



Snohomish County

Planning & Development Services

M/S #604

3000 Rockefeller Avenue

Everett, WA 98201-4046

(425) 388-3311

FAX (425) 388-3670

MEMORANDUM

TO: Snohomish County Planning Commission
Will Hall, Planning Commission Secretary

FROM: Elizabeth Anderson, Senior Planner
Code Development Division

DATE: February 14, 2008

SUBJECT: STAFF REPORT
ORDINANCE TITLED: RELATING TO RURAL CLUSTER
SUBDIVISIONS; REPEALING, AMENDING AND ADDING
SECTIONS IN TITLE 30 SCC

A. INTRODUCTION

This staff report introduces and describes proposed amendments and revisions to the chapter of the Snohomish county code regarding rural cluster subdivisions and short subdivisions (RCS) and related sections of title 30 SCC. The subject ordinance is to amend, repeal, and adopt sections of chapter 30.41C SCC, adopt a new section of chapter 30.25 regarding landscaping and amend sections of Title 30, the Unified Development Code, relating to agricultural and mineral lands and the exceptions to fire flow requirements.

This report transmits a set of documents related to the proposed ordinance:

1. Rural Cluster Subdivision Code Comparison - revised from January 22, 2008
2. Snohomish County Public Works proposed revisions to standards
 - 2A - Typical Non-Arterial Road – Rural Areas, road and walkway section
 - 2B - Road Standards – Non-Arterials (Rural)
3. Letters commenting on proposed code
 - 3A - K&L Gates, January 22, 2008
 - 3B - The McNaughton Group, February 12, 2008

- An ordinance to adopt the proposed amendments to chapter 30.41C SCC, to chapter 30.25 SCC, and to related sections of title 30 SCC.

B. BACKGROUND

Rural cluster regulations were first adopted in Snohomish County by ordinance 93-021 in 1993, prior to the county's adoption of a Growth Management Act (GMA) comprehensive plan. Code chapter 32.30, Rural Cluster Subdivision, was amended by Ordinance 94-099, on November 23, 1994, increasing the number of lots allowed in a cluster from a maximum of 20 to 30 and adjusting buffer and open space requirements. Rural cluster regulations were again amended subsequent to the county's adoption of GMA and at the same time as general policy plan amendments pertaining to rural cluster subdivisions by ordinance 96-076, on November 27, 1996. Amendments included a requirement for rural cluster to be consistent with rural character, requiring an interior location for clusters and reducing setbacks from forest from 200 feet to 100 feet and agricultural lands from 200 feet to 50 feet. Rural cluster subdivisions have been recorded in the county since 1997 and, in 2005 and 2006, rural cluster subdivisions proposals have become the predominant subdivision application in the rural zones. County residents, business interests and government agencies have observed and learned from the application of the regulations, and several concerns have been raised with impacts of rural cluster subdivisions on roads, water, rural character, rural/urban transition areas, the county permit review process, affordable housing, and density.

C. INTENT

The intent of the proposed code amendments and revisions is to more closely align county regulation of rural cluster subdivisions with RCW 36.70A.40(5), which lists requirements for the rural element of comprehensive plans, with RCW 36.70A.030(15) which defines rural character, and with the rural element of the Snohomish County General Policy Plan (GPP). Additionally, the proposed code amendments and revisions are intended to address recommendations from a variety of stakeholder groups concerned with the impacts of rural cluster subdivisions on rural areas of the county, and the comments received during the January 22, 2008 Planning Commission briefing on the draft ordinance.

The County has addressed the GMA public participation requirements by reviewing the existing standards and providing opportunities for the public to participate in code development and review, in accordance with RCW 36.70A.035 and Goal 11 of the county comprehensive plan.

D. PUBLIC PARTICIPATION PROCESS

Snohomish County PDS has included opportunities for public participation in conjunction with the review and process required by the GMA:

1. Interactive public forums on rural cluster subdivisions on June 7, September 6, and November 1, 2007
2. A briefing to the Agricultural Advisory Board on July 10, 2007

3. Public workshops with south county residents on July 17, 2007, and north county residents on July 18, 2007
4. A workshop with Professional Consultants of Snohomish County on July 11, 2007
5. Workshops with members of the development community on July 13 and August 20, 2007
6. A workshop with members from local cities, utilities and tribes on July 19, 2007
7. A briefing of the Snohomish County Tomorrow Planning Advisory Committee at on July 19, 2007
8. A briefing of the Planning Commission on the draft ordinance on January 22, 2008
9. A public hearing is scheduled before the Planning Commission on February 26, 2008

Extensive public participation, combined with staff analysis resulted in identification of several issues that would need to be addressed in considering any amendments to chapter 30.41C SCC Rural Cluster Subdivisions and Short Subdivisions.

E. KEY ISSUES FOR CONSIDERATION IN THE UPDATED CODE

During the review and public process, a few key issues were identified for consideration and potential amendment to the RCS regulations. Incorporating recommendations from the extensive public participation process to reduce impacts of RCS and ensure rural character is maintained, proposed amendments and revisions to RCS and related regulations must also be based on addressing requirements of the Growth Management Act, on the land use policies of the county General Policy Plan (GPP). The issues and questions raised and the ways they are addressed in the ordinance, or by other means, is as follows:

1. Roads.

- *How should the County address the perceived and real impacts of rural clusters on rural roads?*
- *How should roads and pedestrian facilities be built to balance the needs of the public as stated in the comprehensive plan?*

The perception and reality is that public roads are more traveled in the rural areas than they have been in previous years, as development brings more people to the county. However, traffic on rural roads is still within the level of service allocated to rural roads, and road widening is not called for under level of service standards. Additional concerns were expressed by the public with the cost to the public for road widening and with loss of rural character represented by narrow and winding roads.

Road standards within the subdivisions will be adjusted through revisions to the County Engineering Design and Development Standards (EDDS) for private roads within the subdivisions. The County Public Works Department's proposal for adopting standards is scheduled to be completed not later than May 2008. Revised standards will reduce required road widths as follows:

- Private Subcollector roads (91-1000 Average Daily Trips): 30 ft to 22 ft
- Public Local Access roads (<250 ADT): 28 ft to 22 ft
- Public Subcollector roads (250-2000 ADT): 30 ft to 22 ft
- Public Collector roads (2001-3000 ADT): 36 ft to 30 ft

Design speed for Residential/Subcollector roads will be reduced from 30 mph to 25 mph. Pedestrian walkways may be separated from the roadway, rather than built as typical sidewalks. A reduced amount of paved surface additionally serves county goals to increase low impact development to reduce runoff.

Concerns with fire safety on the narrower roads have been addressed through the finding that the large lots, typically one acre or larger in rural clusters, generate little or no parking on the street. The proposed code references SCC 30.41C.080(7) requiring entry gates, if any, to accommodate emergency vehicles.

Entry signs were discussed at the public meetings, with some voicing opinions that subdivision entry signs not be allowed. The proposed regulation in SCC 30.41C.070(7)(d) responds with a requirement that entry signs in the rural district incorporate materials typical of the rural area. It also references, which governs signs for residential subdivisions. In accordance with SCC 30.27.060, two signs are allowed as subdivision identification signs and they must not be larger than 40 feet in area, nor greater than 6 feet in height.

Concerns were also raised with street lighting, which is not required for subdivisions in the rural district. The proposed code in SCC 30.41C.070(7)(c) requires that, if street lights are proposed, they should be low-intensity, projected downward, and shielded.

2. Water. How should the County confirm availability of adequate water in reviewing proposals for rural cluster development?

Water supply was raised as an issue during the course of the stakeholder meetings. The amended code reduces the number of lots allowed in a cluster from 30 to 13 lots in proposed SCC 30.41C.070(1)(c). Proposed code section SCC 30.41C.070(7)(e) would require water supply by a public water utility when one is available within 1/4 mile of the project site and the utility is able to provide service. Additionally, the Department of Ecology issues water rights and determines the draw (typically gallons per day) for specific uses, such as residential. Low volume draw may be exempt from obtaining a water right. The DOE calculation of draw at this time would exempt as many as 13 individual residential wells in a cluster. Water supply is addressed through the requirement for public water, when available, and through the reducing the number of lots in a cluster.

3. Rural Character and Quality. How could the site design standards and open space standards better protect and enhance the character, quality and identity of rural areas?

Almost all participants in discussions on RCS and their regulations had comments or concerns with rural character. RCW 36.79A.030(15) defines rural character and RCW 36.79A.070(5) calls for a variety of rural density and uses, including clustering and design guidelines. The GPP joins the RCW in finding that clustering can protect the visual character of rural areas. Therefore, solutions for compatibility in the proposed ordinance work to maintain the intrinsic rural character of the development site itself and to reduce impacts on adjacent properties and views from public roads by: 1) setting more rigorous

standards for site design standards in SCC 30.41C.070 for setbacks, protection of open space, drainage and number of lots per cluster; 2) adding performance standards in SCC 30.41.050; and 3) adding new landscaping standards in SCC 30.25.033.

4. Rural/Urban Transition Areas (RUTA). *Can rural clusters be designed/developed to practically accommodate future urban growth in the Rural Urban Transition Area?*

Cities adjacent to rural cluster subdivisions in RUTAs brought forward issues with retrofitting urban services to the subdivision and providing connectivity and eventual urban density, once annexed. Proposed SCC 30.41C.140 allows siting of lots closer to the periphery of the subdivision, non-binding shadow-platting and potential reduction of the amount of interim open space required. Notification of the adjacent city as part of RCS application in a RUTA is proposed, and the city may have approval authority on infrastructure improvements when an interlocal agreement is in place.

5. Review process.

- *How could notification and public input opportunities for RCSD proposals be improved?*
- *How much discretion should the director have in responding to public input during the review process?*

Notification of RCS application to the public is not changed for rural clusters, though there are increased review opportunities for cities in the case of a RUTA cluster subdivision proposal and for water purveyors. Director discretion is increased through the new modification process, in SCC 30.41C.150 with potential modification of open space and landscaping, subject to decision criteria.

6. Affordable Housing. *How could RCSDs support and promote affordable housing?*

While affordable housing was reported by the stakeholders as not available in the rural cluster subdivisions, developers found no incentive to provide below-market housing. The discussion of this issue is deferred to future work on the General Policy Plan.

OTHER CONCERNS

Issues regarding density were also brought up in the stakeholder meetings, but are not included in issues addressed by the proposed revisions to chapter 30.41C.

Lot yield calculations for rural clusters are derived from Land Use Policy 6.B.9.

- LU Policy 6.B.9: Within the Rural Residential designation, and within that portion of the Rural Residential-Rural Diversification designation that has a Rural/Urban Transition Area overlay, subdivisions may exceed the basic density of 1 lot per 5 acres if the rural cluster subdivision technique is used, all of its criteria and requirements for the maintenance and enhancement of the rural character are met, and the maximum lot yield does not exceed 1 lot per 2.3 acres

Modest density incentives to encourage use of clustering and maximum preservation of open space are required in accordance with LU policy 6.B.1. These policies provide the base for code provisions for lot yield and density bonus.

- LU Policy 6.B.1: Use of a clustering subdivision technique should be encouraged by the County in rural residential areas to: 1) preserve the rural character of Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts to critical areas; 4) allow for future expansion of the UGAs, where appropriate; and 5) support the provision of more affordable housing in rural areas. The primary benefit of clustering is the preservation of open space. Modest density incentives should be provided in a manner which encourages use of the technique and maximum preservation of open space and maintenance of rural character. The open space tracts in rural cluster subdivisions shall be preserved in perpetuity, except for those located now or in the future within the Rural/Urban Transition Area. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that it may be used for future urban development.

Existing code provisions based on these policies award a density bonus of 15% of the lot yield in RR5 districts for clustering. Additional density, up to 35% of the lot yield may be awarded in proportion to restricted open space preserved in the development. The table developed for this report, shows the 15% incentive award, the maximum lots allowed with up to 35% density bonus (20% more than the award for clustering) and the open space (OS) required to achieve the density bonus. The sample acreages shows the proportion of additional open space required to achieve the maximum density bonus.

Clustering incentive, Bonus densities, and preservation of additional open space

| PROJECT SITE | 10 acres | | 20 acres | | 40 acres | | 80 acres | |
|---------------------|----------|--------------|----------|-------------|----------|-------------|----------|-------------|
| 15% incentive award | 3 lots | 4.5 OS acres | 5 lots | 9 OS acres | 10 lots | 18 OS acres | 20 lots | 36 OS acres |
| 35% total bonus | 3 lots | 6.5 OS acres | 6 lots | 13 OS acres | 12 lots | 26 OS acres | 24 lots | 52 OS acres |

Land Use Policy 6.B.8 requires the county to monitor the rate and pattern of development created by rural cluster subdivisions and the Buildable Lands Report provides the required monitoring.

- LU Policy 6.B.8 Monitor the rate and pattern of development created by rural cluster subdivisions and report to the county council annually to ensure that a pattern of urban development is not established in rural areas.

Based on policies and the results of the 2007 Buildable Lands Report for Snohomish County, it was determined that density issues will not be addressed in code revision at this

time and that density issues affecting density will be appropriately addressed via policy review or decisions resulting from growth monitoring.

F. OVERVIEW OF MAJOR CHANGES PROPOSED FOR THE RURAL CLUSTER SUBDIVISION REGULATIONS

Chapter 30.41C Snohomish County Code describes the requirements for clustering lots in rural subdivisions. The code currently in effect allows clusters of up to 30 lots and requires a minimum of 45% restricted open space. Restricted open space allows multiple non-residential uses, and it must be held in separate tracts, subject to an open space management plan. Up to 35% more lots than is determined by the underlying zoning may be awarded as an incentive for providing a greater amount of restricted open space when developed under the RR-5 designation. Lot yield may be increased up to two residential lots per 5 acres as an incentive for clustering within the Rural Residential Basic (RR Basic) land use plan designation. Landscaping is required as a sight-obscuring buffer of native vegetation between residential clusters and adjoining property or public roadways. Buffers averaging 50 feet in width containing wind-resistant vegetation are required between clusters in a development.

The subject of the ordinance, which has been developed over several months of staff analysis with stakeholder input, is amendment, repeal, and addition of sections to chapter 30.41 SCC, Rural Cluster Subdivisions and Short Subdivisions. Proposed amendments reorganize most of the subsections of chapter 30.41 SCC, add performance standards, clarify application and review process, add landscaping standards, revise site design standards and provide criteria for modifications to certain standards. The formula for lot yield is established in the existing GPP and amendments to code would depend on updates of the GPP. Bonus density calculations are not affected by amendments proposed in this ordinance. Changes in the proposed amendments to chapter 30.41C SCC and chapter 30.25 SCC focus on site design and landscaping.

Changes are being developed in the Engineering Development Design Standards (EDDS) for rural road development County Public Works Department that would narrow required pavement width for rural roads and allow separation of pedestrian paths from the road.

G. OVERVIEW OF ORDINANCE #08-_____ Relating To Rural Cluster Subdivisions; Repealing, Amending And Adding Sections In Title 30 SCC

Summary of proposed ordinance sections:

Ordinance Section 1: Adopt recitals as findings and conclusions.

Ordinance Section 2: Findings of fact.

Ordinance Section 3: Conclusions.

Ordinance Section 4: Adds a new section SCC 30.25.033, requiring additional landscaping for rural clusters to establish visual screening specific to rural cluster subdivisions, mandate preservation of existing trees and vegetation including non-native

vegetation that has become part of the rural landscape such as orchards, hedgerows and windbreaks, and provides planting standards for new landscaping. New landscaping requires two-thirds evergreen species with a minimum of 8 feet in height and deciduous trees with a minimum 2-inch caliper. An informal planting pattern for screening is required. Redistributing or reducing required landscape planting by twenty percent is possible when the landscape plan defines site characteristics and demonstrates that landscape groupings at strategic points will buffer sight lines from travelers on adjacent roads and from house on adjacent properties and preserve landscape features and views.

Ordinance Section 5: Increases required setback from 50 to 100 feet for residential lots from adjacent to farmland.

Ordinance Section 6: A housekeeping amendment to change the reference to mineral resource operations in a rural cluster to match the amended subsection numbers.

Ordinance Section 7: Amends SCC 30.41C.010, Purpose, to add corridors for wildlife habitat, to directly reference county land use policies on rural character and to clarify that variety in pattern and site design, rather than uniformity, is a rural characteristic.

Ordinance Section 8: Amends SCC 30.41C.020, Applicability, to clarify application is made in addition to a subdivision application.

Ordinance Section 9: Amends SCC 30.41C.030, Approval Procedure, adding decision criteria to the standard approval procedure for subdivision approval. Criteria reference landscape requirements, rural concurrency standards and traffic impact mitigation, location in a rural fire district and adequate fire flow or other means of fire protection, and that the site is not under land use violation action.

Ordinance Section 10: Repeals seven sections of chapter 30.41C SSC:

1. SCC 30.41.040, Additional submittal requirements, covered in the proposed ordinance by new section SCC 30.41.040 that reorganizes submittal requirements for comparison of existing conditions with those proposed.
2. SCC 30.41.100, Decision criteria, is combined with SSC 30.41C.030, Approval procedure and decision criteria, in the proposed ordinance.
3. SCC 30.41.200, Design standards – general. The substance is divided into three new sections: SCC 30.1C.050 Performance standards; SCC 30.41C.070 Site design and development standards, and SCC 30.41C.080 site design standards – roads, gates and pedestrian pathways, in the proposed ordinance.
4. SCC 30.41.210, Restricted open space and bulk regulations, is replaced by three sections: SCC 30.41C.090, Restricted open space - general requirements, also containing a table to show the amount of open space required for clustering; SCC 30.41C.100 Restricted open space – natural

resource lands; and SCC 30.41C130 Rural cluster bulk regulations, in the proposed ordinance.

5. SCC 30.41.220, Rural/urban transition areas – open space and bulk requirements, is replaced by SCC 30.41C.140, Bulk regulations and interim open space for rural clusters in the RUTA, in the proposed .
6. SCC 30.41.300, Ownership and preservation of restricted open space, is divided into two new sections in the proposed ordinance: SCC 30.41.110, Ownership and preservation of restricted open space, and SCC 30.41.120 Open space management plan.
7. SCC 30.41.310, form of public dedication, is not in accord with county policies.

Ordinance Section 11: Adopts a new section, SCC 30.41C.040, Submittal requirements, which includes by reference all documents required for subdivision, plus a narrative description of how the proposal is consistent with the purpose and performance standards of chapter 30.41C SCC, along with plans of existing site characteristics and proposed alterations to them, an open space management plan, and potential project phasing, entry sign plans, and street lighting plans.

Ordinance Section 12: Adopts a new section, SCC 30.41C.050, Site planning performance standards, to guide site design overall and for use as criteria for decisions on modifications to the standards under proposed new SCC 30.41.150.

Ordinance Section 13: Adopts a new section, SCC 30.41C.070, Site design and development standards, which changes the number of residential lots in a cluster from 30 to 13. Front yard setbacks remain at least 20 feet, but must be varied by 10 feet on adjacent lots to add variety to the streetscape. The setback from agricultural lands to residential lot lines is increased from 50 feet to match the 100 foot setback from forest and mineral resource lands. To increase the visual buffer without relying on dense landscaping, residential lot lines are set back 100 feet from perimeter roads, as compared to the 35 to 75 foot width currently required; if the site is not wooded, a 200 foot buffer tract may be required. The setback from the roadway may be reduced by as much as 40 percent when visual screening is sight-obscuring through existing conditions or added landscaping. Open space tracts between clusters are also increased from 50 to 100 feet to improve the intrinsic rural character of the subdivision. Perimeter buffers 50 feet wide are required where cluster subdivisions abut residential property, replacing the requirement for buffers 25 to 75 feet in width. Retention of existing vegetation and, potentially, new landscaping are required in all buffer zones, which must be maintained as restricted or interim open space. Utility lines must be located underground. Street lighting and entry signs are not required and were not addressed in the current code, but are given design standards in the proposed ordinance. Street lighting must be low-intensity and projected downward. Entrance signs are to use materials typical of the rural area and comply with SCC 30.27.060. A new provision is for water supply provided by a public water utility when one is available within ¼ mile and the utility is willing and able to provide service is proposed in the ordinance.

Ordinance Section 14: Adopts a new section, SCC 30.41C.080, Site design standards – roads, gates and pedestrian pathways. New provisions are proposed to require pedestrian facilities that are physically separated from vehicular roadways and to ensure entrance gates accommodate emergency access.

Ordinance Section 15: Adopts a new section, SCC 30.41C.090, Restricted open space-general requirements, maintains current restricted open space requirements and uses allowed in open space. Table SCC 30.41C.090 illustrates the percentages of open space required in specific zones and planning districts.

Ordinance Section 16: Adopts a new section, SCC 30.41C.100, Restricted open space – natural resource lands, calls for a 100-foot buffer between all resource lands and residential lots, and adds wording for a disclosure statement on the plat regarding the use rights associated with natural resource lands.

Ordinance Section 17: Adopts a new section, SCC 30.41C.110, Ownership and preservation of restricted open space, requiring the open space (OS) percentage requirements for clustering must be met with restricted OS tracts held in separate ownership, and marked on the face of the plat with notice on the titles of the properties within the plat. The proposed code section retains many of the provisions of the current SCC 30.41C.300, now in effect, including that the single owner of the restricted open space tract may be a homeowners association, a public agency or a not-for-profit organization. The developer is responsible for providing the county with documentation of a homeowners association.

Ordinance Section 18: Adopts a new section, SCC 30.41C.120, Open space management plan, to organize the responsibilities for maintenance of open space. The developer must provide an open space management plan, which must be approved by the director, recorded and referenced on all property deeds arising from the subdivision, and provided to property owners.

Ordinance Section 19: Adopts a new section, SCC 30.41C.130, Bulk regulations, which in the proposed ordinance are given a separate subsection, rather than combined with restricted open space regulations. Table SCC 30.41C.130 sets out new standards for maximum lot coverage at 35 percent, minimum lot width is increased from 60 to 125 feet, the minimum front yard setback remains 20 feet with an increase of at least 10 feet or more on abutting lots for variation, and a side yard setback increased from 5 to 25 feet. Rear yard setback remains at 5 feet and side yard setbacks are increased from 5 to 15 feet.

Ordinance Section 20: Adopts a new section, SCC 30.41C.140, Bulk regulations and interim open space for rural clusters in the RUTA. This section carries the same requirements of the current code, but more explicitly states RUTA open space is required to be interim and reserved for future use as urban development when it becomes part of a UGA, rather than permanent. Bulk and interim open space

regulations are established in a new table SCC 30.41C.140, with a minimum lot frontage of 80 feet, retaining the 5 foot side yard setback and the minimum front yard setback of 20 feet, but adding a variation of 10 feet to front yard setbacks on lots adjacent to each other. New language includes a requirement for the preliminary plan to include a non-binding conceptual plan to show, though shadow platting, that interim open space can be subdivided at urban density. RUTA cluster applications will notify adjacent cities of proposed infrastructure improvements, and improvements may be subject to approval from the city when the county has an interlocal agreement with the city.

Ordinance Section 21: Adopts a new section, SCC 30.41C.150, Modifications, granted for innovative design that also preserves rural character. Potentially modifiable standards include: location of open space; the amount of existing tree canopy retained; landscaping requirements; and buffer widths between property lines and roads. Criteria to allow modification include: protecting rural character in accordance with purposes and performance standards found in SCC 30.41C.010 and 30.41C.050; no conflict with other provisions of the county code; no adverse environmental impacts; one or more benefits, including reduction of visual impacts; enhanced LID methods; improvement to on-site water quality control; and increased retention of natural habitat by 20% or more. An easement on private residential lots requiring a sight-obscuring landscape buffer between the road and structures can be the basis for granting a reduction in the buffer width between the property line and the road. Requests for modification are made concurrently with the application. A narrative description and demonstration that the proposal meets approval criteria and performance standards is required. The authority for granting modifications is the planning director.

Ordinance Section 22: Amends SCC 30.53A.514, Fire protection, to add exemptions from water supply and fire hydrant requirements for subdivisions and short subdivisions that meet all of the conditions, including:

- Connection to a public water supply is not available within a quarter-mile radius;
- All lots are one acre or larger
- The development is exempt from a groundwater withdrawal permit; and
- Outside a UGA, homeowner's associations must have wildfire protection plans approved by the County Fire Marshal.

Ordinance Section 23: Severability and savings.

H. CONSISTENCY WITH THE GROWTH MANAGEMENT ACT, SNOHOMISH COUNTY COMPREHENSIVE PLAN AND GENERAL POLICY PLAN (GPP)

The development regulations adopted by the ordinance are consistent with the goals and requirements of GMA and the Snohomish County Comprehensive Plan including but not limited to:

Revised Code of Washington

RCW 36.70A.030 Definitions

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

RCW 36.70A.070(5) Comprehensive plans -- Mandatory elements.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW [36.70A.020](#) and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW [36.70A.060](#), and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW [36.70A.170](#).

RCW 36.70A.090 Comprehensive plans -- Innovative techniques.

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

Snohomish County General Policy Plan

- Objective LU 6.B: Encourage land use activities and development intensities that protect the character of rural areas, avoid interference with resource land uses, minimize impacts upon critical areas, and allow for future expansion of UGAs.
- LU Policy 6.B.1: Use of a clustering subdivision technique should be encouraged by the County in rural residential areas to: 1) preserve the rural character of Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts to critical areas; 4) allow for future expansion of the UGAs, where appropriate; and 5) support the provision of more affordable housing in rural areas. The primary benefit of clustering is the preservation of open space. Modest density incentives should be provided in a manner which encourages use of the technique and maximum preservation of open space and maintenance of rural character. The open space tracts in rural cluster subdivisions shall be preserved in perpetuity, except for those located now or in the future within the Rural/Urban Transition Area. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that it may be used for future urban development.
- LU Policy 6.B.1.1: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the number, location, and configuration of lots will constitute compact rural development rather than urban growth. Performance standards shall include the following:
 - a. Preservation of a substantial percentage of total site area in open space to be held in single ownership and in a separate tract or tracts;
 - b. Provision of a density incentive which is tied to the preservation of open space;
 - c. Connection of open space tracts with open space tracts on adjacent properties;
 - d. Density at no greater than the underlying zoning density together with a modest density bonus as an incentive for use of the clustering technique;
 - e. Allowance of open space uses consistent with the character of the rural area;
 - f. Division of the development into physically separated cluster with a limitation on the maximum number of lots per cluster;
 - g. Physical separation between clusters consisting of a buffer of wind resistant vegetation;
 - h. Design that configures residential lots to the greatest extent possible to maintain rural character by:
 - i. Maximizing visibility of open space tract and minimizing visibility of clusters from adjoining collector roads, arterial roads, or state and federal highways through the placement of lots in the interior of the site and through vegetative buffers; and
 - ii. Placing buildings and lots in a manner which does not intrude on the visual character of the rural landscape, in particular, avoiding

placement of houses or buildings on forested ridgelines or other prominent physical features;

- i. Submittal of a planting and clearing plan to ensure that any planting or clearing proposed will not interfere with the rural character of the site;
 - j. Submittal of a site plan to ensure that siting of lots and built areas will not interfere with the rural character of the site and is consistent with the performance standards of the ordinance. The site plan must include:
 - i. Location of clusters, roads and open space;
 - ii. Within clusters, location and placement of buildings, useable building areas, driveways and drainage systems; and
 - iii. Location of critical areas and all buffers.
- LU Policy 6.B.1.2: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the development minimizes adverse impacts to large-scale natural resource lands, such as forest lands, agricultural lands and critical areas. Performance standards shall include the following:
 - a. Minimization of alterations to topography, critical areas and drainage systems; and
 - b. Adequate separation between rural buildings and clusters and designated natural resource lands.
 - LU Policy 6.B.1.3: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the development does not thwart the long-term flexibility to expand the UGA. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that the tract may be reserved for future urban development. When an open space tract is added to a UGA and adequate services can be provided, the County may allow redevelopment of the open space tract into additional lots to provide appropriate urban level density.
 - LU Policy 6.B.1.4: Rural cluster subdivision regulations implementing LU Policy 6.B.1 shall include performance standards to ensure that the development has made adequate provision for impacts to transportation systems. Performance standards shall include:
 - a. Controls for access to the rural cluster subdivision from public roads;
 - b. Requirements to meet rural concurrency standards; and
 - c. Requirement that the development be located within a rural fire district.
 - LU Policy 6.B.2: The retention of small forest, farming, horse farm and other livestock based farm operations and hobby farms shall be encouraged in rural areas.
 - LU Policy 6.B.6: Development standards in rural areas shall be consistent with the cultural resources policies in the plan so as to preserve them.

- LU Policy 6.B.8: Monitor the rate and pattern of development created by rural cluster subdivisions and report to the county council annually to ensure that a pattern of urban development is not established in rural areas.
- LU Policy 6.B.9: Within the Rural Residential designation, and within that portion of the Rural Residential-Rural Diversification designation that has a Rural/Urban Transition Area overlay, subdivisions may exceed the basic density of 1 lot per 5 acres if the rural cluster subdivision technique is used, all of its criteria and requirements for the maintenance and enhancement of the rural character are met, and the maximum lot yield does not exceed 1 lot per 2.3 acres.
- LU Policy 11.B.5: On projects under its authority, the county shall consistently seek to mitigate unavoidable negative impacts to historic and archaeological resources and to discourage demolition of culturally significant structures and sites.

I. IMPACTS OF CODE AMENDMENTS

Code amendments will add regulations governing site design and landscaping in rural cluster subdivisions. Additional amendments will clarify the administration of applications and open space maintenance, increase the influence of cities on cluster subdivisions in the RUTA, and regulate water supply to a greater extent.

J. STATE ENVIRONMENTAL PROTECTION ACT (SEPA)

SEPA review is required for these amendments to the Unified Development Code. A determination of Nonsignificance (DNS) as non-project action will be issued on February 20, 2008. The 14-day response period and the 7-day appeal period must have elapsed before the county council takes action on the proposed ordinance.

K. IMPLEMENTATION

An implementation plan is being developed in accordance with the Code Development Business Process model. It will include provisions that relate to:

- Staff awareness and understanding of the specifics of the new provisions
- Revisions to applicable brochures and information distributed by the County

L. STAFF RECOMMENDATION

The staff recommends adoption of the draft ordinance “Relating to Rural Cluster Subdivisions; Repealing, Amending and Adding Sections in Title 30 SCC”.