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Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

October 25, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782
Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [September 27, 2022](#): Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

1. [Retail Marijuana: Hearing](#)

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org

Planning Commission will hold a public hearing on the County Council referred code amendments. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director's Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.



For further information, please review the following:

- [Presentation dated September 27, 2022](#)
- [Staff Report dated September 9, 2022](#)
- [Motion 22-337 dated August 24, 2022](#)

G. NEW BUSINESS

1. Rural Cluster Subdivisions: Briefing

Steve Skorney, PDS Senior Planner, Steve.Skorney@snoco.org

The Planning Commission will hold a briefing on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

For further information, please review the following:

- [Staff Report dated September 9, 2022](#)

2. Hybrid Meeting for December Planning Commission: Discussion

Commissioner discussion

3. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Vacant, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Christine Eck, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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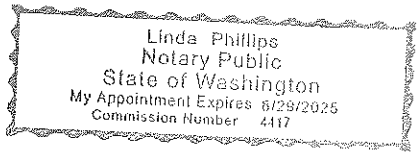
Everett Daily Herald

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 EDH964791 10/25/22 AGENDA MTG. 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 10/15/2022 and ending on 10/15/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$140.40. [Signature]



Subscribed and sworn before me on this 18th day of October, 2022.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.
Snohomish County Planning | 14107010
MEGAN MOORE



Snohomish County

Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, WA 98201

Clerk Email: Megan.Moore@snoco.org

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October 26, 2022

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- A. CALL TO ORDER AND ROLL CALL
- B. CHAIRPERSON'S REPORT
- C. PUBLIC COMMENT
- D. APPROVAL OF MINUTES
- E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS
- F. UNFINISHED BUSINESS

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Classified Proof

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Raymond Shelton, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore,
Christine Eck, District 3	Executive Appointee

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk

Published: October 15, 2022.

EDH964791



Snohomish County
Planning and Development
Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
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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) ~~((1A))~~ 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.

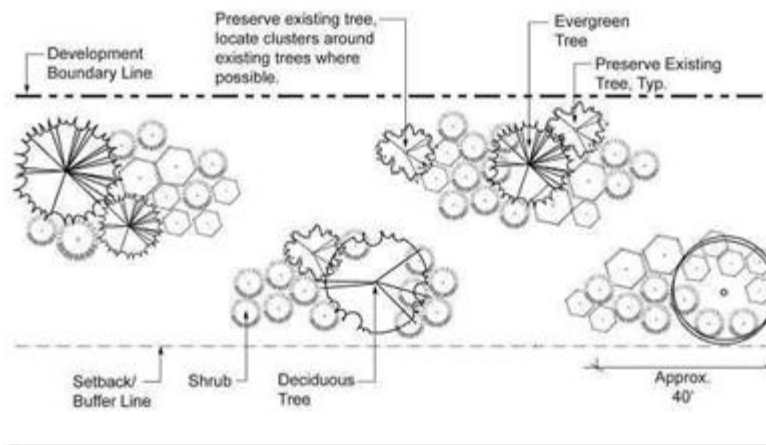
...

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.

Rural Cluster Development Code Amendments

Snohomish County Planning Commission
Briefing

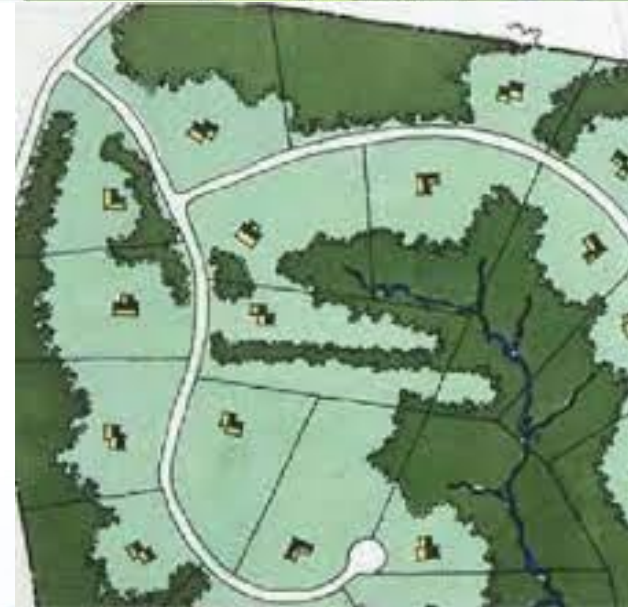
October 25, 2022



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.



Proposed Rural Cluster Code Amendment Benefits

- Proposed amendments to a limited number of rural cluster subdivision code requirements would increase flexibility of siting these developments while providing added benefits including:
 - Further reducing impervious surfaces, particularly roads, which reduces potential pollutants in stormwater runoff;
 - Further reducing the impacts and cost of providing other rural infrastructure
 - Further reducing the fragmentation of open space and wildlife corridors.
 - Increasing the efficient use of natural drainage systems and reducing barriers for use of low impact development (LID) techniques.
- The proposed amendments will not increase rural densities and more closely meet rural cluster objectives including:
 - Preserving open space and natural resource areas
 - Minimizing impacts to environmentally sensitive areas
 - Encouraging a more creative approach to rural land development



Proposed Rural Cluster Code Amendments

PDS drafted code amendments to the following rural cluster development requirements:

- The maximum number of lots allowed within a cluster and the spacing between clusters;
- Setback buffers related to perimeter roads and adjacent properties;
- Drainage and utility facilities, and their relationship to restricted and interim open space; and
- Adding a residential use within an interim open space tract



Proposed Code Amendments

Increase the Maximum Number of Lots in a Rural Cluster

- Currently 13 lot maximum per cluster, regardless of site size
- Proposed graduated increase in size of clusters based on total site size and should not increase visual impacts to nearby public roads and properties.
- Proposing 14 lots per cluster on sites less than 50 acres.
- Up to 20 lots per cluster on sites 50 acres to 240 acres.
- Maximum of 30 lots per cluster on sites greater than 240 acres.



Current Code – 178 acre site: Max 13 lot cluster Proposed Code – Max 20 lot cluster <240 acres

2.0004.pdf



Rural Cluster Subdivisons

Index # - File Name:

Proposed Code Amendments

Modify Setback Buffers and Cluster Separation

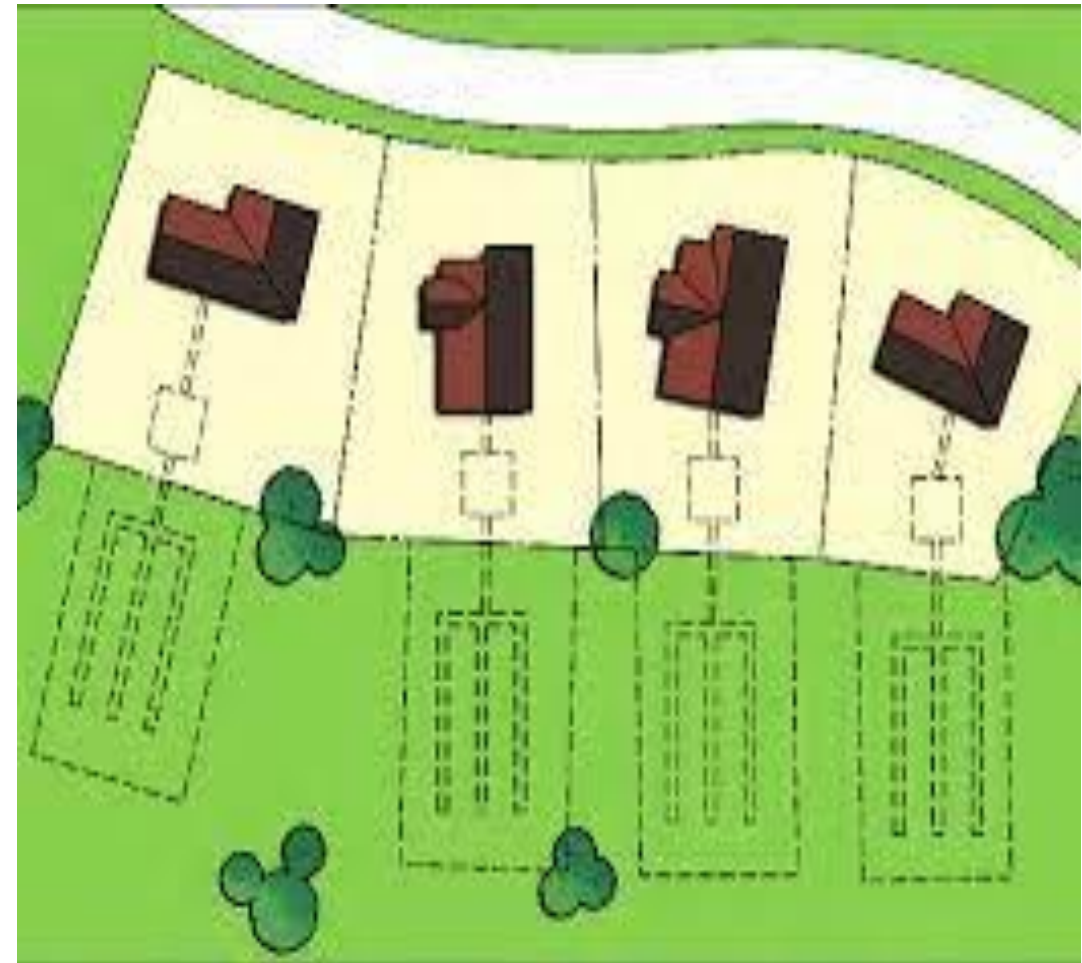
- Setback buffers from perimeter roads being amended to allow a reduction in width from 100 feet minimum to 60 feet if adding landscape screening or sight-obscuring features are present (existing trees or topographic features).
- Perimeter buffers from abutting residential properties would be increased in width from 50 to 100 feet and may be reduced to 60 feet in width by adding landscape screening or sight-obscuring features are present.
- Separation buffers between clusters would be reduced from 200 feet to 150 minimum and may be reduced to 75 feet if adding additional landscape screening or sight-obscuring features are present.
- Revised landscape screening requirements would allow added landscape screening as a buffer option reduction.



Proposed Code Amendments

Modify Allowed Utilities in Restricted and Interim Open Space

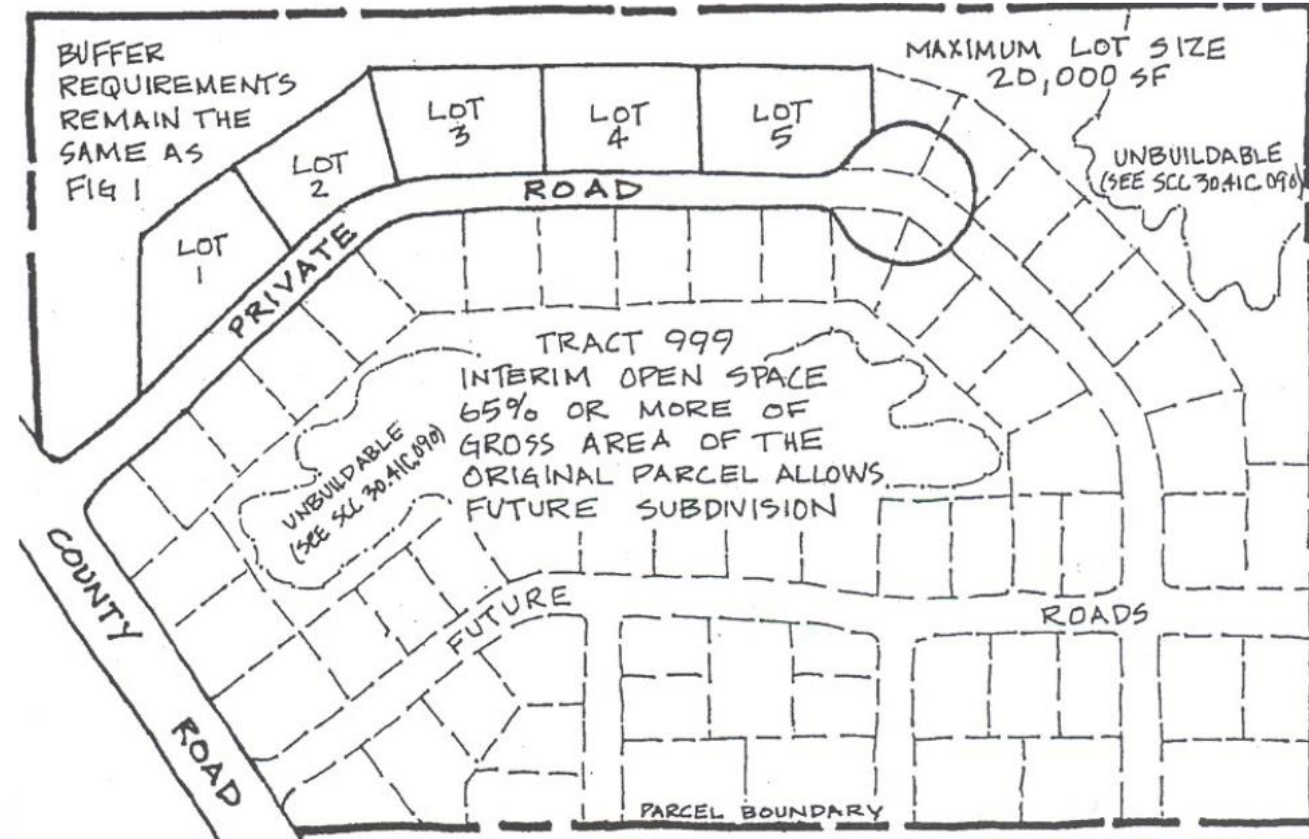
- Allow individual wells and septic system drainfields in open space tracts to serve one dwelling.
- Currently only community water and septic systems that serve multiple dwellings allowed in open space tracts.
- Allow drainage facilities in open space tracts that only serve one dwelling. Currently such facilities are allowed in open space tracts if they serve multiple dwellings.
- Would provide greater site design flexibility for location of lots.
- Individual drainage and utility facilities in open space tracts would require appropriate easements and cannot encumber residents from accessing the open space tract.
-



Proposed Code Amendments

Interim Open Space Tracts

- Rural/Urban Transition Areas (RUTAs) overlay certain rural residential lands on the GPP Future Land Use Map which are a potential supply of land for addition into a UGA.
- Open space tracts in rural cluster developments within a RUTA overlay are managed as interim though there is no certainty that a RUTA cluster development will be added to a UGA.
- If and when an interim open space tract as part of a rural cluster is added to a UGA the tract is eligible for redevelopment into lots. Ownership typically retained by the developer or other individual owner until redevelopment.



Proposed Code Amendments

Allow One Dwelling in a proposed Interim Open Space Tract

- Difficult to provide proper maintenance and security oversight of interim open spaces given their location adjacent to UGAs.
- Proposal to allow one dwelling in a portion of a proposed interim open space tract not to exceed 20,000 sq. ft. in area.
- Location of dwelling cannot prevent future redevelopment of an interim open space tract if added to the UGA.
- The dwelling shall be counted toward the allowed calculated lot yield of the entire cluster site.



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?



Steve Skorney, Senior Planner
[Snohomish County Planning and Development Services](#)
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2207 steve.skorney@snoco.org

Happy Halloween!



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
OCTOBER 25, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:33 p.m.

Of the ten (10) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present	Commissioners Absent
Merle Ash	Mark James
Rosanna Brown	Ray Sheldon
Tom Campbell	
Christine Eck	
Leah Everett @ 5:38 pm	
Robert Larsen	
Keri Moore	
Neil Pedersen	

David Killingstad, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

Megan Moore has accepted a new position as the Administrative Assistant to the Director of Planning and Development Services and will be stepping down as clerk for Planning Commission. The new Long Range Planning Administrative Assistant, Taylor Twiford, Taylor.Twiford@snoco.org will assume the role as clerk.

C. PUBLIC COMMENT

No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [September 27, 2022](#), was unanimously approved.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS



Snohomish County
Planning Commission
Planning and Development Services

David Killingstad reviewed the upcoming Planning Commission meeting topics and current County Council actions on Planning Commission recommendations.

- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

F. UNFINISHED BUSINESS

1. Retail Marijuana: Hearing

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org

Planning Commission held a public hearing on the County Council referred code amendments. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director’s Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.

Mr. Countryman informed the Commission that state rules are forthcoming regarding what happens when a city annexes a current retail location and how it will affect the number of permitted locations in unincorporated Snohomish County.

Chair Larsen opened the **Public Hearing at 5:47 p.m.** for Retail Marijuana.

No members of the public spoke at the hearing.

The **Public Hearing was closed at 5:48 p.m.**

Following the hearing, there was discussion by the commissioners about the additional requirement of conditional use permits for retail marijuana and making a recommendation for marijuana retail be allowed as permitted use.

A **Main Motion** was made by Commissioner Ash and seconded by Commissioner Pedersen recommending **APPROVAL** of code amendments to retail marijuana as submitted by staff.

VOTE (Motion):

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Motion PASSED

A **Secondary Motion** was made by Commissioner Ash and seconded by Commissioner Campbell recommending retail marijuana be allowed as permitted use.



VOTE (Motion):

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated September 27, 2022](#)
- [Staff Report dated September 9, 2022](#)
- [Motion 22-337 dated August 24, 2022](#)

G. NEW BUSINESS

1. Rural Cluster Subdivisions: Briefing

Steve Skorney, PDS Senior Planner, Steve.Skorney@snoco.org

Senior Planner, Steve Skorney briefed the Planning Commission on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

The proposed amendments provide benefits by reducing impervious surfaces, costs, fragmentation of open space and wildlife corridors and increasing efficiency of natural drainage systems while not increasing rural densities. The proposed amendments increase the maximum number of lots in a rural cluster, modify setback buffers and cluster separation, and modify allowed utilities in restricted and interim open space.

Following the presentation, the commissioners had questions on timing of the proposal and clarified how the amendments don't increase the number of lots in a development but rather aggregate them to better preserve rural character. Further questions were asked about reduction in lot size, density bonuses and maintenance of private drainage systems. The importance of the purpose of the proposed amendments was also raised.

For further information, please review the following:

- [Presentation dated October 25, 2022](#)
- [Staff Report dated October 10, 2022](#)

2. Hybrid Meeting for December Planning Commission: Discussion

Planning Commission on December 13, 2022 will be a hybrid meeting. The in-person portion will be at the County Building, Administration West, Stillaguamish and Skykomish rooms. A social hour will be at 5:00 pm and the regular meeting will start at 5:30 pm.



H. ADJOURN

The meeting adjourned at 7:06 p.m.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

Merle Ash, District 1	Tom Campbell, District 4
Mark James, District 1	Neil Pedersen, District 4
Vacant, District 2	Rosanna Brown, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Christine Eck, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk
------------------------------------	-------------------------------

EXHIBIT 2.0006

Planning Commission Meeting 10/25/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council\2024\24-0321 Rural Cluster Subdivision\2.0006)



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Taylor.Twiford@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

November 15, 2022
5:30 PM

Join the Zoom Meeting: <https://us02web.zoom.us/j/89567021442>
or call (253) 215-8782
Webinar ID: 895 6702 1442

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [October 25, 2022](#), Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

1. Rural Cluster Subdivisions: Hearing

Steve Skorney, Senior Planner, Steve.Skorney@snoco.org

The Planning Commission will hold a public hearing on proposed code amendments to Snohomish County Code Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and the Multicounty Planning Policies.



Snohomish County
Planning Commission
Planning and Development Services

For further information, please review the following:

- [Presentation date October 25, 2022](#)
- [Staff Report dated October 10, 2022](#)

G. NEW BUSINESS

H. ADJOURN

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Taylor.Twiford@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Vacant, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Christine Eck, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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Everett Daily Herald

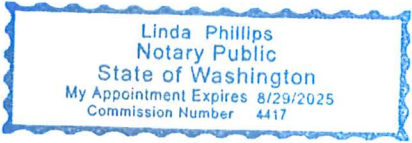
Affidavit of Publication

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 EDH966262 11/15/22 AGENDA 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 11/05/2022 and ending on 11/05/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$118.65. [Signature]

Subscribed and sworn before me on this 7th day of November 2022.



[Signature]

Notary Public in and for the State of Washington.
Snohomish County Planning | 14107010
TAYLOR TWIFORD

Classified Proof

Mark James, District 1
Vacant, District 2
Raymond Sheldon, Jr., District 2
Robert Larsen, District 3
Christine Eck, District 3
Commission Staff (from Planning and Development Services
(PDS) Department):
Mike McClary, Commission Secretary
Taylor Twiford, Commission Clerk
Published: November 5, 2022.

Neil Pedersen, District 4
Rosanna Brown, District 5
Leah Everett, District 5
Keri Moore,
Executive Appointee

EDH966262

Rural Cluster Development Code Amendments

Snohomish County Planning Commission
Public Hearing

November 15, 2022



Snohomish County

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.



Proposed Rural Cluster Code Amendments

The proposed code amendments will provide the following benefits:

- Increase site design flexibility
- Reduce impervious surfaces, particularly roads, 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 rural cluster objectives including:

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





Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Taylor.Twiford@snoco.org

REGULAR SESSION
NOVEMBER 15, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:31 p.m.

Of the ten (10) currently appointed commissioners, seven (7) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present	Commissioners Absent
Merle Ash	Mark James
Rosanna Brown	Ray Sheldon
Tom Campbell	Keri Moore
Leah Everett	
Christine Eck	
Robert Larsen	
Neil Pedersen	

David Killingstad, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

No report was given.

C. PUBLIC COMMENT

No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [October 25, 2022](#), were unanimously approved after staff noted a correction and had it corrected.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

David Killingstad reviewed the upcoming Planning Commission meeting topics and current County Council actions on Planning Commission recommendations.



- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

F. UNFINISHED BUSINESS

1. Rural Cluster Subdivisions: Hearing

Steve Skorney, PDS Senior Planner, Steve.Skorney@snoco.org

Planning Commission held a public hearing on the County Council on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. Staff did not have any updates to the previous report. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

Before the hearing commissioners had questions regarding the proposed amendment. Questions included why the amendments were needed now and the overall effect on the rural area.

Commissioner Larsen opened the **Public Hearing at 6:24 p.m.** for the proposed to code amendments.

Nineteen (19) written comments were received by the Planning Commission from the public before the public hearing. Five (5) members of the public commented at the public hearing.

The Public Hearing was closed at 6:51 p.m.

Following the summary and public hearing, there were additional questions and discussions from the commissioners. Topics included well draw down, density changes, cluster elements on the Comprehensive Plan update, and environmental benefits from the amendments.

A **Motion** was made by Commissioner Campbell and seconded by Commissioner Everett recommending **DENIAL** of code amendments to rural cluster subdivision as submitted by staff.

VOTE (Motion):

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

0 opposed

1 abstention (*Ash*)

Motion PASSED



Snohomish County
Planning Commission
Planning and Development Services

G. NEW BUSINESS

H. ADJOURN

The meeting adjourned at 7:25 pm.

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Taylor Twiford, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Taylor.Twiford@snoco.org.

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Snohomish County Planning Commissioners:

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Mark James, District 1	Neil Pedersen, District 4
Vacant, District 2	Rosanna Brown, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Christine Eck, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Taylor Twiford, Commission Clerk
------------------------------------	----------------------------------

EXHIBIT 2.0011

Planning Commission Meeting 11/15/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council\2024\24-0321 Rural Cluster Subdivision\2.0011)



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

From: Isaac Organista <isaac@futurewise.org>
Sent: Tuesday, November 8, 2022 5:07 PM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Isaac Organista
123 Casino Road
Everett, WA 98204

From: Vivian Henderson <vmail@cedarcomm.com>
Sent: Wednesday, November 9, 2022 9:43 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

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- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Vivian Henderson
PO Box 1745
Stanwood, WA 98292

From: Lorraine Pedersen <ridgebacksrule@mindspring.com>
Sent: Wednesday, November 9, 2022 11:46 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Lorraine Pedersen
10626 25th PI NE
Lake Stevens, WA 98258

From: Susan Paschke <good.day@isomedia.com>
Sent: Wednesday, November 9, 2022 1:58 PM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

I have lived in SnoCo for 40 years. I have seen the indulgent cowtow-ing by the planning dept. to developers and the resultant problems for the rest of us. It befuddles me that while land is categorized as 'safe' from development, it is brought up time and again for changes at the behest of developers.....who (maybe you don't realize this?) are NOT living in the messes they create! Ask DR Horton (one of many) who seems to have a red phone hooked into Snohomish County for all their 'requests'. I've seen hearing examiners make 'mistakes' but refuse to correct them because the "the project is happening."

My comment is not just a simple NO to Rural Cluster Subdivisions Development Changes.....it's HELL NO!!

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Susan Paschke
13621 26th Ave SE
Mill Creek, WA 98012

From: Jane O'Dell <odelljb@fastmail.fm>
Sent: Wednesday, November 9, 2022 4:58 PM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

This sounds like a proposal from developers who hope to profit from the destruction of resources that belong to all citizens. The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Jane O'Dell
200 James Street Apt 204
Edmonds, WA 98020

Planning Commissioners and Staff

Please include my comments and concerns in the record regarding the proposed changes to the County's Rural Cluster Regulations.

I strongly oppose the proposal to permit further changes to rural cluster subdivision regulations in the County's undeveloped areas. As long time Sultan Basin residents in unincorporated Snohomish County, my family and I have seen and experienced the impacts of urbanization which brought us increased traffic congestion, sprawl, deforestation, filling of wetlands and at times, poor air quality. We are deeply concerned with the pollution of fish bearing streams and side channels resulting from development run off as well as the direct impacts on our wildlife population that used to thrive in our rural areas.

I don't believe its sensible or appropriate for the Planning Commission to advocate for development community interests that undermine the Growth Management Act, enacted by voters to spare undeveloped areas from the negative impacts of creeping sprawl which takes a heavy toll on critical areas, resource lands and wildlife. Please also consider that we'll never achieve a reduction in gas consumption and greenhouse emissions if we continually allow for developments that increase the use of cars for everything we do.

Based on all these concerns I urge you to recommend **AGAINST** changes to Rural Cluster Regulations in order to preserve our rural areas, values and quality of life.

Thank you for your consideration.

Judy Heydrick

P.O. Box 352

Sultan, WA 98294

**TO: SNOHOMISH COUNTY PLANNING
COMMISSION:**

**To the Rural Cluster
Subdivisions developmental
regulations...public hearing Tues. Nov. 15,
2022.**

**I've lived next to the Sultan Basin Rd for over 7
yrs. and watched the green, rural countryside
disappear in concrete and 'ticky tack'
homes. About 3,000 have been built or are in
the process of building up the Sultan Basin
Road and west on 124th ST S.E. It is
disgusting to degrade the Snohomish
countryside in this manner, losing the Sno Cnty
feeling for which I moved out here.**

**These changes will increase the number of lots
allowed in a rural cluster from 13 to 14, 20 or
30 depending on the number of acres in the
development. These changes will adversely
impact wildlife and fish habitat, allow more
pollution from houses, traffic and greenhouse
gasses, as well as loss of timber and other
follage protecting wild birds and animals...all**

detrimental.. and against the County's promise to keep rural development to 4.5% of new growth and development. CONCENTRATE GROWTH ONLY IN URBAN AREAS ALREADY CLOSE TO TRANSIT AND URBAN SERVICES.

Thank you for listening.

**Laurel L. Slaninka
32228 - 124th ST SE
Sultan, WA 98294**

From: Julia Winchell <winchell@wavecable.com>
Sent: Saturday, November 12, 2022 4:23 PM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

With more houses comes more strain on our aquifers. In our area, there is not other option for getting potable water except from our wells. Allowing developments of this many homes especially threatens our source of potable water for the house we have lived in since 1988. Without enough water in our aquifer, we couldn't live in our home.

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Julia Winchell
22920 19th Ave NE
Arlington, WA 98223

From: Kim Fortner <kimf1@frontier.com>
Sent: Sunday, November 13, 2022 11:07 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>; Somers, Dave J <Dave.Somers@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>; Mead, Jared <Jared.Mead@co.snohomish.wa.us>; Peterson, Strom <Strom.Peterson@co.snohomish.wa.us>; Dunn, Megan <Megan.Dunn@co.snohomish.wa.us>; Nehring, Nate <nate.nehring@co.snohomish.wa.us>
Subject: Rural Cluster Subdivisions Proposals

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

Dear County Council members & Executive:

Please reject Planning & Development Services proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. I disagree that now is an appropriate time to change these hard fought for regulations put in place to prevent further urban sprawl without adequate supporting infrastructure. An appropriate time would be after such improvements have been made to our local highways such as SR9/SR522 & local county roads. The County had promised to keep our rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Sincerely,

Kim & Wayne Fortner
21205 107th Avenue SE
Snohomish, Washington 98296-7140

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

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The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
Sally Abbey
1429 Ave D #233
Snohomish, WA 98290

From: Gayle Leberg <lebergwg@me.com>
Sent: Monday, November 14, 2022 10:16 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: Proposed changes to rural development

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

Dear Megan,

Please vote no on the proposed changes that would allow larger developments in rural areas. These changes would allow more pollution to our water resources, less water for fish in our rivers, more loss of trees to development, more traffic on our overly crowded roads, and more greenhouse gas emissions that contribute to climate change.

Thank you,

Gayle Leberg
Mill Creek, WA



816 Second Ave, Suite 200, Seattle, WA 98104

p. (206) 343-0681

futurewise.org

November 14, 2022

Robert Larsen, Chair
Snohomish County Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, Washington 98201

Dear Chair Larsen and Planning Commissioners:

Subject: Comments on the Proposed Rural Cluster Development Code Amendments

Sent via email to: Megan.Moore@snoco.org; Steve.Skorney@snoco.org

Thank you for the opportunity to comment on 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.

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.

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.¹ 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.”²

¹ *Stickney v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 11 Wn. App. 2d 228, 244 – 45, 453 P.3d 25, 34 (2019).

² Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 43 (Adopted Oct. 29, 2020) and last accessed on Nov. 9, 2022, at: <https://www.psrc.org/planning-2050/vision-2050> and at the following Dropbox link:



Re: Comments on the Proposed Rural Cluster Development Code Amendments
November 14, 2022
Page 3

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.¹¹ 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 subdivision stayed under their peak in the housing boom years of the late 2010s.¹² Rural cluster subdivisions lagged the recovery in rural subdivisions and rural short subdivisions in the later 2010s.¹³ This shows that the protections in Ordinance No. 08-087 are helping to manage rural growth.

Unfortunately, the proposed amendments undo some of the important reforms in Ordinance No. 08-087. 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 in rural cluster subdivisions and other changes will allowed 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 primary components: the allowed density of the zone and the rural cluster density bonus.¹⁴ 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.090.¹⁵ 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

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2BVAgCtQYeIqG8am2GR4Dr%2FxHvsgZYJe32T9%2B8TPkKbD9lZMLusF92eNzKbgishy8jhptHNLE13
7gfeM6V%2FsbKkWAs4SFgh%2BuvpOJckbbFsgZlR2baTKJBhbMnc3VH8aFfya8jgfNoAW6NHZ6rIo%
2BVim%2FMYUIaKq%2F3OJR5HebeRar3s%2Bul4RPK99MOTbtJsGOqYBQo%2BfbJF1puuw1LnbaB8
W2%2FTYbV%2BwiWYZfGUcJoV%2BgAzkZvpIf4FsNjIUxoJT1lq2NA3KhsSkk5SgWiigDOzRR3mbZ6B
P%2FsApf3tRsj7yuVBBuQ66trspXQRhmUJ8RXLKVVpF%2BPRTy6oo7IjALaPGt8EReGvs5USk1KkKou
sFZJl3C4oKbwpjYzrlpEHthygn4WJWZWT0HbYzr1XLIw6EV5zTovZLDA%3D%3D&X-Amz-
Signature=ab735c832031ca7b55abed1c2c2ebfa04ae468e24cbf386ce7f4ce81ae81f81.

¹¹ *Snohomish County Tomorrow 2020 Growth Monitoring Report* pp. 112 – 118.

¹² *Snohomish County Tomorrow 2020 Growth Monitoring Report* p. 112.

¹³ *Id.* p. 91, p. 101.

¹⁴ Snohomish County Code Section (SCC) 30.41C.230.

¹⁵ SCC 30.41C.240(1).



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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. This can add up.

The proposed amendments increase the allowed density bonuses in SCC 30.41C.240(1) in several ways. The most obvious is that the proposed amendments will allow density bonuses for interim open space which is not allowed now.¹⁶ Land in the Urban Transition Area (RUTA) overlay is allowed to have interim open space.¹⁷ Once the interim open space tract is within an urban growth area (UGA) and adequate services can be provided, the interim open space tract is eligible for redevelopment into additional lots.¹⁸ Allowing density bonuses for interim open space tracts will substantially increase densities in rural areas in the RUTA overlay. The amendments also provide that reducing “the minimum interim open space requirements may be reduced by up to 40 percent” when more than 40 percent of the gross area of the site is constrained by critical areas or contains unbuildable land.¹⁹ Since the required interim open space is reduced, it is easier to achieve the density bonuses and to increase the allowed lots and housing units in the rural areas subject to the RUTA overlay. 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.” So even a 15 percent density bonus will substantially increase the number of lots and housing units allowed in a rural cluster subdivision or short subdivision in a RUTA.

The density bonuses also will be increased in other ways. As the Staff Memorandum correctly states increasing the maximum number of lots in a cluster will increase open space.²⁰ This increase in open space also increases the density bonus up to the maximum of 35 percent.²¹ Allowing septic systems in the open space instead of the residential lots reduces the lot sizes and also increases the open space and the open space density bonus.²² But because the parts of the open

¹⁶ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 26 of 32 (Oct. 10, 2022).

¹⁷ *Id.* p. 22 of 32.

¹⁸ *Id.* p. 5 of 32.

¹⁹ *Id.* 18 of 32.

²⁰ *Id.* p. 3 of 32.

²¹ SCC 30.41C.240(1).

²² Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 5 of 32 (Oct. 10, 2022).



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spaced will be used for septic tanks and drain fields and replacement areas they will have to comply with WAC 246-272A-0210 and WAC 246-272A-0270 which will require that the area cannot be forested and instead must be maintained as a suburban lawn or similar area. Reducing the size of the buffer tracts would also allow that land to be transferred to open space tracts and also increase the density bonus.²³

As the Staff Memorandum states a permit exempt well can provide water to serve up to approximately 14 dwelling units dwellings.²⁴ This tends to limit the size of rural cluster subdivisions. However, by 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 RUTA overlays since they are now eligible for density bonuses and nearer urban growth areas that will have water systems with greater capacity. Until these areas become part 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.²⁵

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. Allowing density bonuses for the interim open space in the RUTA overlays will substantially increase impervious surfaces and forest clearing. 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.”²⁶ Rather than

²³ *Id.* pp. 14 – 15 of 32.

²⁴ *Id.* p. 3 of 32.

²⁵ Appendix B: The Capital Facilities Plan / Year 2015 Update Figure 6 last accessed on Nov. 11, 2022, at: <https://snohomish.county.codes/CompPlan/CFP-AxB> and enclosed in the Dropbox link in footnote 2 and page 12 with the filename: “Cfp Ax B.pdf.”

²⁶ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 43 (Adopted Oct. 29, 2020).





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bringing rural growth rates down, the amendments by undoing the protections in Ordinance No. 08-087 will increase them.

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.²⁷ It is important to effectively implement the countywide 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 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.”²⁸ 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.²⁹ 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. Adding a bonus for the RUTA interim open space will make the density even higher.³⁰ For example, the 7,200 square foot minimum lot size

²⁷ *Id.* p. 23.

²⁸ *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.”

²⁹ *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.

³⁰ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 26 of 32 (Oct. 10, 2022).



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translates into a density of six dwelling units per acre. A 15 percent density bonus will increase that to seven dwelling units per acre.³¹ A 35 percent density bonus will increase the density to eight dwelling units per acre in the rural area.³² These are not rural densities. These provisions violate the GMA.

Other standards include that cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster.³³ This is needed to prevent urban growth in rural areas and to preclude demands for urban governmental services.³⁴ Clusters that included more than eight housing units, even if authorized by special use review, violated the GMA 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.³⁵ 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.³⁶ 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.³⁷ The regulations also do not prohibit connecting to public or private water lines.³⁸

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

³¹ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 26 of 32 (Oct. 10, 2022).

³² *Id.*

³³ *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).

³⁴ *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.

³⁵ *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.

³⁶ *Id.*

³⁷ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 13 of 32 (Oct. 10, 2022).

³⁸ *Id.* p. 3 of 32.



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cluster subdivision east of Frank Waters Road just North of Lakewood Road.³⁹ They have an appearance of suburban neighborhoods.⁴⁰ In addition, substituting plantings in return for reduced buffers of native vegetation do not maintain rural character. Planted buffers look very different than the rural character of Snohomish County.⁴¹ The Planning Commission should recommend against the increases in cluster size and the reduced buffers widths.⁴²

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.⁴³

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.⁴⁴

³⁹ Google Earth Image of Blacktail Forest & Vicinity North of Lake Goodman 2020 enclosed in the Dropbox link in footnote 2 and page 12 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.

⁴⁰ Google Earth image of development North of 132 St NE enclosed in the Dropbox link in footnote 2 and page 12 with the filename: "Development N of 132 St NE.pdf."

⁴¹ Rural Cluster Development Code Amendments Snohomish County Planning Commission Briefing p. 5 (Oct. 25, 2022).

⁴² Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments pp. 13 – 15 of 32 (Oct. 10, 2022).

⁴³ *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 Dropbox link in footnote 2 and page 12 with the filename: "state-of-our-watersheds-sow-2020-final-web.pdf."

⁴⁴ *2020 State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 305.





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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.”⁴⁵ 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%) of those wells were drilled in the seven tributaries watersheds that were previously closed.”⁴⁶ 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.⁴⁷

The available data shows that rural residences use over half of total water use outdoors and 90 percent of the consumptive water use outdoors.⁴⁸ 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 location. Most of that water use is consumptive, meaning it does not return to the aquifer.”⁴⁹ 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.⁵⁰ And 80 to 90

⁴⁵ 2020 *State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 353.

⁴⁶ 2020 *State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 360.

⁴⁷ 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 Dropbox link in footnote 2 and page 12 with the filename: “Executive Summary.pdf.”

⁴⁸ 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 Nov. 13, 2022, at: <https://apps.ecology.wa.gov/publications/documents/1511006.pdf> and at the Dropbox link in in footnote 2 and page 12 with the filename: “1511006.pdf.”

⁴⁹ 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 Dropbox link in footnote 2 and page 12 with the filename: “Ecology-Draft-Mitigation-Alternatives-Report.pdf.”

⁵⁰ *Id.* at p. 10, p. 13.





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percent of the water used outside is consumptive, it does not return to the aquifer.⁵¹

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.⁵²

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).

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.⁵³ On road vehicles, passenger cars and light trucks, are the largest source of greenhouse pollution in Snohomish County.⁵⁴

⁵¹ *Id.* p. 9.

⁵² 2020 *State of Our Watersheds State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 40.

⁵³ Puget Sound Regional Council, *Vision 2050: A Plan for the Central Puget Sound Region* p. 23 (Adopted Oct. 29, 2020).

⁵⁴ 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://pscleanair.gov/DocumentCenter/View/3328/PSCAA-GHG-Emissions-Inventory> and enclosed in the Dropbox link in footnote 2 and page 12 with the filename: "PSCAA 2015 GHG Emissions Inventory.pdf."





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Residences are also a large source of greenhouse gas pollution in the county.⁵⁵ 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.

Unfortunately, increasing the number of lots that can be created and the number of homes that can be built in rural areas and on resource lands will increase the greenhouse gas emissions from transportation as rural residents commute to jobs, take their children to school, shop, and undertake their daily activities. Large, detached, low density single-family homes characteristic of rural areas also generate more greenhouse gas emissions than other housing types.⁵⁶ 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. Futurewise calls on the Planning Commission to recommend denial of the proposed Rural Cluster Subdivision Amendments for this important reason.

For the reasons described above, Futurewise urges the Planning Commission to recommend denial of the 2022 Rural Cluster Development Code Amendments. The amendments, especially the amendments that will allow density bonuses for the interim open spaces, will increase rural development.⁵⁷ Recommending denial of these amendments 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 Ext. 102 or email tim@futurewise.org.

⁵⁵ *Id.*

⁵⁶ Goldstein *et al.*, *The carbon footprint of household energy use in the United States*, 117 PNAS 19122, p. 19122 (July 20, 2020) last accessed on Nov. 14, 2022, at: <https://www.pnas.org/doi/full/10.1073/pnas.1922205117> and enclosed in the Dropbox link in footnote 2 and page 12 with the filename: "pnas.1922205117." PNAS is the peer reviewed journal of the National Academy of Sciences (NAS). PNAS Author Center webpage last accessed on Nov. 14, 2022, at: <https://www.pnas.org/author-center> and enclosed in the Dropbox link in footnote 2 and page 12 with the filename: "Instructions for Authors - PNAS.pdf."

⁵⁷ Memorandum to Snohomish County Planning Commission Subject: Briefing – Proposed Rural Cluster Development Code Amendments p. 26 of 32 (Oct. 10, 2022).





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Very Truly Yours,

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

Please include the following documents in the record the Proposed Rural Cluster Development Code Amendments.

The documents are available at the following Dropbox Link:

<https://www.dropbox.com/sh/mm30o9jbxgsou1q/AACbXn9eedwVK15pZSELTTcla?dl=0>

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

Puget Sound Regional Council, Regional Growth Strategy Background Paper (March 2019) with the filename: “rgs-background-paper.pdf.”

Snohomish County Tomorrow 2020 Growth Monitoring Report with the filename: “2020_GMR_Final_SCT-SC_Dec-2-2020_final.pdf.”

Snohomish County Amended Ordinance No. 08-087 with the filename: “Amended Ordinance No. 08-087.pdf”

Appendix B: The Capital Facilities Plan / Year 2015 with the filename: “Cfp Ax B.pdf.”



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

Google Earth image of development North of 132 St NE 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 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) with the filename: "Executive Summary.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) 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) 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) with the filename: "PSCAA 2015 GHG Emissions Inventory.pdf."

Goldstein *et al.*, *The carbon footprint of household energy use in the United States*, 117 PNAS 19122, p. 19122 (July 20, 2020) with the filename: "pnas.1922205117."

PNAS Author Center webpage with the filename: "Instructions for Authors - PNAS.pdf."

From: SnoP.O.R.C.H. <contactus@snoporch.org>
Sent: Monday, November 14, 2022 11:24 AM
To: McCrary, Mike <M.McCrary@co.snohomish.wa.us>
Cc: Moore, Megan <Megan.Moore@co.snohomish.wa.us>; Skorney, Steve <Steve.Skorney@co.snohomish.wa.us>; Low, Sam <Sam.Low@co.snohomish.wa.us>; Somers, Dave J <Dave.Somers@co.snohomish.wa.us>
Subject: Comments In regards to RCS Hearing Tuesday November 15, 2022

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

In regards to the changing the development regulations that will increase the the size of developments in our rural areas, our plea is a huge NO! We have but a limited amount of precious rural land and habitat left and the idea of squeezing more housing in for the sake of money in the coffers is ludicrous! Rural Clusters and other large developments should not be allowed in our rural areas just to accomplish more housing!

This last year has shown the need for public water supply and not individual wells. State law has addressed this issue and it's time for Snohomish County to recognize their responsibility on this issue. The county passed a wetland ordinance that has served to protect many of our rural areas, especially in East county. Also many of our rural roads are not wide enough and yet you want to allow more developments without making developers upgrade these roads.

The staff at PDS is doing a good job trying to comply with current regulations. Consideration should also be given to the availability of sufficient schools for major growth in the area.

We also need to look closely at the affect of climate change and the ongoing reduction of our timber. A change that could cause our wildlife to not have sufficient habitat to survive the ongoing effects on our overall ability to maintain the climate we have today.

Let's look at why increasing the size of developments is such a bad idea.

1. Traffic is at high capacity now and putting more into rural areas without the infrastructure is like putting a handkerchief over a bomb in the hopes it will cause less damage. Not going to work on curvy narrow single lanes country roads. Not too many years ago we could drive to Snohomish from our properties East of Snohomish and not see another car and today it doesn't matter what day of the week or time you leave, there will be traffic. Adding more is a no brainer bad idea.
2. Water. Do not overburden our aquifers and precious water resources by unlimited numbers of wells. A developer just brushing out an adjoining

property last Fall caused flooding in the garage never seen in 35 years! What will be the damage to our water availability when they want to put in dozens of wells? Will the Commission supply us with fresh, safe water? Limit developers to supplied public systems already in place.

3. Habitat. Once it's gone, it's gone! We have limited areas left for wildlife and forestation. We're not just talking deer and coyotes, but widely diverse wildlife that cannot be sustained in a suburban situation. Bear, cougar, bobcat, fishers, mink, bobcat, grouse, and on and on. In a developed area these animals are not only displaced but euthanized because of situations created by people who don't have a clue as to how to live in such an area. Just building a house in a rural area does NOT make you an advocate to protecting wildlife. Quite the opposite. The loss of habitat is devastating to our wildlife. There is give and take. From what we've witnessed over the years it has been take, take, take. Just 2 of us have lived in rural Snohomish County for 140 years! That's no typo and we've seen immense and horrible change. It's time to GIVE. Give consideration and use common sense.

Sincerely,
Maxine Tuerk
Sally Abbey

From: Kathryn Piland <piland4@earthlink.net>
Sent: Monday, November 14, 2022 1:22 PM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>; Skorney, Steve <Steve.Skorney@co.snohomish.wa.us>
Subject: Rural cluster subdivision ordinance

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

Hello Megan and Steve,

I'm truly disgusted that the development community is planning more urban sprawl in our county's rural areas. This does no one any good; it simply increases time on the road for those folks getting to their workplaces and other essential travel trips and, more importantly, sends more green house gases into the atmosphere. In the 18+ years my husband and I have lived in Granite Falls, we've noticed the housing developments being built not within the city limits of Arlington, Marysville and Lake Stevens, but off rural two lane roads that are becoming increasingly more crowded and dangerous. Traveling on SRs 9 and 92 was once relatively easy at almost any time of day, now one must consider time of day before venturing out, deciding if the traffic will be worth the headache. Please allow no changes to the current regulations, unless it's to make them more stringent and will include the addition of lanes on our existing roads.

Sincerely,
Kathryn Piland
Granite Falls, WA

From: hilltop.locust@frontier.com <hilltop.locust@frontier.com>
Sent: Tuesday, November 15, 2022 6:48 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: Rural Cluster Subdivision code change

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

To the good people on the Planning Commission. Please vote NO on allowing the changes to the Rural Cluster Subdivision codes that you are having a hearing on today. Even though I live in the Urban area and am sick of the loss of trees and green spaces, changing code to spread people out in the Rural Areas isn't a good plan. Please vote NO on the changes being proposed to the Rural Cluster Subdivision codes today.

Thank you,

**Mickie Gundersen
1126 Lawton Road
Lynnwood, WA 98036-7122**

From: Debbie Wetzel <debbieleewetzel@gmail.com>
Sent: Tuesday, November 15, 2022 7:27 AM
To: steve.skorney@snoco.wa.gov <steve.skorney@snoco.wa.gov>; Moore, Megan
<Megan.Moore@co.snohomish.wa.us>
Subject: Rural Cluster Subdivisions

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

Please vote no to this proposal. Rural is rural for a reason. Developments belong in the UGA where adequate public amenities and infrastructure should be available.

Thank you.

--

I remain,
Deborah Wetzel
206-261-0941

From: trevor behrens <behrent4@wwu.edu>
Sent: Tuesday, November 15, 2022 7:43 AM
To: Moore, Megan <Megan.Moore@co.snohomish.wa.us>
Subject: No to Rural Cluster Subdivisions Development Changes

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

Dear Megan Moore,

Dear Snohomish County Planning Commissioners:

Please vote no on the proposed changes to the Rural Cluster Subdivisions development regulations being heard at the public hearing on Tuesday, November 15, 2022. The proposed regulations will increase the number of lots allowed in a rural cluster from 13 to 14, 20, or 30 depending on the number of acres in the development. These increases and other proposed changes will:

- Adversely impact salmon and fish and wildlife habitat due to increased water use, increased tree removal, and increases in developed rural lands.
- Allow more houses in rural areas increasing traffic and greenhouse gas pollution.
- Increase the number of dwellings in a cluster and other changes which will result in a loss of trees and native vegetation.

The County needs to keep to its promise to keep rural development to 4.5 percent of new growth and development, and to concentrate growth in our urban areas close to transit and other urban services. These regulation changes will undo that promise.

Thank you,

Sincerely,
trevor behrens
112 37th st
bellingham, WA 98225



Natural Resources Department
Environmental Division
6406 Marine DR NW
Tulalip, WA 98271
.....

Steve Skorney | Senior Planner
Snohomish County Planning and Development Services

October 24, 2022

Re: Rural Cluster Development Code Amendment Proposal

The Tulalip Tribes appreciates the opportunity to review and comment on the Snohomish County rural cluster development code amendment proposal. Protection of ecological processes throughout our watersheds is essential to the preservation of our natural resources. Consolidation of development in urban growth areas (UGA's), as well as in rural clusters, is part of the framework necessary for habitat conservation, and thus, watershed health and productivity.

We've reviewed the proposed amendments, and are concerned about allowing a single-family dwelling within an interim open space tract. We understand these open spaces are expected to be developed in the future, but they still can provide important habitat functions, and ecological processes in the meantime. Since there is no timetable set for UGA expansion into Rural/Urban Transition Areas, interim open spaces may be able to function for a long time.

We believe developing up to 20,000 square feet in an open space tract could have significant negative impacts on these functions and processes through bifurcation and/or disruption of wildlife corridors, clearing of trees and native vegetation, and reduction of available habitat. From an environmental perspective, the whole point of having these open space tracts is to provide relief and protection from these very impacts. We understand that transient encampments and/or dumping of waste have negative impacts as well, but in terms of environmental protection, this proposal may be something like robbing Peter to pay Paul.

This amendment also raises questions re 1) who is responsible for and will manage the open space tract? and 2) what assurances/oversight will there be on what happens on that property? Perhaps a better solution would be to establish HOA ownership, or a more robust program of neighborhood stewardship of these open space tracts, rather than the current proposal?

We recommend that the County conducts a more thorough examination of the potential environmental impacts of this proposal, and carefully considers other alternatives.

Thank you for considering our concerns, and we look forward to continuing our shared commitment to conservation together.

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW
Tulalip, WA 98271
360-716-4617

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Gray", with a long horizontal flourish extending to the right.

Todd Gray
Environmental Protection Ecologist
The Tulalip Tribes | Natural Resources Dept.
360-716-4620 | toddgray@tulaliptribes-nsn.gov



November 14, 2022

Snohomish County Planning Commission
3000 Rockefeller Avenue
Everett, WA 98201

Re: Rural Cluster Subdivision Code

Dear Commissioners,

On behalf of the Master Builders Association of King and Snohomish Counties we urge your support of the proposed changes to rural cluster subdivision code currently before you for consideration.

The changes contemplated in the proposal very clearly promote and better implement Snohomish County's goals related to rural development and environmental protection while at the same time not increasing the number of rural housing units.

The measure enhances our local environment in key respects:

- Reduction of impervious surface
- Reducing the number and length of roads
- Better stewardship of open space
- Enhancement of wildlife corridors
- Enhanced stormwater quality

Because Snohomish County now has significant experience in permitting rural cluster subdivisions since the code's inception several years ago, it is now time to employ the lessons learned from applying that code to one that increases flexibility for the rural property owner while better protecting our environment.

The changes to rural cluster subdivision code in the proposal before you is a step forward for property owners and environmental protection. We encourage your support.

Thank you,

Mike Pattison
Snohomish County Manager

