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Rural Cluster Subdivisions Ordinance 24-021 (ECAF 2024-0321)					
Hearing Date: Wednesday, May 15, 2024 @ 10:30 A.M.					
Council Staff: Ryan Countryman		PDS Staff: Henry Jennings		DPA: Laura Kisielius	
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1.0024	Project Administration	10/10/2022	PDS Staff	RCS Council 6-24-08	7
1.0025	Project Administration	10/21/2022	PDS Staff	RCS Plat Plan - Merle	1
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1.0030	Project Administration	10/25/2022	PDS Staff	Rural Cluster Exhibit - proposed 20-Lot Clusters	1
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1.0165	Project Administration	6/21/2022	PDS Staff	RE_ Rural Cluster Conversation with Merle	1
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1.0167	Project Administration	7/6/2022	PDS Staff	RE_ Rural Cluster Amendments Meeting Coordination	1
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1.0173	Public Comment	10/24/2022	Gray, Todd	RE_ DNS Issued_ Rural Cluster Subdivision Code Amendments Tulalip Tribes Comments	3
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1.0175	Public Comment	10/18/2022	Ash, Merle	RE_ 10_25 Presentation Number of Lots in Cluster Feedback	2
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<i>*Contact the Clerk of the Council for copies of Part 1 Exhibits - 425-388-3494 or contact.council@snoco.org</i>					

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2.0006	Public Outreach	10/25/2022	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
2.0007	Public Outreach	10/31/2022	Planning Commission	Planning Commission Agenda (Hearing)	2
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2.0011	Public Outreach	11/16/2022	Planning Commission	Planning Commission Meeting Recording (Hearing)	N/A
2.0012	Public Outreach	12/13/2022	Planning Commission	Recommendation Letter to County Council	1
2.0013	Public Testimony	11/8/2022	Isaac Organista	letter of public testimony	1
2.0014	Public Testimony	11/9/2022	Vivian Hendersen	letter of public testimony	1
2.0015	Public Testimony	11/9/2022	Lorraine Pedersen	letter of public testimony	1
2.0016	Public Testimony	11/9/2022	Susan Paschke	letter of public testimony	1
2.0017	Public Testimony	11/9/2022	Jane O'Dell	letter of public testimony	1
2.0018	Public Testimony	11/10/2022	Judy Heydrick	letter of public testimony	1
2.0019	Public Testimony	11/12/2022	Laurel Slaninka	letter of public testimony	2
2.0020	Public Testimony	11/12/2022	Julia Winchell	letter of public testimony	1
2.0021	Public Testimony	11/13/2022	Kim & Wayne Fortner	letter of public testimony	1
2.0022	Public Testimony	11/14/2022	Sally Abbey	letter of public testimony	1
2.0023	Public Testimony	11/14/2022	Gayle Leberg	letter of public testimony	1
2.0024	Public Testimony	11/14/2022	Tim Trohimovich	letter of public testimony	13
2.0025	Public Testimony	11/14/2022	Maxine Tuerk	letter of public testimony	2
2.0026	Public Testimony	11/14/2022	Kathryn Piland	letter of public testimony	1
2.0027	Public Testimony	11/15/2022	Mickie Gundersen	letter of public testimony	1
2.0028	Public Testimony	11/15/2022	Deborah Wetzel	letter of public testimony	1
2.0029	Public Testimony	11/15/2022	Trevor Behrens	letter of public testimony	1
2.0030	Public Testimony	11/15/2022	Todd Gray	letter of public testimony	2
2.0031	Public Testimony	11/15/2022	Mike Pattisonn	letter of public testimony	1
*Contact the Clerk of the Council for copies of Part 2 Exhibits - 425-388-3494 or contact.council@snoco.org					



Snohomish County

**Planning and Development
Services**

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

Dave Somers
County Executive

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Steve Skorney, Senior Planner

SUBJECT: Briefing – Proposed Rural Cluster Development Code Amendments

DATE: October 10, 2022

Introduction

The purpose of this staff report is to brief the Planning Commission on a county-initiated proposal to amend the rural cluster subdivision and short subdivision requirements in Snohomish County Code (SCC) Chapter 30.41C and related landscape screening requirements in SCC Chapter 30.25. The proposed code amendments would allow greater flexibility for the siting of rural cluster developments while maintaining consistency particularly with applicable policies and provisions that encourage the protection of rural character in the county comprehensive plan, the state Growth Management Act, and the Multicounty County Planning Policies in VISION 2050.

The briefing is scheduled for October 25, 2022. A public hearing on the proposed rural cluster development code amendments is tentatively scheduled for November 15, 2022. At the conclusion of the public hearing, the Planning Commission will be asked to make a recommendation on these code amendments which will be transmitted by ordinance to the County Council for review and final action.

Background

Snohomish County's implementing regulations for rural cluster development, in the form of subdivisions or short subdivisions, are located in Chapter 3041C of Snohomish County Code (SCC). Rural cluster subdivisions offer reductions in standard lot sizes, bulk provisions and density incentives, in most cases, provided there is land set aside for open space. Gross housing densities remain at a rural level, but the development pattern limits the footprint of development to increase opportunities for open space as well as increased environmental and natural resource protection.

Snohomish County has implemented rural cluster regulations since the early 1990s. Beginning with the recession from 2007 to 2009 the County experienced a decline in application activity for rural cluster subdivisions. The County is recently seeing more interest in rural cluster development and a desire by developers and property owners for additional flexibility. The County believes it is an appropriate time to evaluate the current regulations to determine whether amendments to a limited number of rural cluster development code provisions could provide increased flexibility for these types of rural housing developments while continuing to:

- Ensure rural character is maintained or enhanced;
- Reduce impervious surfaces, particularly roads, which reduces potential pollutants into stormwater runoff;
- Reduce fragmentation of open space and wildlife corridors; and
- Increase efficient use of natural drainage systems and reduce barriers for use of low impact development (LID) techniques.

Planning and Development Services (PDS) analyzed code amendments for the following types of rural cluster development requirements:

- The number of lots within a cluster and the spacing between clusters;
- Setback buffers related to perimeter roads, adjacent properties and perimeter meadow/pasture open space;
- Drainage and utility facilities, and their relationship to restricted and interim open space and lots served; and
- Restrictions on residential uses within an interim open space tract.

This review of the rural residential cluster regulations will stay within the confines of existing policies in the General Policy Plan and will not result in an increase in the number of lots currently allowed by code. Policies in the GPP and implementing code that require limiting rural densities are necessary as the county strives to reduce its rural population growth rate as called for by the VISION 2050 Regional Growth Strategy (RGS).

Key Proposed Code Amendments

Number of Lots in a Cluster: The code currently allows up to thirteen lots in an individual cluster. A rural cluster subdivision may contain more than one cluster. However, each cluster must contain a minimum of two lots. The only exception would be for a lot that contained an existing residence prior to subdivision.

The number of lots allowed in a rural cluster and the distance between clusters was analyzed by PDS in conjunction with the General Policy Plan (GPP) rural cluster development policies under Objective LU 6.B. The policies under this objective distinguish compact rural development from urban growth with performance standards that focus on the preservation of open space in

tracts. The open space tracts should be interconnected within the rural cluster development where possible and should connect to open spaces on other properties. Clusters should be limited in size and physically separated to maximize visibility of the open space and minimize the view of the built portion.

PDS recommends increasing the maximum number of lots per cluster from 13 to 14 in a rural cluster subdivision development on sites less than 50 acres in size; allowing up to 20 lots per cluster for sites 50 acres to 240 acres in size; and allow a maximum of 30 lots per cluster on sites greater than 240 acres. The current rural cluster development requirements allow no more than 13 lots per cluster regardless of the total acreage of a site.

The intent of the increase in the maximum number of lots per cluster from 13 to 14 on sites less than 50 acres is to maximize the number of dwellings in a rural cluster subdivision that can theoretically obtain water usage from a permit exempt well (RCW 90.44.050.).

A permit exempt well is a well where no water rights have to be purchased. However, a permit exempt well limits water withdrawal to no more than 5,000 gallons per day (gpd) for group domestic use. A typical single-family residence withdraws about 350 gpd. Given a maximum water withdrawal of no more than 5,000 gpd for group domestic use, this equates to approximately 14 dwellings that can be served by a permit well exemption. Any additional lots within an entire rural cluster subdivision beyond 14 lots would not be allowed to connect to the exempt well and would have to connect to public water or obtain water rights.

The proposed increase in the maximum number of lots per cluster, depending on the size of the site, does not increase the total number of lots allowed in a rural cluster development. The maximum number of lots per cluster subdivision is based on the lot yield calculation (typically using R-5 zoning) and by any proposed density bonus allowed by code (up to a maximum of 35% in most rural residential designated areas depending on the amount of additional proposed open space).

The proposed code amendments would provide an opportunity for larger individual clusters sizes on large acreage rural cluster development sites. Increasing the number of lots on large acreage sites could reduce the number of individual clusters and, thereby, reduce the number of interior connecting roads. This graduated increase in the size of individual clusters that PDS is recommending based on the total acreage of a site would not increase potential visual impacts to surrounding rural areas thereby maintaining and enhancing rural character.

There are multiple benefits to increasing the maximum number of lots in a cluster including a reduction of roadway impervious surfaces, increased open space and wildlife corridor connectivity, and the opportunity for more efficient use of natural drainage systems that supports methods of low impact development. Low impact development or "LID" is a stormwater management and land development strategy that strives to mimic pre-disturbance hydrologic processes of filtration, storage, evaporation, infiltration and transpiration by emphasizing conservation and use of on-site natural features that are integrated into the project design.

Buffer Setbacks and Cluster Separation: Setback buffers from perimeter roadways and adjacent properties are required to reduce the visual impact of rural cluster development. Required perimeter road setback buffers become open space tracts of widths varying from 60 to 200 feet depending on whether the perimeter of development contains sight obscuring vegetation or topographic conditions or is a pasture or meadow. Perimeter buffers from adjacent properties require a minimum 50-foot buffer width within an open space tract.

Setback buffer widths themselves may not reduce visual impact and maintain rural character so landscape screening may be required to supplement any natural screening. Buffer reductions are granted where existing topography or other features obscure views of development. Landscape screening may also be required to provide a visual site barrier.

The advantage of buffer setback reductions is to allow cluster location flexibility including moving a cluster closer to existing roads. A buffer width reduction could provide the opportunity to move development farther away from sensitive areas. Buffer width reductions may also reduce the length of interior cluster development roads, reducing the amount of impervious surface that would impact storm water drainage facilities.

PDS is recommending increasing the minimum buffer width from 50 feet to 100 feet for cluster developments abutting neighboring properties which would be consistent with the 100 foot minimum perimeter road setback buffer requirement. PDS proposes to allow the installation of additional site obscuring landscape screening adjacent to a perimeter road and abutting properties in order to allow a reduction in the minimum buffer widths if no sight obscuring topographic feature or physical condition such as a forest exists.

Open space tracts between clusters are important for reducing the overall visual impact of a rural cluster development from surrounding perimeter roads and residential properties. More than one cluster is allowed in a rural cluster development and may be necessary to accommodate the proposed number of lots in a rural cluster development based on the acreage of the project. Currently individual clusters must be separated by a minimum of 200 feet of restricted open space which can be reduced down to no less than 120 feet where there is topography or vegetation to provide a visual break between clusters.

PDS is recommending a reduction in the minimum cluster separation width to 150 feet and allow a further reduction to 75 feet with the installation of additional landscape screening within the reduced buffer separation width if no sight obscuring topographic feature or physical condition such as a forest exists. This recommended cluster separation width reduction will be balanced by an increase in the perimeter cluster development buffer widths abutting adjacent properties where increased distance and screening of a cluster development is necessary to maintain rural character.

Drainage and Utility Facilities: Rural cluster developments provide an opportunity to control stormwater by preserving open spaces which can allow for natural drainage processes. Retaining natural drainage systems in an open space tract helps to prevent pollution, flooding, and other impacts associated with the impervious surfaces created by development, particularly potential impacts to critical areas.

Current county regulations allow open space tracts in rural clusters to be used for drainage facilities such as bioswales and low impact best management practices as long as these facilities serve more than one dwelling. Removing the exclusion of allowing a drainage facility within an open space tract to serve only one dwelling will allow for flexibility in site design that maximizes the use of natural features for storm water management.

Currently, only community water systems and community septic system drainfields can be located within an open space tract. The proposed code amendments would remove that restriction and allow individual wells and septic system drainfields within an open space tract to serve one lot. However, individual wells and drainfields would still be required to be located within appropriate easements and would not encumber the ability of residents to access an open space tract. Allowing for utilities within open space tracts that support an individual lot provides greater site design flexibility.

Interim Open Space Residential Use: Open space tracts in rural cluster developments shall be preserved in perpetuity except when the cluster development is located within a Rural/Urban Transition Area (RUTA) overlay, in which case open space tracts are identified as interim. RUTAs overlay rural residentially designated areas outside of and adjacent to the boundary of an urban growth area (UGA). Interim open space tracts are to be preserved until such time as the rural cluster subdivision or short subdivision is added to a UGA. Once the interim open space tract is within a UGA and adequate services can be provided, the interim open space tract is eligible for redevelopment into additional lots.

Given that there is no timetable for a rural cluster development within a RUTA to be added to a UGA, developers are concerned about adequate management of interim open space tracts along the edge of a UGA. In many cases, the interim open space is owned by a single property owner and not in common ownership through a homeowners association.

Without the opportunity under the current cluster regulations for the owner of the interim open space to have a residence within the tract, it is difficult to provide proper maintenance and security oversight of the interim open space. Developers are finding that these interim open space tracts are more likely to experience trespassing, transient encampments and the dumping of garbage and yard waste from nearby populated areas inside a UGA.

PDS is proposing to allow the siting of one single-family dwelling within an interim open space tract subject to facilitating and not preventing the future re-division of the interim open space tract. The siting of one dwelling in an interim open space tract shall be depicted within a lot in the conceptual shadow plat of the interim open space that is required as part of the rural cluster application submittal. The single-family dwelling site development area in the interim open space shall not exceed 20,000 square feet and the dwelling shall be counted toward the basic and maximum lot yield calculations for the entire rural cluster development. The location of the interim open space single-family dwelling site development area shall be identified on both the preliminary and final plat or short plat.

Additional Landscape Screening Provisions: To protect and enhance rural character, landscape screening in the form of retention of existing vegetation and/or installation of added vegetation

is required to soften and minimize to the greatest extent possible the visibility of rural cluster developments from adjoining roadways and adjacent residential properties.

PDS proposes amendments to the rural cluster development landscaping requirements in SCC 30.25.033 that will provide the option of installing additional landscape screening for proposed reductions in the setback and perimeter open space buffer tracts and reductions in the buffer separations between clusters. Landscape screening is currently required where existing sight obscuring vegetation or topographic features are not present within required buffer setbacks. The code amendment would require the installation of one additional foot of landscape screening width for every three feet of buffer width reduction or cluster separation width reduction with a minimum width of ten feet of additional landscape screening.

Providing the ability to reduce buffer setback widths subject to providing a dense sight obscuring barrier of additional landscape screening can reduce the length of interior roadways needed to access individual clusters which in turn reduces the construction of new impervious surfaces. The reduction in new impervious surfaces can limit impacts to critical areas and drainage facilities.

Environmental Review

An environmental review under the State Environmental Policy Act (SEPA) is required for the proposed code amendments. A Determination of Non-Significance was issued for the proposed code amendments on October 10, 2022.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed code amendments was acknowledged by the Washington State Department of Commerce on August 18, 2022.

Action Requested

The Planning Commission is requested to consider the proposed rural cluster development code amendments at a public hearing and provide a recommendation to the County Council. The Planning Commission can recommend approval of the code amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposals with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager
Ryan Countryman, Council Legislative Analyst

Attachment A: Proposed Rural Cluster Subdivision and Short Subdivision Code Amendments

Attachment B: Proposed Findings and Conclusions

Attachment A: Proposed Rural Cluster Subdivision and Short Subdivision Code Amendments

(Proposed amendments highlighted)

Chapter 30.41C

RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:

- 30.41C.010 Purpose.**
- 30.41C.020 Applicability.**
- 30.41C.030 Approval procedure.**
- 30.41C.040 Submittal requirements.**
- 30.41C.050 Site planning principles.**
- 30.41C.070 Site design and development standards - general.**
- 30.41C.075 Site design and development standards - buffers and open space.**
- 30.41C.080 Site design standards - roads, gates and pedestrian pathways.**
- 30.41C.090 Restricted and interim open space - general requirements.**
- 30.41C.100 Restricted open space - natural resource lands.**
- 30.41C.110 Ownership and preservation of restricted and interim open space.**
- 30.41C.120 Open space management plan.**
- 30.41C.130 Rural cluster-bulk regulations.**
- 30.41C.140 Bulk regulations and interim open space for rural clusters in the RUTA.**
- 30.41C.150 Modifications.**
- 30.41C.230 Design standards - lot yield.**
- 30.41C.240 Design standards - bonus residential density.**

30.41C.010 Purpose.

The purpose of this chapter is to provide regulations and standards for lot clustering in rural areas consistent with rural character. It does this by an alternative subdivision method for developing rural residential property, whereby landowners and developers are given incentives to cluster lots on the most buildable and least environmentally sensitive portions of sites, while retaining a substantial portion

of each site, including most resource lands and environmentally sensitive areas, in restricted **and interim** open space tracts. In order to take advantage of these incentives, landowners and developers are required to meet specific requirements called forth in this chapter, in the County's rural land use policies, and in requirements that may be elsewhere referenced in the SCC.

Specifically, this chapter is designed:

- (1) To preserve areas of land which are suitable for agriculture, forestry, open space or, when applied in the rural urban transition area, possible future development;
- (2) To preserve rural open space with the purpose of assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, and preservation of wetlands and rural character;
- (3) To produce a development pattern in rural areas consistent with rural character in accordance with rural land use policies and manifesting variety in design rather than uniformity of appearance in siting of clusters, placement of buildings, use of open space, more efficient use of the most buildable portion of sites, and retention of the environmentally sensitive and scenic portions of sites as permanent open space;
- (4) To permit flexibility that will encourage a more creative approach in the development of land in rural areas and will result in a more efficient, aesthetic, and environmentally sound use of land, while harmonizing with adjoining development and preserving the county's attractive rural character;
- (5) To encourage the development of cluster housing which provides greater compatibility with surrounding development and land uses in rural areas by providing larger buffer areas;
- (6) To encourage the retention of more permanently undisturbed open space with its natural vegetative cover which protects continued groundwater recharge and reduces potential water pollution, flooding, erosion and other drainage-related problems often associated with rural development;
- (7) To minimize adverse impacts on the county's productive agricultural, forestry, mineral and other important resource lands;
- (8) To minimize adverse impacts on the county's environmentally sensitive areas such as wetlands, fish and wildlife habitat conservation areas, areas of unique vegetation or wildlife species, steep slopes, geologically hazardous areas, and other critical areas;
- (9) To minimize the risk of danger to human life and property by restricting rural development on geologically unstable lands and in flood prone areas;

- (10) To minimize the cost of installing essential public and private capital facilities necessary for a rural infrastructure;
- (11) To support the provision of more affordable housing in rural areas;
- (12) To provide reasonable opportunity for rural property owners to derive economic use of land characterized by features which substantially limit its development potential;
- (13) To protect rural natural features and landscape by minimizing tree, vegetation, and soil removal;
- (14) To provide a subdivision or short subdivision alternative for use in the rural/urban transition areas that will maintain and enhance rural character while preserving large tracts for future development upon inclusion into a UGA; and
- (15) To require and promote the use of low impact development (LID) best management practices (BMPs) as directed by the Drainage Manual.

30.41C.020 Applicability.

- (1) An application for a rural cluster subdivision or short subdivision shall be combined with the application for a subdivision or short subdivision, and shall be processed as a single application.
- (2) Clustering is permitted in the following zones:
 - (a) Forestry (F);
 - (b) Forestry and Recreation (F & R);
 - (c) Rural Resource Transition - 10 acre (RRT-10);
 - (d) Rural Five-Acre (R-5);
 - (e) Rural Conservation (RC); and
 - (f) Rural Diversification (RD).
- (3) The provisions of this chapter shall not be used in the zones listed in SCC 30.41C.020(2) if the properties are designated on the Future Land Use Map (FLUM) as follows:
 - (a) Commercial Forest (CF);
 - (b) Commercial Forest-Forest Transition Area (CF-FTA);
 - (c) Upland Commercial Farmland (UCF);

- (d) Local Commercial Farmland (LCF); or
 - (e) Riverway Commercial Farmland (RCF)
 - (f) Rural Residential-Rural Diversification (RR-RD) outside a RUTA overlay; or
 - (g) Located within an urban growth area.
- (4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5, the provisions of this chapter may be used on that portion of the parcel located outside the MRO, if the provisions of SCC 30.32C.050 are met.

30.41C.030 Approval procedure.

- (1) Rural cluster subdivisions or short subdivisions are subject to the same procedures, requirements, and approval criteria as any standard subdivision or short subdivision as set forth in chapters 30.41A and 30.41B SCC, except when the procedures, requirements, and approval criteria are specifically modified or added to by the provisions of chapter 30.41C SCC.
- (2) Rural cluster subdivisions and short subdivisions are subject to the landscaping provisions of **chapter SCC 30.25.033 SCC.**
- (3) Rural cluster subdivisions and short subdivisions shall meet applicable rural concurrency standards and traffic impact mitigation requirements in accordance with chapter 30.66B SCC.
- (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire district and are required to provide adequate fire flow in accordance with SCC 30.53A.514 through SCC 30.53A.520 or to provide other means of fire protection as approved by the Snohomish County Fire Marshal, unless exempt pursuant to SCC 30.53A.514.
- (5) At the time of application, the site shall not be subject to any pending county enforcement action or in violation of federal, state, or county regulations.

30.41C.040 Submittal requirements.

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

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

facilities, if any.

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

- (a) Natural features that distinguish the site or are characteristic of the area;
- (b) The location of existing vegetation and open space;
- (c) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards and agricultural fields;
- (d) Uses on adjacent properties, including location of houses; and
- (e) The location and the approximate size of designated natural resource lands on the project site and on properties adjacent to it.

(3) A site plan depicting how existing character-defining features identified pursuant to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed development, including:

- (a) Undisturbed restricted **or interim** open space tracts under SCC 30.41C.090(2)(d);
 - (b) Areas where structures and landscapes identified pursuant to SCC 30.41C.040(2)(c) will be retained;
 - (c) Location of all proposed open space tracts and their intended use; and
 - (d) A landscape plan showing areas where existing vegetation will be retained and demonstrating compliance with SCC 30.25.033.
 - (e) A sketch site plan for pre-submittal review of open space tract placement, retention of existing structures and landscape features is strongly encouraged to expedite design review of the subdivision site plan required in accordance with chapters 30.41A and 30.41B,
- (4) The approximate location of the building footprint on each lot.
- (5) An open space management plan in accordance with SCC 30.41C.120.
- (6) A description and proposed schedule for phasing of the project, if any.
- (7) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.
- (8) A street lighting plan, if street lights are proposed.

30.41C.050 Site planning principles.

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

- (1) The post-development view of the site from the roads should be as similar to the pre-development view as is practical.
- (2) Avoid placing lots on ridgelines and other prominent topographic features to blend new development into the existing rural landscape.
- (3) Landscaping, using both retention of existing vegetation and new plantings, shall soften and minimize the view of new development and preserve scenic views.
- (4) Retain 50 percent of the overall tree canopy on the predevelopment site whenever feasible.
- (5) Incorporate existing landscape features and structures into the site design to maintain rural character and the familiar landscape.
- (6) Configure the clusters and lots to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.
- (7) Avoid uniformity of cluster siting and building sites to provide visual diversity and maintain the dominance of natural features and open space in the rural area.
- (8) Provide connectivity between open space tracts and natural habitat and wildlife corridors with adjacent properties whenever practical.
- (9) Phase land disturbing activity site plans excluding residential dwellings in accordance with any construction phasing.
- (10) Avoid placement of impervious surfaces in areas appropriate for low impact development best management practices due to the capacity and ability of such areas to be used for infiltration and flow dispersal.

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

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

- (1) Site design shall be subject to the following standards for clustering and protection of natural resource lands and critical areas:
 - (a) A subdivision may contain more than one cluster of housing lots;

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

(c) The maximum number of residential lots in a cluster shall be ~~((13))~~ 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres.

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

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

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

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

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

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

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

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

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

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

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

(e) Rural cluster subdivisions shall draw water supply from a public water utility when one is available

within one-quarter mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.

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

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

- (1) Setback buffers to separate existing or perimeter road rights-of-way that border the **rural cluster development project** from the nearest cluster residential lot lines in the development shall be established in open space tracts that are a minimum of 100 feet in width. **Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).** When the existing site character is meadow or pasture, the setback buffer tract(s) shall be a minimum of 200 feet in width. **Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer.** Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet in width if natural characteristics such as topography or geologic outcrops, **or if existing buildings retained on site,** obscure the view of **new the rural cluster development or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).**
 - (a) Maintenance of existing vegetation **or and/or additional landscaping landscape screening** in setback buffer tracts shall be required in accordance with SCC 30.25.033.
 - (b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be made for utility easements and designated road rights-of-way or walkways, if no other options are available.
- (2) Perimeter buffers shall be established in open space tracts on all boundaries of the **rural cluster development project site** abutting residential property. Perimeter buffers shall be a minimum of **50 100** feet in width. **Perimeter buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4). unless larger buffers are required under SCC 30.41C.075(1).** Maintenance of existing vegetation **or additional landscaping and/or landscape screening** in perimeter buffers shall be required in accordance with SCC 30.25.033.
- (3) Open space tracts to separate clusters shall be a minimum of **200 150** feet in width, and may be reduced to a minimum of **120 75** feet when a sight-obscuring topographic variation or physical condition, such as forest will serve as a visual buffer between the clusters **or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).**

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

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

Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements

<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 perimeter roads bordering the development</u>	<u>100 feet</u> <u>May require landscape screening per SCC 20.25.033(3)</u>	<u>60 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or</u> <u>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</u> <u>May require landscape screening per SCC 20.25.033(3)</u>	<u>120 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Perimeter buffer from the development boundary abutting residential properties</u>	<u>100 feet</u> <u>May require landscape screening per SCC 20.25.033(3)</u>	<u>60 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Separation buffers between clusters</u>	<u>150 feet</u> <u>May require landscape screening per SCC 20.25.033(3)</u>	<u>75 feet</u>	<u>Sight-obscuring natural features serve as a visual buffer; or</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

- (a) Open space required for separation from roadways and adjacent properties and for separation of clusters may be counted toward the open space calculation in lot yield.
- (b) Where practicable, open space tracts within a rural cluster subdivision or short subdivision shall be located contiguous to designated open space tracts on adjacent properties.
- (c) Open space shall be configured so that it is adjacent to or directly across the street from as many of the clustered lots as practical.

30.41C.080 Site design standards - roads, gates and pedestrian pathways.

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

- (1) All roads, whether public or private, shall be designed and constructed in accordance with county engineering design and development standards (EDDS). Minimum required pavement dimensions consistent with the EDDS shall be used to minimize stormwater runoff.
- (2) Access to the internal roads of a rural cluster subdivision by a private road may be permitted pursuant to SCC 30.41A.210.
- (3) Access to the existing public roadway system shall be limited to no more than two points per cluster unless specifically approved or required by the county engineer.
- (4) Internal roads shall be provided in accordance with the EDDS and with chapter 30.24 SCC.
- (5) Connect clusters with pedestrian trails or pathways when feasible.
- (6) Pedestrian facilities shall be physically separate from vehicular roadways. Use of pervious materials for pedestrian facilities is encouraged where conditions allow.
- (7) If entrance gates are used, they shall be constructed to accommodate emergency vehicle access in accordance with SCC 30.53A.512. Gate locations and width shall be approved by the fire marshal and the county engineer. Gates serving two or fewer dwelling units may be exempt from these requirements if approved by the local fire district.

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

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

- (2) To qualify as restricted **or interim** open space, an area must meet the following standards:
- (a) It must be used for buffering, critical area protection, resource production, 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 w))~~ Wells, well houses, water lines, water system appurtenances and ~~((community))~~ drain fields **when located in appropriate 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.
 - (d) At least 30 percent of the total area of restricted **or interim** 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.			

(4) No more than 65 percent of the total restricted open space area may consist of unbuildable land as defined in SCC 30.91U.060. For interim open space only, when more than 40 percent of the gross area of the site is constrained by critical areas and/or contains unbuildable land, the minimum interim open space requirements may be reduced by up to 40 percent.

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

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

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

30.41C.100 Restricted open space - natural resource lands.

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

- (1) A minimum 100-foot open space buffer shall be provided between the boundary of the designated natural resource land and the property lines of any residential lots or any structure within an open space; and
- (2) A disclosure statement regarding the use rights associated with natural resource lands, as required by SCC 30.32A.210, SCC 30.32B.210 or SCC 30.32C.300, shall be recorded on the final plat or final short plat. The disclosure statement shall contain text stating the protections and potential hazards of proximity to agricultural, forestry, or mineral uses as required in SCC 30.32A.220, SCC 30.32B.220 or SCC 30.32C.310.

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and SCC 30.41C.140:

- (1) Open space requirements must be met with restricted or interim open space tract(s) held in separate ownership from residential lots and marked on the face of the plat with limited uses referenced.
- (2) Restricted or interim open space tracts shall be owned by a single property owner, a homeowners association, a public agency or a not for profit organization.
- (3) When ownership of restricted or interim open space is by a single property owner, the property owner shall:
 - (a) Record a restricted covenant against the open space tract that runs with the land and restricts the use of the open space tract to those uses allowed in SCC 30.41C.090(2) and SCC 30.41C.140; and
 - (b) Provide an open space management plan pursuant to SCC 30.41C.120.
- (4) Common ownership shall be by the property owners of the subdivision as a whole, in the form of a homeowners association.
 - (a) The applicant shall provide the county with a description of the association, proof of incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants and restrictions regulating the use of the property and setting forth methods for maintaining the open space.

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

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

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

(b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC 30.32C.050.

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

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

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

30.41C.120 Open space management plan.

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

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

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

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

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

(d) Any proposed development activities;

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

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

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

(2) The open space management plan must be approved by the director and shall be recorded as a

separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to 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.

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 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) 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 10 feet	
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet	

1 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.

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:

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, including the location of any proposed single family dwelling in the interim open space tract, 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.

(4) When more than 40 percent of the gross area of the site is constrained by critical areas and/or contains unbuildable land, 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), provided that one single family dwelling may be sited within an interim open tract subject to the following requirements—except and that no other new permanent structures shall be allowed.

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

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

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

(c) The portion of the interim open space tract containing a single family dwelling site development area shall be clearly identified within the interim open space tract on both the preliminary and final plat or

short plat maps for the rural cluster subdivision or short subdivision.

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

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

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

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

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

30.41C.150 Modifications.

Rural sites may exhibit diverse characteristics reflecting unique rural character and, in the event that the applicant promotes innovative and creative design in the rural area while meeting the intent of preserving rural character, modifications to some standards required in this chapter may be approved.

(1) An applicant may request a modification to the following standards:

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

(2) A request for modification:

- (a) Shall be submitted to the department and processed concurrently with the application for a rural cluster short subdivision or rural cluster subdivision; and
- (b) Shall include a narrative description and any documents necessary to demonstrate that the modification meets the approval criteria in SCC 30.41C.030(2) and the performance standards in SCC 30.41C.050.
- (3) The department, in the case of a rural cluster short subdivision, or the hearing examiner in the case of a rural cluster subdivision, may approve a request for modification when:
 - (a) The modification furthers the purpose of protecting rural character in accordance with SCC 30.41C.010 and 30.41C.050;
 - (b) The modification does not conflict with other applicable provisions of the Snohomish County Code;
 - (c) The modification fulfills the intended purpose of this chapter and represents an equal or better result than would be achieved by strictly following the requirements of the code; and
 - (d) The modification provides one or more of the following:
 - (i) Reduction of visual impact of primary and accessory structures on nearby properties;
 - (ii) Enhanced use of low impact development methods for the retention and treatment of storm water on site;
 - (iii) Improvement to on-site water quality control beyond the requirements prescribed in the Snohomish County Code; or
 - (iv) Increased retention of original natural habitat conditions by 20 percent or more than is required by chapter 30.62A, 30.62B or 30.62C SCC.

30.41C.230 Design standards - lot yield.

- (1) Basic lot yield shall be obtained by dividing the gross site area by the larger of 200,000 square feet or the minimum required lot area of the zone in which the rural cluster subdivision or short subdivision is to be located (with both numbers expressed in the same units).
- (2) The maximum lot yield shall be obtained by multiplying the basic lot yield by one plus the density bonus, expressed as a fraction, as specified in SCC 30.41C.240.
- (3) ~~((14))~~ For purposes of determining the lot yield only, a designated duplex lot shall be considered as two lots.

(4) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

30.41C.240 Design standards - bonus residential density.

(1) For all lands, except those specified in subsections 2 and 3 of this section, a rural cluster subdivision or short subdivision shall be awarded a residential density bonus of 15 percent of the maximum density allowed by the underlying zone if the amount of restricted open space or interim open space equals the amount required in SCC 30.41C.075 and 30.41C.090. If additional restricted open space or interim open space is proposed beyond the minimum amount required, a rural cluster subdivision or short subdivision shall be awarded an additional one percent density bonus for every additional one percent of restricted open space or interim open space designated up to a maximum total density bonus of 35 percent.

(2) A rural cluster subdivision or short subdivision on lands designated local forest or subject to the mineral resource overlay shall be awarded a residential density bonus of 5 percent if the amount of restricted open space meets or exceeds the amount required in SCC 30.41C.075 and 30.41C.090. If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short subdivision shall be awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of 10 percent.

(3) On lands designated RR-RD within a RUTA overlay, no density bonus is allowed.

**Chapter 30.25
GENERAL DEVELOPMENT STANDARDS – LANDSCAPING**



Sections:

- **30.25.010 Purpose.**
- **30.25.012 Applicability.**
- **30.25.014 Annual report on tree canopy.**
- **30.25.015 General landscaping requirements.**
- **30.25.016 Tree canopy requirements.**
- **30.25.017 Type A and Type B landscaping.**
- **30.25.020 Perimeter landscaping requirements.**
- **30.25.022 Parking lot landscaping.**
- **30.25.023 Stormwater flow control or treatment facility landscaping.**
- **30.25.024 Outside storage and waste areas.**
- **30.25.025 Personal wireless service facilities landscaping and screening.**
- **30.25.026 Community facilities for juveniles parking lot landscaping.**
- **30.25.027 Excavation and Processing of Minerals.**
- **30.25.028 Temporary dwellings.**

- 30.25.029 Large detached garages and storage structures.
- 30.25.030 Additional landscaping requirements for PCB, BP, HI, and IP zones.
- 30.25.031 Additional landscaping requirements for the UC zone.
- 30.25.032 Additional landscaping requirements for RB, RFS, CRC, and RI zones.
- 30.25.033 Additional landscaping Landscape screening requirements for rural cluster subdivisions and short subdivisions.
- 30.25.035 Landscaping requirements for binding site plan (BSP) developments.
- 30.25.036 Additional landscaping requirements for planned residential developments (PRDs).
- 30.25.040 Landscaping modifications.
- 30.25.043 Landscaping installation.
- 30.25.045 Landscaping maintenance.
- 30.25.050 Auto wrecking yards and junkyards.

...

30.25.033 Additional landscaping Landscape screening requirements for rural cluster subdivisions and short subdivisions.

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

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

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

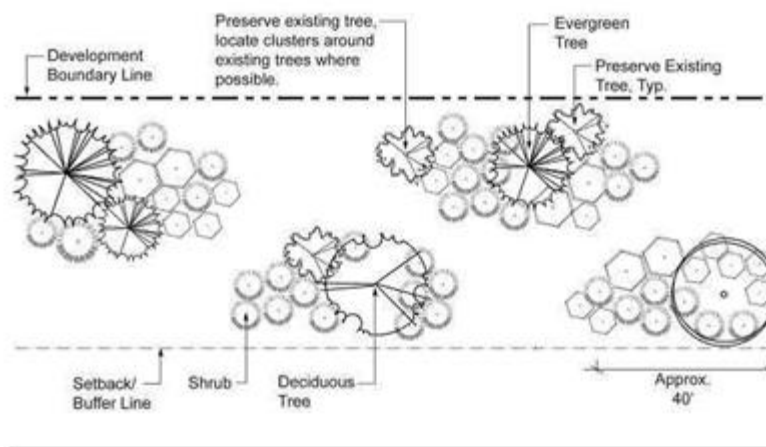
(a) In the required setback buffer from the road rights-of-way;

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

(c) In the open space buffers between clusters.

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

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

(4) (5) 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.

(5)(6) 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 20 to 30 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) Trees and shrubs must be two-thirds evergreen species;

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

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

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

(v) Deciduous trees shall have a minimum 1 ½ -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 rural districts areas of the county.

(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.

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

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

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

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

Proposed Findings and Conclusions

- A. The proposed code amendments are consistent with and supportive of the following Growth Management Act (GMA) provisions:

The RCW 36.70A.070 – Mandatory elements:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

...

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

...

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

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

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

- B. The proposed code amendments are consistent with and supportive of the following Multicounty Planning Policies (MPP):

MPP-DP-37: Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.

MPP-DP-29: Protect and enhance significant open spaces, natural resources, and critical areas.

- C. The proposed code amendments are consistent with and supportive of the following Countywide Planning Policies (CPP):

DP-29: The county may permit rural clustering in accordance with the Growth Management Act.

- D. The proposed code amendments are consistent with and supportive of the following General Policy Plan (GPP) objective and policies:

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

(j) Submittal of a site plan to ensure that siting of lots and built areas will not interfere with the rural character of the site and is consistent with the performance standards of the ordinance. The site plan must include: (i) location of clusters, roads and open space; (ii) within clusters, location and placement of buildings, useable building areas, driveways, and drainage systems; and (iii) location of critical areas and all buffers;

Subsection 2. The development minimizes adverse impacts to large-scale natural resource lands, such as forest lands, agricultural lands and critical areas. Performance standards shall include the following: (a) Minimization of alterations to topography, critical areas, and drainage systems; and (b) Adequate separation between rural buildings and clusters and designated natural resource lands;

Subsection 3. The development does not thwart the long-term flexibility to expand the UGA. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that the tract may be reserved for future urban development. When an open space tract is added to a UGA and adequate services can be provided, the County may allow redevelopment of the open space tract into additional lots to provide appropriate urban level density.

Subsection 4. The development has made adequate provision for impacts to transportation systems. Performance standards shall include: (a) controls for access to the rural cluster subdivision from public roads; (b) requirements to meet rural concurrency standards; and (c) requirement that the development be located within a rural fire district.

LU Policy 6.B.9 Planned rural development must be consistent with state law regarding available water resources and instream flow rules.



SNOHOMISH COUNTY PLANNING COMMISSION

December 12, 2022

Snohomish County Council
County Administration Building
M/S 609, 3000 Rockefeller Avenue
Everett, WA 98201-4046

SUBJECT: Planning Commission Recommendation on Proposed Rural Cluster
Development Code Amendments

Dear Snohomish County Council:

The Snohomish County Planning Commission is forwarding its recommendation on proposed amendments to the rural cluster subdivision and short subdivision requirements in Snohomish County Code (SCC) Chapter 30.41C and related landscape screening requirements in SCC Chapter 30.25.

The Planning Commission held a briefing on the rural cluster subdivision and short subdivision code amendments proposal on October 25, 2022, and conducted a public hearing on November 15, 2022, to review and take action on the proposed amendments.

After closing public testimony and concluding deliberations, a motion was made by Commissioner Campbell and seconded by Commissioner Everett recommending **DENIAL** of the code amendments to rural cluster subdivision and short subdivisions requirements:

VOTE (Motion)

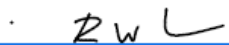
6 in favor (*Brown, Campbell, Eck, Everett, Larsen, Pedersen*)

0 opposed

1 abstention (*Ash*)

This recommendation was made after consideration of information presented during the public hearing process and in the October 10, 2022, Planning and Development Services staff report.

Respectfully submitted,



Robert Larsen (Dec 12, 2022 15:12 PST)

Robert Larsen, Chairman
Snohomish County Planning Commission

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services

Executive/Council Action Form (ECAF)**ITEM TITLE:****..Title**

Ordinance 24-021, relating to Growth Management; concerning rural cluster subdivisions and short subdivisions; amending Chapters 30.25 and 30.41C of the Snohomish County Code

..body**DEPARTMENT:** Planning and Development Services**ORIGINATOR:** Henry Jennings**EXECUTIVE RECOMMENDATION:** Approved by Ken Klein 3/12/24

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

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

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.**CONTRACT INFORMATION:**

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

Contract Period

ORIGINAL	START	_____	END	_____
AMENDMENT	START	_____	END	_____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance – Nathan Kennedy 3/12/24

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
9

10 WHEREAS, following the public hearing, the County Council deliberated on the
11 proposed amendments contained in this ordinance.
12

13 NOW, THEREFORE, BE IT ORDAINED:
14

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.

- 1 4. RCW 36.70A.070(5)(c)(iv) – protecting critical areas and surface and ground
2 water resources, as provided in RCW 36.70A.060.
3

4 The proposed amendments are consistent with RCW 30.70A.070(5)(c)(iv) and
5 will not reduce the protection of critical areas, surface water, or groundwater
6 under current County code. By reducing the potential amount of impervious
7 surface and reducing the potential overall ground disturbance through allowing
8 for larger clusters, protection of critical areas, surface water, and groundwater
9 may be increased.
10

- 11 5. RCW 36.70A.070(5)(c)(v) – protecting against conflicts with the use of
12 agricultural, forest and mineral resource lands designated under RCW
13 36.70A.170.
14

15 The proposed amendments will not change where rural cluster subdivisions may
16 be developed in Snohomish County and will not result in any conflicts with the
17 use of the County's resource lands. Instead, the amendments will allow clusters
18 to be arranged differently within a rural cluster subdivision. The amendments
19 have the potential to reduce the number of clusters in a development and allow
20 for the preservation of more connected open space.
21

- 22 E. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the
23 below listed goals, objectives, and policies contained in the GPP and Vision 2050.
24

- 25 1. Goal LU 6: "Protect and enhance the character, quality, and identity of rural
26 areas." The proposed amendments will not result in additional lots being created
27 in rural cluster subdivisions as currently allowed. The amendments will allow
28 more lots per cluster and a smaller separation between clusters meaning more of
29 the site will be preserved as contiguous open space which will protect and
30 enhance the character, quality, and identity of the County's rural areas as
31 compared to the current code requirements.
32
- 33 2. Objective LU 6.B: "Encourage land use activities and development intensities
34 that protect the character of rural areas, avoid interference with resource land
35 uses, minimize impacts upon critical areas, and allow for future expansion of
36 UGAs." Consolidating lots into fewer clusters will result in fewer clusters being
37 required for a given rural cluster development which is intended to better protect
38 the character of rural areas, avoid interference with the County's resource land
39 uses, and minimize impacts upon critical areas.
40
- 41 3. LU Policy 6.B.1: "Use of a clustering subdivision technique should be
42 encouraged by the County in rural residential areas to 1) preserve the rural
43 character of Snohomish County; 2) avoid interference with resource land uses; 3)
44 minimize impacts upon critical areas; 4) allow for future expansion of the UGAs,
45 where appropriate, and 5) support the provision of more affordable housing in
46 rural areas. The primary benefit of clustering is the preservation of open space.
47 Modest density incentives should be provided in a manner which encourages use
48 of the technique and maximum preservation of open space and maintenance of
49 rural character. . ." Allowing more lots to be clustered while not changing the

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

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

F. Procedural requirements:

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

G. This ordinance is consistent with the record:

1. Maximum lot yield for a rural cluster subdivision is calculated using SCC 30.41C.230 and 30.41C.240. The amendments proposed by this ordinance will not result in increasing the maximum number of lots allowed for a given development because no amendments are being made to the lot yield or density bonus provisions. While the amendments to SCC 30.41C.070 will allow an increase in the maximum number of residential lots permitted in a cluster depending on the total acreage of the site, the total number of lots allowed within a rural cluster development will not change.
2. Outside of Snohomish County's urban areas, agricultural and large lot residential uses highlight one aspect of the interplay between natural and built environments. While these

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

development patterns that promote the protection of natural surface water flows, groundwater and surface water recharge and discharge areas by reducing potential overall ground disturbance. The amendments to change the number of lots permitted in a cluster may also potentially reduce the number of wells required to serve a given subdivision.

7. The amendments to SCC 30.41C.070 will allow an increase in the maximum allowable number of lots per cluster for larger sites, while not changing the maximum lot yield for a rural cluster development. Twenty-lot clusters will be allowed for sites 50 acres to 240 acres in size and 30 lot-clusters for sites greater than 240 acres in size. These increases in the maximum allowed number of lots per cluster are intended to reduce the number and area of interior roads between clusters, reduce the area of impervious surface in a rural cluster subdivision, and increase open space and wildlife corridor connectivity. These amendments are also intended to contribute to visual landscapes that are traditionally found in rural areas and communities.
8. SCC 30.41C.070 is also amended to require that all proposed duplex lots shall be clearly identified on both the preliminary and final plat or short plat maps. Finally, this section clarifies that new utility lines and supporting infrastructure are required to be placed underground within a rural cluster development.
9. SCC 30.41C.075 is amended to increase the perimeter buffer setback widths from abutting residential properties to be consistent with the buffer setback widths from perimeter roads bordering a rural cluster development. The amendments will allow a reduction in the perimeter buffer setback widths when additional landscape screening is installed as allowed under SCC 30.25.033, if no sight-obscuring natural features are present. The amendments reduce the width of setback buffer tracts that separate clusters and will allow a further reduction if additional landscape screening is proposed meeting the requirements of SCC 30.25.033. Allowing reductions in setback and open space buffer widths subject to installation of additional landscape screening will provide flexibility in siting individual clusters in areas of a development with the fewest environmental impacts and increasing the separation of clusters from environmentally sensitive areas. The amendments are also intended to reduce the length of interior roads, reducing the area of impervious surfaces that could impact stormwater drainage facilities.
10. SCC 30.41C.090 is amended to specify the requirements that apply to restricted and interim open space. The amendments provide internal consistency with other sections of chapter 30.41C relating to interim open space requirements. The amendments allow certain drainage facilities, wells, and drain fields that serve only one lot to be located in easements in restricted or interim open space. No change is proposed to reduce lot size. The amendments allow the location of one single family dwelling within an interim open space tract. Allowing for individual water systems, drain fields, and stormwater drainage facilities within restricted and interim open space tracts to serve only one lot provides for greater site design flexibility and, in the case of drainage facilities, maximizes the use of natural features for stormwater management, which is intended to reduce overall site 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.

38
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.

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:
7

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:

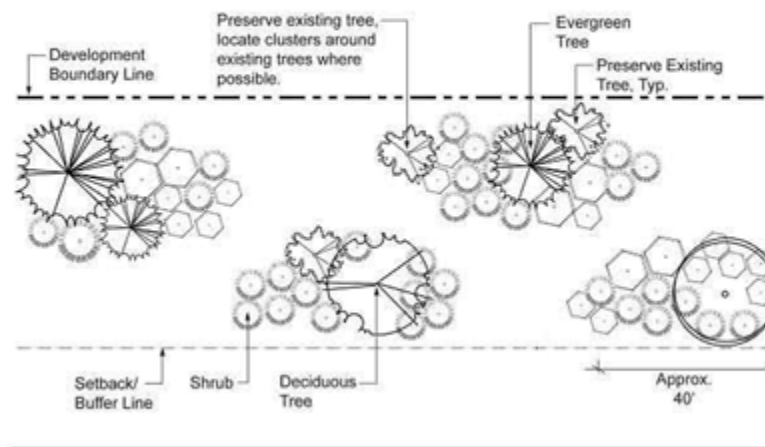
19 (a) In the required setback buffer from the road rights-of-way;

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.
30

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

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

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

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

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

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

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

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

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

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

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

Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements

<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</u> <u>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</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Perimeter buffer from the development boundary abutting residential properties</u>	<u>100 feet</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Separation buffers between clusters</u>	<u>150 feet</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

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

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

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

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

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

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space and not interim open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

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

(a) It must be used for buffering, critical area protection, resource production, 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.			

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

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

(6) The following notice related to restricted open space shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

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

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

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and SCC 30.41C.140:

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

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

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

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

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

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

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

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

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

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

(b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC 30.32C.050.

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

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

30.41C.120 Open space management plan.

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

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

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

(2) The open space management plan must be approved by the director and shall be recorded as a separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to 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, ~~((hat))~~ 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 10. Snohomish County Code Section 30.41C.130, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended 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 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) 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	

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

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.
43

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

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.003

FILE ORD 24-021

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N. Nehring
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ____ Consensus /
____ Yeas and ____ Nays and made the following recommendation:

____ Move to Council to schedule public hearing on: _____

____ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

***5/15/24 Public Hearing - Ord remanded back to
Planning & Community Development Committee**

**-Planning Committee - 7/16/24
-Moved to GLS 7/24/24 to schedule PH
-Public Hearing - 8/28/24 at 10:30 am**

N. Nehring
Committee Chair



Planning and Community Development

Ryan Countryman

Council Initiated:

☐ Yes

☒ No

SNOHOMISH COUNTY COUNCIL

ECAF: 2024-0321

Ordinance: 24-021

Type:

☐ Contract

☐ Board Appt.

☒ **Code Amendment**

☐ Budget Action

☐ Other

Requested Handling:

☒ **Normal**

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ **N/A**

Planning

Commission

Recommendation:

☐ Approve

☒ **Do Not Approve**

☐ N/A

Executive

Recommendation:

☒ **Approve**

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ **Yes**

☐ No

☐ N/A

Subject: Code Amendment – Rural Cluster Development.

EXHIBIT # 3.2.001

FILE ORD 24-021

Scope: Ordinance 24-021 would amend Chapters 30.25 and 30.41C of Snohomish County Code (SCC).

Council staff has identified some technical details that may require an amendment to the ordinance, including an issue that could increase the scope to involve changes to a section in Chapter 30.41B SCC.

Duration: Not Applicable

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ **N/A**

Authority Granted: None

Background:

Proposed Ordinance 24-021 (Ord 24-021) would revise development standards for Rural Cluster Subdivisions and Short Subdivisions (collectively abbreviated as “RCS”) in Chapter 30.25 SCC (Landscaping) and Chapter 30.41C (Rural Cluster Subdivisions and Short Subdivisions).¹ RCS development is “an alternative subdivision method for developing rural residential property, whereby landowners and developers are given incentives to cluster lots on the most buildable and least environmentally sensitive areas” and for similar purposes listed in [SCC 30.41C.010](#).

Planning and Development Services (PDS) will present details on the proposed changes in Ord 24-021 during a briefing to the Planning and Community Development Committee on April 2, 2024. This staff report supplements the PDS briefing materials with two attached Exhibits. Exhibit A summarizes the proposal enough to identify and discuss some policy-level considerations related to rural growth targets and an upcoming requirement to implement wildfire protection standards known as the Wildland-Urban Interface Area Requirements. These topics receive limited or no attention in the PDS briefing materials. Exhibit B describes some minor details where the proposed ordinance appears to conflict with other code sections. For these, it may be appropriate to prepare an amendment with language to make technical fixes before final council action on the proposed ordinance.

Requested Action: Move to GLS to set time and date for a public hearing.

¹ In rural areas, PDS staff can currently administratively approve short subdivisions with up to four lots. Subdivisions can have any number of lots and require a public hearing and decision by the Hearing Examiner. These procedural distinctions are relevant to the first issue in Exhibit B.

Exhibit A. Policy Level Considerations

Rural Cluster Subdivisions and Short Subdivisions (RCS) must preserve at least 45% of the total project area in open space tracts. In exchange, developers receive a density bonus of 15% for retaining the minimum amount of open space. The density bonus increases by 1% for every additional 1% of the site in open space. The maximum density bonus is 35% for protecting 65% of the project site. These aspects of RCS development would be unchanged by Ord 24-021.

RCS provisions require grouping of homes in clusters of up to 13 lots to allow for the required open space. Code requires landscape screening areas to minimize visual impacts to neighboring properties and to separate clusters within a development. Open space tracts generally remain in a natural state. Ord 24-021 would revise aspects of these provisions.

Proposed changes. Although Ord 24-021 would maintain the same maximum overall number of lots, it would increase flexibility for arranging those lots. The maximum number of lots per cluster would increase to a range of 14 to 30 depending on the size of the overall development. The minimum width of external and internal screening tracts would be less. Screening requirements would include new allowances for physical features such as retaining part of an existing forest. It would also allow some utility uses in open space tracts that must currently be on lots or in tracts that do now count as open space. Building setbacks from side yard property lines would reduce from 25 feet to 10 feet. New RCS developments could include one house on a tract reserved for future urban development in places designated by the comprehensive plan as Rural to Urban Transition Areas.

From the perspective of impacts to project-level development sites, the proposal would allow more homes in each cluster and allow for narrower screening areas. These changes would result in RCS development that is more compact. This would help reduce surface water and other impacts to the natural environment. Compact development also reduces construction costs. Lower construction costs may benefit housing affordability. However, such changes may also encourage more RCS development countywide.

Rural Growth. Reducing rural growth will be a major challenge for the comprehensive plan update due for completion this year. PDS provided a presentation to the County Council on August 15, 2023, addressing the topic of rural growth. That presentation included several slides referred to in this report.² The growth targets adopted by Snohomish County for consistency with Puget Sound Regional Council's Vision 2050 plan require rural population growth rates to slow to a 3.3% share of projected county growth between 2020 and 2044. This would require that Snohomish County issue

² The slides for this presentation are available at <https://snohomish.legistar.com/View.ashx?M=F&ID=12220394&GUID=F99085FA-545F-49AF-92A7-43325FCADFB6>.

The presentation itself begins at 24:00 in the recording of the meeting which is available at https://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=8580.

no more than 220 new housing units per year in the rural areas. However, rural growth between 2017 and 2022 was twice the rate of the adopted targets, at 440 new units per year (Slide 10).

The annual number of lots applied for in RCS development has been highly volatile since 1994 when PDS record keeping began. The annual number ranges from zero to 1,805 new lots per year during the 1994 to July 28, 2023, period. 2005 to 2007 were the peak years for rural cluster development. Since that peak, new applications declined and have stayed low. Between 2010 and July 28, 2023, applications for new lots averaged only 29 lots per year (Slide 9).

If new rural cluster development was to remain at only 29 lots per year, these units would be responsible for 13.2% of the targeted 220 units per year in the rural areas. However, the recent lull in activity may have been because of a large the inventory of lots created by applications in the peak years. Although not clearly stated in the PDS materials, this inventory appears to be nearing exhaustion. Evidence supporting this view is in the recent switch to development on lots created by other means (Slide 8).

There has been an uptick in new RCS activity since the PDS presentation on August 15, 2023. This includes two notable examples that have not yet reached the full application stage counting towards the 29-lots per year that PDS projected in August 2023. These are:

- Lake Bosworth North, a 200-lot RCS with a traffic pre-submittal request submitted on November 12, 2023, (PDS file 23-117159 PS); and
- Woodland Heights Reserve, a 250-lot RCS with a pre-application request submitted on December 13, 2023 (PDS file 23-119379 PA).

These examples are early indicators that RCS development may soon return as a major contributor to rural growth. If RCS development picks up as suggested by recent permit activity, it is not clear how Snohomish County will reduce rural growth to a level consistent with the adopted targets. Meeting the targets will become more challenging if adoption of Ord 24-021 encourages further RCS development above the apparent new trend levels.

Growth targets are typically issues reserved for consideration during periodic Growth Management Act (GMA) comprehensive plan updates. One such update is currently underway. However, it does not appear to council staff that the ordinances transmitted to the County Council for the 2024 update include any substantive policy proposals to address rural growth. GMA compliance may thus be a concern for Ord 24-021 since rural growth is currently twice the adopted target rate and there is nothing in the ordinance to offset its likely cumulative effect of increasing rural growth. Despite these challenges, other pending requirements might factor into an eventual policy solution.

Engrossed Senate Bill 6120 (ESB 6120)³ came into effect on March 15, 2024, establishing new requirements related to wildfire risks and mitigation. ESB 6120 incorporates portions of the current

³ ESB 6120 is available at <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/6120.SL.pdf>

International Wildland Urban Interface (WUI) Code into state law and requires state agencies to develop wildfire risk maps for each county.

Snohomish County will eventually need to include the risk maps and WUI Code into its own regulations. These changes will affect much, perhaps most, of the designated rural areas of Snohomish County. These are largely the same areas subject to potential use of RCS provisions. For places where the WUI Code will eventually apply, new water supply requirements and building fire-proofing standards will not directly conflict with current or proposed RCS development standards. However, these new WUI requirements will increase development costs. Higher costs will generally make new homes in rural areas more expensive, thus discouraging overall rural growth and helping to mitigate the rural growth issue.

Other aspects of the WUI Code appear to conflict with specific RCS provisions, making further code amendments likely. For example, the WUI Code establishes new requirements relating to the management of vegetation near structures to create a “defensible space” around buildings if a wildfire occurs. Ord 24-021 would reduce the width of open space screening tracts that include forests. This proposed change would result in weaker tree stands, increasing the amount of deadwood and likelihood of windthrow. Although increases to deadwood and windthrow are potentially mitigatable under the WUI Code, they are generally contrary to the pending requirements. Similarly, where Ord 24-021 proposes to reduce mandatory side yard setbacks to 10 feet, it also reduces the amount of defensible space around buildings. In some cases, this 10-foot setback and other county requirements regarding open space management already conflict with what the WUI Code requires.

The materials transmitted to Council for Ord 24-021 do not address future challenges in complying with the WUI Code. Bringing Snohomish County’s RCS provisions into compliance with the WUI Code may require specialized assistance. Some of the changes proposed in Ord 24-021 could comply with current requirements but will probably need to change again once the hazard mapping is complete and Snohomish County compliance with the WUI Code becomes mandatory.

Exhibit B – Minor Technical Issues

Council staff has identified some minor technical issues with Ord 24-021. These will likely need an amendment before final action by the County Council. Addressing SCC 30.41B.010 will likely require including that section in the scope of the ordinance to propose amendments. Proposed changes in SCC 30.41C.140 conflict with an existing definition. An amendment could handle this by slightly rephrasing the changes to SCC 30.41.C.140 that Ord 24-021 proposes.

Due to staffing availability, the specific language proposed below has not had peer review by the appropriate departments. However, reviewing the language and drafting an amendment along the lines of what follows could easily happen before final action by the County Council.

Issue 1: The proposed provision in SCC 30.41.C.090(2)(c)(v) that would allow a single-family dwelling to be in an interim open space tract is in conflict with current phrasing of [SCC 30.41B.010](#) and [RCW 58.17.020](#). SCC 30.41B.010(2) and (3) both limit rural short subdivisions to **four lots**. For rural areas, RCW 58.17.020 says that short subdivision “is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.” Allowing a single-family dwelling in a tract could result in a short subdivision with five pieces of land for sale, lease, or ownership. For this issue, a suggested amendment would add a new section to the ordinance revising SCC 30.41B.010 as follows:

SCC 30.41B.010 Purpose and applicability.

(1) The purpose of this chapter is to:

(a) Regulate the division or redivision of land into nine or fewer lots, tracts, or parcels in an urban growth area, and four or fewer lots, tracts, or parcels outside an urban growth area, except as set forth in subsections (2) - (4) of this section;

[...]

(2) Land within a short subdivision which has been recorded within the immediately preceding five years may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC, or the short subdivision may be altered to contain up to the maximum number of permissible lots, tracts, or parcels, as follows: When a short subdivision contains fewer than the maximum number of permissible lots, tracts, or parcels, based on the short subdivision’s location either outside or inside an urban growth area, the owner who filed the short subdivision may file an alteration within the five year period to create, within the original boundaries of the short subdivision, a greater number of lots, tracts, or parcels than were originally created, up to a total of four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) outside an urban growth area, or a total of nine lots inside an urban growth area.

(3) After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, he may not divide the aggregate total into more than four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) when located outside an urban growth area or nine lots when located in an urban growth area.

[...]

Issue 2: Proposed changes in SCC 30.41C.140(3)(b) would allow private road easements in the interim open space tract to serve a single-family dwelling in the tract. However, this conflicts with [SCC 30.91R.230](#) which defines private road as “a road network element that is privately owned and maintained, is located within a tract or easement and is designed to provide access from a public road to three or more lots.” Since private roads serve three or more lots, they cannot serve a single house in a tract. Driveways provide access to single family residences. These can be in an access easement. All easements need to be on the final plat. Possible rephrasing in SCC 30.41C.140(3):

(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 access~~ 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 and any access easement to it.

Rural Cluster Development Code Amendments

Snohomish County Council
Planning Committee Briefing

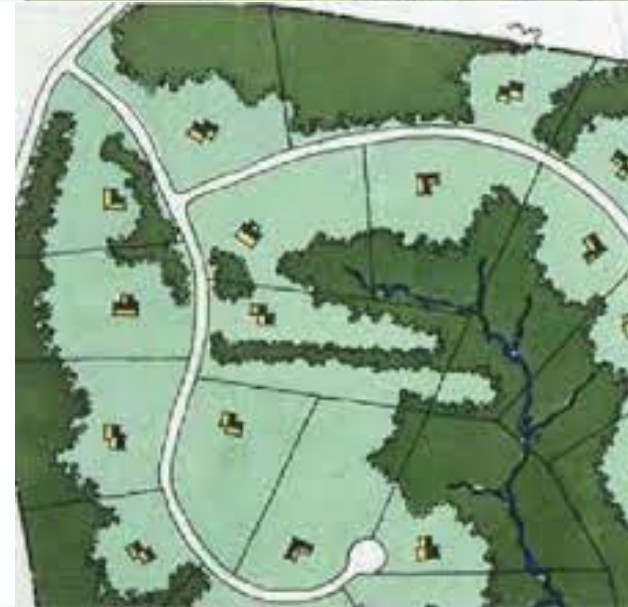
19 March 2024



Snohomish County

Background

- Rural cluster regulations in Chapter 30.41C SCC offer smaller lot sizes and density incentives in designated rural areas of Snohomish County in exchange for setting aside open space tracts.
- Rural cluster subdivision and short subdivision regulations adopted in the early 1990s.
- Recently developers and property owners have expressed a desire for greater flexibility in the regulations.
- County agrees to evaluate current rural cluster regulations to determine whether a limited number of amendments are appropriate.



Snohomish County

Project Timeline

- Request to modify RCS code received from Master Builder's Association in January of 2022
- Draft code taken to Planning Commission Briefing in October of 2022
- Planning Commission voted to recommend denial in November of 2022
- Project put on hold in early 2023 pending outcome of Rural Village Demonstration Program, ADU Remand, and to prioritize work on 2024 GMACP Update
- Project resumed in January 2024



Proposed Rural Cluster Code Amendments

Amending the following rural cluster development requirements:

- Increase the maximum number of lots allowed within a cluster and reduce the spacing between clusters
- Allow reduced setback buffers from perimeter roads with added screening
- Increase setback buffer widths from perimeter properties
- Allow individual lot drainage and utility facilities in open space tracts
- Allow one residence within an interim open space tract

The proposed code amendments will not increase the total number of lots allowed in a rural cluster development.



Maximum Number of Lots Within a Cluster

Project Acreage	Proposed Maximum Number of Lots Per Cluster – No Change to Overall Lot Yield*	Current Code	Proposed Maximum Number of Overall Lots
Less than 50	14	13	No Change
50 to 240	20	N/A	No Change
Greater than 240	30	N/A	No Change

***A Rural Cluster Subdivision may have more than one cluster of housing lots.**

Proposed Rural Cluster Code Amendments

The proposed code amendments will provide the following benefits:

- Keep the same number of lots able to be created in a rural cluster development
- Protect and enhance rural character through additional screening requirements
- Increase site design flexibility
- Reduce impervious surfaces, particularly roads, creating less stormwater runoff
- Reduce the impacts and cost of providing rural utility infrastructure
- Reduce the fragmentation of open space tracts and wildlife corridors
- Increase the efficiency of natural drainage systems to allow LID techniques



Proposed Rural Cluster Code Amendments

Amendments are consistent with GMACP rural cluster objectives including:

- Preserving rural character
- Preserving open space and natural resource areas
- Minimizing impacts to environmentally sensitive areas
- Allow for a more creative approach to rural land development



Proposed Rural Cluster Code Amendments

Open Space Changes

- Drainage facilities, wells, and septic components serving one unit may be located in restricted and interim open space
- One single family residence permitted in interim open space tract
 - Residence in interim open space tract counts toward overall lot yield
- Setback buffer tracts may be reduced to a minimum of 60 feet
 - Additional landscape screening required to be granted reduction to protect and enhance rural character



Rural Cluster Code Amendments Supported by the GMA, MPPs and the County Comprehensive Plan

- *To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques . . . that are not characterized by urban growth and that are consistent with rural character. (GMA)*
- *Ensure that development occurring in rural areas is rural in character . . . (MPPs)*
- *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 . . . (GPP LU 6.B.1)*

Questions?

Henry Jennings, Planner

Snohomish County Planning and Development Services

3000 Rockefeller Avenue M/S 604 | Everett, WA 98201

425-262-2179 henry.jennings@snoco.org



Snohomish County

EXHIBIT 3.2.003

Planning & Community Development Committee Meeting – 04/02/24

[Minutes](#) and [Video](#)



Planning and Community Development

Ryan Countryman

SNOHOMISH COUNTY COUNCIL

Council Initiated:

☐ Yes

☒ No

EXHIBIT # 3.2.004

FILE ORD 24-021

ECAF: 2024-0321

Ordinance: 24-021

Type:

☐ Contract

☐ Board Appt.

☒ Code Amendment

☐ Budget Action

☐ Other

Requested Handling:

☒ Normal

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ N/A

Planning

Commission

Recommendation:

☐ Approve

☒ Do Not Approve

☐ N/A

Executive

Recommendation:

☒ Approve

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ Yes

☐ No

☐ N/A

Subject: Code Amendment – Rural Cluster Development – *Staff Report #2.*

Scope: Ordinance 24-021 would amend Chapters 30.25 and 30.41C of Snohomish County Code (SCC).

Substitute Ordinance 24-021 would amend Chapters 30.25, 30.41B, and 30.41C SCC.

Duration: Not Applicable

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ N/A

Authority Granted: None

Background: This second staff report supplements the [first staff report](#) on Ordinance 24-021 (Ord 24-021) regarding development standards for Rural Cluster Subdivisions and Short Subdivisions (collectively “RCS”). Supplemental materials address:

1. Substitute Ordinance 24-021; and
2. Additional analysis of existing and proposed RCS standards alongside Wildland Urban Interface (WUI) requirements.

Substitute Ordinance 24-021 includes several minor technical corrections to Ordinance 24-021. The first staff report describes the need for these changes in its Exhibit B and includes proposed language which is now in the substitute ordinance. Planning and Development Services (PDS) and other departments have since confirmed the need for the corrections identified in Exhibit B, which includes an increased scope for the ordinance. *PDS has indicated to council staff that the Executive branch now supports Substitute Ordinance 24-021.*

Additional Analysis. The first staff report also describes two substantive considerations in its Exhibit A that are unaddressed in the materials received from PDS. First, changes to RCS regulations will reduce the cost of constructing RCS development. This will encourage more rural growth in a manner contrary to adopted policies.

The second issue relates to WUI requirements to minimize wildland fire hazards. These are pending state-level action before they become effective as part of the building code. WUI compliance will increase the cost of construction in rural areas. Although such increased compliance costs may provide an offset to the rural growth issue, the timing of these countervailing forces does not match. Further, some aspects of the proposed RCS changes appear to conflict with soon-to-be WUI requirements. Exhibit C, next page, provides details.

Exhibit C. Comparison of Current Code Standards, Proposed Codes, and WUI Requirements

Design Requirement	Current Code	Ordinance 24-021 (and Substitute Ord 24-021)	Wildland Urban Interface (WUI) Requirement	Notes
Side yard setbacks (SCC 30.41C.130)	SCC Table 30.41C.130 provides bulk regulations for buildings. Side yard setbacks are currently 25 feet.	Ordinance 24-021 would reduce the side yard setback to 10 feet.	WUI is silent of building setbacks specifically, but both houses and outbuildings need to be able to meet the fuel modification distances.	The proposed 10-foot side yard setback may conflict with WUI depending on site specifics,. It not a problem if the side yard abuts another house or an open space tract where modification of the vegetative fuel is possible. However, lots with 10-foot side yards may become unbuildable if the HOA cannot manage the fuel in abutting critical area protection areas.
Landscape screening (Planting standards are in SCC 30.25.033; width of screening areas is in SCC 30.41C.075; Ord 21-021 would amend both sections)	<p>SCC 30.25.033 provides planting requirements for landscape screening areas to block the view of the development from adjacent uses and block views between clusters in a single development.</p> <p>SCC 30.41C.075(1) and (2) requires perimeter screening along roads and at abutting residential property to be 100 feet.</p> <p>SCC 30.41C.075(3) requires open space tracts between clusters that area at least 200 feet wide, with reductions to 120 feet possible.</p>	<p>Ord 24-021 would allow the reduction in the width of screening areas along roads and adjacent residential uses to 60 feet if applicants propose to increase the intensity of plantings within the buffer.</p> <p>Ord 24-021 would reduce the open space width between clusters to 150 feet and allow further reductions to 75 feet if the plans depict an increase in the intensity of plantings.</p>	WUI requires management of plantings near buildings to reduce the amount of fuel available for fires. This fuel modification distance varies depending on risk. It ranges from 30 feet (moderate hazard areas) to 100 feet (extreme hazard areas).	The proposal to allow more intense planting in exchange for narrower screening areas may sometimes conflict with WUI. Homeowner's Associations (HOAs) cannot manage critical area protection areas (CAPAs) to meet WUI maintenance requirements. Thus, CAPAs used as landscape screening cannot have their buffers reduced as proposed by Ord 24-021. Non-CAPA planting areas will need closer monitoring by the HOA to comply with vegetation management requirements.
Maximum number of lots in a cluster (SCC 30.41C.070(1)(c))	Clusters of home can currently have up to 13 lots. Note that developments can have multiple clusters separated by landscape screening areas.	14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres.	WUI is silent on the number of homes in a cluster	<p>This part of the ordinance would have two contradicting impacts.</p> <p>1-On a site-specific scale, having more homes in a cluster generally supports the WUI because these homes would abut less vegetation on average.</p> <p>2-On a county-wide scale, larger clusters would lower the cost of construction which would induce greater demand for rural development in areas subject to WUI.</p>

Design Requirement	Current Code	Ordinance 24-021 (and Substitute Ord 24-021)	Wildland Urban Interface (WUI) Requirement	Notes
Uses of Interim Open Space (SCC 30.41C.110 and .140)	When in a Rural to Urban Transition Areas (RUTA), applicants may retain interim open for future subdivision if added to an Urban Growth Area	Ord 24-021 would allow placement of one home in the interim open space tract. Per the original ordinance, access would be by a private road. However, private roads can only serve lots. The substitute ordinance would correct that issue by saying that access to the home in the open space tract would be by a driveway.	WUI is silent on use of such tracts and would treat them as a building lot.	Permit reviewers will need to watch for the length and width of the driveway to homes in the open space tracts. Driveways are typically 10 feet wide. Under WUI, driveways longer than 150 feet need to be at least 12 feet wide. Plans will need to show this added width when required. Stormwater calculations must address the additional impervious surface.

Exhibit 3.2.005

Public Hearing – 05/15/24

[Minutes](#) and [Video](#)

Exhibit 3.2.006

Public Hearing – 06/05/24

[Minutes](#) and [Video](#)



Planning and Community Development

SNOHOMISH COUNTY COUNCIL

Ryan Countryman

Council Initiated:

☐ Yes

☒ No

EXHIBIT # 3.2.007

FILE ORD 24-021

Subject: Code Amendment – Rural Cluster Development – *Staff Report #3.*

Scope: Ordinance 24-021 would amend Chapters 30.25 and 30.41C of Snohomish County Code (SCC).

Substitute Ordinance 24-021 would amend Chapters 30.25, 30.41B, and 30.41C SCC.

Second Substitute Ordinance 24-021 would amend Chapters 30.25, 30.41B, 30.41C, 30.91B and 30.91L SCC.

Duration: Not Applicable

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ N/A

Authority Granted: None

Background:

This third staff report discusses Second Substitute Ordinance 24-021 (Ord 24-021) and supplements [first](#) and [second](#) staff reports regarding development standards for Rural Cluster Subdivisions and Short Subdivisions (collectively “RCS”). The first staff report discusses Ord 24-021 as proposed by PDS and identifies some technical conflicts between that proposal and other code provisions. The second staff report discusses Substitute Ord 24-021 which includes corrections for the technical issues identified in the first staff report.

Councilmember Megan Dunn is sponsoring Second Substitute Ord 24-021 (SS 24-021) in response to concerns raised in comments and testimony received by the County Council. It includes new provisions that would require RCS development to receive third party environmental certification before PDS or the Hearing Examiner could approve the development. SS 24-021 also includes the technical corrections proposed in Substitute Ord 24-021. Details on the proposed third party-certification process in Exhibit D, next page.¹

Requested Action: Move Ord 24-021 to GLS to set time and date for a public hearing.

¹ Exhibits A and B are attachment to Staff Report No. 1. Staff Report No. 2 has Exhibit C.

ECAF: 2024-0321

Ordinance: 24-021

Type:

☐ Contract

☐ Board Appt.

☒ **Code Amendment**

☐ Budget Action

☐ Other

Requested Handling:

☒ **Normal**

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ **N/A**

Executive

Recommendation:

☐ Approve

☐ Do Not Approve

☒ **TBD**

Approved as to

Form:

☒ **Yes**

☐ No

☐ N/A

Exhibit D. Third Party Certification

Third party certification is a service offered by several organizations who would charge the project applicant a fee to review and certify the new development. Requirements vary, but the purpose of certification is to show that a development proposal meets the criteria adopted by the certifier for their program. Under SS 24-021, RCS development would still need to demonstrate compliance with county codes. There would also be a new requirement in the approval procedure to receive third party certification before PDS could approve a rural cluster short subdivision or recommend to the Hearing Examiner approval of a rural cluster subdivision (proposed SCC 30.41C.030(6)).

SS 24-021 provides RCS applicants the choice of pursuing Built Green certification or LEED certification. It would also allow the director of Planning and Development Services to authorize use of additional third party certification options through adoption of administrative rule.

Built Green is a certification program offered by the Master Builder's Association of King and Snohomish Counties (proposed in code as SCC 30.41C.030(6)(a)). This program offers certification for communities and individual buildings. RCS subdivisions and short subdivisions would need to achieve Built Green Communities certification. Conditions of approval for the development would require Built Green Single Family certification for individual building permits.²

The Built Green Communities program awards points for meeting listed criteria involving site selection, site design, construction operations, and stewardship. If an RCS proposal shows that it can score enough points by meeting the established criteria, then the Built Green program will certify it. Some of the Built Green criteria are redundant to adopted county codes. Other criteria offer points for steps that would exceed county code. For example, few rural cluster developments would be able to get points under site selection for maximizing access to mass transit, but they could make up those points by orienting lots for passive solar and solar access.

Building permits would need to meet Built Green Single-Family/Townhome certification. Installation of low-flow plumbing fixtures is an example of how building permits can achieve points toward certification through steps that exceed basic code standards.

LEED stands for Leadership in Energy and Environmental Design and is a certification program offered by the U.S. Green Building Council (proposed SCC 30.41C.030(6)(b)). At the subdivision stage, LEED Neighborhood Development would apply. LEED Home would apply to building permits.³

² The current Built Green checklists and handbooks are available at: <https://builtgreen.net/certification/#checklistandhandbook>

³ The current LEED checklists and additional information is available at: <https://www.usgbc.org/leed>

LEED Neighborhood Development applicants also earn points toward certification. Examples include planting fruit trees instead of ornamental trees to encourage local food production and taking steps to reduce nighttime light pollution.

For building permits, applicants can achieve LEED Home certification by getting points for exceeding code requirements on things like having efficient hot water distribution and balanced heating and cooling systems.

Additional options for third party certification exist. The PDS director could authorize use of additional third party certifiers through adoption of administrative rule (proposed SCC 30.41A.030(6)(c)).

Other changes proposed by SS 24-021 are to implement the third party certification requirements. In the project submittal requirements (SCC 30.41C.040(1)) applicants would need to describe how their project will address third party certification. SSC 24-021 also proposes new sections in Chapters 30.91B and 30.91L SCC to provide definitions related to Built Green and LEED.

Exhibit 3.2.008

Planning and Community Development Committee Meeting – 07/16/24

[Minutes](#) and [Video](#)

Exhibit 3.2.009

Public Hearing – 08/28/24

[Minutes](#) and [Video](#)

From: Tim Trohimovich <Tim@futurewise.org>
Sent: Monday, April 22, 2024 7:20 PM
To: Contact Council; Jennings, Henry
Cc: Kristin Kelly
Subject: Comments on proposed Ord. No. 24-021 Concerning Rural Cluster Subdivisions and Short Subdivisions
Attachments: 2024-4-22 FW Comments to CC on Ord 24-021 Rural Cluster Subdivision Amendments.pdf

Dear County Council Members and Staff:

Enclosed please find Futurewise's comments on proposed Ordinance No. 24-021 Relating to Growth Management; Concerning Rural Cluster Subdivisions and Short Subdivisions; Amending Chapters 30.25 and 30.41C of The Snohomish County Code for the May 15, 2024, County Council Public Hearing.

Thank you for considering our comments.

Please contact me if you require anything else.

Tim Trohimovich, AICP (he/him)
Director of Planning & Law



Futurewise
1201 3rd Ave #2200, Seattle, WA 98101
(206) 343-0681
tim@futurewise.org
futurewise.org
connect:  



1201 3rd Ave #2200, Seattle, Washington 98101
p. (206) 343-0681
futurewise.org

February 23, 2024

The Honorable Jared Mead, Council Chair
Snohomish County Council
Robert J. Drewel Building
Eighth floor
3000 Rockefeller Ave., M/S 609
Everett, Washington 98201

Dear Council Chair Mead and Council Members Nehring, Dunn, Peterson, and Low:

Subject: Comments on proposed Ordinance No. 24-021 Relating to Growth Management; Concerning Rural Cluster Subdivisions and Short Subdivisions; Amending Chapters 30.25 and 30.41C of The Snohomish County Code for the May 15, 2024, County Council Public Hearing.

Sent via email to: contact.council@snoco.org; henry.jennings@snoco.org

Thank you for the opportunity to comment on proposed Ordinance No. 24-021 Relating to Growth Management; Concerning Rural Cluster Subdivisions and Short Subdivisions; Amending Chapters 30.25 and 30.41C of The Snohomish County Code, the proposed Rural Cluster Development Code Amendments. In short, the proposed regulations are likely to encourage growth in the rural area contrary to VISION 2050, violate the Growth Management Act (GMA), and increase adverse impacts on salmon habitat and rural character. The Snohomish County Planning Commission recommended denial of the proposed rural cluster amendments.¹ For these reasons, Futurewise joins the Planning Commission in recommending that the County Council not adopt Ordinance No. 24-021.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, that protect our most valuable farmlands, forests, and water resources, and encourage growth in urban growth areas to prevent poorly planned sprawl. Futurewise has members across Washington State including Snohomish County.

¹ Snohomish County Planning Commission letter to the Snohomish County Council SUBJECT: Planning Commission Recommendation on Proposed Rural Cluster Development Code Amendments (Dec. 12, 2022) at the link on page 15 of this letter with the filename: "Planning Commission Recommendation Letter Rural Cluster Code Amendment.pdf."

Proposed Ordinance No. 24-021, the Rural Cluster Subdivision Amendments, do not comply with Multicounty Planning Policy MPP-RGS-14 because the amendments will increase development in the rural areas.

Counties must comply with the Puget Sound Regional Council Multicounty Planning Policies.² Multicounty Planning Policy MPP-RGS-14 directs Snohomish County and the other central Puget Sound counties to “[m]anage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment.”³ The Regional Growth Strategy allocates 4.5 percent of Snohomish County’s 2017 to 2050 growth, 18,500 people, to the rural area.⁴ Between 2000 and 2017, Snohomish County’s rural population grew by 12.2 percent.⁵

Snohomish County estimates that the 2017 population for rural and resource lands was 128,579 people.⁶ Between 2017 and 2020 the population of rural and resource lands in Snohomish County grew by 4,229 people.⁷ This was 10.3 percent of the total county population growth during this period.⁸ This is over twice the population allocation.⁹ So, consistent with VISION 2050, Snohomish County must reduce rural growth rates over time.¹⁰

Unfortunately, Ordinance No. 24-021 will have the opposite effect. The 2009 Rural Cluster amendments adopted by Ordinance No. 08-087 limited the number of lots

² *Stickney v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 11 Wn. App. 2d 228, 244 – 45, 453 P.3d 25, 34 (2019).

³ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 43 (Adopted Oct. 29, 2020) and last accessed on April 19, 2024, at: <https://www.psrc.org/planning-2050/vision-2050> and at the link on page 15 of this letter with the filename: “vision-2050-plan.pdf.”

⁴ *Id.* p. 30.

⁵ Puget Sound Regional Council, *Regional Growth Strategy Background Paper* p. 23 (March 2019) last accessed on Nov. 9, 2022, at: <https://www.psrc.org/media/1773> and enclosed in the link on page 15 of this letter with the filename: “rgs-background-paper.pdf.”

⁶ *Snohomish County Tomorrow 2020 Growth Monitoring Report* p. 59 last accessed on Nov. 9, 2022, at: https://snohomishcountywa.gov/DocumentCenter/View/77947/2020_GMR_Final_SCT-SC_Dec-2-2020_final and enclosed in the link on page 15 of this letter with the filename: “2020_GMR_Final_SCT-SC_Dec-2-2020_final.pdf.”

⁷ *Id.* p. 17.

⁸ *Id.*

⁹ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 30 (Adopted Oct. 29, 2020).

¹⁰ *Id.* p. 43.

in a rural cluster to 13.¹¹ Ordinance No. 08-087 also adopted other regulations on rural clusters. These regulations coincided with a significant reduction in the number of rural cluster subdivisions and the number of rural lots created by cluster subdivisions.¹² The *2020 Growth Monitoring Report* correctly notes that other factors have affected the number of rural cluster subdivisions and the lots created. However, the rural cluster subdivisions stayed under their peak in the housing boom years of the late 2010s.¹³ Rural cluster subdivisions lagged the recovery in rural subdivisions and rural short subdivisions in the later 2010s.¹⁴ This shows that the protections in Ordinance No. 08-087 are helping to manage rural growth.

Unfortunately, proposed Ordinance No. 24-021 undoes some of the important reforms in Ordinance No. 08-087. Proposed Ordinance No. 24-021 increases the maximum number of lots allowed in a rural cluster from 13 lots to 14 lots on sites less than 50 acres in size, to 20 lots per cluster for sites 50 acres to 240 acres, and to 30 lots per cluster on sites greater than 240 acres in rural cluster subdivisions.¹⁵

Proposed Ordinance No. 24-021 allows perimeter road rights-of-way setback buffer tracts to be reduced from the 100-foot minimum width to 60 feet if additional landscape screening is installed.¹⁶ Previously this reduction was only allowed when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer and this allowance is also retained.¹⁷

Proposed Ordinance No. 24-021 allows perimeter road rights-of-way setback buffer tracts bordering a meadow or pasture to be reduced from the 200-foot minimum width to 120 feet in width if additional landscape screening is installed.¹⁸ Previously this reduction was only allowed if natural characteristics such as topography or geologic outcrops obscure the view of the rural cluster and

¹¹ Snohomish County Amended Ordinance No. 08-087 adopting Snohomish County Code Section (SCC) 30.41C.070 in Section 15 p. 22 of 23 at the link on page 15 of this letter with the filename: “Amended Ordinance No. 08-087.pdf” and last accessed on April 19, 2024, at: <https://snohomish.county.codes/enactments?page=24>.

¹² *Snohomish County Tomorrow 2020 Growth Monitoring Report* pp. 112 – 118.

¹³ *Id.* p. 112.

¹⁴ *Id.* p. 91, p. 101.

¹⁵ Proposed Ordinance No. 24-021 p. 11 of 20 Section 5 amending Snohomish County Code (SCC) 30.41C.070(1)(c).

¹⁶ Proposed Ordinance No. 24-021 pp. 12 – 13 of 20 Section 6 amending SCC 30.41C.075(1) and adding Table 30.41C.075.

¹⁷ *Id.*

¹⁸ *Id.*

this allowance is also retained.¹⁹ Allowing landscaping to substitute for topography or geologic outcrops makes the buffer reduction allowed on many more properties and will allow the character to change from meadows and pastures to forests.

Proposed Ordinance No. 24-021 reduces the minimum open space buffer width between residential clusters from 200 feet to 150 feet.²⁰ Currently the 200 foot the minimum open space buffer width between residential clusters could be reduced to 120 feet when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer between the clusters.²¹ Proposed Ordinance No. 24-021 allows the buffer to be reduced to 75 feet and again allows additional landscape screening to allow the buffer reduction in addition to a sight-obscuring topographic variation or physical condition, such as forest, that is currently allowed.²²

Proposed Ordinance No. 24-021 will allow the creation of more rural lots, more clearing of trees and other native vegetation, and more impervious surfaces. This is because the allowed density in a rural cluster subdivision consists of two components: the allowed density of the zone and the rural cluster density bonus.²³ For most rural lands, agricultural lands, and some forest lands, a 15 percent density bonus above the maximum density allowed by the underlying zone is granted if the restricted open space equals the amount of open space required by SCC 30.41C.075 and 30.41C.090.²⁴ If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short subdivision is awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of 35 percent.²⁵ A 35 percent density bonus is 2.33 times a 15 percent density bonus. As the Staff Memorandum to Planning Commission correctly states increasing the maximum number of lots in a cluster will increase open space.²⁶

¹⁹ *Id.*

²⁰ Proposed Ordinance No. 24-021 pp. 12 – 13 of 20 Section 6 amending SCC 30.41C.075(3) and adding Table 30.41C.075.

²¹ *Id.*

²² *Id.*

²³ Snohomish County Code Section (SCC) 30.41C.230.

²⁴ SCC 30.41C.240(1) enclosed in the link on page 15 of this letter with the filename: “SCC 30.41C.240.pdf.”

²⁵ SCC 30.41C.240(1).

²⁶ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 3 of 32 (Oct. 10, 2022) last accessed on April 19, 2024, at https://www.snohomishcountywa.gov/DocumentCenter/View/103687/Rural-Cluster-amendments_PC-briefing-report-100722 and at the link on page 15 of this letter with the filename: “Rural Cluster amendments_PC briefing report 100722.pdf.”

Ordinance No. 24-021 offers the potential for larger open spaces by increasing the number of lots in the clusters and reducing the width of the buffers between them.²⁷ This then increases the density bonuses and the lot yield.²⁸

The density bonuses also will be increased in other ways. Allowing individual wells and individual septic systems in the open space instead of the residential lots reduces the residential lot sizes and also increases the open space and the open space density bonus.²⁹ The building lots can be smaller because they do not have to include the one-hundred-foot radius well protection zones, comply with the State of Washington Department of Health Minimum Land Area Requirements, or comply with other setbacks and requirements.³⁰ Since building lots are small this allows larger open spaces and larger open space bonuses.³¹ Because the parts of the open spaced will be used for septic tanks and drain fields and replacement areas these areas will have to comply with WAC 246-272A-0270 which require that the area cannot be forested and instead must be maintained as a suburban lawn or a similar area.

As the Staff Memorandum states a permit exempt well can provide water to serve up to approximately 14 dwelling units dwellings.³² This tends to limit the size of rural cluster subdivisions. However, allowing larger clusters, allowing them closer to roads, and allowing greater density bonuses will permit larger cluster subdivisions. Larger rural cluster subdivisions allow the costs of extending water pipes to be shared by more lots making water extensions more economically feasible. This will tend to increase the number of rural cluster subdivisions and the size of rural clusters subdivisions since they are no longer limited by the water that can be supplied by a permit-exempt well. This is especially likely in the Rural Urban Transition Area (RUTA) overlays since they are nearer urban growth areas that will have water systems with greater capacity. Until these areas become part

²⁷ Proposed Ordinance No. 24-021 p. 11 of 20 Section 5 amending SCC 30.41C.090(2)(c); Proposed Ordinance No. 24-021 pp. 12 – 13 of 20 Section 6 amending SCC 30.41C.075(3) and adding Table 30.41C.075.

²⁸ SCC 30.41C.240(1).

²⁹ Proposed Ordinance No. 24-021 p. 14 of 20 Section 7 amending SCC 30.41C.090(2)(c)(ii).

³⁰ WAC 246-272A-0320(2)(b)(ii), (d) last accessed on April 19, 2024, at: <https://app.leg.wa.gov/WAC/default.aspx?cite=246-272A-0320&pdf=true> and at the link on page 15 of this letter with the filename: “WAC 246-272A-0320.pdf;” WAC 246-272A-0210 last accessed on April 22, 2024, at: <https://app.leg.wa.gov/WAC/default.aspx?cite=246-272A-0210&pdf=true> and at the link on page 15 of this letter with the filename: “WAC 246-272A-0210.pdf.”

³¹ SCC 30.41C.240(1).

³² Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 3 of 32 (Oct. 10, 2022).

of the urban growth area, they will just be rural growth with its adverse effects on the rural area and the environment. But the water extensions will not be limited to the RUTA areas, the larger rural cluster subdivisions will allow longer water pipes in other rural areas and even resource lands.³³

As discussed above, the proposed amendments will increase the allowed development in rural Snohomish County. While there may be some reductions in impervious surfaces and clearing due to reduced road lengths, the increased densities allowed by the density bonuses are likely to increase impervious surfaces beyond those saved by the shorter road lengths. Increased rural development is contrary MPP-RGS-14 which directs Snohomish County to “[m]anage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment.”³⁴ Rather than bringing rural growth rates down, the amendments by undoing the protections in Ordinance No. 08-087 will increase them.

But do not take Futurewise’s word for this, the Council Staff Report states:

These examples are early indicators that [Rural Cluster Subdivision] RCS development may soon return as a major contributor to rural growth. If RCS development picks up as suggested by recent permit activity, it is not clear how Snohomish County will reduce rural growth to a level consistent with the adopted targets. Meeting the targets will become more challenging if adoption of Ord 24-021 encourages further RCS development above the apparent new trend levels.

Growth targets are typically issues reserved for consideration during periodic Growth Management Act (GMA) comprehensive plan updates. One such update is currently underway. However, it does not appear to council staff that the ordinances transmitted to the County Council for the 2024 update include any substantive policy proposals to address rural growth. GMA compliance may thus be a concern for Ord 24-021 since rural growth is currently twice the adopted target rate and there is nothing in the ordinance to offset its likely

³³ Appendix B: The Capital Facilities Plan / Year 2015 Update Figure 6 last accessed on April 22, 2024, at: <https://snohomish.county.codes/CompPlan/CFP-AxB> and enclosed in the link on page 15 of this letter with the filename: “Cfp Ax B.pdf.”

³⁴ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 43 (Adopted Oct. 29, 2020).

cumulative effect of increasing rural growth. Despite these challenges, other pending requirements might factor into an eventual policy solution.³⁵

Futurewise has been raising the issue of rural growth in Snohomish County for years now and we have not seen any serious proposal by Snohomish County to address rural growth. So, we respectfully recommend that the County Council not put much faith in pending requirements that may magically address rural growth.

We also need to point out that the Growth Management Hearings Board has held that rural growth targets apply to rural development regulations and are not reserved for consideration during periodic Growth Management Act (GMA) comprehensive plan updates.³⁶ Proposed Ordinance No. 24-021 also must comply with the Countywide Planning Policy growth rates and the Regional Growth Strategy.³⁷

The multicounty planning policies and the regional growth strategy call for reducing rural growth rates for important reasons. They include minimizing environmental impacts, supporting economic prosperity, advancing social equity, promoting affordable housing choices, improving mobility, and making efficient use of new and existing infrastructure.³⁸ It is important to effectively implement the multicounty planning policies to achieve these important goals and to protect rural character.

The Rural Cluster Subdivision Amendments also violate the Growth Management Act (GMA).

RCW 36.70A.070(5)(b) provides in part that “[t]o achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design

³⁵ Council Staff Report, Subject: Code Amendment – Rural Cluster Development page A-2 last accessed on April 22, 2024, at: <https://snohomish.legistar.com/View.ashx?M=F&ID=12813181&GUID=4083D221-892A-4EA2-AE74-1800FC0647F5> enclosed at the link on page 15 of this letter with the filename: “Staff Report.pdf.”

³⁶ *Futurewise v. Snohomish County*, CPSRGMHB Case No. 22-3-0003, Final Decision and Order (June 20, 2023), at 12 – 15 of 17 last accessed on April 22, 2024, at: <https://eluh02022.my.site.com/casemanager/s/eluh0-document/aoT82000000HdVuEAK/20230620-fdo>.

³⁷ *Id.*

³⁸ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 23 (Adopted Oct. 29, 2020).

guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.”³⁹ To comply with RCW 36.70A.070(5) standards are required for clustering in rural areas.

One standard is that cluster densities, including any density bonuses, cannot exceed one dwelling unit per five acres.⁴⁰ SCC 30.23.220(1) provides that “a rural cluster subdivision or short subdivision in a RUTA will meet the minimum lot area of the zone in which it is located if the average lot size of all lots is at least 7,200 square feet and each lot contains sufficient area to comply with the Snohomish Health District’s rules and regulations for on-site sewage disposal.” This is 1/30th of five acres. Proposed Ordinance No. 24-021 by allowing individual wells and individual septic systems in the open space instead of the residential lots will make it easier to achieve these very high densities.⁴¹ The building lots can be smaller because they do not have to include one-hundred-foot radius well protection zones, comply with the State of Washington Department of Health Minimum Land Area Requirements, or meet other setbacks and requirements.⁴² This is not a rural density. These provisions violate the GMA.

Other standards to protect rural character include that cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster.⁴³ This is needed to prevent urban growth in rural

³⁹ *Diehl v. Mason Cnty.*, 94 Wn. App. 645, 655, 972 P.2d 543, 548 (1999) “The GMA allows counties to use varying densities and cluster developments in rural areas, as long as the densities and clusters do not become urban and do not require the extension of urban services.”

⁴⁰ *Gig Harbor, et al. v. Pierce County*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 95-3-0016c, Final Decision and Order (Oct. 31, 1995), at p. *44 of 50; *Warren Dawes et al. v. Mason County*, Western Washington Growth Management Hearings Board (WWGMHB) Case No. 96-2-0023, Finding of Invalidity, Partial Compliance, Continued Noncompliance, and Continued Invalidity (Jan. 14, 1999), at p. *16 of 20.

⁴¹ Proposed Ordinance No. 24-021 p. 14 of 20 Section 7 amending SCC 30.41C.090(2)(c)(ii).

⁴² WAC 246-272A-0320(2)(b)(ii), (d) last accessed on April 19, 2024, at: <https://app.leg.wa.gov/WAC/default.aspx?cite=246-272A-0320&pdf=true> and at the link on page 15 of this letter with the filename: “WAC 246-272A-0320.pdf;” WAC 246-272A-0210 last accessed on April 22, 2024, at: <https://app.leg.wa.gov/WAC/default.aspx?cite=246-272A-0210&pdf=true> and at the link on page 15 of this letter with the filename: “WAC 246-272A-0210.pdf.”

⁴³ *Whatcom Environmental Council v. Whatcom County*, WWGMHB Case No. 94-2-0009, Order Re: Invalidity & *C.U.S.T.E.R. Association, et al. v. Whatcom County*, WWGMHB Case No. 96-2-0008, Order Re: Invalidity p. *6 of 7 (July 25, 1997).

areas and to preclude demands for urban governmental services.⁴⁴ Clusters that included more than eight housing units, even if authorized by special use review, violated the Growth Management Act based on the record before the Growth Management Hearings Board because it would not reduce low density sprawl and did not minimize and contain rural development as required by the GMA.⁴⁵ This was because there was no prohibition on connections to public and private water and sewer lines and there were no requirements to limit development on the residual parcel, the land on which the housing units were not clustered.⁴⁶ Increasing the maximum number of lots allowed in a rural cluster from 13 to 14 on sites less than 50 acres in size, 20 lots per cluster for sites 50 acres to 240 acres, and 30 lots per cluster on sites greater than 240 acres are substantially more than eight lots.⁴⁷ The regulations also do not prohibit connecting to public or private water lines.⁴⁸ In fact “[r]ural cluster subdivisions shall draw water supply from a public water utility when one is available within one-quarter mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.”⁴⁹

The GMA provides that “[r]ural character’ refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan: (a) In which open space, the natural landscape, and vegetation predominate over the built environment” Clusters of 14 to 30 housing units do not maintain rural character. This can be seen in the aerial image of the Blacktail Forest rural cluster subdivision east of Frank Waters Road just North of Lakewood Road.⁵⁰ They have an appearance of suburban neighborhoods.⁵¹ In addition, substituting plantings in return for reduced buffers of native vegetation do not maintain rural

⁴⁴ *City of Bremerton, et al. v. Kitsap Cnty. (Bremerton II)*, CPSGMHB Case No. 04-3-0009c, Final Decision and Order (Aug. 9, 2004), at pp. 24 – 26 of 66.

⁴⁵ *Vince Panesko, et al., v. Lewis County, et al.*, WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al. v. Lewis County*, WWGMHB No. 98-2-0011c, Final Decision and Order (March 5, 2001), p. *18 of 45, 2001 WL 246707.

⁴⁶ *Id.*

⁴⁷ Proposed Ordinance No. 24-021 p. 11 of 20 Section 5 amending SCC 30.41C.070(1)(c).

⁴⁸ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 3 of 32 (Oct. 10, 2022).

⁴⁹ SCC 30.41C.070(3)(e).

⁵⁰ Google Earth Image of Blacktail Forest & Vicinity North of Lake Goodman 2020 enclosed in the link on page 15 of this letter with the filename: “Blacktail Forest & Vicinity North of Lake Goodman 2020.pdf.” The location of Blacktail Forest can be seen on the *Snohomish County Tomorrow 2020 Growth Monitoring Report* p. 117.

⁵¹ Google Earth image of development North of 132 St NE enclosed in the link on page 15 of this letter with the filename: “Development N of 132 St NE.pdf.”

character. Planted buffers look very different than the rural character of Snohomish County.⁵² The County Council should not approve Proposed Ordinance No. 24-021.⁵³

Increasing rural development will adversely impact fish and wildlife habitat and the environment.

As was documented above, by weakening the protections in Ordinance No. 08-087 more lots and more rural cluster subdivisions are likely. More rural development will adversely impact salmon habitat and water resources.

From 2005 through 2018, 992 permit-exempt wells have been developed in the Stillaguamish Groundwater Reserve, and 174 of those wells have been developed since 2014. The well development limits of the reserve are set for the mainstem, North Fork and South Fork Stillaguamish River sub-basins. This potentially allows small tributary basins within the larger sub-basins to be impacted by permit-exempt well development before the larger sub-basins has reached their well limits.⁵⁴

In 1999, water users in five separate small tributaries within the larger Stillaguamish sub-basins were found to be over consuming groundwater at a rate five percent or more above the average annual groundwater recharge.⁵⁵

In the Snohomish River Basin “[s]ince 2015, nearly 30% of all groundwater well development in the Snohomish River watershed has occurred in tributary basins that have been closed to permitted water withdrawal since the 1950s.”⁵⁶ In the two years since the Streamflow Restoration Act was passed in January of 2018, “an estimated 238 wells have been drilled in the Snohomish River basin, and 71 (30%)

⁵² Rural Cluster Development Code Amendments Snohomish County Planning Commission Briefing p. 5 (Oct. 25, 2022).

⁵³ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments pp. 13 – 15 of 32 (Oct. 10, 2022).

⁵⁴ *2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 301 last accessed on Nov. 10, 2022, at: <https://nwifc.org/publications/state-of-our-watersheds/> and enclosed in the link on page 15 of this letter with the filename: “state-of-our-watersheds-sow-2020-final-web.pdf.”

⁵⁵ *2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 305.

⁵⁶ *2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 353.

of those wells were drilled in the seven tributaries watersheds that were previously closed.”⁵⁷ In 1999, the *Snohomish River Basin Conditions and Issues Report* documented adverse impacts of rural development on stream flows:

In rural areas, residential development is supported by local well withdrawals, which can have significant impacts on flows in small streams. Low flows in Quilceda and Allen creeks have diminished due to past development, and small streams such as Dubuque, Star, Patterson, Tuck, and Cherry creeks and the Raging River are at risk for summer low-flow reduction due to future development.⁵⁸

The State of Washington Department of Ecology summarized the adverse effects of development on rivers and streams in the Snohomish Watershed:

Increasing demands for water over time, from ongoing population growth, agriculture, and other consumptive uses, as well as associated land use practices, have resulted in lower streamflows and declining groundwater levels in some areas. These decreases have impacted important resources for fisheries and general stream health. The impacts of climate change in WRIA 7 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Snohomish Watershed.⁵⁹

The available data shows that rural residences use over half of total water use outdoors and 90 percent of the consumptive water use outdoors.⁶⁰ Ecology estimates that irrigating a half-acre “of non-commercial lawn or garden can use from 2,000 to 4,500 gallons per day in the month of July, depending on your

⁵⁷ 2020 *State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 360.

⁵⁸ Pentec Environmental, Inc. and NW GIS, *Snohomish River Basin Conditions and Issues Report Project No. 293-001 Executive Summary* p. 5 (Dec. 17, 1999) last accessed on Nov. 13, 2022, at: <https://snohomishcountywa.gov/Archive/ViewFile/Item/2098> and at the link on page 15 of this letter with the filename: “Executive Summary.pdf.”

⁵⁹ State of Washington Department of Ecology Water Resources Program, *WRIA 7 Snohomish Watershed Water Availability* p. 4 (Publication 20-11-007 Revised Sept. 2022) last accessed on April 22, 2024, at: <https://apps.ecology.wa.gov/publications/SummaryPages/2011007.html> and available at the link on page 15 of this letter with the filename: “2011007.pdf.”

⁶⁰ Tom Culhane and Dave Nazy, *Permit-Exempt Domestic Well Use in Washington State* p. 19 (Washington State Department of Ecology Water Resources Program Olympia, WA: Feb. 2015 Publication no. 15-11-006) last accessed on April 22, 2024, at: <https://apps.ecology.wa.gov/publications/documents/1511006.pdf> and at the link on page 15 of this letter with the filename: “1511006.pdf.”

location. Most of that water use is consumptive, meaning it does not return to the aquifer.”⁶¹ And summer and fall are the times of year when stream flows are lowest and the high water uses by residences will be the highest.⁶² And 80 to 90 percent of the water used outside is consumptive, it does not return to the aquifer.⁶³

Allowing more housing units in rural cluster subdivisions will increase overconsumption of water will adversely impact salmon recovery.

The reduced availability of surface water can have a negative impact on all stages of the salmonid life cycle. Water quality (e.g. temperature, flows) is affected by decreased inputs from groundwater. Lessened groundwater input concentrates pollutants, increases temperature, and diminishing dissolved oxygen. This is detrimental to salmonid migration, spawning and rearing.

Wells are drilled without regard to aquifer sensitivity and stream recharge needs. As Puget Sound Region’s freshwater demand increases, something has to change. Unchecked growth and its associated increased demand for groundwater must be addressed, if implementation of the Puget Sound Salmon Recovery plan is to successfully move forward.⁶⁴

Extending water lines from existing water systems will also increase water use since the water will come from either ground or surface water. This will not protect surface and ground water quality and quantity as the GMA requires in RCW 36.70A.070(1) and (5)(c)(iv).

⁶¹ Ann Wessel, *Mitigation Options for the Impacts of New Permit-Exempt Groundwater Withdrawals* Draft p. 19 (Water Resources Program Washington State Department of Ecology Olympia, WA: October 2015 Publication No. 15-11-017) at the link on page 15 of this letter with the filename: “Ecology-Draft-Mitigation-Alternatives-Report.pdf.”

⁶² *Id.* at p. 10, p. 13.

⁶³ *Id.* p. 9.

⁶⁴ 2020 *State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 40.

Increasing rural development will increase greenhouse gas emissions and climate change.

One of the reasons for the population allocations in the regional growth strategy is to reduce greenhouse gas emissions.⁶⁵ On road vehicles, passenger cars and light trucks, are the largest source of greenhouse pollution in Snohomish County.⁶⁶ Residences are also a large source of greenhouse gas pollution in the county.⁶⁷ If we are going to avoid the worst aspects of global climate change, we need to eliminate greenhouse pollution over time. This is why RCW 70A.45.020(1) requires Washington State to progressively reduce greenhouse gas emissions beginning in 2020.

Similarly, VISION 2050 calls on counties and cities to reduce greenhouse gas pollution. Comprehensive plans and development regulations must be consistent multicounty planning policies.⁶⁸ VISION 2050 includes the following goal:

GOAL: The region substantially reduces emissions of greenhouse gases that contribute to climate change in accordance with the goals of the Puget Sound Clean Air Agency (50% below 1990 levels by 2030 and 80% below 1990 levels by 2050) and prepares for climate change impacts.⁶⁹

Multicounty Planning Policy (MPP)-CC-11 provides “[s]upport achievement of regional greenhouse gas emissions reduction goals through countywide planning policies and local comprehensive plans.”⁷⁰ CC-Action-3, Policies and Actions to Address Climate Change, provides that:

⁶⁵ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 23 (Adopted Oct. 29, 2020).

⁶⁶ Cascadia Consulting Group, *Puget Sound Clean Air Agency Greenhouse Gas Emissions Inventory* p. 13 (Revised June 2018) last accessed on Nov. 14, 2022, at: <https://psccleanair.gov/DocumentCenter/View/3328/PSCAA-GHG-Emissions-Inventory> and enclosed in the link on page 15 of this letter with the filename: “PSCAA 2015 GHG Emissions Inventory.pdf.”

⁶⁷ *Id.*

⁶⁸ *West Seattle Defense Fund v. City of Seattle*, CPSGMHB Case No. 94-3-0016, Final Decision and Order (April 4, 1995), at *55; *Friends of Pierce County, et al., City of Bonney Lake, and Marilyn Sanders, et al. v. Pierce County, and Orton Farms et al., City of Sumner, Bethell School District, Puyallup School District, and Forterra NW*, CPSRGMHB Case No. 12-3-0002c, Final Decision and Order (July 9, 2012), at 11 of 138.

⁶⁹ Puget Sound Regional Council, *VISION 2050: A Plan for the Central Puget Sound Region* p. 56 (Oct. 2020).

⁷⁰ *Id.* p. 61.

Cities and counties will incorporate emissions reduction policies and actions that contribute meaningfully toward regional greenhouse gas emission goals, along with equitable climate resiliency measures, in their comprehensive planning. Strategies include land uses that reduce vehicle miles traveled and promote transit, biking, and walking consistent with the Regional Growth Strategy, developing and implementing climate friendly building codes, investments in multimodal transportation choices, and steps to encourage a transition to cleaner transportation and energy systems.⁷¹

As you can see, the goal, multicounty planning policy, and action require the comprehensive plan and development regulations to incorporate emissions reduction policies and actions that contribute meaningfully toward regional greenhouse gas emission goals. These goals are substantial. The County must comply with the requirement.

Rural residents have substantially higher greenhouse gas emissions, particularly higher transport-related direct greenhouse gas emissions than residents in the urban growth areas.⁷² The transport-related direct emissions of rural residents are three times those in the inner city, and 1.5 times those in the suburbs.”⁷³ Rural growth and rural densities are limited to help manage greenhouse gas emissions. Allowing more rural growth through rural cluster subdivisions and rural cluster short subdivisions will increase greenhouse gas pollution, not reduce it as we must to avoid the worst of global climate change. Increased rural growth and rural densities as proposed Ordinance No. 24-021 does will make it difficult to achieve County, regional, and state greenhouse gas reduction goals and requirements and violates VISION 2050.

⁷¹ *Id.* p. 61.

⁷² Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329, pp. 1334 – 35 (2013) enclosed at the link on page 15 of this letter with the filename: “Blame_the_exurbs_not_the_suburbs_Explori.pdf.” Energy Policy is a peer reviewed journal. Energy Policy Guide for authors webpage p. *14 last accessed on March 18, 2024, at: <https://www.sciencedirect.com/journal/energy-policy/publish/guide-for-authors> and enclosed at the link on page 15 of this letter with the filename: “Guide for authors - Energy Policy.pdf.”

⁷³ Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329, p. 1335 (2013).

For the reasons described above, Futurewise urges the County Council to deny Proposed Ordinance No. 24-021. The amendments will increase rural development.⁷⁴ Denying proposed Ordinance No. 24-021 is necessary to protect water quality and water quantity, protect salmon habitat, and comply with the GMA and VISION 2050.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 or email tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

Please include the following documents in the record for Proposed Ordinance No. 24-021.

The documents are available at the following Link:

<https://futurewiseorg.sharepoint.com/:f:/g/EgoxE2X8w4pEqHprXGBRCAGBzzduajS8Y9GztioPJVH6xw?e=Un5ElQ>

Snohomish County Planning Commission letter to the Snohomish County Council
SUBJECT: Planning Commission Recommendation on Proposed Rural Cluster Development Code Amendments (Dec. 12, 2022) at the above link with the filename: "Planning Commission Recommendation Letter Rural Cluster Code Amendment.pdf."

Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* (Adopted Oct. 29, 2020) at the above link with the filename: "vision-2050-plan.pdf."

⁷⁴ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 26 of 32 (Oct. 10, 2022).

Re: Comments on the Proposed Rural Cluster Development Code Amendments
February 23, 2024
Page 16

Puget Sound Regional Council, Regional Growth Strategy Background Paper (March 2019) at the above link with the filename: "rgs-background-paper.pdf."

Snohomish County Tomorrow 2020 Growth Monitoring Report at the above link with the filename: "2020_GMR_Final_SCT-SC_Dec-2-2020_final.pdf."

Snohomish County Amended Ordinance No. 08-087 at the above link with the filename: "Amended Ordinance No. 08-087.pdf"

Appendix B: The Capital Facilities Plan / Year 2015 at the above link with the filename: "Cfp Ax B.pdf."

Google Earth Image of Blacktail Forest & Vicinity North of Lake Goodman 2020 at the above link with the filename: "Blacktail Forest & Vicinity North of Lake Goodman 2020.pdf."

Google Earth image of development North of 132 St NE at the above link with the filename: "Development N of 132 St NE.pdf."

2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington at the above link with the filename: "state-of-our-watersheds-sow-2020-final-web.pdf."

Pentec Environmental, Inc. and NW GIS, *Snohomish River Basin Conditions and Issues Report Project No. 293-001 Executive Summary* (Dec. 17, 1999) at the above link with the filename: "Executive Summary.pdf."

State of Washington Department of Ecology Water Resources Program, *WRIA 7 Snohomish Watershed Water Availability* (Publication 20-11-007 Revised Sept. 2022) at the above link with the filename: "2011007.pdf."

Tom Culhane and Dave Nazy, *Permit-Exempt Domestic Well Use in Washington State* (Washington State Department of Ecology Water Resources Program Olympia, WA: Feb. 2015 Publication no. 15-11-006) at the above link with the filename: "1511006.pdf."

Ann Wessel, *Mitigation Options for the Impacts of New Permit-Exempt Groundwater Withdrawals* Draft (Water Resources Program Washington State Department of Ecology Olympia, WA: October 2015 Publication No. 15-11-017) at the above link with the filename: "Ecology-Draft-Mitigation-Alternatives-Report.pdf."

Cascadia Consulting Group, *Puget Sound Clean Air Agency Greenhouse Gas Emissions Inventory* p. 13 (Revised June 2018) at the above link with the filename: "PSCAA 2015 GHG Emissions Inventory.pdf."

SCC 30.23.220 at the above link with the filename: "SCC 30.23.220.pdf."

SCC 30.41C.240(1) at the above link with the filename: "SCC 30.41C.240.pdf."

Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 3 of 32 (Oct. 10, 2022) at the above link with the filename: "Rural Cluster amendments_PC briefing report 100722.pdf."

WAC 246-272A-0320 at the above link with the filename: "WAC 246-272A-0320.pdf."

WAC 246-272A-0210 at the above link with the filename: "WAC 246-272A-0210.pdf."

Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329 (2013) at the above link with the filename: "Blame_the_exurbs_not_the_suburbs_Explori.pdf."

Energy Policy Guide for authors webpage at the above link with the filename: "Guide for authors - Energy Policy.pdf."

Council Staff Report, Subject: Code Amendment – Rural Cluster Development at the above link with the filename: "Staff Report.pdf."

EXHIBIT 3.3.001

[Attachments](#) *(large file, may take a minute to open)*

From: tnmatlack@comcast.net
Sent: Tuesday, April 23, 2024 3:16 PM
To: Eco, Debbie
Subject: Letter for Public Hearing May 15 at 10:30(Rural Cluster Subdivision Amendments)
Attachments: Letter for Public Hearing.docx



Caution. Suspicious Attachment Types. This may be a phishing attempt.

Council Clerk Eco:

Please add the attached Word Document into the public hearing record for File Number 2024-0321, Ordinance 24-021, Amending Rural Cluster Subdivisions.

Please let me know if it does not format properly.

Thank you,

Tom Matlack
2504 112th Dr. NE
Lake Stevens, WA 98258

435-334-7713, tnmatlack@comcast.net

Letter for Public Hearing

Ordinance Amendments: Rural Cluster Subdivisions

File Number 2024-0321, Ordinance 24-021: Amending Rural Cluster Subdivisions

May 15, Snohomish County Council Planning Committee Public Hearing at 10:30

April 20, 2024

Requested Action for County Council: Please DENY the RCS amendments.

TIMELINE

I. December 12, 2022: Planning Commission Unanimously DENIES same amendments

II. August 15, 2023, PDS Briefing to County Council Rural Development :

Should permitting of housing units outside the UGA continue at the same levels observed from 2017 to 2022 (440 units per year on average), rural population growth will occur at nearly twice the rate called for in VISION 2050 and will reach the 2044 rural population target by 2033

LU 6.A.1 To help ensure that the rural population target is not exceeded, rural growth trends shall be monitored using the process and criteria established under Objective PE 2.B. If rural growth trends indicate that the rural population target may be exceeded, the county shall evaluate whether incentive programs or adjustments to planned densities or land uses are necessary to bring rural growth trends back into alignment with the adopted target.

III. Spring 2024: In the heat of Snohomish County Comprehensive Plan Update, executive branch and Master Builders bring back the same amendments Planning Commission Denies. We find two huge RCS's are piggy-backed onto the amendments: 200 units for Bosworth North and 250 units for Woodland Heights. Both the Bosworth and Burn Road areas are already hammered with RCS, many of them contiguous/ adjoining, which I do not believe was the original RCS intent.

IV. PSRC Vision 2050: Although rural growth targets are constrained at 3.3%, PDS admits Bosworth North and Woodland Heights would not only put county out of compliance with yearly rural growth targets, they would very likely lead the way for another avalanche of RCS's developed under the new amendments.

These examples are early indicators that RCS development may soon return as a major contributor to rural growth. If RCS development picks up as suggested by recent permit activity, it is not clear how Snohomish County will reduce rural growth to a level consistent with the adopted targets. Meeting the targets will become more challenging if adoption of Ord 24-021 encourages further RCS development above the apparent new trend levels. (Staff Report)

V. Do not Promote/Support/Encourage/Vest/Incentivize Rural Growth in any future RCS with these amendments. I zoomed the November/December 2022 Planning Commission hearing/vote and this was their emphasis: in the midst of very challenging Urban growth, the county cannot muddy the waters on the rural end. (Futurewise letter to Planning Commission and Density Bonus. Maximize cluster units in constrained space.) PS: the Staff Report states very clearly that due to staffing issues and other regs. these proposed amendments may need additional and "specialized" adjustments.

vi. Wildfire Urban Interface: reduced set-backs and buffers endanger the units by corrupting "defensible space" in case of wildfire. The Staff Report, USFS, FireWise, DNR, and Natl Fire Protection Assoc. all concur on the "Intermediate Area":

Intermediate zone

5-30' from the furthest exterior point of the home. Landscaping/hardscaping- employing careful landscaping or creating breaks that can help influence and decrease fire behavior

- Clear vegetation from under large stationary propane tanks.
- Create fuel breaks with driveways, walkways/paths, patios, and decks.
- Keep lawns and native grasses mowed to a height of four inches.
- Remove ladder fuels (vegetation under trees) so a surface fire cannot reach the crowns. Prune trees up to six to ten feet from the ground; for shorter trees do not exceed 1/3 of the overall tree height.
- Space trees to have a minimum of eighteen feet between crowns with the distance increasing with the percentage of slope.
- Tree placement should be planned to ensure the mature canopy is no closer than ten feet to the edge of the structure.
- Tree and shrubs in this zone should be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape.

VII. RCS Does Not Support Affordable Housing. Even if it did, the rural countryside is not where we want people who probably rely heavily on transit, service jobs, and local amenities.

VIII. Traffic and Rural Character: Heraldnet, “Neighbors Efforts Fall Short to Stop Townhomes”. HEX Ron Camp:

“Camp later added in the decision that an application can not legally be denied because of traffic. Applications are granted when they meet the “measures and tests” prescribed by county code. “This project meets those measures and tests, even though traffic is already congested and may become more Camp’s decision read.”

Traffic from the RCS is the major impact on Rural Character, but I put it last because project-based traffic studies and reports do not have to consider, cumulative “down-stream” impacts like Newberg Rd. at OK Mill or Machias Road which is an embarrassment of regional/area planning. Heck, Bosworth North is petitioning to take over Private Roads for his traffic! Everyone in RCS needs to jump in car for ATM, taekwondo, a dozen eggs.

Please DENY the Amendments to the current RCS ordinance.

Thomas Matlack

2504 112th Drive NE, Lake Stevens, 98258

Phone: 425-334-7713; E-mail: tnmatlack@comcast.net

From: Local Visionary <localvisionary@gmail.com>
Sent: Friday, April 26, 2024 9:41 PM
To: Contact Council; Jennings, Henry
Subject: Rural Cluster Housing Comments
Attachments: Rural Cluster Housing April 23, 2024.pdf

April 23, 2024

The Honorable Jared Mead, Council Chair Snohomish County Council
Robert J. Drewel Building
Eighth floor
3000 Rockefeller Ave., M/S 609
Everett, Washington 98201

Dear Council Chair Mead and Council Members Nehring, Dunn, Peterson, and Low:

Subject: Comments on proposed Ordinance No. 24-021 Relating to Growth Management; Concerning Rural Cluster Subdivisions and Short Subdivisions; Amending Chapters 30.25 and 30.41C of The Snohomish County Code for the May 15, 2024, County Council Public Hearing.

Sent via email to: contact.council@snoco.org; henry.jennings@snoco.org

Thank you for this opportunity to voice my concerns regarding proposed Ordinance No. 24-021 Relating to Growth Management; Concerning Rural Cluster Subdivisions and Short Subdivisions; Amending Chapters 30.25 and 30.41C of The Snohomish County Code, the proposed Rural Cluster Development Code Amendments.

As a resident of Snohomish County for over 35 years, 20 of which have been in rural Snohomish County, I have a great appreciation for our open spaces, forests, wildlife, watersheds and rural character. I feel that this amendment puts each of these in jeopardy.

Firstly, proposed Ordinance No. 24-021, the Rural Cluster Subdivision Amendments, do not comply with Multicounty Planning Policy MPP-RGS-14 because the amendments will increase development in the rural areas.

Allowing density bonuses for interim open space, which is not currently allowed, will undo previous reforms meant to control rural growth by increasing the number of houses allowed on sites. This has bigger impacts than just seeing more homes on the rural landscape. It will result in loss of forested lands, pressure on aquifers, danger to wildlife including salmon as well as contributing to Climate Change. You can help to ensure this is not going to happen by not passing this amendment.

It is important to protect our rural areas by not allowing poorly planned sprawl in rural Snohomish County.

To be clear:

- The Rural Cluster Subdivision Amendments also violate the Growth Management Act (GMA).
- Increasing rural development will adversely impact fish and wildlife habitat and the environment.
- Increasing rural development will increase greenhouse gas emissions and climate change.

None of the above is what any of us want for rural Snohomish County.

Thank you for taking the time to read these comments and consider my concerns.

Sincerely,
Marilene (Umi) Richardson

Please include the following documents in the record for Proposed Ordinance No. 24-021.

April 23, 2024

The Honorable Jared Mead, Council Chair Snohomish County Council
Robert J. Drewel Building
Eighth floor
3000 Rockefeller Ave., M/S 609
Everett, Washington 98201

Dear Council Chair Mead and Council Members Nehring, Dunn, Peterson, and Low:

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- Increasing rural development will adversely impact fish and wildlife habitat and the environment.
- Increasing rural development will increase greenhouse gas emissions and climate change.

None of the above is what any of us want for rural Snohomish County.

Please include the following documents in the record for Proposed Ordinance No. 24-021.

From: Mark Villwock <mvillwock@landprogrp.com>
Sent: Monday, May 6, 2024 4:01 PM
To: Contact Council
Subject: Comments on Rural Cluster Ordinance 24-021
Attachments: Rural Cluster Letter 20240506.pdf

Hello Council,

Please see our comments on the proposed Rural Cluster Ordinance 24-021. We believe that these changes are positive to the environment and appreciate your support per the attached.

Let me know if you have any questions.

Thanks,
Mark

MARK VILLWOCK

VP Land Development Operations

10515 20th Street SE, Suite 202

Lake Stevens, WA 98258

Cell: (425) 231-2718

Fax: (425) 645-8103

Email: mvillwock@landprogrp.com

Website: www.landprogrp.com





May 6, 2024

Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201

Dear Council Members,

We appreciate your consideration and support of the proposed change to the rural cluster ordinance 24-021. I think it is important to understand some of the history of rural clusters in Snohomish County to put these changes into context. Prior to the Great Recession in 2008 Rural Clusters were popular and many lots were developed, and homes built in the rural areas under these regulations. However, in 2008 the County Council modified the rural cluster code under ordinance 08-087 to remove a significant lot yield that could be obtained under this development type. The base density in much of the R-5 zone was calculated at 1 unit per 100,000 SF with the ordinance change the base density changed to 200,000 SF per unit to align with the underlying zoning minimum lot size.

This had a profound impact on reducing the density of Rural clusters in half. Add to that the results of the Hurst Decision regarding the use of groundwater and the number of proposed rural clusters has been significantly less than previous to the great recession even with the escalation of home prices.

As part of ordinance 08-087 buffer widths, setbacks, number of lots in a cluster and cluster separations were modified and changed. As outlined above, since the density was so drastically changed existing rural cluster developments were completed but fewer new ones were created over the past 16 years. As these changes to the cluster code were used it became apparent that there were some unintended consequences with some of the requirements within the 2008 ordinance. They include the following:

- Smaller clusters resulted in less consolidated open space and more of the open space being located between the clusters.
- Lot widths and setbacks also resulted in more developed lot area and less opportunity for open space.
- Longer roads due to setback requirements and smaller cluster sizes. This results in more impervious surfaces and also more infrastructure for the county to maintain.
- More impacts to critical area buffers by causing the need for longer roads and less consolidated open space.

Therefore, by making these adjustments the following is the anticipated outcome.

- There is nothing in this ordinance that will increase the density that can be obtained.
- These changes will encourage cluster development rather than standard 5 acre lots which has a significant positive impact on the environment with the set aside of significant amounts of open space.



- The proposed Open Space will be more consolidated and less of it will be between buffers or along the perimeter.
- The rural character will be preserved through large amounts of open space and adequate buffering to neighboring properties.

Lot Yield Calculations

To take a look at the allowed number of units under the proposed ordinance the following demonstrates that the maximum density remains the same as under the current code. For this exercise following is a sample project:

Allowed Rural Cluster Density under Current Code:

Site area: 80 Acres
Zoning: R-5
Base Density: 80 Acres * (43,560) * 1 unit/200,000 SF = 17 Lots
Proposed Open Space: 65% or (80 Acres * 65%) = 52 Acres of open space
Bonis Density: 35% if 65% open space = 17.4 * 35% = 23 Lots
Area for Dev: 80 Acres – 52 Acres Open space = 28 Acres*

*of the 28 acres 23 acres for 1 acre lots and 5 acres for roads

Allowed Rural Cluster Density under Proposed Code:

Site area: 80 Acres
Zoning: R-5
Base Density: 80 Acres * (43,560) * 1 unit/200,000 SF = 17 Lots
Proposed Open Space: 65% or (80 Acres * 65%) = 52 Acres of open space
Bonis Density: 35% if 65% open space = 17.4 * 35% = 23 Lots
Area for Dev: 80 Acres – 52 Acres Open space = 28 Acres*

*of the 28 acres 23 acres for 1 acre lots and 5 acres for roads

As you can see the calculations are the same and nothing has changed with the proposed ordinance regarding the number of lots. In the example 1 acre lots were used, and this could be reduced to 20,000 SF per the ordinance. As you can see the resulting density will be the same. It is just a matter of the placement of the homes on the overall site, the consolidation of open space and reduced road infrastructure that will be helped by this ordinance.



We appreciate the opportunity to provide this information as we ask for your support of this proposed ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Villwock", is displayed on a light blue rectangular background.

By: Mark Villwock, VP Land Development Operations

From: Christine Khemis <khemisc24@gmail.com>
Sent: Tuesday, May 7, 2024 4:03 PM
To: Contact Council
Subject: Rural Cluster Subdivision Developments will ruin our rural lands

We are Snohomish County residents and homeowners imploring the Snohomish County Council to vigorously deny urban-style rural cluster subdivision developments that will ruin our rural lands. In November 2022, proposed code amendments promoted by developers to the Rural Cluster Subdivision codes were reviewed in a public hearing by the Snohomish County Planning Commission. The planning commission unanimously voted to recommend denial of the proposed code changes. These amendments harm rural character and would add too many urban-style subdivisions, which will increase traffic on already overburdened roads and highways, harm fish and wildlife habitats, and create more climate change impacts.

Thank you,

Abel and Christine Khemis
5110 Pilchuck Tree Farm Rd
Snohomish, WA 98290

From: JAMES BENEFIELD <jamesbenefield12453@comcast.net>
Sent: Wednesday, May 8, 2024 8:02 AM
To: Contact Council
Subject: Rural Cluster Subdivision Code Changes

Dear members of the County Council,

My name is Deborah Benefield and I live in Snohomish County WA. I am writing to ask you to reject to the changes being considered to the rural cluster subdivision code. If adopted it will drastically change and overwhelm the area. This change is my concern.

Changing the code will harm the beauty of our rural character, adding many urban- style subdivisions which will increase already overburdened roads, increase school enrollment in overcrowded schools, harm fish, wildlife and their habitats, impact waterways and wetlands, pollution and roadside dumping will increase, crime and all that goes along with it will increase. All these things and more will impacted our rural areas in a negative way.

My fear is that there will be no way to keep up with the growth and all the services and infrastructure needed to accommodate the influx of people.

In closing I would like to ask the members of council to consider all these issues and vote no to changing the rural cluster subdivision code.

Respectfully,

Deborah Benefield

From: R. DeBardi <ennaxor72@gmail.com>
Sent: Wednesday, May 8, 2024 5:46 AM
To: Contact Council
Subject: Vote no to amend county code for rural cluster subdivisions - ordinance NO. 24-021
May 15th

On May 15th Please vote no and prevent urban-style rural cluster subdivision developments that will ruin our rural lands and its character. This amendment was already unanimously voted against in 2022, and we should continue to vote against it.

Rural Snohomish County does not have the infrastructure to support these types of developments and congestion they will create. Our schools do not have the capacity to support the population of kids this will create. The amendment allows developers to place houses in a way that they would normally not have the flexibility to, which means they can cluster houses in a way that allows them to gain more housing units, while avoiding wet lands or other natural obstacles the current codes do not allow for. This amendment will ruin our rural character.

The rural character of Snohomish County is houses spaced apart with open space to account for wetlands and natural buffers. Under the amendment, houses would be stacked on top of each other, and open spaces would have homes on them. The amendment would allow for more houses on a plot of land that the current code does not allow for.

The citizens of rural Snohomish County moved out here or have lived in our rural area get away from the density and sprawl. Please do not bring the sprawl to us. Please vote no on May 15th to the amendment contained within ORDINANCE NO. 24-021 and help us keep our area the way it is.

We need to protect our rural areas!!!

Thank you!

--

Roxanne DeBardi

From: Mike Pattison
Sent: Wednesday, May 8, 2024 8:46 AM
To: Contact Council
Subject: Comment Letter re Ordinance 24-021
Attachments: MBAKS Ltr re Ordinance 24-021.pdf

Dear Snohomish County Council,
Attached please find a comment letter from MBAKS regarding Ordinance 24-021. Thank you for your consideration.

Mike Pattison



Mike Pattison | Senior Snohomish County Manager

p 425.460.8203
335 116th Ave. SE, Bellevue, WA 98004

mbaks.com Find us on [f](#) [t](#) [in](#) [ig](#)

We believe everyone deserves a place to call home.





May 8, 2024

Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201

Re: Ordinance 24-021, Relating to Rural Cluster Subdivisions

Dear Councilmembers,

On behalf of the Master Builders Association of King and Snohomish Counties (MBAKS) I am writing to offer comments on proposed Ordinance 24-021 related to rural cluster subdivision code changes.

MBAKS supports the ordinance before you.

Importantly, we wish to make clear the ordinance in no way increases housing unit yield or the number of units that can be constructed.

The density calculations remain the same, and by allowing more homes in a cluster, it will consolidate open space in reducing the amount of land that is between clusters.

Ordinance 24-021 quite simply will make more efficient use of land, create more and better-connected open space, enhance and enlarge wildlife corridors, reduce impervious surface, promote rural character as well as the planning goals and policies of Snohomish County.

It has been incorrectly claimed by some that existing regulations adopted by Snohomish County through Ordinance 08-087 have played a role in achieving or limiting rural development growth numbers. That assertion lacks historical perspective in the extreme. Two major events are the overwhelmingly responsible cause of slowed rural growth from the year 2008 timeframe to late 2010's:

- 1) The worldwide financial crisis of 2008
- 2) The Washington State Supreme Court's 2016 *Hirst* Decision

The 2008 financial crisis slowed to a standstill housing in all areas, urban, rural, nationwide, and worldwide. We have attached documentation to this fact as Exhibit A.

Opponents of Ordinance 24-021 omit the crushing effect the *Hirst* Decision had on rural development throughout the state of Washington. Rural permit activity came to a complete stop as a result of that decision, changing how counties decide to approve or deny building permits that use wells for a water source. We have attached documentation supporting this fact as Exhibit B.



For the Snohomish County Council, a key consideration is whether or not provisions of this ordinance meet the definition of rural character as defined by RCW 36.70A.030 (35). It is our view that the ordinance clearly meets that definition.

RCW 36.70A.030 (35) "Rural character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

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

All elements of the rural character definition are met as the recitals in Ordinance 24-021 indicate.

-The proposed amendments modify clustering practices to create more compact cluster developments without creating any new lots or increases in density, thereby reducing sprawl.

-The proposed amendments allow for more flexibility in site design allowing for more creative approaches to rural character.

-More acreage and more contiguous open space are achieved.

-Environmental impacts are reduced due to changes in cluster separation and size requirements, reduced impervious surface, reduced stormwater runoff, reduced clearing of vegetation and more contiguous open space for habitat corridors.

MBAKS maintains that Ordinance 24-021 is in fact good for rural and environmental sustainability. It does so in a manner that in no way increases housing production or lot yield.

If the Snohomish County Council believes that certain amendments are required to make certain the ordinance meets legal and planning requirements, or to otherwise improve the measure – we would support taking additional time to perfect the ordinance.

Thank you for your consideration,



Mike Pattison
Senior Snohomish County Manager

Attachments

Exhibit A

1

Origins of the Crisis

Overview

The U.S. financial crisis of 2008 followed a boom and bust cycle in the housing market that originated several years earlier and exposed vulnerabilities in the financial system. As is typical of boom and bust cycles, this boom was characterized by loose credit, rampant speculation, and general exuberance in the outlook for the market—in this instance, the housing market. The subsequent downturn began as a housing crisis that initially seemed to be concentrated in certain states and in the subprime mortgage market. Eventually, however, the seemingly circumscribed housing collapse spread to the entire U.S. housing market, as house prices declined nationwide. And because the financial system had been integral to the housing boom, it was highly exposed to the housing market, whose downturn would prove to be so severe that it threatened to drag down the financial system with it in the absence of significant government intervention. Inexorably, the collapse of the U.S. housing market in 2007 became the most severe financial crisis since the Great Depression, and the financial crisis, in turn, resulted in a protracted economic contraction—the Great Recession—whose effects spread throughout the global economy.

The nationwide housing expansion of the early 2000s was rooted in a combination of factors, including a prolonged period of low interest rates. By mid-2003, both long-term mortgage rates and the federal funds rate had declined to levels not seen in at least a generation. One response to low interest rates was an acceleration in U.S. home price appreciation to double-digit rates for the first time since 1980. Another response was a series of mortgage market developments that dramatically weakened credit standards in mortgage lending. These market developments were associated with a glut of savings held by global institutional investors seeking high-quality and high-yield assets; loose underwriting standards; a complex and opaque securitization process; the use of poorly understood derivative products; and speculation based on the presumption that housing prices would continue to increase.

Other factors were in play as well in the years leading up to and during the housing market expansion. Financial innovation and deregulation contributed to an environment in which the U.S. and global financial systems became far more concentrated, more interconnected, and, in retrospect, far less stable than in previous decades. These factors

and the ones mentioned in the preceding paragraph helped fuel a housing boom while also making the U.S. financial system more vulnerable to collapse in times of stress.

One set of key players in fueling the boom was real estate investors. Attracted by the expectation of future house price appreciation and the availability of cheap credit, many real estate investors entered the housing market,¹ motivated to buy and re-sell homes to make short-term gains. Investors' speculative behavior contributed to the striking house price appreciation, which in turn spurred potential homebuyers to act before prices increased further. In the end, when house prices collapsed, many of these real estate investors realized losses and many homeowners lost their homes.

Also fueling the boom was the role mortgage companies played in the steady rise of house prices. Mortgage credit was cheap, so when high house prices limited the pool of low-risk borrowers who could qualify for conventional mortgages, mortgage lenders expanded the group of potential borrowers by offering new and innovative mortgage products designed to reach less-creditworthy borrowers. However, many of these borrowers became the targets of predatory lending practices that placed borrowers into mortgage products that would eventually create financial hardship for them, as they ended up building debt rather than wealth, either through repeat refinancings that took equity from homes or through adjustable rate features that challenged their repayment abilities.

The housing boom was fueled, as well, by the financialization of housing assets: illiquid real estate (housing) was turned into a financial asset that could be traded more easily and therefore made it possible for investors to participate in new and innovative ways. One form of financialization was securitization, or packaging of securities backed by mortgages²—a process that allowed investors to invest in the U.S. housing market and that therefore linked individual homeowners to the global financial system of large banks, shadow banks (explained below in the section “Financial Market Disruptions”), and institutional investors. Participants in the securitization process had short-term incentives to profit without accounting for the risk; they largely passed the inherent risk of the underlying mortgage to the next participant in the securitization chain. While the securitization process had been around for decades before the housing boom, its scope expanded as new types of securities were generated.

A number of the new types of securities were liquid and were assigned a high credit rating, despite being backed by pools of risky mortgages. As the housing boom progressed, the financial system continued creating various mortgage securities that were aimed at transforming the risk and meeting investor demand. For example, financial institutions transformed lower-rated tranches of mortgage-backed securities (explained below in the section “Mortgage Securitization”) into collateralized debt obligations that were

¹ Karl E. Case and Robert J. Shiller, “Is There a Bubble in the Housing Market?,” *Brookings Papers on Economic Activity* 2 (2003): 321, https://www.brookings.edu/wp-content/uploads/2003/06/2003b_bpea_caseshiller.pdf.

² A detailed explanation of securitization is given in footnote 8.

often AAA-rated. It was thought that by generating securities with different risk profiles, financial engineering of this kind could diversify and transform the risk associated with the underlying mortgages. Furthermore, derivatives that referenced these mortgage securities were created, spreading and amplifying the risk further into the system. These derivatives did not have cash flows based on actual mortgages but tracked the performance of mortgage securities, enabling investors to speculate on mortgage security performance. Financial institutions also began to issue credit default swaps to insure investors against losses on these securities. The risk of these securities, however, was not well understood. Nevertheless, the securities were held throughout the financial system, and because the financial system was highly interconnected, even institutions that were not directly involved with mortgage securitizations had some exposure to the mortgage market. As risk spread throughout the financial system, therefore, the entire system ultimately became exposed to the housing market.

Another source of risk, besides exposure to risky mortgages, was high leverage. Financial institutions increased leverage by relying more on debt to finance their balance sheets. Although higher leverage enabled institutions to earn a higher return on equity, it also made them more vulnerable to greater losses if mortgage defaults should increase—as they ultimately did.

Initial signs of the housing collapse to come emerged in 2006, as the housing market expansion slowed. In the middle of 2005, mortgage rates began to rise and, by the middle of 2006, had increased more than 100 basis points. Higher mortgage rates reduced housing market activity, causing home price growth to slow. After rising at double-digit annual rates for 27 consecutive months through early 2006, home prices peaked in mid-2006. The housing market slowdown eliminated the expectation of future investment gains and, along with it, the ability of borrowers to refinance (for without the expectation of rising prices, lenders would be unwilling to provide new funds); housing activity slowed even further. As interest rates rose and house prices began to fall, many homeowners became unable to meet mortgage payments on their existing loans or refinance into a new loan, and mortgage defaults rose rapidly.

Yet, through the end of 2006, most macroeconomic indicators continued to suggest that the U.S. economy would proceed uninterrupted on its path of moderate growth. Indeed, aside from some concerns about an overheated housing market,³ there was little in the way of financial data to suggest that the U.S. and global economies were on the verge of a financial system meltdown. In hindsight, however, we know that by the mid-2000s the United States was experiencing a housing price bubble of historic proportions and that already in 2006 the first signs of trouble were apparent. In 2007, when the bubble burst, the financial systems of the world's most advanced economies were brought relatively quickly to the brink of collapse.

³ Throughout 2006 and even into 2007, there was considerable and ongoing debate as to whether a housing price bubble actually existed. A consensus would not be reached until the collapse was well underway.

How did this happen? Ultimately, as house prices declined nationwide and mortgage defaults began rising, the value of all the mortgage-backed securities deteriorated. The rise in defaults, by undermining the value of trillions of dollars of mortgage-backed securities, severely disrupted the securitization funding mechanism itself. That mechanism—the securitization system that generated mortgage-backed securities (MBS) from mortgages—had become opaque and very complex, and the financial institutions involved were highly leveraged. The lack of transparency and the complexity of the securities masked the risk, and the high leverage left investors with little capital to cushion loss. Moreover, the financial institutions had underpriced risk, having been lulled into complacency by the prolonged period of economic stability that preceded the onset of problems. When mortgage defaults began to rise, the system's interconnectedness, complexity, lack of transparency, and leverage exacerbated the effects of the crisis. Eventually, many of the largest financial institutions suffered catastrophic losses on their portfolios of mortgage-related assets, resulting in severe liquidity shortages. As noted above, even financial institutions without large MBS holdings were affected because they were deeply interconnected with the financial system in which MBS played so significant a role.

Observing the devastating cascade of falling house prices, subprime mortgage defaults, bankruptcies, and write-downs (or reductions in the value of mortgage assets), investors and creditors lost confidence in the financial markets. The credit markets froze, and at the same time many overleveraged financial institutions were forced to sell assets at fire-sale prices, further reducing liquidity. Under mark-to-market accounting rules,⁴ these asset sales only precipitated further rounds of asset write-downs. The mounting losses strained financial institutions, causing many of them to fail. Eventually the situation became so dire that government interventions on an unprecedented scale were undertaken to break the downward spiral of defaults and to restore confidence in, and functionality to, the financial marketplace.

⁴ As noted in Financial Crisis Inquiry Commission (FCIC), *The Financial Crisis Inquiry Report: Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States* (2011), 226–27, http://fcic-static.law.stanford.edu/cdn_media/fcic-reports/fcic_final_report_full.pdf, mark-to-market is the process by which the reported value of an asset is adjusted to reflect the market value. The process had a detrimental effect during the crisis, as mark-to-market accounting rules required firms to write down their holdings to reflect the lower market prices. Firms claimed that the lower market prices did not reflect market values but, rather, reflected fire-sale prices driven by forced sales.

Housing Market Bubble and Mortgage Crisis (2006–2007)

By the end of the 2000–2006 period, the rapid rise in U.S. house prices had transformed from a boom to a nationwide housing market bubble. Like all bubbles, this one could not be sustained forever, and the bursting of the bubble was devastating to many recent homebuyers, who (like many other people) had expected home prices to continue rising. In that expectation, many borrowers had taken out mortgages on which they were unable to continue making payments when the terms of their mortgages changed and housing prices fell (as noted above, falling prices meant lenders would not refinance).

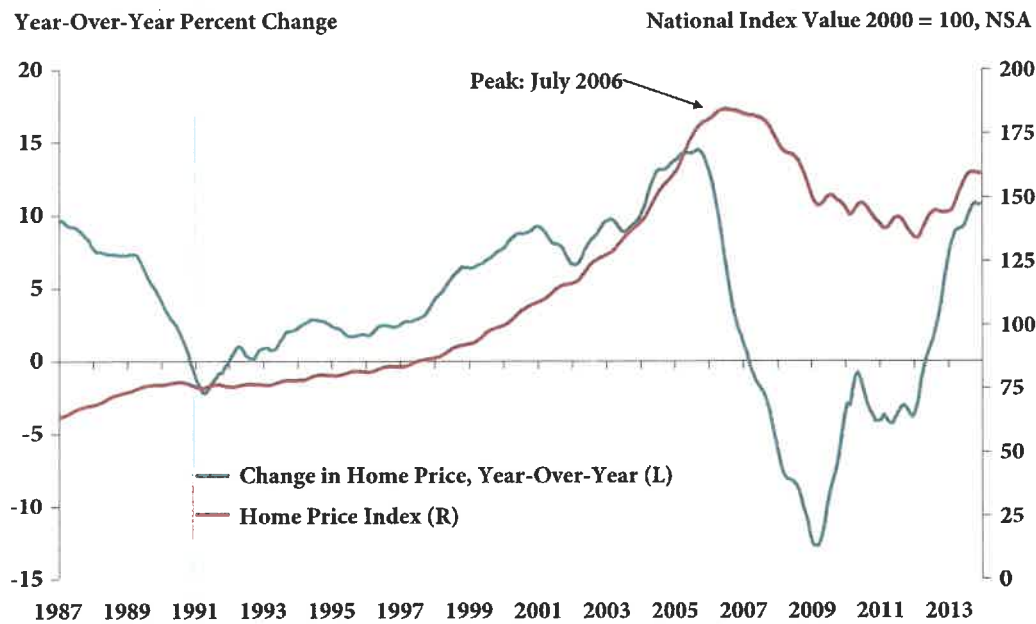
The bubble was fed not only by people taking out mortgages for homes, however. Also feeding the bubble was a system, created by financial institutions, that linked homebuyers' demand for housing with investors' demand for highly rated assets with high yields. Financial institutions purchased mortgages from mortgage originators, packaged the mortgages into securities, and sold the securities—whose credit quality, in retrospect, was inaccurately assessed by the rating agencies—to investors needing a safe place for their funds. These transactions, in turn, then provided the liquidity and short-term funding from the capital markets that mortgage lenders depended on to continue to originate loans.

The chain linking homebuyers who were taking out mortgages with investors who were buying securities that were backed by pools of such mortgages was only as strong as its weakest link. When mortgage defaults rose, all the other links in the chain were irreparably weakened.

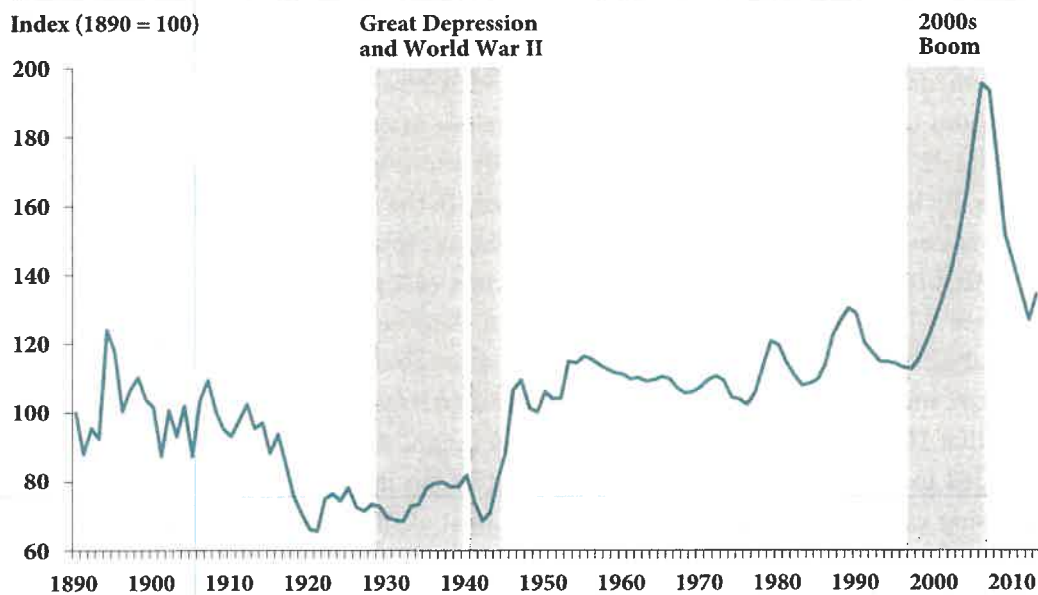
The Rapid Rise in House Prices

Coming out of the bank and thrift crisis of the late 1980s and early 1990s, the United States experienced an expansion of housing construction, a rise in home prices, and an increase in housing credit, all of which persisted through the 2001 recession and accelerated in the early 2000s. By the time national house prices peaked (in the middle of 2006), they had increased at double-digit annual rates for 27 consecutive months—from early 2004 through the first three months of 2006—culminating in a 14.2 percent annual gain in 2005 (see Figure 1.1). Reinhart and Rogoff observe that “between 1996 and 2006, the cumulative real price increase was about 92 percent—more than three times the 27 percent cumulative increase from 1890 to 1996.”⁵ Their research found no housing price boom during that 106-year period comparable in sheer magnitude and duration to the one that ended in the subprime mortgage crash that began in 2007. Indeed, the extremes of housing value during the housing boom and bust of the mid-2000s stand out starkly, as Figure 1.2 illustrates.

⁵ Carmen Reinhart and Kenneth Rogoff, *This Time Is Different: Eight Centuries of Financial Folly* (2009), 207.

Figure 1.1. S&P/Case-Shiller Home Price Index, 1987–2013

Source: S&P/Case-Shiller (Haver Analytics).

Figure 1.2. Real Home Price Index, 1890–2013

Source: Robert J. Shiller, <http://robertshiller.com>.

Note: Index is based on inflation-adjusted sale prices of standard existing homes, not new construction, to track the value of housing as an investment over time.

Several factors contributed to the run-up in housing prices. One was low interest rates: in July 2003, the federal funds rate declined to 1.01 percent, its lowest level in 45 years, while in June 2003, the Freddie Mac 30-year conventional mortgage rate fell to 5.21 percent, the lowest level in the 32-year history of the Primary Mortgage Market Survey. This prolonged period of low rates after the 1991–1992 recession made mortgages less expensive, thus increasing demand, and, with increased demand, house prices began rising. Another factor in the price run-up was the origination of mortgage products that increased demand by enabling less-creditworthy borrowers to qualify for mortgages (see the box titled “Types of Mortgage Products”). Financial institutions, including a number of large thrifts, investment banks, and commercial banking organizations, acted as originators of subprime and Alt-A mortgages and also as underwriters and issuers of securitizations backed by these loans.⁶ A third factor in driving up prices was the influx of investors into the housing market: drawn by the expectation of future house price appreciation, investors bought homes for investment gain, not residence. All of this was consistent with Case and Shiller’s description of a housing bubble. “The notion of a bubble,” they write, “is really defined in terms of people’s thinking: their expectations about future price increases, their theories about the risk of falling prices, and their worries about being priced out of the housing market in the future if they do not buy.”⁷

As interest costs fell and, in response, the demand for mortgages increased, the funding for mortgages increased significantly, allowing lenders to offer credit to more borrowers. Behind this increase in funding were (1) a heavy demand of investors worldwide for highly rated assets with high yields, and (2) the satisfaction of that demand through the mortgage securitization process, which allowed the financialization of mortgage assets.⁸

The heavy worldwide demand for safe assets was brought about by an increase in global savings. This glut of global savings reflected many factors, including the buildup of foreign exchange reserves in emerging market economies and the aging populations in industrial economies (retirees have higher savings).⁹ The securitization process that served to satisfy the worldwide demand involved the packaging of pools of mortgages into securities that

⁶ Inside Mortgage Finance Publications, *The 2010 Mortgage Market Statistical Annual*, vol. 2, 2010.

⁷ Case and Shiller, “Bubble in the Housing Market?,” 301.

⁸ As explained in the overview section, financialization of housing assets means that “illiquid real estate was turned into a financial asset that could be traded more easily and therefore made it possible for investors to participate in new and innovative ways.” Securitization is the process by which assets with generally predictable cash flows and similar features are packaged into interest-bearing securities with marketable investment characteristics. Investors buy the right to future cash flow, thus providing increased liquidity back to the seller, who then has additional monies to lend. Over time, securitized assets have been created using diverse types of collateral, including home mortgages, commercial mortgages, mobile home loans, leases, and installment contracts on personal property. The most common securitized product is the mortgage-backed security (MBS).

⁹ Ben Bernanke, “The Global Saving Glut and the U.S. Current Account Deficit,” remarks at the Sandridge Lecture, Virginia Association of Economists, Richmond, VA, March 10, 2005, <https://www.federalreserve.gov/boarddocs/speeches/2005/200503102/>.

could be sold to institutional and individual investors as a way to transfer risk among investors; the investors received rights to cash flows of the underlying mortgage pools. The relatively illiquid mortgage asset could be quickly bought or sold in the market without the asset's price being affected, and innovations in finance supplied different types of assets with different risk profiles to suit different investor requirements, not only the need for safety. Securitization, which came to dominate mortgage funding, was the vehicle by which global savings contributed to the decline in longer-term interest rates and, in addition, helped finance the U.S. residential market (investment in MBS increased the liquidity available for financing additional mortgages, as explained in the next section).

The Foundations of the Mortgage Crisis

Just when the increased liquidity provided by securitization allowed lenders to offer credit to more borrowers, the rapid increase in home prices reduced affordability—but also fed buyer interest in purchasing a home (either to own or to turn a profit) before prices rose further. Lenders, competing to attract customers and to meet the financing needs of prospective homebuyers, diversified their mortgage offerings and eased lending standards. Both of these practices—offering nontraditional mortgages and the relaxation of lending standards (see the box titled “Types of Mortgage Products”)—helped homebuyers bridge the affordability gap and facilitated lending to less-creditworthy borrowers.

Accommodating borrowers was made easier by the mortgage securitization system. Banks and other mortgage originators originated loans, then distributed them by selling them in the secondary loan market; the purchasers of the loans were mortgage securitizers, who paid the originators, or lenders, high fees for mortgages; and the high fees created incentives for lenders to fill the securitization pipeline by relaxing lending standards and in some cases by aggressively marketing mortgages. The securitization process is described in more detail below, in the section “Mortgage Securitization.” This “originate to distribute” model led to a rise in predatory lending that targeted a wide spectrum of consumers who might not have understood the embedded risks but used the loans to close the affordability gap. In the end (see the next section, “The Housing Market Collapse”), the originate-to-distribute model, with the misaligned interests of all parties, undermined responsibility and accountability for the long-term viability of mortgages and mortgage-related securities and contributed to the poor quality of mortgage loans and, ultimately, to the riskiness of the securities backed by the loans.

Types of Mortgage Products

Mortgages fall into two broad categories: prime and nonprime. Prime loans are issued to borrowers whose more pristine credit is considered most creditworthy. Such borrowers receive the best rate. Nonprime is the generic term for loans whose mortgage interest rates are substantially higher than the prevailing prime rate. The two types of nonprime loans are subprime and Alternative-A, or Alt-A.

Subprime loans are higher-interest loans that involve elevated credit risk and are generally viewed as higher risk. Alt-A mortgages are made to borrowers with credit ranging from very good to marginal, but they are made under expanded underwriting guidelines that make these loans higher risk and also higher interest.

When strong home price appreciation and declining affordability helped drive up the demand of borrowers for mortgage products that would allow them to stretch their home-buying dollars, lenders—flush with mortgage credit—accommodated by offering nontraditional (alternative) mortgage products. Nontraditional mortgage loans have some features that differ from a plain-vanilla prime loan.

Among the nontraditional mortgages originated during the boom were interest-only mortgages (IOs), adjustable rate mortgages (ARMs) with flexible payment options (option ARMs, or payment-option mortgages), simultaneous second-lien or piggyback mortgages, and no-documentation or low-documentation loans. IO and payment-option loans were specifically designed to minimize initial mortgage payments by eliminating or relaxing the requirement to repay principal during the early years of the loan. Piggyback mortgages were a lending arrangement in which either a closed-end second lien or a home equity line of credit was originated at the same time as the first-lien mortgage loan to take the place of a larger down payment. In no-documentation or low-documentation loans, the documentation standards for verifying a borrower's income sources or financial assets were reduced or minimal.

Any of these loans—prime, subprime, nontraditional—could be structured as an adjustable rate mortgage. ARMs have an interest rate and payment that change periodically over the life of the loan, the changes being based on changes in a specific index. In addition, there are hybrid ARMs and option ARMs. The former, also known as short-term hybrids, have an initial fixed rate for two or three years and then turn into an adjustable rate loan with an annual adjustment in rate or payment or both. The option ARMs allow borrowers to set their own payment terms on a monthly basis. The borrower could, for example, make a minimum payment lower than the amount needed to cover interest; or pay only interest, deferring payment of principal; or make payments calculated to have the loan amortize in 15 or 30 years. Interest typically was reset every month, and interest payments that were deferred were added to principal through negative amortization.

continued

Problems escalated when risk layering occurred—that is, when a loan combined several risky features. An example of such a loan was a subprime hybrid ARM: a variable-rate loan offered to a subprime borrower, with an initial rate that was probably quite low (to tease the borrower in) but that after a short period increased to monthly payments that were often unaffordable. Another example was a non-amortizing interest-only mortgage made to a borrower on the basis of little or no documentation to validate the borrower's income or assets. When risk layering occurred, products grew in complexity, and the total risk was heightened.

Among the new, nontraditional mortgage offerings, many were structured as adjustable rate loans, not fixed rate. More than three-fourths of the subprime mortgages that were originated during the period 2003 through 2007 were short-term hybrids (the interest rate is fixed for the first couple of years and then becomes adjustable and benchmarked to short-term rates).¹⁰ Most Alt-A loans were also adjustable rate loans, as were most option adjustable rate mortgages. Option ARMs, as noted, offered borrowers the choice of making full payments, interest-only payments, or minimum payments that were less than the interest due. About 94 percent of option ARM borrowers made only the minimum monthly payment, creating negative amortization.¹¹ Like the subprime short-term hybrid mortgages, ARM loans had interest rates that were fixed for the first couple of years but then were benchmarked to the LIBOR rate.¹² Under the more relaxed underwriting standards at the time, many borrowers qualified for adjustable rate mortgages based only on their ability to pay the low initial monthly payments as determined under the introductory teaser rate. Hence, their ability to afford the mortgage after the teaser rate expired was predicated on their ability to refinance the mortgage before the higher payments became effective.

The ability to refinance—counted on by many investors, homebuyers, and originators—depended critically on house prices. As long as house prices were rising, lenders were generally willing to supply new funds with new terms. And even after house prices at the national level peaked, in mid-2006, housing market participants generally did not expect house prices to crash. After all, the United States had not experienced large nationwide declines in house prices since the Great Depression. In mid-2006, some observers saw the

¹⁰ Christopher J. Mayer, Karen M. Pence, and Shane M. Sherlund, "The Rise in Mortgage Defaults," Federal Reserve Board Finance and Economics Discussion Series 59 (2008): 5, <https://www.federalreserve.gov/pubs/feds/2008/200859/200859pap.pdf>.

¹¹ Austin Kilgore, "Subprime Problems Persist, as Alt-A, Option ARM Crisis Brews," *HousingWire*, January 11, 2010, <https://www.housingwire.com/articles/6208-subprime-problems-persist-alt-option-arm-crisis-brews>.

¹² LIBOR stands for the London interbank offered rate; this rate is set daily and is the interest rate at which banks offer to lend funds to one another in the international interbank market.

turning point (identified as such only in retrospect) as nothing more than a correction, not the presage of a precipitous decline:

With interest rates rising and speculative demand cooling, the housing boom is coming under pressure ... As long as the economy continues to create jobs and builders trim production to match slowing demand, house prices will keep climbing and the housing sector will likely achieve a soft landing. Although house price growth will likely moderate in many areas, sharp drops in house prices are unlikely anytime soon. Major house price declines seldom occur in the absence of severe overbuilding, major job loss, or a combination of heavy overbuilding and modest job loss. Fortunately, these preconditions are nowhere in evidence across the nation's metropolitan areas.¹³

In hindsight, optimism in the housing market outlook in mid-2006 was based on a major misreading of the market. Pressures had already been building against further house price appreciation. In 2004, the Federal Reserve had started to tighten monetary policy by raising the target federal funds rate in response to the increasing pace of economic activity. Nevertheless, through 2005 and into 2006, despite the rise in interest rates, a continuing flow of funds into the mortgage market maintained the easy credit conditions and, even as the housing market expansion began to slow, homeowners remained able to refinance. However, in 2006, with interest rates rising and (as shown in Figure 1.3) house prices beginning to decline, homeowners whose mortgage payments were indexed to interest rates were unable to refinance. Many homeowners and housing investors were stuck with homes they could neither afford nor sell. Thus, the stage was set for increasing numbers of delinquencies, defaults, and foreclosures.

The Housing Market Collapse

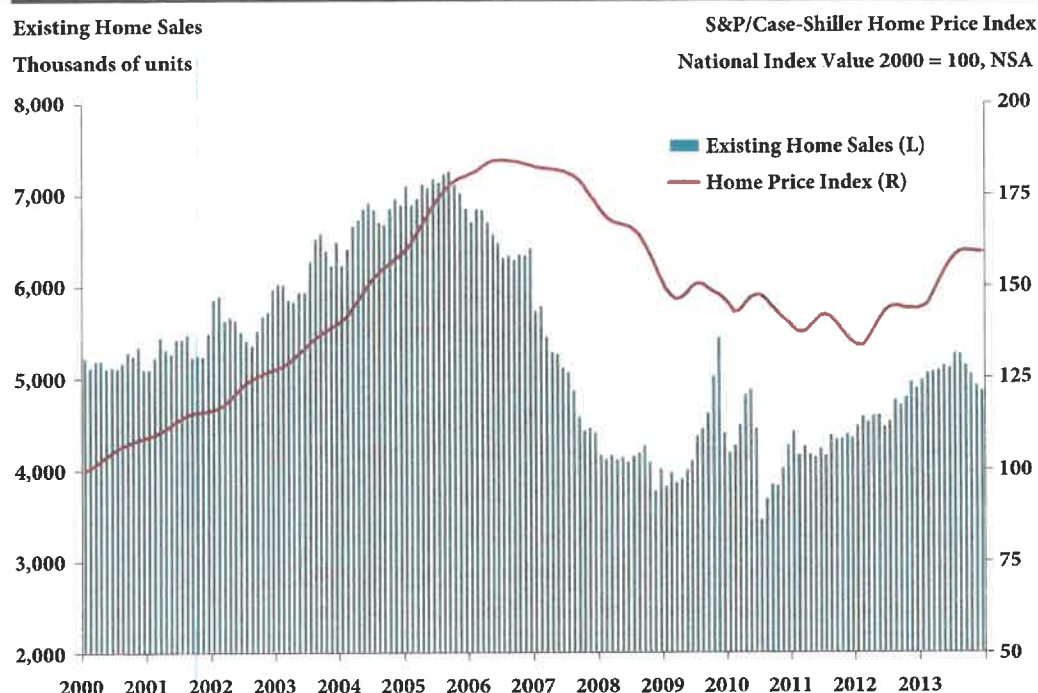
According to the Financial Crisis Inquiry Commission (FCIC), one of the first signs of the impending collapse was an increase in the number of early payment defaults—defined as occurring when a borrower becomes more than 60 days delinquent within the first year of a mortgage. Defaults on subprime and Alt-A mortgages began to rise in late 2005. As house prices declined further, default rates on higher-quality mortgages also rose, as shown in Figure 1.4. By mid-2010, almost one out of every ten mortgage loans was past due, with almost 30 percent of subprime ARM borrowers and almost 14 percent of prime ARM borrowers in delinquency.¹⁴ In addition, the decline in house prices resulted in negative

¹³ Joint Center for Housing Studies, "Affordability Problems Escalating Even as Housing Market Cools. 2006 State of the Nation's Housing Report Is Released," Press Release, Harvard University, John F. Kennedy School of Government, June 13, 2006.

¹⁴ Mortgage Bankers Association, "Delinquencies and Foreclosure Starts Decrease in Latest MBA National

equity for many homeowners who had bought homes with little or no down payment. These homeowners were underwater on their mortgages (i.e., the value of the outstanding mortgage exceeded the value of the home). The share of underwater homeowners out of all homeowners with a mortgage rose drastically as, eventually, house prices at the national level declined more than 30 percent from their peak—and in some areas of the country, they fell more than 50 percent. By 2010, more than 12 million homeowners—about 1 in 4 with a mortgage—owed more than their homes were worth.¹⁵

Figure 1.3. Home Sales and Home Price Index, 2000–2013



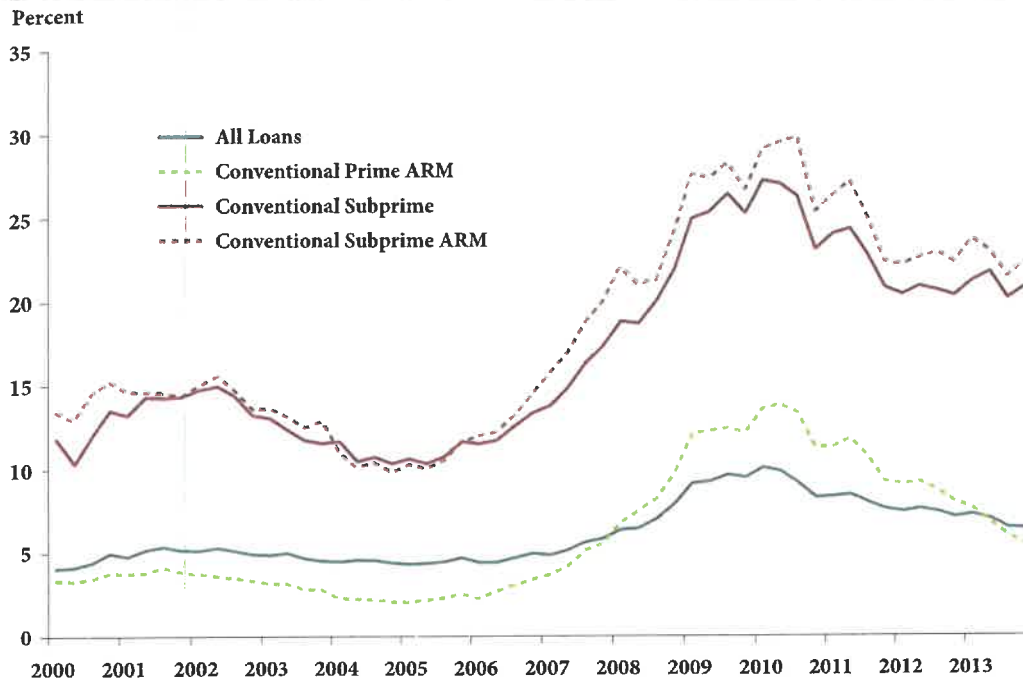
Sources: S&P/Case-Shiller and National Association of Realtors (Haver Analytics).

Of the players linked in the securitization chain, one of the earliest to feel the effects of the downturn in housing prices was mortgage originators, for which subprime loans represented a significant portion of revenue and assets. As subprime loan originations plummeted from 20 percent of total mortgage production in 2006 to 8 percent in 2007,¹⁶ subprime originators faltered. By the spring of 2008, with the failure of many subprime originators (including top lenders Countrywide Financial Corporation and Ameriquest Mortgage Company), the U.S. subprime mortgage industry had essentially collapsed.

Delinquency Survey,” August 26, 2010, <https://www.mba.org/x73818>.

¹⁵ CoreLogic, *CoreLogic® Equity Report*, 4Q 2013 (2014), 8.

¹⁶ Inside Mortgage Finance Publications, *The 2010 Mortgage Market Statistical Annual* (2010), vol. 1, 2010.

Figure 1.4. Mortgage Loans Past Due, by Type of Loan, 2000–2013

Source: Mortgage Bankers Association (Haver Analytics).

From the Mortgage Crisis to a Financial Crisis (2008)

The ramifications of the mortgage crisis went far beyond mortgage originators, as the securitization chain also involved (among others) mortgage servicers, underwriters, guarantors, and securitizers. The chain stretched across many players from depository institutions to investment firms, with interconnections that were extensive and opaque, and risks that were magnified by the increased use of financial leverage in a generally deregulatory climate. Because of the high interconnectedness within the financial system, the collapse of the subprime mortgage industry undermined the securitization system itself and the financial markets.

The central element of the securitization chain, as has been noted, was pools of mortgage-backed securities. But the pivotal role played by these securities depended on the assurance investors received from rating agencies that these securities were priced appropriately for the risk they contained—and as mortgages defaulted, the MBS and securities derived from them had to be downgraded. Firms that were heavily invested in such securities and at the same time highly leveraged were caught in a vise, and even the reputations of the rating agencies themselves were tarnished.

Mortgage Securitization

The securitization process was a way to pool individual mortgages into a bond, that is, a security, to be sold to investors. The resulting mortgage-backed security was often carved into different pieces, or tranches, with a range of risk and return to appeal to investors' differing appetites. Investors bought the tranche(s) that served their needs. The senior tranches were the highest rated and were considered to have the lowest risk and the highest priority for payment. The equity tranches were the lowest tranches; they had the highest return but also the highest risk because they would be the first to lose money if mortgage loan borrowers defaulted.

Historically, securitization for the mortgage market was provided primarily by Fannie Mae and Freddie Mac, which are Government-Sponsored Enterprises (GSEs) created by Congress to provide the U.S. housing market with liquidity, stability, and affordability.¹⁷ Fannie and Freddie, private companies at the time of the boom,¹⁸ purchase and securitize mortgages, selling the securitized mortgages to outside investors and holding some mortgages and MBS as investments. With the housing market heating up, however, non-agency (or private label) securitization activity—until then a relatively small share of the market—ramped up to exceed the securitization activity of the GSEs. Figure 1.5, showing MBS issuance from 1990 to 2013, displays the striking rise in the volume of private label MBS issued beginning in 2002. Private label MBS doubled in dollar volume from 2003 to 2005, increasing to over half of total MBS issuance in 2005 and 2006.

The increase in private label securitization activity, which involved many different types of firms within the financial system, created tremendous capacity for new mortgages. To fill the pipeline, as noted above, mortgage originators began to lower credit standards or ease documentation requirements or both. One result was that mortgage pools became more risky. In an attempt to generate securities that were low risk, financial institutions turned to creative re-securitizations by securitizing the tranches of risky mortgage securities into higher-rated securities. (The fundamental assumption was that although all the tranches were backed by risky mortgages, some of the mortgages would pay out, and as long as they did, they would satisfy the payments needed to pass through to the newly securitized higher-rated security.) Ultimately, however, despite the higher ratings, the securities proved very risky—and at the end, defaults were so large and so numerous that the payment stream to these securities dried up.

The basic security—the mortgage-backed security—became the building block of more-complex products, as MBS themselves were re-securitized into securities and sold to investors as well as traded among the financial institutions that created them.¹⁹ For

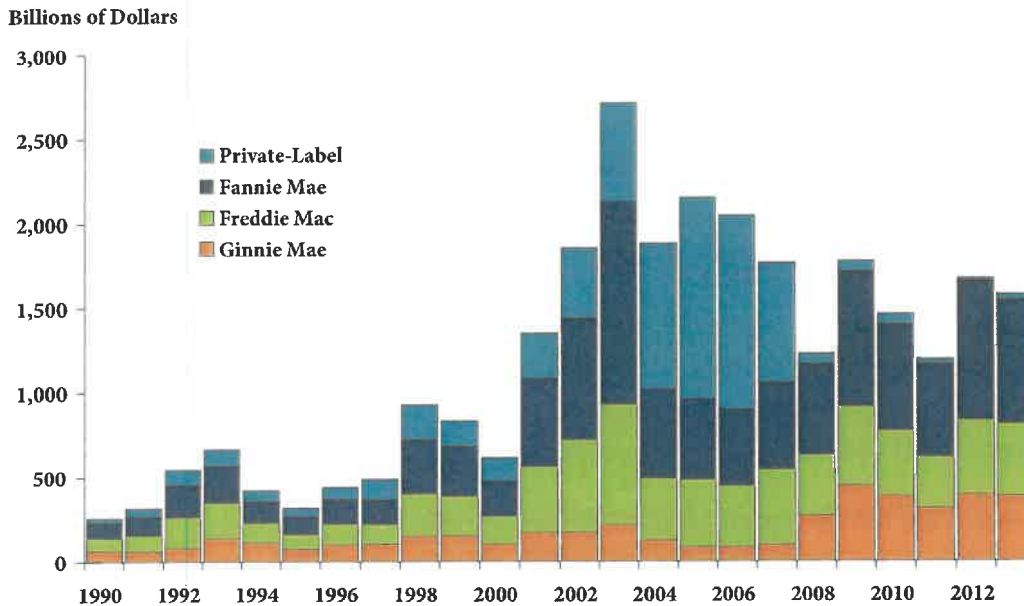
¹⁷ Fannie's formal name is Federal National Mortgage Association (FNMA). Freddie's is Federal Home Loan Mortgage Corporation (FHLMC).

¹⁸ Fannie Mae and Freddie Mac were put into government conservatorship in September 2008. This is covered in more detail below, in the section "Institutions in Crisis in 2008."

¹⁹ A financial "product" is an instrument that involves moving money from one party to another. Thus, the

example, lower-rated MBS were repackaged into collateralized debt obligations (CDOs). Like MBS, CDOs were issued in tranches that varied in risk and had ratings that ranged from high to low,²⁰ with investors in the lowest rated of these securities being exposed to the highest risk. In this manner, mortgage risk appeared to be further diversified. Adding to the perceived reduction of risk were credit default swaps (CDS), which provided investors with insurance against losses on MBS, as explained in the next section.

Figure 1.5. Issuance of Mortgage-Backed Securities, 1990–2013



Source: Inside MBS & ABS, Inside Mortgage Finance.
Reprinted with permission. Inside Mortgage Finance Publications, Inc. www.insidemortgagefinance.com.

Another source of risk was a technique, also involving MBS, that banking companies often used to increase their leverage without running afoul of regulatory requirements. They would retain MBS in structured investment vehicles (SIVs), which were highly leveraged entities held by banking companies but which, as separate legal entities, were off the banks' balance sheets and were therefore not subject to regulatory capital requirements, even if a SIV's parent holding company was under federal supervision. SIVs were designed to generate cash flows by issuing short- to medium-term debt—including asset-backed commercial paper²¹—at a low interest rate to raise funds that the

term can refer equally to a simple loan or a complex security. A home equity line of credit is a financial product, and so are collateralized debt obligations, which are securities made up of repackaged MBS.

²⁰ FCIC, *Final Report*, 127–29, http://fcic-static.law.stanford.edu/cdn_media/fcic-reports/fcic_final_report_full.pdf.

²¹ Asset-backed commercial paper is a short-term promissory note whose repayment is backed by cash flows

institution could invest in longer-term assets, such as MBS. SIVs were first established in 1988 and remained relatively unscathed during pre-2007 periods of financial distress. By 2007, there were 36 SIVs and, between 2004 and 2007, the total assets held in SIVs had tripled to \$400 billion,²² meaning that SIVs had come to have substantial exposure to the mortgage market. The exposure would lead to their demise.

In sum, by generating a variety of complex financial products based on pools of mortgages, private label securitizers created within the financial system an additional level of complexity, opacity, and interconnectedness. Investment entities and financial institutions were heavily involved in securitizing and underwriting MBS, investing in derivatives, and generally creating and investing in new financial products.²³ But the opacity of these instruments and activities masked the underlying systemic risk, which derived both from the riskiness of the mortgages backing the securities and from the highly leveraged nature of many of the institutions involved. Investment banks (part of the shadow banking system) were not subject to the types of restrictions on the use of financial leverage that banks were subject to, and were therefore able to expand their balance sheets by increasing leverage to a greater extent than federally supervised banks were allowed to.²⁴ Finally, although the deep interconnectedness among investment entities and financial institutions spread risks across the securitization chain, it also created conflicts of interest within the chain: originators and underwriters (at the front of the chain) were not acting in the best interest of the investors and bondholders (at the end of the chain).²⁵

The Role of Rating Agencies and the Devastating Effect of Downgrades

During the years when subprime losses were materializing, one group critical to the entire mortgage-based investment process was credit rating agencies. Credit rating agencies assign credit ratings to a variety of financial institutions and financial assets, and during the period in question, the agencies were rating MBS. The reason these ratings were critical is that both investors and insurers of investment contracts relied on them. Investors relied (and still rely) on credit ratings—particularly on those issued by one of the Nationally

from specific pools of assets such as trade receivables or mortgages. This commercial paper plays a prominent role in the section below titled “Financial Market Disruptions.”

²² FCIC, *Final Report*, 252.

²³ According to the FCIC, derivatives are financial contracts whose prices are derived from the performance of an underlying asset, rate, index, or event. The use of derivatives grew significantly during the 2000s as a way to ensure payment (losses due to price movement could be recouped through gains on the derivatives contract). The resulting growth in leverage made financial institutions “vulnerable to financial distress or ruin if the value of their investments declined even modestly” (ibid., xix, 45–51).

²⁴ For a more detailed discussion of the shadow banking system and financial interconnections, see Zoltan Pozsar et al., “Shadow Banking,” Federal Reserve Bank of New York Staff Report 458 (2010), https://www.newyorkfed.org/medialibrary/media/research/staff_reports/sr458.pdf.

²⁵ International Monetary Fund, “Navigating the Financial Challenges Ahead,” *Global Financial Stability Report* (2009), 77–115.

Recognized Statistical Rating Organizations (NRSROs)²⁶—to assess the credit quality of their investments. Many investors (for example, pension funds) are required to adhere to mandates on the quality distribution of assets they hold, and the quality distribution is typically determined by the credit ratings from an NRSRO. In addition, credit rating agency ratings are often used in investment contracts to protect investors against a possible credit downgrade. For example, if investors bought AAA-rated securities (such as mortgage derivatives) because they believed—on the basis of the rating—that the securities were risk free, but the securities were subsequently downgraded, the contract might have entitled the creditor to demand collateral from the debtor. Insurers, too, relied on credit ratings when they started guaranteeing the AAA ratings of MBS, putting their own reputation and financial strength on the line because of confidence in the credit ratings issued by the agencies.

In 2007, subprime defaults were increasing, and the performance of MBS and other structured financial products started deteriorating. According to Benmelech and Dlugosz, deterioration in the credit ratings of such products began likewise in 2007. In that year, there were more than 8,000 downgrades, eight times the number in 2006.²⁷ In the first three quarters of 2008, there were almost 40,000 downgrades, far exceeding the cumulative number of downgrades for the period 2000 through 2007. Moreover, the magnitude of the downgrades—the number of levels, or “notches,” by which each rating was lowered—became much more severe in 2007. In 2005 and 2006, the average downgrade each year was 2.5 notches, but in 2007 the average downgrade was 4.7 notches, and in 2008 it was 5.6 notches.²⁸ The sharp increase in the number and severity of downgrades was devastating for the holders of the securities affected, for the reputation of the rating agencies themselves, and for insurers.

The holders of the securities found that their previously AAA-rated investments—the highest rated, considered the safest of investments—had become unmarketable.²⁹ Under mark-to-market accounting rules, institutions that held these now-unmarketable mortgage-backed bonds had to write them down.³⁰ Investor demand plummeted and securitization activity dropped precipitously. Private label securitization—which, as noted, had provided much of the funding for new mortgages—continued dropping until, in 2008, it virtually disappeared. As a result, many underwriters were stuck holding large portfolios of mortgages and MBS that could not be sold and were quickly losing value. This downturn would have significant implications for the financial markets, as discussed in the next two sections.

²⁶ NRSROs are credit rating agencies registered as such with the Securities and Exchange Commission.

²⁷ Efraim Benmelech and Jennifer Dlugosz, “The Credit Rating Crisis,” *NBER Macroeconomics Annual* 24 (2010): 172.

²⁸ *Ibid.*, 170.

²⁹ Carl Levin, *Hearing of the U.S. Senate Permanent Subcommittee on Investigations, “Wall Street and the Financial Crisis: The Role of Credit Rating Agencies,”* Opening Statement, April 23, 2010, 4.

³⁰ FCIC, *Final Report*, 227–30.

Among the many reasons mentioned above for the puncturing of the housing bubble was new pricing information that contributed to the decline in MBS values. Gorton makes an important point about the role that information about the MBS market played in puncturing the housing and mortgage-backed securities bubble. He observes that information about the pricing of residential mortgage-backed securities was not commonly available in real time until the ABX index was introduced, at the start of 2006.³¹ The ABX index measures the value of subprime mortgages. He states, “The introduction of these indices is important for two reasons. First, they provided a transparent price of subprime risk, albeit with liquidity problems. Second, [the transparent price of subprime risk] allowed for [the efficient] shorting of the subprime market,”³² enabling investors to hedge their positions. As seen in Figure 1.6, new vintages in 2007 declined sharply upon issuance. Gorton states that “it is not clear whether the housing price bubble was burst by the ability to short the subprime housing market or whether house prices were going down and the implications of this were aggregated and revealed by the ABX indices.”³³ Regardless, he makes a compelling case that the ABX index provided transparency for the pricing information on subprime MBS, revealing deterioration and playing an important role in the decline of house prices, as investors pulled out of the housing market.

As financial stress continued and investors increasingly questioned the credibility of the credit ratings, the reputation of rating agencies declined. As they kept downgrading MBS and CDOs, it became apparent that the high ratings previously assigned to these securities had been overstated and were overly optimistic. Part of the problem was that the models used by credit rating agencies were based on more traditional mortgage products than the ones in the market at the time and on historic data that did not cover an episode of a nationwide downturn. The data covered the recent period characterized by low delinquency and default rates, and housing downturns that were concentrated in just some states. The models did not account for the risk scenario of a massive, nationwide decline in home prices.³⁴ Another part of the problem was that financial institutions that issue securities paid rating agencies to rate their products, and the institutions typically shopped around for favorable ratings. Many observers have noted that the desire to retain business encouraged credit rating agencies to provide securities ratings that were agreeable to the issuing institutions.³⁵

³¹ The ABX index is a financial benchmark that references 20 equally weighted residential mortgage-backed security tranches. There are also sub-indexes for bonds based on their rating level: AAA, AA, A, BBB, and BBB-. The “vintage” of an ABX index refers to the date it was introduced.

³² Gary Gorton, “The Subprime Panic,” *European Financial Management* 15, no. 1 (January 2009): 32.

³³ *Ibid.*, 34.

³⁴ Markus K. Brunnermeier, “Deciphering the Liquidity and Credit Crunch 2007–2008,” *Journal of Economic Perspectives* 23, no. 1 (Winter 2009): 81, <http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.23.1.77>.

³⁵ See, for example, Simon Johnson and James Kwak, *Thirteen Bankers* (2010), 139.

Exhibit B

**Snohomish County
Planning and Development
Services**



Contact: Barb Mock

Director, Planning and Development Services

Barb.Mock@snoco.org

425-388-3661

Snohomish County Announces Initial Response to Hirst Decision

Water access in unincorporated county is potentially impacted

EVERETT, Snohomish County, January 16, 2017—Today, the Snohomish County Department of Planning and Development Services (PDS) announced the initial steps it will be taking in response to the Washington State Supreme Court's decision [*Whatcom County vs. Hirst et al.*](#) (Hirst Decision). The Court's decision, handed down on October 6, 2016, changed how access to water is determined for those wanting to drill a well. Before the decision, water use and rights were determined by other agencies, not municipal or county governments. The Hirst Decision effectively altered development and land use in all 39 counties in the State of Washington.

On learning of the Hirst decision and its significant impact on land use permitting in unincorporated areas of Snohomish County, PDS took a number of immediate steps:

1. PDS and its attorneys recognized that all 39 counties in the state were most likely impacted by the Hirst Decision, including Snohomish County.
2. PDS discussed with attorneys, stakeholders, state officials, and other counties the meaning of and possible responses to the Decision.
3. PDS went through a deliberative process to determine the most appropriate response for Snohomish County.
4. PDS determined that an initial response would entail three parts
 - a. A signed notice to those seeking development permits would be required. This notice advises those seeking wells that access or right to water cannot be guaranteed, even if a building permit is issued.

Hirst decision

A 2016 Washington State Supreme Court decision changed how counties decide to approve or deny building permits that use wells for a water source.

In the [Whatcom County vs. Hirst, Futurewise, et al. decision](#) (often referred to as the "Hirst decision"), the court ruled that the county failed to comply with the Growth Management Act requirements to protect water resources. The ruling required the county to make an independent decision about legal water availability.

I want to...

- [Read about the new streamflow restoration law](#)

Streamflow restoration

Washington state has a new streamflow restoration law in response to the "Hirst decision." The law, Engrossed Substitute Senate Bill 6091, was passed on Jan. 18, 2018, and signed by Gov. Inslee the next day.

[Read more about the law and streamflow restoration](#)

'Hirst decision' background

We protect rivers and streams across the state by creating [instream flow rules](#), which set the amount of water necessary for protecting fish, wildlife, and recreation. In 1985, we adopted an instream flow rule for the Nooksack River ([WAC 173-501](#)) in Whatcom County. This rule closed most streams in the watershed to new water right permits but allowed landowners to use permit-exempt wells in most of the area. Whatcom County's development regulations followed our instream flow rule.

A reliable, year-round supply of water is necessary for new homes or developments. Before the Oct. 6, 2016, court decision, many counties relied on our determination about whether year-round water was available. The court decision changed that. Counties had to make their own decisions about whether there was enough water, both physically and legally, to approve any building permit that would rely on a well.

In response to the decision, several counties severely restricted approvals of subdivisions and building permits for houses relying on permit-exempt wells. Some counties required permit applicants to pursue expensive hydrogeological study before building.

Key points of the decision

Science has shown that rivers and streams are generally connected to groundwater. In the decision, the Washington State Supreme Court said that water is not legally available if a new well would impact a protected river or stream, or an existing senior water right.

If a county determined that water was not legally available for a new use, the county would not be able to approve a building permit — even if a well was already drilled.

Related links

[Foster decision](#)
[Protecting streamflows](#)

Contact information

Dave Christensen
Deputy Program Manager
dave.christensen@ecy.wa.gov

Taken from WA State Department of Ecology website

From: Richard Belling <rbelling07@yahoo.com>
Sent: Friday, May 10, 2024 12:15 AM
To: Contact Council
Subject: Belling Letter Regarding Ordinance 24-021, relating to Growth Management - Public Comment
Attachments: Belling Letter Regarding Ordinance 24-021.pdf

Dear Snohomish City Council,

Attached I have included comments regarding: Ordinance 24-021, relating to Growth Management.

Thank you for taking the time to review public comment.

Richard Belling
17709 72nd St NE
Snohomish, WA 98290

May 10, 2024

Snohomish County Council
3000 Rockefeller Ave.
Everett, WA 98201

Re: Ordinance 24-021, relating to Growth Management - Public Comment 05/15/2024

Dear Councilmembers,

Thank you for taking the time to review the ordinance and comments relating to SCC Chapter amendments, relating to rural clusters - minimizing home proximity/spacing thus increasing density.

As the council had in 2022 unanimously rejected, I would implore you to, again, **reject Ordinance 24-021** which amends the existing growth management Snohomish County Code.

- 1) Recommendation of County Planning Commission. The county planning commission has recommended "Do Not Approve." The growth targets adopted by Snohomish County for consistency with Puget Sound Regional Council's Vision 2050 are already projected to far exceed the adopted targets- as twice the rate of planned housing units in rural areas have been constructed (2017-2022). Accepting SCC amendments to provide builders with further leniency and potential zoning subversion would deviate even further from these targets. Issuing code amendments to encourage additional rural builder volume, would be contrary to these documented goals.

At a point when the rural building rate has slowed to or towards the documented goals, is the earliest that any leeway should be granted regarding increasing rural building density.

- 2) Zoning Intentions. County rural zoning is established per WAC 365-196-425.

Per Section (2)(b): The required rural element within county plans shall:

"...identifies rural character as patterns"

"Provide visual landscapes that are traditionally found in rural areas"

"Are consistent with protection of natural surface water flows"

Per Section (3)(x): Rural densities do not create urban densities in rural areas.

The further densifying of rural clusters in SCC will allow builders to divert from the zoning intentions laid out in WAC and subvert established county zoning for the benefit of builders while sacrificing the rural integrity of these designated areas.

- 3) Higher concentration of homes causes degradation for under-designed/natural systems. Though builders will argue that the count/volume of homes is not affected by the change proposed in Ordinance 24-021, the substantial increase in specific area density that will be recognized will have a significant negative affect. As zoned and with current SCC, the natural and engineered infrastructure in rural areas is a sensitive balance. If passed, this Ordinance will place excessive burden on the existing balance that has already been developed with an understood and projected design for growth. Each of the infrastructure and ecological systems within rural areas is susceptible to significant destruction related to overcrowding in cluster areas – causing extensive damage to: ecological systems, wetland structures, natural surface and groundwater flows, transportation infrastructure and roadways, local education system, and visual character.

For each of these reasons and others provided by the public, rural residents, and any other constituents please vote to reject Ordinance 24-021.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Richard Belling', written in a cursive style.

Richard Belling
17709 72nd St NE
Snohomish, WA 98290
425-239-3874

From: Richard Belling <rbelling07@yahoo.com>
Sent: Tuesday, May 14, 2024 9:34 AM
To: Contact Council
Subject: Fw: Belling Letter Regarding Ordinance 24-021, relating to Growth Management - Public Comment
Attachments: Belling Letter Regarding Ordinance 24-021.pdf

Hello,
I haven't seen any confirmation to my email or upload to additional public testimony. Can you please confirm receipt and inclusion in ordinance documentation, for council review?

Thank you,
Richard

----- Forwarded Message -----

From: Richard Belling <rbelling07@yahoo.com>
To: contact.council@snoco.org <contact.council@snoco.org>
Sent: Friday, May 10, 2024 at 12:15:08 AM PDT
Subject: Belling Letter Regarding Ordinance 24-021, relating to Growth Management - Public Comment

Dear Snohomish City Council,

Attached I have included comments regarding: Ordinance 24-021, relating to Growth Management.

Thank you for taking the time to review public comment.

Richard Belling
17709 72nd St NE
Snohomish, WA 98290

May 10, 2024

Snohomish County Council
3000 Rockefeller Ave.
Everett, WA 98201

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As the council had in 2022 unanimously rejected, I would implore you to, again, **reject Ordinance 24-021** which amends the existing growth management Snohomish County Code.

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"...identifies rural character as patterns"

"Provide visual landscapes that are traditionally found in rural areas"

"Are consistent with protection of natural surface water flows"

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The further densifying of rural clusters in SCC will allow builders to divert from the zoning intentions laid out in WAC and subvert established county zoning for the benefit of builders while sacrificing the rural integrity of these designated areas.

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For each of these reasons and others provided by the public, rural residents, and any other constituents please vote to reject Ordinance 24-021.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Richard Belling', with a stylized, cursive script.

Richard Belling
17709 72nd St NE
Snohomish, WA 98290
425-239-3874

From: Laura Hartman <verdebois@outlook.com>
Sent: Tuesday, May 14, 2024 3:12 PM
To: Contact Council
Subject: Proposed Ordinance 24-021 Rural Cluster Subdivision
Attachments: 2024 Spada Lake low snowpak_www.heraldnet.com.jpeg

To the Council:

During the years when the previous rural cluster ordinance was in effect, I had direct experience in multiple successful appeals and court cases against RCS proposals – mainly because inevitably they represent the worst planning possible to meet housing needs. A list of terribles is bulleted below. Essentially, the problem is not the clustering, it's the density bonus. The idea that the county needs to reward developers for taking the most sensitive and valuable resource lands available to create more urbanizing impacts is just backwards. I believe the concept began with fear of property rights "takings." There is no taking of property where developers are rewarded with permits that match current zoning on difficult pieces. Nothing extra is required.

This is a partial list of the bad rural clusters that happened and the kind of stuff that will happen again.

- Echo Falls Golf Course (and PDS approved) the RCS original proposal to pave over the headwaters of Anderson Creek.
- Echo Falls Estates (with PDS and DPW approval) proposed adding hundreds of trips a day of traffic onto a severely failing arterial.
- Quinn's Crossing, a Street of Dreams development, (with PDS and County Health Department approval) originally proposed 58 septic tank effluent on lake and wetland islands the within the exposed water table of the Cross Valley Sole Source Aquifer, the only source of drinking water for the area. This is the development that was apparently egregious enough to attract the attention of eco-terrorists for a dramatic arson event.
- Too many developments to list here, but PDS was very busy approving developments without water rights, to abuse state water rights law to drill individual wells for each ½ acre parcel within RC developments. Ecology did not appreciate this industrial use of groundwater without water rights, or the potential for groundwater contamination as a result of so much puncturing into the aquifer. Ecology stopped some, but not all, in the face of PDS defiance. This was a factor leading to the famous Hirst Decision under the Growth Management Act, curtailing groundwater withdrawals for even built development.
- The Morrissey RCS was just a five acre piece, but it was on a private gravel, often rutty road, that was used by 24 residences on five-acre parcels. County code, recognizing the upkeep difficulties with so many homeowners, has a strict rule that no more than 9 houses can access a private road. This neighborhood had been grandfathered in and was the exception that proved the rule – maintenance and civility was getting worse, as a result. PDS and the County Engineer who wanted to permit it anyway, lost in front of the Hearing Examiner and when the Morrisseys appealed to Superior Court, they lost there too.

Every single one of these developments created mega houses, aka McMansions. Nothing affordable here.

And that's not all! Conditions are less welcoming to thoughtless development than ever before. Spada Lake, the go-to water source, once thought to be endless is no longer – it is shrinking with the loss of the glaciers and continued climate change, with recommendations for rationing during the summer months. (See attached article from Everett Herald) McMansions and the expansive lawn and rhody landscapes that go with them are just not supportable.

There are better ideas out there for affordable development – that needs to be close to goods and services. Rural Clusters are always in food and shopping deserts, requiring long empty roads and gas to take care of basic needs.

Clustering rewards need to be for building charming affordable housing that renews urban blight – it should never be for paving over precious resource lands in our rural areas.

Sincerely

Laura L. Hartman

22213 157th Ave SE

Snohomish, WA 98296

Warm winter melts meager snowpack in Cascades, with far-reaching effects

Snowfall in the Cascade Range has been low — and what has fallen has been melting fast. That could spell trouble down the road.

By [Jordan Hansen](#)

Friday, February 9, 2024 6:30am | [LOCAL NEWS](#) [ENVIRONMENT](#) [EVERETT](#)



EVERETT — Mountain snowpack levels in the Cascade Mountains in Snohomish County are at roughly 60% normal, while those gazing across Puget Sound can see the Olympics are at ~~less than a third of what's~~ considered typical.

Much of the Pacific Northwest is in what's called a "snow drought" meaning snowfall has been well below historic norms. Much of the region depends on mountain snowfall for water and hydropower throughout the year.

Across the broader region, 80% of weather stations in the West were below normal "snow water equivalent" as of this week. SWE describes how much liquid water is in the snow, and it's used to estimate how much water regions will have as snow melts.

From: tim stratton <2010tims@gmail.com>
Sent: Wednesday, May 22, 2024 4:05 PM
To: Tanis, Laura
Subject: Letter of Support- Ordinance



CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

To whom it may concern,

How do I provide a letter of support for an ordinance?

Ordinance 24-021, relating to Growth Management; concerning rural cluster subdivisions and short subdivisions; amending Chapters 30.25 and 30.41C of the Snohomish County Code

2024-0321

Attachments: Proposed Substitute Ordinance 24-021

Best
Tim

From: Mark Villwock <mvillwock@landprogrp.com>
Sent: Friday, May 24, 2024 12:12 PM
To: Contact Council
Subject: Comment on Rural Cluster Ordinance
Attachments: Bosworth North - SnoCo - Letter RE Rural Cluster 20240524.pdf

Hello,
Please see the attached comment on the proposed rural cluster ordinance.

Thanks so much,
Mark

MARK VILLWOCK

VP Land Development Operations
10515 20th Street SE, Suite 202
Lake Stevens, WA 98258
Cell: (425) 231-2718
Fax: (425) 645-8103
Email: mvillwock@landprogrp.com
Website: www.landprogrp.com



BOSWORTH NORTH, LLC
10515 20th Street SE, Suite 202
Lake Stevens, WA 98258

May 6, 2024

Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201

Dear Council Members,

We appreciate your consideration and support of the proposed change to the rural cluster ordinance 24-021. The reduction of side yard setbacks and other considerations will aid in cluster developments providing more consolidated open space and reducing impacts to critical areas. This ordinance does not increase the number of potential permitted units as outlined by Master Builders of King and Snohomish County. In addition, we are in support of the comments from Land Pro Group, Inc. by Mark Villwock dated May 6, 2024.

Based on our experience we believe that these adjustments to the 2008 rural cluster code will provide for higher quality development with less roads and fewer impacts to critical areas while not changing the rural character of Snohomish County.

We appreciate the opportunity to provide this information as we ask for your support of this proposed ordinance.

Sincerely,

BOSWORTH NORTH, LLC
By: South Lake Ridge, LLC, Member
By: MPS55, Inc., Member


By: Patrick McCourt, President

May 28, 2024

Snohomish County Council
3000 Rockefeller Avenue
Everett, WA 98201

Dear Council Members,

As a property owner affected by the proposed Ordinance, we would appreciate you considering and supporting Rural Cluster Ordinance 24-021.

Master Builder's of King and Snohomish County submitted a letter, dated May 7, 2024, to the County Council, which we have read and concur with.

To reiterate some of the points made in that letter:

As you are likely aware, from the PDS Staff Reports, the proposed Ordinance *does not increase density*.

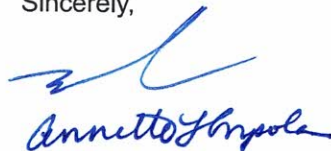
What it does do is make Rural Cluster Subdivisions more efficient and less of an impact on the environment and surrounding property owners.

This lessening of impact is achieved through allowing lots to be more clustered together within the project and less spread out across the property. This not only achieves larger open space areas and buffers to neighboring properties, it also lessens the amount of impervious surface through less roads and in some instances eliminates impacts to streams and other critical areas.

The proposed Ordinance creates a win for rural property owners with more open space, a win for developers with less cost going into roads and infrastructure, a win for home buyers when that savings is passed onto them in the form of lower house prices and a win for the environment with less impervious area and less impacts on critical areas.

For these reasons, we ask that you support the proposed Ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annette Impola". The signature is stylized with a large, sweeping initial "A" and a cursive script for the rest of the name.

Mike & Annette Impola
Property Owners Unincorporated Snohomish County

From: Rena Connell <connell.rena@gmail.com>
Sent: Sunday, June 2, 2024 12:41 PM
To: Contact Council
Subject: Agenda Item #5 Ordinance 24-021

As a resident of unincorporated Snohomish County, I remain extremely concerned that the proposed ordinance changes would allow greater housing density by making changes to Rural Cluster Subdivisions in those areas designated R-5. Increasing the number of residences under these ordinance changes would further undermine the intent of the Growth Management Act and would jeopardize ground surface water, increase traffic on arterials, and ultimately result in risk from fire, impairing emergency response times to reach residents in times of crisis when traffic volumes clog roadways. Proposed changes are simply unacceptable. No changes for Rural Cluster Subdivisions and Short Subdivisions should be approved. Do not amend Chapters 30.25 and 30.41 of the Snohomish County Code and drop the ordinance in its entirety. Thank you.

--

Rena Connell, 15422 228th St. SE, Snohomish, WA 98296

(h) 360-863-7741

(c) 425-246-8592

From: Dunn, Megan
Sent: Monday, June 3, 2024 12:55 PM
To: Eco, Debbie
Subject: FW: Comment on Proposed Rural Cluster Subdivision Ordinance 24-021

For the record.

Megan Dunn | Snohomish County Councilmember, District 2
O: (425) 388-3494 | megan.dunn@snoco.org
Pronouns: she/her/hers

NOTICE: All emails and attachments sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Sarah Blake <sarahblake7654@gmail.com>
Sent: Monday, June 3, 2024 12:51 PM
To: Nehring, Nate <nate.nehring@co.snohomish.wa.us>; Dunn, Megan <Megan.Dunn@co.snohomish.wa.us>; Peterson, Strom <Strom.Peterson@co.snohomish.wa.us>; Mead, Jared <Jared.Mead@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>
Cc: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>
Subject: Comment on Proposed Rural Cluster Subdivision Ordinance 24-021



CAUTION. This email originated from outside of this organization. Please exercise caution with links and attachments.

June 3, 2024

Dear Snohomish County Councilmembers:

I wanted to make comments on the proposed ORDINANCE NO. 24-021 to amend parts of the "Rural Cluster Subdivision" ordinance, in addition to the overall inclusion of Rural Cluster Subdivisions (RCS) as part of the 2024 Comprehensive Plan updates. I would like to first echo my agreement with the comments on this topic in the 4/13/24 Everett Herald op-ed by Tom Campbell.

In addition, I want to say that the idea that RCS provide affordable housing is just misinformation, not based on facts. As an example, one such RCS that was built around 2018 in our general area (Grandview Rd., north County) called "Plat of Grand Firs" (AFN #201811205002) contains 7 houses that range in assessed value between \$700,000 - \$810,800 (snip below). As of this writing, these assessed values (which would most likely be lower than actual sale value) hover around or above the median home price in our County.

Also, RCS rules allow for densification over the 5-Acre lot size zoning minimum, in this case allowing 7 houses to be squeezed in instead of only 3 for the overall 16 acre property. More than doubling the allowable density seems more than a "modest density bonus" as the RCS language mentions.

“Informational Water Statements” filed for this RCS development address the water quality, but not quantity issue – is there enough water for this many houses in the dry summer? Who knows, because that information is not required.

No public transit or even bike/walking paths are available for this area, because...it is rural, not urban, so these RCS residents are forced to drive a vehicle. Therefore, the approval of more **RCS** like this one into all of our rural lands just causes Countywide **sprawl** with more cars on our limited roads. Therefore, promoting more RCS is **in violation of RCW 36.70A.020(2)** to reduce sprawl.

In order to serve your constituents to create a truly livable Snohomish County, please do the minimum of **not approving Ordinance 24-021**, though it would be a real improvement to remove all Rural Cluster Subdivision ordinance language from code and from the Comprehensive Plan as well.



Thank you,

Sarah Blake
12506 Smokes Road
Arlington, WA 98223

From: laurahartman <laurahartman@frontier.com>
Sent: Wednesday, June 5, 2024 7:24 AM
To: Contact Council
Subject: Ordinance 24-21 Rural Cluster Subdivision proposed changes

To the Council

The latest paperwork tells us how to enable Rural Clusters, just not why. The changes PDS announced at the prior hearing to make rural clusters more feasible, offer no analysis to justify changes that increase hazards and reduce resource land protections.

1. Reducing buffers between wildfire interface zones, cutting defensible space between buildings and adjacent property refutes standards developed to mitigate fire dangers in high wildfire risk zones. PDS provides no rationale for making these new developments less safe. We are told nothing has changed. Except everything has. No data given for projected rates of catastrophic fire, as a consequence of the buffer and wildfire interface changes.

The only rationale given is that we can create more compact developments in rural areas. Compact development that results in higher populations is not an objective within rural areas. Protection of resource lands is.

2. Our rural areas are already taking more than their share of population. For good solutions to affordable housing and healthy, sustainable growth, please listen to our Planning Commission and the community for their needs - that always include better, more accessible services, within developed areas. Rural clusters offer none.

3. Enabling code for one significant type of development needs to be part of comprehensive planning, not plucked out for special treatment. These changes clearly target our forest lands for blanketing of endless chains of rural clusters, without any concurrent comprehensive planning for transportation, water supply, schools, etc. To prevent the negative consequences of these changes, it needs to be part of the big picture in the comprehensive plan.

4. The county has also not finished its work in response to the Hirst decision, which has direct implications for rural cluster development. There is no discussion in these new rules of limits to the new swathes of rural clusters. Should there be maximum sizes, in relation to stream flows? The limits to water usage per cluster, are meaningless without metering and go out the window in the event of forest fire(s).

Rural Clusters are the new sprawl agent and create controversy wherever they are located. What happened in my neighborhood may be instructive. For whatever reasons (insurance fraud or eco-terrorism), two RCS developments were targeted by arsonists during the building stage. Water came from Cross Valley Water District Wells. In the Quinn's Crossing conflagration, hydrants were disabled - Somehow, as a result of the water resource required to put the fire out, thousands of surrounding residents lost their own water availability for a day. Thus, fire concerns are not speculative for us.

Very truly yours,

Laura Hartman
22213 157th Ave SE

Snohomish, WA 98296

From: Janet Gao <janetgao1991@gmail.com>
Sent: Monday, July 1, 2024 11:27 PM
To: Contact Council
Subject: Oppose Proposed Substitute Ordinance 24-021

Dear Snohomish County Council Members,

I am writing to express my strong opposition to Proposed Substitute Ordinance 24-021 concerning Rural Cluster Subdivisions. After reviewing the details, I believe this ordinance does not align with the long-term environmental and community goals set forth in our county plans.

The Snohomish County Planning Commission, along with Futurewise, has recommended denying these amendments for several compelling reasons:

Non-compliance with the Growth Management Act and Multi-County Planning Policies: These amendments will escalate development in our rural areas, which contradicts the aims of the Multi-County Planning Policy MPP-RGS-14.

Environmental and Community Impact: The proposed changes threaten to significantly alter the rural character of our county, making these areas more urban-like. This is concerning as it could negatively impact local wildlife habitats, increase greenhouse gas emissions, and exacerbate climate change.

Between 2017 and 2020, rural and resource lands in Snohomish County accounted for over twice the population allocation according to VISION 2050. It is crucial that we adhere to these guidelines to manage our growth sustainably. Unfortunately, Ordinance No. 24-021 proposes the opposite, aiming to increase rural growth rates.

Please consider the unanimous opposition from the Snohomish County Planning Commission to this proposal. As they pointed out, the ordinance would incentivize more intensive development that our county should not be encouraging at this time.

Thank you for considering my views. I urge the Council to reject Ordinance 24-021 in its entirety to preserve the integrity of our rural areas and ensure a sustainable future for Snohomish County.

Sincerely,

Yiwen Gao
22216 Echo Lake Rd, Snohomish, WA 98296
janetgao1991@gmail.com

From: Julie Martinson <jmartinson8@gmail.com>
Sent: Tuesday, August 27, 2024 2:15 PM
To: Contact Council
Subject: ORDINANCE 24-021 on Rural Cluster Subdivisions

To: The Snohomish County Councilmembers

Thank you for taking public comment on this (& all) ordinances you are acting on at each of your meetings, and on your hard work on the Snohomish County 2024 Comprehensive Plan Update!

Regarding Ordinance 24-021, I am very opposed to the Rural Cluster Subdivisions which are not close to high-capacity transit communities already, which have sufficient roads, sewer and utility infrastructure to easily serve new homes and buildings in semi-rural areas.

It makes no sense to plop down a set of individual homes or townhomes in a forested area, removing trees for a wide diversity of wildlife and birds, away from the infrastructure needs they will require.

The most positive part of the Comprehensive Plan is to cluster new multi-family housing very close to current transit centers for less pollution, traffic, and convenience of those who will live there, creating community and business hubs of activity with established services. We need to reduce emissions and preserve urban trees and forests to sequester carbon for cleaner air and more liveable neighborhoods.

Please do not allow these Rural Cluster Subdivisions to get started, to impact already-impacted nearby semi-rural or suburban roads, stormwater runoff, congestion, and climate impacts. Thank you.

Sincerely,

Julie Martinson
2303 6th St
Everett, WA 98201

From: Tim Trohimovich <Tim@futurewise.org>
Sent: Tuesday, August 27, 2024 11:46 AM
To: Contact Council; Jennings, Henry
Subject: Comments on Proposed Ord No 24-021 and substitutes Rural Cluster Subdivisions
Attachments: 2024-8-27 FW Comments to CC on Rural Cluster Subdivision Amendments.pdf

Dear Council Members and Staff:

Enclosed please find Futurewise's comments on Proposed Substitute Ordinance No. 24-021, Amendment Sheet 1 Substitute Ordinance No. 24-021, and Proposed Second Substitute Ordinance No. 24-021 Concerning Rural Cluster Subdivisions and Short Subdivisions for tomorrow, August 28, 2024, County Council Meeting. Thank you for considering our comments.

If you require additional information, please contact me.

Tim Trohimovich, AICP (he/him)
Director of Planning & Law



Futurewise
1201 3rd Ave #2200, Seattle, WA 98101
(206) 343-0681
tim@futurewise.org
futurewise.org
connect:  



1201 3rd Ave Suite 2200, Seattle, Washington 98101
p. (206) 343-0681
futurewise.org

August 27, 2024

The Honorable Jared Mead, Council Chair
Snohomish County Council
Robert J. Drewel Building
Eighth floor
3000 Rockefeller Ave., M/S 609
Everett, Washington 98201

Dear Council Chair Mead and Council Members Nehring, Dunn, Peterson, and Low:

Subject: Comments on Proposed Substitute Ordinance No. 24-021, Amendment Sheet 1 Substitute Ordinance No. 24-021, and Proposed Second Substitute Ordinance No. 24-021 Concerning Rural Cluster Subdivisions and Short Subdivisions.

Sent via email to: contact.council@snoco.org; henry.jennings@snoco.org

Thank you for the opportunity to comment on Proposed Substitute Ordinance No. 24-021, Amendment Sheet 1 Substitute Ordinance No. 24-021, and Proposed Second Substitute Ordinance No. 24-021 Concerning Rural Cluster Subdivisions and Short Subdivisions. We continue to be concerned about Ordinance No. 24-021 and its substitutes. Futurewise joins the Planning Commission in recommending that the County Council not adopt Ordinance No. 24-021 or its substitutes.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, that protect our most valuable farmlands, forests, and water resources, and encourage growth in urban growth areas to prevent poorly planned sprawl. Futurewise has members across Washington State including Snohomish County.

Proposed Substitute Ordinance No. 24-021 and Proposed Second Substitute Ordinance No. 24-021 do not comply with the Countywide Planning Policies (CPPs) because the amendments will increase development in the rural areas.

One of the major concerns Futurewise has with the Rural Cluster Subdivisions and Short Subdivisions is their tendency to increase growth in the rural area. Counties must comply with the Snohomish County Countywide Planning Policies (CPPs).¹

¹ *Stickney v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 11 Wn. App. 2d 228, 244-48, 453 P.3d 25, 33-35, 453 P.3d 25, 34 (2019).

Snohomish Countywide Planning Policy (CPP) DP-26 provides that “[d]ensity and development standards in rural and resource areas shall work to manage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, GF-5, and the growth targets in Appendix B.”² Appendix B sets an initial population growth target of 3.3 percent, or an increase of 10,063 people, for the unincorporated rural areas and resource lands.³

The *Snohomish County Tomorrow 2023 Growth Monitoring Report* documents that growth outside urban growth areas continues to exceed the population growth target. Between 2020 and 2023, the population of rural and resource lands in Snohomish County grew by 2,739 people, 8.6 percent of the of the total county population growth during this period.⁴ This is 2.6 times the CPP’s population growth target.⁵ So, consistent with the CPPs, Snohomish County must reduce rural growth rates over time.

Rural growth could be reduced by requiring that require that lot and housing unit increases above the 15 percent bonus only be allowed through the county’s transfer of development rights program complying with the CPP growth requirements.

Proposed Ordinance No. 24-021 will allow the creation of more rural lots, more clearing of trees and other native vegetation, and more impervious surfaces. This is because the allowed density in a rural cluster subdivision consists of two components: the allowed density of the zone and the rural cluster density bonus.⁶ For most rural lands, agricultural lands, and some forest lands, a 15 percent density bonus above the maximum density allowed by the underlying zone is

² Countywide Planning Policies for Snohomish County p. 31 last accessed on Aug. 26, 2024, at: https://snohomishcountywa.gov/DocumentCenter/View/110051/Council-Adopted-CPPs_Clean_Version_updated_08112023 and enclosed at the link on page 9 of this letter with the filename: “Council Adopted CPPs_Clean_Version_updated_08112023.pdf.”

³ Countywide Planning Policies for Snohomish County p. 68.

⁴ *Snohomish County Tomorrow 2023 Growth Monitoring Report* p. 21 last accessed on Aug. 26, 2024, at: <https://snohomishcountywa.gov/1360/Growth-Monitoring-Reports> and at the link on page 9 of this letter with the filename: “Final_2023_GMR_complete_202405161303580409.pdf.” For the location of rural cluster subdivisions, please see the files “2024_05_09_RuralCluster_North.pdf” and “2024_05_09_RuralCluster_South.pdf” downloaded from the same webpage and at the link on page 9 of this letter with these filenames.

⁵ Countywide Planning Policies for Snohomish County p. 68.

⁶ Snohomish County Code Section (SCC) 30.41C.240(1) at the link on page 9 of this letter with the filename: “SCC 30.41C.240.pdf.”

granted if the restricted open space equals the amount of open space required by SCC 30.41C.075 and 30.41C.090.⁷ If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short subdivision is awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of 35 percent.⁸ By increasing cluster sizes, allowing wells and septic tanks in the open space which will allow smaller lots sizes, and reducing setbacks along roads and lots, open space will be increased along with the density bonuses. This will increase rural development capacity.

One method of addressing the rural growth effects would be to continue to allow the 15 percent density bonus if it will not cause adverse impacts on fish and wildlife, but require that lot and housing unit increases above the 15 percent bonus only be allowed through the county's transfer of development rights program. This would mean that while density increases would be allowed, they would transfer capacity from natural resource land and if the changes in the comprehensive plan are adopted rural lands. This would address many of our capacity increase concerns and better protect fish and wildlife as documented in the following section.

Density bonuses can adversely impact fish and wildlife, it is better to rely on the county's transfer of development rights program to provide for any additional housing units.

The Washington Department of Fish and Wildlife cautions against using density bonuses in rural cluster subdivisions:

Limits are also needed to avoid impacts to wildlife. Adding to the number of houses that normally would be allowed on a site will increase stressors on wildlife, including traffic on local roads, pets and invasive species, amount of pesticides and fertilizers applied on the site, and number of people using open space areas. These impacts, which are cumulative across the landscape, can negate the potentially positive effects of cluster design. Not allowing or limiting bonuses will reduce these impacts while retaining the inherent advantages of cluster development (e.g., savings on street construction costs,

⁷ SCC 30.41C.240(1).

⁸ SCC 30.41C.240(1).

increased marketability of open space lots). If a local jurisdiction finds it necessary to provide bonuses, impacts from the additional density can be mitigated by adopting enhanced conservation measures, such as tailoring the amount of bonus to the sensitivity of a site's species (higher sensitivity species trigger lower or no bonuses), increasing buffers between clustered lots and aquatic or aquifer recharge areas, and/or requiring transferred development rights to trigger bonuses, thereby avoiding an increase in the overall number of houses built in the planning area.⁹

Consistent with this recommendation, we recommend that any bonus above 15 percent only be allowed through the county's transfer of development rights program and the 15 percent bonus only be allowed if there will not be adverse impacts on fish and wildlife.

Reducing rural growth rates will save taxpayers and ratepayers money.

Reducing rural growth rates will save taxpayers and ratepayers money. "While current law revenues are expected to cover operations, maintenance, and core capital expenses, they are insufficient to fund the projects needed to support growth—the result is a \$645 million shortfall"¹⁰ for the proposed comprehensive plan update. The American Farmland Trust's Cost of Community Services Studies document that residential uses require \$1.16 in public services for each dollar in taxes residential uses pay.¹¹ The American Farmland Trust looks at all residential uses. A peer-reviewed study shows that "the cost of providing public services in

⁹ Washington Department of Fish and Wildlife, *Landscape Planning For Washington's Wildlife: Managing For Biodiversity In Developing Areas* p. 7-11 (A Priority Habitat And Species Guidance Document: Dec. 2009) last accessed on Aug. 27, 2024, at: <https://wdfw.wa.gov/sites/default/files/publications/00023/wdfw00023.pdf> and at the link on page 9 of this letter with the filename: "wdfw00023.pdf."

¹⁰ Proposed Ordinance No. 24-033 Exhibit F Snohomish County Transportation Element 2024-2044 p. TE-120 [p. 368 of Ordinance No. 24-033] at the link on page 9 of this letter with the filename: "Proposed Ordinance 24-033 (with exhibits).pdf."

¹¹ Farmland Information Center, *Cost of Community Services Studies* p. 1 (American Farmland Trust & USDA Natural Resources Conservation Service: Sept. 2016) last accessed on Aug. 26, 2024, at: https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/Cost_of_Community_Services_Studies_AFT_FIC_201609.pdf and at the link on page 9 of this letter with the filename: "Cost_of_Community_Services_Studies_AFT_FIC_201609.pdf."

rural areas is 39% greater than in cities.”¹² Allowing more residential growth in the rural area and on farm and forest lands beyond that allowed in the countywide planning policies will increase the county’s transportation element deficit, increase costs for taxpayers, lower level of service standards or, more likely, all of the above. That is one of the reasons why the countywide planning policies and VISION 2050 call for lower levels of rural growth.

Reducing rural growth rates will reduce greenhouse gas pollution.

One of the reasons for the population allocations in the regional growth strategy of VISION 2050 is to reduce greenhouse gas emissions.¹³ On road vehicles, passenger cars and light trucks, are the largest source of greenhouse pollution in Snohomish County.¹⁴ Residences are also a large source of greenhouse gas pollution in the county.¹⁵ If we are going to avoid the worst aspects of global climate change, we need to eliminate greenhouse pollution over time. This is why RCW 70A.45.020(1) requires Washington State to progressively reduce greenhouse gas emissions beginning in 2020.

¹² Ron Shani, Yaniv Reingewertz & Eran Vigoda-Gadot, *Far from-sight and expensive: additional costs of public services in rural areas* LOCAL GOVERNMENT STUDIES p. 1, pp. 11 – 12 (22 Jun 2024), DOI: 10.1080/03003930.2024.2369784 last accessed on Aug. 26, 2024, at: <https://www.tandfonline.com/doi/pdf/10.1080/03003930.2024.2369784> and at the link on page 9 of this letter with the filename: “Far-from-sight and expensive additional costs of public services in rural areas.pdf.” Local Government Studies is a peer reviewed journal. Local Government Studies Instructions for authors pp. *3 – 4 last accessed on Aug. 13, 2024, at: <https://www.tandfonline.com/action/authorSubmission?show=instructions&journalCode=flgs20#peer-review-and-ethics> and at the link on page 9 of this letter with the filename: “Submit to Local Government Studies.pdf.”

¹³ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 23 (Adopted Oct. 29, 2020) and last accessed on Aug. 27, 2024, at: <https://www.psrc.org/planning-2050/vision-2050> and at the link on page 9 of this letter with the filename: “vision-2050-plan.pdf.”

¹⁴ Cascadia Consulting Group, *Puget Sound Clean Air Agency Greenhouse Gas Emissions Inventory* p. 13 (Revised June 2018) last accessed on Aug. 27, 2024, at: <https://psccleanair.gov/DocumentCenter/View/3328/PSCAA-GHG-Emissions-Inventory> and enclosed in the link on page 9 of this letter with the filename: “PSCAA 2015 GHG Emissions Inventory.pdf.”

¹⁵ *Id.*

Similarly, VISION 2050 calls on counties and cities to reduce greenhouse gas pollution. Comprehensive plans and development regulations must be consistent multicounty planning policies.¹⁶ VISION 2050 includes the following goal:

GOAL: The region substantially reduces emissions of greenhouse gases that contribute to climate change in accordance with the goals of the Puget Sound Clean Air Agency (50% below 1990 levels by 2030 and 80% below 1990 levels by 2050) and prepares for climate change impacts.¹⁷

Multicounty Planning Policy (MPP)-CC-11 provides “[s]upport achievement of regional greenhouse gas emissions reduction goals through countywide planning policies and local comprehensive plans.”¹⁸ CC-Action-3, Policies and Actions to Address Climate Change, provides that:

Cities and counties will incorporate emissions reduction policies and actions that contribute meaningfully toward regional greenhouse gas emission goals, along with equitable climate resiliency measures, in their comprehensive planning. Strategies include land uses that reduce vehicle miles traveled and promote transit, biking, and walking consistent with the Regional Growth Strategy, developing and implementing climate friendly building codes, investments in multimodal transportation choices, and steps to encourage a transition to cleaner transportation and energy systems.¹⁹

As you can see, the goal, multicounty planning policy, and action require the comprehensive plan and development regulations to incorporate emissions reduction policies and actions that contribute meaningfully toward regional greenhouse gas emission goals. These goals are substantial. The County must comply with the requirement.

¹⁶ *West Seattle Defense Fund v. City of Seattle*, CPSGMHB Case No. 94-3-0016, Final Decision and Order (April 4, 1995), at *55; *Friends of Pierce County, et al., City of Bonney Lake, and Marilyn Sanders, et al. v. Pierce County, and Orton Farms et al., City of Sumner, Bethell School District, Puyallup School District, and Forterra NW*, CPSRGMHB Case No. 12-3-0002c, Final Decision and Order (July 9, 2012), at 11 of 138.

¹⁷ Puget Sound Regional Council, *VISION 2050: A Plan for the Central Puget Sound Region* p. 56 (Oct. 2020).

¹⁸ *Id.* p. 61.

¹⁹ *Id.*

Rural residents have substantially higher greenhouse gas emissions, particularly higher transport-related direct greenhouse gas emissions than residents in the urban growth areas.²⁰ The transport-related direct emissions of rural residents are three times those in the inner city, and 1.5 times those in the suburbs.”²¹ Rural growth and rural densities are limited to help manage greenhouse gas emissions. Allowing more rural growth through rural cluster subdivisions and rural cluster short subdivisions will increase greenhouse gas pollution, not reduce it as we must to avoid the worst of global climate change. Increased rural growth and rural densities as proposed Ordinance No. 24-021 and its substitutes do will make it difficult to achieve County, regional, and state greenhouse gas reduction goals and requirements and violates VISION 2050.

Increasing the number of lots in a cluster is not needed to fully use permit-exempt wells and fully using permit-exempt wells will adversely impact the environment.

Proposed Substitute Ordinance No. 24-021 and Proposed Second Substitute Ordinance No. 24-021 justify the increase in the number of lots in a cluster in SCC 30.41C.070 from 13 to 14 to maximize the number of dwellings on sites less than 50 acres that can theoretically obtain water from a permit exempt well. But the limit on permit-exempt wells is a quantity limit, withdrawing no more than 5,000 gallons a day.²² The lots do not need to be in the same cluster.

Further, allowing more housing units in rural cluster subdivisions will increase overconsumption of water will adversely impact salmon recovery.

The reduced availability of surface water can have a negative impact on all stages of the salmonid life cycle. Water quality (e.g.

²⁰ Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329, pp. 1334 – 35 (2013) enclosed at the link on page 9 of this letter with the filename: “Blame_the_exurbs_not_the_suburbs_Explori.pdf.” Energy Policy is a peer reviewed journal. Energy Policy Guide for authors webpage p. *14 last accessed on March 18, 2024, at: <https://www.sciencedirect.com/journal/energy-policy/publish/guide-for-authors> and enclosed at the link on page 9 of this letter with the filename: “Guide for authors - Energy Policy.pdf.”

²¹ Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329, p. 1335 (2013).

²² RCW 90.44.050.

temperature, flows) is affected by decreased inputs from groundwater. Lessened groundwater input concentrates pollutants, increases temperature, and diminishing dissolved oxygen. This is detrimental to salmonid migration, spawning and rearing.

Wells are drilled without regard to aquifer sensitivity and stream recharge needs. As Puget Sound Region's freshwater demand increases, something has to change. Unchecked growth and its associated increased demand for groundwater must be addressed, if implementation of the Puget Sound Salmon Recovery plan is to successfully move forward.²³

This will not protect surface and ground water quality and quantity as the GMA requires in RCW 36.70A.070(1) and (5)(c)(iv).

Comments on Amendment Sheet 1.

Amendment Sheet 1, without citing any evidence, claims that the scaled-back Wildland Urban Interface Code that may be applicable to Snohomish County will increase the costs of housing by more than the saving achieved by Substitute Ordinance No. 24-021. However, a peer reviewed report by staff from The Insurance Institute for Business & Home Safety and Headwaters Economics concluded that:²⁴

This analysis finds that a new home constructed to comply with a wildfire-resistant building code, as defined by the International WUI Code (IWUIC), can be constructed for roughly the same cost as a

²³ 2020 State of Our Watersheds *State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 40 last accessed on Nov. 10, 2022, at: <https://nwifc.org/publications/state-of-our-watersheds/> and enclosed in the link on page 9 of this letter with the filename: "state-of-our-watersheds-sow-2020-final-web.pdf."

²⁴ Stephen L. Quarles, Ph.D. and Kelly Pohl, M.Sc., *Building a Wildfire-Resistant Home: Codes and Costs* p. *ii (A Research Paper by Headwaters Economics: Nov. 2018) last accessed on Aug. 26, 2024, at: [https://headwaterseconomics.org/wildfire/homes-risk/building-costs-codes/#:~:text=Fiber%20cement%20siding%20is%20already%20a%20common%20siding%20option%20in,pane%20windows\)%20and%20reduced%20maintenance](https://headwaterseconomics.org/wildfire/homes-risk/building-costs-codes/#:~:text=Fiber%20cement%20siding%20is%20already%20a%20common%20siding%20option%20in,pane%20windows)%20and%20reduced%20maintenance). And at the link on page 9 of this letter with the filename: "building-costs-codes-report.pdf."

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typical home. In fact, our model wildfire-resistant components cost approximately \$1,910, or 2% less than the typical home²⁵

So the findings in Amendment Sheet 1 are clearly erroneous. We recommend that none of these findings be adopted.

Thank you for considering our additional comments. If you require additional information, please contact me at telephone 206-343-0681 or email tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich, WSBA No. 22367
Director of Planning & Law

Enclosures at the link below

Please include the following documents in the record for Proposed Ordinance No. 24-021, Proposed Substitute Ordinance No. 24-021, Amendment Sheet 1 Substitute Ordinance No. 24-021, and Proposed Second Substitute Ordinance No. 24-021 Concerning Rural Cluster Subdivisions and Short Subdivisions. The documents are available at the following Link:

<https://futurewiseorg.sharepoint.com/:f:/g/EsF5VMFepPJLnBVwTIZ1VZgBj6MJYAoHGmRQBulqdpSxUg?e=r2w1ez>

Countywide Planning Policies for Snohomish County at the above link on page 9 of this letter with the filename: "Council Adopted CPPs_Clean_Version_updated_o8112023.pdf."

Snohomish County Tomorrow 2023 Growth Monitoring Report at the above link on page 9 of this letter with the filenames:
"Final_2023_GMR_complete_202405161303580409.pdf,"

²⁵ Stephen L. Quarles, Ph.D. and Kelly Pohl, M.Sc., *Building a Wildfire-Resistant Home: Codes and Costs* p. 24 (A Research Paper by Headwaters Economics: Nov. 2018).

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“2024_05_09_RuralCluster_North.pdf,” and
“2024_05_09_RuralCluster_South.pdf.”

SCC 30.41C.240(1) at the above link on page 9 with the filename: “SCC
30.41C.240.pdf.”

Washington Department of Fish and Wildlife, *Landscape Planning For
Washington’s Wildlife: Managing For Biodiversity In Developing Areas* (A Priority
Habitat And Species Guidance Document: Dec. 2009) at the above link on page 9
with the filename: “wdfwo0023.pdf.”

Proposed Ordinance No. 24-033 at the link on page 9 of this letter with the
filename: “Proposed Ordinance 24-033 (with exhibits).pdf.”

Farmland Information Center, *Cost of Community Services Studies* (American
Farmland Trust & USDA Natural Resources Conservation Service: Sept. 2016) at
the link on page 9 of this letter with the filename:
“Cost_of_Community_Services_Studies_AFT_FIC_201609.pdf.”

Ron Shani, Yaniv Reingewertz & Eran Vigoda-Gadot, *Far from-sight and expensive:
additional costs of public services in rural areas* LOCAL GOVERNMENT STUDIES (22 Jun
2024), DOI: 10.1080/03003930.2024.2369784 at the link on page 9 of this letter
with the filename: “Far-from-sight and expensive additional costs of public
services in rural areas.pdf.”

Local Government Studies Instructions for authors at the link on page 9 of this
letter with the filename: “Submit to Local Government Studies.pdf.”

Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound
Region* p. 23 (Adopted Oct. 29, 2020) at link on page 9 of this letter with the
filename: “vision-2050-plan.pdf.”

Cascadia Consulting Group, *Puget Sound Clean Air Agency Greenhouse Gas
Emissions Inventory* (Revised June 2018) enclosed in the link on page 9 of this
letter with the filename: “PSCAA 2015 GHG Emissions Inventory.pdf.”

Jeffrey Wilson, Jamie Spinney, Hugh Millward, Darren Scott, Anders Hayden, and
Peter Tyedmers, *Blame the exurbs, not the suburbs: Exploring the distribution of
greenhouse gas emissions within a city region* 62 ENERGY POLICY 1329 (2013)

Re: More Comments on the Proposed Rural Cluster Development Code
Amendments

August 27, 2024

Page 11

enclosed at the link on page 9 of this letter with the filename:
“Blame_the_exurbs_not_the_suburbs_Explori.pdf.”

Energy Policy Guide for authors webpage enclosed at the link on page 9 of this
letter with the filename: “Guide for authors - Energy Policy.pdf.”

*2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty
Tribes in Western Washington* p. 40 enclosed in the link on page 9 of this letter
with the filename: “state-of-our-watersheds-sow-2020-final-web.pdf.”

Stephen L. Quarles, Ph.D. and Kelly Pohl, M.Sc., *Building a Wildfire-Resistant
Home: Codes and Costs* (A Research Paper by Headwaters Economics: Nov. 2018)
at the link on page 9 of this letter with the filename: “building-costs-codes-
report.pdf.”



Snohomish County
Planning and
Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

Dave Somers
County Executive

MEMORANDUM

TO: Snohomish County Council

FROM: Henry Jennings, Planner

SUBJECT: Rural Cluster Subdivision Density Bonuses

DATE: April 4, 2024

The purpose of this memo is to transmit data collected by PDS staff regarding density bonuses achieved in recent rural cluster subdivisions (RCS). The data addresses whether amendments to RCS regulations proposed in Ordinance No. 24-021 are likely to impact the frequency with which RCS proposals utilize the maximum density bonus in SCC 30.41C.240.

Background

SCC 30.41C.240 allows for a density bonus up to 35% of the maximum density allowed by the underlying zone. The exact amount of bonus density is calculated based on the percentage of site area designated as restricted open space.

Analysis

PDS staff compiled a list of RCS projects applied for after major RCS code changes went into effect on April 5, 2009. Staff then evaluated the frequency with which the applications achieved the 35% maximum density bonus allowed by code. Of 22 RCS applications filed after April 5, 2009:

- 15 achieved the 35% maximum density bonus
- 6 achieved density bonuses 30% or over but below the maximum 35%
- 1 achieved a density bonus less than 30% (26.1%)

The below spreadsheet depicts the project file number, project name, filing date, lot yield, density bonus, and whether the maximum density bonus was achieved (indicted by a "Y" in the relevant row), for all 22 RCS applications filed after April 5, 2009.

File Number	Project Name	Filing Date	Calculated Lot Yield	Density Bonus	Max Density Bonus?
Recorded					
17-113147-000-00-FSD	Miller's Ridge	10/19/20	6.39	35.00%	Y
14-112496-000-00-FSD	Sky Raider III	09/24/14	10.97	26.10%	
18-127782-000-00-FSD	Enchantment 90RCS	12/13/18	37.13	32.40%	
19-118608-000-00-FSD	Blue Skies	12/20/19	15.53	35.00%	Y
11-106296-000-00-SD	Woods at Warm Beach	09/14/11	6.72	35.00%	Y
19-113078-000-00-FSD	Mystic	09/17/19	31.07	33.19%	
Prelim. Approved					
17-119091-000-00-PSD	Bumgarner RCS	12/07/17	4.78	35.00%	Y
18-152183-000-00-PSD	The Reserve at Sunday Lake	01/22/19	16.42	31.39%	
20-101535-000-00-PSD	Sunde Estates	02/03/20	8.52	31.95%	
20-109310-000-00-PSD	Mystere	07/06/20	38.15	35.00%	Y
21-107330-000-00-PSD	Sedy's Hill	04/23/21	6.63	32.61%	
21-107364-000-00-PSD	Riverstone Estates RCS	04/16/21	25.75	35.00%	Y
Proposed					
22-104584-000-00-PSD	Meadow Landing RCS	03/16/22	13.06	35.00%	Y
22-111202-000-00-PSD	Weatherby Estates	08/02/22	5.20	35.00%	Y
22-106991-000-00-PSD	Caliah	04/19/21	10.24	35.00%	Y
21-121232-000-00-PSD	Brookside RB	12/29/21	29.50	33.02%	
23-107088-000-00-PSD	Maltby Grove	04/21/23	18.33	35.00%	Y
23-108720-000-00-PSD	Walden RCS	05/15/23	11.99	35.00%	Y
19-110419-000-00-PSD	The Reserve 6 lot RCS	08/27/19	6.33	35.00%	Y
22-107217-000-00-PSD	Caledon	05/10/22	94.34	35.00%	Y
Pre-Applications, Etc.					
22-111693-000-00-PA	High Bridge Road	07/06/22	20.90	35.00%	Y
23-106358-000-00-PA	Creekside Terrace	04/06/23	11.48	34.90%	Y

Conclusion

The proposed changes in Ordinance No. 24-021 to the provisions of chapter 30.41C SCC related to interim and restricted open space will likely not have an impact on the frequency with which RCS proposals utilize the maximum density bonus in SCC 30.41C.240. As depicted in data collected by PDS staff, the majority (15 out of 22) of RCS applications filed since major code changes went into effect on April 5, 2009, have utilized the 35% maximum density bonus. Furthermore, the vast majority (21 out of 22) of RCS applications filed since major code changes went into effect on April 5, 2009, have utilized a density bonus greater than 30%. Based on this data, it is unlikely that applications submitted under the proposed code changes would achieve the 35% maximum density bonus at a rate higher than the maximum bonus is being achieved under current regulations.

From: Countryman, Ryan
Sent: Wednesday, May 15, 2024 9:27 AM
To: Hickey, Lisa
Subject: FW: Rural Clusters Additional Info

Follow Up Flag: Follow up
Flag Status: Completed

Hi Lisa,

Please add this email to the agenda packet for Rural Clusters. Thank you!

Ryan

From: Countryman, Ryan
Sent: Wednesday, May 15, 2024 9:26 AM
To: Nehring, Nate <nate.nehring@co.snohomish.wa.us>; Dunn, Megan <Megan.Dunn@co.snohomish.wa.us>; Peterson, Strom <Strom.Peterson@co.snohomish.wa.us>; Mead, Jared <Jared.Mead@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>
Cc: Wiita, Russell <Russell.Wiita@co.snohomish.wa.us>; Rhyne, Paula <Paula.Rhyne@co.snohomish.wa.us>; Thompson, Joshua <Joshua.Thompson@co.snohomish.wa.us>; Ewert, Angela <Angela.Ewert@co.snohomish.wa.us>; Cheesman, Darcy <Darcy.Cheesman@co.snohomish.wa.us>
Subject: FW: Rural Clusters Additional Info

Councilmembers,

Please see the additional info from PDS about rural clusters below. In my verbal staff report, I will be discussing how this modifies some of the issues in the written staff reports.

Thank you!

Ryan Countryman, Sr. Legislative Analyst
Snohomish County Council
3000 Rockefeller Ave., M/S 609 | Everett, WA 98201-4046
425-309-6164 | ryan.countryman@snoco.org

From: Saponaro, Michael <Michael.Saponaro@co.snohomish.wa.us>
Sent: Wednesday, May 15, 2024 7:47 AM
To: Countryman, Ryan <Ryan.Countryman@co.snohomish.wa.us>
Subject: RE: Rural Clusters Additional Info

Hey Ryan, just want to give a quick WUI update FYI –

The recent staff report Henry sent me on Ord 24-021 is a good analysis on WUI's effect, particularly with compliance being a bigger and costlier issue in the rural areas near the wildlands. However, the first two rows of the report table are

no longer germane, since pending WUI regulation was recently loosened considerably after conservation groups protested the landscaping aspects of it. As of SB Bill 6120 passage on 3/15/24, WUI code is much shorter and focused on construction material being fire resistant per this RCW webpage below.

[RCW 19.27.560: International Wildland Urban Interface Code. \(wa.gov\)](#)

Thanks!

Mike

From: Saponaro, Michael

Sent: Wednesday, May 15, 2024 7:44 AM

To: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>

Subject: RE: Rural Clusters Additional Info

Sounds good, will do -

From: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>

Sent: Wednesday, May 15, 2024 7:31 AM

To: Saponaro, Michael <Michael.Saponaro@co.snohomish.wa.us>

Subject: RE: Rural Clusters Additional Info

Yes, definitely reach out to Ryan if pending WUI changes may affect this regulation. This is going to council hearing in a couple hours.

Thanks,

Henry Jennings | [he/him](#) | *Planner – Long Range Planning*

[Snohomish County Planning and Development Services](#)

3000 Rockefeller Ave., M/S 604 | Everett, WA 98201

425-262-2179 | Henry.Jennings@snoco.org

From: Saponaro, Michael <Michael.Saponaro@co.snohomish.wa.us>

Sent: Tuesday, May 14, 2024 6:37 PM

To: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>

Subject: RE: Rural Clusters Additional Info

Thanks Henry, this is a good analysis, and Ryan is right on WUI compliance being a bigger and costlier issue in the rural areas near the wildlands. However, his points on the first two rows of the tables is no longer germane, since pending WUI regulation was recently loosened considerably after conservation groups protested the landscaping aspects of it. General consensus is WUI code will pass in 2026 with only a few regulations on construction material being fire resistant per this RCW webpage below. Should I CC Ryan? It's a good reminder actually I should give him a status update on recent changes to WUI.

[RCW 19.27.560: International Wildland Urban Interface Code. \(wa.gov\)](#)

From: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>

Sent: Tuesday, May 14, 2024 2:12 PM

To: Saponaro, Michael <Michael.Saponaro@co.snohomish.wa.us>

Subject: FW: Rural Clusters Additional Info

Hi Mike,

Ryan drafted a second staff report for the RCS code project that identifies the intersection of the proposed changes with WUI code. Might be interesting to look at given that the hearing for RCS amendments is tomorrow.

Thanks,

Henry Jennings | [he/him](#) | *Planner – Long Range Planning*
[Snohomish County Planning and Development Services](#)
3000 Rockefeller Ave., M/S 604 | Everett, WA 98201
425-262-2179 | Henry.Jennings@snoco.org

From: Countryman, Ryan <Ryan.Countryman@co.snohomish.wa.us>
Sent: Tuesday, May 14, 2024 10:15 AM
To: Killingstad, David <david.killingstad@snoco.org>
Cc: Jennings, Henry <Henry.Jennings@co.snohomish.wa.us>
Subject: FW: Rural Clusters Additional Info

FYI

From: Countryman, Ryan
Sent: Tuesday, May 14, 2024 10:12 AM
To: Nehring, Nate <nate.nehring@co.snohomish.wa.us>; Dunn, Megan <Megan.Dunn@co.snohomish.wa.us>; Peterson, Strom <Strom.Peterson@co.snohomish.wa.us>; Mead, Jared <Jared.Mead@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>
Cc: Wiita, Russell <Russell.Wiita@co.snohomish.wa.us>; Rhyne, Paula <Paula.Rhyne@co.snohomish.wa.us>; Thompson, Joshua <Joshua.Thompson@co.snohomish.wa.us>; Ewert, Angela <Angela.Ewert@co.snohomish.wa.us>; Cheesman, Darcy <Darcy.Cheesman@co.snohomish.wa.us>
Subject: Rural Clusters Additional Info

Councilmembers,

I am attaching a second staff report for tomorrow's hearing on Ord 24-021 (Rural Cluster Development). This addresses the proposed Substitute Ord. 24-021 and includes additional information comparing current requirements, proposed requirements, and Wildland Urban Interface requirements that was requested by a councilmember. I plan to address this information when I give the verbal staff report at the hearing.

Ryan Countryman, Sr. Legislative Analyst
Snohomish County Council
3000 Rockefeller Ave., M/S 609 | Everett, WA 98201-4046
425-309-6164 | ryan.countryman@snoco.org

SNOHOMISH COUNTY COUNCIL SIGN UP SHEET

PLEASE PRINT CLEARLY

May 15, 2024 @ 10:30 a.m.

Ord 24-021 concerning rural cluster subdivisions

***Sign-In Sheets are subject to RCW 42.30/Open Public Meetings Act and are posted on the Council webpage(s)**

NAME	CITY OF RESIDENCE	DO YOU WISH TO TESTIFY (Please Circle One)	
		YES	NO
1. <u>JIM BENEFIELD</u>	<u>SNOHOMISH</u>	<u>YES</u>	NO
2. <u>Deborah Benefield</u>	<u>Snohomish</u>	<u>YES</u>	NO
3. <u>Mark Villwock</u>	<u>unincorporated Snohomish Co.</u>	<u>YES</u>	NO
4. <u>Mike Pattison</u>	<u>Bellevue, WA</u>	<u>YES</u>	NO
5.		YES	NO
6.		YES	NO
7.		YES	NO
8.		YES	NO
9.		YES	NO
10.		YES	NO
11.		YES	NO
12.		YES	NO
13.		YES	NO
14.		YES	NO
15.		YES	NO

PUBLIC TESTIMONY SIGN UP SHEET

PUBLIC HEARING

August 28, 2024

Please sign up if you wish to speak

Ordinance 24-021

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.4.004

FILE ORD 24-021

NAME (*Please Print*)

CITY OF RESIDENCE

1. Mark Villwock	Snohomish
2. Mike Pattison	Bellevue, WA
3. DAVID TOYER	LAKE STEVEN, WA
4.	
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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on May 15, 2024, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 24-021, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25 AND 30.41C OF THE SNOHOMISH COUNTY CODE. Council also will consider a proposed substitute Ordinance No. 24-021, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B AND 30.41C OF THE SNOHOMISH COUNTY CODE. At the hearing, the Council may also consider alternatives and amendments to the proposed and substitute ordinances.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance makes changes to Rural Cluster Subdivision regulations to allow for greater flexibility in the siting of clusters in developments, including increasing the number of units allowed in a cluster and reducing setbacks between clusters. The amendments will not increase the total number of lots allowed in a rural cluster development, as no changes are proposed to provisions used to calculate lot yield. The substitute ordinance makes the same substantive changes as Ordinance 24-021, but it adds a few additional amendments to provide consistency with existing regulations.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 24-021

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council.

Section 4. Adopts amendments to SCC 30.25.033(landscape screening requirements for rural cluster subdivisions and short subdivisions) that create additional landscape screening requirements when reductions in buffer width or in an open space tract separation between clusters are proposed.

Section 5. Adopts amendments to SCC 30.41C.070 (site design and development standards – general) that increase the maximum number of lots in a cluster depending on overall site acreage and specifies that all duplex lots must be clearly identified on preliminary and final plats. The maximum number of residential lots in a cluster would be 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres.

Section 6. Adopts amendments to SCC 30.41C.075 (site design and development standards – buffers and open space) that provide for reductions in setback buffers from road rights-of-way, perimeter buffers, and open space tracts between clusters, subject to enhanced sight-obscuring buffer installation requirements.

Section 7. Adopts amendments to SCC 30.41C.090 (restricted and interim open space – general requirements) that allow for the siting of one single family dwelling which counts toward overall lot yield in interim open space. The amendments also allow for the siting of individual wells and drain fields in restricted and interim open space when located in easements.

Section 8. Adopts amendments to SCC 30.41C.110 (ownership and preservation of restricted and interim open space) that adds interim open space to the requirements relating to management of open space tracts in rural cluster subdivisions.

Section 9. Adopts amendments to SCC 30.41C.120 (open space management plan) to specify that easements must be included in open space management plans.

Section 10. Adopts amendments to SCC 30.41C.130 (rural cluster-bulk regulations) that reduce the minimum side yard setback from 25 feet to 10 feet.

Section 11. Adopts amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) that specify standards for the configuration of interim open space tracts and specify the location standards for the placement of one single family dwelling in an interim open space tract.

Section 12. Provides a standard severability and savings clause.

The PROPOSED SUBSTITUTE ORDINANCE would adopt the same amendments contained in ORDINANCE 24-021. In addition, it does the following:

Adopts amendments to SCC 30.41B.010 (purpose and applicability) to reflect that rural cluster short subdivisions authorized to have a single-family residence in an open space tract may then only have three building lots (or four total buildable pieces of land).

Modifies amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) to clarify that the interim open space tract may not be fragmented by a private access easement (as opposed to a private road easement) and that a final shadow plat or short plat must identify any access easement to any single-family dwelling within the interim open space tract.

=====

State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through issuance of Addendum No. 24 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on April 8, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance or the proposed substitute ordinance; (2) adopt an amended version of either ordinance; (3) decline to adopt the proposed ordinances; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Hickey at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance or substitute ordinance, please call Ryan Countryman, Council Staff, at 425-309-6164.

DATED this 26th day of April 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Jared Mead
Council Chair

ATTEST:

/s/Lisa Hickey
Asst. Clerk of the Council

PUBLISH: May 1, 2024

Send Affidavit to: Council
Send Invoice to: Planning #107010

Everett Daily Herald

SNOHOMISH COUNTY COUNCIL

SCANNED AND RECEIVED

DATE: 05/06/24 Time 3:00 p.m.

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH995481 ORD 24-021 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/01/2024 and ending on 05/01/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$240.25.

Subscribed and sworn before me on this

1st day of May,

2024.

Randie P.

Notary Public in and for the State of
Washington.

Snohomish County Planning | 14107010
LISA HICKEY



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF INTRODUCTION OF ORDINANCE
AND

NOTICE OF PUBLIC HEARING

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Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance or the proposed substitute ordinance; (2) adopt an amended version of either ordinance; (3) decline to adopt the proposed ordinances; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Hickey at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Ryan Countryman, Council Staff, at 425-309-6164.

DATED this 26th day of April 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/Jared Mead
Council Chair

ATTEST:
/s/Lisa Hickey
Asst. Clerk of the Council
107010
Published: May 1, 2024.

EDH995481

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on August 28, 2024, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 24-021, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25 AND 30.41C OF THE SNOHOMISH COUNTY CODE. At the hearing, the Council may also consider substitute ordinances, alternatives, and amendments.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance makes changes to Rural Cluster Subdivision regulations to allow for greater flexibility in the siting of clusters in developments, including increasing the number of units allowed in a cluster and reducing setbacks between clusters. The amendments will not increase the total number of lots allowed in a rural cluster development, as no changes are proposed to provisions used to calculate lot yield. The first substitute ordinance makes the same substantive changes as Ordinance 24-021, but it adds a few additional amendments to provide consistency with existing regulations. The second substitute ordinance makes the same changes as the first substitute ordinance, but it adds additional amendments to require third party certification of the development and buildings under the Built Green, LEED (Leadership in Energy and Environmental Design), or other programs as may be authorized by the director of Planning and Development Services.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 24-021

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council.

Section 4. Adopts amendments to SCC 30.25.033(landscape screening requirements for rural cluster subdivisions and short subdivisions) that create additional landscape screening requirements when reductions in buffer width or in an open space tract separation between clusters are proposed.

Section 5. Adopts amendments to SCC 30.41C.070 (site design and development standards – general) that increase the maximum number of lots in a cluster depending on overall site acreage and specifies that all duplex lots must be clearly identified on preliminary and final plats. The maximum number of residential lots in a cluster would be 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres.

Section 6. Adopts amendments to SCC 30.41C.075 (site design and development standards – buffers and open space) that provide for reductions in setback buffers from road rights-of-way, perimeter buffers, and open space tracts between clusters, subject to enhanced sight-obscuring buffer installation requirements.

Section 7. Adopts amendments to SCC 30.41C.090 (restricted and interim open space – general requirements) that allow for the siting of one single family dwelling which counts toward overall lot yield in interim open space. The amendments also allow for the siting of individual wells and drain fields in restricted and interim open space when located in easements.

Section 8. Adopts amendments to SCC 30.41C.110 (ownership and preservation of restricted and interim open space) that adds interim open space to the requirements relating to management of open space tracts in rural cluster subdivisions.

Section 9. Adopts amendments to SCC 30.41C.120 (open space management plan) to specify that easements must be included in open space management plans.

Section 10. Adopts amendments to SCC 30.41C.130 (rural cluster-bulk regulations) that reduce the minimum side yard setback from 25 feet to 10 feet.

Section 11. Adopts amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) that specify standards for the configuration of interim open space tracts and specify the location standards for the placement of one single family dwelling in an interim open space tract.

Section 12. Provides a standard severability and savings clause.

Council will consider PROPOSED SUBSTITUTE ORDINANCE 24-021, that would adopt the same amendments contained in ORDINANCE 24-021. In addition, it does the following:

Adopts amendments to SCC 30.41B.010 (purpose and applicability) to reflect that rural cluster short subdivisions authorized to have a single-family residence in an open space tract may then only have three building lots (or four total buildable pieces of land).

Modifies amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) to clarify that the interim open space tract may not be fragmented by a private access easement (as opposed to a private road easement) and that a final shadow plat or short plat must identify any access easement to any single-family dwelling within the interim open space tract.

Council will also consider a PROPOSED SECOND SUBSTITUTE ORDINANCE 24-021 that would adopt the same amendments contained in PROPOSED FIRST SUBSTITUTE ORDINANCE 24-021. In addition, it does the following:

Amends SCC 30.41C.030 (approval procedure) to require documentation of third party certification prior to receiving preliminary rural cluster subdivision or short subdivision approval and to describe the options for third party certification programs that the applicant may use. Approval of a subdivision or short subdivision shall contain a condition requiring that all lots containing new buildings receive third party certification prior to issuance of individual building permits.

Amends SCC 30.41C.040 (submittal requirements) to require that the applicant address third party certification in their project narrative and to require submittal of a completed certification checklist and proof of payment as part of the project application.

Adopts definitions for “Built Green,” “Built Green Community,” “Built Green Single Family/Townhome,” “LEED,” “LEED Home,” and “LEED Neighborhood Development.”

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State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through issuance of Addendum No. 24 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on April 8, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance or the proposed substitute ordinance; (2) adopt an amended version of either ordinance; (3) decline to adopt the proposed ordinances; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

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QUESTIONS: For additional information or specific questions on the proposed ordinance or substitute ordinance, please call Ryan Countryman, Council Staff, at 425-309-6164.

DATED this 8th day of August 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Jared Mead
Council Chair

ATTEST:

/s/Lisa Hickey
Asst. Clerk of the Council

PUBLISH: August 14, 2024

Send Affidavit to: Council
Send Invoice to: Planning #107010

Everett Daily Herald

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1000816 ORDINANCE 24-021. as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 08/14/2024 and ending on 08/14/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$271.25.

Subscribed and sworn before me on this

14th day of August,
2024.

Randie Pospical

Notary Public in and for the State of
Washington.

Snohomish County Planning | 14107010
LISA HICKEY



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF INTRODUCTION OF ORDINANCE
AND

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on August 28, 2024, at the hour of 10:30 a.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 24-021, titled: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25 AND 30.41C OF THE SNOHOMISH COUNTY CODE. At the hearing, the Council may also consider substitute ordinances, alternatives, and amendments.

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A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 24-021

Sections 1-3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council.

Section 4. Adopts amendments to SCC 30.25.033(landscape screening requirements for rural cluster subdivisions and short subdivisions) that create additional landscape screening requirements when reductions in buffer width or in an open space tract separation between clusters are proposed.

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Section 9. Adopts amendments to SCC 30.41C.120 (open space management plan) to specify that easements must be included in

open space management plans.

Section 10. Adopts amendments to SCC 30.41C.130 (rural cluster-bulk regulations) that reduce the minimum side yard setback from 25 feet to 10 feet.

Section 11. Adopts amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) that specify standards for the configuration of interim open space tracts and specify the location standards for the placement of one single family dwelling in an interim open space tract.

Section 12. Provides a standard severability and savings clause. Council will consider PROPOSED SUBSTITUTE ORDINANCE 24-021 that would adopt the same amendments contained in ORDINANCE 24-021. In addition, it does the following:

Adopts amendments to SCC 30.41B.010 (purpose and applicability) to reflect that rural cluster short subdivisions authorized to have a single-family residence in an open space tract may then only have three building lots (or four total buildable pieces of land).

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Adopts definitions for "Built Green," "Built Green Community," "Built Green Single Family/Townhome," "LEED," "LEED Home," and "LEED Neighborhood Development."

State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through issuance of Addendum No. 24 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on April 8, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

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QUESTIONS: For additional information or specific questions on the proposed ordinance or substitute ordinance, please call Ryan Countryman, Council Staff, at 425-309-6164.

DATED this 8th day of August 2024,

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/Jared Mead
Council Chair

ATTEST:
/s/Lisa Hickey
Asst. Clerk of the Council
107010
Published: August 14, 2024.

EDH1000816

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 28, 2024, the Snohomish County Council adopted Ordinance No. 24-021, which shall be effective September 19, 2024. A summary of the ordinance is as follows:

ORDINANCE NO. 24-021

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

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council.

Section 4. Adopts amendments to SCC 30.25.033(landscape screening requirements for rural cluster subdivisions and short subdivisions) that create additional landscape screening requirements when reductions in buffer width or in an open space tract separation between clusters are proposed.

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Section 12. Provides a standard severability and savings clause.

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State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through issuance of Addendum No. 24 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on April 8, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 10th day of October 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Lisa Hickey
Asst. Clerk of the Council

PUBLISH: October 16, 2024

Send Affidavit to: Council
Send Invoice to: Planning #107010

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**NOTICE OF ACTION**

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on August 28, 2024

1. Description of agency action: Approval of Amended Ordinance No. 24-021.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B, 30.41C, 30.91B and 30.91L OF THE SNOHOMISH COUNTY CODE
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Lisa Hickey
Asst. Clerk of the Council

Date: October 10, 2024

PUBLISH: October 16, 2024

Send Affidavit to: County Council
Send Invoice to: Planning #107010



Notice of Intent to Adopt Amendment / Notice of Adoption (Cover Sheet)

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

Jurisdiction Name:	Snohomish County 3000 Rockefeller Ave, M/S 609, Everett, WA 98201
Amendment Type: Select Type of Amendment listed. (Select One Only)	<input type="checkbox"/> Comprehensive Plan Amendment <input checked="" type="checkbox"/> Development Regulation Amendment <input type="checkbox"/> Critical Areas Ordinance Amendment <input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments <input type="checkbox"/> Countywide Planning Policy <input type="checkbox"/> Shoreline Master Program
Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	<input type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment <input type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment <input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment <input checked="" type="checkbox"/> Notice of Final Adoption of Amendment
Add Association	Material ID# 2022-S-4459

<p><i>If this amendment is related to additional submittals, please let us know here. IDs are included in your acknowledgment letter.</i></p> <p><i>Example 2022-S-....</i></p>	
<p>Description</p> <p>Enter a brief description of the amendment.</p> <p>Begin your description with Proposed or Adopted, based on the type of Amendment you are submitting.</p> <p>Examples: "Proposed comprehensive plan amendment for the GMA periodic update." or "Adopted Ordinance 123, adoption amendment to the sign code."</p> <p>(Maximum 400 characters)</p>	<p>ADOPTED ORDINANCE 24-021</p> <p>RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B, 30.41C, 30.91B and 30.91L OF THE SNOHOMISH COUNTY CODE</p>
<p>Is this action part of your 10-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>Does your submittal include changes to Urban Growth Areas</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>Proposed Dates:</p> <p>Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.</p>	<p>Planning Commission: December 21, 2022</p> <p>City/County Council: August 28, 2024</p> <p>Proposed / Date of Adoption: August 28, 2024</p>
<p>Categorize your Submittal</p>	<p>Land Use</p>

Contact Information:	
Prefix/Salutation: <i>(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))</i>	
Name:	Lisa Hickey
Title:	Assistant Clerk of the Council
Email:	lisa.hickey@snoco.org
Work Phone:	425-388-3901
Cell/Mobile Phone: <i>(optional)</i>	
Consultant Information:	
Is this person a consultant?	<input type="checkbox"/> Yes
Consulting Firm name?	
Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes

REQUIRED: Attach a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Commerce no longer accepts paper copies by mail. If you experience difficulty, please email the reviewteam@commerce.wa.gov

ADOPTED: August 28, 2024
EFFECTIVE: September 19, 2024

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 24-021

RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS
AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B, 30.41C, 30.91B and
30.91L OF THE SNOHOMISH COUNTY CODE

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

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

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

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

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

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

WHEREAS, on October 25, 2022, the Snohomish County Planning Commission (the "Planning Commission") was briefed by Snohomish County Planning and Development Services (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, a third party certification process may result in subdivisions or communities
7 and individual buildings that are more environmentally friendly than subdivisions and individual
8 buildings approved without concurrent Built Green, Leadership in Energy and Environmental
9 Design (LEED) or similar certification; and

10
11 WHEREAS, on August 28, 2024, the Snohomish County Council (the "County Council")
12 held a public hearing, after proper notice, to receive public testimony and consider the entire
13 record related to the proposed code amendments contained in this ordinance; and

14
15 WHEREAS, following the public hearing, the County Council deliberated on the
16 proposed amendments contained in this ordinance.

17
18 NOW, THEREFORE, BE IT ORDAINED:

19
20 Section 1. The County Council adopts the following findings in support of this ordinance:

- 21
22 A. The foregoing recitals are adopted as findings as if set forth in full herein.
23
24 B. This ordinance will amend regulations related to rural cluster subdivision and short
25 subdivision requirements in chapter 30.41C SCC and related landscape screening
26 requirements in chapter 30.25 SCC. The code amendments are intended to address:
27 1) increasing the number of lots allowed within an individual cluster; 2) allowing a reduction
28 in the minimum distance separating clusters subject to requiring additional sight-obscuring
29 landscape screening; 3) allowing a reduction in the minimum cluster setback buffers
30 adjacent to perimeter roads, properties, and perimeter meadow/pasture open space subject
31 to requiring additional sight-obscuring landscape screening; 4) allowing individual
32 stormwater drainage facilities, wells, and drainfields within restricted and interim open space
33 tracts to serve individual lots; 5) allowing one single family dwelling within an interim open
34 space tract; and 6) housekeeping amendments to improve the internal consistency and
35 readability of rural cluster development requirements. The code amendments will not
36 increase the total number of lots allowed in a rural cluster development as no changes are
37 proposed to provisions used to calculate lot yields.
38
39 C. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the
40 below listed GMA planning goals:

- 41
42 1. RCW 36.70A.020(2), Reduce sprawl.

43
44 The proposed amendments modify clustering practices to create more compact
45 cluster developments without the creation any new lots or increases in density,
46 thereby reducing sprawl. No changes are proposed to lot yield or density bonus
47 code sections, therefore no increase in total number of RCS lots permitted will
48 result.
49

1 2. RCW 36.70A.020(4), Housing.

2
3 The proposed amendments modify existing cluster development techniques to
4 allow for more flexibility in site design, which will promote more variety in design
5 of rural cluster developments. In doing so, the amendments will allow more
6 creative approaches to rural cluster development.
7

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

9
10 The proposed amendments allow clusters of more dwellings to be located closer
11 together, resulting in the preservation of more contiguous open space.
12

13 4. RCW 36.70A.020(10), Environment.

14
15 The proposed amendments will result in fewer environmental impacts due to
16 changes in cluster separation and size requirements. The amendments will result
17 in reduced impervious surface, reduced stormwater runoff, reduced clearing of
18 vegetation, and increased contiguous open space for habitat corridors.
19

20 D. In developing these code amendments, the county maintains consistency with applicable
21 provisions in the GMA, including RCW 36.70A.070(5)(c), which requires that measures
22 governing rural development shall protect the rural character of the area by:
23

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

25
26 The proposed amendments continue to contain or otherwise control rural
27 development by modifying existing clustering techniques in a way which will
28 create no new lots while having the potential to reduce the number of clusters in
29 a rural cluster subdivision development.
30

31 2. RCW 36.70A.070(5)(c)(ii) – assuring visual compatibility of rural development
32 with the surrounding rural area.
33

34 The proposed amendments will require additional landscaping screening when
35 buffer reductions are proposed. One foot of additional vegetative screening will
36 be required for every three feet of buffer reduction proposed with a minimum of
37 ten feet of screening being required. This additional landscaping will act as a
38 visual buffer between clusters and the surrounding rural area. Landscaping is a
39 significant factor in protecting the visual aspects of rural character. Additionally,
40 the site design, number of lots within individual clusters in a single development,
41 and the distance separating individual clusters are basic design features that
42 help protect the visual aspect of rural character.
43

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

46
47 The proposed amendments will not result in any additional rural lots as compared
48 to current code meaning that no conversion of undeveloped land into sprawling,
49 low-density development will result in the rural area. Instead, clusters will be

larger and closer together resulting in more contiguous open space being maintained in rural cluster subdivisions.

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.

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.

- 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.

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

1 rural areas. The primary benefit of clustering is the preservation of open space.
2 Modest density incentives should be provided in a manner which encourages use
3 of the technique and maximum preservation of open space and maintenance of
4 rural character. . .” Allowing more lots to be clustered while not changing the
5 manner in which the lot yield for a subdivision is calculated is intended to result in
6 fewer clusters being needed for a proposed development and the preservation of
7 more contiguous open space which will further the aim of LU Policy 6.B.1.
8

- 9 4. Policy MPP-RGS-14: “Manage and reduce rural growth rates over time,
10 consistent with the Regional Growth Strategy, to maintain rural landscapes and
11 lifestyles and protect resource lands and the environment.” The amendments are
12 not likely to encourage growth because they do not allow for any increases in lot
13 yield, density bonus, or decreases in lot size. The amendments increase design
14 flexibility, but no change to the theoretical maximum number of units is proposed.
15

16 F. Procedural requirements:

- 17
18 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
19
20 2. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the
21 proposed code amendments was transmitted to the Washington State
22 Department of Commerce for distribution to state agencies on October 18, 2022.
23
24 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
25 respect to this non-project action have been satisfied through the completion of
26 an environmental checklist and the issuance of a determination of non-
27 significance on October 10, 2022.
28
29 4. The public participation process used in the adoption of the proposed code
30 amendments has complied with all applicable requirements of the GMA and
31 SCC.
32
33 5. As required by RCW 30.70A.370, the Washington State Attorney General last
34 issued an advisory memorandum in September 2018 entitled “Advisory
35 Memorandum and Recommended Process for Evaluating Proposed Regulatory
36 or Administrative Actions to Avoid Unconstitutional Takings of Private Property”
37 to help local governments avoid unconstitutional takings of private property. The
38 process outlined in the State Attorney General’s 2018 advisory memorandum
39 was used by the County in objectively evaluating the regulatory changes
40 proposed by this ordinance.
41

42 G. This ordinance is consistent with the record:

- 43
44 1. Maximum lot yield for a rural cluster subdivision is calculated using SCC 30.41C.230 and
45 30.41C.240. The amendments proposed by this ordinance will not result in increasing
46 the maximum number of lots allowed for a given development because no amendments
47 are being made to the lot yield or density bonus provisions. While the amendments to
48 SCC 30.41C.070 will allow an increase in the maximum number of residential lots

permitted in a cluster depending on the total acreage of the site, the total number of lots allowed within a rural cluster development will not change.

2. Outside of Snohomish County's urban areas, agricultural and large lot residential uses highlight one aspect of the interplay between natural and built environments. While these uses may connote bucolic rural life, they are but one way in which people have chosen to exist in Snohomish County's rural areas. The pattern of land use and development in non-urban areas includes several unincorporated communities resembling towns, as well as development patterns that are not explicitly rural in character such as lakefront communities with houses less than 80 feet apart on lots less than a half-acre in size. The wide variety of housing in Snohomish County's rural areas is a hallmark of its character, as many closer-set communities have dotted the landscape for decades. The amendments proposed by this ordinance are intended to allow for increased flexibility in development of rural clusters in a way that preserves rural character by complementing the already wide variety of housing densities and separation throughout Snohomish County.
3. The amendments to chapters 30.25 and 30.41C SCC are intended to help maintain rural character by allowing clusters of more dwellings to be located closer together, allowing for more contiguous open space to be preserved in a given development. These amendments will encourage the natural landscape and vegetation to predominate over the built environment. The increased buffer perimeter setbacks proposed under this ordinance will help preserve visual landscapes traditionally found in rural areas and communities. The amendments do not change the existing open space regulations, in which 45-60% of original gross development area must be retained as restricted open space tracts, but more of that open space will be contiguous by allowing more homes to be built in clusters as well as allowing clusters to be closer together while not altering the maximum lot yield in any way. Additional landscape screening required under these proposed amendments will also enhance the natural environment, emphasizing the rural nature of the areas where rural cluster subdivisions are allowed.
4. SCC 30.25.033 is amended to require additional landscape screening when a development proposes a reduction in the minimum setback and perimeter open space buffer tracts or a reduction in the minimum buffer separation between individual clusters. One foot of additional screening will be required for every three feet reduction in buffer or cluster separation, with a minimum of ten feet of additional screening. Reducing the buffer setback widths, subject to providing a dense sight obscuring barrier of additional landscape screening, is intended to reduce the length of interior roadways needed to access individual clusters within a rural cluster development. This reduction is intended to reduce the overall footprint of a rural cluster development. The reduction in new impervious surfaces can lessen impacts to critical areas and drainage facilities. Additionally, the reduction in new impervious surfaces can reduce the total disturbed area, leaving intact a greater overall quantity of wildlife habitat and critical areas.
5. The amendments to SCC 30.41C.070 will allow an increase in the maximum number of residential lots permitted within a cluster, dependent on total site acreage, but the maximum number of lots allowed within a rural cluster subdivision will not change. Under SCC 30.41C.230(2), maximum lot yield is obtained through a density bonus specified in

1 SCC 30.41C.240. SCC 30.41C.240 is not proposed to be amended. Therefore, no
2 change in the base or maximum lot yield will occur with the amendments to the section.
3

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

1 facilities within restricted and interim open space tracts to serve only one lot provides for
2 greater site design flexibility and, in the case of drainage facilities, maximizes the use of
3 natural features for stormwater management, which is intended to reduce overall site
4 disturbance and help preserve the natural landscape. Allowing one single family
5 dwelling, which counts against the lot yield and therefore does not increase density,
6 within an interim open space tract will provide the opportunity for proper maintenance
7 and security oversight of the interim open space tract until the tract can be redeveloped.
8

9 11. SCC 30.41C.110 is amended to clearly state that the ownership and preservation of
10 open space requirements apply to both restricted and interim open space. The
11 amendments provide internal consistency with other sections of chapter 30.41C SCC
12 relating to interim open space requirements.
13

14 12. SCC 30.41C.120 is amended to require that an open space management plan include
15 information on any easements to be recorded related to the plan in addition to the
16 existing requirement that a plan include any covenants, conditions, and restrictions to be
17 recorded related to the plan.
18

19 13. SCC 30.41C.130 is amended to reduce the minimum side yard setback for rural cluster
20 subdivisions and short subdivisions located outside of a rural urban transition area
21 (RUTA) to be consistent with the minimum side yard setback for rural cluster
22 developments within the RUTA. This amendment provides for a consistent application of
23 rural cluster site development requirements.
24

25 14. SCC 30.41C.140 is amended to add requirements related to the siting of a single-family
26 dwelling within an interim open space tract. The amendments include: identifying the
27 single-family dwelling within a future lot in a shadow plat of the interim open space tract;
28 identifying a private access easement to serve the single family dwelling; and limiting the
29 single family dwelling building area to not exceed 20,000 square feet.
30

31 15. Chapter 30.41C SCC is amended to help maintain rural character by allowing for larger
32 clusters of houses to be placed closer together, allowing for more contiguous open
33 space, the preservation of natural landscape, and vegetation to predominate over the
34 built environment. The increased buffer perimeter setbacks help preserve visual
35 landscapes traditionally found in rural areas and communities.
36

37 16. SCC 30.41B.010 is amended for consistency with amendments to chapter 30.41C
38 related to allowing a single-family dwelling in an interim open space tract.
39

40 H. The proposed code amendments are consistent with the record as set forth in the PDS Staff
41 Report dated October 10, 2022.
42

43 Section 2. The County Council makes the following conclusions:
44

45 A. The amendments proposed by this ordinance comply with the GMA.
46

47 B. The amendments proposed by this ordinance comply with the GMACP.
48

49 C. The County has complied with all SEPA requirements with respect to this non-project action.

1
2 D. The amendments proposed by this ordinance do not result in an unconstitutional taking of
3 private property for a public purpose.
4

5 E. The public participation process used in the adoption of this ordinance complies with all
6 applicable requirements of the GMA and chapter 30.73 SCC.
7

8 Section 3. The County Council bases its findings and conclusions on the entire record of
9 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
10 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
11

12 Section 4. Snohomish County Code Section 30.25.033, last amended by Amended
13 Ordinance No. 10-086 on October 20, 2010, is amended to read:
14

15 **30.25.033 ((Additional landscaping)) Landscape screening requirements for rural cluster**
16 **subdivisions and short subdivisions.**

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

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

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

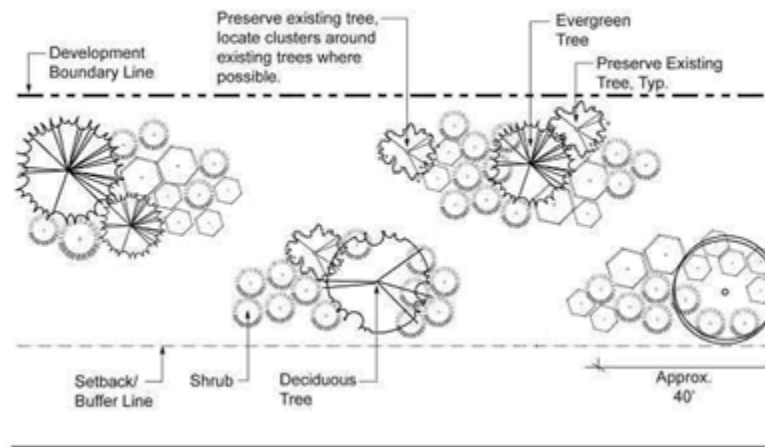
26 (a) In the required setback buffer from the road rights-of-way;

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

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

29 (3) When retention of existing vegetation is not adequate to screen development from
30 road rights-of-way or from adjacent residential property, landscape installation shall be required
31 for additional visual screening. Landscape installation shall be in clustered plantings pursuant to
32 SCC ((30.25.033(4))) 30.25.033(5) that are each approximately 40 feet long, aligned parallel to
33 the development boundary lines and extending the length of the property line, and a minimum of
34 25 feet in depth measured perpendicular to the development property line. Planting clusters
35 shall be alternated in parallel rows as illustrated in Figure 30.25.033(3), to achieve an informal
36 appearance.
37

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

((4)) (5) 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.

((5)) (6) 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 20 to 30 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) Trees and shrubs must be two-thirds evergreen species;
- (ii) Each plant grouping shall contain trees planted approximately 15' on center in a triangular or offset pattern;
- (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;
- (iv) Evergreen trees shall have a minimum height of 8 feet at the time of planting; and
- (v) Deciduous trees shall have a minimum 1 ½ -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

1 naturalized vegetation typical of established rural uses, such as orchards, hedgerows or
2 windbreaks for landscaping in rural ~~((districts))~~ areas of the county.
3 (d) Preference shall be given to Snohomish County-grown tree and vegetation stock, to help
4 promote a viable agricultural industry and opportunity in the county.
5 ~~(((6)))~~ (7) Existing trees shall be retained in the setback, perimeter and cluster separation
6 buffers where wind-throw loss can be minimized, as determined by a qualified landscape
7 designer. When enhancement is necessary using the provisions of
8 subsections (2), (3), (4) ~~((and))~~ , (5) , and (6) of this section to prevent significant wind-throw
9 loss or to support a remnant forest environment, the extent of the enhancement shall be
10 determined by a qualified landscape designer using the screening provisions of this section. The
11 tree retention requirements of this provision do not apply to any forest practice occurring
12 on forest land as those terms are defined by RCW 76.09.020 of the Forest Practices Act,
13 chapter 76.09 RCW.
14 ~~(((7)))~~ (8) Non-native vegetation that has become part of the rural landscape and character such
15 as orchards, hedgerows and windbreaks shall be retained.
16 ~~(((8)))~~ (9) Landscaping of stormwater detention facilities is required in accordance with
17 SCC 30.25.023.
18 ~~(((9)))~~ (10) A performance or maintenance security may be required by the department in
19 accordance with SCC 30.84.150 and a plan review and inspection fee in accordance with
20 SCC 30.86.145 shall be provided to the county for landscaping.

21
22 Section 5. Snohomish County Code Section 30.41B.010, last amended by Amended
23 Ordinance No. 17-070 on November 1, 2017, is amended to read:

24
25 **30.41B.010 Purpose and applicability.**

- 26 (1) The purpose of this chapter is to:
- 27 (a) Regulate the division or redivision of land into nine or fewer lots, tracts, or parcels in an
 - 28 urban growth area, and four or fewer lots, tracts, or parcels outside an urban growth area,
 - 29 except as set forth in subsections (2) - (4) of this section;
 - 30 (b) Promote the public health, safety, and general welfare;
 - 31 (c) Further the goals and objectives of the comprehensive plan;
 - 32 (d) Prevent the over-crowding of land;
 - 33 (e) Lessen congestion in the streets and highways;
 - 34 (f) Promote effective use of land;
 - 35 (g) Promote safe and convenient travel by the public on streets and highways;
 - 36 (h) Provide for adequate light and air;
 - 37 (i) Require that appropriate provisions are made for open space, drainage ways, streets,
 - 38 alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes,
 - 39 parks and recreation, playgrounds, schools and school grounds, and sidewalks, or other
 - 40 planning features that assure safe walking conditions for students who walk to and from
 - 41 school;
 - 42 (j) Adequately provide for the housing and commercial needs of citizens;
 - 43 (k) Provide for proper ingress and egress;
 - 44 (l) Require uniform monumentation;
 - 45 (m) Require conveyancing by accurate legal description;
 - 46 (n) Provide for expeditious review and approval of proposed short subdivisions that conform
 - 47 to the requirements of this title; and
 - 48 (o) Require and promote the use of low impact development (LID) best management
 - 49 practices (BMPs) as directed by the Drainage Manual.

- (2) Land within a short subdivision which has been recorded within the immediately preceding five years may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC, or the short subdivision may be altered to contain up to the maximum number of permissible lots, tracts, or parcels, as follows: When a short subdivision contains fewer than the maximum number of permissible lots, tracts, or parcels, based on the short subdivision's location either outside or inside an urban growth area, the owner who filed the short subdivision may file an alteration within the five year period to create, within the original boundaries of the short subdivision, a greater number of lots, tracts, or parcels than were originally created, up to a total of four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) outside an urban growth area, or a total of nine lots inside an urban growth area.
- (3) After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, ~~((he))~~ they may not divide the aggregate total into more than four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) when located outside an urban growth area or nine lots when located in an urban growth area.
- (4) Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.
- (5) Land within a subdivision exempted from subdivision or short subdivision requirements by RCW 58.17.040(2) or SCC 30.41A.020(7), may not be further divided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel; except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC. This prohibition shall not apply as to lots, tracts, or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or the department, or such other similar proof as is considered sufficient by the department. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the current regulations.
- (6) Any nonexempt redivision of land authorized by subsections (2) and (3) of this section shall be subject to all subdivision requirements of chapter 30.41A SCC if approval would result in the subdivider owning more than four contiguous lots when located outside an urban growth area, or more than nine contiguous lots when located in an urban growth area, regardless of whether the lots are subdivided, short subdivided, or are unplatted lots.
- (7) A split parcel may be divided into a two-lot short plat if:
- (a) the parcel is divided on the UGA boundary line;
 - (b) both resulting parcels or lots meet all applicable subdivision requirements set forth in subtitle 30.4 SCC; and
 - (c) both resulting parcels or lots meet all applicable development standards set forth in subtitle 30.2, except:
 - (i) the urban portion of the parcel is exempt from compliance with minimum net density requirements pursuant to SCC 30.23.020; and
 - (ii) the rural or resource portion of the parcel is exempt from compliance with minimum lot dimension requirements pursuant to SCC 30.23.010.
- (8) A split parcel may be divided into a short plat if the original split parcel is divided along the UGA boundary line creating at least one lot in the rural or resource designated area, even if this one lot does not meet minimum lot dimension requirements. Any additional divisions of the lot,

1 including lots created within the urban portion of the original lot or additional lots created in the
2 rural or resource area of the site must meet all applicable zoning and development standards
3 set forth in subtitle 30.2 SCC and applicable subdivision requirements in subtitle 30.4 SCC.
4

5 Section 6. Snohomish County Code Section 30.41C.030, last amended by Amended
6 Ordinance No. 08-087 on February 4, 2009, is amended to read:
7

8 **30.41C.030 Approval procedure.**

9 (1) Rural cluster subdivisions or short subdivisions are subject to the same procedures,
10 requirements, and approval criteria as any standard subdivision or short subdivision as set forth
11 in chapters 30.41A and 30.41B SCC, except when the procedures, requirements, and approval
12 criteria are specifically modified or added to by the provisions of chapter 30.41C SCC.

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

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

17 (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire district and
18 are required to provide adequate fire flow in accordance with SCC 30.53A.514 through SCC
19 30.53A.520 or to provide other means of fire protection as approved by the Snohomish County
20 Fire Marshal, unless exempt pursuant to SCC 30.53A.514.

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

23 (6) Rural cluster subdivisions and short subdivisions must provide documentation of third party
24 certification prior to receiving preliminary approval. Conditions of approval for the subdivision or
25 short subdivision shall require all lots containing new buildings receive third party certification
26 prior to issuance of individual building permits. Options for third party certification are:

27 (a) Built Green Community certification for the preliminary approval and Built Green Single
28 Family/Townhome certification for building permits;

29 (b) LEED Neighborhood Development certification for the preliminary approval and LEED
30 Home certification for building permits; or

31 (c) Additional third party certification as approved by the director and adopted through
32 administrative rule.
33

34 Section 7. Snohomish County Code Section 30.41C.040, added by Amended Ordinance
35 No. 08-087 on February 4, 2009, is amended to read:
36

37 **30.41C.040 Submittal requirements.**

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

40 (1) A narrative description of how the proposal is consistent with SCC 30.41C.010, ~~((and))~~
41 30.41C.050, and third party certification requirements in SCC 30.41C.030(6). The narrative
42 document shall also describe how the proposal makes appropriate provisions for the public
43 health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways
44 and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection;
45 and other public facilities, if any.

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

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

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

- (c) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards and agricultural fields;
- (d) Uses on adjacent properties, including location of houses; and
- (e) The location and the approximate size of designated natural resource lands on the project site and on properties adjacent to it.
- (3) A site plan depicting how existing character-defining features identified pursuant to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed development, including:
- (a) Undisturbed restricted open space tracts under SCC 30.41C.090(2)(d);
 - (b) Areas where structures and landscapes identified pursuant to SCC 30.41C.040(2)(c) will be retained;
 - (c) Location of all proposed open space tracts and their intended use; ~~((and))~~
 - (d) A landscape plan showing areas where existing vegetation will be retained and demonstrating compliance with SCC 30.25.033((-)) ; and
 - (e) A sketch site plan for pre-submittal review of open space tract placement, retention of existing structures and landscape features is strongly encouraged to expedite design review of the subdivision site plan required in accordance with chapters 30.41A and 30.41B((-)) .
- (4) The approximate location of the building footprint on each lot.
- (5) An open space management plan in accordance with SCC 30.41C.120.
- (6) A description and proposed schedule for phasing of the project, if any.
- (7) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.
- (8) A street lighting plan, if street lights are proposed.
- (9) A completed third party certification checklist and proof of payment to the appropriate third party for the review and certification of the rural cluster development.

Section 8. Snohomish County Code Section 30.41C.070, last amended by Amended Ordinance No. 22-062 on October 26, 2022, is amended to read:

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

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

- (1) Site design shall be subject to the following standards for clustering and protection of natural resource lands and critical areas:
- (a) A subdivision may contain more than one cluster of housing lots;
 - (b) The minimum number of residential lots in a cluster shall be two, except a residential lot may stand alone when an existing residence is maintained;
 - (c) The maximum number of residential lots in a cluster shall be ~~((43))~~ 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres;
 - (d) In addition to the minimum front yard setback defined in Table SCC 30.41C.130, the building areas on the plat shall represent residential dwellings and accessory buildings located at varying front yard setback distances to provide a visually diversified streetscape. The minimum variation between setbacks for buildings on adjacent lots shall be 10 feet;
 - (e) Individual clusters shall be located a minimum of 100 feet from adjacent natural resource lands designated in accordance with chapters 30.32A, 30.32B and 30.32C SCC;
 - (f) Designate and protect critical areas and their buffers pursuant to chapter 30.62A SCC;
- ~~((and))~~

- (g) Use low impact development best management practices as directed by chapter 30.63A SCC and the Drainage Manual ((-)) ; and
- (h) All proposed duplex lots shall be clearly identified on both the preliminary and final plat or short plat maps for a rural cluster subdivision or short subdivision.
- (2) Tree retention is encouraged on building sites with the approved fire mitigation review in accordance with SCC 30.53A.514.
- (3) Services and optional development features shall conform to the following standards:
- (a) ~~((Electric))~~ New electric, telephone, and other utility lines and support infrastructure shall be located underground;
- (b) Rural cluster subdivisions or short subdivisions are prohibited from connecting to public sanitary sewers, except when required by the Snohomish County Health District or a state agency to protect public health;
- (c) When a proposal includes street lights, lighting should be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas;
- (d) Entrance signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060; and
- (e) Rural cluster subdivisions shall draw water supply from a public water utility when one is available within one-quarter mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.

Section 9. Snohomish County Code Section 30.41C.075, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

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

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

- (1) Setback buffers to separate existing or perimeter road rights-of-way that border the rural cluster development ~~((project))~~ from the nearest cluster residential lot lines in the development shall be established in open space tracts that are a minimum of 100 feet in width. Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscurating topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4). When the existing site character is meadow or pasture, the setback buffer tract(s) shall be a minimum of 200 feet in width. ~~((Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscurating topographic variation or physical condition, such as forest, will serve as a visual buffer.))~~ Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet in width if natural characteristics such as topography or geologic outcrops ~~((, or if existing buildings retained on site,))~~ obscure the view of ~~((new))~~ the rural cluster development or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).
- (a) Maintenance of existing vegetation ~~((or))~~ and ((additional landscaping)) landscape screening in setback buffer tracts shall be required in accordance with SCC 30.25.033.
- (b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be made for utility easements and designated road rights-of-way or walkways, if no other options are available.
- (2) Perimeter buffers shall be established in open space tracts on all boundaries of the rural cluster development ~~((project site))~~ abutting residential property. Perimeter buffers shall be a minimum of ~~((50))~~ 100 feet in width unless larger buffers are required under SCC 30.41C.075(1). Perimeter buffer tracts may be reduced to a minimum of 60 feet in width when a

sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4). Maintenance of existing vegetation ~~((or additional landscaping))~~ and landscape screening in perimeter buffers shall be required in accordance with SCC 30.25.033.

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

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

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

Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements

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

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

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

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

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

Section 10. Snohomish County Code Section 30.41C.090, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended to read:

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

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space and not interim open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

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

(a) It must be used for buffering, critical area protection, resource production, 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.			

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

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

(6) The following notice related to restricted open space shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

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

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

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and SCC 30.41C.140:

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

- 1 (2) Restricted or interim open space tracts shall be owned by a single property owner, a
2 homeowners association, a public agency or a not for profit organization.
- 3 (3) When ownership of restricted open space is by a single property owner, the property owner
4 shall:
- 5 (a) Record a (~~restricted~~) restrictive covenant against the restricted open space tract that
6 runs with the land and restricts the use of the open space tract to those uses allowed in
7 SCC 30.41C.090(2); and
- 8 (b) Provide an open space management plan pursuant to SCC 30.41C.120.
- 9 (4) Common ownership shall be by the property owners of the subdivision as a whole, in the
10 form of a homeowners association.
- 11 (a) The applicant shall provide the county with a description of the association, proof of
12 incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants
13 and restrictions regulating the use of the property and setting forth methods for maintaining
14 the open space.
- 15 (b) Membership in the homeowners association, and dues or other assessment for
16 maintenance purposes, shall be a requirement of lot ownership within the development.
- 17 (5) All lands classified as natural resource lands, including lands designated mineral resource
18 overlay, that are included in restricted or interim open space areas shall be:
- 19 (a) Placed under a unified system of property management for the purpose of maximizing
20 their continued or future management for beneficial resource production/conservation
21 purposes; and
- 22 (b) If the land is designated mineral resource overlay it shall be subject to the
23 requirements of SCC 30.32C.050.
- 24 (6) Forest practices within restricted or interim open space shall be permitted, provided that:
- 25 (a) The activity is consistent with an applicable approved forest practice permit; and
- 26 (b) The activity is included in the open space management plan.

27
28 Section 12. Snohomish County Code Section 30.41C.120, added by Amended Ordinance
29 No. 08-087 on February 4, 2009, is amended to read:

30
31 **30.41C.120 Open space management plan.**

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

- 36 (1) An open space management plan shall include the following information:
- 37 (a) Current ownership information and a plan or provisions to update the project file
38 number when ownership contact information changes;
- 39 (b) Parties responsible for maintenance of designated open space, and their contact
40 information;
- 41 (c) Description of any uses allowed in designated open space, consistent with SCC
42 30.41C.090(2);
- 43 (d) Any proposed development activities;
- 44 (e) Fire breaks provided in accordance with fire district requirements;
- 45 (f) Any covenants, conditions, easements, and restrictions to be recorded related to open
46 space management; and
- 47 (g) Other information that the director determines necessary to ensure proper
48 management of the open space.
- 49 (2) The open space management plan must be approved by the director and shall be recorded

as a separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to 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, ~~((hat))~~ 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 13. Snohomish County Code Section 30.41C.130, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended 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 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	(4) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with 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	
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	

¹ 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 14. Snohomish County Code Section 30.41C.140, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended 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:

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 access 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

- 1 accommodate future public roadway access upon re-division and facilitate the
2 clustering of the rural cluster subdivision or short subdivision lots near the periphery of
3 the subdivision or short subdivision boundary rather than a central location; and
4 (iii) The proposed interim open space tract on a preliminary plat/short plat drawing
5 shall show a non-binding conceptual shadow plat of at a minimum, 4 dwelling units per
6 acre to reflect the potential for the interim open space to be subdivided in the future, but
7 such shadow plat shall not be depicted on the final plat or short plat, provided that the
8 final plat or short plat shall identify the location of any single family dwelling within the
9 interim open space tract and any access easement to it.
- 10 (4) When more than 40 percent of the gross area of the site is constrained by critical areas, the
11 minimum interim open space requirements may be reduced by up to 40 percent.
- 12 (5) The interim open space tract may be used for any use otherwise permitted in restricted
13 open space as specified in SCC 30.41C.090(2), ~~((except that no new permanent structures shall~~
14 ~~be allowed))~~ except that one single family dwelling may be sited within an interim open tract
15 subject to the following requirements:
- 16 (a) A single-family dwelling shall be sited to facilitate future division of an interim open
17 space tract according to the provisions in SCC 30.41C.140(3) including identifying the
18 single-family dwelling within a future lot in the shadow plat;
19 (b) A single-family dwelling within an interim open space tract shall be counted toward
20 the basic or maximum lot yield calculations for the rural cluster subdivision or short
21 subdivision;
22 (c) A single-family dwelling in an interim open space tract shall be located in a building
23 area not to exceed 20,000 square feet and is subject to the site design and development
24 standards in SCC 30.41C.070; and
25 (d) The portion of the interim open space tract containing a single-family dwelling
26 building shall be clearly identified within the interim open space tract on both the
27 preliminary and final plat or short plat maps for the rural cluster subdivision or short
28 subdivision.
- 29 (6) The interim open space tract shall be established and maintained in accordance with SCC
30 30.41C.110 and 30.41C.120.
- 31 (7) The interim open space tract shall not be eligible for further division until it is removed from
32 the RUTA as designated on the FLUM and becomes part of an urban growth area and can be
33 served with adequate utilities. A note on the final plat or short plat shall be included indicating
34 such restriction.
- 35 (8) The following notice shall be filed on the title of the properties within the plat and shall be
36 placed on the face of the final plat ~~((and))~~ or short plat:
37 "Tract ____ is an open space tract reserved for future development when the Urban Growth Area
38 is expanded to include the open space parcel. Future development of this tract may include
39 residential, commercial and industrial uses commonly found in an urban area. The open space
40 tract is not intended to be preserved in perpetuity."
- 41 (9) Applicants for rural cluster subdivisions or short subdivision proposed in a RUTA as
42 designated on the FLUM shall notify the adjacent city of plans for proposed infrastructure
43 improvements. When a master annexation inter-local agreement has been adopted by the
44 county council, infrastructure improvements for the rural cluster subdivision or short subdivision
45 shall be subject to approval from the city.
- 46

Section 15. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.255 Built Green.

“Built Green” means the Built Green certification program of the Master Builders Association of King and Snohomish Counties.

Section 16. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.256 Built Green Community.

“Built Green Community” means the certification of the same name offered by Built Green for land development projects.

Section 17. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.257 Built Green Single Family/Townhome.

“Built Green Single Family/Townhome” means the building permit certification program of the same name offered by Built Green.

Section 18. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.052 LEED (Leadership in Energy and Environmental Design).

“LEED” means the Leadership in Energy and Environmental Design certification programs of the U.S. Green Building Council.

Section 19. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.053 LEED Home.

“LEED Home” means the building permit certification program of the same name offered by the U.S. Green Building Council.

Section 20. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.054 LEED Neighborhood Development.

“LEED Neighborhood Development” means the certification of the same name offered by the U.S. Green Building Council for land development projects.

Section 21. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

PASSED this 28th day of August 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Jared Mead
Council Chair

ATTEST:

Lisa Hickey
Asst. Clerk of the Council

(X) APPROVED
() EMERGENCY
() VETOED

DATE: September 9, 2024

[Signature]
County Executive

ATTEST:

Melissa Geraghty

Approved as to form only:

Tamara Chirba 7/22/24
Deputy Prosecuting Attorney



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2024-S-7679

Submittal Date Time: 10/29/2024

Submittal Information

Jurisdiction	Snohomish County	
Submittal Type	Notice of Final Adoption	Draft Submittal ID: 2022-S-4459
Amendment Type	Development Regulation Amendment	

Amendment Information

Brief Description
Adopted Ordinance 24-021 concerning rural cluster subdivisions

☐ Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 08/28/2024

Categories

Submittal Category

Land Use

Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Adopted	DOC Notice 24-021.pdf	10/29/2024 03:08 PM

Contact Information

Prefix	Ms.
First Name	Lisa
Last Name	Hickey
Title	Assistant Clerk of the Council
Work	(425) 388-3901

Cell
Email Lisa.Hickey@co.snohomish.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

Certification

■ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name Lisa Hickey
Email lisa.hickey@snoco.org

Everett Daily Herald**Affidavit of Publication**

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1003838 NOE ORD 24-021 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/16/2024 and ending on 10/16/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$122.45.

Subscribed and sworn before me on this

16th day of October,
2024.

Randie Pospical

Notary Public in and for the State of
Washington.

Snohomish County Planning and Development | 14107010
LISA HICKEY



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 28, 2024, the Snohomish County Council adopted Ordinance No. 24-021, which shall be effective September 19, 2024. A summary of the ordinance is as follows:

ORDINANCE NO. 24-021

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

Sections 1 – 3. Adopts recitals, findings of fact, and conclusions, and states that the County Council bases its findings and conclusions on the entire record of the County Council.

Section 4. Adopts amendments to SCC 30.25.033 (landscape screening requirements for rural cluster subdivisions and short subdivisions) that create additional landscape screening requirements when reductions in buffer width or in an open space tract separation between clusters are proposed.

Section 5. Adopts amendments to SCC 30.41C.070 (site design and development standards – general) that increase the maximum number of lots in a cluster depending on overall site acreage and specifies that all duplex lots must be clearly identified on preliminary and final plats. The maximum number of residential lots in a cluster would be 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres.

Section 6. Adopts amendments to SCC 30.41C.075 (site design and development standards – buffers and open space) that provide for reductions in setback buffers from road rights-of-way, perimeter buffers, and open space tracts between clusters, subject to enhanced sight-obscuring buffer installation requirements.

Section 7. Adopts amendments to SCC 30.41C.090 (restricted and interim open space – general requirements) that allow for the siting of one single family dwelling which counts toward overall lot yield in interim open space. The amendments also allow for the siting of individual wells and drain fields in restricted and interim open space when located in easements.

Section 8. Adopts amendments to SCC 30.41C.110 (ownership and preservation of restricted and interim open space) that adds interim open space to the requirements relating to management of open space tracts in rural cluster subdivisions.

Section 9. Adopts amendments to SCC 30.41C.120 (open space management plan) to specify that easements must be included in open space management plans.

Section 10. Adopts amendments to SCC 30.41C.130 (rural cluster-bulk regulations) that reduce the minimum side yard setback from 25 feet to 10 feet.

Section 11. Adopts amendments to SCC 30.41C.140 (bulk regulations and interim open space for rural clusters in the Rural/Urban Transition Area) that specify standards for the configuration of interim open space tracts and specify the location standards for the placement of one single family dwelling in an interim open space tract.

Section 12. Provides a standard severability and savings clause.
State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through issuance of Addendum No. 24 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on April 8, 2022. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings->

Calendar
DATED this 10th day of October 2024.
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/Lisa Hickey
Asst. Clerk of the Council
107010
Published: October 16, 2024. EDH1003838

Everett Daily Herald**Affidavit of Publication**

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1003836 NOA NO. 24-021. as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/16/2024 and ending on 10/16/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$35.65.

Subscribed and sworn before me on this

14th day of October,
2024.

Randie P.

Notary Public in and for the State of
Washington.

Snohomish County Planning and Development | 14107010
LISA HICKEY



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on August 28, 2024.

1. Description of agency action: Approval of Amended Ordinance No. 24-021.

2. Description of proposal: RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B, 30.41C, 30.91B and 30.91L OF THE SNOHOMISH COUNTY CODE

3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@sneco.org.

4. Name of agency giving notice: Snohomish County Council

5. This notice is filed by: Lisa Hickey
Asst. Clerk of the Council

Date: October 10, 2024
107010
Published: October 16, 2024.

EDH1003838

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 PROPOSED SUBSTITUTE ORDINANCE NO. 24-021

8
9 RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS
10 AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B 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
9

10 WHEREAS, following the public hearing, the County Council deliberated on the
11 proposed amendments contained in this ordinance.
12

13 NOW, THEREFORE, BE IT ORDAINED:
14

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.

- 1 4. RCW 36.70A.070(5)(c)(iv) – protecting critical areas and surface and ground
2 water resources, as provided in RCW 36.70A.060.
3

4 The proposed amendments are consistent with RCW 30.70A.070(5)(c)(iv) and
5 will not reduce the protection of critical areas, surface water, or groundwater
6 under current County code. By reducing the potential amount of impervious
7 surface and reducing the potential overall ground disturbance through allowing
8 for larger clusters, protection of critical areas, surface water, and groundwater
9 may be increased.
10

- 11 5. RCW 36.70A.070(5)(c)(v) – protecting against conflicts with the use of
12 agricultural, forest and mineral resource lands designated under RCW
13 36.70A.170.
14

15 The proposed amendments will not change where rural cluster subdivisions may
16 be developed in Snohomish County and will not result in any conflicts with the
17 use of the County's resource lands. Instead, the amendments will allow clusters
18 to be arranged differently within a rural cluster subdivision. The amendments
19 have the potential to reduce the number of clusters in a development and allow
20 for the preservation of more connected open space.
21

- 22 E. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the
23 below listed goals, objectives, and policies contained in the GPP and Vision 2050.
24

- 25 1. Goal LU 6: "Protect and enhance the character, quality, and identity of rural
26 areas." The proposed amendments will not result in additional lots being created
27 in rural cluster subdivisions as currently allowed. The amendments will allow
28 more lots per cluster and a smaller separation between clusters meaning more of
29 the site will be preserved as contiguous open space which will protect and
30 enhance the character, quality, and identity of the County's rural areas as
31 compared to the current code requirements.
32
- 33 2. Objective LU 6.B: "Encourage land use activities and development intensities
34 that protect the character of rural areas, avoid interference with resource land
35 uses, minimize impacts upon critical areas, and allow for future expansion of
36 UGAs." Consolidating lots into fewer clusters will result in fewer clusters being
37 required for a given rural cluster development which is intended to better protect
38 the character of rural areas, avoid interference with the County's resource land
39 uses, and minimize impacts upon critical areas.
40
- 41 3. LU Policy 6.B.1: "Use of a clustering subdivision technique should be
42 encouraged by the County in rural residential areas to 1) preserve the rural
43 character of Snohomish County; 2) avoid interference with resource land uses; 3)
44 minimize impacts upon critical areas; 4) allow for future expansion of the UGAs,
45 where appropriate, and 5) support the provision of more affordable housing in
46 rural areas. The primary benefit of clustering is the preservation of open space.
47 Modest density incentives should be provided in a manner which encourages use
48 of the technique and maximum preservation of open space and maintenance of
49 rural character. . ." Allowing more lots to be clustered while not changing the

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

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

F. Procedural requirements:

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

G. This ordinance is consistent with the record:

1. Maximum lot yield for a rural cluster subdivision is calculated using SCC 30.41C.230 and 30.41C.240. The amendments proposed by this ordinance will not result in increasing the maximum number of lots allowed for a given development because no amendments are being made to the lot yield or density bonus provisions. While the amendments to SCC 30.41C.070 will allow an increase in the maximum number of residential lots permitted in a cluster depending on the total acreage of the site, the total number of lots allowed within a rural cluster development will not change.
2. Outside of Snohomish County's urban areas, agricultural and large lot residential uses highlight one aspect of the interplay between natural and built environments. While these

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

development patterns that promote the protection of natural surface water flows, groundwater and surface water recharge and discharge areas by reducing potential overall ground disturbance. The amendments to change the number of lots permitted in a cluster may also potentially reduce the number of wells required to serve a given subdivision.

7. The amendments to SCC 30.41C.070 will allow an increase in the maximum allowable number of lots per cluster for larger sites, while not changing the maximum lot yield for a rural cluster development. Twenty-lot clusters will be allowed for sites 50 acres to 240 acres in size and 30 lot-clusters for sites greater than 240 acres in size. These increases in the maximum allowed number of lots per cluster are intended to reduce the number and area of interior roads between clusters, reduce the area of impervious surface in a rural cluster subdivision, and increase open space and wildlife corridor connectivity. These amendments are also intended to contribute to visual landscapes that are traditionally found in rural areas and communities.
8. SCC 30.41C.070 is also amended to require that all proposed duplex lots shall be clearly identified on both the preliminary and final plat or short plat maps. Finally, this section clarifies that new utility lines and supporting infrastructure are required to be placed underground within a rural cluster development.
9. SCC 30.41C.075 is amended to increase the perimeter buffer setback widths from abutting residential properties to be consistent with the buffer setback widths from perimeter roads bordering a rural cluster development. The amendments will allow a reduction in the perimeter buffer setback widths when additional landscape screening is installed as allowed under SCC 30.25.033, if no sight-obscuring natural features are present. The amendments reduce the width of setback buffer tracts that separate clusters and will allow a further reduction if additional landscape screening is proposed meeting the requirements of SCC 30.25.033. Allowing reductions in setback and open space buffer widths subject to installation of additional landscape screening will provide flexibility in siting individual clusters in areas of a development with the fewest environmental impacts and increasing the separation of clusters from environmentally sensitive areas. The amendments are also intended to reduce the length of interior roads, reducing the area of impervious surfaces that could impact stormwater drainage facilities.
10. SCC 30.41C.090 is amended to specify the requirements that apply to restricted and interim open space. The amendments provide internal consistency with other sections of chapter 30.41C relating to interim open space requirements. The amendments allow certain drainage facilities, wells, and drain fields that serve only one lot to be located in easements in restricted or interim open space. No change is proposed to reduce lot size. The amendments allow the location of one single family dwelling within an interim open space tract. Allowing for individual water systems, drain fields, and stormwater drainage facilities within restricted and interim open space tracts to serve only one lot provides for greater site design flexibility and, in the case of drainage facilities, maximizes the use of natural features for stormwater management, which is intended to reduce overall site 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 access 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 16. SCC 30.41B.010 is amended for consistency with amendments to chapter 30.41C
33 related to allowing a single-family dwelling in an interim open space tract.

34
35 H. The proposed code amendments are consistent with the record as set forth in the PDS Staff
36 Report dated October 10, 2022.

37
38 Section 2. The County Council makes the following conclusions:

39
40 A. The amendments proposed by this ordinance comply with the GMA.

41
42 B. The amendments proposed by this ordinance comply with the GMACP.

43
44 C. The County has complied with all SEPA requirements with respect to this non-project action.

45
46 D. The amendments proposed by this ordinance do not result in an unconstitutional taking of
47 private property for a public purpose.
48

1 E. The public participation process used in the adoption of this ordinance complies with all
2 applicable requirements of the GMA and chapter 30.73 SCC.
3

4 Section 3. The County Council bases its findings and conclusions on the entire record of
5 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
6 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
7

8 Section 4. Snohomish County Code Section 30.25.033, last amended by Amended
9 Ordinance No. 10-086 on October 20, 2010, is amended to read:
10

11 **30.25.033 ((Additional landscaping)) Landscape screening requirements for rural cluster**
12 **subdivisions and short subdivisions.**

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

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

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

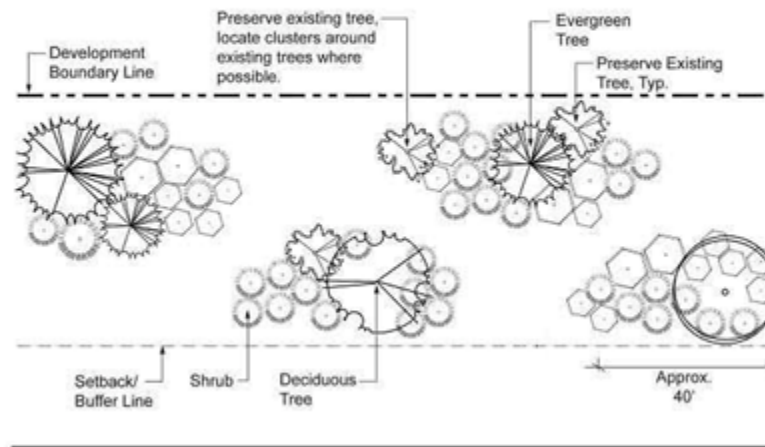
22 (a) In the required setback buffer from the road rights-of-way;

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

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

25 (3) When retention of existing vegetation is not adequate to screen development from
26 road rights-of-way or from adjacent residential property, landscape installation shall be required
27 for additional visual screening. Landscape installation shall be in clustered plantings pursuant to
28 SCC ((30.25.033(4))) 30.25.033(5) that are each approximately 40 feet long, aligned parallel to
29 the development boundary lines and extending the length of the property line, and a minimum of
30 25 feet in depth measured perpendicular to the development property line. Planting clusters
31 shall be alternated in parallel rows as illustrated in Figure 30.25.033(3), to achieve an informal
32 appearance.
33

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

((4)) (5) 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.

((5)) (6) 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 20 to 30 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) Trees and shrubs must be two-thirds evergreen species;
- (ii) Each plant grouping shall contain trees planted approximately 15' on center in a triangular or offset pattern;
- (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;
- (iv) Evergreen trees shall have a minimum height of 8 feet at the time of planting; and
- (v) Deciduous trees shall have a minimum 1 ½ -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 rural (~~((districts))~~) areas of the county.

(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.

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

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

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

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

Section 5. Snohomish County Code Section 30.41B.010, last amended by Amended Ordinance No. 17-070 on November 1, 2017, is amended to read:

30.41B.010 Purpose and applicability.

(1) The purpose of this chapter is to:

(a) Regulate the division or redivision of land into nine or fewer lots, tracts, or parcels in an urban growth area, and four or fewer lots, tracts, or parcels outside an urban growth area, except as set forth in subsections (2) - (4) of this section;

(b) Promote the public health, safety, and general welfare;

(c) Further the goals and objectives of the comprehensive plan;

(d) Prevent the over-crowding of land;

(e) Lessen congestion in the streets and highways;

(f) Promote effective use of land;

(g) Promote safe and convenient travel by the public on streets and highways;

(h) Provide for adequate light and air;

(i) Require that appropriate provisions are made for open space, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks, or other planning features that assure safe walking conditions for students who walk to and from school;

(j) Adequately provide for the housing and commercial needs of citizens;

(k) Provide for proper ingress and egress;

(l) Require uniform monumentation;

(m) Require conveyancing by accurate legal description;

(n) Provide for expeditious review and approval of proposed short subdivisions that conform to the requirements of this title; and

(o) Require and promote the use of low impact development (LID) best management practices (BMPs) as directed by the Drainage Manual.

(2) Land within a short subdivision which has been recorded within the immediately preceding five years may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC, or the short subdivision may be altered to contain up to the maximum number of permissible lots, tracts, or parcels, as follows: When a short subdivision contains fewer than the maximum number of permissible lots, tracts, or parcels, based on the short subdivision's location either outside or inside an urban growth area, the owner who filed the short subdivision may file an alteration within the five year period to create, within the original boundaries of the short subdivision, a greater number of lots, tracts, or parcels than were originally created, up to a total of four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) outside an urban growth area, or a total of nine lots inside an urban growth area.

(3) After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, ~~((he))~~ they may not divide the aggregate total into more than four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) when located outside an urban growth area or nine lots when located in an urban growth area.

(4) Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.

(5) Land within a subdivision exempted from subdivision or short subdivision requirements by RCW 58.17.040(2) or SCC 30.41A.020(7), may not be further divided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel; except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC. This prohibition shall not apply as to lots, tracts, or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or the department, or such other similar proof as is considered sufficient by the department. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the current regulations.

(6) Any nonexempt redivision of land authorized by subsections (2) and (3) of this section shall be subject to all subdivision requirements of chapter 30.41A SCC if approval would result in the subdivider owning more than four contiguous lots when located outside an urban growth area, or more than nine contiguous lots when located in an urban growth area, regardless of whether the lots are subdivided, short subdivided, or are unplatted lots.

(7) A split parcel may be divided into a two-lot short plat if:

- (a) the parcel is divided on the UGA boundary line;
- (b) both resulting parcels or lots meet all applicable subdivision requirements set forth in subtitle 30.4 SCC; and
- (c) both resulting parcels or lots meet all applicable development standards set forth in subtitle 30.2, except:
 - (i) the urban portion of the parcel is exempt from compliance with minimum net density requirements pursuant to SCC 30.23.020; and
 - (ii) the rural or resource portion of the parcel is exempt from compliance with minimum lot dimension requirements pursuant to SCC 30.23.010.

(8) A split parcel may be divided into a short plat if the original split parcel is divided along the UGA boundary line creating at least one lot in the rural or resource designated area, even if this one lot does not meet minimum lot dimension requirements. Any additional divisions of the lot,

1 including lots created within the urban portion of the original lot or additional lots created in the
2 rural or resource area of the site must meet all applicable zoning and development standards
3 set forth in subtitle 30.2 SCC and applicable subdivision requirements in subtitle 30.4 SCC.
4

5 Section 6. 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

Section 7. Snohomish County Code Section 30.41C.075, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

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

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

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

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

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

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

(3) Open space tracts to separate clusters shall be a minimum of (~~((200))~~) 150 feet in width, and may be reduced to a minimum of (~~((420))~~) 75 feet when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer between the clusters or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).

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

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

Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements

<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</u> <u>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</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Perimeter buffer from the development boundary abutting residential properties</u>	<u>100 feet</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>
<u>Separation buffers between clusters</u>	<u>150 feet</u> <u>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</u> <u>Additional landscape screening per SCC 30.25.033(4)</u>

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

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

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

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

Section 8. Snohomish County Code Section 30.41C.090, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended to read:

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

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space and not interim open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

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

(a) It must be used for buffering, critical area protection, resource production, 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.			

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

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

(6) The following notice related to restricted open space shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

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

Section 9. Snohomish County Code Section 30.41C.110, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended to read:

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and SCC 30.41C.140:

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

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

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

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

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

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

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

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

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

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

(b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC 30.32C.050.

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

Section 10. Snohomish County Code Section 30.41C.120, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

30.41C.120 Open space management plan.

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

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

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

(2) The open space management plan must be approved by the director and shall be recorded as a separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to 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, ~~((hat))~~ 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 11. Snohomish County Code Section 30.41C.130, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended 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 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) 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	

¹ 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 12. Snohomish County Code Section 30.41C.140, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended 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:

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 access 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 tract and any access easement to it.

(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 13. 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.
43

1 PASSED this ____ day of _____, 2024.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington
5
6

7 _____
8 Council Chair
9

10 ATTEST:

11
12 _____
13 Deputy Clerk of the Council
14

15
16 () APPROVED
17 () EMERGENCY
18 () VETOED

19 DATE: _____
20
21

22 _____
23 County Executive

24 ATTEST:

25
26 _____
27
28 Approved as to form only:

29
30
31  4/26/24
32 Deputy Prosecuting Attorney

AMENDMENT SHEET 1
SUBSTITUTE ORDINANCE NO. 24-021

Amendment Name: Additional Council Findings

Brief Description: This amendment would add additional findings regarding rural cluster subdivisions.

Affected Code Sections: Not applicable.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Page 8, Line 37. Insert a new Subsection 1.I as follows:

I. The County Council makes the following additional findings to supplement the record as set for in the PDS Staff Report dated October 10, 2022.

1. On May 3, 2023, the Washington State Legislature (the Legislature) enacted Engrossed Second Substitute House Bill 1181, which among other changes revised RCW 36.70A.070(1) to require counties to “reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools [including] adoption of portions or all of the wildland urban interface code adopted by the international code council”.
2. On March 5, 2024, the Legislature enacted Engrossed Senate Bill 6120 (ESB 6120) which among other changes, clarified and narrowed which portions of the wildland urban interface code would be applicable to counties planning under GMA.
3. As modified by ESB 6120, those portions of the wildland urban interface code applicable to Snohomish County will require different construction techniques and materials and greater availability of water for new homes in areas subject to the wildland urban interface code.
4. The wildland urban interface code will be applicable to much of rural Snohomish County, including both rural cluster and non-rural cluster development.
5. The County Council expects implementation of the wildland urban interface code to increase costs for building in non-urban areas.
6. The County Council anticipates that the increased cost of wildland urban interface code compliance to more than offset the cost savings for rural cluster development associated with this ordinance.
7. The County Council concludes that the likely net effect of the proposed changes for rural cluster development and the forthcoming implementation of the wildland urban interface code to be that development outside urban growth areas will be more expensive than today and that this increased cost will dampen future overall rural growth rates.

Council Disposition: _____ **Date:** _____

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 PROPOSED SECOND SUBSTITUTE ORDINANCE NO. 24-021

8
9 RELATING TO GROWTH MANAGEMENT; CONCERNING RURAL CLUSTER SUBDIVISIONS
10 AND SHORT SUBDIVISIONS; AMENDING CHAPTERS 30.25, 30.41B, 30.41C, 30.91B and
11 30.91L OF THE 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
49

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, a third party certification process may result in subdivisions or communities
7 and individual buildings that are more environmentally friendly than subdivisions and individual
8 buildings approved without concurrent Built Green, Leadership in Energy and Environmental
9 Design (LEED) or similar certification; and

10
11 WHEREAS, on _____, the Snohomish County Council (the "County
12 Council") held a public hearing, after proper notice, to receive public testimony and consider the
13 entire record related to the proposed code amendments contained in this ordinance; and

14
15 WHEREAS, following the public hearing, the County Council deliberated on the
16 proposed amendments contained in this ordinance.

17
18 NOW, THEREFORE, BE IT ORDAINED:

19
20 Section 1. The County Council adopts the following findings in support of this ordinance:

- 21
22 A. The foregoing recitals are adopted as findings as if set forth in full herein.
23
24 B. This ordinance will amend regulations related to rural cluster subdivision and short
25 subdivision requirements in chapter 30.41C SCC and related landscape screening
26 requirements in chapter 30.25 SCC. The code amendments are intended to address:
27 1) increasing the number of lots allowed within an individual cluster; 2) allowing a reduction
28 in the minimum distance separating clusters subject to requiring additional sight-obscuring
29 landscape screening; 3) allowing a reduction in the minimum cluster setback buffers
30 adjacent to perimeter roads, properties, and perimeter meadow/pasture open space subject
31 to requiring additional sight-obscuring landscape screening; 4) allowing individual
32 stormwater drainage facilities, wells, and drainfields within restricted and interim open space
33 tracts to serve individual lots; 5) allowing one single family dwelling within an interim open
34 space tract; and 6) housekeeping amendments to improve the internal consistency and
35 readability of rural cluster development requirements. The code amendments will not
36 increase the total number of lots allowed in a rural cluster development as no changes are
37 proposed to provisions used to calculate lot yields.
38
39 C. The code amendments to chapters 30.25 and 30.41C SCC comply with and implement the
40 below listed GMA planning goals:

- 41
42 1. RCW 36.70A.020(2), Reduce sprawl.

43
44 The proposed amendments modify clustering practices to create more compact
45 cluster developments without the creation any new lots or increases in density,
46 thereby reducing sprawl. No changes are proposed to lot yield or density bonus
47 code sections, therefore no increase in total number of RCS lots permitted will
48 result.
49

1 2. RCW 36.70A.020(4), Housing.

2
3 The proposed amendments modify existing cluster development techniques to
4 allow for more flexibility in site design, which will promote more variety in design
5 of rural cluster developments. In doing so, the amendments will allow more
6 creative approaches to rural cluster development.
7

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

9
10 The proposed amendments allow clusters of more dwellings to be located closer
11 together, resulting in the preservation of more contiguous open space.
12

13 4. RCW 36.70A.020(10), Environment.

14
15 The proposed amendments will result in fewer environmental impacts due to
16 changes in cluster separation and size requirements. The amendments will result
17 in reduced impervious surface, reduced stormwater runoff, reduced clearing of
18 vegetation, and increased contiguous open space for habitat corridors.
19

20 D. In developing these code amendments, the county maintains consistency with applicable
21 provisions in the GMA, including RCW 36.70A.070(5)(c), which requires that measures
22 governing rural development shall protect the rural character of the area by:
23

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

25
26 The proposed amendments continue to contain or otherwise control rural
27 development by modifying existing clustering techniques in a way which will
28 create no new lots while having the potential to reduce the number of clusters in
29 a rural cluster subdivision development.
30

31 2. RCW 36.70A.070(5)(c)(ii) – assuring visual compatibility of rural development
32 with the surrounding rural area.
33

34 The proposed amendments will require additional landscaping screening when
35 buffer reductions are proposed. One foot of additional vegetative screening will
36 be required for every three feet of buffer reduction proposed with a minimum of
37 ten feet of screening being required. This additional landscaping will act as a
38 visual buffer between clusters and the surrounding rural area. Landscaping is a
39 significant factor in protecting the visual aspects of rural character. Additionally,
40 the site design, number of lots within individual clusters in a single development,
41 and the distance separating individual clusters are basic design features that
42 help protect the visual aspect of rural character.
43

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

46
47 The proposed amendments will not result in any additional rural lots as compared
48 to current code meaning that no conversion of undeveloped land into sprawling,
49 low-density development will result in the rural area. Instead, clusters will be

larger and closer together resulting in more contiguous open space being maintained in rural cluster subdivisions.

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.

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.

- 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.

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

1 rural areas. The primary benefit of clustering is the preservation of open space.
2 Modest density incentives should be provided in a manner which encourages use
3 of the technique and maximum preservation of open space and maintenance of
4 rural character. . .” Allowing more lots to be clustered while not changing the
5 manner in which the lot yield for a subdivision is calculated is intended to result in
6 fewer clusters being needed for a proposed development and the preservation of
7 more contiguous open space which will further the aim of LU Policy 6.B.1.
8

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

16 F. Procedural requirements:

- 17
- 18 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
19
- 20 2. As required by RCW 30.70A.106(1), a 60-day notice of intent to adopt the
21 proposed code amendments was transmitted to the Washington State
22 Department of Commerce for distribution to state agencies on October 18, 2022.
23
- 24 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
25 respect to this non-project action have been satisfied through the completion of
26 an environmental checklist and the issuance of a determination of non-
27 significance on October 10, 2022.
28
- 29 4. The public participation process used in the adoption of the proposed code
30 amendments has complied with all applicable requirements of the GMA and
31 SCC.
32
- 33 5. As required by RCW 30.70A.370, the Washington State Attorney General last
34 issued an advisory memorandum in September 2018 entitled “Advisory
35 Memorandum and Recommended Process for Evaluating Proposed Regulatory
36 or Administrative Actions to Avoid Unconstitutional Takings of Private Property”
37 to help local governments avoid unconstitutional takings of private property. The
38 process outlined in the State Attorney General’s 2018 advisory memorandum
39 was used by the County in objectively evaluating the regulatory changes
40 proposed by this ordinance.
41

42 G. This ordinance is consistent with the record:

- 43
- 44 1. Maximum lot yield for a rural cluster subdivision is calculated using SCC 30.41C.230 and
45 30.41C.240. The amendments proposed by this ordinance will not result in increasing
46 the maximum number of lots allowed for a given development because no amendments
47 are being made to the lot yield or density bonus provisions. While the amendments to
48 SCC 30.41C.070 will allow an increase in the maximum number of residential lots

permitted in a cluster depending on the total acreage of the site, the total number of lots allowed within a rural cluster development will not change.

2. Outside of Snohomish County's urban areas, agricultural and large lot residential uses highlight one aspect of the interplay between natural and built environments. While these uses may connote bucolic rural life, they are but one way in which people have chosen to exist in Snohomish County's rural areas. The pattern of land use and development in non-urban areas includes several unincorporated communities resembling towns, as well as development patterns that are not explicitly rural in character such as lakefront communities with houses less than 80 feet apart on lots less than a half-acre in size. The wide variety of housing in Snohomish County's rural areas is a hallmark of its character, as many closer-set communities have dotted the landscape for decades. The amendments proposed by this ordinance are intended to allow for increased flexibility in development of rural clusters in a way that preserves rural character by complementing the already wide variety of housing densities and separation throughout Snohomish County.
3. The amendments to chapters 30.25 and 30.41C SCC are intended to help maintain rural character by allowing clusters of more dwellings to be located closer together, allowing for more contiguous open space to be preserved in a given development. These amendments will encourage the natural landscape and vegetation to predominate over the built environment. The increased buffer perimeter setbacks proposed under this ordinance will help preserve visual landscapes traditionally found in rural areas and communities. The amendments do not change the existing open space regulations, in which 45-60% of original gross development area must be retained as restricted open space tracts, but more of that open space will be contiguous by allowing more homes to be built in clusters as well as allowing clusters to be closer together while not altering the maximum lot yield in any way. Additional landscape screening required under these proposed amendments will also enhance the natural environment, emphasizing the rural nature of the areas where rural cluster subdivisions are allowed.
4. SCC 30.25.033 is amended to require additional landscape screening when a development proposes a reduction in the minimum setback and perimeter open space buffer tracts or a reduction in the minimum buffer separation between individual clusters. One foot of additional screening will be required for every three feet reduction in buffer or cluster separation, with a minimum of ten feet of additional screening. Reducing the buffer setback widths, subject to providing a dense sight obscuring barrier of additional landscape screening, is intended to reduce the length of interior roadways needed to access individual clusters within a rural cluster development. This reduction is intended to reduce the overall footprint of a rural cluster development. The reduction in new impervious surfaces can lessen impacts to critical areas and drainage facilities. Additionally, the reduction in new impervious surfaces can reduce the total disturbed area, leaving intact a greater overall quantity of wildlife habitat and critical areas.
5. The amendments to SCC 30.41C.070 will allow an increase in the maximum number of residential lots permitted within a cluster, dependent on total site acreage, but the maximum number of lots allowed within a rural cluster subdivision will not change. Under SCC 30.41C.230(2), maximum lot yield is obtained through a density bonus specified in

1 SCC 30.41C.240. SCC 30.41C.240 is not proposed to be amended. Therefore, no
2 change in the base or maximum lot yield will occur with the amendments to the section.
3

4 6. SCC 30.41C.070 is amended to increase the maximum number of lots per cluster from
5 13 to 14 to maximize the number of dwellings on sites less than 50 acres that can
6 theoretically obtain water from a permit exempt well. This may assist in creating
7 development patterns that promote the protection of natural surface water flows,
8 groundwater and surface water recharge and discharge areas by reducing potential
9 overall ground disturbance. The amendments to change the number of lots permitted in
10 a cluster may also potentially reduce the number of wells required to serve a given
11 subdivision.
12

13 7. The amendments to SCC 30.41C.070 will allow an increase in the maximum allowable
14 number of lots per cluster for larger sites, while not changing the maximum lot yield for a
15 rural cluster development. Twenty-lot clusters will be allowed for sites 50 acres to 240
16 acres in size and 30 lot-clusters for sites greater than 240 acres in size. These
17 increases in the maximum allowed number of lots per cluster are intended to reduce the
18 number and area of interior roads between clusters, reduce the area of impervious
19 surface in a rural cluster subdivision, and increase open space and wildlife corridor
20 connectivity. These amendments are also intended to contribute to visual landscapes
21 that are traditionally found in rural areas and communities.
22

23 8. SCC 30.41C.070 is also amended to require that all proposed duplex lots shall be clearly
24 identified on both the preliminary and final plat or short plat maps. Finally, this section
25 clarifies that new utility lines and supporting infrastructure are required to be placed
26 underground within a rural cluster development.
27

28 9. SCC 30.41C.075 is amended to increase the perimeter buffer setback widths from
29 abutting residential properties to be consistent with the buffer setback widths from
30 perimeter roads bordering a rural cluster development. The amendments will allow a
31 reduction in the perimeter buffer setback widths when additional landscape screening is
32 installed as allowed under SCC 30.25.033, if no sight-obscuring natural features are
33 present. The amendments reduce the width of setback buffer tracts that separate
34 clusters and will allow a further reduction if additional landscape screening is proposed
35 meeting the requirements of SCC 30.25.033. Allowing reductions in setback and open
36 space buffer widths subject to installation of additional landscape screening will provide
37 flexibility in siting individual clusters in areas of a development with the fewest
38 environmental impacts and increasing the separation of clusters from environmentally
39 sensitive areas. The amendments are also intended to reduce the length of interior
40 roads, reducing the area of impervious surfaces that could impact stormwater drainage
41 facilities.
42

43 10. SCC 30.41C.090 is amended to specify the requirements that apply to restricted and
44 interim open space. The amendments provide internal consistency with other sections of
45 chapter 30.41C relating to interim open space requirements. The amendments allow
46 certain drainage facilities, wells, and drain fields that serve only one lot to be located in
47 easements in restricted or interim open space. No change is proposed to reduce lot size.
48 The amendments allow the location of one single family dwelling within an interim open
49 space tract. Allowing for individual water systems, drain fields, and stormwater drainage

1 facilities within restricted and interim open space tracts to serve only one lot provides for
2 greater site design flexibility and, in the case of drainage facilities, maximizes the use of
3 natural features for stormwater management, which is intended to reduce overall site
4 disturbance and help preserve the natural landscape. Allowing one single family
5 dwelling, which counts against the lot yield and therefore does not increase density,
6 within an interim open space tract will provide the opportunity for proper maintenance
7 and security oversight of the interim open space tract until the tract can be redeveloped.
8

9 11. SCC 30.41C.110 is amended to clearly state that the ownership and preservation of
10 open space requirements apply to both restricted and interim open space. The
11 amendments provide internal consistency with other sections of chapter 30.41C SCC
12 relating to interim open space requirements.
13

14 12. SCC 30.41C.120 is amended to require that an open space management plan include
15 information on any easements to be recorded related to the plan in addition to the
16 existing requirement that a plan include any covenants, conditions, and restrictions to be
17 recorded related to the plan.
18

19 13. SCC 30.41C.130 is amended to reduce the minimum side yard setback for rural cluster
20 subdivisions and short subdivisions located outside of a rural urban transition area
21 (RUTA) to be consistent with the minimum side yard setback for rural cluster
22 developments within the RUTA. This amendment provides for a consistent application of
23 rural cluster site development requirements.
24

25 14. SCC 30.41C.140 is amended to add requirements related to the siting of a single-family
26 dwelling within an interim open space tract. The amendments include: identifying the
27 single-family dwelling within a future lot in a shadow plat of the interim open space tract;
28 identifying a private access easement to serve the single family dwelling; and limiting the
29 single family dwelling building area to not exceed 20,000 square feet.
30

31 15. Chapter 30.41C SCC is amended to help maintain rural character by allowing for larger
32 clusters of houses to be placed closer together, allowing for more contiguous open
33 space, the preservation of natural landscape, and vegetation to predominate over the
34 built environment. The increased buffer perimeter setbacks help preserve visual
35 landscapes traditionally found in rural areas and communities.
36

37 16. SCC 30.41B.010 is amended for consistency with amendments to chapter 30.41C
38 related to allowing a single-family dwelling in an interim open space tract.
39

40 H. The proposed code amendments are consistent with the record as set forth in the PDS Staff
41 Report dated October 10, 2022.
42

43 Section 2. The County Council makes the following conclusions:
44

45 A. The amendments proposed by this ordinance comply with the GMA.
46

47 B. The amendments proposed by this ordinance comply with the GMACP.
48

49 C. The County has complied with all SEPA requirements with respect to this non-project action.

- 1
2 D. The amendments proposed by this ordinance do not result in an unconstitutional taking of
3 private property for a public purpose.
4
5 E. The public participation process used in the adoption of this ordinance complies with all
6 applicable requirements of the GMA and chapter 30.73 SCC.
7

8 Section 3. The County Council bases its findings and conclusions on the entire record of
9 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
10 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
11

12 Section 4. Snohomish County Code Section 30.25.033, last amended by Amended
13 Ordinance No. 10-086 on October 20, 2010, is amended to read:
14

15 **30.25.033 ((Additional landscaping)) Landscape screening requirements for rural cluster**
16 **subdivisions and short subdivisions.**

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

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

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

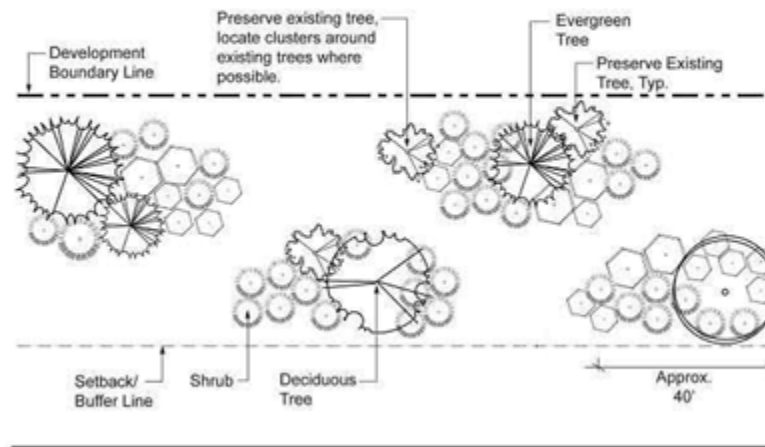
26 (a) In the required setback buffer from the road rights-of-way;

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

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

29 (3) When retention of existing vegetation is not adequate to screen development from
30 road rights-of-way or from adjacent residential property, landscape installation shall be required
31 for additional visual screening. Landscape installation shall be in clustered plantings pursuant to
32 SCC ((30.25.033(4))) 30.25.033(5) that are each approximately 40 feet long, aligned parallel to
33 the development boundary lines and extending the length of the property line, and a minimum of
34 25 feet in depth measured perpendicular to the development property line. Planting clusters
35 shall be alternated in parallel rows as illustrated in Figure 30.25.033(3), to achieve an informal
36 appearance.
37

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

((4)) (5) 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.

((5)) (6) 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 20 to 30 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) Trees and shrubs must be two-thirds evergreen species;
- (ii) Each plant grouping shall contain trees planted approximately 15' on center in a triangular or offset pattern;
- (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;
- (iv) Evergreen trees shall have a minimum height of 8 feet at the time of planting; and
- (v) Deciduous trees shall have a minimum 1 ½ -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

1 naturalized vegetation typical of established rural uses, such as orchards, hedgerows or
2 windbreaks for landscaping in rural ~~((districts))~~ areas of the county.
3 (d) Preference shall be given to Snohomish County-grown tree and vegetation stock, to help
4 promote a viable agricultural industry and opportunity in the county.
5 ~~((6))~~ (7) Existing trees shall be retained in the setback, perimeter and cluster separation
6 buffers where wind-throw loss can be minimized, as determined by a qualified landscape
7 designer. When enhancement is necessary using the provisions of
8 subsections (2), (3), (4) ~~((and))~~ (5) , and (6) of this section to prevent significant wind-throw
9 loss or to support a remnant forest environment, the extent of the enhancement shall be
10 determined by a qualified landscape designer using the screening provisions of this section. The
11 tree retention requirements of this provision do not apply to any forest practice occurring
12 on forest land as those terms are defined by RCW 76.09.020 of the Forest Practices Act,
13 chapter 76.09 RCW.
14 ~~((7))~~ (8) Non-native vegetation that has become part of the rural landscape and character such
15 as orchards, hedgerows and windbreaks shall be retained.
16 ~~((8))~~ (9) Landscaping of stormwater detention facilities is required in accordance with
17 SCC 30.25.023.
18 ~~((9))~~ (10) A performance or maintenance security may be required by the department in
19 accordance with SCC 30.84.150 and a plan review and inspection fee in accordance with
20 SCC 30.86.145 shall be provided to the county for landscaping.

21
22 Section 5. Snohomish County Code Section 30.41B.010, last amended by Amended
23 Ordinance No. 17-070 on November 1, 2017, is amended to read:

24
25 **30.41B.010 Purpose and applicability.**

- 26 (1) The purpose of this chapter is to:
- 27 (a) Regulate the division or redivision of land into nine or fewer lots, tracts, or parcels in an
 - 28 urban growth area, and four or fewer lots, tracts, or parcels outside an urban growth area,
 - 29 except as set forth in subsections (2) - (4) of this section;
 - 30 (b) Promote the public health, safety, and general welfare;
 - 31 (c) Further the goals and objectives of the comprehensive plan;
 - 32 (d) Prevent the over-crowding of land;
 - 33 (e) Lessen congestion in the streets and highways;
 - 34 (f) Promote effective use of land;
 - 35 (g) Promote safe and convenient travel by the public on streets and highways;
 - 36 (h) Provide for adequate light and air;
 - 37 (i) Require that appropriate provisions are made for open space, drainage ways, streets,
 - 38 alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes,
 - 39 parks and recreation, playgrounds, schools and school grounds, and sidewalks, or other
 - 40 planning features that assure safe walking conditions for students who walk to and from
 - 41 school;
 - 42 (j) Adequately provide for the housing and commercial needs of citizens;
 - 43 (k) Provide for proper ingress and egress;
 - 44 (l) Require uniform monumentation;
 - 45 (m) Require conveyancing by accurate legal description;
 - 46 (n) Provide for expeditious review and approval of proposed short subdivisions that conform
 - 47 to the requirements of this title; and
 - 48 (o) Require and promote the use of low impact development (LID) best management
 - 49 practices (BMPs) as directed by the Drainage Manual.

- (2) Land within a short subdivision which has been recorded within the immediately preceding five years may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC, or the short subdivision may be altered to contain up to the maximum number of permissible lots, tracts, or parcels, as follows: When a short subdivision contains fewer than the maximum number of permissible lots, tracts, or parcels, based on the short subdivision's location either outside or inside an urban growth area, the owner who filed the short subdivision may file an alteration within the five year period to create, within the original boundaries of the short subdivision, a greater number of lots, tracts, or parcels than were originally created, up to a total of four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) outside an urban growth area, or a total of nine lots inside an urban growth area.
- (3) After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, ~~((he))~~ they may not divide the aggregate total into more than four lots or three lots plus one tract used for a single-family dwelling under SCC 30.41C.090(2)(c)(v) when located outside an urban growth area or nine lots when located in an urban growth area.
- (4) Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.
- (5) Land within a subdivision exempted from subdivision or short subdivision requirements by RCW 58.17.040(2) or SCC 30.41A.020(7), may not be further divided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel; except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC. This prohibition shall not apply as to lots, tracts, or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by documents of sale or lease, filing of maps or surveys thereof with the county auditor or the department, or such other similar proof as is considered sufficient by the department. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the current regulations.
- (6) Any nonexempt redivision of land authorized by subsections (2) and (3) of this section shall be subject to all subdivision requirements of chapter 30.41A SCC if approval would result in the subdivider owning more than four contiguous lots when located outside an urban growth area, or more than nine contiguous lots when located in an urban growth area, regardless of whether the lots are subdivided, short subdivided, or are unplatted lots.
- (7) A split parcel may be divided into a two-lot short plat if:
- (a) the parcel is divided on the UGA boundary line;
 - (b) both resulting parcels or lots meet all applicable subdivision requirements set forth in subtitle 30.4 SCC; and
 - (c) both resulting parcels or lots meet all applicable development standards set forth in subtitle 30.2, except:
 - (i) the urban portion of the parcel is exempt from compliance with minimum net density requirements pursuant to SCC 30.23.020; and
 - (ii) the rural or resource portion of the parcel is exempt from compliance with minimum lot dimension requirements pursuant to SCC 30.23.010.
- (8) A split parcel may be divided into a short plat if the original split parcel is divided along the UGA boundary line creating at least one lot in the rural or resource designated area, even if this one lot does not meet minimum lot dimension requirements. Any additional divisions of the lot,

1 including lots created within the urban portion of the original lot or additional lots created in the
2 rural or resource area of the site must meet all applicable zoning and development standards
3 set forth in subtitle 30.2 SCC and applicable subdivision requirements in subtitle 30.4 SCC.
4

5 Section 6. Snohomish County Code Section 30.41C.030, last amended by Amended
6 Ordinance No. 08-087 on February 4, 2009, is amended to read:
7

8 **30.41C.030 Approval procedure.**

9 (1) Rural cluster subdivisions or short subdivisions are subject to the same procedures,
10 requirements, and approval criteria as any standard subdivision or short subdivision as set forth
11 in chapters 30.41A and 30.41B SCC, except when the procedures, requirements, and approval
12 criteria are specifically modified or added to by the provisions of chapter 30.41C SCC.

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

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

17 (4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire district and
18 are required to provide adequate fire flow in accordance with SCC 30.53A.514 through SCC
19 30.53A.520 or to provide other means of fire protection as approved by the Snohomish County
20 Fire Marshal, unless exempt pursuant to SCC 30.53A.514.

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

23 (6) Rural cluster subdivisions and short subdivisions must provide documentation of third party
24 certification prior to receiving preliminary approval. Conditions of approval for the subdivision or
25 short subdivision shall require all lots containing new buildings receive third party certification
26 prior to issuance of individual building permits. Options for third party certification are:

27 (a) Built Green Community certification for the preliminary approval and Built Green Single
28 Family/Townhome certification for building permits;

29 (b) LEED Neighborhood Development certification for the preliminary approval and LEED
30 Home certification for building permits; or

31 (c) Additional third party certification as approved by the director and adopted through
32 administrative rule.
33

34 Section 7. Snohomish County Code Section 30.41C.040, added by Amended Ordinance
35 No. 08-087 on February 4, 2009, is amended to read:
36

37 **30.41C.040 Submittal requirements.**

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

40 (1) A narrative description of how the proposal is consistent with SCC 30.41C.010, ~~((and))~~
41 30.41C.050, and third party certification requirements in SCC 30.41C.030(6). The narrative
42 document shall also describe how the proposal makes appropriate provisions for the public
43 health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways
44 and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection;
45 and other public facilities, if any.

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

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

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

- (c) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards and agricultural fields;
- (d) Uses on adjacent properties, including location of houses; and
- (e) The location and the approximate size of designated natural resource lands on the project site and on properties adjacent to it.
- (3) A site plan depicting how existing character-defining features identified pursuant to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed development, including:
- (a) Undisturbed restricted open space tracts under SCC 30.41C.090(2)(d);
 - (b) Areas where structures and landscapes identified pursuant to SCC 30.41C.040(2)(c) will be retained;
 - (c) Location of all proposed open space tracts and their intended use; ~~((and))~~
 - (d) A landscape plan showing areas where existing vegetation will be retained and demonstrating compliance with SCC 30.25.033((-)) ; and
 - (e) A sketch site plan for pre-submittal review of open space tract placement, retention of existing structures and landscape features is strongly encouraged to expedite design review of the subdivision site plan required in accordance with chapters 30.41A and 30.41B((-)) .
- (4) The approximate location of the building footprint on each lot.
- (5) An open space management plan in accordance with SCC 30.41C.120.
- (6) A description and proposed schedule for phasing of the project, if any.
- (7) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.
- (8) A street lighting plan, if street lights are proposed.
- (9) A completed third party certification checklist and proof of payment to the appropriate third party for the review and certification of the rural cluster development.

Section 8. Snohomish County Code Section 30.41C.070, last amended by Amended Ordinance No. 22-062 on October 26, 2022, is amended to read:

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

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

- (1) Site design shall be subject to the following standards for clustering and protection of natural resource lands and critical areas:
- (a) A subdivision may contain more than one cluster of housing lots;
 - (b) The minimum number of residential lots in a cluster shall be two, except a residential lot may stand alone when an existing residence is maintained;
 - (c) The maximum number of residential lots in a cluster shall be ~~((43))~~ 14 lots for sites less than 50 acres, 20 lots for sites 50 acres to 240 acres, and 30 lots for sites greater than 240 acres;
 - (d) In addition to the minimum front yard setback defined in Table SCC 30.41C.130, the building areas on the plat shall represent residential dwellings and accessory buildings located at varying front yard setback distances to provide a visually diversified streetscape. The minimum variation between setbacks for buildings on adjacent lots shall be 10 feet;
 - (e) Individual clusters shall be located a minimum of 100 feet from adjacent natural resource lands designated in accordance with chapters 30.32A, 30.32B and 30.32C SCC;
 - (f) Designate and protect critical areas and their buffers pursuant to chapter 30.62A SCC;
- ~~((and))~~

- (g) Use low impact development best management practices as directed by chapter 30.63A SCC and the Drainage Manual ((-)) ; and
(h) All proposed duplex lots shall be clearly identified on both the preliminary and final plat or short plat maps for a rural cluster subdivision or short subdivision.
- (2) Tree retention is encouraged on building sites with the approved fire mitigation review in accordance with SCC 30.53A.514.
- (3) Services and optional development features shall conform to the following standards:
- (a) ~~((Electric))~~ New electric, telephone, and other utility lines and support infrastructure shall be located underground;
 - (b) Rural cluster subdivisions or short subdivisions are prohibited from connecting to public sanitary sewers, except when required by the Snohomish County Health District or a state agency to protect public health;
 - (c) When a proposal includes street lights, lighting should be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas;
 - (d) Entrance signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060; and
 - (e) Rural cluster subdivisions shall draw water supply from a public water utility when one is available within one-quarter mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.

Section 9. Snohomish County Code Section 30.41C.075, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

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

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

- (1) Setback buffers to separate existing or perimeter road rights-of-way that border the rural cluster development ~~((project))~~ from the nearest cluster residential lot lines in the development shall be established in open space tracts that are a minimum of 100 feet in width. Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscurating topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4). When the existing site character is meadow or pasture, the setback buffer tract(s) shall be a minimum of 200 feet in width. ~~((Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscurating topographic variation or physical condition, such as forest, will serve as a visual buffer.))~~ Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet in width if natural characteristics such as topography or geologic outcrops ~~((or if existing buildings retained on site,))~~ obscure the view of ~~((new))~~ the rural cluster development or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4).
- (a) Maintenance of existing vegetation ~~((or))~~ and ((additional landscaping)) landscape screening in setback buffer tracts shall be required in accordance with SCC 30.25.033.
 - (b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be made for utility easements and designated road rights-of-way or walkways, if no other options are available.
- (2) Perimeter buffers shall be established in open space tracts on all boundaries of the rural cluster development ~~((project site))~~ abutting residential property. Perimeter buffers shall be a minimum of ~~((50))~~ 100 feet in width unless larger buffers are required under SCC 30.41C.075(1). Perimeter buffer tracts may be reduced to a minimum of 60 feet in width when a

sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer or if additional landscape screening is installed according to the requirements in SCC 30.25.033(4). Maintenance of existing vegetation ~~((or additional landscaping))~~ and landscape screening in perimeter buffers shall be required in accordance with SCC 30.25.033.

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

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

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

Table 30.41C.075 Buffer Setbacks and Cluster Separation Requirements

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

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

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

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

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

Section 10. Snohomish County Code Section 30.41C.090, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended to read:

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

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space and not interim open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

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

(a) It must be used for buffering, critical area protection, resource production, 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.			

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

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

(6) The following notice related to restricted open space shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

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

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

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and SCC 30.41C.140:

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

- 1 (2) Restricted or interim open space tracts shall be owned by a single property owner, a
2 homeowners association, a public agency or a not for profit organization.
- 3 (3) When ownership of restricted open space is by a single property owner, the property owner
4 shall:
- 5 (a) Record a (~~restricted~~) restrictive covenant against the restricted open space tract that
6 runs with the land and restricts the use of the open space tract to those uses allowed in
7 SCC 30.41C.090(2); and
- 8 (b) Provide an open space management plan pursuant to SCC 30.41C.120.
- 9 (4) Common ownership shall be by the property owners of the subdivision as a whole, in the
10 form of a homeowners association.
- 11 (a) The applicant shall provide the county with a description of the association, proof of
12 incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants
13 and restrictions regulating the use of the property and setting forth methods for maintaining
14 the open space.
- 15 (b) Membership in the homeowners association, and dues or other assessment for
16 maintenance purposes, shall be a requirement of lot ownership within the development.
- 17 (5) All lands classified as natural resource lands, including lands designated mineral resource
18 overlay, that are included in restricted or interim open space areas shall be:
- 19 (a) Placed under a unified system of property management for the purpose of maximizing
20 their continued or future management for beneficial resource production/conservation
21 purposes; and
- 22 (b) If the land is designated mineral resource overlay it shall be subject to the
23 requirements of SCC 30.32C.050.
- 24 (6) Forest practices within restricted or interim open space shall be permitted, provided that:
- 25 (a) The activity is consistent with an applicable approved forest practice permit; and
- 26 (b) The activity is included in the open space management plan.

27
28 Section 12. Snohomish County Code Section 30.41C.120, added by Amended Ordinance
29 No. 08-087 on February 4, 2009, is amended to read:

30
31 **30.41C.120 Open space management plan.**

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

- 36 (1) An open space management plan shall include the following information:
- 37 (a) Current ownership information and a plan or provisions to update the project file
38 number when ownership contact information changes;
- 39 (b) Parties responsible for maintenance of designated open space, and their contact
40 information;
- 41 (c) Description of any uses allowed in designated open space, consistent with SCC
42 30.41C.090(2);
- 43 (d) Any proposed development activities;
- 44 (e) Fire breaks provided in accordance with fire district requirements;
- 45 (f) Any covenants, conditions, easements, and restrictions to be recorded related to open
46 space management; and
- 47 (g) Other information that the director determines necessary to ensure proper
48 management of the open space.
- 49 (2) The open space management plan must be approved by the director and shall be recorded

as a separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to 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, ~~((hat))~~ 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 13. Snohomish County Code Section 30.41C.130, last amended by Amended Ordinance No. 21-060 on October 6, 2021, is amended 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 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	(4) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with 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	
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	

¹ 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 14. Snohomish County Code Section 30.41C.140, added by Amended Ordinance No. 08-087 on February 4, 2009, is amended 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:

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 access 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

1 accommodate future public roadway access upon re-division and facilitate the
2 clustering of the rural cluster subdivision or short subdivision lots near the periphery of
3 the subdivision or short subdivision boundary rather than a central location; and
4 (iii) The proposed interim open space tract on a preliminary plat/short plat drawing
5 shall show a non-binding conceptual shadow plat of, at a minimum, 4 dwelling units per
6 acre to reflect the potential for the interim open space to be subdivided in the future, but
7 such shadow plat shall not be depicted on the final plat or short plat, provided that the
8 final plat or short plat shall identify the location of any single family dwelling within the
9 interim open space tract and any access easement to it.

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

12 (5) The interim open space tract may be used for any use otherwise permitted in restricted
13 open space as specified in SCC 30.41C.090(2), ~~((except that no new permanent structures shall~~
14 ~~be allowed))~~ except that one single family dwelling may be sited within an interim open tract
15 subject to the following requirements:

16 (a) A single-family dwelling shall be sited to facilitate future division of an interim open
17 space tract according to the provisions in SCC 30.41C.140(3) including identifying the
18 single-family dwelling within a future lot in the shadow plat;
19 (b) A single-family dwelling within an interim open space tract shall be counted toward
20 the basic or maximum lot yield calculations for the rural cluster subdivision or short
21 subdivision;
22 (c) A single-family dwelling in an interim open space tract shall be located in a building
23 area not to exceed 20,000 square feet and is subject to the site design and development
24 standards in SCC 30.41C.070; and
25 (d) The portion of the interim open space tract containing a single-family dwelling
26 building shall be clearly identified within the interim open space tract on both the
27 preliminary and final plat or short plat maps for the rural cluster subdivision or short
28 subdivision.

29 (6) The interim open space tract shall be established and maintained in accordance with SCC
30 30.41C.110 and 30.41C.120.

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

35 (8) The following notice shall be filed on the title of the properties within the plat and shall be
36 placed on the face of the final plat ~~((and))~~ or short plat:
37 "Tract ____ is an open space tract reserved for future development when the Urban Growth Area
38 is expanded to include the open space parcel. Future development of this tract may include
39 residential, commercial and industrial uses commonly found in an urban area. The open space
40 tract is not intended to be preserved in perpetuity."

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

46

Section 15. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.255 Built Green.

“Built Green” means the Built Green certification program of the Master Builders Association of King and Snohomish Counties.

Section 16. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.256 Built Green Community.

“Built Green Community” means the certification of the same name offered by Built Green for land development projects.

Section 17. A new section is added to Snohomish County Code Chapter 30.91B to read:

30.91B.257 Built Green Single Family/Townhome.

“Built Green Single Family/Townhome” means the building permit certification program of the same name offered by Built Green.

Section 18. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.052 LEED (Leadership in Energy and Environmental Design).

“LEED” means the Leadership in Energy and Environmental Design certification programs of the U.S. Green Building Council.

Section 19. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.053 LEED Home.

“LEED Home” means the building permit certification program of the same name offered by the U.S. Green Building Council.

Section 20. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.054 LEED Neighborhood Development.

“LEED Neighborhood Development” means the certification of the same name offered by the U.S. Green Building Council for land development projects.

Section 21. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

1 PASSED this ____ day of _____, 2024.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6
7
8 _____
9 Council Chair

10 ATTEST:

11
12 _____
13 Deputy Clerk of the Council


14
15
16 () APPROVED
17 () EMERGENCY
18 () VETOED

19 DATE: _____
20

21
22 _____
23 County Executive

24 ATTEST:

25
26 _____
27
28 Approved as to form only:

29
30
31  7/22/24
32 Deputy Prosecuting Attorney

AMENDMENT NO. 1 TO SECOND SUBSTITUTE ORDINANCE NO. 24-021

Amendment Name: Affordability Changes

Brief Description: This amendment would add new requirements regarding types of units in Rural Cluster Subdivisions to encourage affordability.

Proposed By: Councilmember Strom Peterson

Affecting: SCC 30.41C.030, .040, and .230

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Recitals, page 2, line 10, insert:

WHEREAS, in requiring that at least 10% of units in rural cluster subdivisions be duplex units or houses no larger than 2,000 square feet, there will be an increase in the variety and probable affordability of new housing in rural areas; and

WHEREAS, physically smaller units such as duplex units and smaller homes often have correspondingly smaller household populations, thus contributing to a likely reduction in the average number of people living in each dwelling unit and overall rural population growth rates; and

Section 6, page 13, line 33, insert a new subsection (7) to SCC 30.41C.030 as follows:

(7) When recommending approval of a rural cluster subdivision to the hearing examiner, the department shall propose conditions of approval which, among addressing other requirements, shall also ensure that restrictions and covenants for the subdivision will maintain the types of units shown on the preliminary plat and called for in SCC 30.41C.230(2).

Section 7, page 14, line 20, delete:

(4) The approximate location of the building footprint on each lot.

And insert:

(4) The approximate location of the building footprint on each lot and, for subdivisions, the type of unit proposed for compliance with SCC 30.41C.230(2).

Page 22, line 46, insert a new Section 15 to amend SCC 30.41C.230 as follows (and renumber subsequent sections):

Section 15. Snohomish County Code Section 30.41C.230, last amended by Amended Ordinance No. 09-046 on August 12, 2009, is amended to read:

30.41C.230 Design standards - lot yield and types of units.

(1) Lot yield.

~~((1))~~ (a) Basic lot yield shall be obtained by dividing the gross site area by the larger of 200,000 square feet or the minimum required lot area of the zone in which the rural cluster subdivision or short subdivision is to be located (with both numbers expressed in the same units).

~~((2))~~ (b) The maximum lot yield shall be obtained by multiplying the basic lot yield by one plus the density bonus, expressed as a fraction, as specified in SCC 30.41C.240.

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

~~((4))~~ (d) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

(2) Types of units.

(a) In a rural cluster short subdivision, lots may contain any type of unit permitted.

(b) In a rural cluster subdivision, at least 10% of the units must be duplex units or single family dwellings of a maximum size of 2,000 square feet.

Council Disposition:_____

Date:_____