



# Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

**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
<b>Side yard setbacks</b> (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.
<b>Landscape screening</b> (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.
<b>Maximum number of lots in a cluster</b> (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>

<b>Design Requirement</b>	<b>Current Code</b>	<b>Ordinance 24-021 (and Substitute Ord 24-021)</b>	<b>Wildland Urban Interface (WUI) Requirement</b>	<b>Notes</b>
<b>Uses of Interim Open Space</b> (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.