



Snohomish County
Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
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www.snoco.org

Dave Somers
County Executive

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 LOT SIZE AVERAGING;
AMENDING CHAPTER 30.23 OF THE SNOHOMISH COUNTY CODE

Proposed code amendments:

This is a non-project proposal to amend lot size averaging provisions under Title 30 of the Snohomish County Code (SCC). These proposed code amendments pertain to lot size averaging subdivision and short subdivision options codified under SCC 30.23.210. The proposed code amendments seek to simplify and clarify the section consistent with Snohomish County Council Motion 07-327. 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 197-11-340(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



For further information, contact Stephen A. Fesler, Senior Planner, Snohomish County Planning and Development Services at Stephen.Fesler@snoco.org or 425.262.2053.

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 Lot Size Averaging; Amending Chapter 30.23 of the Snohomish County Code

2. Name of applicant:

Snohomish County, Department of Planning and Development Services

3. Address and phone number of applicant and contact person:

Stephen Fesler
Snohomish County Planning & Development Services
3000 Rockefeller, M/S 604
Everett, WA 98201
Phone: 425.262.2053
Email: stephen.fesler@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.

No other environmental information has been prepared, or will be prepared, directly related to this proposal as it only modifies regulations related to lot size averaging subdivisions and short subdivisions.

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 to amend lot size averaging provisions under Title 30 of the Snohomish County Code (SCC) which would apply to properties in unincorporated Snohomish County, which at anytime may be undergoing project-level review for permit approvals.

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.

These proposed code amendments pertain to lot size averaging, a subdivision and short subdivision option codified under SCC 30.23.210 of the Snohomish County Code. The proposed code amendments seek to simplify and clarify the section consistent with current business practices and Snohomish County Council Motion No. 07-327. The proposal also includes housekeeping changes for internal code consistency. Specifically, the propose code amendments would do the following:

- The calculation method would be simplified by establishing two new subsections.
 - The first subsection would specify all areas that may be counted toward lot size averaging under a single subsection in list form. This would also incorporate the determination by the Snohomish County Council in Motion No. 07-327 that public right-of-way dedicated through a subdivision or short subdivision using lot size averaging may count toward the calculations in lot size averaging.
 - The second subsection would simplify language to divide the total area that can qualify under lot size averaging by the proposed number of lots and determine if this would meet or exceed the minimum lot area requirement for the underlying zone.
- A new subsection would be added to clarify that public right-of-way dedications in short subdivisions using lot size averaging cannot use the provisions of SCC 30.23.230(3). The provisions of SCC 30.23.230(3) are

designed to allow small short subdivisions to benefit from reduced lot sizes if property must be taken for public right-of-way which would otherwise risk loss of a lot, but the changes proposed to lot size averaging would count property that must be taken for public right-of-way. This eliminates a situation where a short subdivision could benefit from two different things at once.

- Changes for road network elements would be made to correct changes that were not addressed under the 2013 Roads and Access Ordinance (Amended Ordinance No. 12-049).
- A new introductory subsection would be added to state that lots in subdivisions and short subdivisions may be smaller than the minimum lot area requirement of the underlying zone, when using lot size averaging provisions under SCC 30.23.210.
- Other housekeeping changes to align terminology (e.g., “minimum lot area requirement”) with other sections, renumber subsections, and improve readability would be made.

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 would be applicable to lands located within unincorporated Snohomish County.

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. 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.

- 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 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 review and would be subject to 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 review and would be subject to 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 lot size averaging subdivisions and short subdivisions. The regulations would be applicable to properties located within the 100-year floodplain.

- 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. Future site-specific development or land use proposal would be subject to project-level environmental review, and would be subject to applicable county regulations to reduce or control impacts to surfacewater, groundwater, runoff and drainage patterns.

4. Plants

a. Check the types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other**
- Evergreen tree: fir, cedar, pine, other**
- Shrubs**
- Grass**
- Pasture**
- Crop or grain**
- Orchards, vineyards or other permanent crops.**
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- Water plants: water lily, eelgrass, milfoil, other**
- Other types of vegetation**

All types of the above vegetation occur in various locations throughout Snohomish 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 use of native plants so, no measures to preserve or enhance vegetation are proposed. Future site-specific development or land use proposal would be subject to project-level environmental review, and would be subject to applicable county regulations to reduce, control, and/or mitigate for impacts to sensitive plant species.

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 Snohomish 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 Snohomish County.

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

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

c. Is the site part of a migration route? If so, explain.

Migration routes are located in various corridors throughout Snohomish County.

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 proposals would be subject to project-level environmental review, and would be subject to applicable county regulations to reduce, control, and or mitigate for impacts to sensitive vegetation, fish and wildlife species.

e. List any invasive animal species known to be on or near the site.

All types of invasive animal species occur throughout Snohomish 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 Snohomish County. This non-project proposal would not change land use designations or zoning but as a proposed regulatory change related to lot size averaging subdivisions and short subdivisions 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 lot size averaging subdivisions and short subdivisions within unincorporated Snohomish County, which includes property that may have been, may be, or is 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 demolition of structures.

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

Various zoning classifications are found throughout unincorporated Snohomish County.

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

This non-project proposal affects regulations related to lot size averaging subdivisions and short subdivisions within unincorporated Snohomish County. 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 unincorporated 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 lands of long-term commercial significance.

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 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, 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 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 several 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 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 would not result in 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 _____

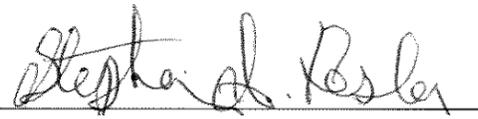
All utilities are currently available throughout unincorporated Snohomish County.

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: 

Stephen A. Fesler, 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?

The 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 or indirect 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?

This non-project proposal will not 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 are 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 or areas designated for governmental protection.

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

Since this non-project proposal would not have an effect on environmentally sensitive areas or areas designated for governmental protection, no measures to protect such resources or avoid or reduce impacts are proposed.

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 non project proposal is not likely to affect land and shoreline use.. 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 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?

This 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:

Future site-specific development or land use proposals 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.

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 19-____

8
9 RELATING TO GROWTH MANAGEMENT; CONCERNING LOT SIZE AVERAGING;
10 AMENDING CHAPTER 30.23 OF THE SNOHOMISH COUNTY CODE

11
12 WHEREAS, counties and cities that are required to plan under the Growth
13 Management Act (GMA), chapter 36.70A of the Revised Code of Washington (RCW),
14 must ensure their comprehensive plans and development regulations encourage
15 development in urban areas where adequate public facilities and services exist or can
16 be provided in an efficient manner; and

17
18 WHEREAS, the GMA established planning goals to guide development and
19 adoption of comprehensive plans and development regulations for those counties and
20 cities planning under the GMA, including a goal to encourage the availability of
21 affordable housing and promote a variety of residential densities and housing types; and

22
23 WHEREAS, RCW 36.70A.115 requires counties and cities planning under the
24 GMA to adopt development regulations that provide sufficient land capacity suitable for
25 development to accommodate their allocated housing growth; and

26
27 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) –
28 General Policy Plan (GPP) directs the majority of new population into urban growth
29 areas to reduce sprawl and use land more efficiently; and

30
31 WHEREAS, the Introduction to the GPP, last amended on June 10, 2015,
32 documents significant demographic shifts anticipated over the next 20 years with
33 increasing shares of county population: concentrating within urban growth areas,
34 forming smaller households, and rising in average age, which is projected to increase
35 demand for smaller and more affordable residential housing options within UGAs; and

36
37 WHEREAS, residential development in unincorporated UGAs since the adoption
38 of the GMA has primarily been larger detached single-family dwellings; and

39
40 WHEREAS, lot size averaging is a tool allowing the average size of all the lots in
41 a subdivision or short subdivision to satisfy the minimum lot size for the underlying
42 zone, rather than requiring that each individual lot meet the minimum; and

1 WHEREAS, lot size averaging provides an option to increase urban infill
2 development, fee simple housing choices, and affordable housing; and
3

4 WHEREAS, Snohomish County has long authorized the use of lot size averaging
5 for subdivisions and short subdivision under title 30 of the Snohomish County Code
6 (SCC or County Code) and its predecessors, and having been amended from time to
7 time; and
8

9 WHEREAS, on June 13, 2007, the Snohomish County Council (“County
10 Council”) stated in Motion No. 07-327 that it was permissible under the County Code to
11 include public right-of-way dedications in lot size averaging calculations; and
12

13 WHEREAS, it is prudent to codify the determination contained in Motion No. 07-
14 327 to ensure certainty and equal application of the interpretation of the code for
15 subdivisions and short subdivisions using lot size averaging provisions; and
16

17 WHEREAS, applicants would benefit from greater certainty and clarity of
18 regulatory requirements when using lot size averaging for subdivisions and short
19 subdivisions; and
20

21 WHEREAS, on April 23, 2019, the Snohomish County Planning Commission (the
22 “Planning Commission”) was briefed by Snohomish County Planning and Development
23 Services (PDS) staff about the proposed code amendments contained in this ordinance;
24 and
25

26 WHEREAS, on May 28, 2019, the Planning Commission held a public hearing to
27 receive public testimony concerning the proposed code amendments contained in this
28 ordinance; and
29

30 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
31 Planning Commission deliberated on the proposed ordinance and voted to recommend
32 amendments to the SCC relating to lot size averaging as shown in its recommendation
33 letter dated [REDACTED], 2019; and
34

35 WHEREAS, on [REDACTED], 2019, the County Council held a public hearing
36 after proper notice, and considered public comment and the entire record related to the
37 proposed code amendments contained in this ordinance; and
38

39 WHEREAS, following the public hearing, the County Council deliberated on the
40 proposed code amendments contained in this ordinance;
41

42 NOW, THEREFORE, BE IT ORDAINED:
43

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

- 3
- 4 A. The foregoing recitals are adopted as findings as if set forth in full herein.
- 5
- 6 B. This ordinance will amend title 30 SCC to revise regulations related to lot size
7 averaging. The proposed code amendments will provide clarity and certainty on
8 potential lot yield for subdivisions and short subdivisions created through lot size
9 averaging.
- 10
- 11 C. The proposed code amendments will better achieve, comply with, and implement the
12 following GMA goals by using land more efficiently, increasing residential densities
13 in UGAs, fostering compact development to minimize impacts to the natural
14 environment, adding variety to residential housing stock, improving compatibility of
15 new residential development with existing residential development, and increasing
16 open space. In developing the proposed code amendments, the County considered
17 the goals of the GMA, specifically those goals related to urban growth, reducing
18 sprawl, housing, open space and recreation, and the environment, as identified in
19 RCW 36.70A.020:
- 20
- 21 1. GMA Goal 1: “Urban growth. Encourage development in urban areas where
22 adequate public facilities and services exist or can be provided in an efficient
23 manner.”
- 24
- 25 2. GMA Goal 2: “Reduce sprawl. Reduce the inappropriate conversion of
26 undeveloped land into sprawling, low-density development.”
- 27
- 28 3. GMA Goal 4: “Housing. Encourage the availability of affordable housing to all
29 economic segments of the population of this state, promote a variety of
30 residential densities and housing types, and encourage preservation of existing
31 housing stock.”
- 32
- 33 4. GMA Goal 9: “Open space and recreation. Retain open space, enhance
34 recreational opportunities, conserve fish and wildlife habitat, increase access to
35 natural resource lands and water, and develop parks and recreation facilities.”
- 36
- 37 5. GMA Goal 10: “Environment. Protect the environment and enhance the state's
38 high quality of life, including air and water quality, and the availability of water.”
- 39
- 40 D. The proposed code amendments will better achieve, comply with, and implement the
41 following goals, objectives, and policies contained in the County’s GMACP – GPP by
42 using land more efficiently, increasing residential densities in UGAs, fostering
43 compact development to minimize impacts to the natural environment, adding

1 variety to residential housing stock, improving compatibility of new residential
2 development with existing residential development, and increasing open space:
3

- 4 1. Land Use Goal 2: “Establish development patterns that use urban land more
5 efficiently.”
6
- 7 2. Land Use Objective 2.A: “Increase residential densities within UGAs by
8 concentrating and intensifying development in appropriate locations, particularly
9 within designated centers and along identified transit emphasis corridors.”
10
- 11 3. Land Use Policy 2.A.4: “UGAs shall provide opportunities for a mix of affordable
12 housing types (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit
13 apartment and small group housing units) within designated residential areas.”
14
- 15 4. Land Use Objective 2.E: “Provide for reasonable flexibility in land use regulation
16 and planned mixing of uses, where appropriate, while maintaining adequate
17 protection for existing neighborhoods.”
18
- 19 5. Housing Goal 1: “Ensure that all county residents have the opportunity to obtain
20 safe, healthy, and affordable housing.”
21
- 22 6. Housing Objective 1.B: “Ensure that a broad range of housing types and
23 affordability levels is available in urban and rural areas.”
24
- 25 7. Housing Policy 1.B.1: “The county shall facilitate affordable home ownership and
26 rental opportunities by promoting an increased supply of safe and healthy lower-
27 cost housing types, such as housing on small lots, townhouses, multiplexes,
28 manufactured housing, mobile homes, and mixed-use housing.”
29

30 E. The proposed code amendments are consistent with the record:
31

- 32 1. This ordinance will amend SCC 30.23.210 to:
33
 - 34 a. Clearly state that subdivisions and short subdivisions may use lot size
35 averaging as a method to create lots in accordance with the specified
36 provisions of the section;
37
 - 38 b. Simplify and clarify the calculation method for lot size averaging by moving
39 and reforming provisions into two new subsections;
40
 - 41 c. Clarify that lot size averaging pertains to lot yield potential of a subdivision or
42 short subdivision as opposed to dwelling unit potential by eliminating a
43 reference to “density” in SCC 30.23.210(1) and relying instead on the
44 simplified and clarified calculation method for lot size averaging;
45

- 1 d. Clarify that dedicated right-of-way may count toward lot size averaging
2 calculations, consistent with Motion No. 07-327, and remove language related
3 to roadways since the revised calculation methodology clarifies what road
4 network elements may count toward lot size averaging;
5
6 e. Clarify that the provisions of SCC 30.23.230(3), which allow for reduced lot
7 size in certain short subdivisions if property must be dedicated for County
8 road purposes, cannot be used under lot size averaging since any right-of-
9 way that must be dedicated under chapter 30.66B SCC can be counted as
10 part of lot size averaging calculations;
11
12 f. Clarify that existing setback provisions that apply to public right-of-way, a type
13 of road network element, also apply to private road network elements, to
14 correct inadvertent inconsistencies arising from the adoption of the “Roads
15 and Access” code amendments in Amended Ordinance No. 12-049; and
16
17 g. Renumber subsections and make housekeeping changes to subsections
18 throughout the section.
19
20 F. The proposed code amendments are consistent with the record as set forth in the
21 PDS Staff Report dated April 5, 2019.
22
23 G. Procedural requirements:
24
25 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
26
27 2. As required by RCW 36.70A.106(1), a notice of intent to adopt the proposed
28 code amendments was transmitted to the Washington State Department of
29 Commerce for distribution to state agencies on April 4, 2019.
30
31 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
32 respect to this non-project action have been satisfied through the completion of
33 an environmental checklist and the issuance of a determination of non-
34 significance on April 8, 2019.
35
36 4. The public participation process used in the adoption of the proposed code
37 amendments has complied with all applicable requirements of the GMA and
38 SCC.
39
40 5. As required by RCW 36.70A.370, the Washington State Attorney General last
41 issued an advisory memorandum in December 2015 entitled “Advisory
42 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
43 local governments avoid unconstitutional takings of private property. The process

1 outlined in the State Attorney General's 2015 advisory memorandum was used
2 by the County in objectively evaluating the regulatory changes in this ordinance.

3
4 **Section 2.** The County Council makes the following conclusions:

- 5
6 A. The proposal is consistent with Washington State law and Snohomish County Code.
7
8 B. The proposal is consistent with the GMACP and with the goals, objectives, and
9 policies of the GPP.
10
11 C. The County has complied with all SEPA requirements with respect to this non-
12 project action.
13
14 D. The regulations proposed by this ordinance do not result in an unconstitutional
15 taking of private property for a public purpose.
16
17 E. The County complied with the state and local public participation requirements under
18 the GMA and chapter 30.73 SCC.
19

20 **Section 3.** The County Council bases its findings and conclusions on the entire
21 record of the County Council, including all testimony and exhibits. Any finding, which
22 should be deemed a conclusion, and any conclusion which should be deemed a finding,
23 is hereby adopted as such.
24

25 **Section 4.** Snohomish County Code Section 30.23.210, last amended by
26 Ordinance No. 15-065 on October 14, 2015, is amended to read:
27

28 **30.23.210 Lot size averaging.**

29 (1) A subdivision or short subdivision may meet the minimum lot area of the zone in
30 which it is located by calculating average lot size in accordance with this section. ~~((will~~
31 ~~meet the minimum lot area of the zone in which it is located if the area in lots plus all~~
32 ~~critical areas and their buffers that must be permanently protected under chapter~~
33 ~~30.62A SCC, if any, plus areas designated as open space or recreational uses, if any,~~
34 ~~divided by the total number of lots equals or exceeds the minimum lot area of the zone~~
35 ~~in which the property is located. In no case shall the density achieved be greater than~~
36 ~~the gross site area divided by the underlying zoning.))~~

37 (2) This section shall only apply to:

38 (a) ~~((subdivisions))~~ Subdivisions or short subdivisions within zones having a minimum
39 lot area requirement of 12,500 square feet or less; and

40 (b) ~~((short))~~ Short subdivisions in rural areas within zones having a minimum lot
41 ~~((size))~~ area requirement greater than 12,500 square feet but not larger than five acres.

42 (3) ~~((Roadways shall not count toward the calculations for lot size~~
43 ~~averaging.))~~ Average lot size shall be computed as follows:

44 (a) Add together all of the following areas where proposed:

- 1 (i) Area in lots;
2 (ii) Critical areas and their buffers that must be permanently protected under chapter
3 30.62A SCC;
4 (iii) Areas designated as open space or recreational uses;
5 (iv) Areas to be dedicated as right-of-way under chapter 30.66B SCC; and
6 (v) Surface detention/retention facilities meeting the standards of subsection (6) of this
7 section.
8 (b) Divide the total area of subsection (3)(a) of this section by the total number of lots.
9 (4) If the average lot size as computed under subsection (3) of this section equals or
10 exceeds the minimum lot area requirement of the zone in which the property is located,
11 then the minimum lot area requirement will be satisfied for the purposes of lot size
12 averaging.
13 (5) In no case shall the provisions under SCC 30.23.230(3) apply to this section.
14 ~~((4))~~ (6) Surface detention/retention facilities may count toward calculations for lot
15 size averaging only if the detention/retention facility:
16 (a) ~~(is)~~ Is designed to not require security fencing under the EDDS standards; and
17 (b) ~~(the)~~ The facility is either:
18 (i) ~~(designed)~~ Designed so as to appear as a natural wetland system~~((,))~~; or
19 (ii) ~~(provides)~~ Provides active or passive recreational benefits in a natural
20 landscaped setting.
21 ~~((5))~~ (7) For subdivisions and short subdivisions within zones having a minimum lot
22 area requirement of 12,500 square feet or less, the following additional criteria apply:
23 (a) Each single lot shall be at least 3,000 square feet in area;
24 (b) Lots in subdivisions and short subdivisions created under the provisions of this
25 section shall have a maximum lot coverage of 55 percent;
26 (c) Lots with less than the prescribed minimum lot area requirement for the zone in
27 which they are located shall have:
28 (i) ~~((a))~~ A minimum lot width of at least 40 feet~~((,))~~; and ~~((right-of-way setbacks))~~
29 (ii) Setbacks of 15 feet from right-of-way and private roads, except that garages must
30 be set back 18 feet from ~~((the))~~ right-of-way (with the exception of alleys) or private
31 roads and corner lots may reduce one right-of-way setback to no less than 10 feet; and
32 (d) Preliminary subdivisions approved ~~((utilizing))~~ using lot size averaging shall not be
33 recorded by divisions unless such divisions individually or together as cumulative,
34 contiguous parcels satisfy the requirements of this section.
35 ~~((6))~~ (8) For short subdivisions in rural areas within zones having a minimum lot
36 ~~((size))~~ area requirement greater than 12,500 square feet but not larger than five acres,
37 the following additional criteria apply:
38 (a) Each single lot shall be at least 12,500 square feet in area or the minimum area
39 necessary to comply with the Snohomish health district's rules and regulations for on-
40 site sewage disposal and potable water supply, whichever is greater;
41 (b) Lots in short subdivisions created under the provisions of this section shall have a
42 maximum lot coverage of 35 percent; and
43 (c) Lots with less than the prescribed minimum lot area requirement for the zone in
44 which they are located shall have:

1 (i) ~~((a))~~ A minimum lot width of at least 75 feet~~((7))~~; and
2 (ii) Setbacks ~~((right-of-way setbacks))~~ of 50 feet from right-of-way and private roads,
3 except that corner lots may reduce one right-of-way or private road setback to no less
4 than 20 feet.

5
6 **Section 5.** Severability and savings. If any section, sentence, clause, or phrase
7 of this ordinance shall be held to be invalid or unconstitutional by the Growth
8 Management Hearings Board, or a court of competent jurisdiction, such invalidity or
9 unconstitutionality shall not affect the validity or constitutionality of any other section,
10 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
11 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
12 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
13 the effective date of this ordinance shall be in full force and effect for that individual
14 section, sentence, clause, or phrase as if this ordinance had never been adopted.

15
16
17 PASSED this ___ day of _____, 2019.

18
19
20 SNOHOMISH COUNTY COUNCIL
21 Snohomish County, Washington

22
23
24 _____
25 Council Chair

26 ATTEST:

27
28
29 _____
30 Asst. Clerk of the Council

- 31
32 () APPROVED
33 () EMERGENCY
34 () VETOED

35 DATE: _____
36
37

38 _____
39 County Executive

40 ATTEST:
41
42
43 _____
44

1
2 Approved as to form only:

3

4

5

6 _____
Deputy Prosecuting Attorney

DRAFT