



CO00019117

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
ORDINANCE NO. 99-008

AMENDING SNOHOMISH COUNTY CODE TITLES 18 AND 32 RELATING TO
THE REQUIREMENTS OF THE RURAL DIVERSIFICATION ZONE AND
THE RURAL CLUSTER SUBDIVISION REGULATIONS.

WHEREAS, the Snohomish County Council adopted a GMA Comprehensive Plan on June 28, 1995; and

WHEREAS, the GMA requires the county to adopt development regulations that are consistent with the County's adopted GMA Comprehensive Plan; and

WHEREAS, several appellants filed appeals to various provisions of the plan with the Central Puget Sound Growth Management Hearings Board (*Sky Valley, et al. v. Snohomish County*, Consolidated Case No. 95-3-0068c, (*Sky Valley*)); and

WHEREAS, the Board issued a Final Decision and Order in *Sky Valley* on March 12, 1996, and an Order on Motions to Reconsider and Correct on April 15, 1996, and directed the County to reconsider and amend, if necessary, some portions of the text and maps of its GMA Comprehensive Plan; and

WHEREAS, the County amended its plan and development regulations in response to the Board's order on November 27, 1996; and

WHEREAS, the Board issued an Order of Compliance in *Sky Valley* on October 2, 1997, finding the County to be in compliance with its Final Decision and Order, except for the Rural Residential - Rural Diversification (RR-RD) plan designation; and

WHEREAS, the Board remanded the RR-RD designation to the County with instructions to insure that this designation does not result in a pattern of urban growth in a rural area; and

WHEREAS, in response to the order, the Snohomish County Planning Commission and the County Council did not adopt any changes to the Snohomish County GMA Comprehensive Plan based on testimony and findings that urban growth would not result from a RR-RD designation with a maximum density of one dwelling unit per 2.3 acres; and

WHEREAS, the Board issued a Second Order of Compliance in the *Sky Valley* case on September 8, 1998, finding that the RR-RD designation continued to constitute an impermissible pattern of urban growth in rural areas; and

WHEREAS, the Board remanded the RR-RD designation to the County for a second time with instructions to bring it into compliance with the GMA and to explain in writing how the County's action on this part of the rural element harmonizes with the GMA's planning goals; and

WHEREAS, the Snohomish County Planning Commission and County Council have held hearings on proposed GMA comprehensive plan and development regulation changes to comply with the Board's second order; and

WHEREAS, the Snohomish County Planning Commission held a hearing on December 15, 1998, on plan and code amendments; and

WHEREAS, the Snohomish County Council held public hearings on Feb 24 and March 3, 1999, to consider the Planning Commission's recommendations; and

WHEREAS, the County Council considered the entire hearing record including the Planning Commission's recommendation, and written and oral testimony submitted during the Council hearings.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 18.42.020(A), last amended by Ordinance Number 98-063 on August 5, 1998, 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 18.42.020(B). Special setbacks for specific uses are contained in SCC 18.42.100(B).

Lot Dimension (ft)		Setback Requirements From: (ft)										
Zone	Max Bldg Hgt (ft)	Minimum Lot Area	Min Lot Width	Min Corner Lot Width	Public Right of Way under 60'	Public and Private Right of Way ⁽⁹⁾	Commercially Zoned Properties ⁽¹¹⁾	Residentially Zoned Properties ⁽¹¹⁾	Resource Lands		Water Bodies ^{*(12)}	Maximum Lot Coverage ⁽⁸⁾
									Ag	Forest		
F	45 ⁽⁶⁾	20 ac ⁽³⁾	300	300	130 ⁽¹⁰⁾⁽¹³⁾	100 ⁽¹³⁾	100 ⁽¹³⁾	100 ⁽¹³⁾	50 ⁽²¹⁾	100 ⁽²²⁾	25 ⁽¹³⁾	35%
F&R	25 ⁽⁷⁾	200,000 sf ⁽²⁾⁽²³⁾	100	100	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
A-10	45	10 ac	none	none	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	none
R-5	45 ⁽²⁵⁾	200,000 sf ⁽²⁾⁽²³⁾⁽²⁵⁾	165 ⁽²⁵⁾	165 ⁽²⁵⁾	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
RC	35 ⁽²⁶⁾	100,000 sf ⁽²³⁾⁽²⁵⁾	165 ⁽²⁵⁾	165 ⁽²⁵⁾	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
RD	45	((100,000)) ⁽²³⁾	165	165	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
SA-1	35	1 ac/43,560 sf	150	150	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
RU	35	see 18.42.150	60	65	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
R-20,000	25	20,000 sf	85	90	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
R-12,500	25	12,500 sf	75	80	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
R-9,600	25	9,600 sf ⁽²⁴⁾	70	75	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
R-8,400	25	8,400 sf ⁽²⁴⁾	65	70	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
R-7,200	25	7,200 sf ⁽²⁴⁾	60	65	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
WFB	25	7,200 sf ⁽²⁴⁾	60	65	50 ⁽¹⁰⁾	20	5	5	50 ⁽²¹⁾	100 ⁽²²⁾	25	35%
T	see 18.53	see 18.53	see	see	50 ⁽¹⁴⁾⁽¹⁰⁾	20 ⁽¹⁴⁾	5 ⁽¹⁴⁾	5 ⁽¹⁴⁾	5 ⁽¹⁴⁾		25 ⁽¹⁴⁾	see
	18.53		18.53	18.53								18.53
LDMR	35	7,200 sf ⁽⁴⁾	60	70	55 ⁽¹⁵⁾⁽¹⁰⁾	25 ⁽¹⁵⁾	see 18.42.020(B) ⁽¹⁵⁾				25 ⁽¹⁵⁾	30%
MR	35	7,200 sf ⁽⁵⁾	60	70	55 ⁽¹⁵⁾⁽¹⁰⁾	25 ⁽¹⁵⁾	see 18.42.020(B) ⁽¹⁵⁾				25 ⁽¹⁵⁾	40%
FS	35	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	5/15 ⁽¹⁶⁾	25			none	none
NB ⁽¹⁾	25	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	none	10			none	35%
PCB ⁽¹⁾	40	none ⁽¹⁹⁾	none	none	55 ⁽²⁶⁾	25 ⁽¹⁸⁾⁽²⁷⁾	none	25			none	none
CB ⁽¹⁾	35	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	none	10			none	50%
GC ⁽¹⁾	45	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	none	10			none	50%
IP	65	none	none	none	30 ⁽¹⁷⁾⁽²⁶⁾	25 ⁽¹⁷⁾⁽²⁷⁾	none ⁽¹⁷⁾	25 ⁽¹⁷⁾			none	50%
BP	50	none ⁽¹⁹⁾	none	none	30 ⁽²⁶⁾	25 ⁽²⁷⁾	none	25			none	35%
LI	50	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	none	50			none	none
HI	65	none	none	none	25 ⁽²⁶⁾	25 ⁽²⁷⁾	none	50			none	none

* 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.

(B) Reference notes for bulk matrix.

(1) LDMR standards shall apply for all residential development permitted in commercial zones, except that MR standards shall apply for all residential development permitted in commercial zones located within Urban Growth Areas pursuant to the county General Policy Plan and Chapter 36.70A RCW.

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

(3) When subdivisionally described, the minimum lot size in the F zone 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 right-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.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8400 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-8400 zone.

(14) The listed setbacks apply to single-family detached structures. For townhouse, see Chapter 18.53 SCC.

(15) MR and LDMR Setbacks.

(a) Single-family detached structures shall have the minimum setbacks required in the R-8400 zone.

(b) Other structures shall have minimum side and rear setbacks of five feet (ten feet where abutting residence, rural or resource zones). Building separation shall be a minimum of 15 feet.

(c) Multi-story structures shall increase all setbacks by three feet and building separations by five feet for each additional story over two stories.

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

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

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

(19) See SCC 18.60.020(1) and (2) which specifies the minimum area of tract of land necessary for PCB or BP zoning.

(21) See additional setback provisions for dwellings located along the boundaries of designated farmlands contained in SCC 32.14.050.

(22) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 32.13.030 and SCC 32.13.040.

(23) The minimum lot size for properties designated Rural Residential (RR)-10 (Resource Transition) on the comprehensive plan shall be 10 acres. Lot/unit yield for rural cluster subdivisions or housing demonstration program projects using PRD provisions shall be based on a minimum lot size of 200,000 square feet.

(24) Minimum lot area may be modified within UGAs in accordance with SCC 18.42.085.

(25) In rural cluster subdivisions approved in accordance with the provisions of Chapter 32.30 SCC, the minimum lot area shall be as provided in SCC 18.42.075. The maximum lot area shall not exceed 20,000 square feet when located in rural/urban transition areas.

(26) These setbacks shall be measured from the edge of the right-of-way as determined by the director of the Department of Public Works.

(27) Except where specifically prohibited by the hearing examiner, the director of the department of planning and development services may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within commercial and industrial zones only if such waiver or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.

Section 2. Snohomish County Code Section 32.30.020, last amended by Ordinance Number 98-013 on March 23, 1998, is amended to read:

32.30.020 Applicability.

(1) This chapter may be used for development of single-family and/or duplex residences in the following zones subject to the limitations in SCC 32.30.020(2):

- (a) Forestry;
- (b) Forestry and recreation;
- (c) Rural five-acre;
- (d) Rural conservation; and
- (e) Rural diversification.

(2) The provisions of this chapter shall not be used in the zones listed in SCC 32.30.020(1) if the properties are designated commercial forest, commercial forest - forest transition area, upland commercial farmland, riverway commercial farmland, rural residential - RD outside a rural/urban transition area overlay, or are located within an Urban Growth Area pursuant to the Snohomish County GMA Comprehensive Plan.

Section 3. Snohomish County Code Section 32.30.055, last amended by Ordinance Number 98-013 on March 23, 1998, is amended to read:

32.30.055 Lot yield.

(1) Basic 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 is to be located (with both numbers expressed in the same units); EXCEPT that ~~((, for lots designated RR and RR-10(RT),))~~ basic lot yield shall be calculated using a minimum lot size of 100,000 square feet for lots designated RR-RD with a rural/urban transition area (RUTA) overlay or for lots designated RR and 200,000 square feet for lots designated RR-10(RT) ((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 32.30.060; EXCEPT that, the maximum lot yield ~~((or))~~ for lots designated RR-RD within a RUTA overlay and for lots designated RR shall be the basic lot yield calculated in SCC 32.30.055(1), and the residential density bonus provisions of SCC 32.30.060 shall not apply;

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

(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 4. Table 1 (Requirements for Restricted Open Area and Bulk Regulations), last amended by Ordinance 98-013 on March 23, 1998, is amended to read as follows:

	Forestry F&R	R-5 in RR-5 RC, R-5, & RD in RR-10(RT) or LCF	(8) R-5 in RR <u>RD in RR-RD</u> with RUTA
Minimum Restricted Open Space Natural Resource Areas	60% 60%	45% 60%	45% 60%
Minimum Bonus Density (1) Natural Resource Areas	15% - 35% 10%	15% - 35% 10%	None
Required Buffer - Adjacent Property Roads (2)(3) and Adjacent Property		(4)	(4)
Average Width:	75' 50'	75' 50'	35'
Minimum Width:	50' 35'	50' 35'	25'
Required Setback for Single Family Residential/Duplex from Adjacent Resource Areas (2) Setback Width: (5)	100' (forest land) 50' (farmland)	100' (forest land) 50' (farmland)	100' (forest land) 50' (farmland)
Required Buffers - Between Clusters			
Average Width:	75'	75' 75'	
Minimum Width:	50'	50' 50'	
Lot Dimensions, Setbacks	R-7,200		
Maximum Lots per Cluster	30	30	30
Minimum Lot Size (6) (7)			
Maximum Lot Size (9)			

- (1) Bonus density as provided in SCC 32.30.060.
 (2) Buffers required adjacent to public roads as provided in SCC 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 40 percent of the average width of the parcel or tract proposed for rural cluster subdivision or rural cluster short subdivision.
 (4) When more than 75 percent of the proposed lots in the cluster are one acre or greater in size.
 (5) For subdivision and short subdivision applications determined to be completed 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, setback width shall be 75 feet.
 (6) Minimum lot size as provided in SCC 18.42.075.
 (7) Minimum lot size for duplexes shall remain as provided in SCC 18.32.030.
 (8) Applies to listed zones only in specified GPP designations.
 (9) Maximum lot size in rural/urban transition area shall be 20,000 square feet

Section 5. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. The Snohomish County Council makes the following findings and conclusions:

- A. The GMA requires the County to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan.
- B. The proposed amendments implement in code the amendments to the General Policy Plan adopted in County Council Ordinance No. 99- 005 and maintain consistency between the plan and the code. The County Council adopts by reference the findings of fact and conclusions adopted in Section 1 of Ordinance No. 99- 005.
- C. Titles 18 (the Snohomish County Zoning Code) and 32 (Growth Management), as amended, adequately respond to the Order of Compliance of the Central Puget Sound Growth Management Hearings Board in *Sky Valley*.
- D. Addendum No. 10 to the Final Environmental Impact Statement (FEIS) for the Snohomish County GMA Comprehensive Plan was prepared to satisfy SEPA requirements. The addendum describes the proposed comprehensive plan and development regulation amendments and, together with the FEIS, analyze their impacts. The Council concludes that SEPA compliance has been satisfied by this document and previously issued documents.

Passed this 3rd day of March, 1999.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

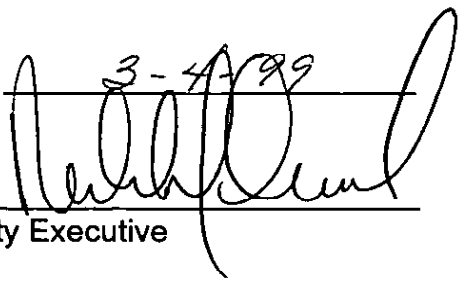
Richard R. Zaver
Chair

ATTEST:

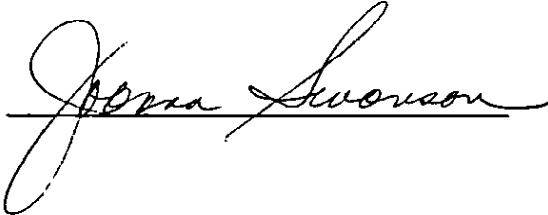
Sheela McCallister
Clerk of the Council, *asst.*

D-10

- APPROVED
- VETOED
- EMERGENCY

Date: 3-4-99

County Executive

APPROVED AS TO FORM

ATTEST:


Barbara Dyles 1/14/98
Deputy Prosecuting Attorney