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Subdivisions and Short Subdivision Ordinance 22-020 (ECAF 2022-0390)					
Hearing Date: Wednesday, June 1, 2022 @ 10:30 a.m.					
Council Staff: Ryan Countryman/Deb Bell PDS Staff: Sarah Titcomb DPA: Justin Kasting					
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*Contact the Clerk of the Council for copies of Part 2 Exhibits - 425-388-3494 or contact.council@snoco.org						

1 Adopted:

2 Effective:

3 SNOHOMISH COUNTY COUNCIL

4 Snohomish County, Washington

5
6 ORDINANCE NO. 22-020
7

8 RELATING TO GROWTH MANAGEMENT; CONCERNING SUBDIVISIONS AND SHORT
9 SUBDIVISIONS; AMENDING CHAPTERS 30.23, 30.41A, 30.41B, AND 30.91M SCC
10

11 WHEREAS, counties and cities that are required to plan under the Growth Management
12 Act (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and development
13 regulations encourage development in urban areas where adequate public facilities and
14 services exist or can be provided in an efficient manner, as well as ensure that the environment
15 is protected and that permit applications are processed in a timely and fair manner to ensure
16 predictability; and
17

18 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy
19 Plan (GPP) directs the majority of new population into urban growth areas to reduce sprawl and
20 use land more efficiently, and has an objective to balance the protection of the natural
21 environment with economic growth, housing needs, and the protection of property rights; and
22

23 WHEREAS, the Economic Development element of the GMACP – GPP includes a policy
24 requiring the county to periodically review the permitting process to eliminate unnecessary
25 administrative procedures that do not respond to legal requirements for public review and
26 citizen input; and
27

28 WHEREAS, chapter 30.41A of the Snohomish County Code (the “County Code” or SCC)
29 provides for subdivision of land within urban and rural areas of unincorporated Snohomish
30 County, and chapter 30.41B SCC provides for short subdivisions of land; and
31

32 WHEREAS, subdivisions and short subdivisions have been forms of development in
33 unincorporated Snohomish County since the creation of the County Code; and
34

35 WHEREAS, while there have been amendments made to chapters 30.41A and 30.41B
36 SCC over time, those chapters have not kept pace with other changes in title 30 SCC and
37 administrative rules; and
38

1 WHEREAS, chapters 30.41A and 30.41B SCC would benefit from amendments to
2 improve consistency with the GMACP and other provisions found in title 30 SCC such as chapter
3 30.62B SCC which protects geologically hazardous areas; and
4

5 WHEREAS, while SCC 30.41A.250 and SCC 30.41B.210 were originally enacted in 1986
6 and regulated development on sloping land, chapter 30.62B SCC was adopted in 2007 through
7 Amended Ordinance No. 06-061 and contains more specificity for applicants and staff regarding
8 development near and within geologically hazardous areas; and
9

10 WHEREAS, administrative rule 20-01 was implemented in 2021 to “fill gaps in code”
11 regarding model homes and to specifically allow an applicant to propose model homes in a
12 short subdivision; and
13

14 WHEREAS, the proposed code amendments contained in this ordinance will amend
15 chapters 30.41A and 30.41B SCC to increase consistency, streamline reviews, and make other
16 housekeeping corrections; and
17

18 WHEREAS, on February 22, 2022, the Snohomish County Planning Commission (the
19 “Planning Commission”) was briefed by Snohomish County Planning and Development Services
20 (PDS) staff about the proposed code amendments contained in this ordinance; and
21

22 WHEREAS, the Planning Commission held a public hearing on March 22, 2022, to receive
23 public testimony concerning the proposed code amendments contained in this ordinance; and
24

25 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
26 Commission deliberated on the proposed ordinance and voted to recommend approval of code
27 amendments relating to subdivisions and short subdivisions as shown in its approval letter
28 dated March 28, 2022; and
29

30 WHEREAS, on _____, 2022, the Snohomish County Council (“County
31 Council”) held a public hearing after proper notice, and considered public comment and the
32 entire record related to the code amendments contained in this ordinance; and
33

34 WHEREAS, following the public hearing, the County Council deliberated on the code
35 amendments contained in this ordinance;
36

37 NOW, THEREFORE, BE IT ORDAINED:
38

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

- 1 A. The foregoing recitals are adopted as findings as if set forth in full herein.
- 2
- 3 B. This ordinance will amend title 30 SCC to revise subdivision and short subdivision
- 4 development regulations in chapters 30.41A and 30.41B SCC. The code amendments are
- 5 intended to address outdated code sections, increase consistency within and between
- 6 chapters 30.41A and 30.41B SCC, and increase consistency between these chapters and the
- 7 rest of title 30 SCC, by: 1) aligning the chapters with current critical area regulations; 2)
- 8 codifying PDS administrative rule 20-01 allowing the construction of model homes in short
- 9 subdivisions; 3) making housekeeping amendments to improve implementation and
- 10 readability; and 4) removing unnecessary final plat noticing provisions given that final plat
- 11 approval in Snohomish County is now an administrative and ministerial process which does
- 12 not require a public hearing before the County Council.
- 13
- 14 C. In developing the code amendments, the County considered the goals of the GMA
- 15 identified in RCW 36.70A.020, specifically those goals related to reducing sprawl, housing,
- 16 permitting, and the environment. The proposed regulations are reasonably related to, and
- 17 necessary for, the advancement of the GMA planning goals.
- 18
- 19 D. The code amendments will allow chapters 30.41A and 30.41B SCC to achieve, comply with,
- 20 and implement the below listed goals, objectives, and policies contained in the GPP by using
- 21 land more efficiently, fostering compact development to minimize impacts to the natural
- 22 environment, and providing regulations that are predictable.
- 23
- 24 1. Goal LU 2: "Establish development patterns that use urban land more efficiently."
- 25
- 26 2. Objective LU 6.A: "Reduce the rate of growth that results in sprawl in rural and resource
- 27 areas."
- 28
- 29 3. Goal HO 1: "Ensure that all county residents have the opportunity to obtain safe,
- 30 healthy, and affordable housing."
- 31
- 32 4. Objective HO 1.B: "Ensure that a broad range of housing types and affordability levels is
- 33 available in urban and rural areas."
- 34
- 35 5. Objective HO 3.A: "Encourage land use practices, development standards, and building
- 36 permit requirements that reduce housing production costs."
- 37
- 38 6. Objective NE 1.A: "Balance the protection of the natural environment with economic
- 39 growth, housing needs and the protection of property rights."

7. Goal NE 3: "Comply with the requirements of state, federal and local laws for protecting and managing critical areas, shorelines, and water."
8. Objective NE 3.E: "Designate and protect geologic hazard areas pursuant to the Growth Management Act."
9. ED Policy 2.A.3: "To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input."

E. Procedural requirements.

1. Under Snohomish County Code, this ordinance is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on February 3, 2022.
3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on February 3, 2022.
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory and Administrative Actions to Avoid the Unconstitutional Takings of Private Property* to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General's 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

F. This ordinance is consistent with the record.

1. SCC 30.23.020(6)(b) is amended to remove a reference to SCC 30.41A.250 which is being repealed by this ordinance.
2. SCC 30.41A.250 is repealed because since its adoption in 1986 there have been advances in science and several iterations of critical area code updates intended to protect geological hazard areas and limit nearby growth. The GMA requires the protection of critical areas such as geologically hazardous areas and this is implemented by chapter 30.62B SCC that was adopted in 2007 (Amended Ordinance No. 06-061). Repealing SCC 30.41A.250 promotes internal consistency within title 30 SCC and does not place an undue burden on development that could limit the variety and affordability of housing in urban and rural areas.
3. SCC 30.41A.550 is amended to delete the requirement that two copies of a plot plan be submitted for review by PDS. This is a housekeeping amendment to align the provision with current PDS practice of accepting only electronic submittals where duplicate digital copies are not necessary.
4. SCC 30.41A.640 is amended to remove the requirement to publicly notice a final plat submittal. As allowed by RCW 58.17.100, Amended Ordinance No. 17-045 made final plat approval an administrative process that does not require a public hearing before County Council. Despite the removal of the County Council from the final subdivision decision process, the public noticing requirements were inadvertently left unchanged. This amendment would correct this and remove expectations that public comments during the final subdivision review could have the same impact as public comments made during preliminary subdivision review before the Snohomish County Hearing Examiner.
5. SCC 30.41A.665(1) is amended by deleting the word "council" again recognizing that final plats are now administratively approved. Amended Ordinance No. 17-045 made final plat approval an administrative process under SCC 30.41A.640. SCC 30.41A.665 was inadvertently not updated at that time to reflect that change.
6. SCC 30.41B.210 is repealed to be consistent with the repeal of SCC 30.41A.250.
7. SCC 30.41B.500 is amended to allow short subdivisions to propose model homes prior to the recordation of a final short plat. The amendment will treat subdivisions and short subdivisions similarly and will require short subdivision applicants proposing model homes to satisfy SCC 30.41A.510 through .550. PDS administrative rule 20-01 was

1 adopted in 2021 allowing model homes in short subdivisions and this amendment
2 codifies that administrative rule.

3
4 8. The definition of model homes within SCC 30.91M.180 is amended to be consistent with
5 amendments made within SCC 30.41B.500 that allow model homes within approved
6 preliminary short subdivisions prior to final short subdivision recordation.

7
8 G. The proposed code amendments are consistent with the record as set forth in the PDS Staff
9 Report dated February 22, 2022.

10
11 Section 2. The County Council makes the following conclusions:

12
13 A. The amendments proposed by this ordinance comply with the GMA.

14
15 B. The amendments proposed by this ordinance comply with the GMACP.

16
17 C. The County has complied with all SEPA requirements with respect to this non-project
18 action.

19
20 D. The public participation process used in the adoption of this ordinance complies with all
21 applicable requirements of the GMA and title 30 SCC.

22
23 E. The amendments proposed by this ordinance do not result in an unconstitutional taking of
24 private property for a public purpose.

25
26 Section 3. The County Council bases its findings and conclusions on the entire record of
27 the County Council, including all testimony and exhibits. Any finding, which should be deemed
28 a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

29
30 Section 4. Snohomish County Code Section 30.23.020, last amended by Amended
31 Ordinance No. 18-026 on May 23, 2018, is amended to read:

32
33 **30.23.020 Minimum net density for residential development in UGAs.**

34 (1) Except as provided in subsection (2) of this section, a minimum net density of four dwelling
35 units per acre shall be required in all UGAs for:

36
37 (a) New subdivisions, short subdivisions, PRDs, townhouse and mixed townhouse
38 developments, and mobile home parks; and

1 (b) New residential development in the LDMR, MR, and Townhouse zones.

2
3 (2) A minimum net density of 15 dwelling units per acre shall be required for new residential
4 development in the MR, NB, PCB, CB and GC zones in the Southwest UGA where any portion of
5 the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within
6 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State
7 Route 525. For sites that are one acre or less in size, the director may administratively approve
8 a reduction in the minimum net density, provided that the applicant demonstrates one or more
9 of the following:

10
11 (a) The site is constrained due to its unusual shape, topography, easements, or critical areas
12 and the minimum net density cannot be achieved;

13
14 (b) The required setbacks do not allow the minimum net density to be achieved; or

15
16 (c) The project contains both residential and non-residential uses.

17
18 (3) Minimum net density is the density of development excluding roads, drainage
19 detention/retention areas, biofiltration swales, areas required for public use, and critical areas
20 and their required buffers pursuant to chapters 30.62A and 30.62B SCC.

21
22 (4) Minimum net density is determined by rounding up to the next whole unit or lot when a
23 fraction of a unit or lot is 0.5 or greater.

24
25 (5) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone
26 may be reduced as necessary to allow a lot yield that meets the minimum density requirement.
27 Each lot shall be at least 6,000 square feet, except as otherwise allowed by this title.

28
29 (6) The minimum net density requirement of this section shall not apply:

30
31 (a) In the Darrington, Index, and Gold Bar UGAs; and

32
33 (b) Where ~~((regulations on development of steep slopes, SCC 30.41A.250, or))~~ sewerage
34 regulations, SCC 30.29.100, require a lesser density.

35
36 Section 5. Snohomish County Code Section 30.41A.250, last amended by Amended
37 Ordinance No. 14-053 on August 27, 2014, is repealed.

1 Section 6. Snohomish County Code Section 30.41A.550, last amended by Amended
2 Ordinance No. 04-017 on March 31, 2004, is amended to read:

3
4 **30.41A.550 Model homes - as-built submittal.**

5 Prior to final subdivision approval, the applicant shall submit (~~two copies of~~) a plot plan
6 delineating the as-built location of the model home on the lot. The corners of the lot shall be
7 set by a registered professional land surveyor prior to commencement of construction. The plot
8 plan shall be included in both the building permit record and the subdivision file record.

9
10 Section 7. Snohomish County Code Section 30.41A.640, last amended by Amended
11 Ordinance No. 17-045 on July 26, 2017, is amended to read:

12
13 **30.41A.640 (~~(Public notice of final)~~) Final subdivision submittal and approval procedure (~~for~~**
14 **~~final subdivision~~)).**

15 (1) The department shall examine the final subdivision application for adequacy of any
16 required road improvements and right-of-way dedications, the mathematical closure of all lots
17 and boundaries, and any other conditions required for compliance with the provisions of
18 county code and conditions of preliminary approval. The applicant shall provide computation
19 records for the lots and boundaries. The department may require additional information from
20 an applicant where necessary to review the final subdivision application.

21
22 (~~(2) (Public notice of final subdivision submittal shall be provided by the department within 21~~
23 ~~days of determination that the application is complete by:~~

24
25 ~~(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion~~
26 ~~of the boundary of the final subdivision, and to those official parties of record listed in the~~
27 ~~hearing examiner decision on the preliminary subdivision application;~~

28
29 ~~(b) Posting in accordance with SCC 30.70.050 and 30.70.045;~~

30
31 ~~(c) Mailing to all parties that have provided written comment on the preliminary subdivision in~~
32 ~~accordance with SCC 30.70.045; and~~

33
34 ~~(d) Notices required pursuant to subsections (2)(a), (b) and (c) of this section shall solicit~~
35 ~~comments on the final subdivision recommendation. All comments shall be submitted to the~~
36 ~~department within 15 days of the mailing of the public notice.))~~

1 ~~((3))~~ The department shall coordinate the final subdivision review process among the
2 appropriate county departments and other agencies ~~((after compliance with the public notice~~
3 ~~provisions of subsection (2) of this section))~~.
4

5 ~~((4))~~ (3) The final subdivision shall be approved or disapproved by the department. The
6 department shall base its decision on the following:
7

8 (a) The recommendations of the Snohomish Health District and any purveyors with jurisdiction
9 as to the adequacy of the sewage disposal and potable water supply;
10

11 (b) The recommendation of the provider with jurisdiction as to the adequacy of electrical
12 availability;
13

14 (c) The recommendation of the department of public works;
15

16 (d) The recommendation of the fire marshal;
17

18 (e) The recommendations of other relevant federal, state, and local agencies;
19

20 (f) The requirements of state law, the county code, and all other applicable codes;
21

22 (g) The submittal of a certificate of title prepared by a title insurance company no more than
23 30 days prior to submittal of the final subdivision which must show the names of all persons,
24 firms, or corporations whose consent is necessary to dedicate land for public usage, as well as
25 any easements or other encumbrances to the land proposed for subdivision;
26

27 (h) Any evidence of ownership interests not shown on title; and
28

29 (i) Compliance with all conditions imposed in the granting of the preliminary subdivision.
30

31 ~~((5))~~ (4) Upon finding that the final subdivision has been completed in accordance with the
32 county code, that the plat is in proper form for recording as established by the submittal
33 requirements, that all required improvements have been completed or the arrangements or
34 contracts have been entered into to guarantee that such required improvements will be
35 completed, that all conditions of the preliminary subdivision approval and requirements of
36 state law and county code have been met, and that the interests of the county are fully
37 protected, the department shall obtain the necessary signatures on the final plat and the
38 director shall sign the final plat, accepting such dedications and easements as may be included
39 thereon, for final approval.

1 Section 8. Snohomish County Code Section 30.41A.665, added by Amended Ordinance
2 No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.41A.665 File with auditor.**

5 (1) The original of the final subdivision shall be filed and recorded with the county auditor
6 within 30 days from the date of ((council)) approval or the final approval shall lapse. In the case
7 of a lapsed final approval, SCC 30.41A.300 shall govern the expiration of the preliminary
8 approval.

9
10 (2) The auditor shall prepare and distribute copies bearing the auditor's recording data to the
11 department, the department of public works, county or district fire officials, and the county
12 assessor.

13
14 (3) The auditor shall refuse to accept any final subdivision for filing and recording until final
15 subdivision approval has been given. Should a final subdivision or dedication be filed or
16 recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in
17 the name of and on behalf of the council, directing the auditor and assessor to remove from
18 their files or records the unapproved subdivision or dedication of record.

19
20 Section 9. Snohomish County Code Section 30.41B.210, last amended by Amended
21 Ordinance No. 08-101 on January 21, 2009, is repealed.

22
23 Section 10. Snohomish County Code Section 30.41B.500, added by Amended Ordinance
24 No. 02-064 on December 9, 2002, is amended to read:

25
26 **30.41B.500 ((Reserved)) Model Homes.**

27 A limited number of model homes are allowed to be constructed in an approved preliminary
28 short subdivision prior to final short subdivision approval and recording using the process
29 outlined for preliminary subdivisions within SCC 30.41A.510 through 30.41A.550. Those
30 sections shall not be construed to supersede or amend the purpose and intent of the county
31 code regarding the requirements for short subdivision approval.

32
33 Section 11. Snohomish County Code Section 30.91M.180, last amended by Amended
34 Ordinance No. 02-064 on February 1, 2003, is amended to read:

35
36 **30.91M.180 Model home.**

37 "Model home" means a dwelling permitted in an approved preliminary ((plat)) subdivision or
38 short subdivision prior to final plat or final short plat recording in accordance with ((chapter))
39 chapters 30.41A and 30.41B SCC.

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

PASSED this _____ day of _____, 20__.

SNOHOMISH COUNCIL
Snohomish, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

() APPROVED
() EMERGENCY
() VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

 4/5/22

Deputy Prosecuting Attorney



Snohomish County
Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
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MEMORANDUM

TO: Snohomish County Planning Commission **Dave Somers**
County Executive

FROM: Sarah Titcomb, Principal Planner

SUBJECT: Staff Report: Proposed Code Amendments Relating to Subdivisions and Short Subdivisions

DATE: February 22, 2022

INTRODUCTION

The purpose of this staff report is to provide information on a non-project proposal to amend Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency. Attachment A presents the staff recommended draft findings.

PROPOSAL BACKGROUND

Chapters 30.41A and 30.41B SCC describe the subdivision and short subdivision process for development within unincorporated Snohomish County. The specific processes have changed slightly over time, although subdivisions and short subdivisions have existed as forms of development since the creation of code in Snohomish County. Over time, other chapters of Title 30 were amended, and administrative rules were adopted which were not consistently mirrored within Chapters 30.41A and 30.41B SCC. The proposed amendments are intended to correct these errors.

Snohomish County Planning and Development Services (PDS) staff identified several instances where the current subdivision and short subdivision code provisions conflict with best available science, and other Title 30 provisions, including other sections of Chapter 30.41A SCC. Current subdivision and short subdivision code provisions also conflict with a new administrative rule and changes in PDS's practice. These are all issues related to subdivision of land, and the proposed amendments are intended to address and correct outdated code provisions.

Before the County's development regulations were consolidated in Title 30 SCC, Amended Ordinance No. 86-037 created Chapter 18.46 SCC that placed limits on development on sloping land. The original pre-Growth Management Act (GMA) provisions were ultimately amended over time and portions were recodified in SCC 30.41A.250 and SCC 30.41B.210. These sections also pre-date adoption of Chapter 30.62B SCC that was established to protect Geologically Hazardous Areas. Amended Ordinance No. 86-

037, which adopted the predecessors of SCC 30.41A.250 and SCC 30.41B.210, was originally adopted to “protect the health, safety and welfare of the citizenry and to guard the environment against unsafe and unnecessary degradation by implementing a policy regulating the development of certain sloping land” (SCC 18.46.010). Chapter 18.46 SCC identified other supporting purposes as,

- 1) To control development on steep slopes and landslide areas,
- 2) To achieve land use densities that are in conformity with the comprehensive plan...,
- 3) To allow land planning and development patterns which take into account the added costs and increased benefits of alternative designs...,
- 4) To encourage development on sloping areas that will retain or provide a desirable amount and distribution of wooded land...,
- 5) To assure the placement of dwellings, roads and utilities on sloped land so that the open space will coincide with areas of critical environmental concern and/or recreational opportunity,
- 6) To provide lots on which dwellings may be safely constructed and maintained by the homeowner,
- 7) To assure that developments on sloped lands demonstrate a concern for the view of the hills as well as the view from the hills,
- 8) To protect citizens of the county from hazards and risks of soils movement caused by construction, occupation and maintenance of development on certain sloping land only to the extent that these hazards and risks are in excess of those which would occur on lands of lesser slope, and
- 9) To protect citizens of the county by assured compliance with all applicable ordinances relating to storm water control, site grading, temporary and permanent control of erosion and sediment deposition.

In 1986 the best method available to ensure the safety of the residents was to look at the slope of the land based on a topographic survey and limit development based on that slope. Since that time science has progressed, the State adopted the GMA in 1991, and Snohomish County adopted Chapter 30.62B SCC in 2007. The GMA requires the protection of critical areas such as geologically hazardous areas, utilizing the best available science. This is accomplished through the implementation of Chapter 30.62B SCC that requires a geotechnical report for any development activity requiring a project permit or clearing within an erosion hazard area, a landslide hazard area, two hundred feet of a mine hazard area, or two hundred feet of any faults (SCC 30.62B.140). This geotechnical report must contain the topography of the area, as well as significant geologic contacts, landslides, or downslope soil movement within 200 feet of the site, a channel migration zone study, and the geological condition of the site among many other items listed within SCC 30.62B.140. It is also important to note that a landslide hazard area is more precisely defined than a steep slope within SCC 30.91L.040, as the best available science has determined that steep slopes alone may not create such a hazard.

Importantly, like the purpose supporting the adoption of Chapter 18.46 SCC in 1986, the purpose of Chapter 30.62B SCC is to “provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.” The chapter’s provisions are intended to “provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The County Council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the County Council that this chapter be always construed and interpreted so that property rights

be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.” As a result, SCC 30.41A.250 and SCC 30.41B.210 are outdated and no longer necessary to protect geologically sensitive areas such as steep slopes and retaining these two provisions in Title 30 require applicants to go beyond what is required within the GMA. This could place undue burdens on the development of land that could increase the cost and time to develop beyond what is necessary for development within other critical areas in the county. Further, the current provisions work to limit a development’s housing density and can result in sprawl contrary to the GMA’s state goal of reducing such patterns.

Other issues caused by outdated code that the proposed amendments aim to fix for subdivisions include:

- SCC 30.41A.500 through .550 allow for the development of model homes within subdivisions, although there is not an equivalent allowance within Chapter 30.41B SCC. An administrative rule (20-01) was adopted on January 13, 2021, to apply model home provisions to short subdivisions to “fill gaps in code” as short subdivisions are considered subdivisions of land.
- SCC 30.41A.550 requires “two copies of a plot plan.” PDS accepts all permit applications and as-built drawings digitally and does not require a hard copy. The requirement for two copies is a holdover from when all permits were submitted to the PDS on paper.
- Amended Ordinance No. 17-045 authorized PDS to approve final subdivisions administratively. Previously, the County Council was required to approve all final plats. Nonetheless, SCC 30.41A.640(2) still requires a final subdivision submittal to be publicly noticed. When PDS reviews a final subdivision submittal, all major decisions related to the project, such as the number and configuration of lots, road placement, and landscaping have been previously approved by the Hearing Examiner after the conclusion of an open record hearing requiring public notice. Final plat approval is now a ministerial and non-discretionary process. This means that PDS may administratively approve a final subdivision and that final subdivision can then be recorded with the Snohomish County Auditor when it finds the final plat is consistent with the approved preliminary subdivision, meets all conditions of approval and applicable codes, and all necessary improvements are completed. Requiring a public noticing period for the final subdivision submittal when a public hearing is no longer required leads to a false expectation that the public can comment on and influence the final subdivision in the same way they can earlier in the process when an application is first submitted and considered by the Hearing Examiner at the preliminary subdivision stage.
- Amended Ordinance No. 17-045 allowing final plats to be approved administratively inadvertently left in the word “council” within SCC 30.41A.665(1) and (3).

PROPOSED CODE AMENDMENTS

Table 1 outlines the proposed code amendments, as well as the findings in support of the proposed code amendments by subsection. The proposed code amendments will increase consistency between Chapters 30.41A and 30.41B, with the GMA Comprehensive Plan (GMACP), and with the rest of Title 30 SCC by:

- Aligning the chapters with the County’s post-GMA critical area regulations;
- Codifying Rule 20-01 allowing model homes in short subdivisions;
- Making housekeeping amendments to improve implementation and readability; and
- Ensuring internal consistency within Chapter 30.41A SCC related to the administrative final plat approval process.

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS

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Proposed Change			Finding																																														
<p>((30.41A.250—Density for sloping land. All subdivisions shall comply with applicable requirements regarding development in erosion and landslide hazard areas pursuant to SCC 30.62B.320 and 30.62B.340. In addition, the following requirements shall apply to all subdivisions:</p> <p>(1) Determination of Slope. The applicant shall determine land slope and assess the applicability of this section. This information shall be provided to the department along with the completed application. In determining slope, the applicant shall obtain a topographic survey from a registered professional engineer or land surveyor which defines the slope of the property to a recognized and acceptable mapping standard. In all areas proposed for roads or dwellings, elevations of 90 percent of the area shall be within three feet of the actual ground elevations;</p> <p>(2) Determination of Potential Maximum Dwelling Unit Density. The applicant shall determine maximum unit yield for the specified zones from Table 30.41A.250(2), except that this requirement shall not apply to a planned residential development combined with a preliminary subdivision; and</p> <p>Table 30.41A.250(2) Residential Density for Sloping Land</p> <table><tr><th>Zoning</th><th colspan="4">Dwelling Units/Gross acre</th></tr><tr><th></th><th>15–20% slope</th><th>21–25% slope</th><th>26–33% slope</th><th>Over 33% slope</th></tr><tr><td>Rural Conservation</td><td>.5</td><td>.5</td><td>.5</td><td>.25</td></tr><tr><td>SA 1 Acre</td><td>1.0</td><td>1.0</td><td>1.0</td><td>.25</td></tr><tr><td>R-20,000</td><td>1.8</td><td>1.8</td><td>1.8</td><td>.25</td></tr><tr><td>R-12,500</td><td>2.8</td><td>2.8</td><td>1.8</td><td>.25</td></tr><tr><td>R-9,600</td><td>4.0</td><td>2.8</td><td>1.8</td><td>.25</td></tr><tr><td>R-8,400</td><td>4.0</td><td>2.8</td><td>1.8</td><td>.25</td></tr><tr><td>R-7,200/WEB</td><td>4.0</td><td>2.8</td><td>1.8</td><td>.25</td></tr></table>			Zoning	Dwelling Units/Gross acre					15–20% slope	21–25% slope	26–33% slope	Over 33% slope	Rural Conservation	.5	.5	.5	.25	SA 1 Acre	1.0	1.0	1.0	.25	R-20,000	1.8	1.8	1.8	.25	R-12,500	2.8	2.8	1.8	.25	R-9,600	4.0	2.8	1.8	.25	R-8,400	4.0	2.8	1.8	.25	R-7,200/WEB	4.0	2.8	1.8	.25	<p>SCC 30.41A.250 is being repealed because since its original enactment in 1986, Snohomish County adopted critical area codes under the GMA aimed at protecting landslide hazard areas and guiding development near those areas. Namely, Chapter 30.62B SCC was adopted in 2007 by Amended Ord 06-061 with its purpose stated in SCC 30.62B.010(1) as to “[P]rovide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas” (SCC 30.62B.010(1)). The intent supporting Chapter 30.62B SCC is further stated in SCC 30.62B.015 and is to “[P]rovide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The County Council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the County Council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.” Where a proposed development activity impacts a geologically hazardous area it must be supported by a geotechnical report meeting the requirements of SCC 30.62B.140.</p>	
Zoning	Dwelling Units/Gross acre																																																
	15–20% slope	21–25% slope	26–33% slope	Over 33% slope																																													
Rural Conservation	.5	.5	.5	.25																																													
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<p>Slope means an inclined ground surface, the inclination of which is expressed as a rating of horizontal distance to vertical distance. Slope percentages are calculated by taking the vertical rise over the horizontal run. For land areas greater than 15 percent natural slope, maximum unit yield in the identified zones shall be determined by multiplying the gross site area by the appropriate density factors found in SCC Table 30.41A.250(2). For the purpose of this table, a continuous slope with a horizontal run of less than 50 feet shall be considered level when the slope percentage is less than 33 percent.</p> <p>(3) The department may require engineering or other technical justification for development in sloped areas where it determines that the public health, safety, welfare, or environment may be jeopardized by the proposed development.))</p>	<p>SCC 30.41A.250 is no longer required to protect geologically hazardous areas such as landslide hazards areas that incorporate steep slopes, and this provision places an undue burden on applicants that can led to increased development costs without increased environmental protections. Implementation of this provision can lead to unnecessary sprawl contrary to the GMA's mandate.</p>
<p>((30.41B.210 Design standards—slopes. All short subdivisions shall comply with the requirements of SCC 30.41A.250.))</p>	<p>This subsection is proposed to be repealed for consistency with the repeal of SCC 30.41A.250 described above.</p>
<p>30.23.020 Minimum net density for residential development in UGAs.</p> <p>(6) The minimum net density requirement of this section shall not apply:</p> <p>(a) In the Darrington, Index, and Gold Bar UGAs; and</p> <p>(b) Where ((regulations on development of steep slopes, SCC 30.41A.250,)) or sewerage regulations, SCC 30.29.100, require a lesser density.</p>	<p>This cross-reference to SCC 30.41A.250 is proposed to be removed in order to be consistent with the repealed subsections described above.</p>

<p>30.41B.500 ((Reserved)) Model Homes <u>A limited number of model homes are allowed to be constructed in an approved preliminary short subdivision prior to final short subdivision approval and recording in accordance with the process outline for preliminary subdivisions within SCC 30.41A.510 through 30.41A.550. These sections shall not be construed to supersede or amend the purpose and intent of the Snohomish County Code regarding the requirements for short subdivision approval.</u></p>	<p>This subsection is proposed to be added because under state law and county code, short subdivisions are a type of subdivision (the only significant difference being the number of lots and a simplified approval process) and there is no articulable reason to not allow model homes to be built in short subdivisions. As Chapter 30.41B SCC is silent on allowing model homes to be constructed in short subdivisions, PDS Administrative Rule 20-01 was implemented in 2021 to allow model homes in short subdivisions. The addition of this code section will codify the previously adopted administrative rule allowing model homes in short subdivisions.</p>
<p>30.41A.550 Model homes - as-built submittal. Prior to final subdivision approval, the applicant shall submit ((two copies of)) a plot plan delineating the as-built location of the model home on the lot. The corners of the lot shall be set by a registered professional land surveyor prior to commencement of construction. The plot plan shall be included in both the building permit record and the subdivision file record.</p>	<p>No substantive changes proposed. Rather this is a housekeeping amendment to align the provision with current PDS practice of only accepting electronic submittals where duplicate digital copies are not necessary for permit review.</p>
<p>30.41A.640 ((Public notice of final)) Final subdivision submittal and approval procedure ((for final subdivision)) ((2) Public notice of final subdivision submittal shall be provided by the department within 21 days of determination that the application is complete by:</p> <p>(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final subdivision, and to those official parties of record listed in the hearing examiner decision on the preliminary subdivision application;</p> <p>(b) Posting in accordance with SCC 30.70.050 and 30.70.045;</p> <p>(c) Mailing to all parties that have provided written comment on the preliminary subdivision in accordance with SCC 30.70.045; and</p>	<p>This amendment will remove the requirement to publicly notice a final subdivision submittal because at that stage, the development has been approved by the Hearing Examiner and is likely under construction. Public notice of final subdivisions is a holdover from when final subdivisions had to be approved by the County Council after a public hearing. Current code, adopted under the authority of RCW 58.17.100, allows PDS to approve a final subdivision submittal if it complies with state law and county code, is in the proper form for recordation, is consistent with the approved preliminary subdivision, meets all conditions of approval for the preliminary subdivision, and all required improvements have been constructed. Continuing to require public notice of a final subdivision submittal is not required under state law and sets a false expectation that public comments and questions can have the same impact at the final subdivision</p>

<p>((d)) Notices required pursuant to subsections (2)(a), (b) and (c) of this section shall solicit comments on the final subdivision recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice.))</p> <p>((3)) <u>(2)</u> The department shall coordinate the final subdivision review process among the appropriate county departments and other agencies. ((after compliance with the public notice provisions of subsection (2) of this section.))</p> <p>((4)) <u>(3)</u> The final subdivision shall be approved or disapproved by the department. The department shall base its decision on the following:</p> <p>(a) The recommendations of the Snohomish Health District and any purveyors with jurisdiction as to the adequacy of the sewage disposal and potable water supply;</p> <p>(b) The recommendation of the provider with jurisdiction as to the adequacy of electrical availability;</p> <p>(c) The recommendation of the department of public works;</p> <p>(d) The recommendation of the fire marshal;</p> <p>(e) The recommendations of other relevant federal, state, and local agencies;</p> <p>(f) The requirements of state law, the county code, and all other applicable codes;</p> <p>(g) The submittal of a certificate of title prepared by a title insurance company no more than 30 days prior to submittal of the final subdivision which must show the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision;</p>	<p>submittal as they can during Hearing Examiner's review and decision on the preliminary subdivision proposal. Under the county code, final subdivision approval is now an administrative, ministerial, and non-discretionary process that does not require a hearing in which the public may participate. Providing notice of the final submittal is not required under state law and removing the noticing requirement will save PDS money and time without substantially changing the review process or lessening the impact of the public.</p> <p>There is not a state requirement for the submittal of a final subdivision to be publicly noticed.</p>
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<p>(h) Any evidence of ownership interests not shown on title; and</p> <p>(i) Compliance with all conditions imposed in the granting of the preliminary subdivision.</p> <p>((5)) <u>(4)</u> Upon finding that the final subdivision has been completed in accordance with the county code, that the plat is in proper form for recording as established by the submittal requirements, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of the preliminary subdivision approval and requirements of state law and county code have been met, and that the interests of the county are fully protected, the department shall obtain the necessary signatures on the final plat and the director shall sign the final plat, accepting such dedications and easements as may be included thereon, for final approval.</p>	
<p>30.41A.665 File with auditor.</p> <p>(1) The original of the final subdivision shall be filed and recorded with the county auditor within 30 days from the date of ((council)) approval or the final approval shall lapse. In the case of a lapsed final approval, SCC 30.41A.300 shall govern the expiration of the preliminary approval.</p> <p>(3) The auditor shall refuse to accept any final subdivision for filing and recording until final subdivision approval has been given. Should a final subdivision or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in the name of and on behalf of the ((council)) <u>department</u>, directing the auditor and assessor to remove from their files or records the unapproved subdivision or dedication of record.</p>	<p>Proposed amendment to align the section with Amended Ordinance No. 17-045 which amended SCC 30.41A.640 where the authority to administratively approve final subdivisions was given to PDS.</p>
<p>30.91M.180 Model home.</p> <p>"Model home" means a dwelling permitted in an approved preliminary ((plat)) <u>subdivision or short subdivision</u> prior to final plat <u>or final short plat</u> recording in accordance with chapters <u>30.41A and 30.41B</u> SCC.</p>	<p>With the addition of SCC 30.41B.500 allowing model homes within short subdivisions, the definition of model home must be revised to ensure consistency across Title 30 SCC.</p>

The following analysis provides a summary of the proposed code amendments compliance with state law, as well as regional, countywide, and county Comprehensive Plan policies.

Compliance with State Law

The Growth Management Act (GMA) planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority-listed. In particular the GMA goals guide the policies in the Snohomish County's GMA Comprehensive Plan (GMACP), and require consistency between the GMACP and implementing development regulations. Table 2 identifies the reasonably related GMA planning goals listed in RCW 36.70A.020, and describes how the proposed code amendments are consistent with and advance those goals.

Table 2 Compliance with GMA Planning Goals

GMA Planning Goal	Finding
GMA Goal 2: Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.	Removing the density limitations for sloping land currently found in SCC 30.41A.250, while recognizing that developments must comply with development regulation found in Chapter 30.62B SCC, may allow for denser developments and reduce sprawl while still protecting the environment.
GMA Goal 4: Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.	Removing the density limitations for sloping land and allowing for model homes could allow for denser development where all forms of housing are permitted. As densities increase, so to do the number of housing units allowed, which encourages both the availability and affordability of housing.
GMA Goal 7: Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.	Aligning Chapters 30.41A and 30.41B SCC with the rest of Title 30, Rule 20-01, and previous internal changes will allow for more predictability and efficiency in permit processing.
GMA Goal 10. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.	Areas available for infill development may be sloped. The proposed code amendments may allow for more dense development on these lands where such development is appropriate and consistent with the provisions protecting geologically hazardous areas found in Chapter 30.62B SCC.

Compliance with the Multi-County Planning Policies

Multi-County Planning Policies (MPPs) within Vision 2050 “provide for coordination and consistency among the metropolitan counties sharing common borders and related regional issues as required by RCW 36.70A.100, and, in order to ensure consistency, the directive policies of the MPPs need to have a binding effect.” (Summit-Waller Community Association, et al, v Pierce County). Table 3 identifies the reasonably related MPPs within Vision 2050, and describes how the proposed code amendments are consistent with and advance those goals.

Table 3 Compliance with MPPs

MPP	Finding
MPP-En-5: Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.	Areas available for infill development may be sloped. The proposed code amendments may allow for more dense development on these lands where such development is appropriate and consistent with the provisions protecting geologically hazardous areas found in Chapter 30.62B SCC.
MPP-En-6: Use the best information available at all levels of planning, especially scientific information, when establishing and implementing environmental standards established by any level of government.	The county code provisions restricting density on sloping land are based on the best available science from 1986. The regulations found in Chapter 30.62B SCC were developed utilizing more current best available science methodologies and are aimed at protecting geologically hazardous areas which are critical areas as defined by the GMA.

Compliance with the Countywide Planning Policies

Countywide Planning Policies (CPPs) establish a countywide framework for developing and adopting county, city, and town comprehensive plans. The role of the CPPs is to coordinate comprehensive plans of jurisdictions in the same county in regard to regional issues and issues affecting common borders (RCW 36.70A.100). Table 4 identifies the reasonably related CPPs, and describes how the proposed code amendments are consistent with and advance those goals.

Table 4 Compliance with CPPs

CPP	Finding
CPP DP-15: The County and cities should adopt policies, development regulations, and design guidelines that allow for infill and redevelopment of underutilized lands and other appropriate areas.	Areas available for infill development may be sloped. The proposed code amendments may allow for more dense development on these lands where such development is appropriate and consistent with the provisions protecting geologically hazardous areas found in Chapter 30.62B SCC.
CPP DP-33: Jurisdictions should minimize the adverse impacts on resource lands and critical areas from new developments through the use of environmentally sensitive development and land use practices.	
CPP Env-1: All jurisdictions shall protect and enhance natural ecosystems through their comprehensive plans, development regulations, capital facilities programs, and management practices. Jurisdictions should work collaboratively, employing integrated and interdisciplinary approaches, to consider regional and countywide strategies and assessments, as well as best available qualitative and quantitative information, in formulating plans and regulations that are specific to their community.	

Compliance with the Snohomish County Comprehensive Plan

The proposed code amendments will better achieve, comply with, and implement the policies identified in Table 5 contained in the County's GMACP.

Table 5 Compliance with the Comprehensive Plan

GMACP Policy	Finding
Goal LU 2: Establish development patterns that use urban land more efficiently.	Areas available for infill development may be sloped. The proposed code amendments may allow for more dense development on these lands where appropriate and consistent with the provision protecting geologically hazardous areas found in Chapter 30.62B SCC. Allowing more dense development will reduce sprawl and result in diverse housing types and development patterns which use land efficiently.
Objective LU 6.A: Reduce the rate of growth that results in sprawl in rural and resource areas.	

GMACP Policy	Finding
Goal HO 1: Ensure that all county residents have the opportunity to obtain safe, healthy, and affordable housing.	Removing the limitation on density for sloping land and allowing for model homes in short subdivisions will allow for denser development where all forms of housing are permitted, while ensuring the protection of the environment. As densities increase, so to do the number of housing units allowed, which can help reduce the prices of homes.
Objective HO 1.B: Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.	
Objective HO 3.A: Encourage land use practices, development standards, and building permit requirements that reduce housing production costs.	Ensuring that the code is internally consistent will allow for more efficient permit processing by reducing confusion.
ED Policy 2.A.3: To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input.	
Objective NE 1.A: Balance the protection of the natural environment with economic growth, housing needs and the protection of property rights.	Repealing SCC 30.41A.250 and SCC 30.41B.210 better aligns county code development regulations with the GMA and Chapter 30.62B SCC.
Goal NE 3: Comply with the requirements of state, federal and local laws for protecting and managing critical areas, shorelines, and water.	
Objective NE 3.E: Designate and protect geologic hazard areas pursuant to the Growth Management Act.	

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A SEPA Determination of Non-Significance was issued on February 3, 2022.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce on February 3, 2022.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can

recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

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

Attachments

Attachment A: Proposed Code Amendments, Draft Findings of Fact and Conclusions

Attachment A
Subdivision and Short Subdivision Proposed Code Amendments
Findings of Fact and Conclusions

Section 1. Snohomish County Planning Commission adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. This ordinance will amend Title 30 SCC to revise subdivision and short subdivision development regulations in Chapters 30.41A and 30.41B SCC. The code amendments are intended to address outdated sections of code, increase consistency within and between Chapters 30.41A and 30.41B SCC, and increase consistency between these chapters and the rest of Title 30 SCC, by: 1) aligning the chapters with post-GMA critical area regulations; 2) codifying PDS administrative Rule 20-01 and allowing the construction of model homes in short subdivisions; 3) making housekeeping amendments to improve implementation and readability; and 4) removing unnecessary final plat noticing provisions given that final plat approval in Snohomish County is now an administrative and ministerial process which does not require a public hearing before the County Council.
- C. In developing the code amendments, the County considered the goals of the GMA identified in RCW 36.70A.020, specifically those goals related to reducing sprawl, housing, permitting, and the environment. The proposed regulations are reasonably related to, and necessary for, the advancement of the before mentioned GMA planning goals.
- D. The code amendments will allow Chapters 30.41A and 30.41B SCC to achieve, comply with, and implement the below listed goals, objectives, and policies contained in the County's General Policy Plan (GPP) a component of the GMACP, by using land more efficiently, fostering compact development to minimize impacts to the natural environment, and providing regulations that are predictable.
 - 1. Goal LU 2: "Establish development patterns that use urban land more efficiently."
 - 2. Objective LU 6.A: "Reduce the rate of growth that results in sprawl in rural and resource areas."
 - 3. Goal HO 1: "Ensure that all county residents have the opportunity to obtain safe, healthy, and affordable housing."
 - 4. Objective HO 1.B: "Ensure that a broad range of housing types and affordability levels is available in urban and rural areas."
 - 5. Objective HO 3.A: "Encourage land use practices, development standards, and building permit requirements that reduce housing production costs."
 - 6. Objective NE 1.A: "Balance the protection of the natural environment with economic growth, housing needs and the protection of property rights."
 - 7. Goal NE 3: "Comply with the requirements of state, federal and local laws for protecting and managing critical areas, shorelines, and water."

8. Objective NE 3.E: "Designate and protect geologic hazard areas pursuant to the Growth Management Act."
 9. ED Policy 2.A.3: "To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input."
- E. The proposed code amendments are consistent with the record:
1. SCC 30.41A.250 is repealed because since its adoption in 1986 there have been advances in science and several iterations of critical area code updates intended to protect geological hazard areas and limit nearby growth. The GMA requires the protection of critical areas such as geologically hazardous areas, and this is implemented within Chapter 30.62B SCC that was adopted in 2007 (Amended Ord 06-061). Repealing SCC 30.41A.250 promotes internal consistency within Title 30 SCC and does not place an undue burden on development that could limit the variety and affordability of housing in urban and rural areas.
 2. SCC 30.41B.210 repealed to be consistent with the deletion of SCC 30.41A.250.
 3. SCC 30.23.020(6)(b) is revised to remove a reference to SCC 30.41A.250 and be consistent with the repeal of this provision.
 4. SCC 30.41B.500 is amended to allow short subdivisions to propose model homes prior to the recordation of a final short plat. This addition will reference SCC 30.41A.510 through .550 as model homes are permitted in subdivisions, and short subdivisions are another form of subdivision with limited new lots. PDS administrative Rule 20-01 was adopted in 2021 that allows model homes in short subdivisions, and this amendment codifies that administrative rule.
 5. The definition of model homes within SCC 30.91M.180 is amended to be consistent with amendments made within SCC 30.41B.500 that allow model homes within approved preliminary short subdivisions prior to final short subdivision recordation.
 6. SCC 30.41.550 is amended to delete the requirement that two copies of a plot plan be submitted for review. This is a housekeeping amendment to align the provision with current PDS practice of accepting only electronic submittals where duplicate digital copies are not necessary.
 7. SCC 30.41A.640 is amended to remove the requirement to publicly notice a final plat submittal. As allowed by RCW 58.17.100, Amended Ordinance No. 17-045 made final plat approval an administrative process that does not require a public hearing. Despite the removal of the County Council from the final subdivision decision process, the public noticing requirements were inadvertently left unchanged. This amendment would rectify the situation and remove expectations that public comments during the final subdivision review could have the same impact as public comments made before the preliminary subdivision was approved by the Hearing Examiner.
 8. SCC 30.41A.665(1) and (3) are amended by deleting the word "council" and replacing it with "department" within (3). Amended Ordinance No. 17-045 within SCC 30.41A.640 made final plat

approval an administrative process, and SCC 30.41A.665 was not updated at that time to reflect the changes elsewhere in the chapter. This is a housekeeping amendment.

F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated February 22, 2022.

G. Procedural requirements:

1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on February 3, 2022.
3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on February 3, 2022.
4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.
5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an advisory memorandum in September 2018 entitled “Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property” to help local governments avoid unconstitutional takings of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes in this ordinance.

Section 2. The County Council makes the following conclusions:

- A. The proposal is consistent with Washington State law and Snohomish County Code.
- B. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the GPP.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- E. The County complied with the state and local public participation requirements under the GMA and chapter 30.73 SCC.

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



SNOHOMISH COUNTY PLANNING COMMISSION

March 28, 2022

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

SUBJECT: Planning Commission recommendation on proposed code amendments to the subdivision and short subdivision chapters of Snohomish County Code

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations related to subdivisions and short subdivisions. The Planning Commission had a briefing on this topic on February 22, 2022, and conducted a public hearing on March 22, 2022.

The proposed code amendments would increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency

There were no written comments received by the Planning Commission from the public prior to the March 22nd hearing, and no members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the March 22, 2022, Planning Commission meeting, Commissioner Norcott made a motion, seconded by Commissioner Everett, recommending APPROVAL of the proposed appeal hearing notice requirement amendments contained in the staff report dated February 22, 2022.

Vote (Motion):

9 in favor (*Ash, Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Pedersen*)

0 opposed

0 abstentions

Motion passed

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the February 22, 2022, staff report, with which the Commission concurred.

During the deliberations, the topic of density on sloping lands was discussed at length. The commissioners feel strongly that the County should continue to ensure protection of geologically hazardous areas and people.

Respectfully submitted,

Robert Larsen

Robert Larsen (Mar 30, 2022 08:14 PDT)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

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

Executive/Council Action Form (ECAP)

EXHIBIT # 3.1.001

FILE ORD 22-020

ITEM TITLE:

..Title

Ordinance 22-020, relating to Growth Management; concerning subdivisions and short subdivisions; amending Chapters 30.23, 30.41A, 30.41B, and 30.91M SCC

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Sarah Titcomb

EXECUTIVE RECOMMENDATION: Approve – Ken Klein

PURPOSE: To adopt amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule.

BACKGROUND: Chapters 30.41A and 30.41B SCC describe the subdivision and short subdivision process for development within unincorporated Snohomish County. Over time, other chapters of Title 30 SCC were amended, and administrative rules were adopted which were not consistently mirrored within Chapters 30.41A and 30.41B SCC. The proposed code amendments will increase consistency by: aligning the chapters with the County's post-GMA critical area regulations; codifying Administrative Rule 20-01 allowing model homes in short subdivisions; making housekeeping amendments to improve implementation and readability; and ensuring internal consistency within Chapter 30.41A SCC related to the administrative final plat approval process. PDS briefed the Planning Commission on the proposed code amendments on February 22, 2022. The Planning Commission held a public hearing on March 22, 2022, and they recommend adoption as outlined in their March 28, 2022, letter.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL	\$0	\$0	\$0

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL	\$0	\$0	\$0

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

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved as to form by PA (Justin Kasting).
 Reviewed/approved by Finance.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON HOUSING AND JOBS

Title Ordinance No. 22-020

Description This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to increase consistency between Chapters 30.41A and 30.41B SCC, and remove conflicts with best available science, other provisions of Title 30 SCC, an administrative rule, and practice.

Date: January 21, 2022

Staff Contact: Sarah Titcomb, Principal Planner, Sarah.Titcomb@snoco.org

	Place an “X” in the appropriate box				Comments
	Increase	Decrease	Neutral	Uncertain	
Housing					
Capacity/Targets			X		The proposed amendments are primarily to ensure consistency between Chapters 30.41A and 30.41B SCC, as well as across Title 30, the Comprehensive Plan, and Administrative Rules. As such, there will not be major impacts on housing.
Cost of Housing Development:		X			There will not be an increase in the number of subdivisions or short subdivisions, although there could be a slight increase in the number of units because of the repeal of SCC 30.41A.250. There could also be a decrease in the cost to develop housing because analysis of SCC 30.41A.250 by the developer and PDS staff would no longer be required. Additionally the ability to place model homes within short subdivisions could increase the speed of development.
• Infrastructure			X		
• Site			X		
• Building const.		X			
• Fees			X		
• Yield	X				
Timing		X			
Jobs					
Capacity/Targets			X		The proposed amendments will not impact employment in the County nor the cost of
Cost of Commercial or Industrial Development:			X		

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

• Infrastructure			X		commercial or industrial development.
• Site			X		
• Building const.			X		
• Fees			X		
• Yield			X		
Time to Create Jobs			X		
# Family Wage Jobs			X		

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES

Title Ordinance No. 22-020

Description This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to increase consistency between Chapters 30.41A and 30.41B SCC, and remove conflicts with best available science, other provisions of Title 30 SCC, an administrative rule, and practice.

Date: January 21, 2022

Staff Contact: Sarah Titcomb, Principal Planner, Sarah.Titcomb@snoco.org

	Place an “X” in the appropriate box			Comments
	Increase	Decrease	Neutral	
County Provided				
• Airport			X	The proposed amendments are primarily to ensure consistency between Chapters 30.41A and 30.41B SCC, as well as across Title 30, the Comprehensive Plan, and Administrative Rules. As such, there should be no impact on the Airport, General Government, Law and Justice, or Parks.
• General Government			X	
• Law and Justice			X	
• Parks			X	
• Roads			X	There will not be an increase in the number of subdivisions or short subdivisions, although there could be a slight increase in the number of units because of the repeal of SCC 30.41A.250. This could lead to a slight increase of demand on these public facilities, although the increase would not likely be large enough to require the expansion of these services.
• Solid Waste			X	
• Surface Water			X	
Non-County Provided				
• Electric Power			X	There could be a slight increase in the number of units in unincorporated Snohomish County because of the repeal of SCC 30.41A.250. This could lead to a slight increase of demand on these public facilities, although the increase would not likely be large
• Fire Suppression			X	
• Public Water Supply			X	
• Sanitary Sewer			X	
• Telecommunications			X	

This form is intended to provide a summary analysis of the impact changes to development regulation may have on county and non-county provided capital facilities and utilities.

				enough to require the expansion of these services.
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ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON LOW IMPACT DEVELOPMENT**Title** Ordinance No. 22-020**Description** This is non-project proposal to amend Snohomish County Code (SCC) Title 30 to increase consistency between Chapters 30.41A and 30.41B SCC, and remove conflicts with best available science, other provisions of Title 30 SCC, an administrative rule, and practice.**Date:** January 21, 2022**Staff Contact:** Sarah Titcomb, Principal Planner, Sarah.Titcomb@snoco.org**LID Evaluation:**

The proposed amendments to Chapters 30.41A and 30.41B SCC are to ensure consistency between the two chapters, as well as across Title 30, the Comprehensive Plan, and Administrative Rules. As such, there will be no impact on LID because these amendments will not likely increase or decrease the creation of new subdivisions or short subdivisions.

Does the new policy or regulation support Low Impact Development	Place an "X" in the appropriate box			If "yes" or "no", explain...
	Increase	Decrease	Neutral	
Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	
Minimization of impervious surface area			X	
Use of LID facilities			X	
Better site design – using LID principles			X	
Adherence to SWPPP and drainage plan requirements			X	
Provisions for long			X	

term maintenance				
Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	
Minimization of impervious surface area			X	

ECAF NO.:
ECAF RECEIVED:

**ORDINANCE
INTRODUCTION SLIP**


SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.006

FILE ORD 22-020

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

~~~~~  
  
\_\_\_\_\_  
Councilmember Date

Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
STANDING COMMITTEE RECOMMENDATION FORM

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

_____ Move to Council to schedule public hearing _____

Public Hearing Date June 1 2022 **at** 10:30 a.m.

_____ Move to Council as amended to schedule public hearing


_____ Move to Council with no recommendation

This item ____ should/ ____ should not be placed on the Consent Agenda.

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

This item ____ should/ ____ should not be placed on the Administrative Matters Agenda

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)



Committee Chair

**Snohomish County Council****Committee:** Planning & Community Development**Analyst:** Deb Evison Bell**ECAF:** 2022-0390**Proposal:** Ordinance 22-020**Date:** May 3, 2022**Consideration**

Proposed Ordinance 22-020 would amend Chapters 30.23, 30.41A, 30.41B, and 30.91M of Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The proposed amendments would increase consistency between the affected chapters, the Snohomish County Comprehensive Plan, and PDS Rule 20-1.

Background and Analysis

The proposed code amendments would address outdated code sections, increase consistency within and between chapters in title 30 SCC, by:

1. Aligning the chapters with current critical area regulations, including but not limited to development near or within geologically hazardous areas, including steep slopes and drainage;
2. Codifying PDS administrative rule 20-01 allowing the construction of model homes in short subdivisions;
3. Including amendments to improve implementation and readability; and
4. Remove unnecessary final plat noticing provisions given that final plat approval is now an administrative and ministerial process which does not require a public hearing before the County Council.

In developing the proposed code amendments, the County considered the goals of the Growth Management Act, as identified in RCW 36.70A.020. The listed detailed goals can be found in Section 1.D of the proposed ordinance.

Detailed findings describing the proposed changes can be found in Section 1.F of the ordinance.

The proposed code changes would assist to eliminate unnecessary procedures and requirements, thereby reducing the administrative burden on applicants and PDS staff.

Current Proposal

Scope and Summary: The proposed Ordinance 22-020 would amend Chapters 30.41A and 30.41B as described above.

Fiscal Implications: None

Deadlines: None

Handling: Normal

Approved-as-to-form: Yes

Risk Management: Approve

Finance: Approve

Executive Recommendation: Approve

Request:

Move to General Legislative Session on May 11 to set time and date for a public hearing.

EXHIBIT 3.2.002

Planning and Community Development Committee Meeting

05/03/22

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

From: Marshland Flood Control <marshlandfloodcontrol@gmail.com>
Sent: Wednesday, April 27, 2022 4:29 PM
To: Eco, Debbie
Cc: Titcomb, Sarah; Klein, Ken; McCrary, Mike; Killingstad, David; Dobesh, Michael; Countryman, Ryan
Subject: Marshland; Letter dated 4/27/22 to Executive Somers and County Council
Attachments: CCF_000361(1).pdf

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

Debbie:

Would you please see to it that this letter from the Marshland Commissioners is distributed to County Executive Somers and the County Council. If there are any questions, please feel free to contact me. Thank you in advance.

Gary
Gary W. Brandstetter
Secretary/Manager and Legal Counsel
Marshland Flood Control District
P.O. Box 85
Snohomish WA 98291-0085
360-568-6044
marshlandfloodcontrol@gmail.com

MARSHLAND FLOOD CONTROL DISTRICT

P.O. Box 85 · Snohomish, WA 98291-0085
360-568-6044 · marshlandfloodcontrol@gmail.com

April 27, 2022

Dave Somers, County Executive
Snohomish County Council
3000 Rockefeller
Everett, Washington 98201

Re: Proposed Code Amendments Relating to Subdivisions and Short Subdivisions

Dear Mr. Somers and County Council:

Marshland's entire westerly boundary is a steep hillside subject to tremendous development pressures which create drainage and siltation concerns. When Marshland received notice on February 7, 2022 of proposed code amendments for plat and short plat regulations to "remove conflicts with best available science," it drew District attention. The District requested more detailed information on February 7, 2022 and was provided with some on February 8, 2022. On February 25, 2022 Marshland requested the code amendment ordinances with new language highlighted and language to be repealed struck out. That request drew a same day response that the ordinance was not yet drafted. But a staff report was sent.

Due, however, to a crush of business it was not until Marshland's April 11, 2022 meeting that this material was reviewed by the Commissioners. Having done so, we elected Commissioners felt it necessary to express our sincere concern for these "best available science" proposals.

As our elected officials, you are all very aware that one of the worst landslide disasters in this entire country occurred in Oso. You are also aware of annual, if not monthly, reports during every winter of landslides along the railroad lines on the Sound between Everett and Seattle. Presumably these all involved codes that "placed limits on development on sloping land."

Nevertheless, the PDS staff report now advises that "the best available science has determined that steep slopes alone may not create such a [landslide] hazard." Further "It is the intent of the County Council that this [platting] chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70RCW. As a result, SCC 30.41A.250 and SCC 30.41B.210 are **outdated and no longer necessary to protect geologically sensitive areas such as steep slopes.**" (Emphasis supplied.)

Therefore, the staff report goes on, "current provisions work to limit development's housing density and can result in sprawl." Moreover, the staff argument continues, "Removing the limitation on

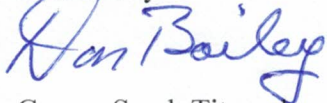
density for sloping land ... will allow for denser development.... As densities increase, so do the number of housing units allowed, which can help reduce the price of homes.”

In our view, this entire argument is – please excuse the pun -- a very slippery slope like the hillside along Marshland’s entire westerly border. We respectfully question the staff report arguing for fewer restrictions on steep slopes and request that further consideration be given to these proposals.

Thank you for your consideration.

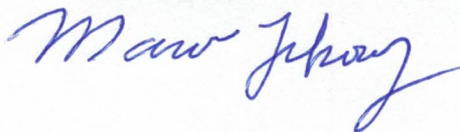
Yours very truly,

Don Bailey

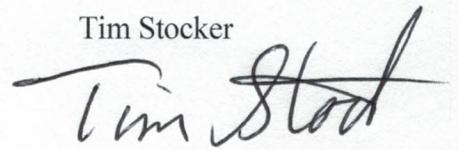


C: Sarah Titcomb
Ken Klein
Mike McCrary
David Killingstad
Michael Dobesh
Ryan Countryman

Marv Thomas



Tim Stocker



From: Titcomb, Sarah
Sent: Tuesday, May 3, 2022 8:59 AM
To: Gary Brandstetter; Eco, Debbie
Cc: Klein, Ken; McCrary, Mike; Killingstad, David; Dobesh, Michael; Countryman, Ryan; Bell, Deborah
Subject: RE: Marshland; Letter dated 4/27/22 to Executive Somers and County Council
Attachments: PDS Response_Ord 22-020.pdf

Good Morning,

Thank you for taking the time to provide a comment letter. Attached please find a response from Snohomish County Planning and Development Services (PDS).

Best Regards,
Sarah

Sarah Titcomb | *Principal Planner*

[Snohomish County Planning and Development Services](#) | Long Range Planning Division
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2128 | Sarah.Titcomb@snoco.org
she/her/hers

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

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Cc: Titcomb, Sarah <Sarah.Titcomb@co.snohomish.wa.us>; Klein, Ken <Kenneth.Klein@co.snohomish.wa.us>; McCrary, Mike <M.McCrary@co.snohomish.wa.us>; Killingstad, David <david.killingstad@snoco.org>; Dobesh, Michael <Michael.Dobesh@snoco.org>; Countryman, Ryan <Ryan.Countryman@co.snohomish.wa.us>
Subject: Marshland; Letter dated 4/27/22 to Executive Somers and County Council

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Gary
Gary W. Brandstetter
Secretary/Manager and Legal Counsel
Marshland Flood Control District

P.O. Box 85
Snohomish WA 98291-0085
360-568-6044
marshlandfloodcontrol@gmail.com



Snohomish County
Planning and Development Services

Dave Somers
County Executive

Mike McCrary, Planning Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

May 2, 2022

Marshland Flood Control District
P.O. Box 85
Snohomish, WA 98291-0085
marshlandfloodcontrol@gmail.com

Subject: Response to Proposed Code Amendments Relating to Subdivisions and Short Subdivisions Comment Letter dated April 27, 2022

Dear Marshland Flood Control District Commissioners,

Geologically hazardous areas are considered critical areas in the county and will be protected regardless of Snohomish County Code (SCC) 30.41A.250 and SCC 30.41B.210 through implementation of Chapter 30.62B SCC. SCC 30.41A.250 and SCC 30.41B.210 also do not necessarily limit development within sloping lands, they only limit density on properties that contain sloping lands as noted in SCC 30.41A.250(3), "The department may require engineering or other technical justification **for development in sloped areas** where it determines that the public health, safety, welfare, or environment may be jeopardized by the proposed development" (emphasis added). Additionally, Chapter 30.62B SCC provides staff and applicants more specificity around when engineering reports (ie geotechnical reports) or other technical justifications are required, as well as what must be included within the report and where and how development can occur to create safer environments. The stated purpose of Chapter 30.62B SCC is, "to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas" (SCC 30.62B.010(1)).

It is also important to note that the provisions of SCC 30.41A.250 and SCC 30.41B.210 are not applicable to all development proposals, namely Planned Residential Developments (PRDs) are exempt per SCC 30.41A.250(2), and projects within many rural, urban, and resource zones, such as R-5, A-10, F, LDMR, MR, MHP, NB, etc., are also exempt because they are not listed within Table 30.41A.250(2). Staff reviewed available proposal data between 2018 and 2021 and found that between 5% and 20% of projects each year are subdivisions or short subdivisions that do not utilize lot size averaging or planned residential development, although not all of those projects are located in zones that trigger review of SCC 30.41A.250 and SCC 30.41B.210. Between 2018 and 2021, 11% of all projects could have been subject to SCC 30.41A.250 and SCC 30.41B.210. When examining the Buildable Lands Report data from 1998 to 2017, staff found that 16% of the

finalized residential land use developments in the UGA could have been subject to SCC 30.41A.250 and SCC 30.41B.210.

The comment letter dated April 27, 2022, also provides a number of quotations from the February 22, 2022, staff report. The following information provides further context for the first quotation concerning best available science. The full quote from the staff report reads, "It is also important to note that a landslide hazard area is more precisely defined than a steep slope within SCC 30.91L.040, as the best available science has determined that steep slopes alone may not create such a hazard." This statement was made because Snohomish County defines a landslide hazard area within SCC 30.91L.040 as, "areas potentially subject to mass earth movement based on a combination of geologic, topographic, and hydrologic factors, with a vertical height of 10 feet or more. These include the following:

- (1) Areas of historic landslides as evidenced by landslide deposits, avalanche tracks, and areas susceptible to basal undercutting by streams, rivers or waves;
- (2) Areas with slopes steeper than 33 percent which intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and which contain springs or ground water seeps;
- (3) Areas located in a canyon or an active alluvial fan, susceptible to inundation by debris flows or catastrophic flooding.

For subsections (1), (2), and (3) of this section, the landslide hazard area also includes lands within a distance from the top of the slope equal to the height of the slope or within a distance of the toe of the slope equal to two times the height of the slope. The director may expand the boundary of a landslide hazard area pursuant to SCC 30.62B.390."

The comment letter also provides a staff report quote related to the County Council stating, "Further 'It is the intent of the County Council that this [platting] chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70RCW. As a result, SCC 30.41A.250 and SCC 30.41B.210 are **outdated and no longer necessary to protect geologically sensitive areas such as steep slopes.**' (Emphasis supplied.)"

The first sentence is a part of a larger quoted paragraph in the staff report from SCC 30.62B.015 that describes the intent of the geologically hazardous areas chapter of code. This information along with a previous quote from SCC 30.62B.010 regarding the purpose of the chapter were provided in the staff report to compare and show the similarities of the stated intent of the original Chapter 18.46 SCC from 1986 to the stated intent of Chapter 30.62B SCC. SCC 30.62B.015 reads in full, "It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW."

Based on the information provided within the staff report up until that point, the staff report concludes that "As a result, SCC 30.41A.250 and SCC 30.41B.210 are outdated and no longer necessary to protect geologically sensitive areas such as steep slopes and retaining these two provisions in Title 30 require applicants to go beyond what is required within the GMA. This could place undue burdens on the development of land that could increase the cost and time to develop beyond what is necessary for development within other critical areas in the county. Further, the

current provisions work to limit a development's housing density and can result in sprawl contrary to the GMA's state goal of reducing such patterns."

As all projects are required to comply with Chapter 30.62B SCC, PDS staff believes that repealing SCC 30.41A.250 and SCC 30.41B.210 will not remove GMA required protections for residents and the environment.

Sincerely,



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