DETERMINATION OF NON-SIGNIFICANCE

Proponent: Snohomish County, Department of Planning and Development Services  
County Administration Building  
3000 Rockefeller Ave., M/S 604  
Everett, WA 98201-4046

Description of Proposal: Proposed ordinance to amend the Snohomish County Code titled:

RELATING TO GROWTH MANAGEMENT; CONCERNING PLANNED RESIDENTIAL DEVELOPMENT; AMENDING CHAPTER 30.42B OF THE SNOHOMISH COUNTY CODE

Proposed code amendments:

This is a non-project proposal to amend the planned residential development (PRD) chapter of Title 30, Chapter 30.42B Snohomish County Code (SCC). The proposed code amendments will increase consistency between the PRD chapter and Snohomish County’s Comprehensive Plan, as well as other forms of development described within Title 30. Amending Chapter 30.42B SCC could also encourage the use of PRDs in unincorporated Snohomish County, resulting in urban infill development. The proposal also includes housekeeping changes for internal code consistency.

Lead Agency: Snohomish County, Department of Planning and Development Services

Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 107-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by April 24, 2019 to the responsible official at the address listed below.

Appeals: This DNS, together with the subsequent legislative action by the County Council to amend the County Code, may be appealed to the Central Puget Sound Growth Management Hearings Board. This DNS may be appealed only when such appeal is combined with the appeal of the underlying action pursuant to SCC 30.73.100. The appeal must be filed within 60 days of the published notice of the notice of action issued subsequent to the final decision by the county. The Notice of Action describing the final decision by the County
to pursue or not pursue the proposed action will be published in the County’s paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953, Olympia, WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

**Responsible Official:** Barbara Mock  
**Position/Title:** Director, Department of Planning and Development Services  
**Address:** 3000 Rockefeller Avenue, M/S #604  
Everett, WA 98201-4046

[Signature]

Barbara Mock, Director

For further information, contact Sarah Titcomb, Senior Planner, Snohomish County Planning and Development Services at Sarah.Titcomb@snoco.org or 425.262.2128.

**Date Issued:** April 10, 2019  
**Date Published:** April 10, 2019
SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST

Purpose of Checklist

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information on the impacts from this proposal (and to reduce or avoid impacts if possible) to help the agency decide whether an EIS is required.

A. Background

1. Name of proposed project:
   Relating to Growth Management; Concerning Planned Residential Development; Amending Chapter 30.42B of the Snohomish County Code (SCC)

2. Name of applicant:
   Snohomish County, Department of Planning and Development Services

3. Address and phone number of applicant and contact person:
   Sarah Titcomb
   Snohomish County Planning and Development Services
   3000 Rockefeller, M/S 604
   Everett, WA 98201
   Phone: 425.262.2128
   Email: Sarah.Titcomb@snoco.org

4. Date checklist prepared:
   April 10, 2019

5. Agency requesting checklist:
   Snohomish County, Department of Planning and Development Services

6. Proposed timing or schedule (including phasing, if applicable):
   Planning Commission briefing: April 23, 2019
   Planning Commission public hearing: May 28, 2019
   County Council public hearing: To be determined
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This non-project proposal does not anticipate future activities associated with these code amendments.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A simultaneous non-project code amendment proposal to change portions of Type 1 and Type 2 project review processes described within SCC Chapters 30.70 through 30.72 may affect the Type 2 language within SCC 30.42B.030, SCC 30.42B.200, SCC 30.42B.210 and SCC 30.42B.230. If adopted, it may require amendments to this proposal, but would not have direct environmental impacts. No other environmental information has been prepared, or will be prepared, directly related to this proposal which only modifies regulations related to planned residential development.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This is a non-project proposal which affects regulations related to planned residential developments within the urban areas of unincorporated Snohomish County. Other proposals affecting unincorporated Snohomish County properties may be under consideration at any given time, however, none would be affected by, or affect this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Snohomish County Planning Commission will make a recommendation to the County Council, who may adopt the amendment as proposed, revise the proposed amendment, or take no action.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

This is a non-project proposal to amend the planned residential development (PRD) chapter of Title 30, Chapter 30.42B Snohomish County Code (SCC). The proposed code amendments will increase consistency between the PRD chapter and Snohomish County’s Comprehensive Plan, as well as other forms of development described within Title 30. Amending Chapter 30.42B SCC could also encourage the use of PRDs in unincorporated Snohomish County, resulting in urban infill development. The proposal also includes housekeeping changes for internal code consistency.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably
available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project proposal affecting property owners of lands located within, and near the unincorporated jurisdiction of Snohomish County. The proposal only affects regulations related to planned residential development projects on and near these lands in urban areas and has no effect on any other regulations related to the land use.

B. Environmental Elements

1. Earth
   a. General description of the site:
      (Circle one): Flat, rolling, hilly, steep slopes, mountainous, other__________
      Lands within the jurisdiction of Snohomish County include a variety of terrain such as flat, rolling, hilly, and steep slopes.

   b. What is the steepest slope on the site (approximate percent slope)?
      Slopes in excess of 100% can be found within the jurisdiction of Snohomish County.

   c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
      A range of soil types are found within the jurisdiction of Snohomish County. While this proposal relates to planned residential development, this non-project proposal will not impact agricultural lands of long-term commercial significance.

   d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
      There are surface indications and history of unstable soils in various locations throughout unincorporated Snohomish County.

   e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
      This non-project proposal will not result in any filling, excavating, or grading.

   f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
      This non-project proposal will not result in any clearing or construction, so no erosion would occur.

   g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
      This non-project proposal will not directly result in the creation of impervious surface coverage.
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

This non-project proposal will not result in activities that would cause erosion, so no reduction or control measures are required. Future site-specific development or land use action would be subject to project level environmental and regulatory review and would require the implementation of applicable County regulations to reduce or control erosion or other impacts to the earth.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

This non-project proposal would not result in any emissions to air.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This non-project proposal will not result in any emissions, so no measures to reduce or control emissions are required or proposed. Future site-specific development or land use action would be subject to project level environmental and regulatory review and would require the implementation of applicable county regulations to reduce or control emissions or other impacts to air, if any.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

There are numerous streams, seasonal streams, and bodies of water located within Snohomish County.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This non-project proposal will not result in any work in, or adjacent to, the described waters.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This non-project proposal will not result in any fill or dredge material placed or removed from surface water or wetlands.
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

This non-project proposal will not result in any surface water withdrawals or diversion.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

This non-project proposal only affects regulations related to planned residential development. Some property owners within the 100-year floodplain may seek to use the provisions.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This non-project proposal will not result in any discharges of waste materials to surface waters.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

This non-project proposal will not result in any groundwater withdrawals or discharges.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This non-project proposal will not result in any waste material discharged from septic tanks or other sources.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This non-project proposal will not result in any runoff.

2) Could waste materials enter ground or surface waters? If so, generally describe.

This non-project proposal will not result in any waste material entering ground or surface waters.

d. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This non-project proposal will not affect any existing drainage patterns.
e. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

With this non-project proposal, no impacts to surface or groundwater or drainage patterns are anticipated so no measures are proposed. Any future site-specific development or land use proposal would be subject to project level environmental and permit review, which would include the implementation of measures to reduce or control surface, ground, and runoff impacts.

4. Plants
   a. Check the types of vegetation found on the site:
      - Deciduous tree: alder, maple, aspen, other
      - Evergreen tree: fir, cedar, pine, other
      - Shrub
      - Grass
      - Pasture
      - Crop or grain
      - Orchards, vineyards or other permanent crops.
      - Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
      - Water plants: water lily, cattail, milfoil, other
      - Other types of vegetation

   All types of the above vegetation occur in various locations throughout the county.

   b. What kind and amount of vegetation will be removed or altered?

   As a non-project proposal, no vegetation will be removed as a direct result of this proposal.

   c. List threatened and endangered species known to be on or near the site.

   Threatened and endangered plant species can be found in various locations throughout Snohomish County.

   d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

   This non-project proposal will not affect landscaping or vegetation so, no measures to preserve or enhance vegetation are proposed. Any future site-specific development or land use proposal would be subject to project level environmental and permit review, which would include the implementation of measures to reduce or control impacts on sensitive plant materials. The U.S. Fish and Wildlife Services provides listing for ESA species under its jurisdiction; the National Marine Fisheries Service provides listing for ESA species under its jurisdiction; and the Washington State Department of Fish and Wildlife provides listing for sensitive species under its jurisdiction. These resources are consulted for site-specific proposals under consideration.

   e. List all noxious weeds and invasive species known to be on or near the site.

   All types of noxious weeds and invasive species occur throughout the county.
5. Animals
   a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.
      Birds: hawk, heron, eagle, songbirds, other: ___________
      Mammals: deer, bear, elk, beaver, other: ___________
      Fish: bass, salmon, trout, herring, shellfish, other: ___________
      All of the above animal species may be found in various locations throughout the county.
   b. List any threatened and endangered species known to be on or near the site.
      Threatened and endangered bird, animal and fish species can be found in various locations throughout Snohomish County.
   c. Is the site part of a migration route? If so, explain.
      Yes. Wildlife species do migrate through the county, but this non-project action, will not impact migratory species.
   d. Proposed measures to preserve or enhance wildlife, if any:
      This non-project proposal will not result in any impacts to wildlife so no measures to preserve or enhance wildlife are proposed. Future site-specific development or land use proposal would be subject to project level environmental and regulatory review and would be subject to applicable regulations to reduce, control, and/or mitigate for impacts to sensitive wildlife species. The U.S Fish and Wildlife Services provides listing for ESA species under its jurisdiction; the National Marine Fisheries Service provides listing for ESA species under its jurisdiction; and Washington State Department of Fish and Wildlife provides listing for sensitive species under its jurisdiction. These resources are consulted for site-specific proposals under consideration.
   e. List any invasive animal species known to be on or near the site.
      All types of invasive animal species occur throughout the county.

6. Energy and Natural Resources
   a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project’s energy needs? Describe whether it will be used for heating, manufacturing, etc.
      This non-project proposal will not require the need for increased energy use.
   b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
      This non-project proposal will not affect the use of solar energy by adjacent properties.
   c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
      Not applicable.
7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

This non-project proposal will not affect exposure to environmental health hazards.

1) Describe any known or possible contamination at the site from present or past uses.
   Not applicable.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
   Not applicable.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
   Not applicable.

4) Describe special emergency services that might be required.
   This non-project proposal will not result in a need for special emergency services.

5) Proposed measures to reduce or control environmental health hazards, if any:
   This non-project proposal will not result in environmental health hazards so no measures to reduce or control health hazards are proposed.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
   This non-project proposal will not affect exposure to noise.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
   This non-project proposal will not generate noise.

3) Proposed measures to reduce or control noise impacts, if any:
   This non-project proposal will not result in noise impacts so no measures to reduce or control noise impacts are proposed.
8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Numerous land uses occur throughout unincorporated Snohomish County. This non-project proposal would not change land use designations or zoning on nearby or adjacent properties but as a proposed regulatory change related to planned residential development could affect how land use is configured on any given property.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?

This non-project proposal affects regulations related to planned residential development within unincorporated Snohomish County, which includes property that may have been used as working farmlands or working forestlands. Planned residential development is not permitted outside of the Urban Growth Area and will therefore not take place on property currently being used as working farmlands or working forestlands. However, the proposal has no direct effect on agricultural or forest land use designations.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

This non-project proposal will not directly affect or be affected by surrounding working farm or forest lands.

c. Describe any structures on the site.

Not applicable to this non-project proposal.

d. Will any structures be demolished? If so, what?

This non-project proposal will not result in any direct demolition of structures.

e. What is the current zoning classification of the site?

Various zoning classifications are found throughout unincorporated Snohomish County. This non-project proposal affects regulations related to planned residential development within unincorporated Snohomish County in the R-9,600, R-8,400, R-7,200, LUMK, and MK zones. A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones. A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.

f. What is the current comprehensive plan designation of the site?

Various comprehensive plan designations are found throughout unincorporated Snohomish County.
g. If applicable, what is the current shoreline master program designation of the site?
   Various shoreline master program designations can be found throughout Snohomish County.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
   Critical areas are located throughout unincorporated Snohomish County.

i. Approximately how many people would reside or work in the completed project?
   Not applicable.

j. Approximately how many people would the completed project displace?
   Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:
   This non-project proposal will not result in any population displacement so no measures to avoid or reduce displacement impacts are proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
   This non-project proposal is compatible with and implements land use plans and regulations.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
   This non-project proposal will not result in impacts to agricultural and forest land of long-term commercial significance, no measures to reduce or control impacts are proposed.

9. Housing
   a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
      Not applicable.

   b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
      This non-project proposal would not result in eliminating any housing.

   c. Proposed measures to reduce or control housing impacts, if any:
      This non-project proposal will not result in any housing impacts, so no measures to reduce or control impacts are proposed.

10. Aesthetics
   a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
      Not applicable.
b. What views in the immediate vicinity would be altered or obstructed?
   This non-project proposal would not alter or obstruct any views.

c. Proposed measures to reduce or control aesthetic impacts, if any:
   This non-project proposal would not result in impacts to aesthetics, so no
   measures to reduce or control aesthetic impacts are proposed.

11. Light and Glare
    a. What type of light or glare will the proposal produce? What time of day
       would it mainly occur?
       This non-project proposal would not produce any light or glare.
    b. Could light or glare from the finished project be a safety hazard or interfere
       with views?
       Not applicable.
    c. What existing off-site sources of light or glare may affect your proposal?
       Not applicable.
    d. Proposed measures to reduce or control light and glare impacts, if any:
       This non-project proposal will not result in light or glare impacts so no measures
       to reduce or control light and glare impacts are proposed.

12. Recreation
    a. What designated and informal recreational opportunities are in the
       immediate vicinity?
       Hunting, fishing, hiking, bird watching and many other recreational opportunities
       exist throughout Snohomish County.
    b. Would the proposed project displace any existing recreational uses? If so, describe.
       This non-project proposal will not displace any existing recreational uses.
    c. Proposed measures to reduce or control impacts on recreation, including
       recreation opportunities to be provided by the project or applicant, if any:
       This non-project proposal would not result in any impacts to recreation so no
       measures to reduce or control impacts are proposed.

13. Historic and cultural preservation
    a. Are there any buildings, structures, or sites, located on or near the site that
       are over 45 years old listed in or eligible for listing in national, state, or local
       preservation registers? If so, specifically describe.
       There are numerous buildings, structures, and sites that could be eligible for
       listing on historic registers throughout unincorporated Snohomish County.
    b. Are there any landmarks, features, or other evidence of Indian or historic
       use or occupation? This may include human burials or old cemeteries. Are
       there any material evidence, artifacts, or areas of cultural importance on or
near the site? Please list any professional studies conducted at the site to identify such resources.

There are numerous landmarks, features, or other evidence of Indian or historic use throughout unincorporated Snohomish County.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

This non-project proposal will not impact historic or cultural resources so no measures to reduce or control impacts on proposed.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Various highways and numerous state routes and local streets service unincorporated Snohomish County.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Various transit services operate in unincorporated Snohomish County.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This non-project proposal will not result in creating or eliminating any parking spaces.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

This non-project proposal will not require any new transportation improvements.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

This non-project proposal will not require the use of any transportation facilities.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

This non-project proposal will not generate any vehicular trips per day.
g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
   This non-project proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets.

h. Proposed measures to reduce or control transportation impacts, if any:
   This non-project proposal will not result in direct transportation impacts so no measures to reduce or control impacts are proposed.

15. Public Services
a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
   This non-project proposal will not result in an increased need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.
   This non-project proposal has no direct impacts on public services so no measures to reduce or control impacts are proposed.

16. Utilities
a. Circle utilities currently available at the site:
   Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other ________
   All utilities are currently available throughout unincorporated Snohomish County.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
   No utilities are proposed or required for this non-project proposal.

C. Signature
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: [Signature]
Sarah Titcomb, Senior Planner
Snohomish County Planning and Development Services

Date Submitted: April 10, 2019
D. Supplemental sheet for non-project actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal will not cause any increase in these types of discharges or emissions or result in impacts to water or air quality. The proposed non-project proposal will not have a direct effect on the production, storage, or release of toxic or hazardous substances; or production of noise.

Proposed measures to avoid or reduce such increases are:

This non-project proposal will not increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise, so no measures to avoid or reduce such increases are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, this proposal is unlikely to directly impact animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

This non-project proposal will not impact plants, animals, fish or marine life, so no measures to protect or conserve them is proposed.

3. How would the proposal be likely to deplete energy or natural resources?

This non-project proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

This non-project proposal will not impact energy or natural resources so no measures to conserve resources are proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project proposal would not have an effect on environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The County’s critical areas regulations regulate development in environmentally sensitive areas or areas designated for governmental protection.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposal is not likely to affect land and shoreline use. The County’s Shoreline Management Plan regulates development in the shoreline designations. This proposal does not encourage incompatible land or shoreline uses.
Proposed measures to avoid or reduce shoreline and land use impacts are:
This non-project proposal is consistent with and implements shoreline and land use regulations, so measures to reduce impacts are not proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
As a non-project proposal is unlikely to directly increase demands on transportation or public services.

Proposed measures to reduce or respond to such demand(s) are:
This non-project proposal is unlikely to directly increase demands on transportation or public services. Future site-specific development or land use activity would be subject to project-level environmental and regulatory review. If needed, mitigation measures to address any increased demands on transportation or public services and utilities would be identified at that time.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
The proposal does not conflict with any law or requirements to protect the environment.
ORDINANCE NO. 19-___

RELATING TO GROWTH MANAGEMENT; CONCERNING PLANNED RESIDENTIAL DEVELOPMENT; AMENDING CHAPTER 30.42B OF THE SNOHOMISH COUNTY CODE

WHEREAS, counties and cities that are required to plan under the Growth Management Act (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and development regulations encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; and

WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP) directs the majority of new population into urban growth areas to reduce sprawl and use land more efficiently; and

WHEREAS, chapter 30.42B of the Snohomish County Code (SCC) provides for planned residential developments (PRDs), an alternative form of development within urban growth areas (UGAs) to traditional subdivisions; and

WHEREAS, PRDs allow for flexibility, increased densities, and creativity while protecting critical areas through the use of open space; and

WHEREAS, chapter 30.42B SCC last went through a significant update in 2004 with Amended Ordinance No. 04-003, effective on May 17, 2004; and

WHEREAS, the GMACP, title 30 SCC, and Snohomish County population estimates have been significantly updated since 2004; and

WHEREAS, chapter 30.42B SCC would benefit from amendments to improve consistency with the GMACP and title 30 SCC; and

WHEREAS, amending chapter 30.42B SCC will encourage the use of planned residential development as well as infill development within the urban areas of unincorporated Snohomish County; and

WHEREAS, on April 23, 2019, the Snohomish County Planning Commission (the "Planning Commission") was briefed by Snohomish County Planning and Development Services (PDS) staff about the proposed code amendments contained in this ordinance; and

WHEREAS, the Planning Commission held a public hearing on ____________, 2019 to receive public testimony concerning the proposed code amendments contained in this ordinance; and
WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission deliberated on the proposed ordinance and voted to recommend amendments to the Snohomish County Code (SCC) relating to planned residential development as shown in its recommendation letter dated _____________, 2019; and

WHEREAS, on _____________, 2019, the Snohomish County Council (the “County Council”) held a public hearing after proper notice, and considered public comment and the entire record related to the proposed code amendments contained in this ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council 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 regulations related to PRDs in chapter 30.42B SCC. The code amendment will increase consistency with the GMACP and the rest of title 30 SCC, as well as within chapter 30.42B SCC itself, by: 1) removing inconsistent language and aligning covenant review and recordation processes with other development types; 2) removing the unit per net development acre maximum within the R-7,200, R-8,400, and R-9,600 zones to allow planned residential development to continue to be utilized, and encourage infill development; and 3) make a housekeeping amendments to improve implementation and readability.

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 urban growth, reducing sprawl, housing, permitting, and open space and recreation. 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 chapter 30.42B SCC to better achieve, comply with, and implement the below listed goals, objectives, and policies contained in the County’s GMACP – GPP, by using land more efficiently, fostering compact development to minimize impacts to the natural environment, adding variety to residential housing stock, increasing open space, and providing regulations that are predictable.

1. Objective PE 1.A: “Direct future growth in unincorporated Snohomish County primarily into urban areas.”

2. Objective PE 1.A.3: “The allocations of unincorporated growth to urban areas shall be located in areas having adequate existing or planned public facility or service capacities to accommodate the growth.”

3. Goal LU 2: “Establish development patterns that use urban land more efficiently.”
4. Objective LU 2.A: “Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations particularly within designated centers and along identified transit emphasis corridors.”

5. LU Policy 2.A.4: “UGAs shall provide opportunities for a mix of affordable housing types (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit apartment and small group housing units) within designated residential areas.”

6. Goal HO 1: “Ensure that all county residents have the opportunity to obtain safe, healthy, and affordable housing.”

7. Objective HO 1.B: “Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.”

8. HO Policy 1.B.1: “The county shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of safe and healthy lower-cost housing types, such as housing on small lots, townhouses, multiplexes, manufactured housing, mobile homes, and mixed-use housing.”

9. HO Policy 1.D.1: “The county shall establish a mix of densities in residentially zoned land that is served with adequate infrastructure based on the public’s housing preferences, demonstrated need for low and moderate income households, preservation of critical areas, and coordination with the transportation system.”


11. HO Policy 2.A.1: “The county should preserve the character of stable residential neighborhoods through selective and innovative land use measures.”

12. HO Policy 2.B.1: “The county shall encourage a variety of housing types and densities in residential neighborhoods.”

13. 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 30.42B.020(4) is amended by deleting the requirement that density of PRDs be consistent with the land use designation in the GMACP. This provision was originally added during the March 1981 revision of title 18 SCC. However, densities are no longer associated with future land use designations in the GMACP. Therefore, deleting SCC 30.42B.020(4) will align chapter 30.42B SCC with the GMACP.

2. SCC 30.42B.040(2) is amended to remove superfluous text regarding the calculation of the maximum number of dwelling units permissible in a PRD (also sometimes referred to as “unit yield and bonus equation” because the maximum number of dwelling units allowed
in a PRD is 120 percent of the maximum number permitted by the underlying zoned, reflecting a “bonus”). SCC 30.42B.040(2) currently requires critical areas to be removed from the gross site area, then added back in to determine the maximum unit yield for a planned residential development project. The result of removing and adding the critical areas to the equation is the same as if critical areas were included from the beginning. The amendments streamline and simplify the calculation.

3. SCC 30.42B.040(2) is amended to replace references to “net development area” with “site area” to avoid confusion. SCC 30.42B.040(2)(a) currently defines “net development area” as “the gross site area...less critical areas and their buffers...” As critical areas and their buffers are no longer required to be removed and added back into the unit yield and bonus equation, reference to “net development area” is not necessary and could create confusion with “net density.” SCC 30.91N.035 defines net density as the “density of residential development excluding roads, critical areas and required buffers, drainage detention/retention areas, biofiltration swales, and areas required for public use.” Further, site is defined within SCC 30.91S.350 as “the entire subject property,” and utilizing “site area” will align the PRD code with the language used in other alternative forms of development such as lot size averaging in SCC 30.23.210).

4. SCC 30.42B.040(3) is deleted to allow all properties to benefit from the unit yield bonus allowed by PRDs, and to encourage the use of PRDs on properties with critical areas. SCC 30.42B.040(3) currently limits properties with critical areas in the R-7,200, R-8,400, and R-9,600 zones form achieving the same unit yield bonus that properties without critical areas can achieve utilizing the provisions of chapter 30.42B SCC. This is because the nine dwelling units per acre maximum represents the “number of dwelling units per acre in the net development area.”

i. The GMACP requires that a majority of countywide growth in population, housing, and employment be allocated into UGAs (PE-1.A, PE 1.B, and PE-1.C). Allowing for all PRD projects to enjoy the maximum allowed unit yield bonus of chapter 30.42B SCC will help promote increased densities, population, housing, and potentially employment within UGAs. This is because PRDs are only permitted within the residential zones of R-9,600, R-8,400, R-7,200, LDMR, and MR in the UGA. PRDs could potentially allow for increased employment within urban areas as SCC 30.42B.240 allows for neighborhood business uses in PRDs.

ii. Increasing the development capacity of the UGA by allowing PRDs to utilize their full unit yield bonuses when encumbered by critical areas, will help promote the overarching Land Use Element goals of the GMACP. Allowing applicants to utilize the full capacity of the PRD unit yield bonus will also create flexibility in development options.

iii. The Housing Element seeks to ensure that there is an adequate supply of housing opportunities (HO-1) and choices (HO-1.B and HO-1.B.1) for all economic segments of the population (HO-1.C) within the UGA. To accomplish this, the Housing Element has prioritized housing infill development within the UGA (HO-1.D.3). Striking the nine unit per net development acre maximum density in chapter 30.42B SCC provides
flexibility for future development by allowing for greater development
capacity within the UGA. This creates the potential for additional infill
development within the UGA, which is envisioned by the GMACP, and
serves a number of important housing goals. First, it makes use of
remaining sites within the UGA that have abundant access to public
facilities and services, as well as employment, business opportunities, and
private services (HO-1.D.1). Second, allowing a slightly higher level of
residential density can provide additional housing types that meet the
needs and desires of different economic segments of the housing market
(HO-2.B.1 and HO-1.C). Third, much of the cost of housing is bundled in
the value of land itself; allowing more efficient development types typically
results in more housing and more affordable units within the local housing
market (HO-1.B.1).

iv. The Housing Element of the GMACP also seeks to promote quality
residential neighborhoods for all, by balancing the preservation of local
character with the need for new development. The policy to “preserve the
character of stable residential neighborhoods through selective and
innovative land use measures” (HO-2.A.1) is considered in the context of
preserving the residential aspects of neighborhoods with adequate
provision for essential public services, and with adequate provision for the
public health, safety, and welfare through development regulations and
specific conditions.

5. SCC 30.42B.115(1) is amended by deleting subsection (c)(v), which states that open
space shall not include submerged lands that are not defined as critical areas. The urban
residential design standards set forth in SCC 30.23A.080(g) allow for certain drainage
facilities – such as unfenced detention, retention, and wet ponds; stormwater treatment
wetlands; stormwater infiltration trenches and bioswales; and vegetated areas above
underground detention facilities – to be utilized as passive recreation space. Striking SCC
30.42B.115(1)(c)(v) will make chapter 30.42B SCC consistent with other chapters of title
30 SCC.

6. SCC 30.42B.115(2)(a) states that the on-site recreation space of a PRD shall be for the
uses set forth in the urban residential design standards in SCC 30.23A.080(4). SCC
30.23A.080(4)(e) allows active recreation uses to include common use structures such as
indoor sports courts, community clubhouses, and meeting facilities. To allow for such
common use structures to be included within the active recreation square footage, SCC
30.42B.115(2)(c) is revised to allow for on-site recreation space to be located within an
open space tract, permanent easement, or common use structure. This will allow for more
flexibility in development design so that proposed common use structures for active
recreation will not need to be located within an open space tract or easement to be counted
towards the required active recreation square footage.

7. SCC 30.42B.115(2) is amended for internal consistency in its treatment of utilities and
recreation space. Currently, SCC 30.42B.115(2)(a)(ii) notes that existing utility easements
cannot be considered recreation space, and SCC 30.42B.115(2)(f) states that on-site
recreation space cannot include above ground utility transmission lines and associated
easements or right-of-way. However, SCC 30.42B.115(2)(c) states that power line, utility
rights-of-way and other similar easements may be incorporated into on-site recreation space if they are developed for active uses. There is also no distinction between existing and proposed utility easements within chapter 30.23A SCC. To increase consistency within chapter 30.42B SCC, as well as with title 30 SCC, language is added to SCC 30.42B.115(2)(a)(ii) to allow existing utility easements to be incorporated into recreation space when the applicant demonstrates that the space will be developed for active uses, and SCC 30.42B.115(2)(f) is deleted.

8. SCC 30.42B.145 is amended by deleting subsection (7) to eliminate inconsistencies regarding lot coverage requirements for PRD projects. Under the existing SCC 30.42B.145(7), PRD projects that are developed as “a condominium or single ownership” are limited to a 55 percent maximum lot coverage based on buildable area, which is defined as the site minus all tracts as well as public and private roadways. This is inconsistent with lot coverage requirements found in chapter 30.23 SCC for all other development types, as well as the definition of lot coverage within SCC 30.91L.150. Removing this subsection will eliminate the inconsistency.

9. This ordinance will amend SCC 30.42B.210(2) to add language that clarifies the purpose of this subsection. Once the site plan is approved and becomes the official site plan, the information shall be transferred onto the official zoning maps of Unincorporated Snohomish County official.

10. SCC 30.42B.115 and SCC 30.42B.250 both discuss requirements for recorded covenants, although clarity is needed regarding when these documents must be recorded. The amendments to SCC 30.42B.115(1)(e) and SCC 30.42B.250 make it clear that such covenants, deeds, homeowners’ association laws, and all other applicable documents guaranteeing maintenance and common fee ownership of commonly owned and operated property will be submitted and approved by the director prior to final plat approval. These approved covenants will then be recorded simultaneously to the filing of any final plat or final short plat. Consistent language added to both SCC 30.42B.115 and SCC 30.42B.250 will reduce confusion, help applicants and staff understand the required process, and allow chapter 30.42B SCC to be consistent with chapters 30.41A and 30.41B SCC, which address subdivisions and short subdivisions, respectively.

F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated April 8, 2019.

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 March 7, 2018. An updated notice was sent on April 4, 2019.

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 April 10, 2019.
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 December 2015 entitled “Advisory Memorandum: Avoiding 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.

Section 4. Snohomish County Code Section 30.42B.020, last amended by Amended Ordinance No. 14-073, on October 8, 2014, is amended to read:

30.42B.020 Applicability.
(1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones.
(2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.
(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.
(4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.)

Section 5. Snohomish County Code Section 30.42B.040, last amended by Amended Ordinance No. 17-004 on May 10, 2017, is amended to read:

30.42B.040 Unit yield and bonus.
(1) For all PRDs, except retirement apartment and retirement housing PRDs, the maximum number of dwelling units permissible shall be 120 percent of the maximum number of dwelling
units permitted by the underlying zone as determined in subsection (2) of this section (unless adjusted per the provisions of subsection (3) of this section)).

(2) The maximum number of dwelling units permitted in a PRD shall be computed as follows:
   (a) Determine the (net development) site area on the project site. (Net development area is the gross site area (in square feet) less critical areas and their buffers subject to chapters 30.62A and 30.62B SCC.)
   (b) Divide the (net development) site area by the minimum lot area permitted by the underlying zone, or where LDMR and MR standards apply, by 4,000 square feet and 2,000 square feet respectively. For retirement apartment PRDs and retirement housing PRDs in the LDMR zone divide by 4,000 square feet and in the MR zone and commercial zones divide by 2,000 square feet.
   (c) Divide the area comprised of critical areas and their buffers subject to chapters 30.62A and 30.62B SCC by the minimum lot area of the underlying zone used for the calculation in subsection (2)(b) of this section.
   (d) Add the numerical unit yield results of subsections (2)(b) and (2)(c) of this section and multiply)) Multiply the resulting number of dwelling units from subsection (2)(b) of this section by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs, and 1.2 for all other PRDs.
   (e) In the R-7,200, R-8,400, and R-9,600 zones, the maximum number of dwelling units allowed pursuant to subsection (2) of this section shall be reduced so that the maximum net density (number of dwelling units per acre in the net development area) does not exceed nine dwelling units per net acre.)

(3) Whenever the calculated number of dwelling units results in a fractional equivalent of ((0.5)) five-tenths or greater ((more)), the fraction shall be rounded up to the next whole number((f)). Fractions of less than ((0.5)) five-tenths shall be rounded down.

Section 6. Snohomish County Code Section 30.42B.115, last amended by Amended Ordinance No. 17-070, on November 1, 2017, is amended to read:

30.42B.115 Design criteria - Open space.

(1) Open space shall be provided in PRD developments consistent with the following standards:
   (a) Within a PRD, a minimum of 20 percent of the gross site area shall be established as open space;
   (b) Open space shall be used for:
      (i) On-site recreation space;
      (ii) Critical areas and their required buffers subject to chapters 30.62A and 30.62B SCC;
      (iii) Perimeter landscaping areas outside of rights-of-way;
      (iv) All other open space areas owned in common and shared by residents and/or owners in the PRD, excluding those items listed in subsection (1)(c) of this section;
   (v) LID BMPs that do not require fencing or consist of hard surfaces, such as infiltration systems, bioretention, and flow dispersal systems. LID BMPs that consist of hard surfaces may count as open space only when the hard surface is specifically for recreational use, such as a pedestrian trail;
   (c) Open space shall not include any of the following:
      (i) Lots, dwellings, and associated private yards, outdoor storage areas, and building setback areas;
      (ii) Public or private street right-of-way including sidewalks and planter strips;
      (iii) Parking lots, driveways and other areas of motorized vehicle access; or
(iv) Open drainage facilities such as detention and retention ponds, wetponds, and other drainage facilities that require fencing pursuant to chapter 30.63A SCC, the Drainage Manual, or the EDDS; (e)

(v) Submerged lands when not defined as critical areas pursuant to chapter 30.62A, 30.62B or 30.62C SCC;

(d) Open space shall be permanently established in clearly designated, separate tracts. Tracts shall be owned by:

(i) The landowner, when no individual building lots are created and the property is held under single ownership;

(ii) All lot owners and condominium owners jointly, with an equal and undivided interest; or

(iii) A homeowners association, when consistent with SCC 30.42B.210(6);

(e) Open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director. The recorded covenant must restrict uses of the total open space to those specified in the approved PRD site plan and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose. This covenant shall be located on the face of the final short plat, final plat, or binding site plan/record of survey.

(2) On-site recreation space shall be provided as a component of total open space and shall be consistent with the following standards:

(a) The on-site recreation space shall be for the uses set forth in SCC 30.23A.080(4), excluding the following:

(i) Critical areas and their buffers subject to chapters 30.62A and 30.62B SCC; and

(ii) Utility easements that exist on the project site at the time of application submittal, unless the applicant can demonstrate that an active recreation facility can function adequately on the easement;

(b) The requirement for on-site recreation space shall be at least 600 square feet per dwelling unit: except that retirement apartments and retirement housing shall be 200 square feet per dwelling unit;

(c) Forty percent of the required on-site recreation space shall be located in a single open space tract, ((or)) permanent easement, or commonly used and owned structure. Alternatively, the applicant shall be permitted to satisfy this requirement when no more than three open space tracts are created that provide a comparable open space use to that otherwise required. Power line, utility rights-of-way and other similar easements may be incorporated into on-site recreation space and counted towards the open space requirements of this section, provided they are developed with active recreational improvements. Remaining on-site recreation space shall be adequate in design and size for the intended passive and/or active recreation. No on-site recreation space shall have any dimension less than 20 feet (except for segments containing trails, which shall not be less than 10 feet in width), unless the applicant can demonstrate that a lesser dimension will not inhibit the use of the open space for its designated purpose;

(d) On-site recreation space designed for children shall not be located adjacent to any street designated as a collector/arterial unless properly designed with fencing, located away from street edges and other provisions to ensure adequate child safety. On-site recreation space designed for children shall be open, accessible, and visible from adjacent dwellings in order to enhance security;

(e) On-site recreation space shall have the appropriate location, slope, soils, and drainage to be considered for recreational development;

(((f) On-site recreation space shall not contain above ground utility transmission lines and associated easement or right-of-way;))

(((g) On-site recreation space shall be landscaped pursuant to the provisions of SCC 30.42B.125, and in accordance with the required landscape plan in a manner that enhances the

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Any buildings, structures, and improvements to be permitted in the on-site recreation space shall be those appropriate to the proposed uses.

(3) Active recreation uses shall be provided as follows:
   (a) A minimum of 30 percent of the required on-site recreation space within PRDs with 10 or more lots or dwelling units shall be developed for active recreation uses;
   (b) The active recreation requirement may be reduced by up to 30 percent for projects of 20 or fewer dwelling units, if access for pedestrians is constructed to an adjacent off-site public recreation area that contains an active recreation use that meets the needs of residents within the PRD and is approved by the off-site recreation provider;
   (c) The active recreation facility shall be located on a reasonably level site with slopes no greater than six percent unless the applicant can demonstrate that the recreation facility can function adequately on greater slopes; and
   (d) Playgrounds with children’s play equipment shall meet all safety recommendations and construction specifications of the manufacturer of the equipment used.

Section 7. Snohomish County Code Section 30.42B.145, added by Amended Ordinance No. 12-049, on January 1, 2013, is amended to read:

30.42B.145 Design criteria – bulk regulations.
   (1) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within a PRD.
   (2) SCC Table 30.42B.145(1) and subsections (3) through (8) of this section establish bulk requirements for PRDs.

Table 30.42B.145(1) PRD Bulk Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>((Min.-)) Minimum Lot Area</th>
<th>((Min.-)) Minimum Lot Width</th>
<th>Minimum setbacks from</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front Lot Line</td>
<td>Rear Lot Line</td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td>None</td>
<td>None</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>and duplexes (detached)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached single-family</td>
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<td>None</td>
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<tr>
<td>dwellings and townhouses</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td>None</td>
<td>60 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

1 The setback from the side lot line for multifamily dwellings shall be increased to 20 feet for those portions of a building higher than 25 feet.

(3) Setbacks from front and rear lot lines may be reduced to five feet, provided the total distance of the setbacks from the front and rear lot lines adds up to a minimum of 20 feet.

(4) If a lot has more than one front lot line, the front lot line may be reduced to five feet, provided the total distance of the setbacks from all front lot lines adds up to a minimum of 20 feet if the lot has two front lot lines, and 30 feet if the lot has three front lot lines.
(5) The minimum setback for automobile entry of garages or carports from the front lot line shall be 18 feet.

(6) Setbacks from side lot lines may be modified as follows:

(a) Attached single-family dwellings and townhouses developed as zero-lot-line development may have the setback reduced to zero, provided the setback from the outer walls of the building meets the side lot line setback requirement in SCC Table 30.42B.145(1); and

(b) Setbacks may be reduced to zero, provided the total distance of the setbacks from the side lot lines adds up to 10 feet, except for those portions of multifamily dwellings above 25 feet in which case the total distance shall add up to 40 feet.

(7) When residential dwellings are developed as a condominium or single ownership, the maximum lot coverage shall be calculated based on the cumulative building footprint for all structures in the buildable area of the PRD site. The buildable area of the site shall not include tracts or public and private roadways.

(8) Buildings shall not be required to be set back from alleys that provide vehicle access to the rear of the property. When this provision is used, subsections (3) and (4) of this section shall not apply.

Section 8. Snohomish County Code Section 30.42B.210, added by Amended Ordinance No. 10-086, on October 20, 2010, is amended to read:

30.42B.21050 Official site plan – effect and recording procedure.

1) The site plan as approved by the hearing examiner shall become the official site plan of the PRD and any changes thereto shall require review under the provisions of SCC 30.42B.220.

2) The official site plan shall be noted on the official zoning maps.

3) All development within an approved PRD shall conform to the official site plan and associated conditions. In order to assure compliance, a performance security may be required by the hearing examiner. Satisfactory performance of all conditions and required improvements must occur prior to recording required by SCC 30.42B.210(5), and occupancy of units in the PRD project.

4) A final plat, final short plat, or binding site plan/record of survey application filed concurrently with a PRD application shall be approved by the county decision making body and filed for recording with the county auditor prior to the issuance of a building permit for any structure in a PRD development, except that building permits for model home units may be approved pursuant to the requirements of chapter 30.41A SCC.

5) All PRD applications must be accompanied by an application which will establish all required open space areas as separate tracts. Any applicant for PRD official site plan approval who does not concurrently apply for subdivision or short subdivision approval pursuant to chapters 30.41A or 30.41B SCC respectively, must apply for binding site plan and record of survey approval pursuant to chapter 30.41D SCC. This requirement applies even if the applicant intends the PRD site to be held under single ownership or to be subject to a declaration of condominium pursuant to chapters 64.32 and/or 64.34 RCW. The following shall apply to all PRDs accompanied by a concurrent application under chapter 30.41D SCC:

(a) An approved PRD official site plan shall constitute a previously approved site plan pursuant to SCC 30.41D.120 for purposes of chapter 30.41D SCC compliance;

(b) Open space tracts shall be depicted on a record of survey and properly recorded pursuant to the applicable provisions of chapter 30.41D SCC;
(c) The record of survey shall depict an accurate location of open space tracts, and shall include necessary dedications, covenants and restrictions, and maintenance provisions as may be prescribed by the director. Projects subject to a declaration of condominium may include the information required pursuant to this section on the record of survey otherwise required pursuant to chapters 64.32 and/or 64.34 RCW; and

(d) The record of survey for PRDs located in the R-7,200, R-8,400, and R-9,600 zones shall also include the location of all proposed structures, access roadways, and parking areas.

(6) A homeowners association used for purposes of tract ownership and maintenance responsibility for tracts established pursuant to this section shall remain in effect until alternative ownership and maintenance responsibility is authorized by the department. The homeowners association shall have by-laws and other documents, including covenants, approved by the county and recorded with the county auditor, guaranteeing maintenance of commonly owned tracts and restricting use of the tracts to that specified in the approved PRD official site plan. Membership in the homeowners association and payment of dues or other assessments for maintenance purposes shall be a requirement of home ownership.

Section 9. Snohomish County Code Section 30.42B.250, added by Amended Ordinance No. 02-064, on December 9, 2002, is amended to read:

30.42B.250 Maintenance of site improvements.

Site improvements in formal plats, short plats, and binding site plans shall be maintained as follows:

(1) For plats and short plats, the applicant shall submit to the department, prior to final plat or final short plat approval, covenants, bylaws, and other documents guaranteeing maintenance and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly-owned and operated property. These documents shall be submitted in a form acceptable to the director and accompanied by a certificate from an attorney that they comply with the requirements of this chapter. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor simultaneous to the filing of any final plat or final short plat of the property or division thereof.

(2) For binding site plans, prior to initiation of any site work and/or prior to issuance of any development/permit by the county, the applicant shall submit to the department covenants, deeds, homeowners' association bylaws, and other documents guaranteeing maintenance and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly-owned and operated property. These documents shall be submitted in a form acceptable to the director and accompanied by a certificate from an attorney that they comply with the requirements of this chapter. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor simultaneous to the filing of the binding site plan/record of survey of the property or division thereof.

Section 10. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the
validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

PASSED this ___ day of __________, 2019.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

____________________________
Council Chair

ATTEST:

____________________________
Asst. Clerk of the Council

( ) APPROVED
( ) EMERGENCY
( ) VETOED

DATE: ______________________

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County Executive

ATTEST:

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Approved as to form only:

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Deputy Prosecuting Attorney