

1 SNOHOMISH COUNTY COUNCIL
2 SNOHOMISH COUNTY, WASHINGTON
3 ORDINANCE NO. 08-____
4

5 RELATING TO RURAL CLUSTER SUBDIVISIONS;
6 REPEALING, AMENDING AND ADDING SECTIONS IN TITLE 30 SCC
7

8 WHEREAS, RCW 36.70A.040(4) requires the county to adopt development
9 regulations that are consistent with and implement the comprehensive plan; and
10

11 WHEREAS, RCW 36.70A.070(5) mandates a rural element in the
12 comprehensive plan for counties planning under the Growth Management Act (GMA),
13 chapter 36.70A RCW; and
14

15 WHEREAS, RCW 36.70A.070(5)(b) requires that the rural element provide for a
16 variety of rural densities and uses, and that clustering and design guidelines are two of
17 the innovative techniques that can be used to accommodate appropriate rural densities
18 and uses that are consistent with rural character; and
19

20 WHEREAS, RCW 36.70A.070(5)(c) requires that the rural element include
21 measures that apply to rural development and protect the rural character of the area by:
22 (i) containing or otherwise controlling rural development; (ii) assuring visual compatibility
23 of rural development with the surrounding rural area; (iii) reducing the inappropriate
24 conversion of undeveloped land into sprawling, low-density development in the rural
25 area; (iv) protecting critical areas, and surface water and ground water resources; and
26 (v) protecting against conflicts with the use of agricultural, forest and mineral resource
27 lands designated under RCW 36.70A.170; and
28

29 WHEREAS, RCW 36.70A.090 directs counties to use innovative land use
30 management techniques, including density bonuses and cluster housing in the
31 provisions of the comprehensive plan; and
32

33 WHEREAS, RCW 36.70A.030(15) defines rural character as follows: "Rural
34 character" refers to the patterns of land use and development established by a county in
35 the rural element of its comprehensive plan: (a) In which open space, the natural
36 landscape, and vegetation predominate over the built environment; (b) That foster
37 traditional rural lifestyles, rural-based economies, and opportunities to both live and
38 work in rural areas; (c) That provide visual landscapes that are traditionally found in
39 rural areas and communities; (d) That are compatible with the use of the land by wildlife
40 and for fish and wildlife habitat; (e) That reduce the inappropriate conversion of
41 undeveloped land into sprawling, low-density development; (f) That generally do not
42 require the extension of urban governmental services; and (g) That are consistent with
43 the protection of natural surface water flows and groundwater and surface water
44 recharge and discharge areas; and
45

46 WHEREAS, the Snohomish County Council adopted a GMA comprehensive plan
47 in 1995; and

1
2 WHEREAS, the Countywide Planning Policy RU-4 permits rural clustering as a
3 tool for the preservation of rural open space; and
4

5 WHEREAS, the county council adopted Amended Ordinance No. 93-021 on May
6 3, 1993, enacting a new chapter 32.30 SCC creating a rural cluster subdivision process
7 and design standards; and
8

9 WHEREAS, the county council adopted Amended Ordinance No. 94-099 on
10 November 23, 1994, to make minor technical corrections to clarify and better implement
11 the rural cluster subdivision regulations; and
12

13 WHEREAS, the Central Puget Sound Growth Management Hearings Board, in
14 its Final Decision and Order in *Sky Valley v. Snohomish County* (No. 95-3-0068c),
15 encouraged the county to retain the concept of rural clustering to achieve well designed
16 compact rural development; and
17

18 WHEREAS, on November 27, 1996, the county council adopted Ordinance No.
19 96-074, amending Comprehensive Plan Policy LU 6.B.1 to provide more specific policy
20 direction to the application of the county's rural cluster subdivision regulations to ensure
21 that the use of clustering results in compact rural development; and
22

23 WHEREAS, on November 27, 1996, the county council adopted Ordinance No.
24 96-076, amending the county's rural cluster subdivision regulations consistent with
25 Comprehensive Plan Policy LU 6.B.1; and
26

27 WHEREAS, the Snohomish County Department of Planning and Development
28 Services (PDS) has monitored rural cluster subdivision activities since 1996; and
29

30 WHEREAS, on December 9, 2002, the Snohomish County Council adopted Title
31 30 Unified Development Code (UDC) of the Snohomish County Code containing
32 regulations that guide development within the unincorporated areas of Snohomish
33 County; and
34

35 WHEREAS, the Snohomish County UDC Update Project was initially designed
36 as a two-phase project with the first phase focusing on the organizational structure and
37 the second phase focusing on the substantive content of the UDC; and
38

39 WHEREAS, the second phase of the Snohomish County UDC Update Project
40 will bring development regulations into alignment with state and federal mandates and
41 with currently adopted policies in the Snohomish County Comprehensive Plan and
42 update outdated regulations not addressed in the initial update phase; and
43

44 WHEREAS, the county has conducted early and continuous public participation
45 in considering potential changes to rural cluster subdivision regulations. PDS provided
46 notice through its website and by mailings to interested parties, and held public forums

1 and stakeholder meetings to receive public input before formulating the code
2 amendments. Public participation included the following meetings:

- 3
- 4 1. PDS held interactive public forums on rural cluster subdivisions on June 7,
5 September 6, and November 1, 2007;
- 6
- 7 2. PDS presented a briefing to the Agricultural Advisory Board on July 10, 2007;
8
- 9 3. PDS held public workshops with south county residents on July 17, 2007, and
10 north county residents on July 18, 2007;
- 11
- 12 4. PDS held a workshop with Professional Consultants of Snohomish County on
13 July 11, 2007;
- 14
- 15 5. PDS held a workshop with members of the development community on July
16 13 and August 20, 2007;
- 17
- 18 6. PDS held a workshop with members from local cities, utilities and tribes on
19 July 19, 2007; and
20
- 21 7. PDS briefed the Snohomish County Tomorrow Planning Advisory Committee
22 at its public meeting on July 19, 2007; and
23

24 WHEREAS, the planning commission held an open community discussion on
25 rural cluster subdivisions on July 24, 2007; and
26

27 WHEREAS, the public and stakeholder comments emphasized several issues,
28 among them rural character, water supply and related issues, rural roads, future urban
29 growth in the Rural Urban Transition Area (RUTA), affordable housing, the permit
30 review process, and rural population growth and density; and
31

32 WHEREAS, Land Use Policy 6.B.8 calls for monitoring the rate and pattern of
33 development created by rural cluster subdivisions and reporting to the county council
34 annually to ensure that a pattern of urban development is not established in rural areas;
35 and
36

37 WHEREAS, Land Use Policy 6.B.9 allows rural cluster subdivisions to obtain an
38 increased lot yield in Rural Residential designation areas; and
39

40 WHEREAS, the county has committed to review and revision of the rural element
41 of the General Policy Plan in 2008, including the policy bases for key rural cluster
42 subdivision provisions; and
43

44 WHEREAS, Land Use Policy 6.B.1 promotes the use of modest density
45 incentives to encourage clustering and to maximize the preservation of open space and
46 maintenance of rural character; and

1
2 WHEREAS, issues related to lot yield and density bonus are deferred until the
3 county's comprehensive review of the rural element; and
4

5 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt this code
6 amendment was transmitted to Washington State Department of Community, Trade and
7 Economic development on January 16, 2008; and
8

9 WHEREAS, a SEPA threshold Determination of Nonsignificance for the
10 proposed code amendment was issued on _____, 2008; and
11

12 WHEREAS, the proposed code amendments have been broadly disseminated
13 and opportunities have been provided for written comments and public hearing after
14 effective notice was provided; and
15

16 WHEREAS, the planning commission held a public hearing on February 26,
17 2008, to receive public testimony concerning the proposed code amendments to
18 chapter 30.41C SCC; and
19

20 WHEREAS, on _____ the planning commission considered the proposed
21 code amendments and voted to recommend _____ of the amendments; and
22

23 WHEREAS, the county council held a public hearing on _____ to consider
24 the entire record, including the planning commission's recommendation on the code
25 amendments, and to receive public testimony on Ordinance No. 08-_____; and
26

27 WHEREAS, the county council considered the planning commission's
28 recommendation and public testimony on _____.
29

30 NOW, THEREFORE, BE IT ORDAINED:
31

32 Section 1. The county council adopts and incorporates the foregoing recitals as
33 findings and conclusions as if set forth fully herein.
34

35 Section 2. The county council makes the following additional findings of fact
36 based on the entire record before the planning commission and the county council,
37 including all testimony and exhibits:
38

- 39 A. The GMA requires the county to adopt development regulations that are consistent
40 with the county's adopted GMA Comprehensive Plan.
41
42 B. The GPP contains objectives and policies for rural cluster subdivisions that serve
43 as the background for the proposed code revisions, including the following:
44
45 • Objective LU 6.B: Encourage land use activities and development intensities
46 that protect the character of rural areas, avoid interference with resource land

1 uses, minimize impacts upon critical areas, and allow for future expansion of
2 UGAs.

- 3
- 4 • LU Policy 6.B.1: Use of a clustering subdivision technique should be
5 encouraged by the County in rural residential areas to: 1) preserve the rural
6 character of Snohomish County; 2) avoid interference with resource land
7 uses; 3) minimize impacts to critical areas; 4) allow for future expansion of the
8 UGAs, where appropriate; and 5) support the provision of more affordable
9 housing in rural areas. The primary benefit of clustering is the preservation of
10 open space. Modest density incentives should be provided in a manner which
11 encourages use of the technique and maximum preservation of open space
12 and maintenance of rural character. The open space tracts in rural cluster
13 subdivisions shall be preserved in perpetuity, except for those located now or
14 in the future within the Rural/Urban Transition Area. In the Rural/Urban
15 Transition area, open space tracts shall be preserved until such time as the
16 subdivision is included within a UGA, so that it may be used for future urban
17 development.
 - 18
 - 19 • LU Policy 6.B.1.1: Rural cluster subdivision regulations implementing LU
20 Policy 6.B.1 shall include performance standards to ensure that the number,
21 location, and configuration of lots will constitute compact rural development
22 rather than urban growth. Performance standards shall include the following:
 - 23 a. Preservation of a substantial percentage of total site area in open space
24 to be held in single ownership and in a separate tract or tracts;
 - 25 b. Provision of a density incentive which is tied to the preservation of open
26 space;
 - 27 c. Connection of open space tracts with open space tracts on adjacent
28 properties;
 - 29 d. Density at no greater than the underlying zoning density together with a
30 modest density bonus as an incentive for use of the clustering
31 technique;
 - 32 e. Allowance of open space uses consistent with the character of the rural
33 area;
 - 34 f. Division of the development into physically separated cluster with a
35 limitation on the maximum number of lots per cluster;
 - 36 g. Physical separation between clusters consisting of a buffer of wind
37 resistant vegetation;
 - 38 h. Design that configures residential lots to the greatest extent possible to
39 maintain rural character by:
 - 40 i. Maximizing visibility of open space tract and minimizing visibility
41 of clusters from adjoining collector roads, arterial roads, or state
42 and federal highways through the placement of lots in the interior
43 of the site and through vegetative buffers; and
 - 44 ii. Placing buildings and lots in a manner which does not intrude on
45 the visual character of the rural landscape, in particular, avoiding

- 1 placement of houses or buildings on forested ridgelines or other
2 prominent physical features;
- 3 i. Submittal of a planting and clearing plan to ensure that any planting or
4 clearing proposed will not interfere with the rural character of the site;
- 5 j. Submittal of a site plan to ensure that siting of lots and built areas will
6 not interfere with the rural character of the site and is consistent with
7 the performance standards of the ordinance. The site plan must
8 include:
- 9 i. Location of clusters, roads and open space;
- 10 ii. Within clusters, location and placement of buildings, useable
11 building areas, driveways and drainage systems; and
- 12 iii. Location of critical areas and all buffers.
- 13
- 14 • LU Policy 6.B.1.2: Rural cluster subdivision regulations implementing LU
15 Policy 6.B.1 shall include performance standards to ensure that the
16 development minimizes adverse impacts to large-scale natural resource
17 lands, such as forest lands, agricultural lands and critical areas. Performance
18 standards shall include the following:
- 19 a. Minimization of alterations to topography, critical areas and drainage
20 systems; and
- 21 b. Adequate separation between rural buildings and clusters and
22 designated natural resource lands.
- 23
- 24 • LU Policy 6.B.1.3: Rural cluster subdivision regulations implementing LU
25 Policy 6.B.1 shall include performance standards to ensure that the
26 development does not thwart the long-term flexibility to expand the UGA. In
27 the Rural/Urban Transition area, open space tracts shall be preserved until
28 such time as the subdivision is included within a UGA, so that the tract may
29 be reserved for future urban development. When an open space tract is
30 added to a UGA and adequate services can be provided, the County may
31 allow redevelopment of the open space tract into additional lots to provide
32 appropriate urban level density.
- 33
- 34 • LU Policy 6.B.1.4: Rural cluster subdivision regulations implementing LU
35 Policy 6.B.1 shall include performance standards to ensure that the
36 development has made adequate provision for impacts to transportation
37 systems. Performance standards shall include:
- 38 a. Controls for access to the rural cluster subdivision from public roads;
- 39 b. Requirements to meet rural concurrency standards; and
- 40 c. Requirement that the development be located within a rural fire district.
- 41
- 42 • LU Policy 6.B.2: The retention of small forest, farming, horse farm and other
43 livestock based farm operations and hobby farms shall be encouraged in rural
44 areas.
- 45

- 1 • LU Policy 6.B.6: Development standards in rural areas shall be consistent
2 with the cultural resources policies in the plan so as to preserve them.
3
- 4 • LU Policy 6.B.8: Monitor the rate and pattern of development created by rural
5 cluster subdivisions and report to the county council annually to ensure that a
6 pattern of urban development is not established in rural areas.
7
- 8 • LU Policy 6.B.9: Within the Rural Residential designation, and within that
9 portion of the Rural Residential-Rural Diversification designation that has a
10 Rural/Urban Transition Area overlay, subdivisions may exceed the basic
11 density of 1 lot per 5 acres if the rural cluster subdivision technique is used,
12 all of its criteria and requirements for the maintenance and enhancement of
13 the rural character are met, and the maximum lot yield does not exceed 1 lot
14 per 2.3 acres.
15
- 16 • LU Policy 11.B.5: On projects under its authority, the county shall
17 consistently seek to mitigate unavoidable negative impacts to historic and
18 archaeological resources and to discourage demolition of culturally significant
19 structures and sites.
20

21 C. The county's annual monitoring of rural cluster subdivisions has shown an increase
22 in the number of applications and lots developed under the rural cluster subdivision
23 regulations from 332 lots in 2004, to 886 lots in 2005, and to 1,805 lots in 2006.
24 The 2007 Buildable Lands Report adopted by the County Council on October 31,
25 2007, determined that the amount of growth in rural areas over the 5-year
26 monitoring period was consistent with the adopted polices and growth targets in the
27 comprehensive plan and the countywide planning polices. The 2007 Buildable
28 Lands Report also shows a greater proportion of open space preservation from the
29 county's implementation of policies regarding rural cluster subdivisions.

- 30 • Recorded subdivisions (applications filed between 1997 and 2005) show
31 1728.8 acres preserved in open space, comprising or 59.2% of the total
32 acreage in rural cluster subdivisions.
- 33 • Subdivisions granted preliminary approval (applications filed between 2001
34 and 2006) show 2080.7 acres preserved in open space, comprising 66.2% of
35 the total acreage in rural cluster subdivisions.
36

37 D. The site design, number of homes and lots within individual clusters in a single
38 development, and the distance separating individual clusters are basic design
39 features in protecting the visual aspect of rural character.
40

41 E. Tree retention and landscaping are significant factors in protecting the visual
42 aspects of rural character.
43

44 F. Open space and habitat preservation, along with management plans for open
45 space and critical area protection, are significant factors in protecting rural
46 character.

- 1
2 G. Amendments to chapter 30.41C SCC are necessary to improve protection of the
3 rural character of Snohomish County. Protection of rural character can be furthered
4 by protection of elements of rural character such as:
5 1) variety in site configuration and scale, which can be addressed through
6 standards affecting cluster size, with the maximum cluster size decreased from
7 30 lots to 13 lots; cluster separation, increased from 50 feet to 200 feet; and
8 external buffer widths on roads serving the area increased from 35 to 100 or 200
9 feet, depending on existing vegetation;
10 2) open space preservation and management assigned to the developer to
11 establish along with a homeowners association; and
12 3) preservation of existing vegetation including 50% of the overall tree canopy, in
13 the interest of protecting critical areas and wildlife habitat,
14 will further the maintenance of rural character.
15 H. Additions to chapter 30.25 SCC are necessary to create landscaping criteria that
16 are suited to rural cluster subdivisions to protect the rural character of Snohomish
17 County.
18

19 Section 3. The county council makes the following conclusions based on the
20 entire record before the planning commission and the county council, including all
21 testimony and exhibits:
22

- 23 A. The code amendments and revisions adopted by this ordinance are consistent with
24 the goals and requirements of the GMA, including innovative land use techniques
25 and protecting rural character codified in RCW 36.70A.070(5)(b) and (c) and
26 36.70A.090.
27
28 B. The amendments to chapter 30.25 SCC, SCC 30.32B.130, SCC 30.32C.150,
29 revisions to chapter 30.41C SCC, and amendments to SCC 30.53A.514 adopted by
30 this ordinance are consistent with the countywide planning policies for Snohomish
31 County and with the multi-county policies adopted by the Puget Sound Regional
32 Council.
33
34 C. The code amendments adopted by this ordinance satisfy the procedural and
35 substantive requirements of and are consistent with the GMA and chapter 30.73
36 SCC.
37
38 D. The public meetings with stakeholders and the general public, and the public
39 hearings and related public notices before the planning commission and the county
40 council satisfy the public participation requirements of GMA, including RCW
41 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140, as well as the
42 requirements of chapter 30.73 SCC.
43
44 E. The SEPA process conducted for this ordinance satisfies the requirements of the
45 State Environmental Policy Act codified in chapter 43.21C RCW, as implemented by
46 chapter 197-11 WAC and chapter 30.61 SCC.

- 1
2 F. The code amendments adopted by this ordinance are in the best interests of the
3 county by enhancing rural character design that protects the public health, safety
4 and welfare of the rural area.
- 5 G. This ordinance does not include changes to either the lot yield or restricted open
6 space (amount of open space required) provisions for rural cluster subdivisions and
7 rural cluster short subdivisions. Significant public interest has been expressed in
8 addressing these two rural cluster components now, and together with the
9 amendments contained in this ordinance. Moving forward with the rural cluster
10 subdivision amendments contained in this ordinance, and delaying consideration of
11 the lot yield land restricted open space components is necessary because additional
12 evaluation of rural growth rates and possible GPP rural element policy changes is
13 needed. However, the current level of public interest requires a prompt review of the
14 rural cluster subdivision lot yield and open space components during that evaluation,
15 and an expeditious preparation of appropriate GPP policy and regulatory
16 amendments within the 2008 calendar year. This task is necessary to complete a
17 comprehensive set of rural cluster subdivision regulations.

18
19 Section 4. A new section is added to chapter 30.25 of the Snohomish County
20 Code to read:

21
22 **30.25.033 Additional landscaping requirements for rural cluster subdivisions**
23 **and short subdivisions.**

24
25 To protect and enhance rural character, landscaping for rural cluster subdivision
26 development under chapter 30.41C SCC shall provide screening to minimize the
27 visibility of rural cluster subdivisions from adjoining roadways and from ~~((established~~
28 ~~residences on adjacent properties)) adjacent residential property. While 100 percent~~
29 screening is not necessary, the view of new development should be softened and
30 minimized to the greatest extent possible.

31 (1) Retention of 50 percent of the overall tree canopy on the pre-development site is
32 recommended to minimize change to the visual character of the site.

33 ~~((2))~~ (2) Visual screening shall be provided through retention of native vegetation, new
34 landscape planting, or a combination of the two, in the following locations:

35 (a) In the required setback buffer from the road rights-of-way;

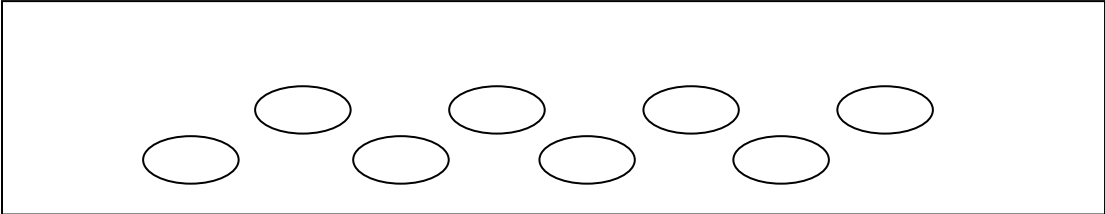
36 (b) In the perimeter buffer of the site where it abuts adjacent residential property;

37 and

38 (c) In the open space buffers between clusters.

39 ~~((2))~~ (3) When retention of existing vegetation is not adequate to screen
40 development from road rights-of-way or from adjacent residential property, landscape
41 installation shall be required for additional visual screening. Landscape installation shall
42 be in clustered plantings pursuant to SCC 30.25.033(4) that are each approximately 40
43 feet long, aligned parallel to the development boundary lines and extending the length
44 of the property line, and 25 feet in depth measured perpendicular to the development
45 property line. Planting clusters shall be alternated in parallel rows as illustrated in
46 Figure 30.25.033(2), to achieve an informal appearance.

Figure 30.25.033 (2) Planting installation for visual screening



~~((3))~~ (4) Placement requirements may be redistributed or reduced by 20 percent when the landscape plan defines the local variations in topography, views, and character-defining elements, both natural and manmade, and accordingly sites a variety of landscape groupings to provide visual buffers at strategic points to diminish the visual impact of the housing clusters on the public traveling along adjoining roads and on houses located on adjacent properties. The modified planting plan also shall preserve landscape features and viewsheds for the visual benefit of the public and adjacent properties whenever possible.

~~((4))~~ (5) Rural cluster subdivision landscaping shall meet the following standards:
(a) Plant combinations of trees and shrubs located in planted clusters that:
(i) Preserve existing vegetation wherever feasible;
(ii) Use native plants for new planting installations or a mix of native plants and up to 20 percent non-native plants if they are naturalized vegetation typical of established rural uses, such as orchards, hedgerows or windbreaks; and
(iii) Incorporate both evergreen and deciduous species of trees and shrubs that are in varying degrees of maturity at planting and can establish a natural succession of growth.

(b) For standard landscape groupings:
(i) Each plant grouping shall contain at least one tree for every 100 square feet of area;
(ii) Trees and shrubs must be two-thirds evergreen species;
(iii) Trees shall be installed in a planting pattern no greater than 15 feet on center;
(iv) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;
(v) Evergreen trees shall have a minimum height of ~~((8-feet))~~ 3 feet at the time of planting; and
(vi) Deciduous trees shall have a minimum ~~((2-inch))~~ 1-inch caliper (DBH) for balled stock at the time of planting.

(c) The director shall provide and maintain a list of trees and shrubs that are native species or naturalized vegetation typical of established rural uses, such as orchards, hedgerows or windbreaks for landscaping in the rural districts.

(d) Preference shall be given to Snohomish County-grown tree and vegetation stock, to help promote a viable agricultural industry and opportunity in the county.

1 ~~((5))~~(6) ~~((Existing trees shall be retained in the setback, perimeter buffers and open~~
2 ~~space buffers between clusters. Tree retention shall include retention or enhancement~~
3 ~~of existing vegetation, where feasible, to support any remnant forest environment and to~~
4 ~~avoid further loss of significant trees through wind throw.))~~ Existing trees shall be
5 retained in the setback, perimeter and cluster separation buffers where wind-throw loss
6 can be minimized, as determined by a qualified landscape designer. When
7 enhancement is necessary using the provisions of subsections (2), (3), and (4) of this
8 section to prevent significant wind-throw loss or to support a remnant forest
9 environment, the extent of the enhancement shall be determined by a qualified
10 landscape designer using the screening provisions of this section. The tree retention
11 requirements of this provision do not apply to any forest practice occurring on forest
12 land as those terms are defined by RCW 76.09.020 of the Forest Practices Act, chapter
13 76.09 RCW.

14 ~~((6))~~(7) Non-native vegetation that has become part of the rural landscape and
15 character such as orchards, hedgerows and windbreaks shall be retained.

16 ~~((7))~~(8) Landscaping of stormwater detention facilities is required in accordance with
17 SCC 30.25.023.

18 ~~((8))~~(9) A maintenance bond or other form of security approved by the department in
19 accordance with SCC 30.25.043 and 30.25.045 and a plan review and inspection fee in
20 accordance with 30.25.060 shall be provided to the county for landscaping.

21
22 Section 5. Snohomish County Code Section 30.32B.130, last amended by
23 Amended Ordinance No. 05-089 on December 21, 2005, is amended to read:

24 25 **30.32B.130 Setbacks for new dwellings.**

26
27 An application for a new dwelling shall require a setback from the boundary lines of
28 abutting designated farmland as follows:

29 ~~((a))~~(1) Dwellings within designated farmland shall be setback 50 feet.

30 ~~((b))~~(2) Dwellings on parcels adjacent to designated farmland shall be setback
31 ~~((50))~~ 100 feet.

32 ~~((c))~~(3) If the size, shape, and/or physical site constraints of an existing legal lot
33 do not allow for the required setback, the new dwelling shall maintain the maximum
34 setback practical within the physical constraints of the lot as determined by the
35 department; or

36 ~~((d))~~(4) If the owner of the land on which the new dwelling is proposed and the
37 owner of the adjacent designated farmland each sign and record with the county
38 auditor, in the manner required by law for covenants running with the land, a document
39 which establishes an alternative setback for one or both of the adjacent properties, an
40 alternative setback may be maintained.

41
42 Section 6. Snohomish County Code Section 30.32C.150, last amended by
43 Amended Ordinance No. 07-090 on September 5, 2007, is amended to read:

44 45 **30.32C.150 Provisions for subdivision of designated mineral resource lands and** 46 **lands adjacent to mineral resource lands.**

1
2 (1) Where the MRO coincides with the R-5 zone, residential subdivision is prohibited
3 on any parcel, or portion of a parcel, located within the MRO. Where the MRO covers
4 only a portion of a parcel zoned R-5, that portion of the parcel not covered by the MRO
5 may be subdivided subject to the requirements of SCC 30.32C.150(2).

6 (2) Residential subdivision of land partially designated with the MRO, as well as land
7 adjacent to the MRO, shall be allowed on that portion of the land located outside of the
8 MRO provided the owner:

9 (a) ~~((uses))~~ Uses rural cluster subdivision methods consistent with ~~((Chapter))~~
10 chapter 30.41C SCC;

11 (b) ~~((protects))~~ Protects the mineral resource deposit for future resource use by
12 adequate setbacks pursuant to SCC 30.23.110(26); and

13 (c) ~~((includes))~~ Includes open space configured to maximize preservation of the
14 mineral resources and provide buffers between the MRO designation and residential
15 uses. The option to utilize such open space for mineral operations shall be preserved as
16 provided in SCC ~~((30.41C.210))~~ 30.41C.100.

17
18 Section 7. Snohomish County Code Section 30.41C.010, last amended by
19 Ordinance No. 06-061 on August 1, 2007, is amended to read:

20
21 **30.41C.010 Purpose.**

22
23 ~~((The purpose of this chapter is to provide regulations and standards for lot clustering,
24 an alternative subdivision method for developing rural residential property which
25 provides ((incentives to landowners and developers to cluster lots on)) an opportunity
26 and incentive for development of building sites that maximize efficient use of land ((the
27 most buildable and least environmentally sensitive portions of sites)) while retaining a
28 substantial portion of each site, including most resource lands and environmentally
29 sensitive areas, in restricted open space tracts. Clustering is intended to preserve areas
30 of land which are suitable for agriculture, forestry, open space or, when applied in the
31 rural urban transition area, possible future development. Clustering also is intended to
32 help preserve rural open space with the purpose of assuring continued viable
33 undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds,
34 and preservation of wetlands and rural character. Specifically, this chapter is
35 designed:))~~

36 The purpose of this chapter is to provide regulations and standards for lot clustering in
37 rural areas consistent with rural character. It does this by an alternative subdivision
38 method for developing rural residential property, whereby landowners and developers
39 are given incentives to cluster lots on the most buildable and least environmentally
40 sensitive portions of sites, while retaining a substantial portion of each site, including
41 most resource lands and environmentally sensitive areas, in restricted open space
42 tracts. In order to take advantage of these incentives, landowners and developers are
43 required to meet specific requirements called forth in this chapter, in the County's rural
44 land use policies, and in requirements that may be elsewhere referenced in the SCC.
45 Specifically this chapter is designed:

1 (1) To preserve areas of land which are suitable for agriculture, forestry, open space
2 or, when applied in the rural urban transition area, possible future development;

3 (2) To preserve rural open space with the purpose of assuring continued viable
4 undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds,
5 and preservation of wetlands and rural character;

6 ~~((4))~~ (3) To produce a development pattern in rural areas that is consistent with rural
7 character and to produce a rural development pattern which will be better than
8 traditional lot by lot development one either consolidated lots or unsubdivided property
9 in that it allows for variety in design, placement of buildings, use of open space, more
10 efficient use of the most buildable portion of sites, and retention of the environmentally
11 sensitive and scenic portions of sites as permanent open space;

12 ~~((2))~~ (4) To permit flexibility that will encourage a more creative approach in the
13 development of land in rural areas and will result in a more efficient, aesthetic and
14 environmentally sound use of land, while harmonizing with adjoining development and
15 preserving the county's attractive rural character;

16 ~~((3))~~ (5) To encourage the development of cluster housing which provides greater
17 compatibility with surrounding development and land uses in rural areas by providing
18 larger buffer areas;

19 ~~((4))~~ (6) To encourage the retention of more permanently undisturbed open space
20 with its natural vegetative cover which protects continued groundwater recharge and
21 reduces potential water pollution, flooding, erosion and other drainage-related problems
22 often associated with rural development;

23 ~~((5))~~ (7) To minimize adverse impacts on the county's productive agricultural,
24 forestry, mineral and other important resource lands;

25 ~~((6))~~ (8) To minimize adverse impacts on the county's environmentally sensitive
26 areas such as wetlands, fish and wildlife habitat conservation areas, areas of unique
27 vegetation or wildlife species, steep slopes, geographically hazardous areas, and other
28 critical areas;

29 ~~((7))~~ (9) To minimize the risk of danger to human life and property by restricting rural
30 development on geologically unstable lands and in flood prone areas;

31 ~~((8))~~ (10) To minimize the cost of installing essential public and private capital
32 facilities necessary for a rural infrastructure;

33 ~~((9))~~ (11) To support the provision of more affordable housing in rural areas;

34 ~~((10))~~ (12) To provide reasonable opportunity for rural property owners to derive
35 economic use of land characterized by features which substantially limit its development
36 potential ~~((by transferring development potential from critical areas and resource areas~~
37 ~~on the site to less sensitive areas or to preserve resource lands));~~

38 ~~((11))~~ (13) To protect rural natural features and landscape by minimizing tree,
39 vegetation, and soil removal; and

40 ~~((12))~~ (14) To provide a subdivision or short subdivision alternative for use in the
41 rural/urban transition areas that will maintain and enhance rural character while
42 preserving large tracts for future development upon inclusion into a UGA.

43
44 Section 8. Snohomish County Code Section 30.41C.020, last amended by
45 Ordinance No. 06-061 on August 1, 2007, is amended to read:
46

1 **30.41C.020 Applicability.**
2

3 (1) ~~((This chapter may be used for development of single family and/or duplex
4 dwellings in the following zones subject to the limitations in SCC 30.41C.020(2):)) ~~((A
5 rural cluster application must be accompanied by an application for a subdivision or
6 short subdivision. Rural cluster approvals allow variations in the underlying zoning
7 regulations, but do not constitute rezoning.))~~ An application for a rural cluster
8 subdivision or short subdivision shall be combined with the application for a subdivision
9 or short subdivision, and shall be processed as a single application.~~

10 (2) Clustering is permitted in the following zones:

- 11 (a) Forestry (F);
- 12 (b) Forestry and ~~((recreation))~~ Recreation (F&R);
- 13 (c) Rural ~~((resource transition- 10 Acre))~~ Resource Transition - 10 Acre (RRT-10);
- 14 (D) Rural ~~((five-acre))~~ Five-Acre (R-5);
- 15 (E) Rural ~~((conservation))~~ Conservation (RC);
- 16 (F) Rural ~~((diversification))~~ Diversification (RD); and
- 17 (G) Mineral ~~((conservation))~~ Conservation (MC).

18 ~~((2))~~ (3) The provisions of this chapter shall not be used in the zones listed in SCC
19 30.41C.020~~((4))~~(2) if the properties are designated on the Future Land Use Map
20 (FLUM) as follows:

21 ~~((commercial forest, commercial forest forest transition area, upland commercial
22 farmland, local commercial farmland, riverway commercial farmland, rural residential-
23 RD outside a rural/urban transition area overlay, or are located))~~

- 24 (a) Commercial Forest (CF);
- 25 (B) Commercial Forest-Forest Transition Area (CF-FTA);
- 26 (C) Upland Commercial Farmland (UCF);
- 27 (D) Local Commercial Farmland (LCF); or
- 28 (E) Riverway Commercial Farmland (RCF);
- 29 (f) Rural Residential-Rural Diversification (RR-RD) outside a RUTA overlay; or
30 (g) Located within an urban growth area.

31 (4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5,
32 the provisions of this chapter may be used on that portion of the parcel located outside
33 the MRO, if the provisions of SCC 30.32C.150 are met.((-))
34

35 Section 9. Snohomish County Code Section 30.41C.030, last amended by
36 Ordinance No. 0-064 on December 9, 2002, is amended to read:
37

38 **30.41C.030 Approval procedure and decision criteria.**
39

40 (1) Rural cluster subdivisions and short subdivisions are subject to the
41 same~~((approval process and requirements))~~ procedures, requirements, and approval
42 criteria as any standard subdivision or short subdivision as set forth in chapters 30.41A
43 and 30.41B SCC, except when the procedures, requirements, and approval criteria are
44 specifically modified or added to by the provisions of chapter 30.41C SCC. ((The
45 requirements for approval are the same, except as specifically provided in SCC
46 30.41C.200 through 30.41C.240.))

1 (2) Rural cluster subdivisions and short subdivisions are subject to the landscaping
2 provisions of chapter 30.25 SCC.

3 (3) Rural cluster subdivisions and short subdivisions shall meet applicable rural
4 concurrency standards and traffic impact mitigation requirements in accordance with
5 chapter 30.66B SCC.

6 (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire
7 district and are required to provide adequate fire flow in accordance with SCC
8 30.53A.514 through SCC 30.53A.520 or to provide other means of fire protection as
9 approved by the Snohomish County Fire Marshal, unless exempt pursuant to SCC
10 30.53A.514.

11 (5) At the time of application, the site shall not be subject to any pending county
12 enforcement action or in violation of federal, state, or county regulations.

13
14 Section 10. The following ordinances or parts of ordinances are each repealed:

15 (1) Snohomish County Code Section 30.41C.040, last amended by Amended
16 Ordinance No. 06-061 on August 1, 2007;

17 (2) Snohomish County Code Section 30.41C.100, adopted by Amended
18 Ordinance No. 02-064 on December 9, 2002;

19 (3) Snohomish County Code Section 30.41C.200, last amended by Amended
20 Ordinance No. 06-061 on August 1, 2007;

21 (4) Snohomish County Code Section 30.41C.210, last amended by Ordinance
22 No. 07-090 on September 5, 2007;

23 (5) Snohomish County Code Section 30.41C.220, adopted by Amended
24 Ordinance No. 02-064 on December 9, 2002;

25 (6) Snohomish County Code Section 30.41C.300, last amended by Ordinance
26 No. 07-090 on September 5, 2007; and

27 (7) Snohomish County Code Section 30.41C.310, adopted by Amended
28 Ordinance 02-064 on December 9, 2002.

29
30 Section 11. A new section is added to Chapter 30.41C of the Snohomish
31 County Code to read:

32
33 **30.41C.040 Submittal requirements.**

34
35 In addition to the documents required by the department's submittal checklist for a
36 preliminary subdivision or short subdivision, an application for a rural cluster must
37 include the following:

38 (1) A narrative description of how the proposal is consistent with SCC 30.41C.010
39 and 30.41C.050. The narrative document shall also describe how the proposal makes
40 appropriate provisions for the public health, safety, and general welfare; for open
41 spaces, drainage ways, streets, other public ways and safe walking conditions; potable
42 water supplies; sanitary wastes; recreation; fire protection; and other public facilities, if
43 any.

44 (2) A site plan showing the existing character of the site, including:

45 (a) Natural features that distinguish the site or are characteristic of the area;

46 (b) The location of existing vegetation and open space;

- 1 (c) Existing structures and landscapes, including buildings, rock walls, fences,
 2 storage tanks, and areas of cultivation and plantings typical of rural settlement, such as
 3 windbreaks, hedgerows, orchards and agricultural fields;
 4 (d) Uses on adjacent properties, including location of houses; and
 5 (e) The location and the approximate size of designated natural resource lands on
 6 the project site and on properties adjacent to it.
 7 (f) The approximate location of the building footprint on each lot.
 8 (3) A site plan depicting how existing character-defining features identified pursuant
 9 to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed
 10 development, including:
 11 (a) Undisturbed restricted open space tracts under SCC 30.41C.090(2)(d);
 12 (b) Areas where structures and landscapes identified pursuant to SCC
 13 30.41C.040(2)(c) will be retained;
 14 (c) Location of all proposed open space tracts and their intended use; and
 15 (d) A landscape plan showing areas where existing vegetation will be retained and
 16 demonstrating compliance with SCC 30.25.033.
 17 (4) An open space management plan in accordance with SCC 30.41C.120.
 18 (5) A description and proposed schedule for phasing of the project, if any.
 19 (6) A sketch and general description of any proposed entrance sign or gate, including
 20 approximate dimensions and materials.
 21 (7) A street lighting plan, if street lights are proposed.

22
 23 Section 12. A new section is added to Chapter 30.41C of the Snohomish
 24 County Code to read:

25
 26 **30.41C.050 Site planning (~~(performance standards)~~) principles.**
 27

28 All rural cluster subdivisions and short subdivisions must comply with the following site
 29 planning principles to the greatest extent feasible:

- 30 (1) The post-development view of the site from the roads should be as similar to the
 31 pre-development view as is practical.
 32 (2) Avoid placing lots on ridgelines and other prominent topographic features to blend
 33 new development into the existing rural landscape.
 34 (3) Landscaping, using both retention of existing vegetation and new plantings, shall
 35 soften and minimize the view of new development and preserve scenic views.
 36 (4) Retain 50 percent of the overall tree canopy on the predevelopment site whenever
 37 feasible.
 38 (5) Incorporate existing landscape features and structures into the site design to
 39 maintain rural character and the familiar landscape.
 40 ~~((5))~~(6) Configure the clusters and lots to maintain the natural features of the site and
 41 minimize topographic alteration and clearing of existing vegetation.
 42 ~~((6))~~(7) Avoid uniformity of cluster siting and building sites to provide visual diversity
 43 and maintain the dominance of natural features and open space in the rural area.
 44 ~~((7))~~(8) Provide connectivity between open space tracts and natural habitat and
 45 wildlife corridors with adjacent properties whenever practical.

1 ~~((8))~~(9) Use low impact development techniques when they are appropriate to the
2 site conditions.

3 ~~((9))~~(10) Phase clearing and grading plans in accordance with any construction
4 phasing.

5
6 Section 13. A new section is added to Chapter 30.41C of the Snohomish
7 County Code to read:

8
9 **30.41C.070 Site design and development standards - general.**

10
11 The following standards shall apply to all rural cluster subdivisions and short
12 subdivisions:

13 (1) Site design shall be subject to the following standards for clustering and protection
14 of natural resource lands and critical areas:

15 (a) A subdivision may contain more than one cluster of housing lots;

16 (b) The minimum number of residential lots in a cluster shall be 2, except a
17 residential lot may stand alone when an existing residence is maintained;

18 (c) The maximum number of residential lots in a cluster shall be 13;

19 (d) In addition to the minimum front yard setback defined in Table SCC
20 30.41C.130, the building areas on the plat shall represent residential dwellings and
21 accessory buildings located at varying front yard setback distances to provide a visually
22 diversified streetscape. The minimum variation between setbacks for buildings on
23 adjacent lots shall be 10 feet;

24 (e) Individual clusters shall be located a minimum of 100 feet from adjacent
25 natural resource lands designated in accordance with chapters 30.32A, 30.32B and
26 30.32C SCC; and

27 (f) Designate and protect critical areas and their buffers pursuant to chapter
28 30.62A SCC.

29 ~~((5))~~(2) Tree retention is encouraged on building sites with the approved fire
30 mitigation review in accordance with SCC 30.53A.514.

31 ~~((7))~~(3) Services and optional development features shall conform to the following
32 standards:

33 (a) Electric, telephone, and other utility lines and support infrastructure shall be
34 located underground;

35 (b) Rural cluster subdivisions or short subdivisions are prohibited from connecting
36 to public sanitary sewers, except when required by the Snohomish County Health
37 District or a state agency to protect public health;

38 (c) When a proposal includes street lights, lighting should be low intensity and
39 shall be projected downward, with full cut-off illumination that shields light from being
40 emitted upwards toward the night sky or surrounding natural areas;

41 (d) Entrance signs shall incorporate materials typical of the rural character of the
42 area and shall comply with all applicable provisions of SCC 30.27.060; and

43 (e) Rural cluster subdivisions shall draw water supply from a public water utility
44 when one is available within 1/4 mile of the project site as measured along the existing
45 right-of-way and the water utility is willing and able to provide service to the subdivision
46 at the time of preliminary subdivision approval.

1
2
3 Section 14. A new section is added to Chapter 30.41C of the Snohomish
4 County Code to read:

5
6 **30.41C.075 Site design and development standards – buffers and open space.**
7

8 The following standards shall apply to all rural cluster subdivisions and short
9 subdivisions:

10 ~~((30.41C.070(2)))(1)~~ (1) Setback buffers to separate existing or perimeter road rights-of-
11 way that border the development project from the nearest cluster residential lot lines in
12 the development shall be established in open space tracts that are a minimum of 100
13 feet in width. When the existing site character is meadow or pasture, the setback buffer
14 tract(s) shall be a minimum of 200 feet in width. Setback buffer tracts may be reduced
15 to a minimum of 60 feet in width when a sight-obscuring topographic variation or
16 physical condition, such as forest, will serve as a visual buffer. Setbacks for a meadow
17 or pasture site may be reduced to a minimum of 120 feet in width if natural
18 characteristics such as topography or geologic outcrops, or if existing buildings retained
19 on site, obscure the view of new rural cluster development.

20 (a) Maintenance of existing vegetation or additional landscaping in setback buffer
21 tracts shall be required in accordance with SCC 30.25.033.

22 (b) An exception to the vegetation retention requirements in SCC 30.25.033(5)
23 may be made for utility easements and designated road rights-of-way or walkways.

24 ~~((30.41C.070(3)))(2)~~ (2) Perimeter buffers shall be established in open space tracts on all
25 boundaries of the project site abutting residential property. Perimeter buffers shall be a
26 minimum of 50 feet in width unless larger buffers are required under SCC
27 30.41C.070(2). Maintenance of existing vegetation or additional landscaping in
28 perimeter buffers shall be required in accordance with SCC 30.25.033.

29 ~~((30.41C.070(4)))(3)~~ (3) Open space tracts to separate clusters shall be a minimum of
30 ~~((400))~~ 200 feet in width, and may be reduced to a minimum of ~~((60))~~ 120 feet when a
31 sight-obscuring topographic variation or physical condition, such as forest, will serve as
32 a visual buffer between the clusters.

33 (a) Landscaping in buffers between clusters shall be required in accordance with
34 SCC 30.25.033.

35 (b) Open space tracts retained for forestry resource uses shall be separated from
36 residential lots by a buffer 100 feet in width.

37 ~~((30.41C.070(6)))(4)~~ (4) Open space shall include a minimum of 45 percent of the gross
38 site area except in forestry and forestry and recreation zones, where 60 percent is
39 required, and in the rural urban transition area, where 65 percent is required.

40 (a) Open space required for separation from roadways and adjacent properties
41 and for separation of clusters may be counted toward the open space calculation in lot
42 yield.

43 (b) Where practicable, open space tracts within a rural cluster subdivision or short
44 subdivision shall be located contiguous to designated open space tracts on adjacent
45 properties.

1 (c) Open space shall be configured so that it is adjacent to or directly across the
2 street from as many of the clustered lots as practical.

3
4 Section 15. A new section is added to Chapter 30.41C of the Snohomish
5 County Code to read:

6
7 **30.41C.080 Site design standards – roads, gates and pedestrian pathways.**

8
9 The following standards shall apply to the design of roads in a rural cluster subdivision
10 or short subdivision.

11 (1) All roads, whether public or private, shall be designed and constructed in
12 accordance with county engineering design and development standards (EDDS).

13 (2) Access to the internal roads of a rural cluster subdivision by a private road may be
14 permitted pursuant to SCC 30.41A.210(15).

15 (3) Access to the existing public roadway system shall be limited to no more than 2
16 points per cluster unless specifically approved or required by the county engineer.

17 (4) Internal roads shall be provided in accordance with the EDDS and with SCC
18 30.41A.210(3)(c).

19 (5) Connect clusters with pedestrian trails or pathways when feasible.

20 (6) Pedestrian facilities shall be physically separate from vehicular roadways. Use of
21 pervious materials for pedestrian facilities is encouraged where conditions allow.

22 (7) If entrance gates are used, they shall be constructed to accommodate emergency
23 vehicle access in accordance with SCC 30.53A.512. Gate locations and width shall be
24 approved by the fire marshal and the county engineer. Gates serving 2 or fewer
25 dwelling units may be exempt from these requirements if approved by the local fire
26 district.

27
28 Section 16. A new section is added to Chapter 30.41C of the Snohomish
29 County Code to read:

30
31 **30.41C.090 Restricted open space – general requirements.**

32
33 (1) All open space within the rural cluster subdivision used to meet the open space
34 requirements for lot yield calculations shall be restricted open space. Such restricted
35 open space shall be designated, held in tracts separate from residential lots, and
36 marked on the face of the plat.

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

38 (a) It must be used for buffering, critical area protection, resource production,
39 conservation, recreation, community utility purposes, or general preservation;

40 (b) At least 25 percent of the open space tract shall be accessible by all residents of
41 the rural cluster subdivision or short subdivision for passive recreation, except when the
42 restricted open space is fenced off as a critical area protection area. Access points to
43 open space shall be shown on the face of the plat;

44 (c) The following uses are permitted in restricted open space tracts unless
45 prohibited by chapters 30.62, 30.62A, 30.62B or 30.62C SCC:

(i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, equestrian centers or structures related to animal husbandry or farming, playgrounds, or any non-motorized passive recreational facilities and other similar uses as authorized by the director;

(ii) Community wells, well houses, water lines, and community drain fields;

(iii) Stormwater detention and retention ponds, subject to landscaping requirements pursuant to SCC 30.25.023, water recharge and infiltration facilities, water system appurtenances and biofiltration swales. Such facilities shall meet design standards for low impact development when site conditions allow; and

(iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(d) At least 30 percent of the total area of restricted open space shall be left undisturbed. Undisturbed open space may contain critical areas and their buffers. Such undisturbed restricted open space shall be identified on the site plan and marked clearly on grading plans.

(3) SCC Table 30.41C.090 establishes the minimum percentage of the original gross development area that shall be retained as restricted open space tracts, except when the land is also designated as rural urban transition area (RUTA), which is governed by SCC 30.41C.140.

**Table 30.41C.090
RESTRICTED OPEN SPACE AREA REQUIREMENTS**

Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone (3) Mineral Conservation zone (MC) with or without MRO	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO
Minimum restricted open space	60 percent	45 percent	45 percent
Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent
Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC 30.32C.150.			

1 (4) No more than 65 percent of the total restricted open space area may consist of
2 unbuildable land as defined in SCC 30.91U.060.

3 (5) To retain rural character, the restricted open space shall contain on-site forested
4 areas, active agriculture, meadows, pastures or prominent hillsides or ridges.

5 (6) The following notice shall be filed on the title of the properties within the plat and
6 shall be placed on the face of the final plat and short plat:

7
8 "Tract ___ is a restricted open space tract with limited uses pursuant to
9 chapter 30.41C SCC. The open space tract is intended to be preserved in
10 perpetuity."

11
12 Section 17. A new section is added to Chapter 30.41C of the Snohomish
13 County Code to read:

14
15 **30.41C.100 Restricted open space – natural resource lands.**

16
17 If the open space required in SCC 30.41C.090 contains natural resource lands as
18 defined in SCC 30.91N.030, the following shall be required:

19 (1) A minimum 100-foot open space buffer shall be provided between the boundary of
20 the designated natural resource land and the property lines of any residential lots or any
21 structure within an open space; and

22 (2) A disclosure statement regarding the use rights associated with natural resource
23 lands, as required by SCC 30.32A.210, SCC 30.32B.210 or SCC 30.32C.200, shall be
24 recorded on the final plat or final short plat. The disclosure statement shall contain text
25 stating the protections and potential hazards of proximity to agricultural, forestry, or
26 mineral uses as required in SCC 30.32A.220, SCC 30.32B.220 or SCC 30.32C.210.

27
28 Section 18. A new section is added to Chapter 30.41C of the Snohomish
29 County Code to read:

30
31 **30.41C.110 Ownership and preservation of restricted open space.**

32
33 The following provisions shall apply to the ownership and preservation of restricted
34 open space as required in SCC 30.41C.090:

35 (1) Open space requirements must be met with restricted open space tract(s) held in
36 separate ownership from residential lots and marked on the face of the plat with limited
37 uses referenced.

38 (2) Restricted open space tracts shall be owned by a single property owner, a
39 homeowners association, a public agency or a not for profit organization.

40 (3) When ownership of restricted open space is by a single property owner, the
41 property owner shall:

42 (a) Record a restricted covenant against the open space tract that runs with the
43 land and restricts the use of the open space tract to those uses allowed in SCC
44 30.41C.090(2); and

45 (b) Provide an open space management plan pursuant to SCC 30.41C.120.

1 (4) Common ownership shall be by the property owners of the subdivision as a whole,
2 in the form of a homeowners association.

3 (a) The applicant shall provide the county with a description of the association, proof
4 of incorporation of the association, a copy of its bylaws, a copy of the conditions,
5 covenants and restrictions regulating the use of the property and setting forth methods
6 for maintaining the open space.

7 (b) Membership in the homeowners association, and dues or other assessment for
8 maintenance purposes, shall be a requirement of lot ownership within the development.

9 (5) All lands classified as natural resource lands, including lands designated mineral
10 resource overlay, that are included in restricted open space areas shall be:

11 (a) Placed under a unified system of property management for the purpose of
12 maximizing their continued or future management for beneficial resource
13 production/conservation purposes; and

14 (b) If the land is designated mineral resource overlay it shall be subject to the
15 requirements of SCC 30.32C.150.

16 (6) Forest practices within restricted open space shall be permitted, provided that:

17 (a) The activity is consistent with an applicable approved forest practice permit; and

18 (b) The activity is included in the open space management plan.

19
20 Section 19. A new section is added to Chapter 30.41C of the Snohomish
21 County Code to read:

22
23 **30.41C.120 Open space management plan.**

24
25 The applicant shall provide a plan for the long term management of designated open
26 space, including maintenance and management of any water supply, stormwater
27 management, wastewater disposal, or any other common facilities which may be
28 located within areas of designated open space.

29 (1) An open space management plan shall include the following information:

30 (a) Current ownership information and a plan or provisions to update the project file
31 number when ownership contact information changes;

32 (b) Parties responsible for maintenance of designated open space, and their contact
33 information;

34 (c) Description of any uses allowed in designated open space, consistent with SCC
35 30.41C.090(2);

36 (d) Any proposed development activities;

37 (e) Fire breaks provided in accordance with fire district requirements;

38 (f) Any covenants, conditions and restrictions to be recorded related to open space
39 management; and

40 (g) Other information that the director determines necessary to ensure proper
41 management of the open space.

42 (2) The open space management plan must be approved by the director and shall be
43 recorded as a separate document from the subdivision or short subdivision. The
44 recording number shall be referenced on all property deeds arising from the rural cluster
45 subdivision or short subdivision and copies of the management plan shall be provided to
46 property owners with ownership documents.

(3) In approving the open space management plan, the director shall make a written finding that the parties designated as responsible for maintenance of designated open space are capable of performing this function, that provisions are included in the plan for succession to other qualified and capable parties should that become necessary, and that the county is indemnified should the responsible parties not fulfill their management obligations.

Section 20. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.130 Rural cluster—bulk regulations.

(1) SCC Table 30.41C.130 establishes the bulk regulations for rural cluster subdivisions or short subdivisions located outside of the RUTA and replaces SCC Table 30.23.030(1) for rural cluster subdivisions. Bulk regulations for rural clusters located inside the RUTA are governed by SCC 30.41C.140.

**Table 30.41C.130
BULK REGULATION REQUIREMENTS**

Zones and comprehensive plan designations	(1) Forestry zone (F) with or without MRO (2) Forestry & Recreation zone (F&R) with or without MRO (3) Mineral Conservation zone (MC) (4) Rural 5-Acre zone in RR-5 & RR-10(RT) designation without MRO designation	(4) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with MRO
Maximum lot coverage	35 percent	
Minimum lot width at building site	125 feet	
Minimum lot size	((See SCC 30.23.220)) 20,000 square feet	
Minimum front yard setback ^{1, 2}	20 feet, plus at least a 10 foot variation in setbacks on lots adjacent to one another	
Minimum rear yard setback	5 feet	
Minimum side yard setback ¹	25 feet	
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet	

¹ In accordance with 30.91L.170, corner lots have two front yard setbacks.

² Pursuant SCC 30.41C.070(1)(d), the variations in front yard setbacks shall be at least 10 feet on lots adjacent to each other. Variety in lot size and configuration is also encouraged to avoid creating uniformity, which is characteristic of urban development.

Section 21. A new section is added to Chapter 30.41C of the Snohomish County Code to read:

30.41C.140 Bulk regulations and interim open space for rural clusters in the RUTA.

Rural cluster subdivisions and short subdivisions located inside of a Rural/Urban Transition Area (RUTA) as designated on the future land use map (FLUM) shall be subject to the open space and bulk regulation requirements set forth in this section.

(1) The open space required in this section shall be designed as interim open space to be reserved for future use as urban development.

(2) SCC Table 30.41C.140 establishes the interim open space requirements and bulk regulations for rural cluster subdivisions or short subdivisions inside a RUTA:

**SCC Table 30.41C.140
RUTA BULK REGULATIONS AND INTERIM OPEN SPACE REQUIREMENTS**

	Applies to all zoning classifications and parcels underlying a RUTA as designated on Snohomish County GMA Comprehensive Plan Future Land Use Map (FLUM)
Minimum interim open space	65 percent
Maximum lot coverage	35 percent
Minimum lot frontage on a public or private street	80 feet
Minimum lot size	See SCC 30.23.220
Maximum lot size	20,000 square feet
Minimum front yard setback ¹	20 feet
Minimum rear yard setback	5 feet
Minimum side yard setback ¹	10 feet
Minimum setback for single family residential/duplex lots from adjacent agriculture, forest and mineral lands	100 feet

¹ In accordance with 30.91L.170, corner lots have two front yard setbacks.

(3) To maintain rural character of the site and facilitate future re-division of the interim open space, the following provisions apply:

(a) The percentage of interim open space shall be based on the gross area of the original parcel(s) existing at the time the property is subdivided; and

(b) The interim open space tract shall be configured to such shape and dimensions as to allow for future land division based on the following design criteria:

1 (i) The interim open space tract shall not be fragmented by private road
2 easements;

3 (ii) The location of the interim open space tract in the subdivision or short
4 subdivision shall accommodate future public roadway access upon re-division and
5 facilitate the clustering of the rural cluster subdivision or short subdivision lots near
6 the periphery of the subdivision or short subdivision boundary rather than a central
7 location; and

8 (iii) The proposed interim open space on a preliminary plat/short plat drawing
9 shall show a non-binding conceptual shadow plat of 4 dwelling units per acre to
10 reflect the potential for the interim open space to be subdivided in the future, but
11 such shadow plat shall not be depicted on the final plat or short plat.

12 (4) When more than 40 percent of the gross area of the site is constrained by critical
13 areas, the minimum interim open space requirements may be reduced by up to 40
14 percent.

15 (5) The interim open space tract may be used for any use otherwise permitted in
16 restricted open space as specified in SCC 30.41C.090(2), except that no new
17 permanent structures shall be allowed.

18 (6) The interim open space tract shall be established and maintained in accordance
19 with SCC 30.41C.110 and 30.41C.120.

20 (7) The interim open space tract shall not be eligible for further division until it is
21 removed from the RUTA as designated on the FLUM and becomes part of an urban
22 growth area and can be served with adequate utilities. A note on the final plat or short
23 plat shall be included indicating such restriction.

24 (8) The following notice shall be filed on the title of the properties within the plat and
25 shall be placed on the face of the final plat and short plat:

26
27 "Tract ____ is an open space tract reserved for future development when
28 the Urban Growth Area is expanded to include the open space parcel.
29 Future development of this tract may include residential, commercial and
30 industrial uses commonly found in an urban area. The open space tract **is**
31 **not** intended to be preserved in perpetuity."
32

33 (9) Applicants for rural cluster subdivisions or short subdivision proposed in a RUTA
34 as designated on the FLUM shall notify the adjacent city of plans for proposed
35 infrastructure improvements. When a master annexation inter-local agreement has
36 been adopted by the county council, infrastructure improvements for the rural cluster
37 subdivision or short subdivision shall be subject to approval from the city.
38

39 Section 22. A new section is added to Chapter 30.41C of the Snohomish
40 County Code to read:

41
42 **30.41C.150 Modifications.**
43

44 Rural sites may exhibit diverse characteristics reflecting unique rural character and, in
45 the event that the applicant promotes innovative and creative design in the rural area

1 while meeting the intent of preserving rural character, the director may modify some
2 standards required by this chapter.

3 ~~(1) ((Modifications may be granted for any of the following standards:))~~ An applicant
4 may request a modification to the following standards:

- 5 (a) The location of open space, except when adjacent to resource lands;
- 6 (b) The amount of existing vegetation that must be preserved pursuant to SCC
7 30.25.033(5);
- 8 (c) Landscaping requirements described in SCC 30.25.033 with modifications
9 pursuant to SCC 30.25.040; and
- 10 (d) Width of the open space tract between property lines and roads pursuant to
11 SCC 30.41C.070(2).

12 (2) A request for modification:

- 13 (a) Shall be submitted to the department and processed concurrently with the
14 application for a rural cluster short subdivision or rural cluster subdivision; and
- 15 (b) Shall include a narrative description and any documents necessary to
16 demonstrate that the modification meets the approval criteria in SCC
17 30.41C.030(2) and the performance standards in SCC 30.41C.050.

18 ~~((2))~~ (3) ((Modifications to standards set forth in chapter 30.41C SCC shall be subject
19 to the following criteria:)) The department may approve a request for modification when:

- 20 (a) The modification furthers the purpose of protecting rural character in
21 accordance with SCC 30.41C.010 and 30.41C.050;
- 22 (b) The modification does not conflict with other applicable provisions of the
23 Snohomish County Code;
- 24 (c) ~~((The modification does not result in adverse environmental impacts;))~~ The
25 modification fulfills the intended purpose of this chapter and represents an equal or
26 better result than would be achieved by strictly following the requirements of the code;
27 and
- 28 (d) The modification provides one or more of the following:
 - 29 (i) Reduction of visual impact of primary and accessory structures on nearby
30 properties;
 - 31 (ii) Enhanced use of low impact development methods for the retention and
32 treatment of storm water on-site;
 - 33 (iii) Improvement to on-site water quality control beyond the requirements
34 prescribed in the Snohomish County Code; or
 - 35 (iv) Increased retention of original natural habitat conditions by 20 percent or
36 more than is required by chapters 30.62, 30.62A, 30.62B or 30.62C SCC; and
 - 37 ~~((e) When the location of any structures on a lot are constrained by an open space~~
38 ~~easement with a requirement to plant and maintain a sight obscuring landscape~~
39 ~~buffer on the lot between the road and any structures on the lot, the required setback~~
40 ~~may be reduced by up to 40 percent.~~

41 ~~(3) A request for a modification shall be submitted to the department and processed~~
42 ~~concurrently with the application for a rural short subdivision or subdivision subject to~~
43 ~~the following:~~

- 44 ~~(a) The director is the authority for approving modifications;~~
- 45 ~~(b) The applicant shall submit a narrative description and any documents~~
46 ~~necessary to justify each modification requested; and~~

1 ~~(c) The applicant shall demonstrate that a modification meets the approval criteria~~
2 ~~in SCC 30.41C.030(2) and the performance standards set forth in SCC 30.41C.050.)~~

3 (4) Notice of a modification request shall be combined with the underlying notice of
4 application and shall be provided:

5 (a) Pursuant to SCC 30.70.050 and 30.72.030 if the project is a Rural Cluster
6 Subdivision application; or

7 (b) Pursuant to SCC 30.70.050 and 30.71.040, if the project is a Rural Cluster
8 Short Subdivision application.

9 (5) A notice of the department decision to approve a modification request shall be
10 provided by mailing said notice to all parties of record for the modification application
11 and underlying application.

12 (6) A department decision on a request for modification may be appealed together
13 with an applicable rural cluster subdivision or rural cluster short subdivision appeal.

14
15
16 Section 23. Snohomish County Code Section 30.53A.514, last amended by
17 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

18
19 **30.53A.514 Fire protection water supply – replaced.**

20
21 Section 508.1 of the IFC is deleted in its entirety and replaced as follows:

22 (1) The minimum water supply requirements contained in this section shall apply to
23 land use and construction permit actions subject to this title, or to any other existing or
24 future code provision in which compliance with the fire code is specifically required.
25 Water mains and fire hydrants shall meet the required minimum standards for water
26 mains and fire hydrants. These requirements shall apply to land use and construction
27 permit actions subject to this title, or to any other existing or future code provision in
28 which compliance with the fire code is specifically required.

29 (2) In administering these requirements, the fire marshal or the fire marshal's
30 designee shall have the authority to impose conditions on permits issued under this title
31 where necessary to mitigate fire hazards. (3) A water supply shall consist of reservoirs,
32 pressure tanks, elevated tanks, water mains or other fixed systems capable of providing
33 the required fire flow. Required water supply for fire protection shall include:

34 (a) An approved water supply capable of supplying the required water flow for fire
35 protection shall be provided to premises upon which facilities, buildings or portions of
36 buildings are hereafter constructed or moved into or within the jurisdictions

37 (b) All land upon which buildings or portions of buildings are or may be
38 constructed, erected, enlarged, altered, repaired, moved into the jurisdiction, or
39 improved, shall be served by a water supply designed to meet the required fire flow for
40 fire protection as set out in appendix B of the IFC(~~except that fire flow requirements for~~
41 ~~rural areas outside of an Urban Growth Area shall be reduced by 25 percent. Fire flow~~
42 ~~requirements for structures with a supervised fire alarm system connected to an~~
43 ~~Underwriters Laboratory, Inc. approved fire alarm center may be reduced by an~~
44 ~~additional 25 percent)).~~

1 (c) Prior to final approval of any subdivision or short subdivision, written
2 verification by the water purveyor of actual fire flow, calculated in accordance with
3 appendix B of the IFC, shall be provided to the fire marshal for review and approval.
4

5 Exemptions: Except as provided in IFC section 508.1, the following permits and
6 approvals are exempt from the water supply and fire hydrant requirements of this
7 chapter:

8 (1) Subdivisions and short subdivisions that meet all of the following conditions:

9 (a) Connection to a public water supply that can adequately serve the
10 development is not available within a quarter-mile radius of the outer boundaries of the
11 site as measured along the existing right-of-way;

12 (b) ~~((in which))~~ All lots have a lot area of 43,560 square feet (one acre) or more in
13 size;

14 (c) The development is exempt from the requirement for a permit to withdraw
15 public groundwater pursuant to RCW 90.44.050; and

16 (d) In areas outside of an urban growth area, homeowners' associations in new
17 subdivisions shall develop wildfire prevention and protection plans subject to the
18 approval of the fire marshal. The wildfire plan should be modeled on the Firewise or
19 other nationally recognized program. Reference to the approved wildfire prevention and
20 protection plan shall be placed on the building permit.

21 (2) Building permits for structures classified by the building code as Group U
22 occupancies (agricultural buildings, private garages; carports and sheds) that are
23 restricted to private residential use only, provided that riding arenas or other agricultural
24 type structures used or accessed by the public shall not be exempt;

25 (3) A building permit for a single family detached dwelling, duplex, or mobile
26 home to be placed on a lot with a lot area of 43,560 square feet (one acre) or more in
27 size; and

28 (4) Mobile home permits for mobile homes in established mobile home parks.
29

30 Section 24. Snohomish County Code Section 30.23.220, last amended by
31 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:
32

33 **30.23.220 ((Rural cluster minimum lot area)) Minimum lot area for rural**
34 **clusters in RUTAs.**

35 (1) A rural cluster subdivision or short subdivision in a RUTA will meet the
36 minimum lot area of the zone in which it is located if the average lot size of all
37 lots is at least 7,200 square feet and each lot contains sufficient area to comply
38 with the Snohomish Health District's rules and regulations for on-site sewage
39 disposal.

40 (2) Lots with less than the prescribed minimum lot area for the zone in which they are
41 located shall conform to the minimum lot width, setbacks, and other bulk regulations of
42 this chapter for lots located in the R- 7,200 zone.
43

44 Section 25. Severability and Savings.
45

1 If any section, sentence, clause or phrase of this ordinance is held invalid or
2 unconstitutional by the Growth Management Hearings Board (Board), or a court of
3 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
4 constitutionality of any other section, sentence, clause or phrase of this ordinance.
5 Provided, however, that if any section, sentence, clause or phrase of this ordinance is
6 held to be invalid or unconstitutional by the Board or a court of competent jurisdiction,
7 then the section, sentence, clause or phrase in effect prior to the effective date of this
8 ordinance shall be in full force and effect for that individual section, sentence, clause or
9 phrase as if this ordinance had never been adopted.

10
11 PASSED this ___ day of _____, 2008.

12
13 SNOHOMISH COUNTY COUNCIL
14 Snohomish County, Washington

15
16 _____
17 David Somers
18 Chairperson

19
20 ATTEST:

21
22 _____
23 Sheila McCallister
24 Asst. Clerk of the Council

- 25
26 () APPROVED
27 () EMERGENCY
28 () VETOED

29 DATE:

30
31 _____
32 Aaron G. Reardon
33 County Executive

34 ATTEST:

35
36
37 Approved as to form only:

38
39 _____
40 Deputy Prosecuting Attorney
41
42