tenancy in common; or

(d) If maintenance of the restricted open space area is required and the applicant does not propose to use options (a) or (b) in this subsection (4) to provide for maintenance, a homeowners' association or similar organization shall be established to maintain the area for its designated purpose(s). Membership in the association or organization, and dues or other assessment for maintenance purposes, shall be a requirement of lot ownership;

~~((5))~~ (6) All lands classified as a natural resource area which are included in the restricted open space areas shall be placed under a unified system of property management for the purpose of maximizing their continued or potential, future management for beneficial resource production/conservation purposes.

Section 14. SCC Title 32, section 32.30.055, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.055 Lot Yield(~~(Basic)~~)

(1) Basic (~~(maximum)~~) lot yield shall be obtained by dividing the gross site area by the minimum required lot area of the zone in which the rural cluster subdivision (~~(or rural cluster short subdivision)~~) is to be located (with both numbers expressed in the same units);

(2) The maximum lot yield shall be obtained by multiplying the basic lot yield by 1 plus the density bonus, expressed as a fraction, as specified in SCC 32.20.060;

~~((2))~~ (3) In determining the (~~(basic maximum)~~) lot yield, a designated duplex lot shall be considered as two lots;

~~((3))~~ (4) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

Section 15. SCC Title 32, section 32.30.060, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.060 Bonus Residential Density.

(1) For all lands, except those designated Interim Forestry Reserve, ((A)) a rural cluster subdivision ((or rural cluster short subdivision application)) shall be awarded a residential density bonus of ((ten)) fifteen percent of the maximum density allowed by the underlying zone if ((+a)) ((P)) the amount of restricted open space ((exceeds)) equals the amount required in SCC 32.30.050(1) ((by at least ten percent of the total site, and));

~~((b)) The additional open space is to be retained in designated, restricted open space area tracts and meets all the requirements of SCC 32.30.050.)~~

~~((2)) Whenever the resulting bonus yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.)~~

(2) If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision shall be awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of thirty-five percent;

(3) A rural cluster subdivision on lands designated Interim Forestry Reserve shall be awarded a residential density bonus of 10 percent if the amount of restricted open space meets or exceeds the amount required in SCC 32.30.050(1).

NEW SECTION. Section 16. A new section is added to Title 32, section 32.30.075 Snohomish County Code as follows:

32.30.075 Planning Commission Review. The planning commission shall prepare for the county executive a quarterly report containing analysis of and recommendations for implementation of this chapter. Developers proposing or considering development under this chapter shall be afforded the opportunity to voluntarily present their projects to the planning commission for design review and recommendations.

Section 17. SCC Title 32, section 32.30.090, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

32.30.090 Repealer. This chapter is hereby repealed (~~on July 1, 1995,~~) one year from the effective date of Amended Ordinance 94-099 unless amended or reenacted prior to that date.

Section 18. SCC Title 18, section 18.42.020, last amended by Ord. 93-021 on May 3, 1993, is amended to read:

18.42.020 Bulk Matrix.

(A) The bulk matrix contains setback, lot coverage, building height and lot dimension regulations for zones in unincorporated Snohomish County. Following is a listing of abbreviations used on the bulk matrix and their meaning:

- (1) UBC - Uniform Building Code;
- (2) sf - square feet;
- (3) ft - feet; and
- (4) r/w - right-of-way.

Reference notes to the bulk matrix are found in SCC 18.42.030(B). Special setbacks for specific uses are contained in SCC 18.42.100(B).

Zone	Maximum Building Height [ft]	Minimum Lot Area	Lot Dimensions [ft]		Setback Requirements From: [ft]					Maximum Lot Coverage ⁸
			Minimum Lot Width	Minimum Corner Lot Width	Public R/W under 60' ¹⁰	Public and Private R/W ⁹	Commercial Properties ¹¹	Residential Properties ¹¹	Water Bodies # ¹²	
F	45 ₆	20ac ²¹ ₃	300 ²¹	300 ²¹	100 ²¹ ₁₃	100 ²¹ ₁₃	100 ²¹ ₁₃	100 ²¹ ₁₃	25 ₁₃	35%
F&R	25 ₇	200,000sf ²¹ ₂	100 ²¹	100 ²¹	50	20	5	5	25	35%
A-10	45	10ac	none	none	50	20	5	5	25	none
R-5	45	200,000sf ²¹ ₂	165 ²¹	165 ²¹	50	20	5	5	25	35%
RC	35	100,000sf ²¹	165 ²¹	165 ²¹	50	20	5	5	25	35%
RR	35	100,000sf ¹⁹	165 ¹⁹	165 ¹⁹	50	20	5	5	25	35%
RD	45	100,000sf ²¹	165 ²¹	165 ²¹	50	20	5	5	25	35%
SA-1	35	43,560sf	150	150	50	20	5	5	25	35%
RU	35	see 18.42.150	60	65	50	20	5	5	25	35%
R-20,000	25	20,000sf	85	90	50	20	5	5	25	35%
R-12,500	25	12,500sf	75	80	50	20	5	5	25	35%
R-9,600	25	9,600sf	70	75	50	20	5	5	25	35%
R-8,400	25	8,400sf	65	70	50	20	5	5	25	35%
R-7,200	25	7,200sf	60	65	50	20	5	5	25	35%
WFB	25	7,200sf	60	65	50	20	5	5	25	35%
T	see 18.53	see 18.53	see 18.53	see 18.53	50 ₁₄	20 ₁₄	5 ₁₄	5 ₁₄	25 ₁₄	see 18.53
LDMR	35	7,200sf ₄	60	70	55 ₁₅	25 ₁₅	18.42.020(15) ^{see}	25 ₁₅	30%	
MR	35	7,200sf ₅	60	70	55 ₁₅	25 ₁₅	18.42.020(15) ^{see}	25 ₁₅	40%	
FS	35	none	none	none	55	25	5/15 ₁₆	25	none	none
NB ₁	25	none	none	none	55	25	UBC	10	none	35%
PCB ₁	40	none ₂₀	none	none	70	40 ₁₈	UBC	25	none	none
CB ₁	35	none	none	none	55	25	UBC	10	none	50%
GC ₁	45	none	none	none	55	25	UBC	10	none	50%
IP	65	none	none	none	30 ₁₇	30 ₁₇	UBC ₁₇	25 ₁₇	none	50%
BP	50	none ₂₀	none	none	30	30	UBC	25	none	35%
LI	50	none	none	none	55	25	UBC	50	none	none
HI	65	none	none	none	55	25	UBC	50	none	none

¹ Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction. Some uses have special setbacks, see 18.42.100 for specifics.

Section 19. SCC Title 18, subsection (21) of subsection 18.42.020(B), reference notes for bulk matrix, adopted by Ord 93-021 on May 3, 1993, is deleted.

Section 20. SCC Title 18, section 18.42.075, adopted by Ord. 93-021 on May 3, 1993, is deleted.

Section 20A. A new section is added to Title 18, Section 18.42.075 Snohomish County Code as follows:

18.42.075 Rural cluster lot size minimums.

(1) In rural cluster subdivisions approved in accordance with chapter 32.30 SCC, the minimum lot area of the zone in which the subdivision or short subdivision is located shall be deemed to have been met if the average lot size of all lots is no less than 7200 square feet and each lot contains sufficient area to comply with the Snohomish Health District's rules and regulations for on-site sewage disposal; and

(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 21. SCC Title 19, section 19.28.020, adopted by Ord. 93-021 on May 3, 1993, is amended to read:

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(8) In rural cluster subdivisions, private roads ((will)) may be permitted in accordance with the department of public works engineering and development standards and where specifically approved by the County Engineer. Where pedestrian walkways are required, modifications to the Department of Public Works Engineering Design and Development Standards may be considered by the Department of Public Works to allow pedestrian walkways in buffers and/or open space, adjacent to public or private road rights-of-way, where consistent with the public health, safety and welfare and subject to the provision of a private maintenance agreement. Applicants are encouraged to proposed such modifications as are appropriate for their specific circumstances.

Section 22. SCC Title 19, Section 19.60.040 adopted by Ord 93-021 on May 3, 1993 is amended to read:

19.60.040 Application Conversion and Completeness Status. ((A converted application shall retain the completeness date determined pursuant to this title for the original subdivision.)) Approval of an application for conversion under this chapter shall not affect the status of a preliminary subdivision application as a complete application, when the subdivision application was filed and deemed complete under this Title prior to the effective date of this ordinance.

Section 23. SCC Title 20, Section 20.45.040 adopted by Ord 93-021 on May 3, 1993 is amended to read:

20.44.040 Application Conversion and Completeness Status. ((A converted application shall retain the completeness date determined pursuant to this title.)) Approval of an application for conversion under this chapter shall not affect the status of a preliminary short subdivision application as a complete application, when the subdivision application was filed and deemed complete under this Title prior to the effective date of this ordinance.

PASSED this 23rd day of November, 1994.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairperson

ATTEST:

Sheila McCallister
Clerk of the Council, *asst*

Joan M. Earl
County Executive
JOAN M. EARL
Deputy Executive

DATE: 12-1-94

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

ATTEST:

Sheila McCallister

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