



Snohomish County
Planning and
Development Services

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MEMORANDUM

TO: Snohomish County Planning Commission

FROM: David Killingstad, Principal Planner

SUBJECT: Proposed Amendments to Pedestrian Facilities

DATE: March 16, 2017

Dave Somers
County Executive

Introduction

The purpose of this staff report is to provide information prior to a March 28, 2017, Planning Commission briefing on a non-project proposal to amend the regulations for pedestrian facility requirements within development. The project will amend several related code sections to clarify when pedestrian facilities are required. The staff-recommended proposed code language is shown below.

Background

In an effort to promote better walking conditions and support healthier lifestyles for Snohomish County residents, Chapter 30.24 SCC (General Development Standards-Access and Road Network) requires pedestrian facilities as an integral part of the design of new development. SCC 30.91P.127 defines a pedestrian facility as, “the infrastructure and equipment that create a walking environment including sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, shared use paths and other design features intended to provide for pedestrian travel.” SCC 30.24.080 (Pedestrian facility requirements) specifies that a pedestrian facility is required:

- In existing or proposed right-of-way, as frontage improvements, when required by the County Engineer in accordance with chapter 30.66B SCC and the Engineering Design and Development Standards (EDDS)
- In any abutting state, city, town or other county’s right-of-way, in accordance with chapter 30.66B SCC
- Off-site when required by chapter 30.66B SCC and the EDDS
- Within a development to form an interconnected network between dwelling units, buildings, parking areas, on-site recreation spaces, etc.

There are some circumstances where a pedestrian facility is not required such as for permanent dead-end road network elements, or is prohibited in the case of alleys. Current code also allows a pedestrian facility to be located outside of the right-of-way if an EDDS deviation is approved. Currently, final decisions on pedestrian facilities are made by the County Engineer in the Department of Public Works.

Analysis

In implementing the regulations in SCC 30.24.080 several problems have come to light including:

- A conflict between the definition of a drive aisle and the alley regulations in Chapter 30.24 SCC
- The need for a clearer intent statement which establishes the basis for the regulations.
- Difficulty interpreting what it means to “form a network” of pedestrian facilities within a development.
- A lack of authority to require pedestrian facilities between developments, in particular where it may provide a more direct route to a public road, connect two cul-de-sacs which may be in close proximity to one another or provide connections between residences and businesses.
- No specific regulation which determines whether the county or the property owners of within a development maintain pedestrian facilities that are located outside of the right-of-way or limits of road network element.
- The need to clarify the decision making authority of the County Engineer and the Planning and Development Services (PDS) Director with respect to pedestrian facilities.
- An inconsistency between Title 30 SCC and the EDDS to allow at-grade pedestrian facilities, which are preferred adjacent to drive aisles.
- The need to simplify portions of the code for readability and improved predictability.

Drive Aisles, Alleys and Pedestrian Facilities

Drive aisles are defined as “a road network element that is owned in common by all the property owners of a development and that, except when located within a townhouse unit lot subdivision or short subdivision, is not located in a tract or easement. A drive aisle that provides access to the rear of the structure, lot, or use is an alley.” An alley is defined as “a road network element that is typically privately owned and provides vehicle access to the rear of a structure, lot, or use.” Under SCC 30.24.110(4), pedestrian facilities are prohibited in alleys. In addition, Chapter 30.24 SCC precludes residential developments from having both drive aisles and alleys.

One of the goals of the pedestrian facility regulations is to encourage more walking. Classifying the drive aisle that serves the rear of the dwelling as an alley, limits where a pedestrian facility can be located. This is due to the prohibition on pedestrian facilities in alleys. In other words while the alley may serve as more direct and convenient pedestrian facility the current regulations would not permit that in the design of the development. By removing the language classifying a drive aisle serving the rear of a structure, lot or use as an alley it creates more flexibility and could lead to better designed developments from the perspective of a pedestrian.

Proposed Code Amendments

The table below lists each of the proposed code amendments and the draft finding. In general, the proposed amendments address the above identified problems by:

- Resolving uncertainty about where and when pedestrian facilities are required by consolidating and clarifying SCC 30.24.080 subsections (1), (2) and (3) and writing a new introductory intent sentence that excludes difficult to interpret language about “forming a network.”
- Granting authority to the director to require on-site pedestrian facilities to provide at least a stub to the adjoining property line which will improve overall connectivity.

- Removing language classifying a drive aisle as an alley to provide more flexibility in the design of residential development with respect to pedestrian facilities.
- Granting decision-making authority for pedestrian facilities within a right-of-way to the County Engineer and decision-making authority for pedestrian facilities outside a right-of-way to the Director of PDS.
- Establishing a requirement that pedestrian facilities outside of the public right-of-way will be maintained by the owners of the development and not the county.
- Removing language within Title 30 SCC which specifically requires new development to provide a raised pedestrian facilities. Standards for the construction of pedestrian facilities are provided in the EDDS, with at-grade preferred adjacent to drive aisles.

Proposed Code Amendment										Finding
<p>30.23.041 Setbacks from road network elements in Urban Zones. Table 30.23.041 Setbacks from Road Network Elements in Urban Zones¹⁰ (All minimum setbacks are measured in feet)</p>										<p>SCC 30.23.041 is amended to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.</p>
Category	Zone	Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure				
		Public Road		Private ^{1,2}		Public Road		Private ^{1,2}		
		60 Feet and Over and Under 60 Feet ^{4,5}	Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley
<p>30.23.043 Setbacks from road network elements in Rural Zones. Table 30.23.043 Setbacks from Road Network Elements in Rural Zones¹⁰ (All minimum setbacks are measured in feet)</p>										<p>SCC 30.23.043 is amended to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.</p>
Category	Zone	Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure				
		Public Road		Private ^{1,2}		Public Road		Private ^{1,2}		
		60 Feet and Over and Under 60 Feet ^{4,5}	Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley
<p>30.23.045 Setbacks from road network elements in Resource Zones. Table 30.23.045 Setbacks from Road Network Elements in Resource Zones¹⁰ (All minimum setbacks are measured in feet)</p>										<p>SCC 30.23.045 is amended to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.</p>
Category	Zone	Minimum Setback For Structure				Minimum Setback to the Entrance of a Covered Parking Structure				
		Public Road		Private ^{1,2}		Public Road		Private ^{1,2}		
		60 Feet and Over and Under 60 Feet ^{4,5}	Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Under 60 Feet ^{4,5}	Private Road	Drive Aisle ¹³ , Shared Court and Shared	Alley
<p>30.23.049 Reference notes for SCC Tables 30.23.041 through 30.23.047. <u>(13) The setback from a drive aisle that provides access to the rear of a lot, structure, or use, and is designed to function like an alley, shall be a minimum of four feet.</u></p>										<p>SCC 30.23.049 is amended to add a new reference note (13) that would require a covered parking structure to be setback four feet from a drive aisle. A drive aisle not designated a fire lane may be less than 20 feet wide and the four foot setback reduces the potential for conflicts in a limited driving space. A drive aisle designated a fire lane would be subject to SCC 30.24.100 and supersedes reference note (13).</p>

Proposed Code Amendment	Finding
<p>30.23A.060 Multifamily design standards. Multifamily dwellings shall comply with the following requirements:</p> <p>(1) Site layout and pedestrian circulation.</p> <p>(a) Multifamily development shall have ((an integrated)) pedestrian ((circulation system that connects buildings, common space and parking areas)) facilities pursuant to SCC 30.24.080 ((The pedestrian circulation plan)) and shall include a system of internal sidewalks, pathways or trails which are raised or otherwise separated from parking and vehicular circulation.</p> <p>(b) When a site has more than one multifamily building, the buildings shall be arranged in a cohesive manner incorporating at least one of the following:</p> <p>(i) Configure the buildings around a courtyard;</p> <p>(ii) Limit the average number of dwellings per building to seven and cluster these into groups of not more than four buildings with each group of buildings having designed common space and internal circulation and parking separated from other groups of buildings; or</p> <p>(iii) Buildings with 10 or more dwellings include an internal building courtyard or create several smaller areas of common space that are located within 25 feet of a building entry.</p> <p>(c) Pedestrian paths should be visible from buildings or parking lots, and shall be designed to avoid creating "dead ends" or isolated areas.</p> <p>(d) The design standards of this section shall be implemented pursuant to the Snohomish County Residential Design Manual.</p> <p>(2) Location of parking.</p> <p>(a) Surface parking spaces shall be located to the side or rear of buildings.</p> <p>(b) Structured parking facilities shall be located underneath residential dwellings or to the side of the building.</p> <p>(c) Large parking areas shall be divided into small groupings of not more than 15 parking spaces in a row. A landscaped island of at least 72 square feet shall be utilized to divide groups of parking spaces.</p> <p>(d) Parking may be located in a rear or side setback area when vehicle access is from an alley abutting the rear or side lot line.</p> <p>(e) Parking structures located entirely below the finished grade may have parking located within a front or side setback area.</p> <p>(3) Exterior lighting.</p>	<p><i>SCC 30.23A.060 is amended to: 1) remove language specifying which things in a development need to be connected by a pedestrian facility as that regulation is already covered in SCC 30.24.080, and 2) standardize the use of the term pedestrian facilities to be consistent with other sections in Title 30 SCC.</i></p>

Proposed Code Amendment	Finding
<p>(a) Lighting shall illuminate building entries and surfaces intended for pedestrians or vehicles.</p> <p>(b) Exterior lighting shall be used to identify and distinguish the pedestrian (walkway network) <u>facility</u> from automobile circulation. Along pedestrian circulation corridors, lighting standards shall be placed between pedestrian (ways) <u>facilities</u> and public or private streets, driveways or parking areas.</p> <p>(c) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light.</p> <p>(4) Buildings shall be oriented pursuant to SCC 30.23A.070.</p> <p>(5) Architectural design elements.</p> <p>(a) When a multifamily building has shared entryways, the building entrances shall incorporate a canopy, awning or other architectural element that provides pedestrians protection from the weather.</p> <p>(b) Each multifamily building shall incorporate variation to any facade of a building that faces a public or private right-of-way by incorporating at least three of the following elements:</p> <p>(i) Incorporate changes in the roofline at intervals not greater than 40 continuous feet in length, such as variations in roof pitch, dormers, overhangs, projections and extended eaves;</p> <p>(ii) Provide distinctive window patterns that are not repeated within groupings of up to six dwelling units;</p> <p>(iii) Include balconies, bay windows, cornices, covered porches or other changes in the facade of the building;</p> <p>(iv) Set back balconies and other architectural elements on the upper floors of multi-story buildings;</p> <p>(v) Incorporate diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);</p> <p>(vi) Provide variations in the setback of the building from the front lot line by at least five feet at horizontal intervals of 40 feet or less; or</p> <p>(vii) Provide other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.</p> <p>(c) The architectural elements in this section shall be implemented pursuant to the Snohomish County Residential Design Manual.</p>	

Proposed Code Amendment	Finding
<p>30.24.080 Pedestrian facility requirements.</p> <p>The intent of this section is to improve the pedestrian environment by providing facilities to make it easier ((-,safer,)) and more ((comfortable)) <u>convenient to encourage walking as a means of transportation by providing pedestrian ((connections to, transit stops, between businesses and residences, through parking areas, and to all on-site activities)) facilities.</u></p>	<p>SCC 30.24.080 is amended to: 1) provide a clearer intent statement by removing the term “comfortable” which can have many meanings to an average person and replacing it with “convenient” which is more descriptive, 2) deleting the term “safer” which can also have many meanings thus making it difficult to interpret; 3) deleting the list of things that need to be connected because they are covered under SCC 30.24.080(1)(b) and SCC 30.24.080(1)(c); and 4) incorporating the intent of existing SCC 30.24.080(2) by adding the term “encourage.” Connections to “transit stops” is not being incorporated in SCC 30.24.080(1)(b) as these may be off-site and establishing the amount or percentage of the pedestrian facility to connect to the transit stop that can be attributed to a development can be challenging.</p>
<p>(1) Pedestrian facilities shall be required, <u>except as provided in subsection (3) of this section:</u></p>	<p>SCC 30.24.080(1) is modified to combine existing SCC 30.24.080(1), (2) and (3) to simplify the code and provide greater clarity as to when and where pedestrian facilities are required.</p>
<p>(a) In existing or proposed right-of-way, as frontage improvements, when required by the county engineer in accordance with chapter 30.66B SCC and the EDDS;</p>	<p>No changes proposed to SCC 30.24.080(1)(a).</p>
<p>(b) Within the development ((in accordance with subsection (3) of this section and applicable EDDS standards)) <u>to, from and between:</u></p> <ul style="list-style-type: none"> <u>(i) Lots in a subdivision, short subdivision, unit lot subdivision or short subdivision or binding site plan;</u> <u>(ii) SFDU or cottage housing dwelling units;</u> <u>(iii) Multiple family and non-residential buildings;</u> <u>(iv) Individual dwelling units when required by ADA;</u> <u>(v) Community facilities;</u> <u>(vi) Parking areas;</u> <u>(vii) Active on-site recreation open space;</u> <u>(viii) Common open space as defined in SCC 30.910.015 and part of a cottage housing development; and</u> <u>(ix) Pedestrian facilities in either existing or proposed road network elements or any abutting state, city, town or other county’s rights-of-way adjacent to the development or both when required by SCC 30.24.080 (1)(a); and</u> 	<p>SCC 30.24.080(1)(b) is modified by consolidating regulations previously located in SCC 30.24.080(3)(a) through (f) and SCC 30.24.080(1)(d) that define what items within a development need to be connected together via pedestrian facility. SCC 30.24.080(1)(b) is also intended to cover those items previously included in the intent statement for SCC 30.24.080, except for transit stops. Connections through parking areas and to all on-site activities is covered under this subsection.</p>
<p>(c) (Off-site when required by chapter 30.66B SCC and the EDDS; and) <u>Where feasible, to connect to existing or previously approved pedestrian facilities on abutting development; or provide a pedestrian stub at the property line of the abutting property.</u></p>	<p>SCC 30.24.080(1)(c) is modified to delete the existing language and replace with a more prescriptive requirement allowing the county to require a developer to connect pedestrian facilities to adjacent developments. The intent of this regulation is to encourage connectivity between developments. As part of implementation PDS will develop a rule to provide guidance to interpret “where feasible” in the</p>

Proposed Code Amendment	Finding
	context of this regulation. SCC 30.24.080(1)(c) is also intend to cover connections “between businesses and residences” which was previously included in the intent statement for SCC 30.24.080.
<p>((d) In any abutting state, city, town or other county’s right-of-way, in accordance with chapter 30.66B SCC:))</p>	<p>SCC 30.24.080(1)(d) is deleted and the language is moved to a new subsection under SCC 30.24.080(1)(b). This amendment is part of the simplification of SCC 30.24.080 and is more appropriate to be included in SCC 30.24.080(1)(b) which contains the list of items that need to be connected together via a pedestrian facility within a development.</p>
<p>((2) Pedestrian facilities shall include infrastructure and equipment to accommodate or encourage pedestrian mobility:))</p>	<p>SCC 30.24.080(2) is deleted because the language is similar to the existing intent statement at the beginning of SCC 30.24.080.</p>
<p>((3) Pedestrian facilities shall form a network providing mobility from dwelling units or other buildings to): —(a) Other dwelling units or buildings; —(b) Community facilities; —(c) Central mailboxes; —(d) Parking areas; —(e) On-site recreation spaces; and —(f) Other pedestrian facilities:))</p>	<p>SCC 30.24.080(3) is deleted as part of the simplification of SCC 30.24.080. “Other dwelling units or buildings,” “Community facilities,” “Parking areas” and “On-site recreation spaces” are moved to SCC 30.24.080(1)(b). “Central mailboxes” is not moved as it is covered under the definition of “Community facilities.” “Other pedestrian facilities is not moved as the phrase is too general and difficult to implement and is superseded by new language in SCC 30.24.080(1)(b) and SCC 30.24.080(1)(c).</p>
<p>((4)) (2) Pedestrian facilities shall comply with American Disabilities Act (ADA) specifications and applicable standards for accessibility <u>and construction in accordance with the EDDS.</u></p>	<p>SCC 30.24.080(4) is renumbered to SCC 30.24.080(2) and modified to add a reference to the EDDS which establishes how to build a facility and provides for a deviation process. Without the additional language the subsection does not provide enough flexibility to address the topography of a site which may limit the extent to which pedestrian facilities can meet ADA requirements.</p>
<p>((5)) (3) Pedestrian facilities shall not be required for ((permanent)) either: (a) <u>Permanent</u> dead-end road network elements that are 150 feet or less in length ((which)) and serve 90 average daily trips or less; or (b) <u>Connecting individual residential dwellings, driveways, garages, or carports, to the adjacent road network element. PROVIDED, that the dwelling is not required to be handicapped accessible.</u></p>	<p>SCC 30.24.080(5) is renumbered to SCC 30.24.080(3) and modified to create two separate regulations for when pedestrian facilities are <u>not</u> required to be constructed. SCC 30.24.080(3)(a) includes existing language that has a minor word change from “which” to “and” to improve implementation. SCC 30.24.080(3)(b) is a new regulation intended to make it clear that pedestrian facilities required under SCC 30.24.080(1)(b) do not need to be constructed to the driveway, garage, or carport of an individual dwelling unless the unit is handicapped accessible.</p>
<p>((6)) (4) Pedestrian facilities shall be prohibited in an alley.</p>	<p>SCC 30.24.080(6) is renumbered to SCC 30.24.080(4).</p>
<p>((7)) (5) Pedestrian facilities required for a public road <u>within a development</u> may be located outside of the right-of-way if an EDDS deviation is approved, <u>a public easement is granted, and maintenance of the pedestrian facilities is the responsibility of all owners of the development.</u></p>	<p>SCC 30.24.080(7) is renumbered to SCC 30.24.080(5) and language added to: 1) provide specificity that the regulation applies within a development, and 2) resolve an issue about who is responsible for maintenance when the pedestrian facility is located outside of the right-of-way.</p>
<p>((8) Additional circulation requirements may be required by the county engineer to ensure pedestrian safety or pedestrian connectivity</p>	<p>SCC 30.24.080(8) is renumbered to SCC 30.24.080(6) and modified to grant decision-making authority for pedestrian facilities within a right-of-way to the County</p>

Proposed Code Amendment	Finding
<p>pursuant to this chapter, title 13 SCC, and the EDDS)) (6) <u>The county engineer, pursuant to this chapter, chapter 30.66B SCC, title 13 SCC, and the EDDS, shall determine the requirements for those pedestrian facilities located within the limits of a road network element. The director, pursuant to SCC 30.81.010, shall determine the requirements for those pedestrian facilities located outside the limits of a road network element.</u></p>	<p><i>Engineer and decision-making authority for pedestrian facilities outside a right-of-way to the Director of PDS. This allows for more predictable project decisions and will assist with the implementation of SCC 30.24.080(1).</i></p>
<p>30.24.090 Drive aisle requirements. Drive aisles are permitted subject to the following requirements. (1) Connection of a drive aisle to an element of the road network shall be allowed according to SCC 30.24.020. (2) A drive aisle designated as a fire lane shall meet the requirements of SCC 30.24.100 and 30.53A.512. (3) Drive aisles shall be: (a) Owned in common by all the property owners utilizing the drive aisle; and (b) Not located within a tract or easement, except when located within a unit lot subdivision or short subdivision (and). ((c) Designated an alley if the drive aisle provides access to the rear of a structure, lot or use.))</p>	<p><i>SCC 30.24.090 is modified to remove language classifying a drive aisle serving the rear of a structure, lot or use as an alley which limits the ability to design pedestrian facilities and provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.91A.150 and SCC 30.91D.455.</i></p>
<p>30.24.100 Fire lane (fire apparatus access road) requirements. In addition to the fire lane requirements in SCC 30.53A.512, the following requirements shall apply to all development: (1) All elements of a road network shall be designated a fire lane, except: (a) A driveway; (b) A shared driveway that provides primary access to no more than two dwelling units, or two Group U occupancies; (c) An alley that does not provide the only vehicular access to the structure, lot, or use; and (d) A road network element that is not needed or required to provide fire apparatus access to buildings and facilities within a proposed development according to SCC 30.53A.512. (2) Fire lanes shall be designed according to SCC 30.53A.512 to provide fire apparatus access to buildings and facilities within proposed development. (3) When pedestrian facilities are required, the minimum driving surface width for a drive aisle or shared court <u>that is a fire lane</u> may</p>	<p><i>SCC 30.24.100 is amended to remove language which precludes the allowance of at-grade pedestrian facilities. EDDS provides standards for both raised and at-grade pedestrian facilities, with at-grade preferred adjacent to drive aisles.</i></p>

Proposed Code Amendment	Finding
<p>include a pedestrian facility on one side that ((is constructed with rolled curb and)) meets emergency vehicle load specifications.</p> <p>(4) Parking facilities shall be prohibited within the minimum driving surface width.</p> <p>(5) When a parking lane is provided on only one side of a fire lane, fire hydrants shall be located on the opposite side.</p>	
<p>30.91A.150 Alley. "Alley" means a road network element that is typically privately owned and provides vehicle access to the rear of a structure, lot, or use. <u>This definition shall not include drive aisles.</u></p>	<p><i>SCC 30.91A.150 is modified to add language exempting the definition from applying to drive aisles. The addition of this language provides greater flexibility in the design of pedestrian facilities and being able to provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.24.090 and SCC 30.91D.455.</i></p>
<p>30.91D.455 Drive aisle "Drive aisle" means a road network element that is owned in common by all the property owners of a development and that, except when located within a unit lot subdivision or short subdivision, is not located in a tract or easement. ((A drive aisle that provides access to the rear of the structure, lot, or use is an alley.))</p>	<p><i>SCC 30.91D.455 is modified to remove language classifying a drive aisle serving the rear of a structure, lot or use as an alley which limits the ability to design pedestrian facilities and provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.24.090 and SCC 30.91A.150.</i></p>
<p>30.910.012 On-site recreation open space, active "On-site recreation open space, active" ("Active on-site recreation open space") means an area or portion of land, either landscaped or improved used to meet recreational needs of the residents within a development, including but not limited to, playgrounds developed with children's play equipment, outdoor or indoor sports courts, swimming pools, picnic areas with permanent tables, community gardens, improved trails or paths, plazas, courtyards, forecourts, and rooftop gardens. This definition shall include on-site recreation space designed for active recreation uses.</p>	<p><i>New SCC 30.910.012 adds a definition of On-site recreation space, active to define a term added in SCC 30.24.080(1)(b). The new definition provides clarity as to what open spaces within a development need to be connected by pedestrian facilities. The definition is intended to exclude buffers and large restricted open space tracts in rural cluster subdivisions from needing to provide pedestrian facility connections.</i></p>
<p>30.91R.214 Road network. "Road network" means the connected road system that provides access to or within property or development ((- Pedestrian)) and includes pedestrian facilities ((are part of a road network)) when they are located within the ((right-of-way, tract or easement or when they are located outside of a right-of-way, tract or easement but open to the general public)) <u>limits of the road network element.</u></p>	<p><i>SCC 30.91R.214 is modified to: 1) resolve a conflict with the definition of drive aisle which cannot be located in a right-of-way, track, or easement, 2) support the separation of authority between the County Engineer and PDS Director being added to SCC 30.24.080(6); and 3) for the purposes of the Road Network definition, better defines the difference between pedestrian facilities in or out of the road network elements limits.</i></p>

Compliance with State Law

The Growth Management Act (GMA) planning goals adopted in RCW 36.70A.020 guides the development and adoption of comprehensive plans and development regulations. The goals are not priority listed. The GMA goals guide the policies in the Growth Management Act Comprehensive Plan General Policy Plan (GMACP-GPP) and require consistency between the GMACP-GPP and implementing development regulations. The proposed regulations are reasonably related to and necessary for the advancement of the following GMA planning goal listed in RCW 36.70A.020:

GMA Planning Goal	Finding
GMA Planning Goal 3 (RCW 36.70A.020(3)): Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.	<i>The proposed amendments will encourage greater pedestrian connectivity to reduce vehicle trips by requiring the extension, where feasible, of pedestrian facilities between developments.</i>
GMA Planning Goal 7 (RCW 36.70A.020(7)): Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.	<i>The proposed amendments improve predictability by providing greater clarity and better defining when and where pedestrian facilities are required in new development.</i>
GMA Planning Goal 10 (RCW 36.70A.020(10)): Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.	<i>The proposed amendments will protect the environment by encouraging more walking and reducing vehicle miles traveled through a requirement to, when feasible, extend pedestrian facilities between developments.</i>

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments will better achieve, comply with, and implement the following policies contained in the county’s GMA Comprehensive Plan (GMACP) - General Policy Plan (GPP):

Policy	Finding
Policy ED 2.A.1 Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user friendly document.	<i>The proposed amendments will provide greater clarity and better define when and where pedestrian facilities are required in new development.</i>
Policy TR 4.A.3 Safe and direct pedestrian and disabled access shall be designed to and from public rights-of-way, structures, and adjacent developments.	<i>The proposed amendments will provide more safe and direct pedestrian access by requiring the extension of pedestrian facilities between developments, where feasible.</i>
Policy LU 3.D.3 The county shall work to link new and existing neighborhoods within and near identified transit emphasis corridors creating a sense of community and shall include sidewalks and paths, where practicable, for safe passage to schools and other places of activity in the community.	<i>The proposed amendments will provide a sense of community by requiring the extension of pedestrian facilities between developments, where feasible.</i>
Policy TR 3.B.1 Adequate nonmotorized transportation access to and circulation within all developments shall be designed and maintained.	<i>The proposed amendments will provide nonmotorized circulation to and within all developments by clarifying when and where pedestrian facilities are required.</i>

Policy TR 4.A.1 Pedestrian facilities shall be encouraged that maintain access between public facilities and residential areas, especially where they serve a safety purpose.	<i>The proposed amendments will maintain pedestrian access between public facilities and residential areas by requiring the extension of pedestrian facilities between developments, where feasible which can provide a more direct route to public facilities.</i>
Policy 4.A.2 Pedestrian facilities shall be encouraged that will also accommodate elderly persons and persons with disabilities.	<i>The proposed amendments maintain requirements that pedestrian facilities meet ADA requirements consistent with EDDS construction standards.</i>
Policy TR 4.E.3 Pedestrian facilities shall be encouraged that maintain access between public facilities and residential areas especially where they serve a safety purpose.	<i>The proposed amendments will maintain pedestrian access between public facilities and residential areas by requiring the extension of pedestrian facilities between developments, where feasible, which can provide a more direct route to public facilities.</i>
Policy HO 1.F.1 The county shall encourage housing developments that incorporate healthy living features such as non-toxic building materials and green design, access to transit and healthy foods, pedestrian-friendly environments, and safe routes to school.	<i>The proposed amendments will encourage more pedestrian-friendly environments by requiring dwellings, buildings, community facilities, and common open space within a development to be linked together by pedestrian facilities and to be linked with pedestrian facilities external to the development.</i>
Policy HO 2.A.4 The county shall encourage development and maintenance of safe and secure outdoor environments, including the development of sidewalks in new subdivisions.	<i>The proposed amendments will encourage safe and secure outdoor environments by requiring pedestrian facilities to link dwellings, buildings, community facilities, and common open space together in new subdivisions.</i>

Proposed Findings

Proposed findings and conclusions are contained in Attachment A.

Environmental Review

This ordinance is exempt from the State Environmental Policy Act, chapter 43.21C RCW ("SEPA"), requirements pursuant to WAC 197-11-800(19)(b).

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards transmitted to the Washington State Department of Commerce on March 16, 2017.

Staff Recommendation:

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

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, denial of the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Tom Rowe, Special Projects Director
Barbara Mock, PDS Director
Mike McCrary, PDS Manager
Ikuno Masterson, PDS Manager
Jacqueline Reid, AICP, Supervisor
Yorik Stevens-Wajda, Legislative Analyst

Attachment A
Proposed Cottage Housing Code Amendments
Findings of Fact and Conclusions

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 update regulations related to pedestrian facilities. The proposed amendments seek to improve predictability, streamline the code, resolve uncertainty about where and when pedestrian facilities are required, grant additional authority to the director to connect pedestrian facilities between developments where feasible, resolve conflicts between pedestrian facilities, alleys and drive aisles, and clarify decision making authority between the County Engineer and the Director of PDS.
- C. In developing the proposed code amendments, the County considered the goals of the GMA, specifically those goals related to urban growth, reducing sprawl, housing, open space and recreation, and the environment. The proposed amendments are consistent with:
 - 1. GMA Goal 3 – “Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.” The proposed amendments will encourage greater pedestrian connectivity to reduce vehicle trips by requiring the extension, where feasible, of pedestrian facilities between developments.
 - 2. GMA Goal 7 – “Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.” The proposed amendments improve predictability by providing greater clarity and better defining when and where pedestrian facilities are required in new development.
 - 3. GMA Goal 4 – “Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.” The proposed amendments encourage the development of cottage housing to promote a variety of housing types.
 - 4. GMA Goal 10 – “Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.” The proposed amendments will protect the environment by encouraging more walking and reducing vehicle miles traveled through a requirement to, when feasible, extend pedestrian facilities between developments.
- D. The proposed amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the county’s GMA Comprehensive Plan (GMACP) - General Policy Plan (GPP).
 - 1. Policy ED 2.A.1 “Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user friendly document.” The proposed amendments will provide greater clarity and better define when and where pedestrian facilities are required in new development.
 - 2. Policy TR 4.A.3 “Safe and direct pedestrian and disabled access shall be designed to and from public rights-of-way, structures, and adjacent developments.” The proposed amendments will provide more safe and direct pedestrian access by requiring the extension of pedestrian facilities between developments, where feasible.

3. Policy LU 3.D.3 “The county shall work to link new and existing neighborhoods within and near identified transit emphasis corridors creating a sense of community and shall include sidewalks and paths, where practicable, for safe passage to schools and other places of activity in the community.” The proposed amendments will provide a sense of community by requiring the extension of pedestrian facilities between developments, where feasible.
4. Policy TR 3.B.1 “Adequate nonmotorized transportation access to and circulation within all developments shall be designed and maintained. The proposed amendments will provide nonmotorized circulation to and within all developments by clarifying when and where pedestrian facilities are required.
5. Policy TR 4.A.1 “Pedestrian facilities shall be encouraged that maintain access between public facilities and residential areas, especially where they serve a safety purpose.” The proposed amendments will maintain pedestrian access between public facilities and residential areas by requiring the extension of pedestrian facilities between developments, where feasible which can provide a more direct route to public facilities.
6. Policy 4.A.2 “Pedestrian facilities shall be encouraged that will also accommodate elderly persons and persons with disabilities.” The proposed amendments maintain requirements that pedestrian facilities meet ADA requirements consistent with EDDS construction standards.
7. Policy TR 4.E.3 “Pedestrian facilities shall be encouraged that maintain access between public facilities and residential areas especially where they serve a safety purpose.” The proposed amendments will maintain pedestrian access between public facilities and residential areas by requiring the extension of pedestrian facilities between developments, where feasible, which can provide a more direct route to public facilities.
8. Policy HO 1.F.1 “The county shall encourage housing developments that incorporate healthy living features such as non-toxic building materials and green design, access to transit and healthy foods, pedestrian-friendly environments, and safe routes to school.” The proposed amendments will encourage more pedestrian-friendly environments by requiring dwellings, buildings, community facilities, and common open space within a development to be linked together by pedestrian facilities and to be linked with pedestrian facilities external to the development.
9. Policy HO 2.A.4 “The county shall encourage development and maintenance of safe and secure outdoor environments, including the development of sidewalks in new subdivisions.” The proposed amendments will encourage safe and secure outdoor environments by requiring pedestrian facilities to link dwellings, buildings, community facilities, and common open space together in new subdivisions.

E. Procedural requirements.

1. The proposal is a Type 3 legislative action under SCC 30.73.010.
2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on March 16, 2017.
3. This ordinance is exempt from the State Environmental Policy Act, chapter 43.21C RCW ("SEPA"), requirements pursuant to WAC 197-11-800(19)(b).
4. The public participation process used in the adoption of the proposed amendments has complied with all applicable requirements of the GMA and the SCC.
5. As required by RCW 36.70A.370, the Washington State Attorney General last issued an advisory memorandum in December of 2015 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings

of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes by this ordinance.

- F. The proposed amendments are consistent with the record.
1. This ordinance will amend SCC 30.23.041 to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.
 2. This ordinance will amend SCC 30.23.043 to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.
 3. This ordinance will amend SCC 30.23.045 to add a new reference note (13) to a covered parking structure accessed off a drive aisle. New reference note (13) would require a covered parking structure to be setback four feet from a drive aisle to ensure adequate space to maneuver a vehicle.
 4. This ordinance will amend SCC 30.23.049 to add a new reference note (13) that would require a covered parking structure to be setback four feet from a drive aisle. A drive aisle not designated a fire lane may be less than 20 feet wide and the four foot setback reduces the potential for conflicts in a limited driving space. A drive aisle designated a fire lane would be subject to SCC 30.24.100 and supersedes reference note (13).
 5. This ordinance will amend SCC 30.23A.060 to:
 - a. Remove language specifying which things in a development need to be connected by a pedestrian facility as that regulation is already covered in SCC 30.24.080.
 - b. Standardize the use of the term pedestrian facilities to be consistent with other sections in Title 30 SCC.
 6. This ordinance will amend SCC 30.24.080 to:
 - a. Provide a clearer intent statement by removing the term “comfortable” which can have many meanings to an average person and replacing it with “convenient” which is more descriptive.
 - b. Delete the term “safer” which can also have many meanings thus making it difficult to interpret.
 - c. Delete the list of things in the intent statement that need to be connected because they are covered under SCC 30.24.080(1)(b) and SCC 30.24.080(1)(c).
 - d. Incorporate the intent of existing SCC 30.24.080(2) by adding the term “encourage.” Connections to “transit stops” is not being incorporated in SCC 30.24.080(1)(b) as these may be off-site and establishing the amount or percentage of the pedestrian facility to connect to the transit stop that can be attributed to a development can be challenging.
 - e. Combine existing SCC 30.24.080(1), (2) and (3) to simplify the code and provide greater clarity as to when and where pedestrian facilities are required.
 - f. Consolidate regulations previously located in SCC 30.24.080(3)(a) through (f) and SCC 30.24.080(1)(d) that define what items within a development need to be connected together via pedestrian facility. New SCC 30.24.080(1)(b) is also intended to cover those items previously

- included in the intent statement for SCC 30.24.080, except for transit stops. Connections through parking areas and to all on-site activities is covered under this subsection.
- g. Delete SCC 30.24.080(1)(c) and replace with a more prescriptive requirement allowing the county to require a developer to connect pedestrian facilities to adjacent developments. The intent of this regulation is to encourage connectivity between developments. As part of implementation PDS will develop a rule to provide guidance to interpret “where feasible” in the context of this regulation. SCC 30.24.080(1)(c) is also intend to cover connections “between businesses and residences” which was previously included in the intent statement for SCC 30.24.080.
 - h. Delete SCC 30.24.080(1)(d) and move the language to a new subsection under SCC 30.24.080(1)(b). This amendment is part of the simplification of SCC 30.24.080 and is more appropriate to be included in SCC 30.24.080(1)(b) which contains the list of items that need to be connected together via a pedestrian facility within a development.
 - i. Delete SCC 30.24.080(2) because the language is similar to the existing intent statement at the beginning of SCC 30.24.080.
 - j. Delete SCC 30.24.080(3) as part of the simplification of SCC 30.24.080. “Other dwelling units or buildings,” “Community facilities,” “Parking areas” and “On-site recreation spaces” are moved to new SCC 30.24.080(1)(b). “Central mailboxes” is not moved as it is covered under the definition of “Community facilities.” “Other pedestrian facilities is not moved as the phrase is too general and difficult to implement and is superseded by new language in SCC 30.24.080(1)(b) and SCC 30.24.080(1)(c).
 - k. Renumber SCC 30.24.080(4) to SCC 30.24.080(2) and modify to add a reference to the EDDS which establishes how to build a facility and provides for a deviation process. Without the additional language the subsection does not provide enough flexibility to address the topography of a site which may limit the extent to which pedestrian facilities can meet ADA requirements.
 - l. Renumber SCC 30.24.080(5) to SCC 30.24.080(3) and modify to create two separate regulations for when pedestrian facilities are not required to be constructed. SCC 30.24.080(3)(a) includes existing language that has a minor word change from “which” to “and” to improve implementation. SCC 30.24.080(3)(b) is a new regulation intended to make it clear that pedestrian facilities required under SCC 30.24.080(1)(b) do not need to be constructed to the driveway, garage, or carport of an individual dwelling unless the unit is handicapped accessible.
 - m. Renumber SCC 30.24.080(6) to SCC 30.24.080(4).
 - n. Renumber SCC 30.24.080(7) to SCC 30.24.080(5) and add language to: provide specificity that the regulation applies within a development and resolve an issue about who is responsible for maintenance when the pedestrian facility is located outside of the right-of-way.
 - o. Renumber SCC 30.24.080(8) to SCC 30.24.080(6) and modify to grant decision-making authority for pedestrian facilities within a right-of-way to the County Engineer and decision-making authority for pedestrian facilities outside a right-of-way to the Director of PDS. This allows for more predictable project decisions and will assist with the implementation of SCC 30.24.080(1).
7. This ordinance will amend SCC 30.24.090 to remove language classifying a drive aisle serving the rear of a structure, lot or use as an alley which limits the ability to design pedestrian facilities and provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.91A.150 and SCC 30.91D.455.

8. This ordinance will amend SCC 30.24.100 to remove language which precludes the allowance of at-grade pedestrian facilities. EDDS provides standards for both raised and at-grade pedestrian facilities, with at-grade preferred adjacent to drive aisles.
9. This ordinance will amend SCC 30.91A.150 to add language exempting the definition from applying to drive aisles. The addition of this language provides greater flexibility in the design of pedestrian facilities and being able to provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.24.090 and SCC 30.91D.455.
10. This ordinance will amend SCC 30.91D.455 to remove language classifying a drive aisle serving the rear of a structure, lot or use as an alley which limits the ability to design pedestrian facilities and provide more direct connections within a development. This amendment is linked to the proposed code amendments to SCC 30.24.090 and SCC 30.91A.150.
11. New SCC 30.91O.012 adds a definition of On-site recreation space, active to define a term added in SCC 30.24.080(1)(b). The new definition provides clarity as to what open spaces within a development need to be connected by pedestrian facilities. The definition is intended to exclude buffers and large restricted open space tracts in rural cluster subdivisions from needing to provide pedestrian facility connections.
12. This ordinance will amend SCC 30.91R.214 to:
 - a. Resolve a conflict with the definition of drive aisle which cannot be located in a right-of-way, track, or easement.
 - b. Support the separation of authority between the County Engineer and PDS Director being added to SCC 30.24.080(6)
 - c. Better define the difference between pedestrian facilities in or out of the road network elements limits.
- I. The proposed amendments are consistent with the record as set forth in the PDS Staff Report dated March 16, 2017.

Section 2. The County Council makes the following conclusions:

1. The proposal is consistent with the goals, objectives, and policies of the GPP.
2. The proposal is consistent with Washington State law and the SCC.
3. The County has complied with all SEPA requirements with respect to this non-project action.
4. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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.