

UDC UPDATE PROJECT
UDC PUBLIC FORUM
FACILITATED DISCUSSION WITH THE GENERAL PUBLIC
RE: RURAL CLUSTER SUBDIVISIONS CODE REVISIONS &
URBAN RESIDENTIAL DESIGN STANDARDS

As DISCUSSED ON NOV 1, 2007 AT 6:00 P.M.

Please note: These are the individual comments made by the audience at the evening session of the UDC Public Forum. To view this commentary in summary form, please go to: [Snohomish County : UDC Update Project : Meeting Schedule](#)

Links to copies of handouts:

[Urban Residential Design Standards](#)

[Rural Cluster Subdivisions](#)

<u>Comments related to Rural Cluster Subdivisions (RCS) Potential Amendment Matrix</u>
<i>*Staff comments are denoted in italics.</i>
General Comments
Are rural clusters negotiable as a development type? Has the County already decided that? Is the only negotiable item how RCS should be designed?
Isn't it a fact that clustering in and of itself is a subdivision? How can you distinguish between RCS, a regular subdivision and traditional 5-acre development?
What is the ownership of the set aside land? Is it communal with all the homes in the cluster? <i>Elizabeth Anderson (EA): Yes, the Homeowners Association (HOA) or community or the developer/non-profit owns the open space tract.</i>
When we say "road" in the context of the picture with the linear housing, is that the road within the cluster? Are there two different types of roads? <i>EA: Within is usually private, arterials are usually public (buffered).</i>
RURAL CHARACTER
Site Design
Detention ponds are an eyesore, aesthetically, as well as pose a health hazard due to stagnant water and mosquitoes. Why are they still being allowed? <i>EA: They are often required.</i>
Are there any options to detention ponds? <i>Craig Young (CY): Yes, there are plenty of Low Impact Development (LID) design solutions. There are a lot of ways and improved solutions. Using LID allows for reduced infrastructure maintenance costs, so that future generations will not be strapped with expensive maintenance (nor West Nile virus). Using LID designs fits with the rural character by preserving the soils, contours, etc.</i>
Can you get detention ponds out of the urban areas?
There are a lot of dead-ends in the rural district; if there were an evacuation, we'd be hard-pressed because they are 2-lane roads; parking violations; police cannot respond; lack of setbacks is a fire hazard.
Discussions going on with the update to Engineering Design & Development Standards (EDDS) about making narrow roads with raingardens, which might have to be maintained privately and thus, cost more.

<i>CY: Do you want maintenance costs or replacement costs? When LID is done right, it costs less than conventional conveyance systems.</i>
Road in cluster should never be wider than the county road that serves it.
Reducing the number of lots in a cluster is a good option.
Limiting the number of clusters in an area is a good option. That is what developers do, they seek out those property owners. Also, in Hidden Creeks, the contiguous point between the open space and the cluster is where the two lots come together, to walk in the open space, you'd likely be trespassing and it's not really an integral part of the overall open space. It's more mathematical than anything that really functions.
What are the current parameters on open space limits? If someone has 100-acres, can they place 60% of it in RCS? Is there a minimum or maximum? <i>David Killingstad (DK): The minimum acreage needed to subdivide is 4.6 in the RR district which would yield 2 lots (1 dwelling unit per every 2.3 acres).</i>
How many houses can you put on 5-acres? <i>DK: 1 house on 5-acres is allowed, unless you cluster. If you use RCS in the RR-5 designation, then you get 20-lots on 100-acres plus a 15% density bonus. If you use RCS in the R-5 Basic designation, then you get 40-lots for 100-acres with no density bonus, because the lot yield is calculated at 100,000 sq. ft. instead of 200,000 sq. ft.</i>
If you had 100-acre parcel, what is the minimum amount of open space? <i>45%=45 acres</i>
With clusters we saw open space that was segregated from where other people lived. But if we are talking about sustainable stormwater management and pervious roads, then segregating might be less important than mandated pedestrian access meandering through the cluster.
What does pervious mean? <i>DK and CY: It's porous, it's invisible to stormwater, concrete, water goes right through it.</i>
If you have 100 acres with lots of wetlands and slopes, do developers get credit for that? What about unbuildable land/critical areas? <i>DK: Unbuildable lands and inundated waters do not count. That is a small subset of critical areas.</i>
It just seems that a lot of the open space that is being used, is not really usable to begin with and should not be considered as part of the open space calculation. I can't see Hidden Creeks from the road but there are 53 houses in there that are not compatible with the surrounding uses. The development pursues Phase II (delayed because of a SEPA issue) as separate development which allows for piecemeal evaluation of impacts.
The second phase should be assessed with a cumulative impact.
<i>CY: From a stormwater management perspective, if you use LID techniques, such as open ditches, you can have your clusters separated by more open space that is usable than you would otherwise</i>
These points are so interrelated; it would be good to attach these items. It goes back to option 9 where size becomes an issue.
What are the options? I'm concerned about development in the County in general.
The concept of rural character is extremely subjective.
The amount of open space that is set aside seems to be disjointed; trail systems do not seem to connect to one another. If there was coordination, it would really make for a nice community.
Size of lots should not be allowed to be less than 1-acre, anything less is begging for a septic accident.
The light pollution caused by RCS needs to be regulated.
Low Impact Development (LID)
<i>CY: LID will solve some of the problems of how to maintain rural character. The cluster isn't rural, it just happens to be in a rural area. A rural cluster subdivision can fit a lot better. The basis of LID is that you leave the land alone and allow it to do what it's done all along for free.</i>

<p>Preserve tree canopy and minimize clearing. Retaining a few straggler trees should not be considered tree retention.</p>
<p>Is any rural land that is not resource land susceptible to this type of development? If the land is pasture or agriculture or not zoned rural diversification. Keep the agriculture or horticultural land in the rural district.</p>
<p>Recent development in the rural district is too much, too fast. Rural areas out toward the City of Snohomish are not being protected; County needs to enforce the laws that are in place.</p>
<p>Implementation of LID techniques should be added to the UDC Update.</p>
<p>The options listed in the matrix show that PDS has been listening and, as a citizen, it is great to hear this discussion. Initially, citizen was skeptical about whether PDS was actually going to listen to stakeholder concerns. The more that we can save and the more that we can put into code to save rural character is good. Citizen is really appreciative of the efforts that are underway.</p>
<p>Being a huge proponent of RCS, any urban developer knows and understands the pressures on developers in restrictive spots with wetland constraints. The problem has been that the public has seen some real abuses because of poor ordinances; if ordinances are done right, then there is no better way to develop in the rural areas.</p>
<p>Protecting open space through separation from public exposure is a good technique and makes the development feel more like it is clustered; not sure how to deal with residential designs (huge garages right on the street do not address character properly).</p>
<p>ROADS</p>
<p>Roads can be either public or private and presumably there cannot be gates unless they are private roads.</p>
<p><i>Bob McEwen (BM): Internal roads are wide due to a state statute that mandates adequate provisions for students who walk to school/bus stop as a condition of land subdivision. Since 1992 our design standards have added walkways to the vehicle travel lanes to meet this requirement.</i></p>
<p>Is it true that RCS result in dramatically reduced impervious surfaces? <i>BM: Reducing infrastructure was an original goal of RCS.</i> <i>DK: We are talking about the Rural Urban Transition Areas (RUTA) here and the logic is that if you have a small lot, it becomes more difficult to develop the lot consistent with existing urban densities. A lot size of 5-acres or larger can be more efficiently subdivided. The cities are saying there will be an economic issue of assimilating the smaller 1 or ½-acre lots associated with rural clusters into the UGA due to the need for retrofitting of utilities and connectivity of roads.</i></p>
<p>Sewers are inevitable. Wouldn't it be easier to start now rather than go back and retrofit? It seems like we are reinventing the wheel when we don't have to; why isn't there a treatment plant?</p>
<p>We cannot put drainfields on the lots themselves, yet the Snohomish Health District (SHD) is very restrictive to any kind of innovation. The County should be pressing on SHD to be more flexible and allow the drainfield to be on the lot itself.</p>
<p>What is the timeframe say, if a development runs out of money and has completely cleared the site? Are there fines for clearing a site and not developing the site? <i>DK: Post-grading or clearing permit; this happens occasionally and is the way that the market conditions or cycles.</i> So as of now, they can clear prior to having paperwork approved? <i>DK: Yes</i> This is wrong. They should not be able to clear until paperwork has been approved.</p>

Comments related to Urban Residential Design Standards (URDS) General Options Matrix

**Staff/Consultant comments are denoted in italics.*

Option 3 is questionable; I think it is a way to buy out of not having to have a park in areas where you need one. Just because you have a yard, doesn't mean that children can play there. As intensity of people increases, homeowners are going to say that it is a private park. Crediting private open space is really a loophole for not providing open space for people.

By public open space, what do you mean?

DK: Common open space within a subdivision (like a park)

Can the County prevent fencing if the private open space is in someone's backyard?

DK: No, an option would let them count the yard as a portion of their total open space credit which means you might not have to put as much over in some other area.

Would it be possible that this could be used to facilitate development of sidewalks/trails to get kids to school? Could pervious trails that would cut through the yards be considered public open space? We need parks and we need to get people on foot to where they need to go without subjecting them to stressful and dangerous environments

Concept he was mentioning could create provision of larger setbacks and a nicer living environment. Setbacks are substandard. There still needs to be a common gathering area that is public that is not in someone's front yard or back yard.

Would private open space allow people to have larger lots?

DK: That's not the intent but certainly something that we may want to consider.

Another virtue of that type of open space is that it can conceivably perform a number of services like interflow, detention and other low impact techniques and features.

Do not allow private open space to replace other open space uses; create incentives for larger lot sizes without exchanging for more open space.

There will also be park mitigation fees – if there is a way to do a park within the development would be a good incentive rather than paying for one off-site that is much further away and unusable to the development going in.

Wouldn't it be a good use of space to have underground parking?

CY: Drainage is a real problem in this area.

DK: There are a number of economic choices that go into choosing a site for underground parking.

Avoid loopholes in any private open space crediting program.

Ensure that new code provisions do not cater strictly to young starter families.

In addition to requiring the use of LID techniques (menu options), it would be nice to see additional incentives and credits provided to applicants; provide incentives and credits to applicants who implement more LID techniques than would be required in option 6; applicants who go above and beyond menu options.

LID solutions exist for any space.

Change option 6 to state that site conditions will dictate the LID techniques that will be used.

Protect access for the public and safeguard against liability issues for open spaces that may be owned by conflicting parties/Homeowners Associations (HOA).

Option 4 discusses the use of creating a tree replacement requirement. Is it intentional that tree **preservation** requirement is not discussed?

DK: We have options for both replacement and preservation. We know we've gotten direction from Council that it is important and we have heard the same at public forums. We recognize the hazardous tree situation and infrastructure issues – what trees are appropriate for an urban environment?

Developers do not take into consideration the visual impact to adjacent properties of clearing a site when they are preparing a project. It is essential that this be worked into the code.

<p>Are there any tree preservation requirements in the code at all? <i>DK: Only in the Planned Residential Development (PRD) code.</i></p>
<p>There has been a 25-year body of work used at jurisdictions across the Puget Sound that has been tested in the courts which addresses all the issues surrounding tree retention. Jurisdictions that have used it over a sustained period of time show that replacement never solves the problem. You should not have to provide incentives to retain a public benefit.</p>
<p>Throughout the County there are groups of people collaborating to sell entire single-family neighborhoods (i.e., along Ash Way, 112th between Silver Firs and Hwy 99). What incentive exists to encourage these neighborhoods not to sell out? There should be more incentive to say we are rezoning this area then the developers would get bigger spaces of land. Why aren't there incentives to encourage this kind of thing? <i>DK: It's sort of there in the LID ordinance, if you have enough lots then Best Management Practices (BMP) multiply. You can have all of that with minimal lots banding together. In 2005, we designated 4 miles as an urban center which is anchored on 164th at I-5. The area is an important bus stop and transportation center. It is ultimately up to the market to determine the land values, which are right to get higher and better use. The county proposed mixed use on 128th and the people weren't ready for it and fought it. I bet now they wish they hadn't. That is an aspect of compatibility that takes pressure off other areas.</i></p>
<p>Circulation along neighborhood arterials near 112th and Ash Way are a nightmare.</p>
<p>Option 10 is good.</p>
<p>What does the Fire Department think about option 13?</p>
<p>Explain option 16. <i>DK: It is just a list of 10 things that will get us better compatibility between uses, we don't know what those are but it would create a menu system to do that.</i></p>
<p>Is this the start of a design review process that other cities might have? <i>DK: Our director has stated that he would like to have more discretion. One member of Council doesn't want to see us going to a design review board process.</i></p>
<p>New housing development should be subject to codified International Building Code standards and Director discretion should only be used for aesthetic elements.</p>
<p>Related to options 18 – 20: Is the county suggesting that regulations would apply to 2-sides of the structure, but not the back? <i>DK: That is the question that we are posing to the public for review – how much do you want us to regulate? All 4-sides, 1-side, front of the façade, etc.?</i></p>
<p>Consider the market: cottages are being built and selling for \$400/sq ft. yet other builders are catering to families who cannot afford a large house. How do we deal with this from an ordinance standpoint? Design standards that take views into consideration favor the developer that gets there first because the backside of the development that gets built first lowers the property values of those that come second.</p>
<p>Allow variety but ensure that it is aesthetically pleasing; you can make blank walls look more attractive without requiring expensive things.</p>
<p>There is a really fine line – you can choose from x colors, x siding – all budget depended on development and, because of this, development stopped within the jurisdiction</p>
<p>Our streets are so unsafe for pedestrians, children and the physically disabled. We need to protect the most vulnerable members of our society. The more we can establish pedestrian access, including accommodating bicycles, the better off we will be.</p>
<p>The County depends on developer improvements for right-of-way, so on Ash Way we end up with 20 new units with a sidewalk that goes just around the corner but not to the school. Developers will complete the infrastructure (curb, gutter, sidewalk) on undeveloped lots.</p>

<p>Examples of street continuity can be found in redevelopment like the “C” Streets project in Seattle, though that project is not a good display of barriers from the street. We need sidewalks that make the pedestrian feel safe and that provide a barrier from the street.</p>
<p>In the Cities of Marysville and Bothell, while you are not able to count your garage as a parking space, parking regulations allow you to count your driveway so long as the driveway is 18-feet in length.</p>
<p>In option 24 what does it mean that they could use private streets? <i>Mark Hinshaw, Consultant (MH): Not everything can be dealt with through design regulations. Gaps in developed land are going to need to be addressed by the Comprehensive Plan, which is an involved process to amend. Communities cannot depend on frontage improvements to build connectivity; though some areas are doing that already, it seems that development outpaces those efforts. The result is a public policy question about who is responsible for filling in the gaps.</i></p>
<p>The only thing going on in the County in terms of providing money for sidewalks is the Commute Trip Reduction (CTR) program. There was testimony about the fee that goes with paying the offset = 150,000 per year. <i>BM: There are Transportation Demand Management (TDM) mitigation fees that go toward non-motorized improvements, but there is also another program dedicated to walkway construction. The need overpowers the available funding. Where do you allocate the money?</i></p>
<p>Is the County going to adopt segments of codes from jurisdictions within the County applicable to certain development types, draft multiple codes for all the jurisdictions within the County or draft one code and have it apply to all jurisdictions? <i>DK: That scenario might play out with joint planning or if we look at option 34.</i></p>
<p>If density is discussed in terms of the Comprehensive Plan, we should consider having a sunset on them after a certain amount of time, so that we do not have to go through the 10-year update to change some of our density calculations. There is precedent to sunset or extend other matters, and this should also apply in this case.</p>
<p>It is typical for jurisdictions to update and fine-tune their code every 5 to 7 years.</p>
<p>The level and pace of growth in this County recently should not be used to make lasting decisions. There are changes in the housing market, property values have dropped 20% and developers are on the verge of bankruptcy.</p>