

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 24-021

8
9 RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS
10 AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25 AND 30.41C OF THE
11 SNOHOMISH COUNTY CODE

12
13 WHEREAS, counties are required to adopt development regulations that are consistent
14 with and implement the comprehensive plan under the Growth Management Act (GMA), chapter
15 36.70A RCW; and

16
17 WHEREAS, RCW 36.70A.070(5) of the GMA requires counties to include a rural
18 element in the comprehensive plan for lands that are not designated for urban growth,
19 agriculture, forestry, or mineral resources; and

20
21 WHEREAS, RCW 36.70A.070(5)(b) of the GMA requires that the rural element provide
22 for a variety of rural densities and uses and that clustering and design guidelines are two of the
23 innovative techniques that can be used to accommodate appropriate rural densities and uses
24 that are consistent with rural character; and

25
26 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) - General
27 Policy Plan (GPP) allows the use of the cluster subdivision technique in rural residential areas of
28 the county to preserve rural character; avoid interference with resource land uses; minimize
29 impacts to critical areas; support the provision of more affordable housing in rural areas; and
30 preserve open space. A modest density bonus provides an incentive to encourage clustering to
31 maximize the preservation of open space; and

32
33 WHEREAS, chapter 30.41C of Snohomish County Code (SCC) provides regulations and
34 standards for rural cluster subdivisions and short subdivisions that are an alternative method for
35 developing rural residential property. Landowners and developers are given incentives to cluster
36 lots on the most buildable and least environmentally sensitive portions of site while retaining a
37 substantial portion of each site, including resource lands and critical areas, in open space tracts;
38 and

39
40 WHEREAS, the proposed code amendments contained in this ordinance will amend the
41 requirements for rural cluster subdivisions and short subdivisions to allow greater flexibility in
42 the siting of clusters in developments to reduce impervious surfaces, further limit stormwater
43 runoff, reduce the fragmentation of open space and wildlife corridors, increase efficiency of
44 natural drainage systems, and support the protection of rural character; and

45
46 WHEREAS, on October 25, 2022, the Snohomish County Planning Commission (the
47 "Planning Commission") was briefed by Snohomish County Planning and Development Services
48 (PDS) staff on the proposed code amendments; and

1 WHEREAS, the Planning Commission held a public hearing on November 15, 2022, to
2 receive public testimony and consider the entire record related to the proposed code
3 amendments and recommended denial of the amendments contained in this ordinance, as
4 shown in its recommendation letter of December 12, 2022; and

5
6 WHEREAS, on _____, the Snohomish County Council (the “County
7 Council”) held a public hearing, after proper notice, to receive public testimony and consider the
8 entire record related to the proposed code amendments contained in this ordinance; and

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10 WHEREAS, following the public hearing, the County Council deliberated on the
11 proposed amendments contained in this ordinance.

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13 NOW, THEREFORE, BE IT ORDAINED:

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15 Section 1. The County Council adopts the following findings in support of this ordinance:

- 16
17 A. The foregoing recitals are adopted as findings as if set forth in full herein.
18
19 B. This ordinance will amend regulations related to rural cluster subdivision and short
20 subdivision requirements in chapter 30.41C SCC and related landscape screening
21 requirements in chapter 30.25 SCC. The code amendments are intended to address:
22 1) increasing the number of lots allowed within an individual cluster; 2) allowing a reduction
23 in the minimum distance separating clusters subject to requiring additional sight-obscuring
24 landscape screening; 3) allowing a reduction in the minimum cluster setback buffers
25 adjacent to perimeter roads, properties, and perimeter meadow/pasture open space subject
26 to requiring additional sight-obscuring landscape screening; 4) allowing individual
27 stormwater drainage facilities, wells, and drainfields within restricted and interim open space
28 tracts to serve individual lots; 5) allowing one single family dwelling within an interim open
29 space tract; and 6) housekeeping amendments to improve the internal consistency and
30 readability of rural cluster development requirements. The code amendments will not
31 increase the total number of lots allowed in a rural cluster development as no changes are
32 proposed to provisions used to calculate lot yields.
33
34 C. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the
35 below listed GMA planning goals:

- 36
37 1. RCW 36.70A.020(2), Reduce sprawl.

38
39 The proposed amendments modify clustering practices to create more compact
40 cluster developments without the creation any new lots or increases in density,
41 thereby reducing sprawl. No changes are proposed to lot yield or density bonus
42 code sections, therefore no increase in total number of RCS lots permitted will
43 result.

- 44
45 2. RCW 36.70A.020(4), Housing.

46
47 The proposed amendments modify existing cluster development techniques to
48 allow for more flexibility in site design, which will promote more variety in design

1 of rural cluster developments. In doing so, the amendments will allow more
2 creative approaches to rural cluster development.

3
4 3. RCW 36.70A.020(9), Open space and recreation.

5
6 The proposed amendments allow clusters of more dwellings to be located closer
7 together, resulting in the preservation of more contiguous open space.

8
9 4. RCW 36.70A.020(10), Environment.

10
11 The proposed amendments will result in fewer environmental impacts due to
12 changes in cluster separation and size requirements. The amendments will result
13 in reduced impervious surface, reduced stormwater runoff, reduced clearing of
14 vegetation, and increased contiguous open space for habitat corridors.

15
16 D. In developing these code amendments, the county maintains consistency with applicable
17 provisions in the GMA, including RCW 36.70A.070(5)(c), which requires that measures
18 governing rural development shall protect the rural character of the area by:

19
20 1. RCW 36.70A.070(5)(c)(i) – containing or otherwise controlling rural development.

21
22 The proposed amendments continue to contain or otherwise control rural
23 development by modifying existing clustering techniques in a way which will
24 create no new lots while having the potential to reduce the number of clusters in
25 a rural cluster subdivision development.

26
27 2. RCW 36.70A.070(5)(c)(ii) – assuring visual compatibility of rural development
28 with the surrounding rural area.

29
30 The proposed amendments will require additional landscaping screening when
31 buffer reductions are proposed. One foot of additional vegetative screening will
32 be required for every three feet of buffer reduction proposed with a minimum of
33 ten feet of screening being required. This additional landscaping will act as a
34 visual buffer between clusters and the surrounding rural area. Landscaping is a
35 significant factor in protecting the visual aspects of rural character. Additionally,
36 the site design, number of lots within individual clusters in a single development,
37 and the distance separating individual clusters are basic design features that
38 help protect the visual aspect of rural character.

39
40 3. RCW 36.70A.070(5)(c)(iii) – reducing the inappropriate conversion of
41 undeveloped land into sprawling, low-density development in the rural area.

42
43 The proposed amendments will not result in any additional rural lots as compared
44 to current code meaning that no conversion of undeveloped land into sprawling,
45 low-density development will result in the rural area. Instead, clusters will be
46 larger and closer together resulting in more contiguous open space being
47 maintained in rural cluster subdivisions.

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4. RCW 36.70A.070(5)(c)(iv) – protecting critical areas and surface and ground water resources, as provided in RCW 36.70A.060.

The proposed amendments are consistent with RCW 30.70A.070(5)(c)(iv) and will not reduce the protection of critical areas, surface water, or groundwater under current County code. By reducing the potential amount of impervious surface and reducing the potential overall ground disturbance through allowing for larger clusters, protection of critical areas, surface water, and groundwater may be increased.

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5. RCW 36.70A.070(5)(c)(v) – protecting against conflicts with the use of agricultural, forest and mineral resource lands designated under RCW 36.70A.170.

The proposed amendments will not change where rural cluster subdivisions may be developed in Snohomish County and will not result in any conflicts with the use of the County’s resource lands. Instead, the amendments will allow clusters to be arranged differently within a rural cluster subdivision. The amendments have the potential to reduce the number of clusters in a development and allow for the preservation of more connected open space.

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- E. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the below listed goals, objectives, and policies contained in the GPP and Vision 2050.

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1. Goal LU 6: “Protect and enhance the character, quality, and identity of rural areas.” The proposed amendments will not result in additional lots being created in rural cluster subdivisions as currently allowed. The amendments will allow more lots per cluster and a smaller separation between clusters meaning more of the site will be preserved as contiguous open space which will protect and enhance the character, quality, and identity of the County’s rural areas as compared to the current code requirements.
 2. 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.” Consolidating lots into fewer clusters will result in fewer clusters being required for a given rural cluster development which is intended to better protect the character of rural areas, avoid interference with the County’s resource land uses, and minimize impacts upon critical areas.
 3. 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 upon 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. . .” Allowing more lots to be clustered while not changing the

1 manner in which the lot yield for a subdivision is calculated is intended to result in
2 fewer clusters being needed for a proposed development and the preservation of
3 more contiguous open space which will further the aim of LU Policy 6.B.1.
4

- 5 4. Policy MPP-RGS-14: “Manage and reduce rural growth rates over time,
6 consistent with the Regional Growth Strategy, to maintain rural landscapes and
7 lifestyles and protect resource lands and the environment.” The amendments are
8 not likely to encourage growth because they do not allow for any increases in lot
9 yield, density bonus, or decreases in lot size. The amendments increase design
10 flexibility, but no change to the theoretical maximum number of units is proposed.
11

12 F. Procedural requirements:

- 13 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
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- 15 2. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the
16 proposed code amendments was transmitted to the Washington State
17 Department of Commerce for distribution to state agencies on October 18, 2022.
18
- 19 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
20 respect to this non-project action have been satisfied through the completion of
21 an environmental checklist and the issuance of a determination of non-
22 significance on October 10, 2022.
23
- 24 4. The public participation process used in the adoption of the proposed code
25 amendments has complied with all applicable requirements of the GMA and
26 SCC.
27
- 28 5. As required by RCW 30.70A.370, the Washington State Attorney General last
29 issued an advisory memorandum in September 2018 entitled “Advisory
30 Memorandum and Recommended Process for Evaluating Proposed Regulatory
31 or Administrative Actions to Avoid Unconstitutional Takings of Private Property”
32 to help local governments avoid unconstitutional takings of private property. The
33 process outlined in the State Attorney General’s 2018 advisory memorandum
34 was used by the County in objectively evaluating the regulatory changes
35 proposed by this ordinance.
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38 G. This ordinance is consistent with the record:

- 39 1. Maximum lot yield for a rural cluster subdivision is calculated using SCC 30.41C.230 and
40 30.41C.240. The amendments proposed by this ordinance will not result in increasing
41 the maximum number of lots allowed for a given development because no amendments
42 are being made to the lot yield or density bonus provisions. While the amendments to
43 SCC 30.41C.070 will allow an increase in the maximum number of residential lots
44 permitted in a cluster depending on the total acreage of the site, the total number of lots
45 allowed within a rural cluster development will not change.
46
- 47 2. Outside of Snohomish County’s urban areas, agricultural and large lot residential uses
48 highlight one aspect of the interplay between natural and built environments. While these
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1 uses may connote bucolic rural life, they are but one way in which people have chosen
2 to exist in Snohomish County's rural areas. The pattern of land use and development in
3 non-urban areas includes several unincorporated communities resembling towns, as
4 well as development patterns that are not explicitly rural in character such as lakefront
5 communities with houses less than 80 feet apart on lots less than a half-acre in size. The
6 wide variety of housing in Snohomish County's rural areas is a hallmark of its character,
7 as many closer-set communities have dotted the landscape for decades. The
8 amendments proposed by this ordinance are intended to allow for increased flexibility in
9 development of rural clusters in a way that preserves rural character by complementing
10 the already wide variety of housing densities and separation throughout Snohomish
11 County.

- 12
- 13 3. The amendments to chapters 30.25 and 30.41C SCC are intended to help maintain rural
14 character by allowing clusters of more dwellings to be located closer together, allowing
15 for more contiguous open space to be preserved in a given development. These
16 amendments will encourage the natural landscape and vegetation to predominate over
17 the built environment. The increased buffer perimeter setbacks proposed under this
18 ordinance will help preserve visual landscapes traditionally found in rural areas and
19 communities. The amendments do not change the existing open space regulations, in
20 which 45-60% of original gross development area must be retained as restricted open
21 space tracts, but more of that open space will be contiguous by allowing more homes to
22 be built in clusters as well as allowing clusters to be closer together while not altering the
23 maximum lot yield in any way. Additional landscape screening required under these
24 proposed amendments will also enhance the natural environment, emphasizing the rural
25 nature of the areas where rural cluster subdivisions are allowed.
- 26
- 27 4. SCC 30.25.033 is amended to require additional landscape screening when a
28 development proposes a reduction in the minimum setback and perimeter open space
29 buffer tracts or a reduction in the minimum buffer separation between individual clusters.
30 One foot of additional screening will be required for every three feet reduction in buffer or
31 cluster separation, with a minimum of ten feet of additional screening. Reducing the
32 buffer setback widths, subject to providing a dense sight obscuring barrier of additional
33 landscape screening, is intended to reduce the length of interior roadways needed to
34 access individual clusters within a rural cluster development. This reduction is intended
35 to reduce the overall footprint of a rural cluster development. The reduction in new
36 impervious surfaces can lessen impacts to critical areas and drainage facilities.
37 Additionally, the reduction in new impervious surfaces can reduce the total disturbed
38 area, leaving intact a greater overall quantity of wildlife habitat and critical areas.
- 39
- 40 5. The amendments to SCC 30.41C.070 will allow an increase in the maximum number of
41 residential lots permitted within a cluster, dependent on total site acreage, but the
42 maximum number of lots allowed within a rural cluster subdivision will not change. Under
43 SCC 30.41C.230(2), maximum lot yield is obtained through a density bonus specified in
44 SCC 30.41C.240. SCC 30.41C.240 is not proposed to be amended. Therefore, no
45 change in the base or maximum lot yield will occur with the amendments to the section.
- 46
- 47 6. SCC 30.41C.070 is amended to increase the maximum number of lots per cluster from
48 13 to 14 to maximize the number of dwellings on sites less than 50 acres that can
49 theoretically obtain water from a permit exempt well. This may assist in creating

1 development patterns that promote the protection of natural surface water flows,
2 groundwater and surface water recharge and discharge areas by reducing potential
3 overall ground disturbance. The amendments to change the number of lots permitted in
4 a cluster may also potentially reduce the number of wells required to serve a given
5 subdivision.
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- 7
- 8 7. The amendments to SCC 30.41C.070 will allow an increase in the maximum allowable
9 number of lots per cluster for larger sites, while not changing the maximum lot yield for a
10 rural cluster development. Twenty-lot clusters will be allowed for sites 50 acres to 240
11 acres in size and 30 lot-clusters for sites greater than 240 acres in size. These
12 increases in the maximum allowed number of lots per cluster are intended to reduce the
13 number and area of interior roads between clusters, reduce the area of impervious
14 surface in a rural cluster subdivision, and increase open space and wildlife corridor
15 connectivity. These amendments are also intended to contribute to visual landscapes
16 that are traditionally found in rural areas and communities.
- 17
- 18 8. SCC 30.41C.070 is also amended to require that all proposed duplex lots shall be clearly
19 identified on both the preliminary and final plat or short plat maps. Finally, this section
20 clarifies that new utility lines and supporting infrastructure are required to be placed
21 underground within a rural cluster development.
- 22
- 23 9. SCC 30.41C.075 is amended to increase the perimeter buffer setback widths from
24 abutting residential properties to be consistent with the buffer setback widths from
25 perimeter roads bordering a rural cluster development. The amendments will allow a
26 reduction in the perimeter buffer setback widths when additional landscape screening is
27 installed as allowed under SCC 30.25.033, if no sight-obscuring natural features are
28 present. The amendments reduce the width of setback buffer tracts that separate
29 clusters and will allow a further reduction if additional landscape screening is proposed
30 meeting the requirements of SCC 30.25.033. Allowing reductions in setback and open
31 space buffer widths subject to installation of additional landscape screening will provide
32 flexibility in siting individual clusters in areas of a development with the fewest
33 environmental impacts and increasing the separation of clusters from environmentally
34 sensitive areas. The amendments are also intended to reduce the length of interior
35 roads, reducing the area of impervious surfaces that could impact stormwater drainage
36 facilities.
- 37
- 38 10. SCC 30.41C.090 is amended to specify the requirements that apply to restricted and
39 interim open space. The amendments provide internal consistency with other sections of
40 chapter 30.41C relating to interim open space requirements. The amendments allow
41 certain drainage facilities, wells, and drain fields that serve only one lot to be located in
42 easements in restricted or interim open space. No change is proposed to reduce lot size.
43 The amendments allow the location of one single family dwelling within an interim open
44 space tract. Allowing for individual water systems, drain fields, and stormwater drainage
45 facilities within restricted and interim open space tracts to serve only one lot provides for
46 greater site design flexibility and, in the case of drainage facilities, maximizes the use of
47 natural features for stormwater management, which is intended to reduce overall site
48 disturbance and help preserve the natural landscape. Allowing one single family
dwelling, which counts against the lot yield and therefore does not increase density,

1 within an interim open space tract will provide the opportunity for proper maintenance
2 and security oversight of the interim open space tract until the tract can be redeveloped.

3
4 11. SCC 30.41C.110 is amended to clearly state that the ownership and preservation of
5 open space requirements apply to both restricted and interim open space. The
6 amendments provide internal consistency with other sections of chapter 30.41C SCC
7 relating to interim open space requirements.

8
9 12. SCC 30.41C.120 is amended to require that an open space management plan include
10 information on any easements to be recorded related to the plan in addition to the
11 existing requirement that a plan include any covenants, conditions, and restrictions to be
12 recorded related to the plan.

13
14 13. SCC 30.41C.130 is amended to reduce the minimum side yard setback for rural cluster
15 subdivisions and short subdivisions located outside of a rural urban transition area
16 (RUTA) to be consistent with the minimum side yard setback for rural cluster
17 developments within the RUTA. This amendment provides for a consistent application of
18 rural cluster site development requirements.

19
20 14. SCC 30.41C.140 is amended to add requirements related to the siting of a single-family
21 dwelling within an interim open space tract. The amendments include: identifying the
22 single-family dwelling within a future lot in a shadow plat of the interim open space tract;
23 identifying a private road easement to serve the single family dwelling; and limiting the
24 single family dwelling building area to not exceed 20,000 square feet.

25
26 15. Chapter 30.41C SCC is amended to help maintain rural character by allowing for larger
27 clusters of houses to be placed closer together, allowing for more contiguous open
28 space, the preservation of natural landscape, and vegetation to predominate over the
29 built environment. The increased buffer perimeter setbacks help preserve visual
30 landscapes traditionally found in rural areas and communities.

31
32 H. The proposed code amendments are consistent with the record as set forth in the PDS Staff
33 Report dated October 10, 2022.

34
35 Section 2. The County Council makes the following conclusions:

- 36
37 A. The amendments proposed by this ordinance comply with the GMA.
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39 B. The amendments proposed by this ordinance comply with the GMACP.
40
41 C. The County has complied with all SEPA requirements with respect to this non-project action.
42
43 D. The amendments proposed by this ordinance do not result in an unconstitutional taking of
44 private property for a public purpose.
45
46 E. The public participation process used in the adoption of this ordinance complies with all
47 applicable requirements of the GMA and chapter 30.73 SCC.
48

1 Section 3. The County Council bases its findings and conclusions on the entire record of
2 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
3 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
4

5 Section 4. Snohomish County Code Section 30.25.033, last amended by Amended
6 Ordinance No. 10-086 on October 20, 2010, is amended to read:
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8 **30.25.033 ((Additional landscaping)) Landscape screening requirements for rural cluster**
9 **subdivisions and short subdivisions.**

10 To protect and enhance rural character, landscaping for rural cluster subdivision development
11 under chapter 30.41C SCC shall provide screening to minimize the visibility of rural cluster
12 subdivisions from adjoining roadways and from adjacent residential property. While 100 percent
13 screening is not necessary, the view of new rural cluster development should be softened and
14 minimized to the greatest extent possible.

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

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

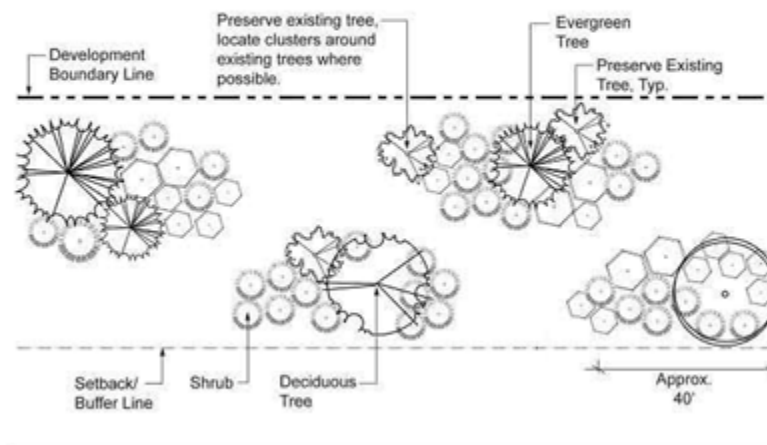
19 (a) In the required setback buffer from the road rights-of-way;

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

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

22 (3) When retention of existing vegetation is not adequate to screen development from
23 road rights-of-way or from adjacent residential property, landscape installation shall be required
24 for additional visual screening. Landscape installation shall be in clustered plantings pursuant to
25 SCC ((30.25.033(4))) 30.25.033(5) that are each approximately 40 feet long, aligned parallel to
26 the development boundary lines and extending the length of the property line, and a minimum of
27 25 feet in depth measured perpendicular to the development property line. Planting clusters
28 shall be alternated in parallel rows as illustrated in Figure 30.25.033(3), to achieve an informal
29 appearance.
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Figure 30.25.033(3) Clustered planting pattern for visual screening



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1 (4) In addition to the landscape screening required under SCC 30.25.033(3), any reduction in a
2 buffer width or reduction in an open space tract separation between clusters as allowed in SCC
3 30.41C.075 shall require the installation of one additional foot of landscape screening width for
4 every three feet of buffer width reduction or cluster separation width reduction, for a minimum of
5 ten feet of additional landscape screening width. The additional landscape screening width shall
6 be installed according to the requirements in SCC 30.25.033(3).

7 ~~((4))~~ (5) Placement requirements may be redistributed or reduced by 20 percent when the
8 landscape plan defines the local variations in topography, views, and character-defining
9 elements, both natural and manmade, and accordingly sites a variety of landscape groupings to
10 provide visual buffers at strategic points to diminish the visual impact of the housing clusters on
11 the public traveling along adjoining roads and on houses located on adjacent properties. The
12 modified planting plan also shall preserve landscape features and viewsheds for the visual
13 benefit of the public and adjacent properties whenever possible.

14 ~~((5))~~ (6) Rural cluster subdivision landscaping shall meet the following standards:

15 (a) Plant combinations of trees and shrubs located in planted clusters that:

16 (i) Preserve existing vegetation wherever feasible;

17 (ii) Use native plants for new planting installations or a mix of native plants and 20 to 30 percent
18 non-native plants if they are naturalized vegetation typical of established rural uses, such as
19 orchards, hedgerows or windbreaks; and

20 (iii) Incorporate both evergreen and deciduous species of trees and shrubs that are in varying
21 degrees of maturity at planting and can establish a natural succession of growth.

22 (b) For standard landscape groupings:

23 (i) Trees and shrubs must be two-thirds evergreen species;

24 (ii) Each plant grouping shall contain trees planted approximately 15' on center in a triangular or
25 offset pattern;

26 (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;

27 (iv) Evergreen trees shall have a minimum height of 8 feet at the time of planting; and

28 (v) Deciduous trees shall have a minimum 1 ½ -inch caliper (DBH) for balled stock at the time
29 of planting.

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

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

35 ~~((6))~~ (7) Existing trees shall be retained in the setback, perimeter and cluster separation
36 buffers where wind-throw loss can be minimized, as determined by a qualified landscape
37 designer. When enhancement is necessary using the provisions of
38 subsections (2), (3), (4) ~~((and))~~ , (5) , and (6) of this section to prevent significant wind-throw
39 loss or to support a remnant forest environment, the extent of the enhancement shall be
40 determined by a qualified landscape designer using the screening provisions of this section. The
41 tree retention requirements of this provision do not apply to any forest practice occurring
42 on forest land as those terms are defined by RCW 76.09.020 of the Forest Practices Act,
43 chapter 76.09 RCW.

44 ~~((7))~~ (8) Non-native vegetation that has become part of the rural landscape and character such
45 as orchards, hedgerows and windbreaks shall be retained.

46 ~~((8))~~ (9) Landscaping of stormwater detention facilities is required in accordance with
47 SCC 30.25.023.

1 ((9)) (10) A performance or maintenance security may be required by the department in
2 accordance with SCC 30.84.150 and a plan review and inspection fee in accordance with
3 SCC 30.86.145 shall be provided to the county for landscaping.
4

5 Section 5. Snohomish County Code Section 30.41C.070, last amended by Amended
6 Ordinance No. 22-062 on October 26, 2022, is amended to read:
7

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

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

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

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

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

15 (c) The maximum number of residential lots in a cluster shall be ((43)) 14 lots for sites less
16 than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240
17 acres;

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

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

24 (f) Designate and protect critical areas and their buffers pursuant to chapter 30.62A SCC;
25 ((and))

26 (g) Use low impact development best management practices as directed by chapter
27 30.63A SCC and the Drainage Manual ((-)) ; and

28 (h) All proposed duplex lots shall be clearly identified on both the preliminary and final plat
29 or short plat maps for a rural cluster subdivision or short subdivision.

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

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

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

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

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

41 (d) Entrance signs shall incorporate materials typical of the rural character of the area and
42 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 when one
44 is available within one-quarter mile of the project site as measured along the existing right-
45 of-way and the water utility is willing and able to provide service to the subdivision at the
46 time of preliminary subdivision approval.
47

1 Section 6. Snohomish County Code Section 30.41C.075, added by Amended Ordinance
 2 No. 08-087 on February 4, 2009, is amended to read:

3
 4 **30.41C.075 Site design and development standards - buffers and open space.**

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

6 (1) Setback buffers to separate existing or perimeter road rights-of-way that border the rural
 7 cluster development (~~(project)~~) from the nearest cluster residential lot lines in the development
 8 shall be established in open space tracts that are a minimum of 100 feet in width. Setback buffer
 9 tracts may be reduced to a minimum of 60 feet in width when a sight-obscuring topographic
 10 variation or physical condition, such as forest, will serve as a visual buffer or if additional
 11 landscape screening is installed according to the requirements in SCC 30.25.033(4). When the
 12 existing site character is meadow or pasture, the setback buffer tract(s) shall be a minimum of
 13 200 feet in width. (~~Setback buffer tracts may be reduced to a minimum of 60 feet in width when~~
 14 ~~a sight-obscuring topographic variation or physical condition, such as forest, will serve as a~~
 15 ~~visual buffer.~~) Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet
 16 in width if natural characteristics such as topography or geologic outcrops(~~, or if existing~~
 17 ~~buildings retained on site,~~) obscure the view of (~~new~~) the rural cluster development or if
 18 additional landscape screening is installed according to the requirements in SCC 30.25.033(4).

19 (a) Maintenance of existing vegetation (~~(or)~~ and (~~(additional landscaping)~~) landscape
 20 screening in setback buffer tracts shall be required in accordance with SCC 30.25.033.

21 (b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be
 22 made for utility easements and designated road rights-of-way or walkways, if no other
 23 options are available.

24 (2) Perimeter buffers shall be established in open space tracts on all boundaries of the rural
 25 cluster development (~~(project site)~~) abutting residential property. Perimeter buffers shall be a
 26 minimum of (~~(50)~~) 100 feet in width unless larger buffers are required under SCC
 27 30.41C.075(1). Perimeter buffer tracts may be reduced to a minimum of 60 feet in width when a
 28 sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual
 29 buffer or if additional landscape screening is installed according to the requirements in SCC
 30 30.25.033(4). Maintenance of existing vegetation (~~(or additional landscaping)~~) and landscape
 31 screening in perimeter buffers shall be required in accordance with SCC 30.25.033.

32 (3) Open space tracts to separate clusters shall be a minimum of (~~(200)~~) 150 feet in width, and
 33 may be reduced to a minimum of (~~(120)~~) 75 feet when a sight-obscuring topographic variation or
 34 physical condition, such as forest, will serve as a visual buffer between the clusters or if
 35 additional landscape screening is installed according to the requirements in SCC 30.25.033(4).

36 (a) (~~(Landscaping)~~) Landscape screening in buffers between clusters shall be required in
 37 accordance with SCC 30.25.033. Maintenance of existing vegetation and landscape
 38 screening in perimeter buffers shall be required in accordance with SCC 30.25.033.

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

41
 42 **Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements**

43

<u>Buffers & Cluster Separators</u>	<u>Minimum Buffer & Cluster Width</u>	<u>Minimum Buffer & Cluster Width with Reduction</u>	<u>Requirements for Allowing Buffer & Cluster Width Reduction</u>
<u>Setback buffer from existing and</u>	<u>100 feet</u>	<u>60 feet</u>	<u>Sight-obscuring natural features serve as a visual</u>

<u>perimeter roads bordering the development</u>	<u>May require landscape screening per SCC 30.25.033(3)</u>		<u>buffer; or Additional landscape screening per SCC 30.25.033(4)</u>
<u>Setback buffer from existing and perimeter roads bordering meadow or pasture in the development</u>	<u>200 feet May require landscape screening per SCC 30.25.033(3)</u>	<u>120 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per SCC 30.25.033(4)</u>
<u>Perimeter buffer from the development boundary abutting residential properties</u>	<u>100 feet May require landscape screening per SCC 30.25.033(3)</u>	<u>60 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per SCC 30.25.033(4)</u>
<u>Separation buffers between clusters</u>	<u>150 feet May require landscape screening per SCC 30.25.033(3)</u>	<u>75 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or Additional landscape screening per SCC 30.25.033(4)</u>

- 1
2 (4) Open space shall include a minimum of 45 percent of the gross site area except in forestry
3 and forestry and recreation zones and designated natural resource lands, where 60 percent is
4 required, and in the rural urban transition area, where 65 percent is required.
- 5 (a) Open space required for separation from roadways and adjacent properties and for
6 separation of clusters may be counted toward the open space calculation in lot yield.
- 7 (b) Where practicable, open space tracts within a rural cluster subdivision or short
8 subdivision shall be located contiguous to designated open space tracts on adjacent
9 properties.
- 10 (c) Open space shall be configured so that it is adjacent to or directly across the street
11 from as many of the clustered lots as practical.

12
13 Section 7. Snohomish County Code Section 30.41C.090, last amended by Amended
14 Ordinance No. 21-060 on October 6, 2021, is amended to read:

15
16 **30.41C.090 Restricted and interim open space - general requirements.**

- 17 (1) All open space within the rural cluster subdivision used to meet the open space
18 requirements for lot yield calculations shall be restricted open space and not interim open
19 space. Such restricted open space shall be designated, held in tracts separate from residential
20 lots, and marked on the face of the plat.
- 21 (2) To qualify as restricted or interim open space, an area must meet the following standards:
- 22 (a) It must be used for buffering, critical area protection, resource production,
23 conservation, recreation, ((community)) utility purposes, or general preservation;

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

(c) The following uses are permitted in restricted or interim open space tracts unless prohibited by chapter 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 nonmotorized passive recreational facilities and other similar uses as authorized by the director;
- (ii) ~~((Community wells))~~ Wells, well houses, water lines, water system appurtenances and ~~((community))~~ drain fields when located in easements;
- (iii) The following drainage facilities that meet the landscaping requirements in SCC 30.25.023:
 - (A) Unfenced detention, retention and wetponds;
 - (B) Stormwater treatment wetlands;
 - (C) Stormwater infiltration trenches and bioswales ~~((that serve more than one dwelling))~~; and
 - (D) Low impact development best management practices ~~((that serve more than one dwelling))~~, excluding permeable pavement areas intended for vehicle access and parking ~~((-))~~;
- (iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and 30.32C SCC ~~((-))~~ ; and
- (v) For interim open space only, one single family dwelling, which shall count towards total lot yield as calculated under SCC 30.41C.230 and 30.41C.240.

(d) At least 30 percent of the total area of restricted open space shall be left undisturbed. Undisturbed restricted 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 the land disturbing activity site plan.

(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	(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.050.			

- 1
2 (4) No more than 65 percent of the total restricted open space area may consist of unbuildable
3 land as defined in SCC 30.91U.060.
4 (5) To retain rural character, the restricted open space shall contain on-site forested areas,
5 active agriculture, meadows, pastures or prominent hillsides or ridges.
6 (6) The following notice related to restricted open space shall be filed on the title of the
7 properties within the plat and shall be placed on the face of the final plat and short plat:
8 "Tract ___ is a restricted open space tract with limited uses pursuant to chapter 30.41C
9 SCC. The open space tract is intended to be preserved in perpetuity."

10
11 Section 8. Snohomish County Code Section 30.41C.110, last amended by Amended
12 Ordinance No. 21-060 on October 6, 2021, is amended to read:

- 13
14 **30.41C.110 Ownership and preservation of restricted and interim open space.**
15 The following provisions shall apply to the ownership and preservation of restricted and interim
16 open space as required in SCC 30.41C.090 and SCC 30.41C.140:
17 (1) Open space requirements must be met with restricted or interim open space tract(s) held in
18 separate ownership from residential lots and marked on the face of the plat with limited uses
19 referenced.
20 (2) Restricted or interim open space tracts shall be owned by a single property owner, a
21 homeowners association, a public agency or a not for profit organization.
22 (3) When ownership of restricted open space is by a single property owner, the property owner
23 shall:
24 (a) Record a (~~restricted~~) restrictive covenant against the restricted open space tract that
25 runs with the land and restricts the use of the open space tract to those uses allowed in
26 SCC 30.41C.090(2); and
27 (b) Provide an open space management plan pursuant to SCC 30.41C.120.
28 (4) Common ownership shall be by the property owners of the subdivision as a whole, in the
29 form of a homeowners association.
30 (a) The applicant shall provide the county with a description of the association, proof of
31 incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants
32 and restrictions regulating the use of the property and setting forth methods for maintaining
33 the open space.
34 (b) Membership in the homeowners association, and dues or other assessment for
35 maintenance purposes, shall be a requirement of lot ownership within the development.
36 (5) All lands classified as natural resource lands, including lands designated mineral resource
37 overlay, that are included in restricted or interim open space areas shall be:
38 (a) Placed under a unified system of property management for the purpose of maximizing
39 their continued or future management for beneficial resource production/conservation
40 purposes; and
41 (b) If the land is designated mineral resource overlay it shall be subject to the
42 requirements of SCC 30.32C.050.

- 1 (6) Forest practices within restricted or interim open space shall be permitted, provided that:
2 (a) The activity is consistent with an applicable approved forest practice permit; and
3 (b) The activity is included in the open space management plan.
4

5 Section 9. Snohomish County Code Section 30.41C.120, added by Amended Ordinance
6 No. 08-087 on February 4, 2009, is amended to read:
7

8 **30.41C.120 Open space management plan.**

9 The applicant shall provide a plan for the long term management of designated open space,
10 including maintenance and management of any water supply, stormwater management,
11 wastewater disposal, or any other (~~common~~) facilities which may be located within areas of
12 designated open space.

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

- 14 (a) Current ownership information and a plan or provisions to update the project file
15 number when ownership contact information changes;
16 (b) Parties responsible for maintenance of designated open space, and their contact
17 information;
18 (c) Description of any uses allowed in designated open space, consistent with SCC
19 30.41C.090(2);
20 (d) Any proposed development activities;
21 (e) Fire breaks provided in accordance with fire district requirements;
22 (f) Any covenants, conditions, easements, and restrictions to be recorded related to open
23 space management; and
24 (g) Other information that the director determines necessary to ensure proper
25 management of the open space.

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

31 (3) In approving the open space management plan, the director shall make a written finding
32 that the parties designated as responsible for maintenance of designated open space are
33 capable of performing this function, (~~that~~) that provisions are included in the plan for
34 succession to other qualified and capable parties should that become necessary, and that the
35 county is indemnified should the responsible parties not fulfill their management obligations.
36

37 Section 10. Snohomish County Code Section 30.41C.130, last amended by Amended
38 Ordinance No. 21-060 on October 6, 2021, is amended to read:
39

40 **30.41C.130 Rural cluster-bulk regulations.**

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

1
2

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) 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	20,000 square feet	
Minimum front yard setback ¹	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	((25)) <u>10</u> feet	
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet	

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

6
7 Section 11. Snohomish County Code Section 30.41C.140, added by Amended Ordinance
8 No. 08-087 on February 4, 2009, is amended to read:

9
10 **30.41C.140 Bulk regulations and interim open space for rural clusters in the RUTA.**

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

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

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

18

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:

(i) The interim open space tract shall not be fragmented by private road easements including any private road easement serving a single-family dwelling located within the interim open space tract;

(ii) The location of the interim open space tract in the subdivision or short subdivision and the location of any single-family dwelling within the interim open space tract shall accommodate future public roadway access upon re-division and facilitate the clustering of the rural cluster subdivision or short subdivision lots near the periphery of the subdivision or short subdivision boundary rather than a central location; and

(iii) The proposed interim open space tract on a preliminary plat/short plat drawing shall show a non-binding conceptual shadow plat of, at a minimum, 4 dwelling units per acre to reflect the potential for the interim open space to be subdivided in the future, but such shadow plat shall not be depicted on the final plat or short plat, provided that the final plat or short plat shall identify the location of any single family dwelling within the interim open space.

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

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

1 ~~be allowed~~) except that one single family dwelling may be sited within an interim open tract
2 subject to the following requirements:

3 (a) A single-family dwelling shall be sited to facilitate future division of an interim open
4 space tract according to the provisions in SCC 30.41C.140(3) including identifying the
5 single-family dwelling within a future lot in the shadow plat;

6 (b) A single-family dwelling within an interim open space tract shall be counted toward
7 the basic or maximum lot yield calculations for the rural cluster subdivision or short
8 subdivision;

9 (c) A single-family dwelling in an interim open space tract shall be located in a building
10 area not to exceed 20,000 square feet and is subject to the site design and development
11 standards in SCC 30.41C.070; and

12 (d) The portion of the interim open space tract containing a single-family dwelling
13 building shall be clearly identified within the interim open space tract on both the
14 preliminary and final plat or short plat maps for the rural cluster subdivision or short
15 subdivision.

16 (6) The interim open space tract shall be established and maintained in accordance with SCC
17 30.41C.110 and 30.41C.120.

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

22 (8) The following notice shall be filed on the title of the properties within the plat and shall be
23 placed on the face of the final plat (~~and~~) or short plat:

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

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

33
34 Section 12. Severability and savings. If any section, sentence, clause, or phrase of this
35 ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings
36 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
37 the validity or constitutionality of any other section, sentence, clause, or phrase of this
38 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
39 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
40 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
41 effect for that individual section, sentence, clause, or phrase as if this ordinance had never been
42 adopted.

PASSED this ____ day of _____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Deputy Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

 3/11/24
Deputy Prosecuting Attorney